

No. 2013-26

AN ACT

SB 865

Amending the act of April 14, 1972 (P.L.233, No.64), entitled "An act relating to the manufacture, sale and possession of controlled substances, other drugs, devices and cosmetics; conferring powers on the courts and the secretary and Department of Health, and a newly created Pennsylvania Drug, Device and Cosmetic Board; establishing schedules of controlled substances; providing penalties; requiring registration of persons engaged in the drug trade and for the revocation or suspension of certain licenses and registrations; and repealing an act," further providing for penalties involving liquefied ammonia gas, precursors and chemicals.

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

Section 1. 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, amended April 29, 2010 (P.L.182, No.21), is amended to read:

Section 13.1. Liquefied Ammonia Gas; Precursors and Chemicals.—(a) The following acts are prohibited:

- (1) Possessing or transporting liquefied ammonia gas:
 - (i) for any purpose other than legitimate agricultural or industrial use; or
 - (ii) in a container not approved by the Department of Agriculture or the Department of Transportation or both.
- (2) Possessing or transporting liquefied ammonia gas with intent to manufacture a controlled substance.
- (3) Possessing red phosphorous, hypophosphoric acid, ammonium sulfate, phosphorous, iodine, hydriodic acid, ephedrine, pseudoephedrine, lithium, sodium, potassium, saffrafas oil, safrole oil or other oil containing safrole or equivalent, whether in powder or liquid form, phenylpropanolamine, phenyl acetone, methylamine, ammonium sulfate, ammonium nitrate or phenyl acetic acid with intent to manufacture a controlled substance.
- (4) Possessing the esters, salts, optical isomers or salts of optical isomers of any of the substances under clause (3) with intent to manufacture a controlled substance.
 - (b) A person who violates subsection (a)(1) commits a misdemeanor and upon conviction shall be sentenced to imprisonment not exceeding five years and to pay a fine not exceeding ten thousand dollars (\$10,000).
 - (c) A person who violates subsection (a)(2) [or], (3) or (4) commits a felony and upon conviction shall be sentenced to imprisonment not exceeding seven years and to pay a fine not exceeding fifteen thousand dollars (\$15,000).

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

APPROVED—The 24th day of June, A.D. 2013

TOM CORBETT