

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

March 30, 2005

8:37 a.m.

MEMBERS PRESENT

Senator Ralph Seekins, Chair
Senator Charlie Huggins, Vice Chair
Senator Gene Therriault
Senator Hollis French
Senator Gretchen Guess

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 106

"An Act relating to sale, possession, and delivery of certain substances and precursors used in the unlawful manufacture of methamphetamine."

HEARD AND HELD

CONFIRMATION HEARING:

SELECT COMMITTEE ON LEGISLATIVE ETHICS - Marianne Stillner

CONFIRMATION RESCINDED

PREVIOUS COMMITTEE ACTION

BILL: SB 106

SHORT TITLE: SALE OF METHAMPHETAMINE AND PRECURSORS

SPONSOR(s): SENATOR(s) GUESS

02/14/05	(S)	READ THE FIRST TIME - REFERRALS
02/14/05	(S)	JUD, FIN
03/29/05	(S)	JUD AT 10:30 AM BUTROVICH 205
03/29/05	(S)	Heard & Held
03/29/05	(S)	MINUTE(JUD)
03/30/05	(S)	JUD AT 8:30 AM BUTROVICH 205

WITNESS REGISTER

Sergeant Timothy Birt

Division of Alaska State Troopers
Department of Public Safety
3700 East Tudor Road
Anchorage, Alaska 99507

POSITION STATEMENT: Testified in support of SB 106

Ms. Cindy Bueller, Pharmacist
Alaska Board of Pharmacists
Anchorage, AK

POSITION STATEMENT: Testified in support of SB 106

Ms. Marlena Adams
Mat-Su Valley, AK

POSITION STATEMENT: Testified in support of SB 106

ACTION NARRATIVE

CHAIR RALPH SEEKINS called the Senate Judiciary Standing Committee meeting to order at [8:37:08 AM](#). Present were Senators Hollis French, Charlie Huggins, Gene Therriault, Gretchen Guess and Chair Ralph Seekins.

Confirmation Hearing - Select Committee on Legislative Ethics

CHAIR SEEKINS announced the need to rescind the previous recommendation for Ms. Marianne Stillner to the Select Committee on Legislative Ethics due to the fact her term had not expired.

SENATOR HUGGINS moved to rescind the action of forwarding Ms. Marianne Stillner's name. Hearing no objections, the motion carried.

[8:42:16 AM](#)

CHAIR SEEKINS offered to draft a letter for the Legislative Ethics Committee advising them of future procedural steps when faced with conflicting statute interpretation.

SENATOR FRENCH agreed and stated the action does not reflect upon Ms. Stillner.

SB 106-SALE OF METHAMPHETAMINE AND PRECURSORS

[8:45:13 AM](#)

SERGEANT TIMOTHY BIRT, Alaska State Troopers, testified in support of SB 106. Methamphetamine (meth) contributes many dangers to the community, although chemicals used to make meth have legitimate retail uses. Byproducts of combining the

chemicals are toxic, flammable, explosive, and create toxic residues that contaminate dwellings. There are 150 recipes for manufacturing meth, which are easily obtainable online.

[8:47:54 AM](#)

One hundred percent of the meth manufactured in Alaska is manufactured from diverted Pseudo Ephedrine (diverted from legitimate use to an illegal drug).

SENATOR GUESS asked Sgt. Birt to comment on a suggested limit for legitimate personal use.

SERGEANT BIRT said the Alaska State Troopers would prefer a limit of six grams. The lower threshold would have more of a significant impact. The State of Oregon has a nine-gram threshold and report they haven't seen much of an impact on meth labs. The State of Iowa recently went to a seven and a half threshold.

[8:49:44 AM](#)

SENATOR FRENCH asked Sgt. Birt the amount of meth that can be made out of nine grams of Pseudo ephedrine.

SERGEANT BIRT answered from nine grams of Pseudo ephedrine, six and three quarters grams of meth can be derived.

SENATOR FRENCH asked the amount an addict doses.

SERGEANT BIRT responded an addict divides one gram into ten portions and one portion is equal to one dose.

SENATOR FRENCH asked the street price of one gram of meth.

SERGEANT BIRT answered \$150 dollars.

[8:51:30 AM](#)

SENATOR FRENCH commented nine grams of Pseudo ephedrine converts to approximately \$1,000 dollars worth of meth. He said the committee was concerned with protection of people who legitimately use the product. He asked Sgt. Birt to explain how an officer would identify a meth lab.

SERGEANT BIRT advised officers normally rely upon more than one indicator. Exceptional amounts of Pseudo ephedrine packages and certain types of solvents, along with unusual amounts of lye and sulfuric acids would be an indicator.

[8:54:13 AM](#)

Various cooking items such as hotplates and Pyrex dishes with residues, fans, hoses, tubing, gas generators all indicate evidence of manufacturing.

SENATOR FRENCH commented Oregon has a savings clause in its meth statutes, which say the law doesn't apply to someone whose use is consistent with typical household use. He wondered whether Alaska should have a similar savings clause.

SERGEANT BIRT agreed that would be a good idea.

[8:56:40 AM](#)

MS. CINDY BUELLER, pharmacist, representing the Alaska State Board of Pharmacy testified in support of SB 106. The board encourages limiting the sale of Pseudo ephedrine for the purpose of stopping the production of methamphetamines. It is a relatively small inconvenience to the public.

[8:59:57 AM](#)

MS. BUELLER stated pharmacists do not want to lock up multi-ingredient products because meth cookers do not use those products to make meth.

[9:01:22 AM](#)

SENATOR FRENCH asked whether it is impossible to make meth out of multi-ingredient products.

MS. BUELLER answered Washington state legislation suggests it would be a substantial hurdle.

SERGEANT BIRT commented meth cookers prefer to use single Pseudo ephedrine sources. It is possible to create meth from multi-ingredient products but it takes a higher level of chemistry knowledge.

[9:02:53 AM](#)

CHAIR SEEKINS asked Sgt. Birt whether it is a threat to have the combined products readily available on retail shelves.

SERGEANT BIRT stated his experience is meth cooks utilize cold tablets primarily.

[9:06:09 AM](#)

CHAIR SEEKINS commented there was no reliable information indicating the presence of other products would block the

chemical process of producing meth using multi-ingredient products.

SERGEANT BIRT agreed. He asserted SB 106 would significantly impact meth labs.

[9:07:30 AM](#)

SERGEANT BIRT continued once register logs were made available to law enforcement it would provide tremendous help.

[9:09:59 AM](#)

CHAIR SEEKINS asked Sgt. Birt whether he has information from Oklahoma to indicate the registry log has been helpful.

SERGEANT BIRT said Oklahoma has seen a significant impact in the reduction of meth labs.

CHAIR SEEKINS asked the economic profile of the average meth cooker.

SERGEANT BIRT revealed they were normally low-income renters, with numerous junk vehicles surrounding residences that contain junk and clutter inside and outside the residence.

[9:12:38 AM](#)

CHAIR SEEKINS asked the motivation for manufacturing meth.

SERGEANT BIRT responded addiction and money. A \$100 investment can quickly and easily turn into \$1000.

CHAIR SEEKINS asked Sgt. Birt whether he has seen large quantities of Pseudo ephedrine purchased over the Internet and shipped into Alaska.

SERGEANT BIRT responded no.

[9:15:17 AM](#)

CHAIR SEEKINS asked whether there was a way for a shipping company to know the contents of a package they are shipping.

SERGEANT BIRT responded he did not know.

[9:17:54 AM](#)

CHAIR SEEKINS voiced concern there may be other supply routes to research for future legislation.

[9:19:51 AM](#)

SERGEANT BIRT agreed. He is aware that Pseudo ephedrine can be purchased online but currently it is purchased in-state using existing retail outlets.

SENATOR FRENCH asked the Oklahoma experience since their meth legislation.

SERGEANT BIRT responded Oklahoman has noticed an increase in Pseudo ephedrine sales in adjoining states.

[9:22:43 AM](#)

CHAIR SEEKINS expressed concern SB 106 would restrict retailers in Alaska but would leave the wholesale door wide open.

[9:24:07 AM](#)

SENATOR GUESS asked Ms. Marlena Adams to testify.

MS. MARLENA ADAMS testified in support of SB 106. Her experience as a meth addict caused her almost insurmountable pain and suffering.

SB 106 was held in committee.

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There being no further business to come before the committee, Chair Seekins adjourned the meeting at [9:29:59 AM](#).