

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 183 Session of
1999

INTRODUCED BY BENNINGHOFF, BELARDI, FAIRCHILD, TIGUE, CHADWICK, FEESE, ARGALL, ARMSTRONG, BARRAR, BLAUM, CLYMER, L. I. COHEN, DALEY, FARGO, GEIST, HARHAI, HENNESSEY, HERMAN, JOSEPHS, KAISER, MAHER, MAITLAND, MARSICO, McILHATTAN, NICKOL, ORIE, RAMOS, READSHAW, ROSS, SAYLOR, SCHRODER, SCHULER, SEYFERT, LYNCH, SHANER, B. SMITH, S. H. SMITH, STEELMAN, SURRA, E. Z. TAYLOR, J. TAYLOR, TRAVAGLIO, TRELLO, C. WILLIAMS, WILT, M. N. WRIGHT, YEWCIC, ZUG AND SOLOBAY, JANUARY 27, 1999

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 27, 1999

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 schedules of controlled substances.

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

14 Section 1. Section 4(4) of the act of April 14, 1972
15 (P.L.233, No.64), known as The Controlled Substance, Drug,
16 Device and Cosmetic Act, amended November 26, 1978 (P.L.1392,
17 No.328), is amended to read:

18 Section 4. Schedules of Controlled Substances.--The
19 following schedules include the controlled substances listed or

1 to be listed by whatever official name, common or usual name,
2 chemical name, or trade name designated.

3 * * *

4 (4) Schedule IV--In determining that a substance comes
5 within this schedule, the secretary shall find: a low potential
6 for abuse relative to substances in Schedule III; currently
7 accepted medical use in the United States; and limited physical
8 and/or psychological dependence liability relative to the
9 substances listed in Schedule III. The following controlled
10 substances are included in this schedule:

11 (i) Any material, compound, mixture, or preparation, unless
12 specifically excepted or unless listed in another schedule,
13 which contains any quantity of the following substances:

- 14 1. Barbital.
- 15 2. Chloral betaine.
- 16 3. Chloral hydrate.
- 17 4. Ethchlorvynol.
- 18 5. Ethinamate.
- 19 6. Methohexital.
- 20 7. Meprobamate.
- 21 8. Methylphenobarbital.
- 22 9. Paraldehyde.
- 23 10. Petrichloral.
- 24 11. Phenobarbital.

25 (ii) The secretary may by regulation except any compound,
26 mixture, or preparation containing any drug or controlled
27 dangerous substance listed in subclause (i) of this schedule
28 above from the application of those provisions of this act
29 covering controlled drugs, if the compound, mixture, or
30 preparation contains one or more active medicinal ingredients

1 not having a stimulant or depressant effect on the central
2 nervous system: Provided, That such admixtures shall be included
3 therein in such combinations, quantity, proportion, or
4 concentration as to vitiate the potential for abuse of the
5 substances which do have a stimulant or depressant effect on the
6 central nervous system.

7 (iii) The secretary shall by regulation exempt any
8 nonnarcotic substance from the control under this act if such
9 substance may, under the provisions of the Federal Food, Drug,
10 and Cosmetic Act (21 U.S.C. 301 et seq.), be lawfully sold over
11 the counter without a prescription.

12 (iv) Gamma-hydroxybutyrate and gamma hydroxybutyric acid
13 sodium salt.

14 * * *

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