

By: Senator(s) Huggins

To: Judiciary

SENATE BILL NO. 2623
(As Sent to Governor)

1 AN ACT TO CODIFY SECTION 41-29-313, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT THE UNLAWFUL PURCHASE, POSSESSION, TRANSFER OR
3 DISTRIBUTION OF A LISTED CHEMICAL OR DRUG WITH THE INTENT TO
4 UNLAWFULLY MANUFACTURE A CONTROLLED SUBSTANCE; TO PROHIBIT THE
5 THEFT OR TAKING OR CARRYING AWAY OF ANHYDROUS AMMONIA; AND FOR
6 RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 SECTION 1. The following provision shall be codified as
9 Section 41-29-313, Mississippi Code of 1972:

10 41-29-313. (1) (a) Except as authorized in this section,
11 it is unlawful for any person to knowingly or intentionally:

12 (i) Purchase, possess, transfer or distribute any
13 two (2) or more of the listed precursor chemicals or drugs in any
14 amount with the intent to unlawfully manufacture a controlled
15 substance;

16 (ii) Purchase, possess, transfer or distribute any
17 two (2) or more of the listed precursor chemicals or drugs in any
18 amount, knowing, or having probable cause to believe, that the
19 listed precursor chemical or drug will be used to unlawfully
20 manufacture a controlled substance;

21 (b) Any person who violates this subsection (1), upon
22 conviction, is guilty of a felony and may be imprisoned for a
23 period not to exceed thirty (30) years and shall be fined not less
24 than Five Thousand Dollars (\$5,000.00) nor more than One Million
25 Dollars (\$1,000,000.00), or both fine and imprisonment.

26 (2) (a) It is unlawful for any person to knowingly or
27 intentionally steal or unlawfully take or carry away any amount of
28 anhydrous ammonia.

29 (b) Any person who violates this subsection (2), upon
30 conviction, is guilty of a felony and may be imprisoned for a
31 period not to exceed five (5) years and shall be fined not more
32 than Five Thousand Dollars (\$5,000.00), or both fine and
33 imprisonment.

34 (3) The term "listed precursor chemical or drug" means a
35 chemical or drug that, in addition to legitimate uses, may be used
36 in manufacturing a controlled substance in violation of this
37 chapter. Such term includes any salt, optical isomer or salt of
38 an optical isomer, whenever the existence of such salt, optical
39 isomer or salt of optical isomer is possible within the specific
40 chemical designation. The chemicals or drugs listed in this
41 section are included by whatever official, common, usual, chemical
42 or trade name designated. The following are "listed precursor
43 chemicals or drugs":

- 44 (a) Ethyl ether;
- 45 (b) Anhydrous ammonia;
- 46 (c) Pseudoephedrine;
- 47 (d) Ephedrine;
- 48 (e) Denatured alcohol;
- 49 (f) Lithium;
- 50 (g) Benzedrine;
- 51 (h) Hydrochloric acid;
- 52 (i) Hydriodic acid;
- 53 (j) Red phosphorous;
- 54 (k) Iodine;
- 55 (l) Sodium metal;
- 56 (m) Muriatic acid.

57 (4) Nothing in this act shall preclude any farmer from
58 storing or using any of the listed precursor chemicals or drugs
59 listed in this section in the normal pursuit of farming
60 operations.

61 SECTION 2. This act shall take effect and be in force from

62 and after its passage.