

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2522 Session of
1996

INTRODUCED BY MARSICO, SCHULER, BELARDI, COY, STISH, SATHER,
SAYLOR, FARGO, MELIO, FICHTER, TRUE, CLARK, PHILLIPS, LYNCH,
SCHRODER, MERRY, HERSHEY, WALKO, LEDERER, GEIST, CORRIGAN,
MILLER, STABACK, ROHRER, J. TAYLOR, ALLEN, DIGIROLAMO,
TRELLO, HENNESSEY, BROWNE, WAUGH, E. Z. TAYLOR, YOUNGBLOOD,
ROONEY, EGOLF, FAJT, RAMOS, CORNELL, CORPORA AND REINARD,
APRIL 1, 1996

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 14, 1996

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, prohibiting the provision of certain
3 stimulants to minors; and providing penalties.

4 The General Assembly finds and declares as follows:

5 (1) That look-alike or act-alike drugs are those drugs
6 which are regularly marketed as stimulants or weight-loss
7 aids and in their appearance look and in their effect act
8 upon the body like illegal stimulants containing
9 amphetamines.

10 (2) That look-alike or act-alike drugs are composed of
11 ~~three primary ingredients: ephedrine hydrochloride, caffeine~~ <—
12 ~~and phenylpropanolamine HCL.~~ VARIOUS FORMS OF EPHEDRINE. <—

13 (3) That these look-alike or act-alike drugs are readily
14 available to the public, regardless of age.

15 (4) That many children employ the use of look-alike or

act-alike drugs as a starter drug prior to the use of illegal controlled substances.

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

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

~~§ 6315~~ 6316. Selling or furnishing certain stimulants to minors.

(a) Offense defined.--A person commits a summary offense if he knowingly sells, or purchases with the intent to sell, ~~caffeine, ephedrine hydrochloride or phenylpropanolamine HCL to~~ EPHEDRINE TO a person who is less than 18 years of age.

(b) Penalty.--A person who is convicted of violating subsection (a) shall be sentenced to pay a fine of not less than \$250 nor more than \$500 for the first violation and a fine of \$500 for each subsequent violation.

(c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Caffeine." Any substance which contains caffeine as an ingredient in a single dosage concentration of 200 milligrams or greater.

"Ephedrine hydrochloride." Any substance which contains ephedrine hydrochloride as an ingredient in a single dosage concentration of 25 milligrams or greater.

"Phenylpropanolamine HCL." Any substance which contains phenylpropanolamine as an ingredient in a single dosage concentration of 75 milligrams or greater.

"EPHEDRINE."

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2), ANY PRODUCT

1 THAT CONTAINS ANY QUANTITY OF EPHEDRINE, A SALT OF EPHEDRINE,
2 AN OPTICAL ISOMER OF EPHEDRINE OR A SALT OF AN OPTICAL ISOMER
3 OF EPHEDRINE.

4 (2) THE TERM DOES NOT INCLUDE A PRODUCT CONTAINING
5 EPHEDRINE IF IT MAY LAWFULLY BE SOLD OVER THE COUNTER WITHOUT
6 A PRESCRIPTION UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT
7 (52 STAT. 1040, 21 U.S.C. § 301 ET SEQ.); IS LABELED AND
8 MARKETED IN A MANNER CONSISTENT WITH THE PERTINENT OTC
9 TENTATIVE FINAL OR FINAL MONOGRAPH; IS MANUFACTURED AND
10 DISTRIBUTED FOR LEGITIMATE MEDICINAL USE IN A MANNER THAT
11 REDUCES OR ELIMINATES THE LIKELIHOOD OF ABUSE; AND AS
12 DESCRIBED AS FOLLOWS:

13 (I) SOLID ORAL DOSAGE FORMS, INCLUDING SOFT GELATIN
14 CAPLETS, THAT COMBINE ACTIVE INGREDIENTS IN THE FOLLOWING
15 RANGES FOR EACH DOSAGE UNIT:

16 (A) THEOPHYLLINE (100-130 MG), EPHEDRINE (12.5-
17 24 MG).

18 (B) THEOPHYLLINE (60-100 MG), EPHEDRINE (12.5-24
19 MG), GUAIFENESIN (200-400 MG).

20 (C) EPHEDRINE (12.5-25 MG), GUAIFENESIN (200-400
21 MG).

22 (D) PHENOBARBITAL (NOT GREATER THAN 8 MG) IN
23 COMBINATION WITH THE INGREDIENTS OF CLAUSE (A) OR
24 (B).

25 (II) LIQUID ORAL DOSAGE FORMS THAT COMBINE ACTIVE
26 INGREDIENTS IN THE FOLLOWING RANGES FOR EACH 5 ML DOSE:

27 (A) THEOPHYLLINE (NOT GREATER THAN 45 MG),
28 EPHEDRINE (NOT GREATER THAN 36 MG), GUAIFENESIN (NOT
29 GREATER THAN 100 MG), PHENOBARBITAL (NOT GREATER THAN
30 12 MG).

1 (B) PHENYLEPHEPHRINE (NOT GREATER THAN 5 MG),
2 EPHEDRINE (NOT GREATER THAN 5 MG), CHLORPHENIRAMINE
3 (NOT GREATER THAN 2 MG), DEXTROMETHORPHAN (NOT
4 GREATER THAN 10 MG), AMMONIUM CL (NOT GREATER THAN 40
5 MG), IPECAC FLUID EXTRACT (NOT GREATER THAN 0.005
6 ML).

7 (III) ANORECTAL PREPARATIONS CONTAINING LESS THAN 5%
8 EPHEDRINE.

9 (IV) ANY LIQUID COMPOUND, MIXTURE OR PREPARATION
10 CONTAINING 0.5% OR LESS OF EPHEDRINE.

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