

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 321 Session of 1991

INTRODUCED BY NAHILL, PETRARCA, SAURMAN, ANGSTADT, FARGO, PESCI, REBER, NOYE, HAGARTY, STABACK, TRELLO, JAROLIN, BELARDI, JOHNSON, MERRY, HESS, BUNT, CORNELL, PRESTON, E. Z. TAYLOR, MAIALE, ITKIN, SCHEETZ, CIVERA, FLICK, KASUNIC, SERAFINI, MICHLOVIC AND FOX, FEBRUARY 6, 1991

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 6, 1991

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 penalties for adulterating drugs with intent to cause bodily
12 harm.

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

15 Section 1. Section 13(b) of the act of April 14, 1972
16 (P.L.233, No.64), known as The Controlled Substance, Drug,
17 Device and Cosmetic Act, amended December 22, 1989 (P.L.750,
18 No.104), is amended to read:

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

20 (b) Any person who violates any of the provisions of clauses
21 (1) through (11), (13) and (15) through (20) or (37) of

1 subsection (a) shall be guilty of a misdemeanor, and except for
2 clauses (4), (6), (7), (8), (9) and (19) shall, on conviction
3 thereof, be sentenced to imprisonment not exceeding one year or
4 to pay a fine not exceeding five thousand dollars (\$5,000), or
5 both, and for clauses (4), (6), (7), (8), (9) and (19) shall, on
6 conviction thereof, be sentenced to imprisonment not exceeding
7 three years or to pay a fine not exceeding five thousand dollars
8 (\$5,000), or both; but, if the violation is committed after a
9 prior conviction of such person for a violation of this act
10 under this section has become final, such person shall be
11 sentenced to imprisonment not exceeding three years or to pay a
12 fine not exceeding twenty-five thousand dollars (\$25,000), or
13 both. Notwithstanding any penalty regarding a violation of
14 clause (2) or (5) of subsection (a), a person shall be guilty of
15 a felony of the second degree when he adulterates any controlled
16 substance, or other drug, device or cosmetic by adding any
17 poisonous or deleterious substance with the intent to cause
18 serious bodily harm.

19 * * *

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