

On April 30, 2014, the State of Texazona passed a new statute to address the growing tide of abuse of home-fabricated drugs. In particular, the Legislature enacted the following statute:

Section 1001: Short Title. This statute will be called the “Stop Abuse of Home Manufactured Drugs Act.”

Section 1002: Purpose. The Legislature finds that:

- (a) Increasing numbers of individuals within the state manufacture illegal drugs in their own homes or premises after purchasing the precursors or ingredients for those illegal drugs from other sources;
- (b) These precursors or ingredients are otherwise sold frequently by legitimate vendors for legal purposes; and
- (c) The growing practice of illegal personal drug manufacturing has directly contributed to rising illegal drug use, increased crime, and damage and destruction to private property and state resources.

Section 1003: Liability. The following actions shall constitute a Class 1 felony:

- (a) the purchase, exchange, collection, possession, acquisition, or any other action to obtain drugs or precursors listed in Annex 1 with the intent to use them to formulate drugs or chemicals that constitute controlled substances under federal or state law.
- (b) Liability for violations of subsection (a) shall attach without regard to the legality of the underlying purchase, exchange, collection, acquisition, or any other action to obtain the Annex 1 drugs or chemicals.

Annex 1 of the Act then lists hundreds of over-the-counter medications and raw substances that could be used to manufacture illegal methamphetamines, hallucinogens, and tranquilizers which either require prescriptions for use or are illegal outright under federal and state law. The Act does not provide an explicit effective date.

The Texazona Attorney General has asked you to assess whether the Act applies to individuals who buy raw ingredients for folk medicine or homeopathic remedies. Some of these materials might include colloidal silver, willow bark, plant precursors such as hemp, or over-the-counter medications such as aspirin. Typically the individual will use the folk medication themselves, although some will provide these home remedies for free to impoverished or isolated communities or colonias. Other individuals, such as community faith healers, may stockpile the precursors and then distribute them to others who wish to make medicines to heal themselves. Some of these precursors are listed in Annex 1 (aspirin), but others are not (silver).

Does the Act apply to these individuals? If no, why not?