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Comprehensive Methamphetamine Control Act

Cassandra A. Atkin-Plunk
Florida Atlantic University, catkinplunk@fau.edu

Gaylene Armstrong
University of Nebraska at Omaha, garmstrong@unomaha.edu

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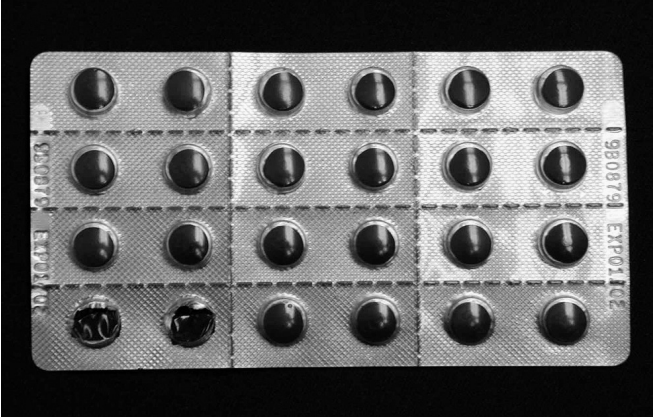
Comprehensive Methamphetamine Control Act

Cassandra Atkin and Gaylene S. Armstrong

Sam Houston State University

Throughout the 1990s, the abuse of methamphetamine, a highly addictive and dangerous drug, increased significantly. Individuals and communities throughout the United States were negatively affected by an increase in deaths due to the ingestion of methamphetamine, an increase in violent crimes associated with methamphetamine, and an increase in the illegal importation of methamphetamine and its precursor compounds used to illegally manufacture the drug. To combat the use and illegal manufacturing of methamphetamine, the Comprehensive Methamphetamine Control Act (CMCA) of 1996 was signed into law by President Bill Clinton on October 3, 1996. The CMCA seeks to both prevent the illegal manufacturing and use of methamphetamine throughout the United States and, in accordance with Title I of this law, to decrease the amount of methamphetamine and its precursors imported into the United States from other countries. Through the CMCA, international drug enforcement efforts to decrease methamphetamine transported into the United States were to be coordinated by the attorney general and secretary of state.

Title II, Provisions to Control the Manufacture of Methamphetamine, allowed for the attorney general to conduct a study to examine measures to prevent the diversion of chemicals such as red phosphorous, iodine, and hydrochloric gas for the production of methamphetamine. Also, iodine and hydrochloric gas were added to List II chemicals in Section 102(35) of the Controlled Substances Act [21 U.S.C. 802(35)]. Title II also addressed increased penalties for the manufacture and possession of equipment used to make controlled substances. As a result, a person who is found guilty of intent to manufacture or to facilitate the manufacture of methamphetamine can be sentenced to a term of up to 10 years in prison and/or a fine of up to \$30,000. For a subsequent violation, the maximum penalty is up to 20 years in prison and/or a fine of up to \$60,000. Furthermore, any business that distributes a laboratory supply (i.e., a listed chemical, product, material, or equipment) that is used for the manufacture of controlled substances can be subjected to a civil penalty of not more than \$250,000 for the first violation, and up to \$250,000 or double the previous penalty for succeeding violations. Section 207 of Title II states that a defendant who is convicted of an offense involving the manufacture of methamphetamine may be subjected to pay restitution for the cleanup of clandestine laboratory sites.



Laws regulating the sale of pseudoephedrine, a precursor drug for methamphetamine, have become increasingly strict.

The highly addictive nature of methamphetamine and the risk of increased violence that is associated with methamphetamine trafficking resulted in the establishment of Title III of the CMCA, which increased the penalties for trafficking and manufacturing methamphetamine and its precursors. Precursor chemicals are those chemicals used in the manufacture of methamphetamine. Title III requires the U.S. Sentencing Commission to amend the sentencing guidelines of the Controlled Substances Act [21 U.S.C. 841(d)(1) and (2)] and the Controlled Substance Import and Export Act [21 U.S.C. 960(d) (1) and (3)] to increase the offense level for offenses involving List I chemicals by at least two levels. Therefore, the maximum penalty for possessing a listed chemical with intent to manufacture or distributing a listed chemical knowing that it would be manufactured into a controlled substance increased from 10 years to 20 years.

Title IV, Legal Manufacture, Distribution, and Sale of Precursor Chemicals, moved to include pseudoephedrine and phenylpropanolamine along with ephedrine, which was already listed as precursor chemical. The threshold for the sale by retail distributors of over-the-counter products that contain pseudoephedrine, phenylpropanolamine, or combination ephedrine products is set at 24 grams for a single transaction. Combination ephedrine products are defined as those products that contain ephedrine or its derivatives in addition to significant quantities of another active medicinal ingredient. In addition, Title IV makes it mandatory for all transactions that involve ephedrine, pseudoephedrine, or phenylpropanolamine and the use of the Postal Service or other carrier to provide a monthly report including each transaction to the attorney general.

To fully understand the effects of methamphetamine on the United States, a methamphetamine interagency task force was created in Title V of the CMCA. This task force is responsible for designing and evaluating methamphetamine education, prevention, and treatment practices. In addition, a public health monitoring program was established to monitor the abuse of methamphetamine throughout the United States. The passage of the CMCA in 1996 was designed to address the growing abuse of methamphetamine by increasing penalties for the manufacture and trafficking of methamphetamine and listed chemicals, while also controlling the distribution of over-the-counter products that are commonly used in the manufacturing of methamphetamine.

See Also: Clinton Administration, William; Drug Trafficking and Political Movements; Methamphetamine.

Further Readings

Drug Enforcement Administration. "DEA Congressional Testimony Regarding the Comprehensive Methamphetamine Control Act of 1996, H.R. 3852."

<http://www.justice.gov/dea/pubs/cngrtest/ct960905.htm> (Accessed April 2010).

Food and Drug Administration. "Controlled Substances Import and Export Act."

<http://www.fda.gov/RegulatoryInformation/Legislation/ucm148751.htm> (Accessed April 2010).

Sexton, R. L., R. Carlson, C. Leukefeld, and B. Booth. "Methamphetamine Users and Producers' Reactions to Pseudoephedrine Legislation in the Rural South."

Journal of Crime and Justice, v.31 (2008).