HOUSE BILL NO. 880
(As Passed the House)

1   AN ACT TO AMEND SECTION 41-29-313, MISSISSIPPI CODE OF 1972,
2   TO REVISE THE PROHIBITION AGAINST PRECURSORS; TO REVISE THE LIST
3   OF PRECURSORS; AND FOR RELATED PURPOSES.

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

5   SECTION 1. Section 41-29-313, Mississippi Code of 1972, is

6   amended as follows:

7   41-29-313. (1) (a) Except as authorized in this section,

8   it is unlawful for any person to knowingly or intentionally:

9   (i) Purchase, possess, transfer or distribute any

10 two (2) or more of the listed precursor chemicals or drugs in any

11 amount with the intent to unlawfully manufacture a controlled

12 substance;

13   (ii) Purchase, possess, transfer or distribute any

14 two (2) or more of the listed precursor chemicals or drugs in any

15 amount, knowing, or having probable cause to believe, that the

16 listed precursor chemical or drug will be used to unlawfully

17 manufacture a controlled substance;

18   (b) Any person who violates this subsection (1), upon

19 conviction, is guilty of a felony and may be imprisoned for a

20 period not to exceed thirty (30) years and shall be fined not less

21 than Five Thousand Dollars ($5,000.00) nor more than One Million

22 Dollars ($1,000,000.00), or both fine and imprisonment.

23   (2) (a) It is unlawful for any person to knowingly or

24 intentionally steal or unlawfully take or carry away any amount of

25 anhydrous ammonia.

26   (b) It is unlawful for any person to purchase, possess,

27 transfer or distribute any amount of anhydrous ammonia, knowing,

28 or having probable cause to believe, that the anhydrous ammonia

29 will be used to unlawfully manufacture a controlled substance.

30   (c) It is unlawful for any person to purchase, possess,

31 transfer or distribute two hundred fifty (250) dosage units or

32 fifteen (15) grams in weight (dosage unit and weight as defined in

33 Section 41-29-139) of psuedoephedrine or ephedrine, knowing, or

34 having probable cause to believe, that the psuedoephedrine or

35 ephedrine will be used to unlawfully manufacture a controlled

36 substance.

37   (d) Any person who violates this subsection (2), upon

38 conviction, is guilty of a felony and may be imprisoned for a

39 period not to exceed five (5) years and shall be fined not more

40 than Five Thousand Dollars ($5,000.00), or both fine and

41 imprisonment.

42   (3) The terms "listed precursor drug or chemical" means a

43 precursor drug or chemical that, in addition to legitimate uses,

44 may be used in manufacturing a controlled substance in violation

45 of this chapter. Such term includes any salt, optical isomer or

46 salt of an optical isomer, whenever the existence of such salt,

47 optical isomer or salt of optical isomer is possible within the

48 specific chemical designation. The chemicals or drugs listed in

49 this section are included by whatever official, common, usual,

50 chemical or trade name designated. The following are "listed

51 precursor drugs or chemicals":

52   (a) *** * *** Ether;

53   (b) Anhydrous ammonia;

54   (c) Pseudoephedrine;

55   (d) Ephedrine;

56   (e) Denatured alcohol (Ethanol);

57   (f) Lithium;

58   (g) Freon;

59   (h) Hydrochloric acid;

60   (i) Hydriodic acid;

61   (j) Red phosphorous;

62   (k) Iodine;

63   (l) Sodium metal;

64   (m) Muriatic acid;

65   (n) Sulfuric acid;

66   (o) Hydrogen chloride gas;

67   (p) Potassium;

68   (q) Methanol;

69   (r) Isopropyl alcohol;

70   (s) Hexanes;

71   (t) Heptanes;

72   (u) Acetone;

73   (v) Toluene;

74   (w) Xylenes.

75   (4) Nothing in this act shall preclude any farmer from

76 storing or using any of the listed precursor drugs or chemicals

77 listed in this section in the normal pursuit of farming

78 operations.

79   (5) Nothing in this act shall preclude any wholesaler,

80 retailer or pharmacist from possessing or selling the listed

81 precursor drugs or chemicals in the normal pursuit of business.

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

83 and after its passage.