



# A Legislative Approach to Eliminating Clandestine Meth Labs

By Brian Lewis

A decade ago, few people could have imagined the devastating impact that methamphetamine production and use would have on communities across the nation. Now, the effects are well-documented and widely known: Families are torn apart, the economy flounders, crime levels soar, and environmental hazards destroy neighborhoods.

With tough legislation, communities are fighting back against meth, but it took time to arrive at this stage in the battle. In 2003 Oklahoma led that nation by passing legislation to regulate the sale of pseudoephedrine (PSE), the key ingredient used in making meth. By 2005, 40 other states followed Oklahoma's lead as the illegal use of over-the-counter products containing PSE became recognized as a significant contributing factor in the proliferation of low cost clandestine meth labs. Meth producers are able to "cook" the drug with minimal room, equipment, or knowledge.

In 2005, Congress passed the Combat Methamphetamine Epidemic Act (CMEA), which sets restrictions on the purchase of medicines containing PSE — typically between 7 and 9 grams per 30-day period as well as a per-purchase limit of 3.6 grams.

Because the CMEA does not contain pre-emptive language, all state and local laws regulating the purchase of PSE must remain in effect. Differences between local, state and federal legislation have created a compliance challenge for pharmacies and other retailers operating throughout the country. This challenge is particularly difficult for chain drug stores that operate across multiple jurisdictions.

All of these laws attempt to monitor the purchase of these products using log books maintained by the retailer. But legislators and law enforcement are now teaming up to close the door on this problem once and for all by requiring that these transactions be electronically logged and made available to law enforcement.

As an officer with the Operation UNITE (Unlawful Narcotics Investigations Treatment and Education) Drug Task Force in Eastern Kentucky, I've had the opportunity to participate in the pilot phase of a new technology program that uses an electronic PSE log to help law enforcement identify suspicious buying patterns and individuals who exceed the legal purchase limits for PSE.

This technology gives law enforcement the tools to break the backbone of a shopper who moves from store to store (or even state to state) to avoid suspicion. This technique has

more commonly become known as "smurfing."

In November 2005, the Kentucky Office of Drug Control Policy implemented the nation's first electronic PSE log using a technology service called "MethCheck." The pilot program was launched in one of the 29 counties covered by Operation UNITE. The program includes 15 pharmacies in the county, which feed data from point-of-sale transactions to the MethCheck database.

I use the MethCheck electronic log on a daily basis to run suspicious buyer reports and purchase limit reports. Prior to using this system I would spend almost a full day traveling to all the participating pharmacies and making copies of manual logs before returning to my office to look at the data. A process that took two days now takes only 10 minutes.

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In the year since the pilot began, Operation UNITE has charged 22 people who purchased more than the legal limit of pseudoephedrine; of these, 16 were charged with manufacturing methamphetamine. The program has also helped locate purchases made by 26 people involved in a methamphetamine manufacturing conspiracy case.

The participating pharmacies also found the electronic log to be far quicker, simpler, and more accurate than the manual logs they were maintaining prior to the pilot. Pharmacy employees have commented that they appreciate the automated functions. The system validates the purchaser's identification to help detect identity theft and to ensure it is not fraudulent or altered in any way. If the identification is invalid, a warning is immediately displayed on the screen.

In 2005, Oklahoma and West Virginia once again led the nation by modifying their PSE control legislation to require retailers to provide real-time electronic reporting of these transactions. While the initial legislation has reduced the number of labs, as intended, they will not be eliminated until all states follow the lead of Oklahoma and West Virginia to require that these transaction logs be maintained for law enforcement in an electronic database. This technology takes away the ability for someone to stay below the radar screen and avoid the legal limit restriction.

