

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 880

By Senator(s) Committee

5 **Amend by striking all after the enacting clause and inserting**
6 **in lieu thereof the following:**

7

8 SECTION 1. Section 41-29-313, Mississippi Code of 1972, is
9 amended as follows:

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 under circumstances where one reasonably
19 should know, that the listed precursor chemical or drug will be
20 used to unlawfully 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) It is unlawful for any person to purchase, possess,
30 transfer or distribute any amount of anhydrous ammonia, knowing,
31 or under circumstances where one reasonably should know, that the
32 anhydrous ammonia will be used to unlawfully manufacture a
33 controlled substance.

34 (c) It is unlawful for any person to purchase, possess,
35 transfer or distribute two hundred fifty (250) dosage units or
36 fifteen (15) grams in weight (dosage unit and weight as defined in
37 Section 41-29-139) of pseudoephedrine or ephedrine, knowing, or
38 under circumstances where one reasonably should know, that the
39 pseudoephedrine or ephedrine will be used to unlawfully
40 manufacture a controlled substance.

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

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

- 56 (a) * * * Ether;
- 57 (b) Anhydrous ammonia;
- 58 (c) Pseudoephedrine;
- 59 (d) Ephedrine;
- 60 (e) Denatured alcohol (Ethanol);
- 61 (f) Lithium;
- 62 (g) Freon;

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

79 (4) Nothing in this act shall preclude any farmer from
80 storing or using any of the listed precursor drugs or chemicals
81 listed in this section in the normal pursuit of farming
82 operations.

83 (5) Nothing in this act shall preclude any wholesaler,
84 retailer or pharmacist from possessing or selling the listed
85 precursor drugs or chemicals in the normal pursuit of business.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.