

By: Representative Ellington

To: Conservation and Water Resources; Judiciary B

HOUSE BILL NO. 732

1 AN ACT TO CREATE A NEW CODE SECTION TO PROVIDE FOR THE
2 CRIMINAL OFFENSE OF WASTE GENERATION CAUSED BY THE MIXING OF
3 CERTAIN PRECURSOR DRUGS OR CHEMICALS; TO PROVIDE PENALTIES
4 THEREFOR; AND FOR RELATED PURPOSES.

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

6 SECTION 1. (1) The generation of waste in any quantity by
7 any person caused by the mixing, combining, processing, or cooking
8 together of two (2) or more substances listed in Section
9 41-29-313(3) shall be unlawful unless:

10 (a) The person has first obtained a generator
11 identification number under the Resource Conservation and Recovery
12 Act, 42 USCS 6901 et seq., and any regulations promulgated
13 thereunder;

14 (b) The person has first obtained a treatment, storage,
15 or disposal permit under the Resource Conservation and Recovery
16 Act, 42 USCS 6901 et seq., and any regulations promulgated
17 thereunder; or

18 (c) The process that generated the waste, as part of
19 the same process:

20 (i) Created a product that is not illegal to
21 possess under Section 41-29-139(c);

22 (ii) Created a byproduct that is not illegal to
23 possess under Section 41-29-139(c), while not at the same time
24 producing a controlled substance; or

25 (iii) Was a process of servicing, maintaining, or
26 cleaning an item or product that is not illegal to possess under
27 Section 41-29-139(c);



28 (d) Nothing in this section shall preclude any farmer
29 from storing or using any of the listed precursor drugs or
30 chemicals listed in Section 41-29-313 in the normal pursuit of
31 farming operations;

32 (e) Nothing in this section shall preclude any
33 wholesaler, retailer, or pharmacist from possessing or selling
34 precursor drugs or chemicals listed in Section 41-29-313 in the
35 normal pursuit of business.

36 (2) The following terms shall have the meanings ascribed in
37 this section unless the context clearly indicates otherwise:

38 (a) "By-product" means a substance produced without a
39 specific intent to produce a separate and independent product
40 during the manufacture, processing, use, or disposal of another
41 substance(s) or mixture(s).

42 (b) "Waste" means all liquid, gaseous, solid,
43 radioactive, or other substances that may pollute or tend to
44 pollute any waters of the state or soil within the state, and any
45 particulate matter, dust, fumes, gas, mist, smoke, or vapor, or
46 any combination that may pollute or tend to pollute air in the
47 state, including indoor air.

48 (3) Any person who violates subsection (1) of this section,
49 upon conviction, is guilty of a felony and may be imprisoned for a
50 period not to exceed thirty (30) years and shall be fined not less
51 than Five Thousand Dollars (\$5,000) nor more than One Million
52 Dollars (\$1,000,000), or both.

53 SECTION 2. Section 1 of this act shall be Codified in
54 Chapter 29, Title 41, Mississippi Code of 1972.

55 SECTION 3. This act shall take effect and be in force from
56 and after July 1, 2001.

