

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 485 Session of
2009

INTRODUCED BY PETRARCA, BAKER, BARRAR, BEYER, BOYD, BRENNAN,
BROWN, CALTAGIRONE, CARROLL, CASORIO, CREIGHTON, CRUZ,
CUTLER, DALEY, DeLUCA, DENLINGER, DONATUCCI, ELLIS, FLECK,
FRANKEL, GIBBONS, GOODMAN, GRELL, HALUSKA, HARHAI, HENNESSEY,
HESS, JOSEPHS, KAUFFMAN, W. KELLER, KILLION, KORTZ, KOTIK,
KULA, GRUCELA, LONGIETTI, MAJOR, MANN, MELIO, MILLARD,
MILLER, MUNDY, M. O'BRIEN, PAYNE, PICKETT, PYLE, READSHAW,
REICHLEY, ROCK, SCAVELLO, SIPTROTH, K. SMITH, SOLOBAY, TRUE,
VULAKOVICH, WALKO, YOUNGBLOOD, BOBACK, GEIST, FABRIZIO,
CLYMER, GILLESPIE, MURT, FREEMAN AND BRIGGS,
FEBRUARY 18, 2009

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED, JULY 14,
2009

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for the offense of illegal
3 dumping of methamphetamine waste; ~~and~~ imposing a penalty; AND ←
4 PROVIDING FOR THE OFFENSE OF OPERATION OF METHAMPHETAMINE
5 LABORATORY.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Title 18 of the Pennsylvania Consolidated
9 Statutes is amended by adding ~~a section~~ SECTIONS to read: ←

10 § 3313. Illegal dumping of methamphetamine waste.

11 (a) Offense defined.--A person commits a felony of the third
12 degree if he knowingly deposits on any property a precursor
13 substance, chemical waste or debris, that has been or is
14 intended to be used in the manufacture of methamphetamine or the

preparation of a precursor substance for the manufacture of methamphetamine.

(b) Exceptions.--Subsection (a) does not apply to the disposal of waste products:

(1) by a licensed pharmaceutical company in the normal course of business; or

(2) pursuant to Federal or State laws regulating the cleanup or disposal of waste products from unlawful manufacturing of methamphetamine.

§ 7508.2. OPERATION OF METHAMPHETAMINE LABORATORY.

(A) OFFENSE DEFINED.--A PERSON COMMITS THE OFFENSE OF OPERATING A METHAMPHETAMINE LABORATORY IF THE PERSON KNOWINGLY CAUSES A CHEMICAL REACTION INVOLVING EPHEDRINE, PSEUDOEPHEDRINE OR PHENYLPROPANOLAMINE OR ANY OF THEIR SALTS, OPTICAL ISOMERS OR SALTS OF OPTICAL ISOMERS FOR THE PURPOSE OF MANUFACTURING METHAMPHETAMINE OR PREPARING A PRECURSOR SUBSTANCE FOR THE MANUFACTURE OF METHAMPHETAMINE.

(B) GRADING.--

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2), AN OFFENSE UNDER THIS SUBSECTION CONSTITUTES A FELONY OF THE SECOND DEGREE AND IS SUBJECT TO SECTION 1110 (RELATING TO RESTITUTION FOR CLEANUP OF CLANDESTINE LABORATORIES).

(2) A PERSON WHO VIOLATES SUBSECTION (A) COMMITS A FELONY OF THE FIRST DEGREE AND IS SUBJECT TO SECTION 1110 IF THE CHEMICAL REACTION OCCURS WITHIN 1,000 FEET OF THE REAL PROPERTY ON WHICH IS LOCATED A PUBLIC, PRIVATE OR PAROCHIAL SCHOOL, A COLLEGE OR UNIVERSITY OR A NURSERY SCHOOL OR DAY CARE CENTER, OR WITHIN 250 FEET OF THE REAL PROPERTY ON WHICH IS LOCATED A RECREATION CENTER OR PLAYGROUND.

(C) APPLICABILITY.--THIS SECTION DOES NOT APPLY TO THE

1 MANUFACTURING OPERATION OF A LICENSED PHARMACEUTICAL COMPANY IN
2 THE NORMAL COURSE OF BUSINESS.

3 Section 2. This act shall take effect in 60 days.