

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 124 Session of
2009

INTRODUCED BY GORDNER, ORIE, RAFFERTY, COSTA, BOSCOLA, ALLOWAY,
BAKER, EICHELBERGER, ERICKSON, FONTANA, KASUNIC, KITCHEN,
LOGAN, PIPPY, ROBBINS, TARTAGLIONE, TOMLINSON, WAUGH,
D. WHITE, WILLIAMS, WOZNIAK, YAW, O'PAKE AND WONDERLING,
JANUARY 30, 2009

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, FEBRUARY 10, 2009

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for the offense of operation
3 of methamphetamine laboratory.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 7508.2. Operation of methamphetamine laboratory.

9 (a) Offense defined.--A person commits the offense of
10 operating a methamphetamine laboratory if the person knowingly
11 causes a chemical reaction involving ephedrine, pseudoephedrine
12 or phenylpropanolamine or any of their salts, optical isomers or
13 salts of optical isomers for the purpose of manufacturing
14 methamphetamine or preparing a precursor substance for the
15 manufacture of methamphetamine.

16 (b) Grading.--

17 (1) Except as provided in paragraph (2), an offense

1 under this subsection constitutes a felony of the second
2 degree AND IS SUBJECT TO SECTION 1110 (RELATING TO
3 RESTITUTION FOR CLEANUP OF CLANDESTINE LABORATORIES).

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4 (2) A person who violates subsection (a) commits a
5 felony of the first degree AND IS SUBJECT TO SECTION 1110 if
6 the chemical reaction occurs within 1,000 feet of the real
7 property on which is located a public, private or parochial
8 school, a college or university or a nursery school or day
9 care center, or within 250 feet of the real property on which
10 is located a recreation center or playground.

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11 (c) Applicability.--This section does not apply to the
12 manufacturing operation of a licensed pharmaceutical company in
13 the normal course of business.

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