

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda—underwritten by global corporations—includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With ALEC EXPOSED, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

ALEC's Corporate Board —in recent past or present

- AT&T Services, Inc.
- centerpoint360
- UPS
- Bayer Corporation
- GlaxoSmithKline
- Energy Future Holdings
- Johnson & Johnson
- Coca-Cola Company
- PhRMA
- Kraft Foods, Inc.
- Coca-Cola Co.
- Pfizer Inc.
- Reed Elsevier, Inc.
- DIAGEO
- Peabody Energy
- Intuit, Inc.
- Koch Industries, Inc.
- ExxonMobil
- Verizon
- Reynolds American Inc.
- Wal-Mart Stores, Inc.
- Salt River Project
- Altria Client Services, Inc.
- American Bail Coalition
- State Farm Insurance

For more on these corporations, search at www.SourceWatch.org.

& MEETING

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

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Methamphetamine Reduction Act

Summary

To respond to the illegal production, distribution, and use of methamphetamine, and for other purposes.

Did you know the NRA—the National Rifle Association—was the corporate co-chair in 2011?

Model Legislation

TITLE I: PRECURSOR DIVERSION

Section 101. {Restrictions on the Sale and Distribution of Methamphetamine Precursors}

A. No retail establishment or individual shall transfer, sell, deliver or provide more than three (3) packages or nine (9) grams of pseudoephedrine base product in a single transaction.

1. This section does not apply to pediatric products primarily intended for administration, according to label instructions, to children under 12 years of age, either:

i. In solid dosage form when individual dosage units do not exceed 15 milligrams of ephedrine, pseudoephedrine or phenylpropanolamine; or

ii. In liquid form when recommended dosage units, according to label instructions, do not exceed 15 milligrams of ephedrine, pseudoephedrine or phenylpropanolamine per five milliliters of liquid product; or

iii. In liquid form that are primarily intended for administration to children under two years of age for whom the recommended dosage does not exceed two milliliters and that have a total package content of not more than one fluid ounce.

B. The retail sale of nonliquid methamphetamine precursor drugs is limited to:

1. Sales in packages containing not more than a total of three grams of pseudoephedrine or ephedrine base;

2. Sales in blister packs, each blister containing not more than two dosage units, or when the use of blister packs is technically infeasible, sales in unit dose packets or pouches.

C. Any retail establishment, not currently licensed/registered by the [pharmacy licensing board], which sells pseudoephedrine product(s) shall submit a notice of intent to sell with the appropriate state designated agency indicating the establishment's intent to sell pseudoephedrine products.

D. A person is guilty of unlawful distribution of a methamphetamine precursor when he knowingly and unlawfully sells, transfers, distributes, or dispenses any product containing ephedrine, pseudoephedrine or phenylpropanolamine, if the person knows that the purchaser will use the product as a precursor to methamphetamine or another controlled illegal substance or if the person sells, transfers, distributes or dispenses the product with reckless disregard as to how the product will be used.

1. Unlawful distribution of a methamphetamine precursor is a [class #] felony for the first offense and a [class ##] felony for the second or subsequent offense.

Section 102. {Possession of Methamphetamine Precursors}

A. A person is guilty of unlawful possession of a methamphetamine precursor when he knowingly and unlawfully possesses a product containing ephedrine, pseudoephedrine or phenylpropanolamine with intent to use the product as a precursor to methamphetamine or another controlled substance.

B. Except as provided herein, possession of one or more products containing more than twenty-four (24) grams of ephedrine, pseudoephedrine or phenylpropanolamine, or their salts, isomers or salts of isomers, in addition to one or more items of methamphetamine paraphernalia, shall constitute prima facie evidence [or a rebuttable presumption] of the intent to use the product as a precursor to methamphetamine or another controlled substance. The prima facie evidence [or rebuttable presumption] established by this subsection B shall not apply to the following persons who are lawfully in possession of the identified drug products in the course of legitimate business:

1. A retail distributor of the drug products in subsection B [possessing a valid business license] or wholesaler;

2. A wholesale drug distributor, or its agents, licensed by the [pharmacy licensing board];

3. A manufacturer of drug products in subsection B, or its agents, licensed by the [pharmacy licensing board];

4. A pharmacist licensed by the [pharmacy licensing board];

5. A licensed healthcare professional possessing the drug products in subsection B in the course of carrying out his profession.

C. Unlawful possession of a methamphetamine precursor is a [class #] felony for the first offense and a [class ##] felony for the second or subsequent offense.

Section 103. {Application to Political Subdivision of State}

This Title is applicable and uniform throughout this state and in all counties, cities and towns therein. A county, city or town may not adopt or enforce any ordinance, pertaining to this Title, which prohibits conduct that is not prohibited under this chapter, or defining violations or penalties different from those provided under this chapter. However, this section does not preclude a county, city or town from revoking, canceling, suspending, or otherwise limiting a business or professional license it has issued for conduct that violates any provision of this chapter.

TITLE II: "METHAMPHETAMINE WATCH" PROGRAM

Section 201. {Methamphetamine Watch}

A. The legislature of the [state/commonwealth] of [state/commonwealth] finds that:

1. "Meth Watch" is a voluntary program started in Kansas as a public-private partnership

in 2001; and

2. The program's goals are: to engage retailers, law enforcement, state and local agencies, and other key partners to reduce the diversion of precursor products for illicit manufacturing of methamphetamine; to increase community awareness about methamphetamine; and to assist local communities in addressing the methamphetamine problem; and

3. Since implementation, Kansas has reported the following benefits: reduction in the number of methamphetamine labs; unifying communities while working to reduce drugs in society, safer stores, reduced losses due to theft of precursor products, and better relations between law enforcement and retail entities.

B. Authorization of Meth Watch Program:

1. The [agency] shall develop and maintain a program to inform retailers about the methamphetamine problem in [state/commonwealth] and devise procedures and forms for retailers to use in reporting to the "agency" suspicious purchases, thefts or other transactions involving any products under the retailer's control that contain a regulated precursor under the provisions of this Act including, but not limited to over-the-counter, nonprescription pseudoephedrine products.

2. Reporting by retailers as required by this section shall be voluntary.

3. Retailers participating in the Meth Watch program and reporting information to the [agency] in good faith pursuant to this section shall be immune from civil and criminal liability for a violation of this title.

4. An appropriation of \$[enter amount] is authorized for FY [enter effective fiscal year] to implement the Meth Watch program.

TITLE III: ENVIRONMENTAL PROTECTION

Section 301. {Response to Environmental Hazards Associated with Illegal Manufacture of Methamphetamine: Guidelines}

A. The [department of health / department of public safety] shall develop guidelines for the clean up of former clandestine methamphetamine drug labs by [insert date].

B. The guidelines shall be made available on the [department of health / department of public safety] Internet Web site and shall be available to law enforcement officials and the public upon request.

C. The guidelines shall be reviewed and updated annually.

Section 302. {Grants to Cities and Counties}

A. The [department of health / department of public safety] shall implement a grant program to assist local communities in their efforts to contain and clean-up clandestine methamphetamine laboratories and to preserve evidence for criminal trials.

B. The [commissioner of health / commissioner of public safety] is the fiscal agent for the grant program and is responsible for receiving applications for grants and awarding grants under this section. Priority must be given to applicants with high incidences of clandestine methamphetamine lab operations in the applicant's narcotics task force area relative to the area's population.

C. Procedures for Grant Application:

1. A city or county may apply for a grant under this section by submitting an application

to the [commissioner of health / commissioner of public safety] on a form prescribed by the [commissioner].

2. To be eligible for a grant under this section, a city or county must:
 - i. Have a full-time fire and police service;
 - ii. Designate a methamphetamine lab containment team consisting of at least one police officer and one fire fighter;
 - iii. Have on staff at least two police officers trained by the federal Drug Enforcement Agency in methamphetamine lab containment and evidence collection. If a city or county does not have two officers with the training, it must agree to obtain training for at least two officers;
 - iv. Submit a plan for use of the grant funds that addresses how the city or county will evaluate and report on the activities of the methamphetamine lab containment team.
3. A grant awarded under this section may be used for any methamphetamine lab containment team activities or expenditures including personnel costs, equipment, travel, and training.

Section 303. {Appropriation} An appropriation of \$[enter amount] is authorized for FY [enter effective fiscal year] from the general fund to the [commissioner of health / commissioner of public safety] for grants under section 301 and section 302.

SECTION IV: EDUCATION, PREVENTION AND TREATMENT

Section 401. {Grants for educational programs on prevention and treatment of methamphetamine abuse}

A. The [state/commonwealth department of health / department of health and human services] shall implement a grant program to fund programs that educate communities, particularly parents, teachers, and others who work with youth, concerning the early signs and effects of methamphetamine use. However, as a prerequisite to receiving funding, these programs shall:

1. Prioritize methamphetamine prevention and education;
2. Have past experience in community coalition building and be part of an existing coalition that includes medical and public health officials, educators, youth-serving community organizations, and members of law enforcement;
3. Utilize professional prevention staff to develop research and science-based prevention strategies for the community to be served;
4. Demonstrate the ability to operate a community-based methamphetamine prevention and education program;
5. Establish prevalence of use through a community needs assessment;
6. Establish goals and objectives based on a needs assessment; and
7. Demonstrate measurable outcomes on a yearly basis.

B. An appropriation of \$[enter amount] is authorized for FY [enter effective fiscal year] from the general fund to the [commissioner of health / commissioner of health and human services] for grants under section 401.

Section 402. {Methamphetamine Treatment Funding for Children and Adults}

A. The [commissioner of health / commissioner of health and human services] may make grants to counties and cities and to nonprofit private entities for the purpose of providing treatment for methamphetamine abuse, subject to subsection B.

B. In addition to the purpose described in subsection A, a grant under such subsection may be expended to treat children for any adverse health condition resulting from a qualifying methamphetamine-related exposure.

C. For the purpose of this section:

1. The term "children" means individuals who are under the age of 18.

2. i. The term "qualifying methamphetamine-related exposure", with respect to children, means exposure to methamphetamine or other harmful substances as a result of the proximity of the children to the process of manufacturing methamphetamine or the proximity of the children to associated contaminated matter.

ii. The term "associated contaminated matter", with respect to the process of manufacturing methamphetamine, means food, water, air, soil, equipment, or other matter that is contaminated with methamphetamine or other harmful substances as a result of the proximity of the matter to such process.

D. Appropriations:

1. For the purpose of carrying out this section, an appropriation of \$[enter amount] is authorized for FY [enter effective fiscal year].

2. Of the amount appropriated under paragraph 1 of subsection D for a fiscal year, not less than \$[enter amount] shall be reserved for carrying out this section with respect to children.

Section 403. {Child Endangerment}

A. A person who knowingly allows a child to be present within a structure where methamphetamine is being manufactured, is presumed to have neglected the child so as to adversely affect the child's health and welfare.

B. A violation of subsection A is a [class #] felony if the child is over six (6) years of age.

C. A violation of subsection A is a [class ##] felony if the child is six (6) years of age or less.

*Adopted by the Criminal Justice Task Force at the States and Nation Policy Summit,
December 4, 2004. Approved by the ALEC Board of Directors June 13, 2005.*