

By: Turner, Tollison

To: Judiciary

SENATE BILL NO. 2788

1 AN ACT TO AMEND SECTION 41-29-313, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE POSSESSION OF PRECURSORS OF METHAMPHETAMINE
3 PRODUCTION; 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:[CSQ1]

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, as "dosage unit" and "weight" are
33 defined in Section 41-29-139, of pseudoephedrine or ephedrine,
34 knowing, or having probable cause to believe, that the
35 pseudoephedrine or ephedrine will be used to unlawfully
36 manufacture a controlled 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 term "listed precursor drug or chemical * * *" means
43 a precursor drug or chemical * * * that, in addition to legitimate
44 uses, may be used in manufacturing a controlled substance in
45 violation of this chapter. Such term includes any salt, optical
46 isomer or salt of an optical isomer, whenever the existence of
47 such salt, optical isomer or salt of optical isomer is possible
48 within the specific chemical designation. The chemicals or drugs
49 listed in this section are included by whatever official, common,
50 usual, chemical or trade name designated. The following are
51 "listed precursor drugs or chemicals * * *":

- 52 (a) * * * Ether;
- 53 (b) Anhydrous ammonia;
- 54 (c) Pseudoephedrine;
- 55 (d) Ephedrine;
- 56 (e) Denatured alcohol or 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
77 chemicals * * * listed in this section in the normal pursuit of
78 farming operations.

79 (5) Nothing in this section 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.