

**Comparison of Florida's meth legislation and federal meth legislation as of June 2006**

	Florida 2005 (HB 1347)	Florida 2006 (HB 1325)	Federal 2006 (HR 3199)
Ephedrine/Pseudoephedrine (E/P) products included in schedule V			
<b>Purchaser Requirements</b>			
Purchaser must show proof of identity			X
Minimum age to purchase			
Purchaser must sign written/electronic log or record of receipt			X <sup>8</sup>
<b>Required log/record information</b>			
Name of purchaser			X
Purchaser's date of birth			
Address			X
Date and time of transaction			X
Photo ID or other ID number			X
Record of purchaser's identification			
Name and/or quantity of product			X
Seller's initials/signature			
<b>Restrictions on who may sell E/P products</b>			
Pharmacy/Pharmacist/Pharmacy Technician/Pharmacy intern or clerk			
Pharmacy or certified /authorized retail establishment			
Pharmacy or any retail establishment	X		
Only employees who have had training prescribed by the U.S. Attorney General			X <sup>9</sup>
Age requirement to sell			
<b>Restriction on sale/distribution of E/P products – Display restrictions</b>			
Behind a counter/in an area inaccessible to public	X <sup>1</sup>		X
In a locked case			
In a prescription area			
Product is in an area in direct line of sight of an employee			
Within a certain number of feet of a staffed counter			

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Creates a new category of controlled chemical called "controlled precursor chemicals" to ensure that Pseudoephedrine is handled safely and lawfully			X <sup>10</sup>
<b>Restrictions on sale and distribution and/or purchase/acquisition of E/P products – quantity restrictions</b>			
30-day quantity limitation			X <sup>11</sup>
7-day quantity limitation			
24-hour quantity limitation			X <sup>12</sup>
Single transaction quantity limitation	X <sup>2</sup>		
Prohibits possessing listed precursor/essential chemicals	X		
Prohibits storing Anhydrous Ammonia in a container not approved by U.S. DOT	X		
<b>Exemptions/Exemptions to restrictions on sale/distribution and/or possession/acquisition</b>			
Valid Prescription			
Authorized course of business	X <sup>3</sup>		
Suspicious transactions must be reported			
Damages arising from unlawful possession, storage, or tampering with listed chemicals is sole responsibility of person in violation	X		
<b>Retailer/Employee immunity</b>			
For reporting to law enforcement			
For injuries resulting from sales of regulated products			
For compliance with the law			
<b>Retailer/Owner/Operator immunity</b>			
Lawful owner, installer, maintainer, designer, manufacturer, possessor, or seller is immune from liability in the absence of negligent misconduct or failure to abide by law			
Basic employee training required for all employees engaging in the sale of regulated products	X		

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<b>Child endangerment</b>			
Makes it a felony to make meth with a child under 16 present	X <sup>4</sup>		
Requires DCF to file petition for dependency for the children of caregivers involved in certain controlled substance crimes if it is determined that the child is in need of protection and supervision of the court		X	
<b>Penalties against meth users, producers, distributors or traffickers if first responders are injured</b>			
Provides for penalties when state, local and federal law enforcement officers are seriously injured when responding to a violation involving methamphetamine	X		
Revises provisions relating to criminal penalties for controlled substance violations that result in serious injury to specified individuals		X <sup>5</sup>	
<b>Health/Life insurance</b>			
Prohibits cancellation or not renewing life or health insurance coverage for specified individuals solely based on the fact that the individual has been exposed to toxic chemicals or suffered injury or disease as a result of the individual's lawful duties arising out of the commission of a violation of chapter 893 by another person		X <sup>6</sup>	
<b>Cleanup and remediation</b>			
Provides for quarantine of any residential property where illegal clandestine laboratory activities occurred*			
Permits demolition of quarantined said property under certain conditions*			
Provides for rulemaking to adopt said laboratory decontamination standards*			
Requires DOH to compile and maintain lists of decontamination and contamination assessment specialists*			
Clarifies existing law imposing the obligation of restitution for environmental cleanup costs on persons involved in meth production and trafficking			X

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<b>Misc. provisions of note</b>			
Defines the term "clandestine laboratory"		X	
Restricts transport of anhydrous ammonia	X		
Creates national meth treatment center			X
Defines and lists precursor and essential chemicals for the product of methamphetamine	X		
State law preempts local laws/ordinances	X		
Prohibiting a person from selling, manufacturing, delivering or attempting to do so within 1,000 feet of an assisted living facility	X		
Preempts local regulations	X		
Pretrial detention		X <sup>7</sup>	
<b>Funding</b>			
Authorize \$585 million for enforcement, training, and research into treatment			X
Drug Court – authorizes \$70 million for FY 2006			X
Meth Hot Spot Grants – authorizes \$99 million for each 2006-2010			X
Grants for endangered children – authorizes \$20 million for each 2006-2007			X
Competitive grants for programs involving pregnant and parenting women offenders			X
Further amends the reporting requirements for importers of meth precursor chemicals			X
<b>Effective date(s)</b>	1 July '05	1 July '06	9 Mar '06

1. Having a sole active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts or optical isomers.
2. No more than a combined total of 9 base grams of sole ingredient or more than 3 packages regardless of weight of sole ingredient.
3. Retailer, public employee or private contractor authorized to cleanup or dispose of hazardous waste or toxic substances resulting from the prohibited activities listed.
4. First-degree felony with minimum mandatory 5-year if a child under 16 is present; first-degree felony with 10-year minimum mandatory if a child under 16 suffers great bodily harm.
5. Firefighters, emergency medical technicians, paramedics, employee of a public utility or an electric utility, animal control officers, volunteer fighter engaged by state or local government, any other local, state or federal government employee injured during the course and scope of his or her employment.
6. State, federal or local law enforcement officer, firefighters, emergency medical technicians, paramedics, employee of a public utility or an electric utility, animal control officers, volunteer fighter engaged by state or local government, any other local, state or federal government employee.
7. If the court finds that there is a substantial probability that a defendant charged with manufacturing any substance in violation to chapter 893 committed such a crime and if the court finds that there are no conditions of release reasonably sufficient to protect the community from the risk of physical harm to persons.
8. Does not apply to any purchase by an individual of a single sales package containing not more than 60 mg. Of pseudoephedrine. When purchaser is required to sign the logbook, the seller must verify name and date. The seller must enter the name of the product and quantity. The logbook must contain a notice to purchasers pertaining to false statements. Seller must maintain each entry in the logbook for two years after the date of purchase.
9. The U.S. Attorney General will establish a program that will be carried out through a U.S. Department of Justice internet site; make available criteria for certification and training and permit submission of certifications through the internet site.
10. A product that contains ephedrine, pseudoephedrine, or phenylpropanolamine and may be marketed or distributed lawfully in the United States under the Federal Food, Drug and Cosmetic Act as a nonprescription drug.
11. Unlawful for any person to knowingly or intentionally purchase at retail more than 9 grams during a 30-day period (of which no more than 7.5 grams can be imported by private commercial carrier or the Postal Service).
12. 3.6 grams per purchaser, regardless of the number of transactions.

\* 2006 proposed Florida legislation HB 7065, died in Senate Committee.