



Office of the Governor of Guam

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Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

13 DEC 2005

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT
Rcv'd by: Nikole
Print Name & Initial
Time: 11:50 Date: 12-15-05

Dear Mr. Speaker:

Transmitted herewith is Bill No. 140 (EC), "AN ACT TO AMEND SECTION 67.100, ARTICLE 1, CHAPTER 67, TITLE 9 OF THE GUAM CODE ANNOTATED AND ADD SECTION 67.401.2.2, ARTICLE 4, CHAPTER 67, TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO MAKING THE DISPENSING, SALE, OR DISTRIBUTION AT RETAIL OF ANY COMPOUND, MIXTURE, OR PREPARATION CONTAINING A DETECTABLE QUANTITY OF PSEUDOEPHEDRINE SUBJECT TO SPECIFIED ADDITIONAL REQUIREMENTS, AND TO BE KNOWN AS THE 'METHAMPHETAMINE MANUFACTURING CHEMICAL RETAIL SALE CONTROL ACT'" which I signed into law on December 12, 2005, as Public Law 28-88.

Sinseru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

Office of the Speaker

MARK FORBES

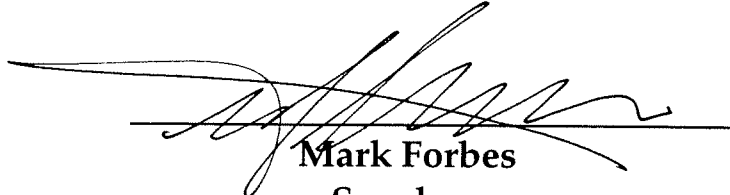
Date: 12/14/05
Time: 10:20 am
Rec'd by: [Signature]
Print Name: [Signature]

28-05-0484


I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

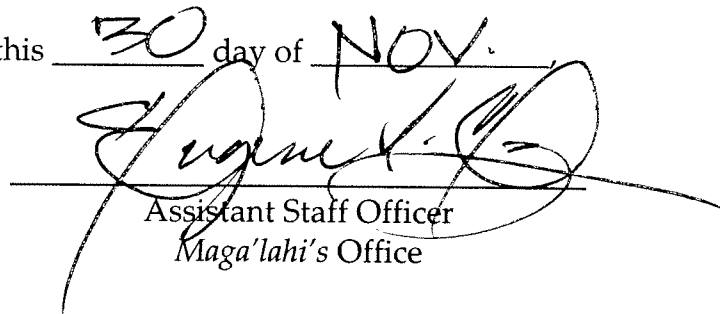
This is to certify that Substitute Bill No. 140 (EC), "AN ACT TO AMEND SECTION 67.100, ARTICLE 1, CHAPTER 67, TITLE 9 OF THE GUAM CODE ANNOTATED AND ADD SECTION 67.401.2.2, ARTICLE 4, CHAPTER 67, TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO MAKING THE DISPENSING, SALE, OR DISTRIBUTION AT RETAIL OF ANY COMPOUND, MIXTURE, OR PREPARATION CONTAINING A DETECTABLE QUANTITY OF PSEUDOEPHEDRINE SUBJECT TO SPECIFIED ADDITIONAL REQUIREMENTS, AND TO BE KNOWN AS THE 'METHAMPHETAMINE MANUFACTURING CHEMICAL RETAIL SALE CONTROL ACT'" was on the 30th day of November, 2005, duly and regularly passed.


Mark Forbes
Speaker


Attested:


Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 30 day of NOV.
2005, at 5 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 12 DEC 2005

Public Law No. 28-88

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 140 (EC)

As substituted by the Author
and amended on the Floor.

Introduced by:

Mike Cruz
L. A. Leon Guerrero
J. A. Lujan
F. B. Aguon, Jr.
J. M.S. Brown
Edward J.B. Calvo
B. J.F. Cruz
Mark Forbes
L. F. Kasperbauer
R. Klitzkie
A. B. Palacios
R. J. Respicio
Ray Tenorio
A. R. Unpingco
J. T. Won Pat

AN ACT TO *AMEND* SECTION 67.100, ARTICLE 1, CHAPTER 67, TITLE 9 OF THE GUAM CODE ANNOTATED AND *ADD* SECTION 67.401.2.2, ARTICLE 4, CHAPTER 67, TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO MAKING THE DISPENSING, SALE, OR DISTRIBUTION AT RETAIL OF ANY COMPOUND, MIXTURE, OR PREPARATION CONTAINING A DETECTABLE QUANTITY OF PSEUDOEPHEDRINE SUBJECT TO SPECIFIED ADDITIONAL REQUIREMENTS, AND TO BE KNOWN AS THE "METHAMPHETAMINE MANUFACTURING CHEMICAL RETAIL SALE CONTROL ACT."

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. A new Subsection 33, Section 67.100, Article 1 is *added* to**
3 **Chapter 67, Title 9 of the Guam Code Annotated and all following subsections**
4 **are renumbered accordingly:**

5 **“§ 67.100. Definitions.**

6 (33) *Retailer or Retail Distributor* means a grocery store, general
7 merchandise store, drug store, other merchandise store, or other entity or person
8 whose activities as a distributor relating to pseudoephedrine products are limited
9 exclusively both in number of sales and volume of sales to on site sales.”

10 **Section 2. A new Section 67.401.2.2, Article 4, Chapter 67, Title 9 of the**
11 **Guam Code Annotated is hereby *added* to read as follows:**

12 **“§ 67.401.2.2 Pseudoephedrine: Retail Sale.** The dispensing, sale, or
13 distribution at retail of pseudoephedrine, or any derivative of pseudoephedrine, shall
14 be subject to the following requirements:

15 (a) Any medication containing pseudoephedrine, or any derivative of
16 pseudoephedrine, shall be placed behind the sales counter, stored or
17 displayed in a locked cabinet or locked area in such a manner that the
18 product is accessible to the public only with the assistance of a pharmacist,
19 retailer or employee of the retailer;

20 (b) The dispensing, sale, or distribution at retail outlets of
21 pseudoephedrine, or any derivative of pseudoephedrine, shall be made
22 only by a practitioner, retailer, or employee of a retailer who shall at all
23 times act to prevent the theft or diversion of the product;

24 (c) A pharmacy or retail distributor shall provide notification in a clear
25 and conspicuous manner in a location where a pseudoephedrine product is
26 offered for sale stating the following: Guam law prohibits the over-the-

1 counter purchase of more than two (2) packages of a product containing
2 pseudoephedrine in a single transaction;

3 (d) It is unlawful for a practitioner, retailer, or employee of a retailer to
4 sell in a single transaction medicines containing pseudoephedrine in excess
5 of two packages;

6 (e) It is unlawful for any person to purchase package(s) containing
7 pseudoephedrine with knowledge, intention, or with reckless disregard of
8 the likely use of such package or packages to manufacture
9 methamphetamine;

10 (f) Any practitioner, retailer, or employee with knowledge of a purchase
11 or sale of package(s) containing pseudoephedrine in violation of this section
12 shall report said transaction to the Guam Police Department or the
13 Department of Public Health and Social Services.

14 (g) Any practitioner, retailer, employee of a retailer or purchaser who
15 violates items (a), (b), (c), (d), (e) or (f) of this Section commits a
16 violation; and

17 (h) This section shall not apply to the following:

18 1. Any product in liquid, liquid capsule, or dissolvable strip form
19 in which pseudoephedrine, or any derivative of pseudoephedrine, is the
20 active ingredient; or

21 2. If possession is by a person authorized by law to dispense,
22 prescribe, manufacture, or possess pseudoephedrine.”

23 **Section 3. Severability.** If any provision of this Law or its application to any
24 person or circumstance is found to be invalid or contrary to law, such invalidity shall
25 not affect other provisions or applications of this Law, which can be given effect

- 1 without the invalid provisions or application, and to this end the provisions of this
- 2 Law are severable.

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2005 (FIRST) Regular Session

Date: 11/30/05

VOTING SHEET

12:34 *⊕*

5 Bill No. 140 (EC)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.	✓				✓
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F.	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
KLITZKIE, Robert	✓				
LEON GUERRERO, Lourdes A.	✓				
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

14 0 0 0 1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

P.L. 28-88



Office of
SENATOR RAY TENORIO
MAJORITY LEADER
CHAIRMAN
 COMMITTEE ON CRIMINAL JUSTICE,
 PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

Suite 104, De La Corte Building
 167 East Marine Corps Drive
 Hagåtña, Guam 96910
 671.479.GUAM
 671.479.1FAX
 raytenorio.com

November 23, 2005

The Honorable Mark Forbes
 Speaker
I Mina' Bente Ocho na Liheslaturan Guåhan
 155 Hesler Street
 Hagåtña, Guam 96910

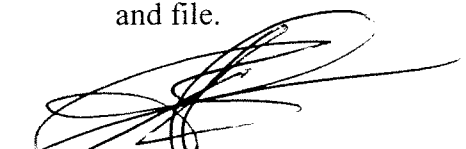
Dear Speaker Forbes:

The Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs, to which was referred, **Bill No. 140(EC): "An act to AMEND Section 67.100, Article 1, Chapter 67, Title 9 of the Guam Code Annotated and ADD Section 67.401.2.2, Article 4, Chapter 67, Title 9 of the Guam Code Annotated, relative to the dispensing, sale, or distribution at retail of any compound, mixture, or preparation containing a detectable quantity of Pseudoephedrine shall be subject to specified additional requirements, to be known as the "Methamphetamine Manufacturing Chemical Retail Sale Control Act."** now wishes to report back the same with the recommendation **TO PASS**.

The voting record is as follows:

TO PASS	<u>7</u>
NOT TO PASS	<u>0</u>
TO REPORT OUT ONLY	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

A copy of the Committee report and other pertinent documents are attached for your information and file.


 Ray Tenorio





Office of
SENATOR RAY TENORIO
MAJORITY LEADER
CHAIRMAN
COMMITTEE ON CRIMINAL JUSTICE,
PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

Suite 104, De La Corte Building
167 East Marine Corps Drive
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November 23, 2005

MEMORANDUM

TO: Committee Members

FROM: Chairman

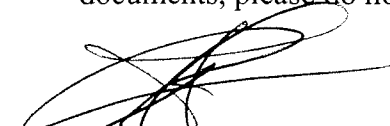
SUBJECT: Committee Report – BILL NO. 140(EC), as substituted by the author: “An act to *AMEND* Section 67.100, Article 1, Chapter 67, Title 9 of the Guam Code Annotated and *ADD* Section 67.401.2., Article 4, Chapter 67, Title 9 of the Guam Code Annotated, relative to dispensing, sale, or distribution at retail of any compound, mixture, or preparation containing a detectable quantity of Psuedoephedrine shall be subject to specified additional requirements, to be known as the “Methamphetamine Manufacturing Chemical Retail Control Act.”

Transmitted, herewith, for your information and action is the report on Bill No. 140(EC), as amended, from the Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 140(EC), as substituted
4. Written Testimony
5. Public Hearing Sign-in Sheet
6. Fiscal Note Waiver
7. Bill No. 140(EC)

Please take appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated. Should you have any questions regarding this report or accompanying documents, please do not hesitate to contact me at 479-4825/26.


RAY TENORIO





Office of
SENATOR RAY TENORIO

MAJORITY LEADER

CHAIRMAN

COMMITTEE ON CRIMINAL JUSTICE,
PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

Suite 104, De La Corte Building
167 East Marine Corps Drive
Hagåtña, Guam 96910
671.479.GUAM
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VOTING RECORD

BILL NO. 140(EC), as substituted by the author: An act to *AMEND* Section 67.100, Article 1, Chapter 67, Title 9 of the Guam Code Annotated and *ADD* Section 67.401.2.2, Article 4, Chapter 67, Title 9 of the Guam Code Annotated, relative to dispensing, sale, or distribution at retail of any compound, mixture, or preparation containing a detectable quantity of Psuedoephedrine shall be subject to specified additional requirements, to be known as the "Methamphetamine Manufacturing Chemical Retail Control Act."

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
 RAY TENORIO, Chairman	✓				
 LAWRENCE F. KASPERBAUER Vice Chair	X				
IOANNE BROWN, Member					
 ROBERT KLIPZKIE, Member	✓				
JESSE A. LUJAN, Member	11/23/05				
ANTONIO R. UNPINGCO, Member					
FRANK B. AGUON, Member					
 BENJAMIN J. CRUZ, Member	✓				
 ADOLPHO PALACIOS, Member	✓				
JUDI WON PAT, Member					
RORY J. RESPECIO, Member					
Mark Forbes, Ex-Officio					



I. OVERVIEW

The Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs conducted a public hearing on June 29, 2005 in the Legislative Public Hearing Room, *Liheslaturan Guåhan*. Included in the Public Hearing was Bill No. 140(EC). Public notice was provided via e-mail to media outlets on June 17 and 28, 2005.

Senators present:

1. Senator Ray Tenorio, Chairman
2. Senator Larry Kasperbauer, Vice Chairman
3. Senator Robert Klitzkie, Member
4. Senator Jesse Lujan, Member
5. Senator Frank B. Aguon, Jr., Member
6. Senator B.J. Cruz, Member
7. Senator Adolpho Palacios, Member
8. Senator Judi Won Pat, Member
9. Senator Mike Cruz

II. SUMMARY OF TESTIMONY

Karen Song, Pharmacist, Guam Pharmacist Association, provided oral and written (see attached) testimony supporting the intent of Bill No. 140(EC). However, Ms. Song expressed concerns regarding the disparity in punishment for those who are in violation. Furthermore, Ms. Song suggested that local legislation be adopted from the federal bills introduced in Congress, as the Board of Pharmacy is guided by federal legislation.

Mildred Gabriel, Pharmacist, Guam Pharmacist Association, informed the Committee that S.103, introduced in the U.S. Senate, limits the sale of Pseudoephedrine and combination products by a registered pharmacist or registered pharmacy technician only. Ms. Gabriel indicated that certain sections of Bill No. 140(EC) would be in conflict with S.103, if both bills were to pass into law. In addition, Ms. Gabriel recommended that the Committee address the purchase of Pseudoephedrine through the internet. Ms. Gabriel pointed out that stringent rules are placed for over the counter purchases while there are no limitations placed on internet purchases.

M.Thomas Nadeau, Administrator, Department of Public Health & Social Services, presented oral and written (see attached) testimony in support of Bill No. 140(EC). Mr. Nadeau stated, that as the investigative agency of diversion of (pharmaceutical) controlled substances, he is aware of the devastation drug abuse has on people's lives

and the community. Mr. Nadeau asserted that passage of Bill No. 140(EC) will add to the public's arsenal to combat the "ice" problem that continues to plague the island.

Wilfred G. Aflague, Acting CEO, Guam Memorial Hospital Authority, provided oral and written (see attached) testimony endorsing Bill No. 140(EC). Mr. Aflague supplied statistics on the number of methamphetamine related cases treated at the only civilian hospital facility. Mr. Aflague asserted that, while the numbers may seem insignificant, any public policy that is intended to assist health professionals and health care facilities in the prevention of substance abuse, particularly methamphetamine, is greatly supported.

Lillian Posadas, Guam Memorial Hospital, offered oral and written (see attached) testimony on behalf of Katrina Sanchez, GMHA Medical Social Services Administrator, in support of Bill No. 140(EC). Ms. Posadas stated from the late 1990's to 2002 the Social Services department at GMHA saw an average of 15 cases per month of women under the influence of crystal methamphetamine or "ice" who were admitted to the hospital's OB or Labor and Delivery Unit. Ms. Posadas continued to read that most disappointing to the department was that some of these mothers turned into repeat offenders who once more presented to the hospital to deliver and once more test positive for ice.

Frankie T. Ishizaki, Chief of Police, Guam Police Department, stated no position on Bill No. 140(EC). Chief Ishizaki, however, applauded the legislature for taking on the noble effort in putting the legislation together. He noted that any effort to control any precursor material is helpful. Chief Ishizaki recommended that a Suspicious Activity Report (SAR) form be incorporated into the bill to be used by those in retail and wholesale distribution. Chief Ishizaki questioned the degree of punishment for repeat offenders.

Chairman Tenorio commented that criminalizing internet purchases may be an alternative to control the possession of pseudoephedrine. Chairman Tenorio posed the question to Ms. Song and Ms. Gabriel on what would be the appropriate punishment for failure to follow the code of ethics for pharmacists. Ms. Song replied pharmacists are governed by the Board of Pharmacy and federal regulations.

Chairman Tenorio further asked if the penalties established by the Board of Pharmacy is adequate punishment for violating the provisions set out in Bill No. 140(EC). Ms. Song replied with a yes.

Senator Mike Cruz questioned Ms. Song and Ms Gabriel as to whether maintaining a log book would be too strict of a requirement or should it be made a provision in the bill. Ms. Song replied that there is no problem maintaining such a log book.

However, Ms. Song stated that there may be privacy issues to contend with when asking for certain information and what happens to the information once recorded.

Senator Mike Cruz further asked Ms. Gabriel if internet purchases were addressed in legislation introduced in U.S. Congress. Ms. Gabriel responded that federal legislation does not address the issue of bulk purchases made through the internet.

Senator Klitzkie asked Ms. Gabriel if criminalizing the possession of pseudoephedrine in quantities (i.e. 3 or more boxes or more than 9 grams) would be a solution to the problem. Ms. Gabriel replied that would be a good idea.

Senator Klitzkie asked Ms. Song if she were equipped to restrict sales over a 30 day period, as would be required by the bill in its current form. Ms. Song answered that she is capable of recording the transactions.

Senator Palacios questioned the panel if there is any local data regarding the purchase or use of pseudoephedrine in the illicit manufacture of crystal methamphetamine on Guam to warrant the regulation of pseudoephedrine or use of limited law enforcement resources. Ms. Song answered that she does not have any collective data but in the 11 years as a retail pharmacist she has seen more than enough instances from people seeking pseudoephedrine that would indicate that something is happening.

Senator Aguon asked Chief Ishizaki to expound on the use of the SAR form if restrictions are already in place to limit the sale of pseudoephedrine. Chief Ishizaki explained that the SAR form would give the retail distributor a format on what type of information law enforcement needs.

Senator Aguon inquired with Ms. Song and Ms. Gabriel if there was any general coordination amongst the local pharmacists to network information. Ms. Song replied that, if a log sheet is implemented, there is no problem exchanging information as their computer system is built to track certain information.

Senator Aguon asked Mr. Nadeau if DPHSS would be the appropriate agency to receive the information obtained on the log sheet. Mr. Nadeau indicated that DPHSS already has access to pharmacists' records because of their investigative authority.

Senator Kasperbauer questioned the panel if the precursor chemical could be extracted from other OTC products (i.e. Tylenol, Motrin). Ms. Song and Ms. Gabriel responded that it can be done but would require more work to isolate the pseudoephedrine.

III. FINDINGS

The Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs finds that methamphetamine is a dangerous and highly addictive drug. The manufacture, distribution and use of methamphetamine results in increased crime, damage to the environment and broken families.

The Committee further finds that pseudoephedrine is an essential precursor chemical used in the manufacture of methamphetamine. The United States Drug Enforcement Agency has indicated that methamphetamine manufacturers obtain pseudoephedrine from retail and wholesale distributors. The use of pseudoephedrine is pervasive in the illicit production of methamphetamine in both small and large clandestine methamphetamine laboratories.

The Committee also finds that in June 2005 Guam Police Department, along with other local and federal law enforcement agencies, raided a home in the village of Sinajana suspected of illegally manufacturing methamphetamine. Although this is the first such laboratory that has been identified, it is unknown how many other illegal laboratories exist on our island. Therefore, it is incumbent upon the legislature to develop standards to help combat and control methamphetamine through restricting the sale of pseudoephedrine products.

IV. RECOMMENDATION

The Committee on Criminal Justice, Public Safety, Youth & Foreign Affairs hereby reports out Bill No. 140(EC), as amended by the author: "An act to amend section 67.100, Article 1, Chapter 67, Title 9 of the Guam Code Annotated and add a section 67.401.2.2, Article 4, Chapter 67, Title 9 of the Guam Code Annotated, relative to the dispensing, sale, or distribution at retail of any compound, mixture, or preparation containing a detectable quantity of Pseudoephedrine shall be subject to specified additional requirements, to be known as the "Methamphetamine Manufacturing Chemical Retail Sale Control Act" to *I Mina Bente Ocho Na Liheslaturan Guåhan* with the recommendation **TO PASS**.

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 140 (EC)

As substituted by the Committee on
Criminal Justice, Public Safety,
Youth and Foreign Affairs

Introduced by:

Mike Cruz, M.D.
L. A. Leon Guerrero
J. A. Lujan

AN ACT TO AMEND SECTION 67.100, ARTICLE 1,
CHAPTER 67, TITLE 9 OF THE GUAM CODE
ANNOTATED AND ADD SECTION 67.401.2.2, ARTICLE 4,
CHAPTER 67, TITLE 9 OF THE GUAM CODE
ANNOTATED, RELATIVE TO THE DISPENSING, SALE,
OR DISTRIBUTION AT RETAIL OF ANY COMPOUND,
MIXTURE, OR PREPARATION CONTAINING A
DETECTABLE QUANTITY OF PSEUDOEPHEDRINE
SHALL BE SUBJECT TO SPECIFIED ADDITIONAL
REQUIREMENTS, TO BE KNOWN AS THE
"METHAMPHETAMINE MANUFACTURING CHEMICAL
RETAIL SALE CONTROL ACT."

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Purpose and Legislative Intent. *I Liheslaturan Guåhan* finds
3 that methamphetamine, commonly known as 'ice,' 'speed,' 'crystal meth,' or
4 'crank' is a very dangerous and harmful drug. It is highly addictive and is
5 associated with permanent brain damage in long-term users. In the United
6 States, the abuse of methamphetamine has increased dramatically since 1990.
7 According to substance abuse counselors, methamphetamine drug use on
8 Guam has actually decreased the past three years largely in part to law

1 enforcement, substance abuse treatment, and education. However, it still
2 remains a serious problem on Guam.

3 Since the arrest of several drug lords, methamphetamine has become
4 difficult to import to Guam, but drug users found it easier and cheaper to
5 manufacture it locally. Within the past two years, local Drug Enforcement
6 Administration (DEA) officials cracked down two drug labs. DEA officials
7 claim these homemade drug labs have the potential to produce up to 100
8 grams of methamphetamine per day.

9 The processing required to make methamphetamine from immediate
10 precursor substances is easier and more accessible than ever. Immediate
11 precursors are substances that, in nature, might be inactive. However, when
12 combined with another chemical the result is a new product.
13 Methamphetamine starts with an inactive or marginally inactive compound
14 (ephedrine or pseudoephedrine) and other chemicals are added to produce
15 the drug. There are over a dozen recipes and ample information about
16 making methamphetamine on the Internet. An investment of a few hundred
17 dollars in over-the-counter medications and chemicals can produce thousands
18 of dollars worth of methamphetamine.

19 Methamphetamine can be cooked from a variety of household products,
20 but all recipes have one common ingredient: pseudoephedrine, an effective
21 nasal decongestant, found in cold and sinus medications right on the shelf of
22 your local pharmacy. A deputy from San Diego Police Department states, "If
23 you want to make methamphetamine, you need this. It can't be substituted."

24 Some local pharmacies, such as Megadrug, Cruz Pharmacy and KMart
25 Pharmacy, have already taken precautionary measures by placing Sudafed

1 behind the counter and/or limiting the quantities of drugs containing
2 pseudoephedrine. In the U.S., Target, Wal-Mart, K-Mart, Albertson's, Longs
3 Drugs and Rite Aid made recent moves for medicines containing
4 pseudoephedrine less accessible.

5 Methamphetamine use on Guam has had devastating effects on
6 individuals and the community, including displaced children and families,
7 financial problems, marital problems, child and spousal abuse, sexual abuse,
8 and long-term neglect from parents obsessed with their drug habit.
9 Therefore, it is the intent of *I Liheslaturan Guåhan* to make it more difficult for
10 persons engaged in the manufacturing of methamphetamine by placing
11 regulatory measures on the retail sale of pseudoephedrine.

12 **Section 3. A new Subsection 33 through 38, Section 67.100, Article 1,**
13 **Chapter 67, Title 9 of the Guam Code Annotated and all following**
14 **subsections are renumbered accordingly:**

15 **§ 67.100. Definitions.**

16 (33) Retailer or Retail Distributor means a grocery store, general
17 merchandise store, drug store, other merchandise store, or other entity or
18 person whose activities as a distributor relating to pseudoephedrine products
19 are limited exclusively or almost exclusively to sales for personal use, both in
20 number of sales and volume of sales, either directly to walk-in customers or in
21 face-to-face transactions by direct sales.

22 **Section 4. A new Section 67.401.2.2, Article 4, Chapter 67, Title 9 of**
23 **the Guam Code Annotated is hereby added to read as follows:**

1 § 67.401.2.2 Pseudoephedrine: Retail Sale. The dispensing, sale, or
2 distribution at retail of pseudoephedrine, or any derivative of
3 pseudoephedrine, shall be subject to the following requirements:

4 (a) Any medication containing pseudoephedrine, or any derivative of
5 pseudoephedrine, shall be placed behind the sales counter, stored
6 or displayed in a locked cabinet or locked area in such a manner
7 that the product is accessible to the public only with the assistance
8 of a pharmacist, retailer or employee of the retailer;

9 (b) The dispensing, sale, or distribution at retail of pseudoephedrine, or
10 any derivative of pseudoephedrine, shall be made only by a
11 practitioner, retailer, or employee of a retailer who shall at all times
12 act to prevent the theft or diversion of the product;

13 (c) A pharmacy or retail distributor shall provide notification in a clear
14 and conspicuous manner in a location where a pseudoephedrine
15 product is offered for sale stating the following: Guam law
16 prohibits the over-the-counter purchase of more than two (2)
17 packages of a product containing pseudoephedrine in a twenty-four
18 (24) hour period;

19 (d) It is unlawful for a practitioner, retailer, or employee of a retailer to
20 sell in a single transaction medicines containing pseudoephedrine
21 in excess of two packages at a maximum of 720 milligrams within a
22 twenty-four hour period and no more than 7.5 grams of
23 pseudoephedrine from a pharmacy or retailer in a 30-day period,
24 unless dispensed by a licensed pharmacist pursuant to a valid
25 prescription;

1 (e) It is unlawful for a practitioner, retailer, or employee of a retailer, to
2 distribute package(s) containing pseudoephedrine with knowledge
3 that they will be used to manufacture methamphetamine or with
4 reckless disregard of the likely use of such package or packages to
5 manufacture methamphetamine;

6 (f) It is unlawful for any person to purchase package(s) containing
7 pseudoephedrine with knowledge, intention, or with reckless
8 disregard of the likely use of such package or packages to
9 manufacture methamphetamine;

10 (g) Any practitioner, retailer, or employee of a retailer who violates
11 items (a), (b), (c), or (d) of this Section commits a misdemeanor;

12 (h) Any practitioner, retailer, or employee of a retailer who violates
13 items (e) of this Section commits a third degree felony;

14 (i) Any purchaser who violates item (f) is guilty of a second-degree
15 felony; and

16 (j) This section shall not apply to the following:

17 1. Any product in liquid, liquid capsule, or dissolvable strip
18 form in which pseudoephedrine, or any derivative of
19 pseudoephedrine is the active ingredient; or

20 2. Where possession was by a person authorized by law to
21 dispense, prescribe, manufacture, or possess
22 pseudoephedrine.

23 **Section 5. Severability.** *If any provision of this Law or its application*
24 *to any person or circumstance is found to be invalid or contrary to law, such*
25 *invalidity shall not affect other provisions or applications of this Law, which*

1 can be given effect without the invalid provisions or application, and to this
2 end the provisions of this Law are severable.

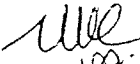
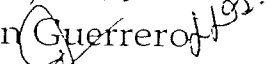

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I MINA'BENTE OCHO NA LIHESLATURAN GUAHAN
2005 (FIRST) Regular Session

Introduced
MAY 2 8 2005

Bill No. 140 (EC)

Introduced by:

Mike Cruz, M.D. 
L. A. Leon Guerrero 
J. A. Lujan 

AN ACT TO AMEND SECTION 67.100, ARTICLE 1, CHAPTER 67, TITLE 9 OF THE GUAM CODE ANNOTATED AND ADD SECTION 67.401.2.2, ARTICLE 4, CHAPTER 67, TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE DISPENSING, SALE, OR DISTRIBUTION AT RETAIL OF ANY COMPOUND, MIXTURE, OR PREPARATION CONTAINING A DETECTABLE QUANTITY OF PSEUDOEPHEDRINE SHALL BE SUBJECT TO SPECIFIED ADDITIONAL REQUIREMENTS, TO BE KNOWN AS THE "METHAMPHETAMINE MANUFACTURING CHEMICAL RETAIL SALE CONTROL ACT."

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Purpose and Legislative Intent. *I Liheslaturan Guåhan* finds
3 that methamphetamine, commonly known as 'ice,' 'speed,' 'crystal meth,' or
4 'crank' is a very dangerous and harmful drug. It is highly addictive and is
5 associated with permanent brain damage in long-term users. In the United
6 States, the abuse of methamphetamine has increased dramatically since 1990.
7 According to substance abuse counselors, methamphetamine drug use on
8 Guam has actually decreased the past three years largely in part to law

1 enforcement, substance abuse treatment, and education. However, it still
2 remains a serious problem on Guam.

3 Since the arrest of several drug lords, methamphetamine has become
4 difficult to import to Guam, but drug users found it easier and cheaper to
5 manufacture it locally. Within the past two years, local Drug Enforcement
6 Administration (DEA) officials cracked down two drug labs. DEA officials
7 claim these homemade drug labs have the potential to produce up to 100
8 grams of methamphetamine per day.

9 The processing required to make methamphetamine from immediate
10 precursor substances is easier and more accessible than ever. Immediate
11 precursors are substances that, in nature, might be inactive. However, when
12 combined with another chemical the result is a new product.
13 Methamphetamine starts with an inactive or marginally inactive compound
14 (ephedrine or pseudoephedrine) and other chemicals are added to produce
15 the drug. There are over a dozen recipes and ample information about
16 making methamphetamine on the Internet. An investment of a few hundred
17 dollars in over-the-counter medications and chemicals can produce thousands
18 of dollars worth of methamphetamine.

19 Methamphetamine can be cooked from a variety of household products,
20 but all recipes have one common ingredient: pseudoephedrine, an effective
21 nasal decongestant, found in cold and sinus medications right on the shelf of
22 your local pharmacy. A deputy from San Diego Police Department states, "If
23 you want to make methamphetamine, you need this. It can't be substituted."

24 Sudafed is the only single source over-the-counter medication. In other
25 words, it is the only medicine that has pseudoephedrine as the single active

1 ingredient. Some local pharmacies, such as Megadrug, Cruz Pharmacy and
2 KMart Pharmacy, have already taken precautionary measures by placing
3 Sudafed behind the counter and/or limiting the quantities of drugs containing
4 pseudoephedrine. In the U.S., Target, Wal-Mart, K-Mart, Albertson's, Longs
5 Drugs and Rite Aid made recent moves for medicines containing
6 pseudoephedrine less accessible.

7 Methamphetamine use on Guam has had devastating effects on
8 individuals and the community, including displaced children and families,
9 financial problems, marital problems, child and spousal abuse, sexual abuse,
10 and long-term neglect from parents obsessed with their drug habit.
11 Therefore, it is the intent of *I Liheslaturan Guåhan* to make it more difficult for
12 persons engaged in the manufacturing of methamphetamine by placing
13 regulatory measures on the retail sale of pseudoephedrine.

14 Section 3. A new Subsection 33 through 38, Section 67.100, Article 1,
15 Chapter 67, Title 9 of the Guam Code Annotated and all following
16 subsections are renumbered accordingly:

17 § 67.100. Definitions.

18 (33) Retailer or Retail Distributor means a grocery store, general
19 merchandise store, drug store, other merchandise store, or other entity or
20 person whose activities as a distributor relating to pseudoephedrine products
21 are limited exclusively or almost exclusively to sales for personal use, both in
22 number of sales and volume of sales, either directly to walk-in customers or in
23 face-to-face transactions by direct sales.

24 Section 4. A new Section 67.401.2.2, Article 4, Chapter 67, Title 9 of
25 the Guam Code Annotated is hereby added to read as follows:

1 § 67.401.2.2 Pseudoephedrine: Retail Sale. The dispensing, sale, or
2 distribution at retail of pseudoephedrine, or any derivative of
3 pseudoephedrine, shall be subject to the following requirements:

- 4 (a) Any medication containing pseudoephedrine, or any derivative of
5 pseudoephedrine, shall be placed behind the sales counter, stored
6 or displayed in a locked cabinet or locked area in such a manner
7 that the product is accessible to the public only with the assistance
8 of a pharmacist, retailer or employee of the retailer;
- 9 (b) The dispensing, sale, or distribution at retail of pseudoephedrine, or
10 any derivative of pseudoephedrine, shall be made only by a
11 practitioner, retailer, or employee of a retailer who shall at all times
12 act to prevent the theft or diversion of the product;
- 13 (c) A pharmacy or retail distributor shall provide notification in a clear
14 and conspicuous manner in a location where a pseudoephedrine
15 product is offered for sale stating the following: Guam law
16 prohibits the over-the-counter purchase of more than two (2)
17 packages of a product containing pseudoephedrine in a twenty-four
18 (24) hour period;
- 19 (d) It is unlawful for a practitioner, retailer, or employee of a retailer to
20 sell in a single transaction medicines containing pseudoephedrine
21 in excess of two packages at a maximum of 1,440 milligrams within
22 a twenty-four hour period and no more than 9 grams of
23 pseudoephedrine from a pharmacy or retailer in a 30-day period,
24 unless dispensed by a licensed pharmacist pursuant to a valid
25 prescription;

1 (e) It is unlawful for a practitioner, retailer, or employee of a retailer, to
2 distribute package(s) containing pseudoephedrine with knowledge
3 that they will be used to manufacture methamphetamine or with
4 reckless disregard of the likely use of such package or packages to
5 manufacture methamphetamine;

6 (f) Any practitioner, retailer, or employee of a retailer who violates
7 items (a), (b), (c), (d), or (e) of this Section commits a third degree
8 felony;

9 (g) A purchaser who violates item (d) of this Section is guilty of a petty
10 misdemeanor; and

11 (h) This section shall not apply to the following:

- 12 1. Any product in liquid, liquid capsule, or dissolvable strip
13 form in which pseudoephedrine, or any derivative of
14 pseudoephedrine is the active ingredient; or
- 15 2. Where possession was by a person authorized by law to
16 dispense, prescribe, manufacture, or possess the
17 immediate precursor substance in question.

18

GOVERNMENT OF GUAM



Felix P. Camacho
GOVERNOR

Kaleo S. Moylan
LIEUTENANT GOVERNOR

DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES
(DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT)

Post Office Box 2816 Hagatna, Guam 96932
123 Chalan Kareta, Route 10
Mangilao, Guam 96913



Peter John D. Camacho, MPH
DIRECTOR

Testimony in Support of Bill No. 140

June 28, 2005

Hafa Adai and good morning Mr. Chairman, and the Members of the Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs. My name is Tom Nadeau, I am the Administrator of the Division of Environmental Health of the Department of Public Health and Social Services. On behalf of the department and its Acting Director, Mr. Arthur U. San Agustin, I would like to provide testimony in support of Bill No. 140.

The Department of Public Health and Social Services supports Bill 140, which controls and limits the sale of psuedoephedrine and its derivative at retail establishments to thwart the unlawful manufacture of methamphetamines. As the agency that investigates diversion of (pharmaceutical) controlled substances, we are aware of the individual and familial devastation drug abuse has on people's lives and their loved ones and our community. The passage of Bill 140 will be another weapon in the public's arsenal to combat the "ice" problem that continues to plague the island.

In reviewing Title 9 GCA, Chapter 67, which is to be amended, according to Bill 140, the proposed psuedoephedrine provision is to be added to the law as "§67.401.2.2"; however, this section already exists. This particular section was established with the passage of Public Law 28-25, which regulates the sale of butane, propane, and other inhalants to minors. Thus, we are uncertain as to whether the intent of Bill 140 is to replace the existing section on inhalants or simply adding to this section. If the latter is the case, we recommend that the provisions of Bill 140 be given its own section, "§67.401.2.3".

Thank you and *Si Yu'us Ma'ase* to the Honorable Ray Tenorio and the Members of the Committee for granting the department and I the opportunity to present this testimony.

Handwritten signature of M. Thomas Nadeau.

M. THOMAS NADEAU
Environmental Health Specialist
Administrator

Handwritten signature of A. U. San Agustin.

A. U. SAN AGUSTIN, MHR
Director, Acting



Guam Memorial Hospital Authority Aturidåt Espetåt Mimuriåt Guåhan



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OKA, TAMUNING, GUAM 96913
TEL: 647-2444 or 647-2330
FAX: (671) 649-0145

June 28, 2005

Senator Ray Tenorio, Chairman
Committee on Criminal Justice, Public Safety,
Youth & Foreign Affairs
28th Guam Legislature
Suite 104 De La Corte Building
167 East Marine Corps Drive
Hagatna, Guam 96932

RE: Testimony in Support of Bill No. 149 (EC)
An act to *amend* Section 67.100, Article 1, Chapter 67, Title 9 of GCA and
***add* Section 67.401.2.2, Article 4, Chapter 67, Title 9 of GCA, Relative to the**
dispensing, sale or distribution at retail of any compound, mixture, or
preparation containing a detectable quantity of Pseudoephedrine shall be
subject to specific additional requirements, to be known as the
“Methamphetamine Manufacturing Chemical Retail Sale Control Act.”

Buenas! Thank you for the invitation and the opportunity to provide our public statements regarding this very significant and a much needed legislation. As the only civilian hospital facility on island, it is absolutely imperative for our institution to participate in and support the formulation of public policies that are intended to assist health professionals and health care facilities in the prevention of substance use and abuse, particularly methamphetamine.

To somehow depict a picture of the number of methamphetamine related cases that have been treated at our hospital facility, attached is a chart that details the number of patients admitted for medical treatment during a five-year period by age groups. While the figures may seem insignificant to some, we believe this is noteworthy for our island. Please keep in mind that these figures account only those serviced at our facility.

Data such as this combined with additional relevant data from the various agencies would certainly fortify our efforts towards the prevention of drug abuse.

We most definitely concur with the statements in the proposed legislation that methamphetamine is a neurotoxic drug that is extremely addictive and the eventual effects are physically and psychologically devastating. This drug is conclusively hazardous. This particular drug puts the health and welfare of those addicted in jeopardy in addition to the family members, friends and relatives and collectively, our society.

The manufacturing/production of methamphetamine has become easier as it has transitioned from large-capacity facilities called "super labs" to smaller, makeshift "clandestine" meth labs, also known as "mom and pop" labs that can be hidden in mobile homes; rural, city and suburban home; barns; garages and other outbuildings; warehouses and other storage facilities; hotel and motel rooms; vacant buildings; cars and even in suitcases. These makeshift labs are considered toxic and a danger to society and the environment as some have caused explosions, fires and deaths. Additionally, the dump sites of these labs have been linked to deaths of livestock, contaminated water sources and large areas of dead trees and vegetation.

Introducing and enforcing legislation that will deter easy access to the essential compounds and key precursor substances such as Pseudoephedrine to manufacture methamphetamines is one measure that is definitely in the right direction of preventing and hopefully reducing the use and abuse of such a highly addictive and devastating illegal substance. According to the Methamphetamine Control Act of 1996, the Chemical Diversion Trafficking Act (CDTA), Pseudoephedrine and other chemicals such as Hydroidic Acid are on the TARGET list that enables DEA to track the sale of large quantities of these chemicals thus are in a better position to identify the major manufacturers of methamphetamine.

There are also other common chemicals and ingredients that can easily be obtained in retail outlets that can be combined to create the other essential ingredient to manufacture methamphetamine. These other common chemicals are red phosphorus and iodine. When these two ingredients are combined the resulting key ingredient in the production of methamphetamine is hydroidic acid. At present, there are NO regulations or quantity limitations to control the sale of red phosphorus and iodine chemicals thus these items can be easily purchased.

The other ingredients used to manufacture methamphetamine are legitimate household materials that are readily and easily found in retail stores thus, Retailers or Retail Distributors are in a unique position to help law enforcement in the fight against methamphetamine.

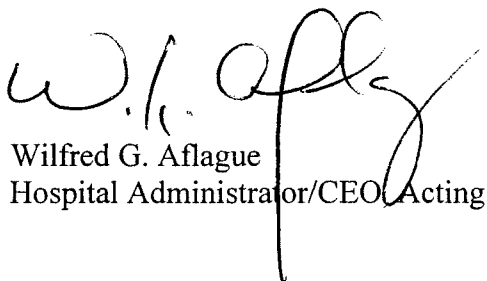
While Sudafed is specifically named in this legislation as the major source of over-the-counter medication that contains Pseudoephedrine as the single active ingredient, we are extremely pleased with the inclusion of ***"Any medications containing Pseudoephedrine or any derivative of Pseudoephedrine" to be placed behind the sales counter, stored or displayed in a locked cabinet or locked area...*** as written in subsection (a).

The Methamphetamine Anti-Proliferation Act (MAPA) also establishes thresholds for Pseudoephedrine drug products at 9 gram single transactions thus Subsection (d) will certainly make the sale or access of this Pseudoephedrine quite difficult which will eventually dissuade the manufacturing of meth.

The Office of Diversion Control under the U. S. Department of Justice DEA also recommends other "retail prevention measures and initiatives" that are reasonable but perhaps may not be welcomed by retailers and retail distributors. However, if these retailers and or retail distributors choose to dispense, sell or distribute pseudoephedrine, medications containing pseudoephedrine and or any derivative of pseudoephedrine, these additional "retail prevention measures and initiatives" must be fulfilled as part of their business license or certificate acquisition. In other words, include the requirement of a "certificate" or "license" to dispense, sale or distribute these products.

While we realize we may not be able to totally eradicate use and abuse of illicit drugs, we most certainly need to continue the campaign to at least reduce this problem.

Thank you, Senator Tenorio for this opportunity and thank you Senators Mike Cruz, Lou Leon Guerrero and Jessie Lujan for authoring and introducing this extremely important legislation.



Wilfred G. Aflague
Hospital Administrator/CEO Acting



Guam Memorial Hospital Authority Aturidåt Espetåt Mimuriåt Guåhan

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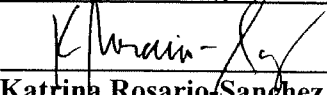


CRYSTAL METHAMPHETAMINE -ICE- RELATED DIAGNOSIS CASES (from JAN 1, 2000 to JUN 28, 2005)

Patient AGE Group	Number of Cases	Percentage
Newborn (less than 1 YR)	4	1.05%
14 Years Old	5	1.31%
15 Years Old	1	0.26%
16 Years Old	3	0.79%
17 Years Old	7	1.84%
18 Years Old	9	2.36%
19 Years Old	7	1.84%
20 Years Old	9	2.36%
21 Years Old	12	3.15%
22 Years Old	11	2.89%
23 Years Old	18	4.72%
24 Years Old	16	4.20%
25 Years Old	15	3.94%
26 Years Old	18	4.72%
27 Years Old	19	4.99%
28 Years Old	13	3.41%
29 Years Old	9	2.36%
30 Years Old	19	4.99%
31 Years Old	20	5.25%
32 Years Old	7	1.84%
33 Years Old	13	3.41%
34 Years Old	15	3.94%
35 Years Old	5	1.31%
36 Years Old	9	2.36%
37 Years Old	14	3.67%
38 Years Old	18	4.72%
39 Years Old	9	2.36%
40 Years Old	9	2.36%
41 Years Old	12	3.15%
42 Years Old	4	1.05%
43 Years Old	5	1.31%
44 Years Old	7	1.84%
45 Years Old	8	2.10%
46 Years Old	4	1.05%
47 Years Old	4	1.05%
48 Years Old	3	0.79%
49 Years Old	2	0.52%
50 Years Old	1	0.26%
51 Years Old	6	1.57%
52 Years Old	2	0.52%
53 Years Old	1	0.26%
54 Years Old	1	0.26%
56 Years Old	4	1.05%
67 Years Old	2	0.52%
83 Years Old	1	0.26%
	381	100.00%

**Written Testimony in Support of Bill No. 140 (EC)
"Methamphetamine Manufacturing Chemical Retail Sale Control Act"**

Submitted by:


Katrina Rosario-Sanchez, MPA

6/28/2005
Date

I am in support of Bill 140, the legislation that will regulate the retail accessibility of pseudoephedrine, a common ingredient in the manufacture of methamphetamine. As the GMHA Medical Social Services Administrator, our Social Services department from the late 1990s to about 2002 saw a near average of 15 cases of drug positive women per month (one every 2 days) admitted to the hospital's Labor and Delivery rooms or OB units who were going to give or had given birth under the influence of the illicit substance crystal methamphetamine or "ice".

Referrals were initiated to the department in the regular workday, after hours and on weekends to address this problem, assess the social situation of the mother and newborn, ensure safe placement and family support for the newborn and mother and in some cases, our office made recommendations to place the newborn's discharge on hold pending the intervention of the Child Protective Services (CPS) authorities for their investigation and immediate disposition. In more severe cases, alternate placement for the newborn and possibly for minor siblings were assigned through Court order after it was determined that mother's custody was unsafe and inappropriate.

While our office availed of the intake services provided by the Department of Mental Health and Substance Abuse, it was never a guarantee that these mothers would follow through on our recommendation and initiate an appointment on their own. Under the influence and addicted to ice, these individuals simply did not grasp that they had a responsibility to their newborn and minor children, nor did they realize the benefit of counseling to restore their sense of self-worth. The instability of the mother's total situation sometimes made it impossible for follow up contact to be made to learn if they went to counseling, with no means of ever reaching them again.

The most our office hoped for was successful follow through by CPS officials of the referrals we made to ensure the safety and well being of the newborn and its minor siblings. Most disappointing to the department was that in less than a year, some of these mothers turned into repeat offenders who once more presented to the hospital to deliver and once more test positive for ice.

It is evident that any type of addiction destroys the human being which has a negative impact on their family, interpersonal relationships, finances, mental and physical health, and the island. Poor living conditions and inadequate nutrition are anticipated outcomes in the life of an addicted individual who infects those whom they live with. Their economic status takes a severe dive and their illicit behavior eventually leads to violence and crime and an eventual deterioration of the community.

While law enforcement, substance abuse treatment and education may have contributed to the decrease of methamphetamine use over the past three years, the fact that within the past two years two drug labs have been discovered is proof that drug dealers on Guam are determined to stay in business. By making it more difficult for them to access the ingredient(s) to manufacture this or any other drug, will be a victory in the battle against the dealers who have no regard for human life, a victory in the preservation of our island. Moreover, as we work together as a community to keep the drug lords out of operation, it will be an even greater opportunity for all of us to heal the broken, addicted individual, help restore their self respect and in the case of our "ice mommies", preserve the family they were blessed to have brought into this world.



Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs
 Senator Ray Tenorio, Chairman

Public Hearing
 Wednesday • June 29, 2005 • 9:00a.m.
 Public Hearing Room, / Liheslaturan Guåhan

Bill No. 140(EC): An act to *amend* section 67.100, Article 1, Chapter 67, Title 9 of the Guam Code Annotated and *add* a section 67.401.2.2, Article 4, Chapter 67, Title 9 of the Guam Code Annotated, relative to the dispensing, sale, or distribution at retail of any compound, mixture, or preparation containing a detectable quantity of Pseudoephedrine shall be subject to specified additional requirements, to be known as the "Methamphetamine Manufacturing Chemical Retail Sale Control Act."

NAME (Please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
MARGARET GREENWOOD	Guam Pharmacists Assoc		✓		✓	647-5572
Karen Song	GPHA	✓		NO		646-5556
Mildred Gabriel	GPHA		✓		✓	646-4827
M. Thomas NARANJO	DPMS-DEH	✓	✓			735-2221
W. L. RFL	GMHA		✓	✓		647-2203
Frankie Ishizaki	GPD	✓				475-8473
Lillian POSADAS	GMHA	✓	✓	✓		647-2400



BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR

Post Office Box 2950, Hagåtña Guam 96932

FELIX PEREZ CAMACHO
GOVERNOR


KALEO SCOTT MOYLAN
LIEUTENANT GOVERNOR

CARLOS P. BORDALLO
DIRECTOR

JOSE S. CALVO
DEPUTY DIRECTOR

The Bureau requests that Bill No(s). 140 (EC) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Bill No. 140 (EC) will establish additional requirements relative to the dispensing, sale, or distribution at retail of any compound, mixture, or preparation containing a detectable quantity of pseudoephedrine. The bill intends to make it more difficult for a person engaged in the manufacturing of methamphetamine by placing regulatory measures on the retail sale of pseudoephedrine. This bill is administrative in nature and poses no fiscal impact to the General Fund at this time.


Carlos P. Bordallo
Director, BBMR



Officers

Julius Fernando, RPh
President

Paul Dalmacio, RPh
President-Elect

Karen Song, RPh
Corresponding Secretary

Christine Solis, RPh
Recording Secretary

Marilyn Florendo, RPh
Treasurer

Catherine Concepcion
Associate Member Representative

Board Members

Thomas Caruso, RPh

Mildred Gabriel, RPh

Annette Van Dyke, RPh, MPH

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June 29, 2005

To The Office of Guam Legislature:

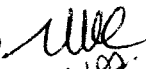
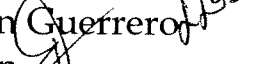

The Guam Pharmacists Association supports the intent of the Bill No. 140 which aims to regulate the retail sale of pseudoephedrine. However, there are some sections of the Bill where, we find inaccuracies. One example is the statement that "Sudafed is the only single source over-the-counter drug." This is an understatement since Sudafed is a brand product, however, generic pseudoephedrine is packaged as either a single product or in combination with other OTC medication for colds / flu. Moreover, there are sections of the Bill that we disagree with. Section 4 (f) of the Bill states a third degree felony for any practitioner, retailer, or employee of a retailer who violates Section 4 (a-e) of the said Bill. On the other hand, as stated in Section 4 (g), the purchaser who violates item (d) of the said Section is guilty of a petty misdemeanor.

As experts in the profession of pharmacy, we highly recommend the Guam Legislature adopt the Federal Bill concerning this issue. This recommendation is based on the fact that the Board of Pharmacy is being guided by Federal Regulations.

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 140(EC)

Introduced by:

Mike Cruz, M.D. 
L. A. Leon Guerrero 
J. A. Lujan 

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7 Methamphetamine use on Guam has had devastating effects on
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20 person whose activities as a distributor relating to pseudoephedrine products
21 are limited exclusively or almost exclusively to sales for personal use, both in
22 number of sales and volume of sales, either directly to walk-in customers or in
23 face-to-face transactions by direct sales.

24 **Section 4. A new Section 67.401.2.2, Article 4, Chapter 67, Title 9 of**
25 **the Guam Code Annotated is hereby added to read as follows:**

1 § 67.401.2.2 Pseudoephedrine: Retail Sale. The dispensing, sale, or
2 distribution at retail of pseudoephedrine, or any derivative of
3 pseudoephedrine, shall be subject to the following requirements:

4 (a) Any medication containing pseudoephedrine, or any derivative of
5 pseudoephedrine, shall be placed behind the sales counter, stored
6 or displayed in a locked cabinet or locked area in such a manner
7 that the product is accessible to the public only with the assistance
8 of a pharmacist, retailer or employee of the retailer;

9 (b) The dispensing, sale, or distribution at retail of pseudoephedrine, or
10 any derivative of pseudoephedrine, shall be made only by a
11 practitioner, retailer, or employee of a retailer who shall at all times
12 act to prevent the theft or diversion of the product;

13 (c) A pharmacy or retail distributor shall provide notification in a clear
14 and conspicuous manner in a location where a pseudoephedrine
15 product is offered for sale stating the following: Guam law
16 prohibits the over-the-counter purchase of more than two (2)
17 packages of a product containing pseudoephedrine in a twenty-four
18 (24) hour period;

19 (d) It is unlawful for a practitioner, retailer, or employee of a retailer to
20 sell in a single transaction medicines containing pseudoephedrine
21 in excess of two packages at a maximum of 1,440 milligrams within
22 a twenty-four hour period and no more than 9 grams of
23 pseudoephedrine from a pharmacy or retailer in a 30-day period,
24 unless dispensed by a licensed pharmacist pursuant to a valid
25 prescription;

1 (e) It is unlawful for a practitioner, retailer, or employee of a retailer, to
2 distribute package(s) containing pseudoephedrine with knowledge
3 that they will be used to manufacture methamphetamine or with
4 reckless disregard of the likely use of such package or packages to
5 manufacture methamphetamine;

6 (f) Any practitioner, retailer, or employee of a retailer who violates
7 items (a), (b), (c), (d), or (e) of this Section commits a third degree
8 felony;

9 (g) A purchaser who violates item (d) of this Section is guilty of a petty
10 misdemeanor; and

11 (h) This section shall not apply to the following:

- 12 1. Any product in liquid, liquid capsule, or dissolvable strip
13 form in which pseudoephedrine, or any derivative of
14 pseudoephedrine is the active ingredient; or
- 15 2. Where possession was by a person authorized by law to
16 dispense, prescribe, manufacture, or possess the
17 immediate precursor substance in question.

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