

**Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0863.01 Michael Dohr x4347

HOUSE BILL 12-1325

HOUSE SPONSORSHIP

Summers,

SENATE SPONSORSHIP

Nicholson,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING TRACKING TRANSACTIONS RELATED TO**
102 **METHAMPHETAMINE PRECURSOR DRUGS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Under current law, during any 24-hour period a person may not knowingly deliver in or from a store to the same individual, and a person may not purchase from a store, more than 3.6 grams of a methamphetamine precursor drug, or a combination of 2 or more methamphetamine precursor drugs. The bill changes the 24-hour period

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

to a period of one calendar day. The bill adds more than 9 grams of methamphetamine precursor drugs during a 30-day period to those prohibitions. A store is required to check a customer's identification before selling the methamphetamine precursor drug and keep a log of each sale.

Beginning January 1, 2013, a store before completing a precursor sale must electronically submit the required information to the national precursor log exchange if the system is available without a charge to stores for access. If the sale would result in the store or purchaser violating the quantity limits, the system will generate a stop sale alert. The person shall not complete the sale if the system generates a stop sale alert; except that the person may make the sale if he or she has a reasonable fear of imminent bodily harm if the sale is not completed. If the electronic system is unavailable, the store must keep a log until the system becomes available. There is an exception for stores that make fewer than 10 transactions during a 7-day period.

The Colorado bureau of investigation will receive weekly reports from the national precursor log exchange and can allow Colorado law enforcement agencies to access the exchange.

The provisions preempt any local ordinances.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 18-18-412.8, **amend**
3 (2); and **add** (2.7), (3.5), (6), and (7) as follows:

4 **18-18-412.8. Retail sale of methamphetamine precursor drugs**
5 **- unlawful acts - penalty.** (2) (a) A person may not knowingly deliver
6 in or from a store to the same individual during ~~any twenty-four-hour~~
7 ~~period~~ THE SAME CALENDAR DAY more than three and six-tenths grams of
8 a methamphetamine precursor drug, MORE THAN NINE GRAMS OF A
9 METHAMPHETAMINE PRECURSOR DRUG DURING A THIRTY-DAY PERIOD, or
10 a combination of two or more methamphetamine precursor drugs.

11 (b) A person may not purchase more than three and six-tenths
12 grams of a methamphetamine precursor drug PER CALENDAR DAY, MORE
13 THAN NINE GRAMS OF A METHAMPHETAMINE PRECURSOR DRUG DURING A
14 THIRTY-DAY PERIOD, or a combination of two or more methamphetamine

1 precursor drugs during ~~any twenty-four-hour period~~ THE SAME CALENDAR
2 DAY.

3 (c) A STORE SHALL REQUIRE A PERSON PURCHASING A
4 NONPRESCRIPTION PRODUCT THAT CONTAINS A METHAMPHETAMINE
5 PRECURSOR DRUG TO PRESENT VALID GOVERNMENT-ISSUED PHOTO
6 IDENTIFICATION AT THE POINT OF SALE. THE STORE SHALL RECORD THE
7 NAME AND ADDRESS OF THE PURCHASER; NAME OF PRODUCT PURCHASED
8 AND THE QUANTITY OF METHAMPHETAMINE PRECURSOR DRUG; DATE AND
9 TIME PURCHASED; AND PURCHASER IDENTIFICATION TYPE AND NUMBER,
10 SUCH AS DRIVER LICENSE STATE AND NUMBER, AND REQUIRE THE
11 PURCHASER'S SIGNATURE OR OTHER EVIDENCE OF IDENTITY IN A PAPER OR
12 ELECTRONIC LOGBOOK.

13 (e) (d) It is unlawful for a methamphetamine precursor drug that
14 is offered for retail sale in or from a store to be offered for sale or stored
15 or displayed prior to sale in an area of the store to which the public is
16 allowed access.

17 (2.7) (a) EXCEPT AS A PROVIDED IN PARAGRAPH (b) OF THIS
18 SUBSECTION (2.7), BEGINNING JANUARY 1, 2013, A STORE SHALL, BEFORE
19 COMPLETING A SALE UNDER THIS SECTION, ELECTRONICALLY SUBMIT THE
20 INFORMATION REQUIRED BY PARAGRAPH (c) OF SUBSECTION (2) OF THIS
21 SECTION TO AN ELECTRONIC LOGGING SYSTEM IF THE SYSTEM IS
22 AVAILABLE WITHOUT A CHARGE TO STORES FOR ACCESS. IF THE SALE
23 WOULD RESULT IN THE STORE OR PURCHASER VIOLATING THE QUANTITY
24 LIMITS SET FORTH IN SUBSECTION (2) OF THIS SECTION, THE SYSTEM SHALL
25 GENERATE A STOP SALE ALERT. THE PERSON SHALL NOT COMPLETE THE
26 SALE IF THE SYSTEM GENERATES A STOP SALE ALERT; EXCEPT THAT THE
27 PERSON MAY MAKE THE SALE IF HE OR SHE HAS A REASONABLE FEAR OF

1 IMMEDIATE BODILY HARM IF THE SALE IS NOT COMPLETED. A PERSON WHO
2 HAS A REASONABLE FEAR OF IMMEDIATE BODILY HARM SHALL USE THE
3 SYSTEM'S OVERRIDE FUNCTION TO COMPLETE THE SALE. EACH INSTANCE
4 IN WHICH THE OVERRIDE FUNCTION IS UTILIZED SHALL BE LOGGED BY THE
5 SYSTEM.

6 (b) IF A STORE SELLING A NONPRESCRIPTION PRODUCT CONTAINING
7 A METHAMPHETAMINE PRECURSOR DRUG EXPERIENCES MECHANICAL OR
8 ELECTRONIC FAILURE OF AN ELECTRONIC LOGGING SYSTEM AND IS UNABLE
9 TO COMPLY WITH THE ELECTRONIC SALES TRACKING REQUIREMENT, THE
10 STORE SHALL MAINTAIN A WRITTEN LOG OR AN ALTERNATIVE ELECTRONIC
11 RECORDKEEPING MECHANISM UNTIL SUCH TIME AS THE STORE IS ABLE TO
12 COMPLY WITH THE ELECTRONIC SALES TRACKING REQUIREMENT.

13 (c) A STORE UTILIZING AN ELECTRONIC LOGGING SYSTEM IN
14 ACCORDANCE WITH THIS SUBSECTION (2.7) SHALL NOT BE CIVILLY LIABLE
15 AS A RESULT OF ANY ACT OR OMISSION IN CARRYING OUT THE DUTIES
16 REQUIRED BY THIS SUBSECTION (2.7) UNLESS THE ACT WAS NEGLIGENT,
17 RECKLESS, OR DELIBERATE MISCONDUCT. A STORE SHALL BE IMMUNE
18 FROM LIABILITY TO ANY THIRD PARTY UNLESS THE STORE HAS VIOLATED
19 ANY PROVISION OF THIS SUBSECTION (2.7) IN RELATION TO A CLAIM
20 BROUGHT FOR SUCH VIOLATION.

21



22 (d) A STORE THAT HAS NOT HAD MORE THAN TEN TRANSACTIONS
23 AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION IN A SEVEN-DAY PERIOD
24 DURING THE PREVIOUS SIXTY-DAY PERIOD IS NOT REQUIRED TO COMPLY
25 WITH THE PROVISIONS OF THIS SUBSECTION IF IT PROVIDES COPIES OF
26 HANDWRITTEN LOGS COVERING THE SIXTY-DAY PERIOD TO LAW
27 ENFORCEMENT UPON REQUEST.

1 (3.5) PARAGRAPH (c) OF SUBSECTION (2) AND SUBSECTION (2.7) OF
2 THIS SECTION DO NOT APPLY TO A PERSON WHO OBTAINS THE PRODUCT
3 PURSUANT TO A VALID PRESCRIPTION.

4 (6) THIS SECTION SHALL PREEMPT ANY LOCAL LAWS OR
5 ORDINANCES REGULATING SALES OF PRODUCTS CONTAINING
6 METHAMPHETAMINE PRECURSOR DRUGS.

7 (7) AN ADMINISTRATOR OF AN ELECTRONIC LOGGING SYSTEM
8 SHALL NOT SELL, TRANSFER, SHARE, OR DISTRIBUTE THE INFORMATION
9 RECEIVED THROUGH THE LOG FOR A COMMERCIAL PURPOSE.

10 **SECTION 2. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.