

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 491

Session of
1979

INTRODUCED BY RHODES, WHITE, BERSON, SPENCER AND SCIRICA,
MARCH 6, 1979

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 6, 1979

AN ACT

1 Amending the act of April 14, 1972 (P.L.233, No.64), entitled
2 "An act relating to the manufacture, sale and possession of
3 controlled substances, other drugs, devices and cosmetics;
4 conferring powers on the courts and the secretary and
5 Department of Health, and a newly created Pennsylvania Drug,
6 Device and Cosmetic Board; establishing schedules of
7 controlled substances; providing penalties; requiring
8 registration of persons engaged in the drug trade and for the
9 revocation or suspension of certain licenses and
10 registrations; and repealing an act," further providing for
11 registration and licensing.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Subsection (a) of section 6, clauses (16) and
15 (30) of subsection (a) of section 13 and section 21, act of
16 April 14, 1972 (P.L.233, No.64), known as "The Controlled
17 Substance, Drug, Device and Cosmetic Act," are amended to read:

18 Section 6. Registration.--(a) No person shall operate
19 within this Commonwealth as a manufacturer, distributor or
20 retailer of controlled substances, other drugs and devices nor
21 sell, offer for sale nor solicit the purchase of controlled
22 substances, other drugs and devices nor hold them for sale or

1 resale until such person has registered under this act with the
2 secretary or is registered or licensed under the appropriate
3 State board. Such registration must be renewed annually in
4 accordance with rules and regulations relating thereto.

5 * * *

6 Section 13. Prohibited Acts; Penalties.--(a) The following
7 acts and the causing thereof within the Commonwealth are hereby
8 prohibited:

9 * * *

10 (16) Knowingly or intentionally possessing a controlled or
11 counterfeit substance [by a person not registered under this
12 act, or a practitioner not registered or licensed by the
13 appropriate State board], unless the substance was obtained
14 directly from, or pursuant to, a valid prescription order or
15 order of a practitioner, or except as otherwise authorized by
16 this act.

17 * * *

18 (30) Except as authorized by this act, the manufacture,
19 delivery, or possession with intent to manufacture or deliver, a
20 controlled substance [by a person not registered under this act,
21 or a practitioner not registered or licensed by the appropriate
22 State board], or knowingly creating, delivering or possessing
23 with intent to deliver, a counterfeit controlled substance.

24 * * *

25 Section 21. Burden of Proving Exemptions.--In any
26 prosecution under this act, it shall not be necessary to negate
27 any of the exemptions or exceptions, including licensing and
28 registration, of this act in any complaint, information or
29 trial. The burden of proof of such exemption or exception,
30 including licensing and registration, shall be upon the person

1 claiming it.

2 Section 2. This act shall take effect in 60 days.