

By: Senator(s) Hyde-Smith, Lee (35th),
Chaney, Jackson (15th), Clarke, Walley,
Cuevas

To: Judiciary, Division B

SENATE BILL NO. 2378

1 AN ACT TO AMEND SECTION 41-29-313, MISSISSIPPI CODE OF
2 1972, TO MAKE IT UNLAWFUL FOR ANY PERSON TO BREAK OR DAMAGE THE
3 VALVE ON AN 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. It is unlawful for any person to break, cut,
26 or in any manner damage the valve or locking mechanism on an

27 anhydrous ammonia tank with the intent to steal or unlawfully take
28 or carry away anhydrous ammonia.

29 (b) It is unlawful for any person to purchase, possess,
30 transfer or distribute any amount of anhydrous ammonia, knowing,
31 or under circumstances where one reasonably should know, that the
32 anhydrous ammonia will be used to unlawfully manufacture a
33 controlled substance.

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

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

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

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

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

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

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

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

90 (7) Any person who violates the provisions of this section
91 when the offense occurs in any hotel or apartment building or
92 complex may be subject to a term of imprisonment or a fine, or

93 both, of twice that provided in this section. For the purposes of
94 this subsection (7), the following terms shall have the meanings
95 ascribed to them:

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

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

103 **SECTION 2.** This act shall take effect and be in force from
104 and after July 1, 2004.