

By: Representative Pierce

To: Judiciary A

HOUSE BILL NO. 1004  
(As Passed the House)

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) Hypophosphoric acid.

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.

