

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2773 Session of 2022

INTRODUCED BY PENNYCUICK, HENNESSEY, BOBACK, INNAMORATO AND  
CIRESI, AUGUST 22, 2022

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 22, 2022

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employes in certain departments, boards,  
17 and commissions; providing for judicial administration; and  
18 prescribing the manner in which the number and compensation  
19 of the deputies and all other assistants and employes of  
20 certain departments, boards and commissions shall be  
21 determined," in powers and duties of the Department of Health  
22 and its departmental administrative and advisory boards,  
23 further providing for additional powers and duties of the  
24 department.

25 The General Assembly of the Commonwealth of Pennsylvania  
26 hereby enacts as follows:

27 Section 1. Section 2120 of the act of April 9, 1929  
28 (P.L.177, No.175), known as The Administrative Code of 1929, is  
29 amended to read:

Section 2120. Additional Powers and Duties of the Department.--(a) The Department of Health shall have the power and its duty shall be to carry out those powers and duties conferred upon the Secretary of Health and the Department of Health under the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act." Notwithstanding any provision of "The Controlled Substance, Drug, Device and Cosmetic Act," loperamide hydrochloride is expressly deemed not to be a controlled substance within the meaning of section 4 of that act.

(b) The following shall apply:

(1) A person who is registered with the United States Drug Enforcement Administration to manufacture in bulk a basic class of a controlled substance listed in Schedule I or II under the Controlled Substances Act (Public Law 91-513, 84 Stat. 1236) shall not be in violation of "The Controlled Substance, Drug, Device and Cosmetic Act," if the person meets all of the following requirements:

(i) The person acts under the scope of, and remains compliant with, the terms of the registration.

(ii) The person submits a notice, along with a copy of the registration and any other documentation, evidencing proof of registration to the Department of Health.

(2) Upon receipt of the information under clause (1)(ii), the Department of Health shall transmit a notice to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin with the following information:

(i) The name of the person.

(ii) The bulk-controlled substance that the person has been approved to manufacture.

1     (iii) A statement that the person shall be deemed in  
2 compliance with the provisions of this subsection if the person  
3 possesses an active registration from the United States Drug  
4 Enforcement Administration.

5     (3) Within thirty days of the effective date of this  
6 subsection, the Department of Health shall transmit a notice to  
7 the Legislative Reference Bureau for publication in the  
8 Pennsylvania Bulletin providing for a standardized form for a  
9 person to evidence proof of registration with the United States  
10 Drug Enforcement Administration under clause (1)(ii).

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