

By: Senator(s) Hamilton, Stogner

To: Judiciary

SENATE BILL NO. 2811

1 AN ACT TO AMEND SECTION 41-29-313, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE PENALTY CONCERNING THEFT OF OR TAMPERING WITH AN
3 ANHYDROUS AMMONIA TANK; 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:

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

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

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

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

43 (3) It is unlawful for any person to break, cut, or in any
44 manner damage the valve or locking mechanism on an anhydrous
45 ammonia tank. Any person who violates this subsection (3), upon
46 conviction, is guilty of a felony and may be imprisoned for a
47 period not to exceed sixty (60) years.

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

- 58 (a) Ether;
- 59 (b) Anhydrous ammonia;
- 60 (c) Pseudoephedrine;



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

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

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

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

