HOUSE BILL NO. 732

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

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

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

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

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

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

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

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

(iii) Was a process of servicing, maintaining, or cleaning an item or product that is not illegal to possess under Section 41-29-139(c);
(d) Nothing in this section shall preclude any farmer from storing or using any of the listed precursor drugs or chemicals listed in Section 41-29-313 in the normal pursuit of farming operations;

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

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

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

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

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

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

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