

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 432 Session of  
2007

INTRODUCED BY GORDNER, MADIGAN, ROBBINS, WONDERLING, ARMSTRONG,  
BOSCOLA, BROWNE, BRUBAKER, COSTA, ERICKSON, FONTANA, KASUNIC,  
LOGAN, ORIE, PUNT, RAFFERTY, REGOLA, RHOADES, TARTAGLIONE,  
TOMLINSON, WAUGH AND D. WHITE, MARCH 14, 2007

REFERRED TO JUDICIARY, MARCH 14, 2007

AN ACT

1 Amending the act of April 14, 1972 (P.L.233, No.64), entitled  
2 "An act relating to the manufacture, sale and possession of  
3 controlled substances, other drugs, devices and cosmetics;  
4 conferring powers on the courts and the secretary and  
5 Department of Health, and a newly created Pennsylvania Drug,  
6 Device and Cosmetic Board; establishing schedules of  
7 controlled substances; providing penalties; requiring  
8 registration of persons engaged in the drug trade and for the  
9 revocation or suspension of certain licenses and  
10 registrations; and repealing an act," providing for the  
11 offenses of operating a methamphetamine laboratory and  
12 illegal dumping of methamphetamine waste.

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

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

18 Section 13.3. Operating a Methamphetamine Laboratory and  
19 Illegal Dumping of Methamphetamine Waste.--(a) (1) A person  
20 commits the offense of operating a methamphetamine laboratory if  
21 the person knowingly causes a chemical reaction involving  
22 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.

(2) Except as provided in paragraph (3), an offense under this subsection constitutes a felony of the second degree and is subject to 18 Pa.C.S. § 1110 (relating to restitution for cleanup of clandestine laboratories).

(3) A person who violates this subsection commits a felony of the first degree 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 and shall be sentenced as provided in 18 Pa.C.S. § 6317 (relating to drug-free school zones).

(4) This subsection does not apply to the manufacturing operation of a licensed pharmaceutical company in the normal course of business.

(b) (1) A person commits a felony of the third degree if he intentionally, knowingly or recklessly deposits, stores or disposes on any property a precursor substance, chemical waste or debris, used in or resulting from the manufacture of methamphetamine or the preparation of a precursor substance for the manufacture of methamphetamine.

(2) Paragraph (1) does not apply to the disposal of waste products:

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

(ii) pursuant to Federal or State laws regulating the cleanup or disposal of waste products from unlawful

1 manufacturing of methamphetamine.

2     (c) In addition to restitution under 18 Pa.C.S. § 1110, a  
3 person who is convicted of an offense under subsection (a) or  
4 the use of a precursor substance to manufacture methamphetamine  
5 shall be ordered to reimburse the appropriate law enforcement  
6 agency, emergency medical services organization, fire company or  
7 other organization for the costs of cleaning up the  
8 environmental hazards associated with the operation of the  
9 laboratory or the use of a precursor substance to manufacture  
10 methamphetamine.

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