

**SUBJECT:** Felony for unauthorized transportation or possession of anhydrous ammonia

**COMMITTEE:** Agriculture and Livestock — favorable, without amendment

**VOTE:** 8 ayes — Swinford, McReynolds, B. Brown, Christian, Green, Hardcastle, Hupp, C. Jones

0 nays

1 absent — Crownover

**WITNESSES:** For — Jon Fisher, Texas Agriculture Industries Association; Gary Joiner, Texas Farm Bureau; Richard Mankoff; Phil Ryan

Against — None

On — Walter Eeds, Texas Department of Public Safety

**BACKGROUND:** Anhydrous ammonia, normally used as fertilizer, is also a key ingredient in the production of methamphetamine, or “speed.” There is no law against possession of the substance. It can easily be purchased at a fertilizer store and is commonly used in agriculture, especially on corn crops. However, theft of anhydrous ammonia in quantities large enough for drug production is a misdemeanor offense.

**DIGEST:** HB 2205 would make it a state jail felony to possess, maintain, or transport anhydrous ammonia in a container not specifically manufactured to hold that substance. This bill would make it an offense to use, deliver, or sell a container manufactured to hold anhydrous ammonia without the consent of the container owner. It also would be an offense to tamper with equipment used to hold, apply, or transport anhydrous ammonia without consent of the owner. HB 2205 would amend the Health and Safety Code to make these offenses state jail felonies, punishable by up to two years in a state jail and a fine of up to \$10,000.

This bill would take effect September 1, 1999.

SUPPORTERS  
SAY:

HB 2205 would give law enforcement officials another tool for fighting the scourge of illegal speed labs. Illegal production of methamphetamine has become an increasingly serious problem in Texas in recent years. This is a highly dangerous drug, and its main ingredient, anhydrous ammonia, can cause blindness and damage to lungs.

Anhydrous ammonia can legally be purchased by farmers for agricultural use. However, there is no legitimate reason for a farmer to be transporting anhydrous ammonia in a container not designed for its use. Only persons with criminal intent would be transporting this substance in other types of containers.

There should be very strict penalties on the books for transport and illegal possession of anhydrous ammonia in containers not specifically designed for their manufacture and use.

Tampering with tanks that store anhydrous ammonia can be deadly to both the thief and the legitimate owner, and deserves a strict penalty as well. Anhydrous ammonia liquid can release a gas that can burn lung tissue if inhaled, ultimately causing death. If a thief happens cut tubes leading to a container or leaves a valve open, so that anhydrous ammonia leaks, a farmer or store keeper unknowingly could breathe this dangerous gas.

OPPONENTS  
SAY:

A legitimate farmer or store keeper who may for some reason transfer anhydrous ammonia to another type of container should not be charged with a felony. A better approach would be to require that anyone legitimately possessing anhydrous ammonia have to provide proof of purchase to law enforcement officials.