

# Methamphetamine

**Overview** – Methamphetamine (“meth”) is a toxic and highly addictive drug that causes severe harm to users and is dangerous to those who come in contact with the hazardous waste produced by making it. It is a cheap and easy drug to make. Not only does the use of meth have the potential for serious medical and mental health problems for its users, but it also has devastating effects on communities, both socially and financially (e.g. expensive environmental clean-ups and destruction of homes/property used as labs, users ending up in local jails and rehab, etc).

Although the manufacturing of meth in Washington has dropped in recent years, there are signs that meth importation and abuse are increasing. In 2004, crime labs experienced an overall increase in meth-related evidence analyzed and DUI’s involving meth are up statewide. In Spokane, a property crimes task force found that 93-of about 300 felony charges it handled involved meth. Additionally, deaths involving meth have increased 11 percent in the past year and meth-using foster parents have helped driven a 62 percent increase in foster children over the past decade. The Legislature has tried to tackle this growing problem through enactment of tougher penalties and restrictions on the sale of ingredients commonly used in meth manufacturing.

Washington seized 1,259 illegal meth labs in 2004, the third highest number of seizures in the country. Ninety-eight percent of state and local law enforcement agencies in Washington describe methamphetamine availability as high or moderate in their jurisdictions. Rates of meth increased in nearly all Washington counties and meth-related deaths have increased every year, with a high of 257 reported in 2005, a 17 percent increase from the previous year. Children who are found present at Washington methamphetamine lab sites has increased each year since 2001 to 495 kids in 2004, almost five times the number of children reported in any other state in the region.

**Tougher Penalties** – In the past 8 years, the Legislature has increased the penalties for manufacturing meth. Currently, manufacturing of methamphetamine or intent to manufacture meth is a Class B felony (maximum 10 years in prison and/or up \$20,000 fine). Manufacturing meth is a Seriousness Level III on the drug sentencing grid with a standard range of 51-68 months for the first offense. Intent to manufacture meth is a Seriousness Level II on the drug grid with a standard range of 21-27 months.

There are also two sentencing enhancements that could significantly increase an offender’s standard sentence range for a conviction involving meth:

- 1) Each prior adult conviction for manufacturing meth is triple scored (counted as three prior offenses) for sentencing purposes. Each prior juvenile conviction for manufacturing meth is double scored (counted as two prior offenses)
- 2) If children were present at the meth site, and a special allegation is made and proven by the prosecutor, an additional 24 months is added to the offender’s standard sentence range

**Restrictions on Meth Ingredients** – In addition to harsher sentences for manufacturing meth, the Legislature has limited the sales of common ingredients used to make meth: ephedrine, pseudoephedrine, and phenylpropanolamine. These are ingredients found in common cold medicines like Sudafed and provide part of the “high” addicts get from using meth. This past session, Washington followed in the footsteps of several states, including Oregon and Oklahoma, by passing legislation (HB2266) that will significantly restrict the access to products containing

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pseudoephedrine, ephedrine and phenylpropanolamine. This legislation requires stores that sell products containing any amount of pseudoephedrine, ephedrine and phenylpropanolamine to maintain these products in an area inaccessible to customers without the assistance of an employee, and individuals purchasing these products must be at least 18 years old, provide the sales clerk with photo ID, and sign a log detailing their purchase. A violation of these requirements is classified as a gross misdemeanor (up to 1 year in jail and/or \$5,000 fine). This legislation also reduces the number of packages of these products an individual can purchase within a 24-hour period from three to two. Legislation passed in previous years also prohibits manufacturers and wholesalers of ephedrine products and their compounds from selling their goods directly to consumers. Retailers and vendors who sell ephedrine products also must purchase them from a Department of Health licensed wholesaler.

Anhydrous ammonia, another common ingredient used in meth manufacturing, was made a crime in 2000. An offender can be convicted of three crimes involving anhydrous ammonia:

- 1) Theft of Anhydrous Ammonia – Class C felony, Seriousness Level VIII offense (standard sentence range of 21-27 months in prison for first offense)
- 2) Unlawful storage of Anhydrous Ammonia – Class C felony, Seriousness Level VI offense (standard sentence range of 12 plus one day to 14 months in prison for first offense)
- 3) Possession of Anhydrous Ammonia with intent to manufacture methamphetamine – Class B felony, Seriousness Level III offense on the drug sentencing grid (standard sentence range of 51-68 months in prison for first offense)

**Legislative History** – While the Legislature has taken steps to crack down on the growing epidemic of meth manufacturing by limiting individuals access to products used to make meth, House Republicans have been unsuccessful in their efforts to enact even tougher sentences to deter this crime. Since 1997, House Republicans have proposed making meth manufacturing a “strike” under “Three Strikes Law.” The Legislature unanimously passed a bill making meth a strike in 1997, but the Governor vetoed it.

In 2006, House Republicans again introduced a tough bill on meth, HB 2839. It created a separate crime for unauthorized possession of large quantities of meth or the precursor chemicals used in the manufacture of meth, added major meth makers/sellers to the "Three Strikes" law (as a "most serious offense" under RCW 9.94A.030), and established mandatory minimum sentencing guidelines for the unauthorized possession of large quantities of meth or the precursor chemicals used in the manufacture of meth. This bill never did not receive a hearing.

In 2006, the Legislature passed E2SSB 6239 dealing with meth. The measure:

- Offset federal grant cuts to multi-jurisdictional drug task forces with state funding up to \$4 million;
- Created a substance abuse and mental health treatment pilot project for meth users;
- Added 100 additional therapeutic drug and alcohol treatment placements to prisons;
- Provided for an additional \$1.575 million per year from 2007 through 2010 in drug enforcement funds for sheriff’s deputies and prosecutors, spread evenly across Pacific, Wahkiakum, Grays Harbor and Lewis counties, Walla Walla, Columbia, Garfield and Asotin counties, and Stevens, Ferry, Pend Oreille and Lincoln counties;
- Expressly authorized juvenile drug courts in the drug court statute;
- Directed DSHS to consult with faith-based organizations to discuss gaps in services for recovering addicts;

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- Gave local health officers and authorities more tools to inspect property believed to be contaminated;
  - They are allowed to declare property unfit and prohibit its use, and
  - Can require independent third-party sampling to verify proper decontamination of property and evaluate property decontamination projects performed by licensed contractors to determine the adequacy of the work performed;
- Directed a study on the feasibility of providing incentives and protections to landlords to encourage them to rent to recovering addicts or those convicted of drug crimes;
- Required all meth-related enhancements to run consecutively to all other sentences, as opposed to concurrently;
- Required those convicted of meth-related offenses under the Drug Offender Sentencing Act to serve at least 12 months or half of the midpoint sentence range before receiving any “good time” off;
- Amended the vulnerable adult neglect statute to include exposure to meth manufacturing as physical neglect; and
- Directed the Washington Institute for Public Policy to review the meth laws in neighboring states and make recommendations any additional criminal penalties necessary to prevent meth criminals from migrating to Washington, study recidivism rates for offenders who receive treatment in prison versus those who participate in community-based treatment under the Drug Offender Sentencing Alternatives and those who receive no treatment.

**Issues and Outlook** – While the number of meth labs reported has decreased over the past few years, Washington is still spending a significant amount of money on meth lab clean-up activities. In the current budget cycle, the state has appropriated approximately \$4.1 million to the Department of Ecology for meth lab clean-up activities alone. The average meth lab costs between \$5,000 and \$150,000 to clean up. Current penalties do not seem to provide enough of a deterrent. Restricting the sale of meth ingredients has helped slightly, but it will take continued vigilance on the part of legislators to protect public safety and punish these dangerous drug offenders.