

1 Section 1. Section 200.14, subsection 1, unnumbered
2 paragraph 3, Code 1997, is amended to read as follows:

3 1A. All-anhydrous Anhydrous ammonia equipment shall be
4 installed and maintained in a safe operating condition and in
5 conformity with the rules and regulations of adopted by the
6 secretary of agriculture. A person shall not intentionally
7 tamper with anhydrous ammonia equipment by using the equipment
8 in a manner that is not authorized by the equipment's owner.
9 No A person, firm or corporation, other than the owner and
10 those authorized by the owner to do so, shall not in any
11 manner or for any purpose sell, fill, refill, deliver, or
12 permit to be delivered, or use in any manner any anhydrous
13 ammonia container or receptacle, including for the storage of
14 any gas, or compound for any other purpose whatsoever, unless
15 the person owns the container or receptacle or is authorized
16 to do so by the owner. A person shall not possess or
17 transport anhydrous ammonia in a container or receptacle which
18 is not authorized by the secretary to hold anhydrous ammonia.

19 Sec. 2. Section 200.18, subsection 2, Code 1997, is
20 amended to read as follows:

21 2. Any A person violating ~~any provision of~~ this chapter or
22 ~~the rules and regulations issued thereunder~~ adopted by the
23 secretary pursuant to this chapter shall be guilty of a simple
24 misdemeanor. In addition to the imposition of the simple
25 misdemeanor penalty, a person violating section 200.14 shall
26 be subject to a civil penalty of not more than one thousand
27 five hundred dollars, if the person does any of the following:

- 28 a. Intentionally tampers with anhydrous ammonia equipment.
29 b. Possesses or transports anhydrous ammonia in a
30 container or receptacle which is not authorized to hold
31 anhydrous ammonia according to rules adopted by the secretary.

32 A person tampering with anhydrous ammonia equipment in
33 violation of section 200.14 shall not have a cause of action
34 against the owner of the equipment, any person responsible for
35 the installation and maintenance of the equipment, or the

1 person lawfully selling the anhydrous ammonia for damages
2 arising out of the tampering.

3 EXPLANATION

4 This bill amends Code chapter 200 which is known as the
5 "Iowa Fertilizer Law." The chapter provides for the
6 regulation of anhydrous ammonia by the secretary of
7 agriculture. Code section 200.14 requires that the secretary
8 adopt rules relating to the safe installation and operation of
9 equipment for storage, handling, transportation, and use of
10 anhydrous ammonia. The section requires that anhydrous
11 ammonia equipment must be installed and maintained in a safe
12 operating condition. It also prohibits an unauthorized person
13 from selling, filling, delivering, or using anhydrous ammonia
14 containers or receptacles. A person violating the section's
15 provisions is guilty of a simple misdemeanor.

16 This bill provides enhanced penalties for intentionally
17 tampering with anhydrous ammonia equipment by using the
18 equipment in a manner not authorized by the equipment's owner.
19 The enhanced penalties also apply to possessing or
20 transporting anhydrous ammonia in a container which is not
21 authorized by the secretary. The enhanced penalty cannot be
22 more than \$1,500 in addition to the imposition of the simple
23 misdemeanor penalty. A person tampering with the equipment
24 cannot sue the owner of the equipment, any person responsible
25 for the installation and maintenance of the equipment, or the
26 person lawfully selling the anhydrous ammonia for damages
27 arising out of the tampering.

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HSB 507

Agriculture

Succeeded By

SF/HF 2096

Rayhons, Ch
Huseman
Scherrman

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act regulating anhydrous ammonia by prohibiting tampering with
2 related equipment and the unauthorized possession and
3 transportation of containers and receptacles used to store
4 anhydrous ammonia, and providing enhanced penalties.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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paragraph 3, Code 1997, is amended to read as follows:

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~~No A person, firm-or-corporation, other-than-the-owner-and those-authorized-by-the-owner-to-do-so,~~ shall not in any manner or for any purpose sell, fill, refill, deliver, or permit to be delivered, or use in-any-manner-any an anhydrous ammonia container or receptacle, including for the storage of any gas, or compound for-any-other-purpose-whatsoever , unless the person owns the container or receptacle or is authorized to do so by the owner. A person shall not possess or transport anhydrous ammonia in a container or receptacle which is not authorized by the secretary to hold anhydrous ammonia.

Sec. 2. Section 200.18, subsection 2, Code 1997, is amended to read as follows:

2. ~~Any A person violating any-provision-of~~ this chapter or ~~the rules and-regulations-issued-thereunder~~ adopted by the secretary pursuant to this chapter shall be guilty of a simple misdemeanor. In addition to the imposition of the simple misdemeanor penalty, a person violating section 200.14 shall be subject to a civil penalty of not more than one thousand five hundred dollars, if the person does any of the following:

- a. Intentionally tampers with anhydrous ammonia equipment.
- b. Possesses or transports anhydrous ammonia in a container or receptacle which is not authorized to hold anhydrous ammonia according to rules adopted by the secretary.

A person tampering with anhydrous ammonia equipment in violation of section 200.14 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

1 person lawfully selling the anhydrous ammonia for damages
2 arising out of the tampering.

3 EXPLANATION

4 This bill amends Code chapter 200 which is known as the
5 "Iowa Fertilizer Law." The chapter provides for the
6 regulation of anhydrous ammonia by the secretary of
7 agriculture. Code section 200.14 requires that the secretary
8 adopt rules relating to the safe installation and operation of
9 equipment for storage, handling, transportation, and use of
10 anhydrous ammonia. The section requires that anhydrous
11 ammonia equipment must be installed and maintained in a safe
12 operating condition. It also prohibits an unauthorized person
13 from selling, filling, delivering, or using anhydrous ammonia
14 containers or receptacles. A person violating the section's
15 provisions is guilty of a simple misdemeanor.

16 This bill provides enhanced penalties for intentionally
17 tampering with anhydrous ammonia equipment by using the
18 equipment in a manner not authorized by the equipment's owner.
19 The enhanced penalties also apply to possessing or
20 transporting anhydrous ammonia in a container which is not
21 authorized by the secretary. The enhanced penalty cannot be
22 more than \$1,500 in addition to the imposition of the simple
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26 person lawfully selling the anhydrous ammonia for damages
27 arising out of the tampering.

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TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY
PAUL H. WIECK II, COMMISSIONER

TO: Members of the General Assembly

FROM: Paul Wieck II, Commissioner *Paul Wieck II*

DATE: September 23, 1997

RE: Anhydrous Ammonia

REC 10

OCT 02 1997

LEGISLATIVE SERVICE
BUREAU

The Department of Public Safety, with the support of the Iowa Department of Agriculture, is proposing a sanction for persons transporting or possessing anhydrous ammonia in containers not meeting the safety standards of CFR 49, part 173 and 178.

While not a precursor to the manufacture of methamphetamine, anhydrous ammonia is increasingly being used by criminals in its production due to the drastically reduced "cooking" time required.

Anhydrous ammonia is typically stolen from agriculture sites and placed in modified propane cylinders, fire extinguishers, gas grill propane tanks, etc. These containers cannot withstand the pressure created by the ammonia and create an extreme danger to the public and to law enforcement and fire departments who respond to motor vehicle stops, home fires, drug investigations, or who respond to reports of the production of methamphetamine at clandestine sites. Transportation in a motor vehicle or storage in a home create extremely hazardous conditions.

This bill proposes a civil penalty of up to \$1500 for tampering with anhydrous ammonia equipment and limits a cause of action against an anhydrous dealer and also imposes a civil fine of \$1500 for storage or transport in an unauthorized container.