
Judiciary Committee

ESB 6232

Title: An act relating to possession of ammonia.

Brief Description: Revising crimes relating to possession of ammonia.

Sponsors: Senators Rasmussen, Long, Shin, Kastama, Franklin, Winsley, Spanel, Swecker, Regala, McAuliffe and T. Sheldon.

Brief Summary of Engrossed Bill

- Amends statutes relating to theft or unlawful possession or storage of anhydrous ammonia to change "anhydrous ammonia" references to "pressurized ammonia gas."
- Provides that the crime of unlawful storage of ammonia does not apply to solid waste haulers who unknowingly possess, transport, or deliver pressurized ammonia gas.

Hearing Date: 2/26/02

Staff: Edie Adams (786-7180).

Background:

Anhydrous ammonia is widely used as a nitrogen fertilizer and refrigerant. It is stored under high pressure and if improperly stored or mishandled can cause severe injuries. Anhydrous ammonia is ammonia that does not contain any water. Anhydrous ammonia readily absorbs water and improper storage can result in it no longer being "anhydrous." Anhydrous ammonia is also being used in the manufacture of methamphetamine and is often improperly stored during this process. In 2000, the Legislature adopted a law to address the increase in theft of anhydrous ammonia, unlawful storage of anhydrous ammonia, and possession of anhydrous ammonia with intent to manufacture methamphetamine.

The chapter governing anhydrous ammonia makes it a crime to commit theft of anhydrous ammonia or to unlawfully store anhydrous ammonia. The crime of unlawful storage of anhydrous ammonia is committed by possessing anhydrous ammonia in a container that is not approved to hold anhydrous ammonia or not constructed to meet standards for holding anhydrous ammonia. This crime does not apply to public employees or private contractors authorized to clean up and dispose of hazardous waste or toxic substances. Any damages

caused by the unlawful possession of, storage of, or tampering with anhydrous ammonia is the sole responsibility of the person who violates the law.

Summary of Bill:

References to "anhydrous ammonia" in the statute governing anhydrous ammonia and in the seriousness level rankings of crimes relating to anhydrous ammonia are changed to "pressurized ammonia gas."

The crime of unlawful storage of ammonia is amended to provide that the crime does not apply to solid waste haulers or their employees who unknowingly possess, transport, or deliver pressurized ammonia gas during the course of the performance of their duties.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.