

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0863.01 Michael Dohr x4347

HOUSE BILL 12-1325

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HOUSE SPONSORSHIP

Summers,

SENATE SPONSORSHIP

Nicholson,

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING TRACKING TRANSACTIONS RELATED TO  
102 METHAMPHETAMINE PRECURSOR DRUGS.

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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.

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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), and (6) 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 IN A PAPER OR ELECTRONIC LOGBOOK.

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

16 (2.7) (a) EXCEPT AS A PROVIDED IN PARAGRAPH (b) OF THIS  
17 SUBSECTION (2.7), BEGINNING JANUARY 1, 2013, A STORE SHALL, BEFORE  
18 COMPLETING A SALE UNDER THIS SECTION, ELECTRONICALLY SUBMIT THE  
19 INFORMATION REQUIRED BY PARAGRAPH (c) OF SUBSECTION (2) OF THIS  
20 SECTION TO THE NATIONAL PRECURSOR LOG EXCHANGE THAT IS  
21 ADMINISTERED BY A NATIONAL ASSOCIATION OF DRUG DIVERSION  
22 INVESTIGATORS IF THE SYSTEM IS AVAILABLE WITHOUT A CHARGE TO  
23 STORES FOR ACCESS. IF THE SALE WOULD RESULT IN THE STORE OR  
24 PURCHASER VIOLATING THE QUANTITY LIMITS SET FORTH IN SUBSECTION  
25 (2) OF THIS SECTION, THE SYSTEM SHALL GENERATE A STOP SALE ALERT.  
26 THE PERSON SHALL NOT COMPLETE THE SALE IF THE SYSTEM GENERATES  
27 A STOP SALE ALERT; EXCEPT THAT THE PERSON MAY MAKE THE SALE IF HE

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

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

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

22 (d) THE NATIONAL ASSOCIATION OF DRUG DIVERSION  
23 INVESTIGATORS THAT ADMINISTERS THE NATIONAL PRECURSOR LOG  
24 EXCHANGE SHALL WEEKLY FORWARD STATE TRANSACTION RECORDS IN  
25 THE EXCHANGE TO THE COLORADO BUREAU OF INVESTIGATION IN A  
26 FORMAT AGREED TO BY BOTH PARTIES, AND PROVIDE REAL-TIME ACCESS  
27 TO THE EXCHANGE INFORMATION THROUGH THE EXCHANGE ONLINE

1 PORTAL TO LAW ENFORCEMENT IN COLORADO AS AUTHORIZED BY THE  
2 COLORADO BUREAU OF INVESTIGATION.

3 (e) A STORE THAT HAS NOT HAD MORE THAN TEN TRANSACTIONS  
4 AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION IN A SEVEN-DAY PERIOD  
5 DURING THE PREVIOUS SIXTY-DAY PERIOD IS NOT REQUIRED TO COMPLY  
6 WITH THE PROVISIONS OF THIS SUBSECTION IF IT PROVIDES COPIES OF  
7 HANDWRITTEN LOGS COVERING THE SIXTY-DAY PERIOD TO LAW  
8 ENFORCEMENT UPON REQUEST.

9 (3.5) PARAGRAPH (c) OF SUBSECTION (2) AND SUBSECTION (2.7) OF  
10 THIS SECTION DO NOT APPLY TO A PERSON WHO OBTAINS THE PRODUCT  
11 PURSUANT TO A VALID PRESCRIPTION.

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

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