

CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT - POSSESSION
OR TRANSPORTING OF LIQUEFIED AMMONIA GAS, POSSESSION OF CERTAIN
PRECURSORS AND CHEMICALS USED IN MANUFACTURE OF CONTROLLED
SUBSTANCES AND CLANDESTINE DRUG LABORATORIES
Act of Jul. 15, 2004, P.L. 729, No. 84 Cl. 35
Session of 2004
No. 2004-84

SB 679

AN ACT

Amending the act of April 14, 1972 (P.L.233, No.64), entitled "An act relating to the manufacture, sale and possession of controlled substances, other drugs, devices and cosmetics; conferring powers on the courts and the secretary and Department of Health, and a newly created Pennsylvania Drug, Device and Cosmetic Board; establishing schedules of controlled substances; providing penalties; requiring registration of persons engaged in the drug trade and for the revocation or suspension of certain licenses and registrations; and repealing an act," prohibiting possession or transporting of liquefied ammonia gas under certain circumstances; prohibiting possession of certain precursors and chemicals used in the manufacture of controlled substances; and imposing duties and responsibilities relating to clandestine drug laboratories upon the Pennsylvania State Police.

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

Section 1. The act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, is amended by adding sections to read:

Section 13.1. Liquefied Ammonia Gas; Precursors and Chemicals.--(a) The following acts are prohibited:

- (1) Possessing or transporting liquefied ammonia gas:
 - (i) for any purpose other than legitimate agricultural or industrial use; or
 - (ii) in a container not approved by the Department of Agriculture or the Department of Transportation or both.
- (2) Possessing or transporting liquefied ammonia gas with intent to manufacture a controlled substance.

(3) Possessing red phosphorous, hypophosphoric acid, ammonium sulfate, phosphorous, iodine, hydriodic acid, ephedrine, pseudoephedrine, lithium, sodium, potassium, sassafras oil, safrole oil or other oil containing safrole or equivalent, whether in powder or liquid form, with intent to manufacture a controlled substance.

(b) A person who violates subsection (a)(1) commits a misdemeanor and upon conviction shall be sentenced to imprisonment not exceeding five years and to pay a fine not exceeding ten thousand dollars (\$10,000).

(c) A person who violates subsection (a)(2) or (3) commits a felony and upon conviction shall be sentenced to imprisonment not exceeding seven years and to pay a fine not exceeding fifteen thousand dollars (\$15,000).

Section 13.2. Clandestine Drug Laboratory Data Repository.--The Pennsylvania State Police shall maintain a Statewide repository of data relating to clandestine drug laboratories, clandestine drug laboratory dump sites and the seizure of chemicals, glassware and other laboratory implements associated with manufacturing controlled

substances and develop and implement a program to enable collection of data and reporting thereof by law enforcement agencies of this Commonwealth. Data acquired by law enforcement agencies shall be sent to the repository within twenty days of acquisition.

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

APPROVED--The 15th day of July, A. D. 2004.

EDWARD G. RENDELL