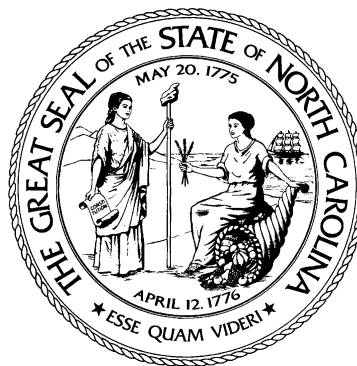


**HOUSE SELECT COMMITTEE ON
METHAMPHETAMINE ABUSE**



REPORT TO THE
2013 GENERAL ASSEMBLY
OF NORTH CAROLINA

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December 12, 2012

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE
2013 GENERAL ASSEMBLY OF NORTH CAROLINA:

The House Select Committee on Methamphetamine Abuse herewith
submits to you for your consideration its report.

Respectfully submitted,

Representative Craig Horn

Co-chair

Representative John Faircloth

Co-chair

PREFACE

The House Select Committee on Methamphetamine Abuse, established by the Speakers of the House of Representatives in September 2011, is authorized to study (i) the provisions and implementation of S.L. 2011-240, (ii) the potential costs of making pseudoephedrine products Schedule III controlled substances, and (iii) any other issues related to the prevention of methamphetamine abuse.

The Committee is co-chaired by Representative Craig Horn and Representative John Faircloth. The committee clerk maintains a notebook containing the committee minutes and all information presented to the committee.

HOUSE SELECT COMMITTEE ON METHAMPHETAMINE ABUSE
MEMBERSHIP LIST

Representative Craig Horn, Co-Chair
Representative John Faircloth, Co-Chair
Representative Tom Murry
Representative Sarah Stevens
Representative Mark Hollo
Representative Annie Mobley
Representative Marian McLawhorn
Representative Joe Tolson
Representative Justin Burr
Representative Mickey Michaux
Representative Trudi Walend

COMMITTEE PROCEEDINGS

The House Select Committee on Methamphetamine Abuse met five times. The following is a brief summary of the Committee's proceedings. Detailed minutes and information from each Committee meeting are available in the Legislative Library.

October 18, 2011

The Committee held its initial meeting in Room 1425 of the Legislative Building. Susan Sitze, staff attorney, reviewed the charge of the Committee. Rep. Horn, co-chair asked for adoption of the proposed two-year budget. Hal Pell and Jennifer McGinnis, staff attorneys, explained the 2011 and 2005 legislation referenced in the Committee charge. The Committee heard presentations from the following speakers:

- **John Emerson, State Director, High Intensity Drug Trafficking Area Program**
 - Mr. Emerson explained and summarized the **HIDTA** program as well as North Carolina's history of methamphetamine production, and the attempt by the General Assembly to control access to pseudoephedrine. Mr. Emerson also gave an oral timeline from 1999 to present to demonstrate the changes in methamphetamine production and what steps **HIDTA** has taken to prevent a further increase of meth labs.
- **Special Agent Van Shaw, Deputy Assistant Director, Special Operations Division, State Bureau of Investigation**
 - Special Agent Shaw gave an overview of methamphetamine abuse and manufacture in North Carolina. He provided statistics on the number of methamphetamine labs found and their locations within the state. He also provided information on the SBI team that cleans up methamphetamine labs.
- **Lisa Kahl-Hillerich, Information Services Group Representative, Appriss, Inc.**
 - Ms. Kahl-Hillerich presented an overview of the National Precursor Log Exchange (NPLEx) system and how it works. She also provided an update on the status of implementation of this system in NC as a result of the 2011 legislation.

December 8, 2011

The Committee met in Room 1228 of the Legislative Building. After approval of the last meeting's minutes, the Committee viewed a DVD presentation of "Meth is Death", followed by a presentation from Holly Dye, Executive Director, National Drug Endangered Children Training and Advocacy Center. The Committee then heard presentations on how methamphetamine is manufactured and the contamination issues that result from the following presenters:

- Ann Hamlin, Special Agent in Charge, Drug Chemistry Section, SBI

- Special Agent Van Shaw, Deputy Assistant Director, Special Operations Division, SBI
- Marilyn Parker, Industrial Hygiene Consultant, Occupational & Environmental Epidemiology Branch, Division of Public Health, Department of Health and Human Services

Following the presentations, Special Agent Van Shaw provided an update on the implementation of the NPLeX system in NC.

February 22, 2012

The Committee met in Room 1228 of the Legislative Building. After approval of the last meeting's minutes, the Committee heard from D.L. Scott and Angela Turner, officers of the North Carolina chapter of Mothers Against Methamphetamine Abuse (MAMA), about their programs to educate the public on the dangers of methamphetamine abuse. Dave Wagner, Anchor of News Channel 36 in Charlotte, presented a story he has done about the clean-up of properties that have been used as methamphetamine labs. Following the presentations, Special Agent Van Shaw provided an update on the implementation of the NPLeX system in NC.

April 24, 2012

The Committee met in Room 1228 of the Legislative Building. After approval of the last meeting's minutes, the Committee heard an update from Special Agent Van Shaw on the methamphetamine labs found in North Carolina. Jim Acquisto, Vice President of Government Affairs, Information Services Group for Appriss, Inc., provided an update on the implementation of the NPLeX system in NC, some additional information on how the system works, and statistics on the number of blocked sales so far in NC. David W. Hitchens, President and CEO of Advanced Environmental Options, Inc., presented the Committee with information on the actual process of cleaning up property that has been used as a methamphetamine lab. The Committee then heard from Alex Bass, Assistant District Attorney in Prosecutorial District 29A, and Kyle Smith, Assistant District Attorney in Catawba County, about the prosecution of criminal cases involving methamphetamine abuse or manufacture. Following the presentations, the Committee voted to recommend two legislative drafts to the 2012 General Assembly, clarifying or modifying the purchase requirements for pseudoephedrine.

December 12, 2012

The Committee met in Room 1027 of the Legislative Building. After approval of the last meeting's minutes, the Committee heard an update from Special Agent Van Shaw on methamphetamine labs in NC and the status of NPLeX implementation in the state. The Committee then considered and adopted this report and the recommendations contained herein.

RECOMMENDATIONS

- (1) The Committee recommends that the General Assembly enact legislation that enhances the penalty if a person is convicted of the manufacture of methamphetamine under G.S. 90-95(b)(1a) and a person who was under the age of 18, or a disabled or elder adult, was present at the location where the methamphetamine was being manufactured.

- (2) The Committee recommends that the General Assembly enact legislation that (1) creates a criminal offense for the purchase or possession of any pseudoephedrine product by a person who has a prior conviction for possessing or manufacturing methamphetamine, and (2) requires that all attempted purchases of pseudoephedrine to the person are blocked on the National Precursor Log Exchange (NPLEx).

- (3) The Committee recommends that the General Assembly enact legislation that directs the Department of Health and Human Services to study the current rules for cleanup and remediation of property used for a methamphetamine lab, and make recommendations to the Joint Legislative Oversight Committees on Health and Human Services and Justice and Public Safety, on or before February 1, 2014. The recommendations shall include a methamphetamine concentration level to be used as part of a post-cleanup inspection; procedures for mandatory inspection and certification prior to any habitation of the property; and any potential costs resulting from the implementation of a mandatory inspection and certification system.

- (4) The Committee recommends that the General Assembly reaffirm its commitment to curtailing the manufacture and use of methamphetamine in North Carolina by appointing members to the Joint Legislative Commission on Methamphetamine Abuse, as enacted into law in 2005, and to amend or augment the stated purposes and goals of the Commission as appropriate.

- (5) The Committee recommends that the General Assembly consider legislation, similar to that in Oregon and Mississippi, implementing a prescription only purchase requirement for pseudoephedrine products that are precursors to the manufacture of methamphetamine. These products are currently purchased over-the-counter by persons who manufacture methamphetamine, or purchased by others who provide them to the manufacturer.