

## 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

AS AMENDED ON THIRD CONSIDERATION, APRIL 13, 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 liquefied ammonia gas 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. Liquefied Ammonia Gas; Precursors and  
23 Chemicals.--(a) The following acts are prohibited:

1 (1) Possessing or transporting liquefied ammonia gas for any <—  
2 purpose other than legitimate agricultural or industrial use in  
3 a container not approved by the Department AMMONIA GAS: <—

4 (I) FOR ANY PURPOSE OTHER THAN LEGITIMATE AGRICULTURAL OR  
5 INDUSTRIAL USE; OR

6 (II) IN A CONTAINER NOT APPROVED BY THE DEPARTMENT of  
7 Agriculture or the Department of Transportation or both.

8 (2) Possessing or transporting liquefied ammonia gas with  
9 intent to manufacture a controlled substance.

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

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

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

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

1 thereof by law enforcement agencies of this Commonwealth. Data  
2 acquired by law enforcement agencies shall be sent to the  
3 repository within twenty days of acquisition.

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