

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 127 Session of
1993

INTRODUCED BY BISHOP, CESSAR, MIHALICH, TIGUE, LESCOVITZ, COY,
TRELLO, DeLUCA, PESCI, BELFANTI, DALEY, LAUGHLIN, MASLAND,
BEBKO-JONES, MELIO, BATTISTO AND ROEBUCK, JANUARY 27, 1993

REFERRED TO COMMITTEE ON RULES, JANUARY 27, 1993

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," providing penalties
11 relating to crack cocaine containers.

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

14 Section 1. Section 13(i) 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 December 14, 1984 (P.L.988,
17 No.200), is amended and subsection (a) is amended by adding
18 clauses to read:

19 Section 13. Prohibited Acts; Penalties.--(a) The following
20 acts and the causing thereof within the Commonwealth are hereby
21 prohibited:

22 * * *

1 (32.1) The use of, or possession with intent to use, crack
2 cocaine containers for the purpose of manufacturing,
3 compounding, converting, producing, processing, preparing,
4 testing, analyzing, packing, repacking, storing, containing,
5 concealing, injecting, ingesting, inhaling or otherwise
6 introducing into the human body a controlled substance in
7 violation of this act.

8 * * *

9 (33.1) The delivery or possession with intent to deliver, or
10 manufacture with intent to deliver crack cocaine containers,
11 knowing, or under circumstances where one reasonably should
12 know, that the containers would be used to manufacture,
13 compound, convert, produce, process, prepare, test, analyze,
14 pack, repack, store, contain, conceal, inject, ingest, inhale or
15 otherwise introduce into the human body a controlled substance
16 in violation of this act.

17 * * *

18 (34.1) The placing in any newspaper, magazine, handbill or
19 other publication of an advertisement, knowing, or under
20 circumstances where one reasonably should know that the purpose
21 of the advertisement, in whole or in part, is to promote the
22 sale of objects designed or intended for use as crack cocaine
23 containers.

24 * * *

25 (i) Any person who violates clauses (32), (33) and (34) of
26 subsection (a) is guilty of a misdemeanor and upon conviction
27 thereof shall be sentenced to pay a fine not exceeding two
28 thousand five hundred dollars (\$2,500) or to imprisonment not
29 exceeding one (1) year, or both. Any person who violates clause
30 (33) by delivering drug paraphernalia to a person under eighteen

1 (18) years of age who is three (3) or more years his junior
2 shall be guilty of a misdemeanor of the second degree and upon
3 conviction thereof shall be sentenced to pay a fine not
4 exceeding five thousand dollars (\$5,000) or to imprisonment not
5 exceeding two (2) years, or both. Any person who violates
6 clauses (32.1), (33.1) and (34.1) of subsection (a) is guilty of
7 a misdemeanor and upon conviction thereof shall be sentenced to
8 pay a fine not exceeding five thousand dollars (\$5,000) or to
9 imprisonment not exceeding two (2) years, or both.

10 * * *

11 Section 2. This act shall take effect immediately.