

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
AL	ALA. CODE § 13A-12-219 (2005)	Anhydrous Ammonia	Unlawful Possession <sup>1</sup>	Class B felony		
AK	ALASKA STAT. § 11.71.200 (2004)	“Listed Chemical <sup>2</sup> ”: Anhydrous Ammonia				
AR	ARK. CODE ANN. § 5-36-103(b) (2005)	Anhydrous Ammonia	Theft of Property <sup>3</sup>	Class B felony		
	ARK. CODE ANN. § 5-64-1301 (2005)	Anhydrous Ammonia	Possession in Unlawful Containers <sup>4</sup>	Class B felony		
	ARK. CODE ANN. § 5-64-1302 (2005)	Anhydrous Ammonia			(E): Chemists	
	ARK. CODE ANN. § 5-64-1303 (2005)	Anhydrous Ammonia			(AD): Agricultural Use	

<sup>1</sup> ALA. CODE § 13A-12-219 (2005): A person commits the crime of unlawful possession of anhydrous ammonia if he or she purchases, possesses, transfers, or distributes any amount of anhydrous ammonia, knowing, or under circumstances where one reasonably should know, that the anhydrous ammonia will be used to unlawfully manufacture a controlled substance.

<sup>2</sup> ALASKA STAT. § 11.71.200 (2004): Listed chemicals are chemicals that are used in manufacturing a controlled substance in violation of the Controlled Substance Chapter.

<sup>3</sup> (i) Anhydrous ammonia in any form; or (ii) A product containing any percentage of anhydrous ammonia in any form.

<sup>4</sup> Ark. Code Ann. § 5-64-1301 (2005): Any person who knowingly possesses anhydrous ammonia in a container which does not comply with the regulations of the Boiler Inspection Division of the Department of Labor for the containment of anhydrous ammonia.

## State Ammonia Provisions

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CA	CAL. FOOD & AGRIC. CODE § 14502.1 (West 2005)	Ammonium Nitrate <sup>5</sup>				Licensees must maintain records
	CAL. FOOD & AGRIC. CODE § 14512.5 (West 2005)	Ammonium Nitrate				
	CAL. FOOD & AGRIC. CODE § 14591 (West 2005)	Ammonium Nitrate				Licensing requirements for manufacturers and distributors
	CAL. FOOD & AGRIC. CODE § 14612.5 (West 2005)	Ammonium Nitrate				Specific records required to be maintained
	CAL. HEALTH & SAFETY § 11100 (West 2005)	Ammonium Hypophosphite				Reports of transactions that must be submitted to the Department of Justice by manufacturers, wholesalers and retailers

<sup>5</sup> Ammonium Nitrate as referred to here has the meaning provided in CAL. FOOD & AGRIC. CODE § 14512.5 (West 2005). It means, solid ammonium nitrate that is chiefly the ammonium salt of nitric acid, contains not less than 33 percent of nitrogen, one-half of which is in the ammonium form and one-half of which is in the nitrate form, and is produced, imported, stored, offered for sale, sold, offered for distribution, received, or intended for use as a plant nutrient.

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<b>CO</b>	COLO. REV. STAT. ANN. § 35-13-102 (West 2005)	Anhydrous Ammonia <sup>6</sup>				
	COLO. REV. STAT. ANN. § 35-13-105 (West 2005)	Anhydrous Ammonia <sup>7</sup>	Restriction of Use of Containers <sup>8</sup>	Civil penalties not to exceed \$750.00 per day per violation		
	COLO. REV. STAT. ANN. § 35-13-108 (West 2005)	Anhydrous Ammonia <sup>9</sup>				
	COLO. REV. STAT. ANN. § 35-13-109 (West 2005)	Anhydrous Ammonia				Registration of storage tanks by owners
<b>FL</b>	FLA. STAT. ANN. § 775.082 (West 2005)					
	FLA. STAT. ANN. § 775.083 (West 2005)					
	FLA. STAT. ANN. § 775.084 (West 2005)					

<sup>6</sup> Anhydrous ammonia as referred to here has the meaning provided in COLO. REV. STAT. ANN. § 35-13-102 (West 2005). It means, the compound formed by the combination of the two gaseous elements, nitrogen and hydrogen, in the proportion of one part nitrogen to three parts hydrogen by volume in compressed and liquefied form.

<sup>7</sup> *Id.* at footnote 6.

<sup>8</sup> COLO. REV. STAT. ANN. § 35-13-105 (West 2005) : (1) No person, firm, or corporation, other than the owner and those authorized by the owner to do so, shall sell, fill, refill, deliver, or permit to be delivered, or use in any manner any anhydrous ammonia container or receptacle for any other purpose whatsoever. (2) No person shall sell, purchase, attempt to purchase, fill, refill, deliver, or permit to be delivered any anhydrous ammonia container or receptacle that has not been inspected in compliance with the provisions of this article and that is less than five hundred gallons.

<sup>9</sup> *Id.* at footnote 6.

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<b>FL</b>	FLA. STAT. ANN. § 812.014 (West 2005)	Anhydrous Ammonia	Theft <sup>10</sup>	Grand theft of the third degree and a felony of the third degree		
	FLA. STAT. ANN. § 893.033 (West 2005)	“Listed Essential Chemical <sup>11</sup> ”: Anhydrous Ammonia				
	FLA. STAT. ANN. § 893.13 (West 2005)	Anhydrous Ammonia	Unlawful Container <sup>12</sup>	Felony of the third degree punishable as provided in §§ 775.082, 775.083 or 775.084		
	S.B. 2600, 107th Reg. Sess. (Fl. 2005) (enacted) (An Appropriations Bill for Locks)	Anhydrous Ammonia				High Security Tank Locks
<b>GA</b>	GA. CODE ANN. § 16-5-73 (2005)	“Chemical Substance <sup>13</sup> ”: Anhydrous Ammonia				

<sup>10</sup>FLA. STAT. ANN. § 812.014 (West 2005): (c)It is grand theft of the third degree and a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property stolen is:.... 12. Anhydrous ammonia.

<sup>11</sup> FLA. STAT. ANN. § 893.033 (West 2005): The term "listed essential chemical" means a chemical that may be used as a solvent, reagent, or catalyst in manufacturing a controlled substance in violation of this chapter.

<sup>12</sup> FLA. STAT. ANN. § 893.13 (West 2005): It is unlawful for any person to store anhydrous ammonia in a container that is not approved by the United States Department of Transportation to hold anhydrous ammonia or is not constructed in accordance with sound engineering, agricultural, or commercial practices.

<sup>13</sup> GA. CODE ANN. § 16-5-73 (2005): "Chemical substance" means anhydrous ammonia as defined in Code Section 16-11-111, ephedrine, pseudoephedrine, or phenylpropanolamine, as those terms are defined in Code Section 16-13-30.3, or any other chemical used in the manufacture of methamphetamine.

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GA	GA. CODE ANN. § 16-8-12 (2005)	Anhydrous Ammonia	Theft (Punishment for)	Imprisonment for not less than 1 nor more than 10 years, a fine not to exceed the amount provided by § 17-10-8, or both.		
	GA. CODE ANN. § 16-11-111 (2005)	Anhydrous Ammonia <sup>14</sup>	Unlawful Possession <sup>15</sup>	Civil penalty for unlawful container violation under § 16-11-111(a)(2)(B); Imprisonment for not less than 1 year nor more than 10 years and by a fine not to exceed \$100,000.00 for any violation under § 16-11-111.		

<sup>14</sup> GA. CODE ANN. § 16-11-111 (2005): As used in this Code section, the term "anhydrous ammonia" means any substance identified to contain the compound ammonia which is capable of being utilized in the production of methamphetamine or any other controlled substance.

<sup>15</sup> GA. CODE ANN. § 16-11-111 (2005): A person commits the crime of unlawful possession of anhydrous ammonia if the person: (A) Purchases, possesses, transfers, or distributes any amount of anhydrous ammonia knowing that the anhydrous ammonia will be used unlawfully to manufacture a controlled substance; (B) Possesses, maintains, or transports any quantity of anhydrous ammonia in a container or receptacle other than a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank, field applicator, or any container approved for anhydrous ammonia by the Department of Agriculture or the United States Department of Transportation; or (C) Tampers with equipment manufactured to hold, apply, or transport anhydrous ammonia without the express consent of the owner of the equipment.

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<b>GA</b>	GA. CODE ANN. § 40-16-6 (2005) GA. CODE ANN. § 46-11-5 (2005)	Anhydrous Ammonia <sup>16</sup>	Violation of any rules and regulations promulgated pursuant to Chapter 11 of Title 46 or Code Section 46-7-26 with respect to transporting methamphetamine, amphetamine, any mixture of either methamphetamine, or amphetamine, anhydrous ammonia, or any mixture containing anhydrous ammonia.	Civil monetary penalties not to exceed \$25,000.00 for each violation		
<b>HI</b>	HAW. REV. STAT. ANN. § 329-61 (Michie 2004)	“List 1 Chemicals”: Ammonium Hypophosphite and Anhydrous Ammonia				

<sup>16</sup> GA. CODE ANN. § 46-11-5 (2005): As used here, the term anhydrous ammonia means any substance identified to contain the compound ammonia which is capable of being utilized in the production of methamphetamine or any other controlled substance.

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<b>ID</b>	IDAHO CODE § 18-2403 (Michie 2005)		Theft (Generally)			
	IDAHO CODE § 18-2407 (Michie 2005)	Anhydrous Ammonia	Theft (Grading of)	Grand Theft <sup>17</sup> ; Felony punishable by a fine not exceeding \$5,000.00 or by imprisonment in the state prison for not less than 1 year nor more than 14 years, or by both such fine and imprisonment.		

<sup>17</sup> IDAHO CODE § 18-2407 (Michie 2005): A person is guilty of grand theft when he commits a theft as defined in this chapter (see IDAHO CODE § 18-2403 (Michie 2004)) and when....10. The property is anhydrous ammonia.

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<b>ID</b>	IDAHO CODE § 18-2408 (Michie 2005)					
	IDAHO CODE § 37-2734C (Michie 2005)	Anhydrous Ammonia	Unlawful Storage <sup>18</sup>	Felony	(E): Public employees or private contractors authorized to clean up and dispose of hazardous waste or toxic substances  (I): Lawful owner, installer, maintainer, designer, manufacturer, possessor or seller of anhydrous ammonia or anhydrous ammonia equipment <sup>19</sup>	

<sup>18</sup> IDAHO CODE § 37-2734C (Michie 2005): (1) A person is guilty of the crime of unlawful storage of anhydrous ammonia in a container that: (a) Is not approved by the United States Department of Transportation to hold anhydrous ammonia; or (b) Was not constructed to meet state and federal industrial health and safety standards for holding anhydrous ammonia.

<sup>19</sup> Idaho Code § 37-2734C (Michie 2005): In no case shall liability for damages arising out of the unlawful possession of, storage of, or tampering with anhydrous ammonia or anhydrous ammonia equipment extend to the lawful owner, installer, maintainer, designer, manufacturer, possessor or seller of the anhydrous ammonia or anhydrous ammonia equipment, unless such damages arise out of the acts or omissions of the owner, installer, maintainer, designer, manufacturer, possessor or seller that constitute negligent misconduct to abide by the laws regarding anhydrous ammonia possession and storage.



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IL	20 ILL. COMP. STAT. ANN. 205/205-450 (West 2005)	Anhydrous Ammonia				Security grants for additives, locking devices & security systems
	505 ILL. COMP. STAT. ANN. 80/1 to /23 (West 2005) (“IL Fertilizer Act of 1961”)	Anhydrous Ammonia <sup>20</sup>				
	505 ILL. COMP. STAT. ANN. 80/19 (West 2005)	Anhydrous Ammonia	Unlawful distribution, storage, transport or use in Violation of the Illinois Fertilizer Act, the rules/regulations promulgated thereunder or violation of a stop use order issued by the Director of the Department of Agriculture			

<sup>20</sup>505 ILL. COMP. STAT. ANN. 80/3 (West 2005): The term "anhydrous ammonia" means the compound formed by the combination of two gaseous elements, nitrogen and hydrogen, in the proportion of one part of nitrogen to three parts of hydrogen (NH<sub>3</sub>) by volume. Anhydrous ammonia is a commercial fertilizer of ammonia gas in compressed and liquefied form. It is not aqueous ammonia which is a solution of ammonia gas in water and which is considered a low pressure nitrogen solution.

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IL	720 ILL. COMP. STAT. ANN. 646/25 (West 2006)	Anhydrous Ammonia	Possession, Procurement, Transportation, Storage or Delivery with Intent that it be Used to Manufacture Methamphetamine <sup>21</sup>	Class 1 felony		

<sup>21</sup> 720 ILL. COMP. STAT. ANN. 646/25 (West 2006): It is unlawful to knowingly engage in the possession, procurement, transportation, storage or delivery of anhydrous ammonia or to attempt to engage in any of these activities or to assist another in engaging in any of these activities with the intent that the anhydrous ammonia be used to manufacture methamphetamine. A person who commits this violation is guilty of a Class 1 felony.

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IL	720 ILL. COMP. STAT. ANN. 646/25 (West 2006)	Anhydrous Ammonia	Aggravated Possession, Procurement, Transportation, Storage or Delivery with Intent that it be Used to Manufacture Methamphetamine <sup>22</sup>	Class X felony, subject to imprisonment of not less than 6 years and not more than 30 years, and a fine not to exceed \$100,000		
	720 ILL. COMP. STAT. ANN. 646/25 (West 2006)	Anhydrous Ammonia	Unauthorized Container <sup>23</sup>	Class 3 felony	(AD): Compliance with anhydrous ammonia equipment rules in ILL. ADMIN. CODE tit. 8, § 215, in ILL. ADMIN. CODE tit. 92, §§ 171 to 180, or any provision of the Code of Federal Regulations incorporated by reference into these sections of ILL. ADMIN. CODE	

<sup>22</sup> 720 ILL. COMP. STAT. ANN. 646/25 (West 2006): It is unlawful to knowingly engage in the aggravated possession, procurement, transportation, storage or delivery of anhydrous ammonia with the intent that it be used to manufacture methamphetamine. A person commits this offense when the person engages in the possession, procurement, transportation, storage, or delivery of anhydrous ammonia or attempts to engage in any of these activities or assists another in engaging in any of these activities with the intent that the anhydrous ammonia be used to manufacture methamphetamine and: (A) the person knowingly does so in a multi-unit dwelling; (B) the person knowingly does so in a structure or vehicle where a child under the age of 18, or a person with a disability, or a person who is 60 years of age or older who is incapable of adequately providing for his or her own health and personal care resides, is present, or is endangered by the anhydrous ammonia; (C) the person's possession, procurement, transportation, storage, or delivery of anhydrous ammonia is a contributing cause of the death, serious bodily injury, disability, or disfigurement of another person; or (D) the person's possession, procurement, transportation, storage, or delivery of anhydrous ammonia is a contributing cause of a fire or explosion that damages property belonging to another person.

<sup>23</sup> 720 ILL. COMP. STAT. ANN. 646/25 (West 2006): It is unlawful to knowingly possess, procure, transport, store, or deliver anhydrous ammonia in an unauthorized container.

## State Ammonia Provisions

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IL	720 ILL. COMP. STAT. ANN. 646/25 (West 2005)	Anhydrous Ammonia	Unlawful tampering with equipment <sup>24</sup>	Class 3 felony		
	720 ILL. COMP. STAT. ANN. 646/30 (West 2005)	Anhydrous Ammonia	Unlawful possession, transportation, storage or delivery of methamphetamine material <sup>25</sup>	Class 2 felony		
	735 ILL. COMP. STAT. ANN. 5/2-1119 (West 2005)	Anhydrous Ammonia			(I): Owner, installer, operator, lawful seller/purchaser/operator for agricultural purposes <sup>26</sup>	

<sup>24</sup> 720 ILL. COMP. STAT. ANN. 646/25 (West 2005): It is unlawful to tamper with anhydrous ammonia equipment. A person tampers with anhydrous ammonia equipment when, without authorization from the lawful owner, the person: (A) removes or attempts to remove anhydrous ammonia from the anhydrous ammonia equipment used by the lawful owner; (B) damages or attempts to damage the anhydrous ammonia equipment used by the lawful owner; or (C) vents or attempts to vent anhydrous ammonia into the environment.

<sup>25</sup> 720 ILL. COMP. STAT. ANN. 646/30 (West 2005): (a) It is unlawful to engage in the possession, procurement, transportation, storage, or delivery of any methamphetamine manufacturing material, other than a methamphetamine precursor, substance containing a methamphetamine precursor, or anhydrous ammonia, with the intent that it be used to manufacture methamphetamine. (b) A person who violates subsection (a) of this Section is guilty of a Class 2 felony.

<sup>26</sup> 735 ILL. COMP. STAT. ANN. 5/2-1119 (West 2005): (a) A person tampering with anhydrous ammonia equipment, containers, or storage facilities does not have a cause of action against the owner of the equipment, containers, or storage facilities, any person responsible for the installation or operation of the equipment, containers, or storage facilities, the person lawfully selling anhydrous ammonia, the person who lawfully purchases anhydrous ammonia for agricultural purposes, or the person who operates or uses anhydrous ammonia equipment, containers, or storage facilities when lawfully applying anhydrous ammonia for agricultural purposes. (b) No person may commence a derivative action against the owner of anhydrous ammonia equipment, containers, or storage facilities, any person responsible for the installation or operation of the equipment, containers, or storage facilities, the person lawfully selling anhydrous ammonia, the person who lawfully purchases anhydrous ammonia for agricultural purposes, or the person who operates or uses anhydrous ammonia equipment, containers, or storage facilities when lawfully applying anhydrous ammonia for agricultural purposes when the injured person has tampered with anhydrous ammonia equipment, containers, or storage facilities.

## State Ammonia Provisions

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IN	IND. CODE ANN. § 5-2-14-5(18) (West 2005)					
	IND. CODE ANN. § 8-1-22.5-1(i) (West 2006)	Anhydrous Ammonia <sup>27</sup>				
	IND. CODE ANN. §§ 15-3-2-1 to -13 (West 2005) (“IN Agricultural Ammonia Law”)	Ammonia and Ammonia Solution <sup>28</sup>				
	IND. CODE ANN. § 15-3-2-7 (West 2005)	Ammonia and Ammonia Solution <sup>29</sup>	Unlawful installation of distribution facilities without approval of the state chemist; distribution from unapproved locations; unlawful distribution, storage, transport or use in violation of law; violation of a correction order; or use of a container without prior authorization <sup>30</sup>	Class C infraction		

<sup>27</sup> IND. CODE ANN. § 8-1-22.5-1(i) (West 2006): The term "hazardous liquid" means petroleum, petroleum products, or anhydrous ammonia.

<sup>28</sup> IND. CODE ANN. §§ 15-3-2-3 (West 2005): As used in this chapter: (a) The term "ammonia" shall mean agricultural anhydrous ammonia (NH<sub>3</sub>) fertilizer. (b) The term "ammonia solution" shall mean any agricultural ammonia solution containing 10 per cent or more by weight of free ammonia and/or having a vapor pressure of one (1) PSIG or above at 104 degrees F.

<sup>29</sup> *Id.*

## State Ammonia Provisions

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IN	IND. CODE ANN. §§ 22-11-20-1 to -6 (West 2005) (“Anhydrous Ammonia and Ammonia Solutions” Chapter)	Anhydrous Ammonia (NH <sub>3</sub> ) and Ammonia Solution <sup>31</sup>				
	IND. CODE ANN. § 22-11-20-6 (West 2005)	Anhydrous Ammonia (NH <sub>3</sub> ) and Ammonia Solution <sup>32</sup>	Illegal Storage or Transportation of Ammonia <sup>33</sup>			
	IND. CODE ANN. § 34-30-3-2 (West 2005)	Anhydrous Ammonia (NH <sub>3</sub> ) and Ammonia Solution <sup>34</sup>			(I): Victim or an agent of the victim of a theft or criminal conversion <sup>35</sup>	

<sup>30</sup> IND. CODE ANN. § 15-3-2-7 (West 2005): It shall be unlawful for any person: (a) to install facilities for distribution of ammonia or ammonia solutions at any location without first obtaining written approval of the state chemist for the location of the facility; (b) to distribute ammonia or ammonia solutions from any unapproved location which is required to be approved hereunder; (c) to distribute, to store, to transport, or to use ammonia or ammonia solutions in violation of this chapter or the rules and regulations promulgated hereunder; (d) to violate a correction order as provided in section 9 of this chapter; or (e) to use any ammonia or ammonia solutions container for any purpose whatsoever without the prior authorization of the fee simple owner thereof.

<sup>31</sup> IND. CODE ANN. § 22-11-20-1 (West 2005): As used in this chapter, "ammonia solution" means any ammonia solution that contains at least ten percent (10%) by weight of free ammonia or having a vapor pressure of one (1) PSIG or above at one hundred four (104) degrees Fahrenheit.

<sup>32</sup> *Id.*

<sup>33</sup> IND. CODE ANN. § 22-11-20-6 (West 2005): (b) A person who knowingly or intentionally stores or transports anhydrous ammonia (NH<sub>3</sub>) or an ammonia solution: (1) in a container that does not; or (2) with appurtenances that do not; conform to the requirements of a law governing the design, construction, location, installation, or operation of equipment for storage, handling, use, or transportation of anhydrous ammonia (NH<sub>3</sub>) or an ammonia solution commits a Class A misdemeanor.

<sup>34</sup> *Id.*

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IN	IND. CODE ANN. § 34-43-4-2(a) (West 2005)	Anhydrous Ammonia (NH <sub>3</sub> ), Ammonia Solution <sup>36</sup> or a Container used to store or transport said substances	Theft <sup>37</sup>	Class D felony; Class C felony if the fair market value of the property is at least \$100,000.00		
	IND. CODE ANN. § 34-43-4-3 (West 2005)	Anhydrous Ammonia (NH <sub>3</sub> ), Ammonia Solution <sup>38</sup> or a Container used to store or transport said substances	Criminal Conversion <sup>39</sup>	Class A misdemeanor		

<sup>35</sup> IND. CODE ANN. § 34-30-3-2 (West 2005): Except as provided in subsection (c), the victim or an agent of the victim of a theft (IC 35-43-4-2(a)) or criminal conversion (IC 35-43-4-3) of: (1) anhydrous ammonia (NH<sub>3</sub>); (2) an ammonia solution; or (3) a container used to store or transport anhydrous ammonia or an ammonia solution; is immune from civil liability for injury or damage resulting from the possession or use of the anhydrous ammonia, ammonia solution, or container by another person to commit a violation of IC 35-48-4.(c) A victim or an agent described in subsection (b) is not immune from civil liability under subsection (b) if: (1) the victim or agent committed a crime involving the anhydrous ammonia, ammonia solution, or container that is the subject of the theft or criminal conversion; or (2) the victim's or agent's willful or intentional commission of a violation of an applicable law, rule, or regulation governing the:(A) design;(B) construction;(C) location; (D) installation; or (E) operation; of equipment for storage, handling, use, or transportation of equipment for storage, handling, use or transportation of anhydrous ammonia or ammonia solution proximately caused the theft or criminal conversion.

<sup>36</sup> *Id.*

<sup>37</sup> IND. CODE ANN. § 34-43-4-2(a) (West 2005): A person who knowingly or intentionally exerts unauthorized control over property of another person, with intent to deprive the other person of any part of its value or use, commits theft, a Class D felony. However, the offense is a Class C felony if the fair market value of the property is at least one hundred thousand dollars (\$100,000).

<sup>38</sup> *Id.*

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IN	IND. CODE ANN. § 35-48-4-14.5 (West 2006)	“Chemical Reagent or Precursor”: Anhydrous Ammonia or Ammonia Solution <sup>40</sup> , Ammonium Nitrate, Ammonium Sulfate	Possession of chemical reagents or precursors with intent to manufacture a controlled substance	Class D felony if the intent is to manufacture a controlled substance; Class C felony if offender possessed a firearm while possessing the anhydrous ammonia or ammonia solution OR offender possessed anhydrous ammonia or ammonia solution with the intent to manufacture a controlled substance in, on or w/in 1,000 ft. of school property; public park; family housing complex or youth program center		

<sup>39</sup> IND. CODE ANN. § 34-43-4-3 (West 2005): A person who knowingly or intentionally exerts unauthorized control over property of another person commits criminal conversion, a Class A misdemeanor.

<sup>40</sup> IND. CODE ANN. § 35-48-4-14.5 (West 2006): As used in this section, "chemical reagents or precursors" refers to one (1) or more of the following:.. (5) Anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1), (34) Ammonium nitrate, (35) Ammonium sulfate. As used in IND. CODE ANN. § 22-11-20-1 (West 2005), "ammonia solution" means any ammonia solution that contains at least ten percent (10%) by weight of free ammonia or having a vapor pressure of one (1) PSIG or above at one hundred four (104) degrees Fahrenheit.



## State Ammonia Provisions

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IA	IOWA CODE ANN. § 124.401 (West 2005)	Anhydrous Ammonia or Ammonium Chloride	Unlawful possession of a product containing anhydrous ammonia with the intent to manufacture any controlled substance	Class D felony		
	IOWA CODE ANN. § 124.401F (West 2005)	Anhydrous Ammonia	Prohibitions on tampering with, possessing, or transporting anhydrous ammonia or anhydrous ammonia equipment	Serious misdemeanor + civil penalty of not more than \$1,500.00 IF the person: intentionally tampers with anhydrous ammonia equipment, possesses or transports anhydrous ammonia in an unauthorized container or receptacle	(I): Owner of the equipment, any person responsible for the installation and maintenance of the equipment or the person lawfully selling the anhydrous ammonia <sup>41</sup>	

<sup>41</sup> IOWA CODE ANN. § 124.401F (West 2005): A person tampering with anhydrous ammonia equipment in violation of this section shall not have a cause of action against the owner of the equipment, any person responsible for the installation and maintenance of the equipment, or the person lawfully selling the anhydrous ammonia for damages arising out of the tampering.

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
IA	IOWA CODE ANN. § 124B.2 (West 2005)	Ammonium Hypophosphite				Manufacturers, retailers, sellers, transferors or those who furnish must make reports
	IOWA CODE ANN. § 200.17A (West 2005)	Ammonium Nitrate				Security measures for storage, sale, and recording
	IOWA CODE ANN. § 200.18 (West 2005)	Ammonium Nitrate <sup>42</sup>	Intentional presentation of false I.D. or other information to purchase ammonium nitrate	Serious misdemeanor		
	IOWA CODE ANN. § 200.18 (West 2005)	Ammonium Nitrate <sup>43</sup>	Purchase from a person required to be licensed under § 200.4 with the intent to manufacture an explosive or incendiary device or material	Class D felony		

<sup>42</sup> CODE ANN. § 200.3 0A (West 2005): “Ammonium nitrate” means a compound that is chiefly composed of ammonium salt of nitric acid which contains not less than thirty-three percent nitrogen, one-half of which is in the ammonium form and one-half in the nitrate form.

<sup>43</sup> *Id.*

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
IA	IOWA CODE ANN. § 200.18 (West 2005)	Ammonium Nitrate <sup>44</sup>	Failure of a person who is licensed under § 200.4 to comply with the Ammonium Nitrate Security provisions under § 200.17A	Disciplinary action by the Department of Agriculture. Suspension of license for up to 90 days; Subsequent violation may result in license suspension for a longer period OR revocation of said license		
	IOWA CODE ANN. §§ 200.1 to -.22 (West 2004) (“IA Fertilizer Law”)	Anhydrous Ammonia	Violation (of the chapter or rules pursuant to the chapter)	Simple misdemeanor UNLESS the violation is that specified under § 124.401F, then it is a serious misdemeanor		
KS	KAN. STAT. ANN. §§ 2-1212 to -1222 (2004)	Anhydrous Ammonia				
	KAN. STAT. ANN. § 65-4152 (2004)	Anhydrous Ammonia or Pressurized Ammonia	Unlawful Container <sup>45</sup>	Drug severity level 4 felony		
	KAN. STAT. ANN. § 21-3766 (2004)	Anhydrous Ammonia	Tampering with a pipeline <sup>46</sup>	Severity level 6, nonperson felony		

<sup>44</sup> *Id.*

<sup>45</sup> S.B. 27, 81st Leg., Reg. Sess. (Ks. 2005) (Enacted) to amend KAN. STAT. ANN. § 65-4152 (2003): No person shall use or possess with intent to use...(4) anhydrous ammonia or pressurized ammonia in a container not approved for that chemical by the Kansas Department of Agriculture.

<sup>46</sup> KAN. STAT. ANN. § 21-3766 (2004): (a) Tampering with a pipeline is the intentional and unauthorized alteration of or interference with any part of a pipeline...(1) 'Pipeline' means any pipeline, and any related facility, building, structure or equipment, used in gathering, transmission or transportation of natural gas, crude oil, petroleum products or anhydrous ammonia. 'Pipeline' does not include distribution lines that convey natural gas from a gas main to the ultimate consumer. (2) 'Tampering' includes, but is not limited to, any intentional unauthorized adjustment, opening, removal, change or destruction of any part of any pipeline.

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
<b>KS</b>	KAN. STAT. ANN. § 60-4601 (2006)	Anhydrous Ammonia			(I): Owners <sup>47</sup> of anhydrous ammonia from tamperer and tamperer's actions	
	KAN. STAT. ANN. § 65-7006(a) (2006)	Anhydrous Ammonia or Pressurized Ammonia	Unlawful Possession <sup>48</sup>	Drug severity level 2 felony		
	KAN. STAT. ANN. § 65-7006(b) (2006)	Anhydrous Ammonia or Pressurized Ammonia	Unlawful marketing, selling, distributing, advertising or labeling <sup>49</sup>	Drug severity level 2 felony		
<b>KY</b>	KY. REV. STAT. ANN. § 250.489 (Banks-Baldwin 2005)	Anhydrous Ammonia	Possession in an unapproved container	Class D felony UNLESS violator intended to manufacture methamphetamine, THEN = a Class B felony for the first offense and a Class A felony for each subsequent offense	(E): Trained chemists working in properly equipped research laboratories in education, government or corporate settings; (AD): Agricultural Use	

<sup>47</sup> KAN. STAT. ANN. § 60-4601 (2006): As used in this act: (a) (1) 'Owner' means: (A) Any person who lawfully owns anhydrous ammonia; (B) any person who lawfully owns a container, equipment or storage facility containing anhydrous ammonia; (C) any person responsible for the installation or operation of such containers, equipment or storage facilities; (D) any person lawfully selling anhydrous ammonia; (E) any person lawfully purchasing anhydrous ammonia for agricultural purposes; or (F) any person who operates or uses anhydrous ammonia containers, equipment or storage facilities when lawfully applying anhydrous ammonia for agricultural purposes.

<sup>48</sup> KAN. STAT. ANN. § 65-7006(a) (2006): (a) It shall be unlawful for any person to possess...anhydrous ammonia, pressurized ammonia...with intent to use the product to manufacture a controlled substance.

<sup>49</sup> KAN. STAT. ANN. § 65-7006(b) (2006): It shall be unlawful for any person to market, sell, distribute, advertise, or label any drug product containing...anhydrous ammonia, pressurized ammonia...if the person knows or reasonably should know that the purchaser will use the product to manufacture a controlled substance.

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
KY	KY. REV. STAT. ANN. § 250.4892 (Banks-Baldwin 2005)	Anhydrous Ammonia	Tampering with anhydrous ammonia equipment, containers or facilities <sup>50</sup>	Class D felony UNLESS violator intended to manufacture methamphetamine, THEN = a Class B felony for the first offense and a Class A felony for each subsequent offense		
	KY. REV. STAT. ANN. § 250.4894 (Banks-Baldwin 2005)	Anhydrous Ammonia			(I): Tamperer has no cause of action against: Owners of the equipment, container, or facility; Persons responsible for the installation, maintenance, or operation of the equipment, container or facility; Persons lawfully selling anhydrous ammonia; or Persons lawfully purchasing anhydrous ammonia for agricultural purposes	

<sup>50</sup> KY. REV. STAT. ANN. § 250.4892 (Banks-Baldwin 2005): It shall be unlawful for any person to tamper with equipment, containers, or facilities used for the storage, handling, transporting, or application of anhydrous ammonia. Tampering occurs when any person, who having no right to do so, or any reasonable ground to believe that he has the right for a legitimate or legal purpose, transfers or attempts to transfer anhydrous ammonia to another container, or intentionally or wantonly defaces, destroys, or damages the equipment, container, or facility containing anhydrous ammonia.

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
<b>KY</b>	KY. REV. STAT. ANN. § 250.991 (Banks-Baldwin 2005)	Anhydrous Ammonia	Violation of any anhydrous ammonia provision appearing in §§ 250.482 to -.488 except as provided in § 250.489 or § 250.4892	Fine of not more than \$500.00		
	KY. REV. STAT. ANN. § 514.030 (Banks-Baldwin 2005)	Anhydrous Ammonia	Theft by unlawful taking or disposition <sup>51</sup>	Class D felony UNLESS violator intended to manufacture methamphetamine, THEN = a Class B felony for the first offense and a Class A felony for each subsequent offense		
	KY. REV. STAT. ANN. § 514.110 (Banks-Baldwin 2005)	Anhydrous Ammonia	Receiving stolen property <sup>52</sup>	Class D felony UNLESS violator intended to manufacture methamphetamine, THEN = a Class B felony for the first offense and a Class A felony for each subsequent offense		

<sup>51</sup> KY. REV. STAT. ANN. § 514.030 (Banks-Baldwin 2005): Except as provided in § 217.181 or 218A.1418, a person is guilty of theft by unlawful taking or disposition when he unlawfully: (a) takes or exercises control over moveable property of another with intent to deprive him thereof; or (b) obtains immovable property of another or any interest therein with intent to benefit himself or another not entitled thereto.

<sup>52</sup> KY. REV. STAT. ANN. § 514.110 (Banks-Baldwin 2005): A person is guilty of receiving stolen property when he receives, retains, or disposes of movable property of another knowing that it has been stolen, or having reason to believe that it has been stolen, unless the property is received, retained, or disposed of with intent to restore it to the owner.

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
LA	LA. REV. STAT. ANN. §§ 3:1351 to - :1357 (West 2005) (“Anhydrous Ammonia Law of Louisiana”)	Anhydrous Ammonia <sup>53</sup>				
	LA. REV. STAT. ANN. §§ 3:1355 (West 2005)	Anhydrous Ammonia <sup>54</sup>				All dealers must inspect customers’ tanks & receptacles annually.
	LA. REV. STAT. ANN. § 14:67.19 (West 2005)	Anhydrous Ammonia <sup>55</sup>	Theft <sup>56</sup>	Imprisonment with or without hard labor for not more than 2 years or fined not more than \$2,000.00, or both		

<sup>53</sup> LA. REV. STAT. ANN. §§ 3:1353 (West 2005): Anhydrous ammonia in this Part is defined as follows: Anhydrous ammonia contains 82% nitrogen. At atmospheric pressure ammonia is gas. It exists as a liquid below 28 degrees Fahrenheit, and boils at this temperature. In commerce, ammonia is compressed to a liquid and stored under pressure. The gauge pressure is 75 pounds per square inch at 50 degrees Fahrenheit and 197 pounds per square inch at 100 degrees Fahrenheit. The pressures exerted by anhydrous ammonia are dangerous unless the proper safety devices are installed in the equipment and care is used in handling it.

<sup>54</sup> *Id.*

<sup>55</sup> LA. REV. STAT. ANN. § 14:67.19 (West 2005): For the purposes of this section, “anhydrous ammonia” is the compound formed by the combination of two gaseous elements, nitrogen and hydrogen, in the proportion of one part of nitrogen to three parts of hydrogen by volume and in the ratio of eighty-two percent nitrogen to eighteen percent hydrogen by weight.

<sup>56</sup> LA. REV. STAT. ANN. § 14:67.19 (West 2005): Theft of anhydrous ammonia is the misappropriation or taking of anhydrous ammonia which belongs to another, either without the consent of the other to the misappropriation or taking or by means of fraudulent conduct, practices, or representations, with the intent to permanently deprive.

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
<b>LA</b>	LA. REV. STAT. ANN. §§ 14:67.19.1 (West 2005)	Anhydrous Ammonia <sup>57</sup>	Unauthorized Possession <sup>58</sup>	Imprisonment with or without hard labor for not more than 2 years or fined not more than \$2,000, or both		
<b>MD</b>	MD. CODE ANN. AGRIC. § 6-209.1 (2005)	Ammonium Nitrate				Distributors must maintain records of sale or delivery
<b>MI</b>	MICH. COMP. LAWS. ANN. § 324.8515 (West 2005)					
	MICH. COMP. LAWS. ANN. § 324.8518 (West 2005)	Ammonium Nitrate				Retailers must secure storage & maintain records

<sup>57</sup> *Id.* at footnote 58.

<sup>58</sup> LA. REV. STAT. ANN. §§ 14:67.19.1 (West 2005): A. It shall be unlawful for any person to do any of the following: (1) Use anhydrous ammonia to manufacture or attempt to manufacture any controlled dangerous substance. (2) Possess any substance containing any detectable amount of anhydrous ammonia with the intent to use that substance to manufacture a controlled dangerous substance. B. The unauthorized possession of ammonia in a container not authorized by and which does not have an inspection sticker from the Liquefied Petroleum Gas Commission. C. The possession of any amount of anhydrous ammonia in a container not authorized by the Liquefied Petroleum Gas Commission shall be prima facie evidence of intent to use anhydrous ammonia to manufacture a controlled dangerous substance.



## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
<b>MI</b>	MICH. COMP. LAWS. ANN. §750.502d (West 2005)	Anhydrous Ammonia	Transportation in an unapproved container	Felony punishable by imprisonment for not more than 4 years or a fine of not more than \$5,000.00, or both		
	MICH. COMP. LAWS. ANN. §750.502d (West 2005)	Anhydrous Ammonia	Possession in an unapproved container	Felony punishable by imprisonment for not more than 4 years or a fine of not more than \$5,000.00, or both		
	MICH. COMP. LAWS. ANN. §750.502d (West 2005)	Anhydrous Ammonia	Unlawful tampering with a container approved by law <sup>59</sup>	Felony punishable by imprisonment for not more than 4 years or a fine of not more than \$5,000.00, or both		
<b>MN</b>	MINN. STAT. ANN. § 16B.61 (West 2006)	Ammonia Piping				
	MINN. STAT. ANN. § 152.0262 (West 2005)	“Chemical Reagents or Precursors” <sup>60</sup> : Anhydrous Ammonia	Methamphetamine manufacture crime; possession of substances with intent to manufacture methamphetamine	Imprisonment not more than 10 years or fine not more than \$20,000, or both; If subsequently convicted, imprisonment not more than 15 years or fine not more than \$30,000, or both		

<sup>59</sup> MICH. COMP. LAWS. ANN. §750.502d (West 2005): As used in § 750.502d, “container approved by law” means a container that was manufactured to satisfy the requirements for the storage and handling of anhydrous ammonia pursuant to R 408.17801 of the Michigan administrative code or its successor rule.

<sup>60</sup> MINN. STAT. ANN. § 152.0262 (West 2005): “Chemical reagents or precursors” include any of the following substances, or any similar substances that can be used to manufacture methamphetamine, or the salts, isomers, and salts of isomers of a listed or similar substance.....”

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
MN	MINN. STAT. ANN. § 152.136 (West 2005)	Anhydrous Ammonia	Steal or unlawfully take or carry away	Felony punishable by imprisonment for not more than 5 years or to a fine of not more than \$50,000.00, or both		
	MINN. STAT. ANN. § 152.136 (West 2005)	Anhydrous Ammonia	Purchase, possession, transfer or distribution knowing or having reason to know that it will be used to unlawfully manufacture a controlled substance	Felony punishable by imprisonment for not more than 5 years or to a fine of not more than \$50,000.00, or both		
	MINN. STAT. ANN. § 152.136 (West 2005)	Anhydrous Ammonia	Place, have placed, or possess in a container that is not designed, constructed, maintained, and authorized to transport	Felony punishable by imprisonment for not more than 5 years or to a fine of not more than \$50,000.00, or both		
	MINN. STAT. ANN. § 152.136 (West 2005)	Anhydrous Ammonia	Transport in a container not designed, constructed, maintained, and authorized to so transport	Felony punishable by imprisonment for not more than 5 years or to a fine of not more than \$50,000.00, or both		

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
MN	MINN. STAT. ANN. § 152.136 (West 2005)	Anhydrous Ammonia	Use, deliver, receive, sell, or transport a container designed and constructed to contain anhydrous ammonia without the express consent of the owner or authorized custodian of the container	Felony punishable by imprisonment for not more than 5 years or to a fine of not more than \$50,000.00, or both		
	MINN. STAT. ANN. § 152.136 (West 2005)	Anhydrous Ammonia	Tamper with any equipment or facility used to contain, store, or transport anhydrous ammonia		(I): Tamperer has NO cause of action against: Owner or lawful custodian of the container or equipment; Installer or maintainer of the container or equipment; or Person lawfully selling or offering for sale the anhydrous ammonia	

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
MN	S.F. 69, 84th Leg. Sess. (Mn. 2005) (enacted)	Anhydrous Ammonia				Agricultural Nutrient Task Force must review and recommend methods of inspection and monitoring for compliance with fertilizer regulations to protect against the theft of anhydrous ammonia used to produce methamphetamine
MS	MISS. CODE ANN. § 41-29-313 (West 2005)	“Precursor Drug or Chemical <sup>61</sup> ”: Anhydrous Ammonia				

<sup>61</sup> MISS. CODE ANN. § 41-29-313 (West 2005): “The term ‘precursor drug or chemical’ means a drug or chemical that, in addition to legitimate uses, may be used in manufacturing a controlled substance in violation of this chapter. The term includes any salt, optical isomer or salt of an optical isomer, whenever the existence of a salt, optical isomer or salt of optical isomer is possible within the specific chemical designation. The chemicals or drugs listed in this section are included by whatever official, common, usual, chemical or trade name designated. A ‘precursor drug or chemical’ includes, but is not limited to, the following...anhydrous ammonia”

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
MS	MISS. CODE ANN. § 41-29-313 (West 2005)	Anhydrous Ammonia	Knowingly or intentionally stealing or unlawfully taking or carrying away any amount of anhydrous ammonia or breaking, cutting, or in any manner damaging the valve or locking mechanism on an anhydrous ammonia tank with the intent to steal or unlawfully take or carry away anhydrous ammonia	Felony punishable by imprisonment not to exceed 5 years and a fine of not more than \$5,000.00 or both; Prison term, fine or both may increase by twice that provided if a child under the age of 18 is present during the offense, if the offense occurs in any hotel or apartment building or complex, if the violator possesses a firearm at the time of the offense or arrest for the offense, or if the offense is committed upon premises where a booby trap has been install or rigged	(E): Farmers who store or use in the normal pursuit of farming operations; Wholesalers, retailers or pharmacists who possess or sell in the normal pursuit of business	

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
MS	MISS. CODE ANN. § 41-29-313 (West 2005)	Anhydrous Ammonia	Purchase, possession, transfer or distribution of any amount of anhydrous ammonia <sup>62</sup>	Felony punishable by imprisonment not to exceed 5 years and a fine of not more than \$5,000.00 or both; Prison term, fine or both may increase by twice that provided if a child under the age of 18 is present during the offense, if the offense occurs in any hotel or apartment building or complex, if the violator possesses a firearm at the time of the offense or arrest for the offense, or if the offense is committed upon premises where a booby trap has been installed or rigged	(E): Farmers who store or use in the normal pursuit of farming operations; Wholesalers, retailers or pharmacists who possess or sell in the normal pursuit of business	

<sup>62</sup> MISS. CODE ANN. § 41-29-313 (West 2005): It is unlawful for any person to purchase, possess, transfer or distribute any amount of anhydrous ammonia, knowing, or under circumstances where one reasonably should know, that the anhydrous ammonia will be used to unlawfully manufacture a controlled substance. The possession of any amount of anhydrous ammonia in a container unauthorized for containment of anhydrous ammonia pursuant to Section 75-57-9 shall be prima facie evidence of intent to use the anhydrous ammonia to unlawfully manufacture a controlled substance.

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
MO	MO. ANN. STAT. § 537.297 (West 2005)	Anhydrous Ammonia			(I): Owners <sup>63</sup> from tamperers	
	MO. ANN. STAT. § 570.030 (West 2005)	Anhydrous Ammonia or Ammonium Nitrate	Stealing <sup>64</sup>	Class C felony <sup>65</sup>		
	MO. ANN. STAT. § 577.075 (West 2005)	Anhydrous Ammonia	Unlawful Release <sup>66</sup>	Class B felony <sup>67</sup>		
	MO. ANN. STAT. § 578.154 (West 2004)	Anhydrous Ammonia	Possession in a Non-approved Container <sup>68</sup>	Class D felony		

<sup>63</sup> MO. ANN. STAT. § 537.297 (West 2005): “Owner” includes all of the following persons: (a) any person who lawfully owns anhydrous ammonia; (b) any person who lawfully owns a container, equipment or storage facility containing anhydrous ammonia; (c) any person responsible for the installation or operation of such containers, equipment or storage facilities; (d) any person lawfully selling anhydrous ammonia; (e) any person lawfully purchasing anhydrous ammonia for agricultural purposes; (f) any person who operates or uses anhydrous ammonia containers, equipment or storage facilities when lawfully applying anhydrous ammonia for agricultural purposes.

<sup>64</sup> MO. ANN. STAT. § 570.030 (West 2005): A person commits the crime of stealing if he or she appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.

<sup>65</sup> MO. ANN. STAT. § 570.030 (West 2005): Class C felony UNLESS the actor appropriates material having a value less than \$500.00 with the intent to use such material to manufacture, compound, produce, prepare, test, or analyze amphetamine or methamphetamine or any of their analogues, then it’s a Class D felony; Theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator is a Class A felony; Theft of property exceeding \$500.00 may be considered a separate felony and may be charged in separate counts

<sup>66</sup> MO. ANN. STAT. § 570.030 (West 2005): It shall be unlawful for any person not the owner or not in lawful control of an approved container of anhydrous ammonia to release or allow the escape of anhydrous ammonia into the atmosphere.

<sup>67</sup> MO. ANN. STAT. § 577.075 (West 2005): Class B felony UNLESS the release causes death of a human being or causes serious physical injury to any person, then it’s a Class A felony.

<sup>68</sup> MO. ANN. STAT. § 578.154 (West 2005): A person commits the crime of possession of anhydrous ammonia in a non-approved container if he or she possess any quantity of anhydrous ammonia in a cylinder or other portable container that was not designed, fabricated, tested, constructed, marked and placarded in accordance with the United States Department of

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
MT	MONT. CODE ANN. § 45-6-301 (2005)	Anhydrous Ammonia	Theft for the Purpose of Manufacturing Dangerous Drugs	Fine not to exceed \$50,000.00 or imprisonment not to exceed 10 years, or both		
	MONT. CODE ANN. § 45-9-107 (2005)	Anhydrous Ammonia	Criminal Possession of Precursors to Dangerous Drugs <sup>69</sup>	Imprisonment in the state prison for not less than 2 years or more than 20 years or fine not to exceed \$50,000.00, or both		
	MONT. CODE ANN. § 45-9-131 (2005)	“Precursor to Dangerous Drugs <sup>70</sup> ”: Anhydrous Ammonia				
	MONT. CODE ANN. § 80-10-303 (2005)	Anhydrous Ammonia	Violation of the Commercial Fertilizer Chapter of the Montana Code Annotated or the Rules Adopted Under Said Chapter	Misdemeanor with a fine of not less than \$300.00 or more than \$500.00 for the first violation and not less than \$300.00 or more than \$1,000 for a subsequent violation		

Transportation Hazardous Materials regulations contained in CFR 49 Parts 100 to 185, revised as of October 1, 2002, and approved for the storage and transportation of anhydrous ammonia, or any container that is not a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator.

<sup>69</sup> MONT. CODE ANN. §45-9-107 (2005): A person commits the offense of criminal possession of precursors to dangerous drugs if the person knowingly possesses anhydrous ammonia for the purpose of manufacturing dangerous drugs.

<sup>70</sup> MONT. CODE ANN. §45-9-131 (2005): “Precursor to dangerous drugs” means, except as exempted by § 45-9-108, any material, compound, mixture, or preparation that contains any combination of the items listed in § 45-9-107(1)(a) or anhydrous ammonia knowingly possessed for the purpose of manufacturing dangerous drugs.



## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
MT	MONT. CODE ANN. §§ 80-10-501 to - 510 (2005) “Anhydrous Ammonia Facilities Safety Act”	Anhydrous Ammonia <sup>71</sup>				
	MONT. CODE ANN. § 80-10-503 (2005) “Anhydrous Ammonia Facilities Safety Act”	Anhydrous Ammonia <sup>72</sup>	Violation of the requirement for having a lock on an anhydrous ammonia tank <sup>73</sup>	Minor Violation		

<sup>71</sup> MONT. CODE ANN. § 80-10-502 (2005): “Anhydrous ammonia” means a compound formed by a combination of two gaseous elements, nitrogen and hydrogen, in the proportion of one part nitrogen to three parts hydrogen by volume, which compound is in either gaseous or liquid form and is used primarily as fertilizer.

<sup>72</sup> *Id.*

<sup>73</sup>

MONT. CODE ANN. § 80-10-503 (2005) “Anhydrous Ammonia Facilities Safety Act”: Provides that the administrative rules of the Department of Agriculture include a requirement that the owner of an anhydrous ammonia tank place a lock on the tank. A violation for not installing a tank lock must be considered a minor offense for a certain period of time due to funding constraints. If the Department of Agriculture is not appropriated enough funds to purchase tank locks for all of the tanks owned by retail vendors in Montana, the Department shall disburse the locks in a fair and equitable manner and keep a record of those who received locks and those who did not. Those that did not receive a lock may not be found in violation for the purposes of MONT. CODE ANN. § 80-10-303.

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
NE	NEB. REV. STAT. § 25-21,281 (2005)	Anhydrous Ammonia	Tampering with Anhydrous Ammonia or Anhydrous Ammonia Equipment <sup>74</sup>		(I): Any person who owns, maintains, or installs anhydrous ammonia equipment, uses anhydrous ammonia for any lawful purpose, or transports anhydrous ammonia in a manner prescribed by laws	

<sup>74</sup> NEB. REV. STAT. § 25-21,281 (2005): “Anhydrous ammonia equipment” means any equipment used in the application of anhydrous ammonia for agricultural purposes that meets all applicable safety requirements established by state and federal statutes and regulations or any container or storage facility used to store anhydrous ammonia in a manner that meets all applicable safety requirements established by state and federal statutes and regulations; and tampering with anhydrous ammonia means intentionally knowingly, and unlawfully gaining access or attempting to gain access to anhydrous ammonia equipment.

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
NE	NEB. REV. STAT. § 28-451 (2005)	Anhydrous Ammonia	Possession with Intent to Manufacture	Class IV felony		
	NEB. REV. STAT. § 28-1240 (2005)	Anhydrous Ammonia	Unlawful Transportation <sup>75</sup>	Class II misdemeanor; Each day of a violation shall constitute a separate offense, and any person, partnership, limited liability company, firm, corporation operating, loading, or unloading a tank or container not in compliance with this section shall be considered as a separate violator of this section		

<sup>75</sup> NEB. REV. STAT. § 28-1240 (2005): Any person, partnership, limited liability company, firm, or corporation (a) who loads, unloads, transports, or causes to be transported over the public highways of this state anhydrous ammonia in a tank or container with a water gallon capacity of three thousand gallons or less which will not withstand two-hundred-fifty-pounds-per-square-inch gauge pressure or in a tank or container with a water gallon capacity of more than three thousand gallons which will not withstand two-hundred-sixty-five-pounds-per-square-inch gauge pressure and does not meet all the other requirements of the United States Department of Transportation Specifications MC 330 or MC 331, as amended and effective September 1, 1965, or (b) who operates any anhydrous ammonia railroad tank cars over the railroads of this state which fail to comply with all of the applicable requirements of the United States Department of Transportation in effect on December 25, 1969, commits the offense of unlawful transportation of anhydrous ammonia.

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
NE	NEB. REV. STAT. § 28-1240 (2005)	Anhydrous Ammonia	Unlawful Use of Certain Containers <sup>76</sup>	Class III misdemeanor; Each day of a violation shall constitute a separate offense, and any person, partnership, limited liability company, firm, corporation operating, loading, or unloading a tank or container not in compliance with this section shall be considered as a separate violator of this section	(N/A): When the owner of the tank or container can show that the tank or container has been properly prepared for alternative use	
NH	N.H. REV. STAT. ANN. § 318-D:1 (2006)	Anhydrous Ammonia <sup>77</sup>				

<sup>76</sup> NEB. REV. STAT. § 28-1240 (2005): *Id.*

<sup>77</sup> N.H. REV. STAT. ANN. § 318-D:1 (2006): “Anhydrous ammonia” means ammonia that has been cooled, pressurized, or both so that it exists in liquid form. Water may be present in varying degrees, if at all. This definition shall not include commercially available water solutions of ammonia such as glass cleaners.

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
NH	N.H. REV. STAT. ANN. § 318-D:2 (2006)	Ammonium Nitrate; Anhydrous Ammonia	Manufacture of Methamphetamine <sup>78</sup>	Imprisonment for not more than 30 years, fine of not more than \$500,000, or both; If has a prior offense, imprisonment not less than 5 years and not more than life, fine of not more than \$500,000, or both		
	N.H. REV. STAT. ANN. § 318-D:5 (2006)	Anhydrous Ammonia	Steal, Unlawful Container, Tamper <sup>79</sup>	Imprisonment for not more than 5 years or a fine of not more than \$50,000, or both	(I): Owners or lawful custodian, installers, maintenance personnel, lawful sellers	
NJ	N.J. STAT. ANN. § 2C:20-2 (West 2005)	Anhydrous Ammonia	Theft with Intent to Manufacture Methamphetamine	Crime of the third degree		

<sup>78</sup> N.H. REV. STAT. ANN. § 318-D:2 (2006): It shall be unlawful for any person to knowingly manufacture or attempt to manufacture methamphetamine. A person is guilty of an attempt to manufacture methamphetamine if the person:...(b) Possesses one or more of the following substances or their salts or isomers, with the intent to manufacture methamphetamine:..(4) Ammonium nitrate, (5) Anhydrous Ammonia...

<sup>79</sup> N.H. REV. STAT. ANN. § 318-D:5 (2006): No person shall: (a) Steal or unlawfully take or carry away any amount of anhydrous ammonia. (b) Purchase, possess, transfer, or distribute any amount of anhydrous ammonia, knowing, or having reason to know, that it will be used to unlawfully manufacture a controlled substance or explosive device. (c) Place, have placed, or possess anhydrous ammonia in a container that is not designed, constructed, maintained, and authorized to contain or transport anhydrous ammonia. (d) Transport anhydrous ammonia in a container that is not designed, constructed, maintained, and authorized to transport anhydrous ammonia. (e) Use, deliver, receive, sell, or transport a container designed and constructed to contain anhydrous ammonia without the express consent of the owner or authorized custodian of the container. (f) Tamper with any equipment or facility used to contain, store, or transport anhydrous ammonia. In this section, “tamper” means action taken by a person not authorized to take that action by law, or by the owner or authorized custodian of an anhydrous ammonia container, or of equipment where anhydrous ammonia is used, stored, distributed, or transported.

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
NJ	N.J. STAT. ANN. § 2C:35-28 (West 2005)	Anhydrous Ammonia	Unlawful Possession with Intent to Manufacture Methamphetamine	Crime of the second degree		
	N.J. STAT. ANN. § 4:9-15.3; 4:9-15.43 to - .45 (West 2005)	“Restricted Commercial Fertilizer <sup>80</sup> ”: Ammonium Nitrate			(I): Any person who refuses to sell a restricted commercial fertilizer to any person, or any person who reports information to a law enforcement official or agency concerning the suspect purchase pattern of any person attempting to purchase a restricted commercial fertilizer UNLESS said person acted in bad faith or with malicious purpose.	Record of sales by every manufacturer or distributor
NM	N.M. STAT. ANN. § 76-11-13 (Michie 2005)	Anhydrous Ammonia				

<sup>80</sup> N.J. STAT. ANN. § 4:9-15.3; 4:0-15.43 to-.45 (West 2005): “Restricted commercial fertilizer” means any commercial fertilizer that in the judgment of the State Chemist, in consultation with the Domestic Security Preparedness Task Force, has the potential to be used as a “destructive device” as defined in subsection c. of N.J.S. 2C:39-1 or an “explosive” as defined in subsection e. of N.J.S.2C:39-1 or otherwise presents an unreasonable threat to public safety. It shall also include, but not be limited to, the chemical compound ammonium nitrate.

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
NM	N.M. ADMIN. CODE tit. 16, § 19.21 (2005)	“Controlled Substance Precursor/Immediate Precursor”: Anhydrous Ammonia	Unlawful Possession		(N/A): A person actively operating land used for agricultural purposes; retail distributor, wholesaler; manufacturer, warehouseman; common carrier or person engaged in the regular course of conducting a lawful business	
	N.M. ADMIN. CODE tit. 16, § 19.21 (2005)	“Controlled Substance Precursor/Immediate Precursor”: Anhydrous Ammonia	Mandate: Anhydrous ammonia must be stored in a container approved for transport			

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
NY	N.Y. AGRIC. & MKTS. LAW § 146-f (McKinney 2005)	Ammonium Nitrate				Security Measures
	N.Y. PENAL LAW § 155.30 (McKinney 2005)	Anhydrous Ammonia or Liquefied Ammonia Gas	Grand Larceny in the fourth degree <sup>81</sup>	Class E felony		
	N.Y. PENAL LAW § 165.45 (McKinney 2005)	Anhydrous Ammonia or Liquefied Ammonia Gas	Criminal Possession of Stolen Property in the fourth degree <sup>82</sup>	Class E felony		
NC	N.C. GEN. STAT. § 90-95 (2005)	“Immediate Precursor Chemicals”: Anhydrous Ammonia	Possession with intent to manufacture a controlled substance	Class H felony UNLESS the immediate precursor is one that can be used to manufacture methamphetamine, then = Class F felony		

<sup>81</sup> N.Y. PENAL LAW § 155.30 (McKinney 2005): A person is guilty of grand larceny in the fourth degree when he steals property and when the property consists of anhydrous ammonia or liquefied ammonia gas and the actor intends to use, or knows another person intends to use, such anhydrous ammonia or liquefied ammonia gas to manufacture methamphetamine.

<sup>82</sup> N.Y. PENAL LAW § 165.45 (McKinney 2005): A person is guilty of criminal possession of stolen property in the fourth degree when he knowingly possesses stolen property, with intent to benefit himself or a person other than an owner thereof or to impede the recovery by an owner thereof, and when the property consists of anhydrous ammonia or liquefied ammonia gas and the actor intends to use, or knows another person intends to use, such ammonia or liquefied ammonia gas to manufacture methamphetamine.



## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
NC	N.C. GEN. STAT. § 90-95 (2005)	“Immediate Precursor Chemicals”: Anhydrous Ammonia	Possession or distribution knowing, or having reasonable cause to believe that it will be used to manufacture a controlled substance	Class H felony UNLESS the immediate precursor is one that can be used to manufacture methamphetamine, then = Class F felony		
	N.C. GEN. STAT. § 90-95 (2005)	“Immediate Precursor Chemicals”: Anhydrous Ammonia	Unlawful possession of an immediate precursor chemical with the intent to manufacture methamphetamine	Class F felony		
	N.C. GEN. STAT. § 90-95 (2005)	“Immediate Precursor Chemicals”: Anhydrous Ammonia	Unlawful possession or distribution of an immediate precursor chemical knowing, or having reasonable cause to believe that the immediate precursor chemical will be used to manufacture methamphetamine	Class F felony		

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
ND	N.D. CENT. CODE §§ 19-20.2-01 to -20.2-11 (2005) (“Anhydrous Ammonia Facilities Law”)	Anhydrous Ammonia				Pilot project by the insurance commissioner may require the locking of anhydrous ammonia nurse tanks or other security measures
	N.D. CENT. CODE § 19-20.2-10 (2005)	Anhydrous Ammonia	Violation of the Anhydrous Ammonia Facilities Law Chapter	Class a misdemeanor; In addition to criminal sanctions that may be imposed, the guilty party is subject to a civil penalty not to exceed \$5,000.00 for each violation		
	N.D. CENT. CODE § 32-03-56 (2005)	Anhydrous Ammonia			(I): Owners <sup>83</sup> from civil liability for loss, damage, or injury from theft or attempted theft by another of anhydrous ammonia from the tank, equipment, or storage facility	

<sup>83</sup> N.D. CENT. CODE § 32-03-56 (2005): “Owner” means a person who lawfully owns anhydrous ammonia, a person who lawfully owns a container, equipment, or storage facility containing anhydrous ammonia; a person responsible for the installation or operation of an anhydrous ammonia container, equipment or storage facility; a person who lawfully sells anhydrous ammonia; a person who lawfully purchases anhydrous ammonia for agricultural purposes; and a person who operates or uses anhydrous ammonia containers, equipment, or storage facilities when lawfully applying anhydrous ammonia for agricultural purposes.

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
ND	N.D. ADMIN. CODE §§ 7-12-02-01 to -05 (2006) (“Anhydrous Ammonia Nurse Tank and Storage Container Lock Pilot Program”)	Anhydrous Ammonia	Violation of any rule provision = a civil penalty not to exceed \$100.00 for a first violation and not to exceed \$500.00 for a second violation. Thereafter the penalty provided in §19-20.2-10 applies			Pilot project by the insurance commissioner requiring the locking of anhydrous ammonia nurse tanks
	H.B. 1009, 59th Leg. Assem., (ND 2005) (enacted)	Anhydrous Ammonia				Appropriation to defray the expenses of regulating storage facilities
	H.B. 1010, 59th Leg. Assem., (ND 2005) (enacted)	Anhydrous Ammonia				Appropriation to pay for tank inspection costs
OH	OHIO REV. CODE § 2913.02 (West 2005)	Anhydrous Ammonia	Theft <sup>84</sup>	Third degree felony		

<sup>84</sup> OHIO REV. CODE § 2913.02 (West 2005): No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services in any of the following ways: (1) without the consent of the owner or person authorized to give consent; (2) beyond the scope of the express or implied consent of the owner or person authorized to give consent; (3) by deception; (4) by threat; (5) by intimidation. Whoever violates this section is guilty of theft....If the property stolen is anhydrous ammonia, a violation of this section is theft of anhydrous ammonia.

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
OK	OKLA. STAT. ANN. tit. 2, § 8-77.3 (West 2005)	Ammonium Nitrate				
	OKLA. STAT. ANN. tit. 2, § 11-10 (West 2005)	Anhydrous Ammonia	Tampering or attempting to tamper <sup>85</sup> with any anhydrous ammonia pipeline, equipment, container or storage device	Felony punishable by imprisonment for not more than 5 years, by a fine not to exceed \$5,000.00, or both	(I): Owners, installers, repairers, operators, lawful sellers, transporters, transferors, deliverers, or purchasers <sup>86</sup>	

<sup>85</sup> OKLA. STAT. ANN. tit. 2, § 11-10 (West 2005): “Tampering” means any unauthorized adjustment, opening removal, transfer, alteration, change, or interference with any part of the anhydrous.

<sup>86</sup> OKLA. STAT. ANN. tit. 2, § 11-10 (West 2005): Any person who commits or attempts theft of anhydrous ammonia or who unlawfully tampers with or attempts to unlawfully tamper with any anhydrous ammonia pipeline, equipment, container, or storage device, and as a result of unlawful conduct is injured shall be barred from commencing any civil action against the following persons: 1. Any owners of anhydrous ammonia or anhydrous ammonia pipeline, equipment, containers, or storage devices; 2. Any persons responsible for the installation, repair, or operation of anhydrous ammonia pipeline, equipment, containers or storage devices; 3. Any person lawfully selling, transporting, transferring, or delivering anhydrous ammonia or anhydrous ammonia equipment, containers, or storage devices; 4. Any persons purchasing or storing anhydrous ammonia for agricultural purposes; or 5. Any persons operating anhydrous ammonia equipment or pipeline or using anhydrous ammonia for agricultural purposes.

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
OK	OKLA. STAT. ANN. tit. 2, § 11-10 (West 2005)	Anhydrous Ammonia	Theft or Attempted Theft	Felony punishable by imprisonment for not less than 2 years nor more than 10, by a fine not to exceed \$25,000.00, or both		
	OKLA. STAT. ANN. tit. 63, § 2-101 (West 2005)	Anhydrous Ammonia <sup>87</sup>				
	OKLA. STAT. ANN. tit. 63, § 2-401 (West 2005)	Anhydrous Ammonia <sup>88</sup>	Unlawful manufacture or attempted manufacture of any controlled substance or possession of any substance listed in § 2-322 of this title or any substance containing any detectable amount of anhydrous ammonia with the intent to use that substance to manufacture a controlled dangerous substance	Felony punishable by imprisonment for not less than 7 years nor more than life and by a fine of not less than \$50,000.00, in addition to other punishment provided by law		

<sup>87</sup> OKLA. STAT. ANN. tit. 63, § 2-101 (West 2005): “Anhydrous Ammonia” means any substance that exhibits cryogenic evaporative behavior and tests positive for ammonia.

<sup>88</sup> OKLA. STAT. ANN. tit. 63, § 2-401 (West 2005): *Id.*

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
<b>OR</b>	OR. REV. STAT. § 475.940 (2003)	“Precursor Substance”: Anhydrous Ammonia				
	OR. REV. STAT. § 475.971 (2003)		Unlawful Possession <sup>89</sup>	Class A misdemeanor	(E): A person who possesses anhydrous ammonia as part of a cleanup, as defined in Section 466.605 of anhydrous ammonia by the Department of Environmental Quality under 466.610	
	H.B. 2485, 73rd Leg. Assem., Reg. Sess. (Or. 2005) (enacted)	Anhydrous Ammonia				Nontoxic dye/additive certification & creation of Anhydrous Ammonia Additive Review Committee
<b>PA</b>	PA. STAT. ANN. tit. 18, § 3903 (West 2005)	Anhydrous Ammonia	Theft	Felony of the Second Degree		

<sup>89</sup> OR. REV. STAT. § 475.940 (2003): A person commits the crime of unlawful possession of anhydrous ammonia if the person knowingly possesses anhydrous ammonia in a container that is not approved by the United States Department of Transportation to hold anhydrous ammonia nor constructed to meet state and federal health and safety standards to hold anhydrous ammonia.

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
PA	PA. STAT. ANN. tit. 35, § 780-113.1 (West 2005)	Liquefied Ammonia Gas	Possession or transport for any purpose other than legitimate agricultural or industrial use or in an unapproved container, or both <sup>90</sup>	Misdemeanor punishable by imprisonment not to exceed 5 years & a fine not to exceed \$10,000.00		
	PA. STAT. ANN. tit. 35, § 780-113.1 (West 2005)	Liquefied Ammonia Gas	Possession or transport with intent to manufacture a controlled substance	Felony punishable by imprisonment not to exceed 7 years and a fine not to exceed \$15,000.00		
	PA. STAT. ANN. tit. 35, § 780-113.1 (West 2005)	Ammonium Sulfate	Possession with intent to manufacture a controlled substance	Felony punishable by imprisonment not to exceed 7 years and a fine not to exceed \$15,000.00		
SC	S.C. CODE ANN. § 12-6-3582 (Law. Co-op. 2005)	Anhydrous Ammonia				Income Tax Credit <sup>91</sup>

<sup>90</sup> PA. STAT. ANN. tit. 35, § 780-113.1 (West 2005): An unapproved container is one that has not been approved by the Department of Agriculture or the Department of Transportation or both.

<sup>91</sup> S.C. CODE ANN. § 12-6-3582 (Law. Co-op. 2005): (A) A resident taxpayer engaged in the business of farming is allowed a refundable income tax credit equal to the amount expended by the taxpayer to obtain the additive required to comply with the provisions of Section 44-53-375(E)(2)(a)(ii) for the agricultural use of anhydrous ammonia. The credit may be claimed against the taxes due pursuant to Section 12-6-510 or 12-6-530.(B) If no taxes are due, or the credit exceeds the tax liability of the taxpayer for the taxable year, the amount of the credit or excess over the tax liability must be refunded to the taxpayer.(C) The department may require the documentation it determines necessary for the proper administration of this credit.

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
SC	S.C. CODE ANN. § 44-53-375 (Law. Co-op. 2005)	Anhydrous Ammonia			(E): A consumer who possesses products for agricultural use <sup>92</sup>	
SD	S.D. CODIFIED LAWS § 10-45-16.1 (Michie 2005)	Ammonium Sulfate				Tax Exemption <sup>93</sup>

<sup>92</sup> S.C. CODE ANN. § 44-53-375 (Law. Co-op. 2005): A consumer who possesses products for agricultural use containing anhydrous ammonia if the consumer has reformulated the anhydrous ammonia by means of additive so as effectively to prevent the conversion of the active ingredient into methamphetamine, its salts, isomers, salts of isomers, or its precursors, or the precursors' salts, isomers, or salts of isomers, or a combination of any of these substances.

<sup>93</sup> S.D. CODIFIED LAWS § 10-45-16.1 (Michie 2005): There are hereby specifically exempted from the provisions of this chapter and from the computation of the amount of tax imposed by it, gross receipts from the sale of pesticides, as defined in Section 38-20A-1, to be used exclusively by the purchaser for agricultural purposes. Any product or substance to be used in conjunction with the application or use of pesticides for agricultural purposes is also exempt. Such products or substances include, but are not limited to, adjuvants, surfactants, ammonium sulfate, inoculants, drift retardants, water conditioners, seed treatments, foam markers, and foam dyes. Equipment for the application of pesticides and related products and substances is not exempt.



## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
SD	S.D. CODIFIED LAWS § 10-46-17.5 (Michie 2006)	Ammonium Sulfate				Tax Exemption <sup>94</sup>
	S.D. CODIFIED LAWS §§ 38-19-36.4 to -36.10 (Michie 2005) “Commercial Fertilizer(s)”	Anhydrous Ammonia <sup>95</sup>				
	S.D. CODIFIED LAWS § 38-19-36.5 (1) (Michie 2005)	Anhydrous Ammonia <sup>96</sup>	Place or Possess in an Unapproved Container <sup>97</sup>	Class 5 felony, penalty not to exceed \$50,000.00, or both		
	S.D. CODIFIED LAWS § 38-19-36.5 (2) (Michie 2005)	Anhydrous Ammonia <sup>98</sup>	Transport in an Unapproved Container <sup>99</sup>	Class 5 felony, penalty not to exceed \$50,000.00, or both		

<sup>94</sup> S.D. CODIFIED LAWS § 10-46-17.5 (Michie 2006): The use in this state of pesticides as defined in § 38-20A-1 to be used exclusively for agricultural purposes is specifically exempted from the tax imposed by this chapter. Any product or substance to be used in conjunction with the application or use of pesticides for agricultural purposes is also exempt. These products or substances include adjuvants, surfactants, ammonium sulfate, inoculants, drift retardants, water conditioners, seed treatments, foam markers, and foam dyes.

<sup>95</sup> S.D. CODIFIED LAWS §§ 38-19-36.4 to -36.7 (Michie 2005): For the purposes of §§ 38-19-36.4 to 38-19-36.7, inclusive, the term, anhydrous ammonia, means a compound formed by the chemical combination of the elements nitrogen and hydrogen in the molar proportion of one part nitrogen to three parts hydrogen as shown by the chemical formula NH<sub>3</sub>. On a weight basis, the ratio is fourteen parts nitrogen to three parts hydrogen or approximately eighty-two percent nitrogen to eighteen percent hydrogen. Anhydrous ammonia may exist in either a gaseous or a liquid state.

<sup>96</sup> *Id.*

<sup>97</sup> S.D. CODIFIED LAWS § 38-19-36.5(1) (Michie 2005): No person may: Place, have placed, or possess anhydrous ammonia in a container that is not designed, constructed, maintained, and authorized to contain or transport anhydrous ammonia....For the purposes of this section, containers designed and constructed for the storage and transport of anhydrous ammonia are described in the Code of Federal Regulations, Title 49 as of January 1, 2001.

<sup>98</sup> *Id.* at footnote 87.

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
SD	S.D. CODIFIED LAWS § 38-19-36.5 (3) (Michie 2005)	Anhydrous Ammonia <sup>100</sup>	Use, deliver, receive, sell, or transport a container without consent or authorization <sup>101</sup>	Class 5 felony, penalty not to exceed \$50,000.00, or both		
	S.D. CODIFIED LAWS § 38-19-36.5 (4) (Michie 2005)	Anhydrous Ammonia <sup>102</sup>	Tampering with equipment or facility <sup>103</sup>	Class 5 felony, penalty not to exceed \$50,000.00, or both		

<sup>99</sup> S.D. CODIFIED LAWS § 38-19-36.5(2) (Michie 2005): No person may:... Transport anhydrous ammonia in a container that is not designed, constructed, maintained, and authorized to transport anhydrous ammonia...For the purposes of this section, containers designed and constructed for the storage and transport of anhydrous ammonia are described in the Code of Federal Regulations, Title 49 as of January 1, 2001.

<sup>100</sup> *Id.* at footnote 87.

<sup>101</sup> S.D. CODIFIED LAWS § 38-19-36.5(3) (Michie 2005): No person may:...Use, deliver, receive, sell, or transport a container designed and constructed to contain anhydrous ammonia without the express consent of the owner or authorized custodian of the container...For the purposes of this section, containers designed and constructed for the storage and transport of anhydrous ammonia are described in the Code of Federal Regulations, Title 49 as of January 1, 2001.

<sup>102</sup> *Id.* at footnote 87.

<sup>103</sup> S.D. CODIFIED LAWS § 38-19-36.5(4) (Michie 2005): No person may:... Tamper with any equipment or facility used to contain, store, or transport anhydrous ammonia. For the purposes of this section, containers designed and constructed for the storage and transport of anhydrous ammonia are described in the Code of Federal Regulations, Title 49 as of January 1, 2001.

## State Ammonia Provisions

State	Relevant Citation(s)	Form of Ammonia	Crime/Prohibition or Restriction	Classification of Crime and/or Penalty	Exemptions (E), Affirmative Defenses (AD) & Immunity from Liability and/or Suit (I)	State Deterrence Efforts/Incentives
<b>SD</b>	S.D. CODIFIED LAWS § 38-19-36.6 (Michie 2005)				(I): Owners, custodians, installers, maintainers, lawful sellers <sup>104</sup>	
<b>TN</b>	TENN. CODE ANN. § § 43-11-301 to -305 (2005) “Anhydrous Ammonia Storage and Equipment Law of Tennessee”	Anhydrous Ammonia <sup>105</sup>	Violation of this part or rules and regulation promulgated hereunder	Class C misdemeanor		
<b>TX</b>	TEX. HEALTH & SAFETY CODE ANN. § 481.124 (Vernon 2005)	Anhydrous Ammonia	Possession or Transport With Intent to Manufacture a Controlled Substance <sup>106</sup>	Anywhere from a felony of the second degree, felony of the third degree, a state jail felony or a Class A misdemeanor <sup>107</sup>		

<sup>104</sup> S.D. CODIFIED LAWS § 38-19-36.6 (Michie 2005): Except as provided in § 38-19-36.7, a person tampering with anhydrous ammonia containers or equipment under § 38-19-36.5 has no cause of action for damages arising out of the tampering against: (1) The owner or lawful custodian of the container or equipment; (2) A person responsible for the installation or maintenance of the container or equipment; or (3) A person lawfully selling or offering for sale the anhydrous ammonia.

<sup>105</sup> TENN. CODE ANN. § § 43-11-301 to -305 (2005): "Anhydrous ammonia," when used exclusively for commercial fertilizer, is, for the purpose of this part, defined as follows: anhydrous ammonia contains eighty-two percent (82%) nitrogen. At atmospheric pressure, ammonia is a gas which exists as a liquid below minus twenty-eight degrees Fahrenheit ( - 28° F.), and boils at this temperature. In commerce, ammonia is compressed to a liquid and stored under pressure. The gauge pressure is seventy-five pounds (75 lbs.) per square inch at fifty degrees Fahrenheit (50° F.), and one hundred ninety-seven pounds (197 lbs.) per square inch at one hundred degrees Fahrenheit (100° F.). The pressures exerted by anhydrous ammonia are dangerous unless the proper safety devices are installed in the equipment and care is used in handling.

<sup>106</sup> TEX. HEALTH & SAFETY CODE ANN. § 481.124 (Vernon 2005): (a) A person commits an offense if, with intent to unlawfully manufacture a controlled substance, the person possesses or transports: (1) anhydrous ammonia;...(b)For purposes of this section, an intent to unlawfully manufacture the controlled substance methamphetamine is presumed if the actor possesses or transports: (1) anhydrous ammonia in a container or receptacle that is not designed and manufactured to lawfully hold or transport anhydrous ammonia;...or (3) in one container, vehicle, or building phenylacetic acid, or more than nine grams, three containers, packaged for retail sale, or 300 tablets or capsules of a product containing ephedrine or pseudoephedrine,

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TX	TEX. HEALTH & SAFETY CODE ANN. § 481.1245(1) (Vernon 2005)	Anhydrous Ammonia	Possession or Transport in an Unapproved Container or Receptacle <sup>108</sup>	Third Degree Felony		

and (A) anhydrous ammonia... (c) For purposes of this section, a substance is presumed to be anhydrous ammonia if the substance is in a container or receptacle that is (1) designed and manufactured to lawfully hold or transport anhydrous ammonia; or (2) not designed and manufactured to lawfully hold or transport anhydrous ammonia, if: (A) a properly administered field test of the substance using a testing device or instrument designed and manufactured for that purpose produces a positive result for anhydrous ammonia; or (B) a laboratory test of a water solution of the substance produces a positive result for ammonia.

<sup>107</sup> TEX. HEALTH & SAFETY CODE ANN. § 481.124(d) (Vernon 2005): An offense under this section is: (1) a felony of the second degree if the controlled substance is listed in Penalty Group 1 or 1-A; (2) a felony of the third degree if the controlled substance is listed in Penalty Group 2; (3) a state jail felony if the controlled substance is listed in Penalty Group 3 or 4; or (4) a Class A misdemeanor if the controlled substance is listed in a schedule by an action of the commissioner under this chapter but not listed in a penalty group.

<sup>108</sup> TEX. HEALTH & SAFETY CODE ANN. § 481.1245(1) (Vernon 2005): A person commits an offense if the person: (1) possesses or transports anhydrous ammonia in a container or receptacle that is not designed or manufactured to hold or transport anhydrous ammonia...

## State Ammonia Provisions

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TX	TEX. HEALTH & SAFETY CODE ANN. § 481.1245(2) (Vernon 2005)	Anhydrous Ammonia	Use, Transfer or Sell in a Lawful Container or Receptacle Without Consent of Owner <sup>109</sup>	Third Degree Felony		
	TEX. HEALTH & SAFETY CODE ANN. § 481.1245(3) (Vernon 2005)	Anhydrous Ammonia	Tamper with Equipment Without Consent of the Owner <sup>110</sup>	Third Degree Felony		
	TEX. HEALTH & SAFETY CODE ANN. § 468.052 (Vernon 2005)	Anhydrous Ammonia				Distribution of educational materials to distributors, farmers & dealers about the use of anhydrous ammonia to make methamphetamine & how to deter theft

<sup>109</sup> TEX. HEALTH & SAFETY CODE ANN. § 481.1245(2) (Vernon 2005): A person commits an offense if the person:...(2) uses, transfers or sells a container or receptacle that is designed or manufactured to hold anhydrous ammonia without the express consent of the owner of the container or receptacle...

<sup>110</sup> TEX. HEALTH & SAFETY CODE ANN. § 481.1245(3) (Vernon 2005): person commits an offense if the person:...(3) tampers with equipment that is manufactured or used to hold, apply, or transport anhydrous ammonia without the express consent of the owner of the equipment.

## State Ammonia Provisions

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UT	UTAH CODE ANN. § 58-1-501 (2005)	Anhydrous Ammonia				
	UTAH CODE ANN. § 58-37c-3 (2005)	“Controlled Substance Precursor <sup>111</sup> ”: Anhydrous Ammonia				
	UTAH CODE ANN. § 58-37c-3(12)(k) (2005)	Anhydrous Ammonia	Obtaining/ attempting to obtain or possess knowing or having reasonable cause to know it is intended to manufacture a controlled substance <sup>112</sup>	Unlawful Conduct		
	UTAH CODE ANN. § 58-37c-19.9 (2005)	Anhydrous Ammonia	Engaging in a regulated transaction without a license and possession <sup>113</sup>	Class A misdemeanor	(AD): Agricultural Use, Lawful Business Activities, Refrigeration Applications, and Industrial Enterprises <sup>114</sup>	

<sup>111</sup> UTAH CODE ANN. § 58-37c-3 (2005): Includes a chemical reagent.

<sup>112</sup> UTAH CODE ANN. § 58-37c-3(12)(k) (2005): “Unlawful conduct” as defined in Section 58-1-501 includes knowingly and intentionally...obtaining or attempting to obtain or to possess any controlled substance precursor or any combination of controlled substance precursors knowing or having a reasonable cause to believe that the controlled substance precursor is intended to be used in the unlawful manufacture of any controlled substance.

<sup>113</sup> UTAH CODE ANN. § 58-37c-19.9 (2005): A person is guilty of a class A misdemeanor who is not licensed to engage in a regulated transaction and is not excepted from licensure or exempted under Subsection (2), and who possesses any amount of anhydrous ammonia under circumstances not amounting to a violation of Subsection 58-37c-3(12)(k) or 58-37d-4(1)(a).

<sup>114</sup> UTAH CODE ANN. § 58-37c-19.9(2) (2005): A person who possesses anhydrous ammonia has an affirmative defense to a charge under Subsection (1) if the person is:(a) directly involved in or actively operating land in agricultural use as defined in Section 59-2-502; (b) a retail distributor, wholesaler, manufacturer, warehouseman, or common carrier, or an agent of any of these persons, who possesses anhydrous ammonia in the regular course of lawful business activities; (c) directly involved in or actively operating a business or other lawful

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UT	UTAH CODE ANN. § 58-37d-4(1)(a) (2005)	Anhydrous Ammonia	Knowingly/Intentionally possess a controlled substance precursor with intent to engage in a clandestine laboratory operation	Second Degree felony		
VA	VA. CODE ANN. §18.2-248 (Michie 2005)	Liquefied Ammonia Gas	Possession with intent to manufacture methamphetamine, methcathinone or amphetamine <sup>115</sup>	Class 6 felony		

activity providing or using anhydrous ammonia for refrigeration applications; or (d) directly involved in or actively operating a lawful business enterprise, including an industrial enterprise, that uses anhydrous ammonia in the regular course of its business activities.

<sup>115</sup> VA. CODE ANN. §18.2-248 (Michie 2005): Except as authorized in the Drug Control Act (§ 54.1-3400 *et seq.*), any person who possesses any two or more different substances listed below with the intent to manufacture methamphetamine, methcathinone or amphetamine is guilty of a Class 6 felony: liquefied ammonia gas, ether, hypophosphorus acid solutions, hypophosphite salts, hydrochloric acid, iodine crystals or tincture of iodine, phenylacetone, phenylacetic acid, red phosphorus, methylamine, methyl formamide, lithium metal, sodium metal, sulfuric acid, sodium hydroxide, potassium dichromate, sodium dichromate, potassium permanganate, chromium trioxide, methylbenzene, methamphetamine precursor drugs, trichloroethane, or 2-propanone.

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WA	WASH. REV. CODE ANN. § 9A.42.100 (West 2006)	Anhydrous Ammonia	Endangerment with a controlled substance <sup>116</sup>	Class B felony		
	WASH. REV. CODE ANN. § 9A.50.440 (West 2006)	Pressurized Ammonia Gas	Unlawful Possession with Intent to Manufacture Methamphetamine	Class B felony; Imprisonment not more than 10 years, fined not more than \$25,000, or both		
	WASH. REV. CODE ANN. § 69.55.010 (West 2006)	Anhydrous Ammonia	Theft <sup>117</sup>	Class C felony		
	WASH. REV. CODE ANN. § 69.55.020 (West 2006)	Anhydrous Ammonia	Unlawful Storage <sup>118</sup>	Class C felony	(E): Authorized public employees or private contractors <sup>119</sup>	

<sup>116</sup> WASH. REV. CODE ANN. § 9A.42.100 (West 2006): A person is guilty of the crime of endangerment with a controlled substance if the person knowingly or intentionally permits a dependent child or dependent adult to be exposed to, ingest, inhale, or have contact with methamphetamine or ephedrine, pseudoephedrine, or anhydrous ammonia, including their salts, isomers, and salts of isomers, that are being used in the manufacture of methamphetamine, including its salts, isomers, and salts of isomers.

<sup>117</sup> WASH. REV. CODE ANN. § 69.55.010 (West 2006): A person who, with intent to deprive the owner or owner's agent, wrongfully obtains pressurized ammonia gas or pressurized ammonia gas solution, is guilty of theft of ammonia.

<sup>118</sup> WASH. REV. CODE ANN. § 69.55.020 (West 2006): A person is guilty of the crime of unlawful storage of ammonia if the person possesses, transports, or delivers pressurized ammonia gas or pressurized ammonia gas solution in a container that (1) is not approved by the United States department of transportation to hold ammonia, or (2) was not constructed to meet state and federal industrial health and safety standards for holding ammonia.

<sup>119</sup> WASH. REV. CODE ANN. § 69.55.020 (West 2006): This section does not apply to public employees or private contractors authorized to clean up and dispose of hazardous waste or toxic substances under chapter 70.105 or 70.105D RCW or to solid waste haulers and their employees who unknowingly possess, transport, or deliver pressurized ammonia gas or pressurized ammonia gas solution during the course of the performance of their duties.



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WA	WASH. REV. CODE ANN. § 69.55.030 (West 2006)	Anhydrous Ammonia			(I): Lawful owner, installer, maintainer, designer, manufacturer, possessor, or seller <sup>120</sup>	
WV	W. VA. CODE ANN. § 60-A-10-14 (Michie 2005)	Anhydrous Ammonia	Illegal Storage <sup>121</sup>	Felony punishable by imprisonment not to exceed 5 years, a fine of not more than \$10,000.00, or both	(E): Authorized Personnel <sup>122</sup>  (I): Lawful owner, installer, maintainer, designer, manufacturer, possessor or seller <sup>123</sup>	

<sup>120</sup> WASH. REV. CODE ANN. § 69.55.030 (West 2006): Any damages arising out of the unlawful possession of, storage of, or tampering with pressurized ammonia gas or pressurized ammonia gas solution, or pressurized ammonia gas equipment or pressurized ammonia gas solution equipment, shall be the sole responsibility of the unlawful possessor, storer, or tamperer. In no case shall liability for damages arising out of the unlawful possession of, storage of, or tampering with pressurized ammonia gas or pressurized ammonia gas solution, or pressurized ammonia gas equipment or pressurized ammonia gas solution equipment, extend to the lawful owner, installer, maintainer, designer, manufacturer, possessor, or seller of the pressurized ammonia gas or pressurized ammonia gas solution, or pressurized ammonia gas equipment or pressurized ammonia gas solution equipment, unless such damages arise out of the owner, installer, maintainer, designer, manufacturer, possessor, or seller's acts or omissions that constitute negligent misconduct to abide by the laws regarding pressurized ammonia gas or pressurized ammonia gas solution possession and storage.

<sup>121</sup> W. VA. CODE ANN. § 60-A-10-14 (Michie 2005): (a) Any person who stores or conveys anhydrous ammonia in a container that: (1) Is not approved by the United States Department of Transportation to hold anhydrous ammonia; or (2) Was not constructed to meet state and federal industrial health and safety standards for holding anhydrous ammonia is guilty of a felony and, upon conviction, shall be confined in a state correctional facility for a determinate period not to exceed five years, fined not more than ten thousand dollars, or both.

<sup>122</sup> W. VA. CODE ANN. § 60-A-10-14(b) (Michie 2005): The provisions of this section shall not apply to persons authorized by federal or state law, rule or regulation to handle and dispose of hazardous waste or toxic substances while engaged in such conduct.

<sup>123</sup> W. VA. CODE ANN. § 60-A-10-14(c) (Michie 2005): Any damages arising out of the unlawful possession of, storage of or tampering with anhydrous ammonia equipment shall be the sole responsibility of the person or persons unlawfully possessing, storing or tampering with anhydrous ammonia. In no case shall liability for damages arising out of the unlawful

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WI	WIS. STAT. ANN. § 101.10(2) (West 2005)	Anhydrous Ammonia	Violation of a rule that prescribes standards of safe storage and handling	Possible forfeiture of not less than \$10.00 nor more than \$100.00 for each violation		

possession of, storage of or tampering with anhydrous ammonia or anhydrous ammonia equipment extend to the lawful owner, installer, maintainer, designer, manufacturer, possessor or seller of the anhydrous ammonia or anhydrous ammonia equipment, unless such damages arise out of the acts or omissions of the owner, installer, maintainer, designer, manufacturer, possessor or seller that constitute negligent misconduct to abide by the laws regarding anhydrous ammonia possession and storage.

## State Ammonia Provisions

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WI	WIS. STAT. ANN. § 101.10(3)(a) (West 2005)	Anhydrous Ammonia	Storing, holding, or transporting in an unapproved container <sup>124</sup>	Class I felony; If done while performing an agricultural activity or an activity related to construction, repair, alteration, location, installation, inspection, or operation of anhydrous ammonia equipment with the consent of the owner of the anhydrous ammonia equipment may be required to forfeit not less than \$10.00 nor more than \$100.00 for each violation <sup>125</sup>		

<sup>124</sup> WIS. STAT. ANN. § 101.10(3)(a) (West 2005): No person may store, hold or transport anhydrous ammonia in a container that does not meet all applicable requirements established by rule of the Department of Commerce promulgated under WIS. STAT. ANN. § 101.10(2) (West 2003).

<sup>125</sup> Per WIS. STAT. ANN. §§101.10(1)(a) & (b) (West 2005), "Agricultural activity" means planting, cultivating, propagating, fertilizing, nurturing, producing, harvesting, or manufacturing agricultural, horticultural, viticultural, or dairy products; forest products; livestock; wildlife; poultry; bees; fish; shellfish; or any products of livestock, wildlife, poultry, bees, fish, or shellfish. "Anhydrous ammonia equipment" means any equipment that is used in the application of anhydrous ammonia for an agricultural purpose or that is used to store, hold, transport or transfer anhydrous ammonia.

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WI	WIS. STAT. ANN. § 101.10(3)(b) (West 2005)	Anhydrous Ammonia	Transfer or attempt to transfer in an unapproved container <sup>126</sup>	Class I felony; If done while performing an agricultural activity or an activity related to construction, repair, alteration, location, installation, inspection, or operation of anhydrous ammonia equipment with the consent of the owner of the anhydrous ammonia equipment may be required to forfeit not less than \$10.00 nor more than \$100.00 for each violation <sup>127</sup>		

<sup>126</sup> WIS. STAT. ANN. § 101.10(3)(b) (West 2005): No person may transfer or attempt to transfer anhydrous ammonia into a container that does not meet all applicable requirements established by rule of the Department of Commerce promulgated under § 101.10(2). Per WIS. STAT. ANN. § 101.10(1)(c) (West 2003), “Transfer” means to remove from a container.

<sup>127</sup> Per WIS. STAT. ANN. §§101.10(1)(a) & (b) (West 2005), “Agricultural activity” means planting, cultivating, propagating, fertilizing, nurturing, producing, harvesting, or manufacturing agricultural, horticultural, viticultural, or dairy products; forest products; livestock; wildlife; poultry; bees; fish; shellfish; or any products of livestock, wildlife, poultry, bees, fish, or shellfish. “Anhydrous ammonia equipment” means any equipment that is used in the application of anhydrous ammonia for an agricultural purpose or that is used to store, hold, transport or transfer anhydrous ammonia.

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WI	WIS. STAT. ANN. § 101.10(3)(c) (West 2005)	Anhydrous Ammonia	Transfer or attempt to transfer without consent of the owner <sup>128</sup>	Class I felony		
	WIS. STAT. ANN. § 101.10(3)(d) (West 2005)	Anhydrous Ammonia	Intentionally cause damage to equipment without the consent of the owner	Class I felony		
	WIS. STAT. ANN. § 101.10(3)(e) (West 2005)	Anhydrous Ammonia	Intentionally take, carry away, use, conceal, or retain possession of anhydrous ammonia belonging to another or anhydrous equipment belonging to another, without the other's consent and with intent to deprive the owner permanently of possession of the anhydrous ammonia or equipment	Class I felony		

<sup>128</sup> Per WIS. STAT. ANN. § 101.10(1)(c) (West 2005), “Transfer” means to remove from a container.

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WI	WIS. STAT. ANN. § 101.10(3)(f) (West 2005)	Anhydrous Ammonia	Intentional release or allowing the escape of anhydrous ammonia into the atmosphere	Class I felony	(E): Owners who authorize the actor to exercise control over the anhydrous ammonia or consent to its release	
	WIS. STAT. ANN. § 895.555 (West 2005)				(I): Owners, maintainers, installers and users for any legal purpose <sup>129</sup>	

<sup>129</sup> Wis. Stat. Ann. § 895.555 (West 2005): Any person who owns, maintains, or installs anhydrous ammonia equipment, as defined in § 101.10(1)(b), or who uses anhydrous ammonia for any legal purpose is immune from any civil liability for acts or omissions relating to the anhydrous ammonia equipment or to anhydrous ammonia that cause damage or injury to an individual, if that damage or injury occurs during the individual's violation of § 101.10(3)(c), (d),(e) or (f). A person is not immune from civil liability under the aforementioned if the damage or injury is caused by the person's reckless or wanton acts or omissions or by acts or omissions intended by the person to cause damage or injury.