

BILL ANALYSIS

Senate Research Center
76R6478 PEP-F

H.B. 2205
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Natural Resources
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Engrossed

DIGEST

Currently, anhydrous ammonia, normally used as an agricultural fertilizer and refrigerant, is used as a key ingredient in methamphetamine production. Current law does address its actual theft in quantities for drug production as a misdemeanor offense and there is no penalty for its possession. In addition to contributing to the production of a controlled substance, the theft of anhydrous ammonia causes damage to farm equipment and can blind as well as cause lung damage to one who mishandles it. H.B. 2205 would make it a state jail felony if a person possesses or transports anhydrous ammonia in a container that is not designed or manufactured for it. This bill also provides that a person commits a state jail felony if the person uses or tampers with a container or equipment used to hold, apply, or transport anhydrous ammonia without the express consent of the owner of the container or equipment.

PURPOSE

As proposed, H.B. 2205 sets forth offenses for certain violations of handling and transporting anhydrous ammonia.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 6D, Health and Safety Code, by adding Chapter 504, as follows:

CHAPTER 504. ANHYDROUS AMMONIA

Sec. 504.001. OFFENSE: POSSESSION OR TRANSPORT. Provides that a person commits a jail felony if the person possesses or maintains anhydrous ammonia in a container or receptacle that is not designed and manufactured to hold it, or transports anhydrous ammonia in a container or receptacle that is not designed and manufactured to transport the ammonia.

Sec. 504.002. OFFENSE: USE OF EQUIPMENT. Provides that a person commits a state jail felony if the person uses, delivers, or sells a container or receptacle designed and manufactured to hold anhydrous ammonia without the express consent of the owner of the container or receptacle; or tampers with the equipment manufactured and used to hold, apply, or transport the ammonia without the express consent of the owner of the equipment.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.