

By: Turner, Tollison

To: Judiciary

SENATE BILL NO. 2788
(As Passed the Senate)

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 * * * chemicals or precursor drugs
11 in any amount with the intent to unlawfully manufacture a
12 controlled substance;

13 (ii) Purchase, possess, transfer or distribute any
14 two (2) or more of the listed * * * chemicals or precursor drugs
15 in any amount, knowing * * * that the listed * * * chemical or
16 precursor drug will be used to unlawfully manufacture a controlled
17 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 that the anhydrous ammonia will be used to unlawfully manufacture
29 a controlled substance.

30 (c) It is unlawful for any person to purchase, possess,
31 transfer or distribute two hundred fifty (250) or more dosage
32 units or fifteen (15) grams or more in weight, as "dosage unit"
33 and "weight" are defined in Section 41-29-139, of pseudoephedrine
34 or ephedrine knowing that the pseudoephedrine or ephedrine will be
35 used to unlawfully manufacture a controlled substance.

36 (d) Any person who violates this subsection (2), upon
37 conviction, is guilty of a felony and may be imprisoned for a
38 period not to exceed five (5) years and shall be fined not more
39 than Five Thousand Dollars (\$5,000.00), or both fine and
40 imprisonment.

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

- 51 (a) * * * Ether;
- 52 (b) Anhydrous ammonia;
- 53 (c) Pseudoephedrine;
- 54 (d) Ephedrine;
- 55 (e) Denatured alcohol or ethanol;
- 56 (f) Lithium;
- 57 (g) Freon;
- 58 (h) Hydrochloric acid;
- 59 (i) Hydriodic acid;

- 60 (j) Red phosphorous;
61 (k) Iodine;
62 (l) Sodium metal;
63 (m) Muriatic acid;
64 (n) Sulfuric acid;
65 (o) Hydrogen chloride gas;
66 (p) Potassium;
67 (q) Methanol;
68 (r) Isopropyl alcohol;
69 (s) Hexanes;
70 (t) Heptanes;
71 (u) Acetone;
72 (v) Toluene;
73 (w) Xylenes.

74 (4) Nothing in this act shall preclude any farmer from
75 storing or using any of the listed chemicals or precursor * * *
76 drugs listed in this section in the normal pursuit of farming
77 operations.

78 (5) Nothing in this section shall preclude any wholesaler,
79 retailer or pharmacist from possessing or selling the listed
80 chemicals or precursor drugs in the normal pursuit of business.

81 SECTION 2. This act shall take effect and be in force from
82 and after its passage.