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SENATE MEMORIAL 77

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

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A MEMORIAL

RECOGNIZING PROGRESS IN REDUCING METHAMPHETAMINE PRODUCTION IN
NEW MEXICO AND THE NEED FOR CONTINUING VIGILANCE TO INTERDICT
METHAMPHETAMINE TRAFFICKING, PREVENT ABUSE AND ADDRESS
ENVIRONMENTAL CONTAMINATION CAUSED BY THE ILLICIT MANUFACTURE
OF DRUGS.

WHEREAS, methamphetamine is a highly addictive drug with
serious health consequences to its users, and the laboratories
where it is illegally manufactured create serious uncontrolled
environmental exposures to chemicals that are hazardous and
harmful to human health; and

WHEREAS, pseudoephedrine is a decongestant and
methamphetamine precursor that can be used in the street
manufacture of methamphetamine; and

WHEREAS, the second session of the forty-seventh

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1 legislature enacted House Bill 211 to restrict the retail sale
2 of pseudoephedrine by making any product containing any
3 detectable quantity of pseudoephedrine a controlled substance;
4 and

5 WHEREAS, the changes to the Controlled Substances Act gave
6 the board of pharmacy authority to regulate and restrict the
7 sale of products containing any detectable quantity of
8 pseudoephedrine; and

9 WHEREAS, without a valid prescription, only a limited
10 quantity of any pseudoephedrine-containing product may be
11 purchased within a thirty-day period, and a purchaser must
12 produce a driver's license or other government-issued photo
13 identification and sign a detailed record of the transaction;
14 and

15 WHEREAS, restricting the purchase of pseudoephedrine
16 corresponds to a reduction in the local manufacture of
17 methamphetamine based upon data from the New Mexico state
18 police; and

19 WHEREAS, many states have adopted real-time electronic
20 monitoring used by pharmacies and law enforcement to track
21 sales of over-the-counter cold and allergy medications
22 containing methamphetamine precursors that are used in the
23 illicit manufacture of methamphetamine; and

24 WHEREAS, these electronic systems may also be used to stop
25 sales to persons who attempt to purchase methamphetamine

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1 precursors in quantities that exceed those allowed by law by
2 going from pharmacy to pharmacy; and

3 WHEREAS, under state law, property used for clandestine
4 drug manufacturing is presumed to be contaminated and a public
5 nuisance until remediated; and

6 WHEREAS, state law requires all law enforcement agencies
7 that discover a clandestine methamphetamine laboratory to
8 provide notice to the department of environment within seven
9 days of its discovery; and

10 WHEREAS, the department of environment regulates the
11 assessment and remediation of clandestine drug manufacturing
12 laboratories and is required by law to maintain a list of these
13 sites on the department's web site, based on information
14 received from law enforcement agencies; and

15 WHEREAS, the list of clandestine drug laboratories posted
16 on the web site of the department of environment has not been
17 updated for several years;

18 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE
19 STATE OF NEW MEXICO that despite these efforts, continued
20 vigilance and interagency cooperation is needed to interdict
21 methamphetamine trafficking, prevent abuse and address
22 potential environmental contamination associated with the
23 illicit manufacture of methamphetamine; and

24 BE IT FURTHER RESOLVED that the board of pharmacy and the
25 department of public safety be requested to study the use of

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1 technology to conduct real-time electronic monitoring of over-
2 the-counter purchases of methamphetamine precursors to prevent
3 their illegal purchase by persons involved in the illicit
4 manufacture of methamphetamine; and

5 BE IT FURTHER RESOLVED that law enforcement and the
6 department of environment be requested to work together to
7 ensure prompt reporting and posting of clandestine drug
8 laboratories, as required by law; and

9 BE IT FURTHER RESOLVED that the board of pharmacy, the
10 department of environment and law enforcement agencies be
11 requested to evaluate state-of-the-art technologies to enhance
12 timely communication and coordination of efforts to address the
13 continuing methamphetamine threat; and

14 BE IT FURTHER RESOLVED that copies of this memorial be
15 transmitted to the secretary of environment, the board of
16 pharmacy and the secretary of public safety for distribution to
17 law enforcement agencies of all state political subdivisions.