

050709524

HOUSE BILL NO. 1974

Offered January 12, 2005

Prefiled January 10, 2005

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-248.8, relating to the possession of methamphetamine, methcathinone, amphetamine or phentermine chemical agents or precursors; penalty.*

Patrons—Tata and McDonnell

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 18.2-248.8 as follows:**

§ 18.2-248.8. *Unlawful possession of methamphetamine, methcathinone, amphetamine or phentermine chemical agents or precursors; penalty.*

A. *Any person who possesses any quantity of two or more of the following chemical agents or precursors with the intent to manufacture methamphetamine, methcathinone, amphetamine, or phentermine shall be guilty of a Class 6 felony:*

- (i) *Ephedrine;*
- (ii) *Pseudoephedrine;*
- (iii) *Phenylpropanolamine;*
- (iv) *Phenyl-2-propanone;*
- (v) *Phenylacetone;*
- (vi) *Phenylacetic acid;*
- (vii) *Anhydrous ammonia or ammonia solution;*
- (viii) *Red phosphorus;*
- (ix) *Iodine;*
- (x) *Methylamine;*
- (xi) *Methyl formamide;*
- (xii) *Hydrochloric acid;*
- (xiii) *Lithium metal;*
- (xiv) *Sodium metal;*
- (xv) *Ether;*
- (xvi) *Sulfuric acid;*
- (xvii) *Sodium hydroxide;*
- (xviii) *Potassium dichromate;*
- (xix) *Sodium dichromate;*
- (xx) *Potassium permanganate;*
- (xxi) *Chromium trioxide.*

B. *Any person who possesses more than nine grams of ephedrine, pseudoephedrine, phenylpropanolamine, or their salts, isomers, or salts of isomers is guilty of a Class 6 felony. The provisions of this subsection do not apply to licensed health care providers, veterinarians, pharmacists, retail distributors, wholesalers, common carriers, manufacturers, or agent of any of these persons if the possession is in the regular course of lawful business activities; or medicinal or household use as indicated by, but not limited to,*

- (i) *the location in which the substance is stored;*
- (ii) *the possession of the substance in a variety of strengths, brands, or types; or*
- (iii) *the possession of the substance with different expiration dates or in forms used for different purposes.*

C. *Any person who sells, transfers, distributes, or furnishes any chemical agent or precursor set forth in subsection A to another person with knowledge that the chemical agent or precursor will be used for the manufacture of methamphetamine, methcathinone, amphetamine, or phentermine shall be guilty of a Class 6 felony.*

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

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