

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 494

Session of
1979

INTRODUCED BY MESSRS. SALVATORE, McKELVEY, D. M. O'BRIEN,
PREZEL, MRS. ARTY AND MR. ROCKS, MARCH 6, 1979

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 21, 1979

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, prohibiting the sale, dispensing or
3 giving of hypodermic needles or devices capable of being used
4 for injecting a controlled substance ~~except by a pharmacist~~ <—
5 ~~pursuant to a written prescription from a physician~~ AND <—
6 PROVIDING CERTAIN EXCEPTIONS AND PENALTIES.

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

9 Section 1. Title 18, act of November 25, 1970 (P.L.707,
10 No.230), known as the Pennsylvania Consolidated Statutes, is
11 amended by adding a section to read:

12 § 7525. Sale of hypodermic needles, etc.

13 (a) Offense defined.--A person is guilty of a misdemeanor of
14 the first degree if he sells, dispenses or gives any hypodermic
15 needle or other device used or capable of being used or modified
16 for use for the purpose of injecting into the human body a
17 controlled substance as defined and listed in the act of April
18 14, 1972 (P.L.233, No.64), known as "The Controlled Substance,
19 Drug, Device and Cosmetic Act," unless IF FALLS WITHIN THE <—

1 EXCEPTIONS ENUMERATED IN SUBSECTION (B).

2 ~~(1) the hypodermic needle or device is sold, dispensed~~ <—
3 ~~or given under the supervision, direction and authorization~~
4 ~~by a written prescription issued by a licensed physician; and~~

5 ~~(2) the person who sells, dispenses or gives such~~
6 ~~devices is a licensed pharmacist.~~

7 (B) EXCEPTIONS.--THE PROVISIONS OF SUBSECTION (A) SHALL NOT <—
8 BE APPLICABLE TO HYPODERMIC NEEDLES OR DEVICES WHICH ARE SOLD,
9 DISPENSED OR GIVEN:

10 (1) BY MANUFACTURERS OR DISTRIBUTORS REGISTERED UNDER
11 "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," TO
12 OTHER INDIVIDUALS OR ENTITIES AUTHORIZED UNDER THIS SECTION;

13 (2) TO PRACTITIONERS AS DEFINED IN "THE CONTROLLED
14 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT";

15 (3) BY WRITTEN PRESCRIPTION ISSUED BY A LICENSED
16 PRACTITIONER AUTHORIZED TO DO SO; OR

17 (4) TO ANY OTHER INDIVIDUAL OR ENTITY WITH A LEGITIMATE
18 USE FOR SUCH HYPODERMIC NEEDLES OR DEVICES AS PROVIDED BY
19 REGULATION OF THE DEPARTMENT OF HEALTH.

20 ~~(b)~~ (C) Repeated offense penalty.--A person who commits a <—
21 second or subsequent offense shall be guilty of a felony of the
22 third degree.

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