

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 617

Session of
1977

INTRODUCED BY FISHER, SCIRICA AND GREENLEAF, MARCH 15, 1977

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, MARCH 15, 1977

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 certain schedules of controlled substances.

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

14 Section 1. Clauses (2), (3) and (4) of section 4, act of
15 April 14, 1972 (P.L.233, No.64), known as "The Controlled
16 Substance, Drug, Device and Cosmetic Act," are amended to read:

17 Section 4. Schedules of Controlled Substances.--The
18 following schedules include the controlled substances listed or
19 to be listed by whatever official name, common or usual name,
20 chemical name, or trade name designated.

21 * * *

22 (2) Schedule II--In determining that a substance comes
23 within this schedule, the secretary shall find: a high potential

1 for abuse, currently accepted medical use in the United States,
2 or currently accepted medical use with severe restrictions, and
3 abuse may lead to severe psychic or physical dependence. The
4 following controlled substances are included in this schedule:

5 (i) Any of the following substance, of any quantity, except
6 those narcotics specifically excepted or listed in other
7 schedules, whether produced directly or indirectly by extraction
8 from substances of vegetable origin, or independently by means
9 of chemical synthesis, or by combination of extraction and
10 chemical synthesis:

11 1. Opium and opiate, and any salt, compound, derivative, or
12 preparation of opium or opiate.

13 2. Any salt, compound, derivative, or preparation thereof
14 which is chemically equivalent or identical with any of the
15 substances referred to in subclause 1, except that these
16 substances shall not include the isoquinoline alkaloids of
17 opium.

18 3. Opium poppy and poppy straw.

19 4. Coca leaves and any salt, compound, derivative, or
20 preparation of coca leaves, and any salt, compound, derivative,
21 or preparation thereof which is chemically equivalent or
22 identical with any of these substances, but shall not include
23 decocainized coca leaves or extracts of coca leaves, which
24 extracts do not contain cocaine or ecgonine.

25 (ii) Any of the following opiates, including their isomers,
26 esters, ethers, salts, and salts of isomers, esters and ethers,
27 of any quantity, unless specifically excepted or listed in
28 another schedule, whenever the existence of such isomers,
29 esters, ethers and salts is possible within the specific
30 chemical designation:

- 1 1. Alphaprodine.
- 2 2. Anileridine.
- 3 3. Bezitramide.
- 4 4. Dihydrocodeine.
- 5 5. Diphenoxylate.
- 6 6. Fentanyl.
- 7 7. Isomethadone.
- 8 8. Levomethorphan.
- 9 9. Levorphanol.
- 10 10. Metazocine.
- 11 11. Methadone.
- 12 12. Methadone-Intermediate, 4-cyano-2-dimethylamino-4,
- 13 4-diphenyl butane.
- 14 13. Moramide-Intermediate, 2-methyl-3-morpholino-1,
- 15 1-diphenyl-propane-carboxylic acid.
- 16 14. Pethidine.
- 17 15. Pethidine-Intermediate-A, 4-cyano-1-methyl-4-
- 18 phenylpiperidine.
- 19 16. Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-
- 20 carboxylate.
- 21 17. Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-
- 22 carboxylic acid.
- 23 18. Phenazocine.
- 24 19. Piminodine.
- 25 20. Racemethorphan.
- 26 21. Racemorphan.

27 (iii) Unless specifically excepted or unless listed in
28 another schedule, any material, compound, mixture or preparation
29 which contains any quantity of the following substances[, having
30 a potential for abuse associated with the stimulant effect on

1 the central nervous system]:

2 1. Amphetamine, its salts, optical isomers, and salts of its
3 optical isomers.

4 2. Phenmetramine and its salts.

5 3. Methylphenidate.

6 4. [Any substance which contains any quantity of
7 methamphetamine] Methamphetamine including its salts,
8 isomers and salts of isomers.

9 (iv) The phrase "opiates" as used in section 4 of this act
10 and elsewhere throughout the act shall not include the
11 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its
12 salts, but does include its racemic and levorotatory forms.

13 (3) Schedule III--In determining that a substance comes
14 within this schedule, the secretary shall find: a potential for
15 abuse less than the substances listed in Schedules I and II;
16 well documented and currently accepted medical use in the United
17 States; and abuse may lead to moderate or low physical
18 dependence or high psychological dependence. The following
19 classes of controlled substances are included in this schedule:

20 (i) Any material, compound, mixture, or preparation unless
21 specifically excepted or unless listed in another schedule which
22 contains any quantity of the following substances [having a
23 potential for abuse associated with a depressant effect on the
24 central nervous system]:

25 1. Any substance which contains any quantity of a derivative
26 of barbituric acid, or any salt of a derivative of
27 barbituric acid.

28 2. Chorhexadol.

29 3. Glutethimide.

30 4. Lysergic acid.

1 5. Lysergic acid amide.

2 6. Methyprylon.

3 7. Phencyclidine.

4 8. Sulfondiethylmethane.

5 9. Sulfonethylmethane.

6 10. Sulfonmethane.

7 (ii) Nalorphine.

8 (iii) Any material, compound, mixture, or preparation

9 containing limited quantities of the following narcotic drugs,

10 or any salts thereof, unless specifically excepted or listed in

11 other schedules:

12 1. Not more than 1.8 grams of codeine per 100 milliliters or
13 not more than 90 milligrams per dosage unit, with an equal or
14 greater quantity of an isoquinoline alkaloid of opium.

15 2. Not more than 1.8 grams of codeine per 100 milliliters or
16 not more than 90 milligrams per dosage unit, with one or more
17 active, nonnarcotic ingredients in recognized therapeutic
18 amounts.

19 3. Not more than 300 milligrams of dihydrocodeinone per 100
20 milliliters or not more than 15 milligrams per dosage unit, with
21 a fourfold or greater quantity of an isoquinoline alkaloid of
22 opium.

23 4. Not more than 300 milligrams of dihydrocodeinone per 100
24 milliliters or not more than 15 milligrams per dosage unit, with
25 one or more active, nonnarcotic ingredients in recognized
26 therapeutic amounts.

27 5. Not more than 1.8 grams of dihydrocodeine per 100
28 milliliters or not more than 90 milligrams per dosage unit, with
29 one or more active, nonnarcotic ingredients in recognized
30 therapeutic amounts.

1 6. Not more than 300 milligrams of ethylmorphine per 100
2 milliliters or not more than 15 milligrams per dosage unit, with
3 one or more active, nonnarcotic ingredients in recognized
4 therapeutic amounts.

5 7. Not more than 500 milligrams of opium per 100 milliliters
6 or per 100 grams, or not more than 25 milligrams per dosage
7 unit, with one or more active, nonnarcotic ingredients in
8 recognized therapeutic amounts.

9 8. Not more than 50 milligrams of morphine per 100
10 milliliters or per 100 grams and not more than 2.5 milligrams
11 per dosage unit with one or more active, nonnarcotic ingredients
12 in recognized therapeutic amounts.

13 (v) The secretary may by regulation except any compound,
14 mixture, or preparation containing any drug or controlled
15 substance listed in subclauses (i) and (ii) of this schedule
16 above from the application of those provisions of this act
17 covering controlled substances, if the compound, mixture, or
18 preparation contains one or more active medicinal ingredients
19 not having a stimulant or depressant effect on the central
20 nervous system: Provided, That such admixtures shall be included
21 therein in such combinations, quantity, proportion, or
22 concentration as to vitiate the potential for abuse of the
23 substances which do have a stimulant or depressant effect on the
24 central nervous system.

25 (vi) The secretary shall by regulation exempt any
26 nonnarcotic substance from the control under this act if such
27 substance may, under the provisions of the Federal Food, Drug,
28 and Cosmetic Act (21 U.S.C. 301 et seq.), be lawfully sold over
29 the counter without a prescription.

30 (4) Schedule IV--In determining that a substance comes

1 within this schedule, the secretary shall find: a low potential
2 for abuse relative to substances in Schedule III; currently
3 accepted medical use in the United States; and limited physical
4 and/or psychological dependence liability relative to the
5 substances listed in Schedule III. The following controlled
6 substances are included in this schedule:

7 (i) Any material, compound, mixture, or preparation, unless
8 specifically excepted or unless listed in another schedule,
9 which contains any quantity of the following substances [having
10 a potential for abuse associated with a depressant effect on the
11 central nervous system]:

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

23 (ii) The secretary may by regulation except any compound,
24 mixture, or preparation containing any drug or controlled
25 dangerous substance listed in subclause (i) of this schedule
26 above from the application of those provisions of this act
27 covering controlled drugs, if the compound, mixture, or
28 preparation contains one or more active medicinal ingredients
29 not having a stimulant or depressant effect on the central
30 nervous system: Provided, That such admixtures shall be included

1 therein in such combinations, quantity, proportion, or
2 concentration as to vitiate the potential for abuse of the
3 substances which do have a stimulant or depressant effect on the
4 central nervous system.

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

10 * * *

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