

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 263

Session of
1979

INTRODUCED BY SALVATORE, ARTY, ALDEN, PERZEL, McKELVEY,
D. M. O'BRIEN AND ROCKS, FEBRUARY 13, 1979

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 13, 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," making it illegal to
11 possess or deliver controlled paraphernalia.

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

14 Section 1. Subsection (b) of section 2, act of April 14,
15 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug,
16 Device and Cosmetic Act," is amended by adding a definition to
17 read:

18 Section 2. Definitions.-- * * *

19 (b) As used in this act:

20 * * *

21 "Controlled paraphernalia" means (i) a hypodermic syringe,
22 needle, or any other instrument or implement or combination

1 thereof adapted for the administration of controlled substances
2 by injection, inhalation, ingestion, or any other means under
3 circumstances which reasonably indicate an intention to use such
4 controlled paraphernalia for purposes of illegally administering
5 any controlled substance, (ii) lactose, quinine, mannite,
6 mannitol, dextrose, sucrose, procaine hydrochloride, or any
7 other substance suitable as a diluent or adulterant in
8 sufficient quantity and under such circumstances which
9 reasonably indicate an intention to use any such substance for
10 the illegal manufacture, distribution or dispensing of any other
11 controlled substance. Evidence of such circumstances shall
12 include but not be limited to close proximity of any such
13 controlled paraphernalia to any adulterants, diluents or
14 equipment commonly used in the illegal manufacture and
15 distribution of controlled substances such as but not limited to
16 any of the following: scales, sieves, strainers, measuring
17 spoons, staples and staplers, glassine envelopes, gelatin
18 capsules, or any controlled substance.

19 * * *

20 Section 2. Subsection (a) of section 13 of the act is
21 amended by adding a clause to read:

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

25 * * *

26 (32) The possession of, delivery, or possession with intent
27 to deliver, controlled paraphernalia.

28 * * *

29 Section 3. Subsection (g) of section 13 of the act is
30 amended to read:

1 Section 13. Prohibited Acts; Penalties.--* * *

2 (g) Any person who violates clause (31) or (32) of
3 subsection (a) is guilty of a misdemeanor and upon conviction
4 thereof shall be sentenced to imprisonment not exceeding thirty
5 days, or to pay a fine not exceeding five hundred dollars
6 (\$500), or both.

7 * * *

8 Section 4. This act shall take effect in 60 days.