

By: Representative Pierce

To: Judiciary A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1004

1 AN ACT TO AMEND SECTION 41-29-313, MISSISSIPPI CODE OF 1972,
2 TO INCLUDE PHENYLPROPANOLAMINE IN THE PRECURSOR LAW; TO CLARIFY
3 PROHIBITIONS; 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) It is unlawful for any person to knowingly and
39 intentionally manufacture or process any chemical or combination
40 of chemicals with the intent to manufacture any precursor chemical
41 with the purpose of manufacturing a controlled substance.

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

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

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



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

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, chemical manufacturer or pharmacist from possessing,
87 selling or manufacturing the listed precursor drugs or chemicals
88 in the normal pursuit of business.

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



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

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

103 (b) "Apartment building" means any building, including,
104 without limitation, a condominium building, having four (4) or
105 more dwelling units.

106 **SECTION 2.** This act shall take effect and be in force from
107 and after July 1, 2003.

