

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

# HOUSE BILL

## No. 485

Session of  
2009

---

INTRODUCED BY PETRARCA, BAKER, BARRAR, BEYER, BOYD, BRENNAN, BROWN, CALTAGIRONE, CARROLL, CASORIO, CREIGHTON, CRUZ, CUTLER, DALEY, DeLUCA, DENLINGER, DONATUCCI, ELLIS, FLECK, FRANKEL, GIBBONS, GOODMAN, GRELL, HALUSKA, HARHAI, HENNESSEY, HESS, JOSEPHS, KAUFFMAN, W. KELLER, KILLION, KORTZ, KOTIK, KULA, GRUCELA, LONGIETTI, MAJOR, MANN, MELIO, MILLARD, MILLER, MUNDY, M. O'BRIEN, PAYNE, PICKETT, PYLE, READSHAW, REICHLEY, ROCK, SCAVELLO, SIPTROTH, K. SMITH, SOLOBAY, TRUE, VULAKOVICH, WALKO, YOUNGBLOOD, BOBACK, GEIST, FABRIZIO, CLYMER, GILLESPIE, MURT, FREEMAN AND BRIGGS,  
FEBRUARY 18, 2009

---

AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES, MARCH  
15, 2010

---

## AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, providing for the offense of illegal  
3 dumping of methamphetamine waste; imposing a penalty; and  
4 providing for the offense of operation of methamphetamine  
5 laboratory.

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

8 Section 1. Title 18 of the Pennsylvania Consolidated  
9 Statutes is amended by adding sections to read:

10 § 3313. Illegal dumping of methamphetamine waste.

11 (a) Offense defined.--A person commits a felony of the third  
12 degree if he knowingly deposits INTENTIONALLY, KNOWINGLY OR ←  
13 RECKLESSLY DEPOSITS, STORES OR DISPOSES on any property a  
14 precursor OR REAGENT substance, chemical waste or debris, that ←

~~has been or is intended to be~~ RESULTING FROM OR used in the  
manufacture of methamphetamine or the preparation of a precursor  
OR REAGENT substance for the manufacture of methamphetamine.

(b) Exceptions.--Subsection (a) does not apply to the  
disposal of waste products:

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

(2) pursuant to Federal or State laws regulating the  
cleanup or disposal of waste products from unlawful  
manufacturing of methamphetamine.

§ 7508.2. Operation of methamphetamine laboratory.

(a) Offense defined.--A person commits the offense of  
operating a methamphetamine laboratory if the person knowingly  
causes a chemical reaction involving ephedrine, pseudoephedrine  
or phenylpropanolamine, or any of their salts, optical isomers  
~~or salts of optical isomers~~ OTHER PRECURSOR OR REAGENT SUBSTANCE  
UNDER SECTION 13.1 OF THE ACT OF APRIL 14, 1972 (P.L.233,  
NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND  
COSMETIC ACT, for the purpose of manufacturing methamphetamine  
or preparing a precursor OR REAGENT substance for the  
manufacture of methamphetamine.

(b) Grading.--

(1) Except as provided in paragraph (2), an offense  
under this subsection constitutes a felony of the second  
degree and is ALSO subject to section 1110 (relating to  
restitution for cleanup of clandestine laboratories).

(2) A person who violates subsection (a) commits a  
felony of the first degree ~~and is subject to section 1110 if~~  
the chemical reaction occurs within 1,000 feet of the real  
property on which is located a public, private or parochial

1 school, a college or university or a nursery school or day  
2 care center, or within 250 feet of the real property on which  
3 is located a recreation center or playground. THE PERSON ←  
4 SHALL ALSO BE SUBJECT TO SECTION 1110.

5 (c) ~~Applicability.~~ This APPLICABILITY.-- ←

6 (1) THIS section does not apply to the manufacturing  
7 operation of a licensed pharmaceutical company in the normal  
8 course of business.

9 (2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ←  
10 PRECLUDE A PROSECUTION FOR THE SAME OR SIMILAR ACTIVITY UNDER  
11 THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT.

12 (D) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
13 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
14 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

15 "MANUFACTURE." THE TERM SHALL HAVE THE SAME MEANING GIVEN TO  
16 THE TERM IN SECTION 2(B) OF THE ACT OF APRIL 14, 1972 (P.L.233,  
17 NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND  
18 COSMETIC ACT.

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