

CRIMES CODE (18 PA.C.S.) - OPERATION OF METHAMPHETAMINE LABORATORY  
AND DUMPING OF METHAMPHETAMINE WASTE

Act of Apr. 29, 2010, P.L. 174, No. 18

Cl. 18

Session of 2010

No. 2010-18

HB 485

AN ACT

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

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

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

§ 3313. **Illegal dumping of methamphetamine waste.**

(a) **Offense defined.**--A person commits a felony of the third degree if he intentionally, knowingly or recklessly deposits, stores or disposes on any property a precursor or reagent substance, chemical waste or debris, 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 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 if the chemical reaction occurs within 1,000 feet of the real property on which is located a public, private or parochial school, a college or university or a nursery school or day care center, or within 250 feet of the real property on which is located a recreation center or playground. The person shall also be subject to section 1110.

(c) **Applicability.**--

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

(2) Nothing in this section shall be construed to preclude a prosecution for the same or similar activity under The Controlled Substance, Drug, Device and Cosmetic Act.

(d) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Manufacture." The term shall have the same meaning given to the term in section 2(b) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

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

APPROVED--The 29th day of April, A.D. 2010.

EDWARD G. RENDELL