

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, ARMSTRONG, SCARNATI AND KUKOVICH, MAY 5, 2003

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, MARCH 16, 2004

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~~ LIQUEFIED AMMONIA GAS ←
12 under certain circumstances; prohibiting possession of
13 certain precursors and chemicals used in the manufacture of
14 controlled substances; and imposing duties and
15 responsibilities relating to clandestine drug laboratories
16 upon the Pennsylvania State 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~~ LIQUEFIED AMMONIA GAS; ←

23 Precursors and Chemicals.--(a) The following acts are

1 prohibited:

2 (1) Possessing or transporting ~~anhydrous ammonia~~ LIQUEFIED <—
3 AMMONIA GAS for any purpose other than legitimate agricultural
4 or industrial use in a container not approved by the Department
5 of Agriculture or the Department of Transportation or both. ~~To~~ <—
6 ~~the extent permitted by law, the burden of proving possession~~
7 ~~for legitimate agricultural or industrial use shall be placed~~
8 ~~upon the defendant.~~

9 (2) Possessing or transporting ~~anhydrous ammonia~~ LIQUEFIED <—
10 AMMONIA GAS with intent to manufacture a controlled substance.

11 (3) Possessing red phosphorous, HYPOPHOSPHORIC ACID, <—
12 AMMONIUM SULFATE, phosphorous, iodine, hydriodic acid,
13 ephedrine, pseudoephedrine, lithium, sodium, potassium,
14 sassafras oil, safrole oil, or other oil containing safrole or
15 equivalent, whether in powder or liquid form, with intent to
16 manufacture a controlled substance.

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

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

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

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

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