

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 679 Session of
2003

INTRODUCED BY MADIGAN, JUBELIRER, FUMO, ROBBINS, O'PAKE,
PILEGGI, LOGAN, TARTAGLIONE, LAVALLE, MUSTO, WAGNER, LEMMOND,
ORIE, D. WHITE, WENGER, WAUGH, KITCHEN, BOSCOLA, WOZNIAK,
THOMPSON, WONDERLING, MELLOW AND ARMSTRONG, MAY 5, 2003

REFERRED TO JUDICIARY, MAY 5, 2003

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," prohibiting possession
11 or transporting of anhydrous ammonia under certain
12 circumstances; prohibiting possession of certain precursors
13 and chemicals used in the manufacture of controlled
14 substances; and imposing duties and responsibilities relating
15 to clandestine drug laboratories upon the Pennsylvania State
16 Police.

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

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

22 Section 13.1. Anhydrous Ammonia; Precursors and Chemicals.--

23 (a) The following acts are prohibited:

24 (1) Possessing or transporting anhydrous ammonia for any

1 purpose other than legitimate agricultural or industrial use in
2 a container not approved by the Department of Agriculture or the
3 Department of Transportation or both. To the extent permitted by
4 law, the burden of proving possession for legitimate
5 agricultural or industrial use shall be placed upon the
6 defendant.

7 (2) Possessing or transporting anhydrous ammonia with intent
8 to manufacture a controlled substance.

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

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

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

22 Section 13.2. Clandestine Drug Laboratory Data Repository.--
23 The Pennsylvania State Police shall maintain a Statewide
24 repository of data relating to clandestine drug laboratories,
25 clandestine drug laboratory dump sites and the seizure of
26 chemicals, glassware and other laboratory implements associated
27 with manufacturing controlled substances and develop and
28 implement a program to enable collection of data and reporting
29 thereof by law enforcement agencies of this Commonwealth. Data
30 acquired by law enforcement agencies shall be sent to the

1 repository within twenty days of acquisition.

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