

# HOUSE BILL ANALYSIS

## 2SSB 6255

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**Brief Description:** Prescribing penalties for unlawful possession and storage of anhydrous ammonia.

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**Sponsors:** Senator Rasmussen and Heavey.

**Hearing:** February 25, 2000.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

#### **BACKGROUND:**

Methamphetamine is a controlled substance. It is a felony crime to manufacture, deliver, or possess with intent to manufacture or deliver methamphetamine.

In addition, the possession of some methamphetamine precursors such as ephedrine or pseudoephedrine is a felony crime. Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine is classified as a seriousness level VIII, class B felony under the sentencing guidelines. A first-time offender's presumptive range is 21 to 27 months in prison.

Other precursor substances used to make methamphetamine include: lithium found in lithium batteries, pseudoephedrine found in cold medicines such as Sudafed, and anhydrous ammonia which is most commonly used as a commercial nitrogen fertilizer and refrigerant. Anhydrous ammonia is stored under high pressure and can cause burns and other injuries if mishandled. Possession of anhydrous ammonia is not a felony offense in Washington.

The maximum penalty for a class B felony is 10 years in prison, a \$20,000 fine, or both. The maximum penalty for a class C felony is five years in prison, a \$10,000 fine, or both.

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**SUMMARY OF BILL:**

Sections are added to the State Agricultural Act, creating two new crimes: unlawful storage of anhydrous ammonia, and possession of anhydrous ammonia with intent to manufacture a controlled substance.

Possession of anhydrous ammonia with intent to manufacture a controlled substance is an unranked class C felony. The maximum penalty a court may impose on an offender violating this law is one year in jail along with required community restitution, legal financial obligations, a term of community supervision not to exceed one year, and a possible fine.

Unlawful storage of anhydrous ammonia is also an unranked class C felony. A person who possess anhydrous ammonia in a container that is not approved by the United States Department of Transportation to hold or transport anhydrous ammonia is guilty of unlawful storage of anhydrous ammonia. The State Department of Transportation must develop and maintain a list of containers approved for the storage and transportation of anhydrous ammonia. Public employees or private contractors authorized to clean up and dispose of hazardous wastes or toxic substances are exempt from this law.

A lawful owner of anhydrous ammonia equipment may not be held liable for any unlawful tampering or damages of his or her equipment unless the particular damages are due to such person's acts or omissions that constitute negligent misconduct regarding anhydrous ammonia possession and storage.

**FISCAL NOTE:** Not requested.

**EFFECTIVE DATE:** Ninety days after adjournment of a session in which bill is passed.