

By: Representatives Eads, Scott (80th)

To: Judiciary A

HOUSE BILL NO. 263  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 41-29-313, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE ENHANCED PENALTIES FOR VIOLATIONS OF THE  
3 METHAMPHETAMINE PRECURSOR MANUFACTURE LAW; AND FOR RELATED  
4 PURPOSES.

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

6 **SECTION 1.** Section 41-29-313, Mississippi Code of 1972, is  
7 amended as follows:

8 41-29-313. (1) (a) Except as authorized in this section,  
9 it is unlawful for any person to knowingly or intentionally:

10 (i) Purchase, possess, transfer or distribute any  
11 two (2) or more of the listed precursor chemicals or drugs in any  
12 amount with the intent to unlawfully manufacture a controlled  
13 substance;

14 (ii) Purchase, possess, transfer or distribute any  
15 two (2) or more of the listed precursor chemicals or drugs in any  
16 amount, knowing, or under circumstances where one reasonably  
17 should know, that the listed precursor chemical or drug will be  
18 used to unlawfully manufacture a controlled substance.

19 (b) Any person who violates this subsection (1), upon  
20 conviction, is guilty of a felony and may be imprisoned for a  
21 period not to exceed thirty (30) years and shall be fined not less  
22 than Five Thousand Dollars (\$5,000.00) nor more than One Million  
23 Dollars (\$1,000,000.00), or both fine and imprisonment.

24 (2) (a) It is unlawful for any person to knowingly or  
25 intentionally steal or unlawfully take or carry away any amount of  
26 anhydrous ammonia.

27 (b) It is unlawful for any person to purchase, possess,  
28 transfer or distribute any amount of anhydrous ammonia, knowing,



29 or under circumstances where one reasonably should know, that the  
30 anhydrous ammonia will be used to unlawfully manufacture a  
31 controlled substance.

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

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

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

- 54 (a) Ether;
- 55 (b) Anhydrous ammonia;
- 56 (c) Pseudoephedrine;
- 57 (d) Ephedrine;
- 58 (e) Denatured alcohol (Ethanol);
- 59 (f) Lithium;
- 60 (g) Freon;
- 61 (h) Hydrochloric acid;



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

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

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

84 (6) Any person who violates the provisions of this section  
85 with children under the age of eighteen (18) years present may be  
86 subject to a term of imprisonment or a fine, or both, of twice  
87 that provided in this section.

88 (7) Any person who violates the provisions of this section  
89 when the offense occurs in any hotel or apartment building or  
90 complex may be subject to a term of imprisonment or a fine, or  
91 both, of twice that provided in this section. For the purposes of  
92 this subsection (7), the following terms shall have the meanings  
93 ascribed to them:



94           (a) "Hotel" means a hotel, inn, motel, tourist court,  
95 apartment house, rooming house, or any other place where sleeping  
96 accommodations are furnished or offered for pay if four (4) or  
97 more rooms are available for transient guests.

98           (b) "Apartment building" means any building, including  
99 without limitation a condominium building, having four (4) or more  
100 dwelling units.

101           **SECTION 2.** This act shall take effect and be in force from  
102 and after July 1, 2002.

