

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2522 Session of
1996

INTRODUCED BY MARSICO, SCHULER, BELARDI, COY, STISH, SATHER,
SAYLOR, FARGO, MELIO, FICHTER, TRUE, CLARK, PHILLIPS, LYNCH,
SCHRODER, MERRY, HERSHEY, WALKO, LEDERER, GEIST, CORRIGAN,
MILLER, STABACK, ROHRER, J. TAYLOR, ALLEN, DIGIROLAMO,
TRELLO, HENNESSEY, BROWNE, WAUGH, E. Z. TAYLOR, YOUNGBLOOD,
ROONEY, EGOLF, FAJT, RAMOS, CORNELL, CORPORA AND REINARD,
APRIL 1, 1996

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 18, 1996

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, FURTHER PROVIDING FOR HARASSMENT AND <—
3 STALKING; prohibiting the provision of certain stimulants to
4 minors; and providing penalties.

5 The General Assembly finds and declares as follows:

6 (1) That look-alike or act-alike drugs are those drugs
7 which are regularly marketed as stimulants or weight-loss
8 aids and in their appearance look and in their effect act
9 upon the body like illegal stimulants containing
10 amphetamines.

11 (2) That look-alike or act-alike drugs are composed of
12 various forms of ephedrine.

13 (3) That these look-alike or act-alike drugs are readily
14 available to the public, regardless of age.

15 (4) That many children employ the use of look-alike or
16 act-alike drugs as a starter drug prior to the use of illegal

1 controlled substances.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. SECTION 2709(C)(1) OF Title 18 of the
5 Pennsylvania Consolidated Statutes is amended ~~by adding a~~
6 ~~section~~ to read:

7 § 2709. HARASSMENT AND STALKING.

8 * * *

9 (C) GRADING.--

10 (1) AN OFFENSE UNDER SUBSECTION (A) SHALL BE GRADED AS
11 FOLLOWS:

12 (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II), THE
13 OFFENSE SHALL CONSTITUTE A SUMMARY OFFENSE.

14 (II) AN OFFENSE UNDER SUBSECTION (A)(3) IF THE
15 DEFENDANT IS OR, DURING THE PAST FIVE YEARS, WAS ENGAGED
16 IN CIVIL LITIGATION WITH THE VICTIM SHALL CONSTITUTE A
17 FELONY OF THE THIRD DEGREE.

18 * * *

19 SECTION 2. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:
20 § 6316. Selling or furnishing certain stimulants to minors.

21 (a) Offense defined.--A person commits a summary offense if
22 he knowingly sells, or purchases with the intent to sell,
23 ephedrine to a person who is less than 18 years of age.

24 (b) Penalty.--A person who is convicted of violating
25 subsection (a) shall be sentenced to pay a fine of not less than
26 \$250 nor more than \$500 for the first violation and a fine of
27 \$500 for each subsequent violation.

28 (c) Definitions.--As used in this section, the following
29 words and phrases shall have the meanings given to them in this
30 subsection:

1 "Ephedrine."

2 (1) Except as provided in paragraph (2), any product
3 that contains any quantity of ephedrine, a salt of ephedrine,
4 an optical isomer of ephedrine or a salt of an optical isomer
5 of ephedrine.

6 (2) The term does not include a product containing
7 ephedrine if it may lawfully be sold over the counter without
8 a prescription under the Federal Food, Drug, and Cosmetic Act
9 (52 Stat. 1040, 21 U.S.C. § 301 et seq.); is labeled and
10 marketed in a manner consistent with the pertinent OTC
11 Tentative Final or Final Monograph; is manufactured and
12 distributed for legitimate medicinal use in a manner that
13 reduces or eliminates the likelihood of abuse; and as
14 described as follows:

15 (i) Solid oral dosage forms, including soft gelatin
16 caplets, that combine active ingredients in the following
17 ranges for each dosage unit:

18 (A) Theophylline (100-130 mg), ephedrine (12.5-
19 24 mg).

20 (B) Theophylline (60-100 mg), ephedrine (12.5-24
21 mg), guaifenesin (200-400 mg).

22 (C) Ephedrine (12.5-25 mg), guaifenesin (200-400
23 mg).

24 (D) Phenobarbital (not greater than 8 mg) in
25 combination with the ingredients of clause (A) or
26 (B).

27 (ii) Liquid oral dosage forms that combine active
28 ingredients in the following ranges for each 5 ml dose:

29 (A) Theophylline (not greater than 45 mg),
30 ephedrine (not greater than 36 mg), guaifenesin (not

greater than 100 mg), phenobarbital (not greater than 12 mg).

(B) Phenylephrine (not greater than 5 mg), ephedrine (not greater than 5 mg), chlorpheniramine (not greater than 2 mg), dextromethorphan (not greater than 10 mg), ammonium Cl (not greater than 40 mg), ipecac fluid extract (not greater than 0.005 ml).

(iii) Anorectal preparations containing less than 5% ephedrine.

(iv) Any liquid compound, mixture or preparation containing 0.5% or less of ephedrine.

SECTION 3. THE AMENDMENT OF 18 PA.C.S. § 2709(C)(1) SHALL APPLY TO OFFENSES COMMITTED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT.

Section ~~2~~ 4. This act shall take effect in 60 days.