
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, IN SENATE, NOVEMBER 25, 1996

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for harassment and
3 stalking AND FOR ARSON AND RELATED OFFENSES; prohibiting the <—
4 provision of certain stimulants to minors; and providing
5 penalties.

6 The General Assembly finds and declares as follows:

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

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

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

16 (4) That many children employ the use of look-alike or

act-alike drugs as a starter drug prior to the use of illegal
controlled substances.

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

~~Section 1. Section 2709(c)(1) of Title 18 of the
Pennsylvania Consolidated Statutes is amended to read:~~

SECTION 1. SECTIONS 2709(C)(1) AND 3301(D) OF TITLE 18 OF
THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

§ 2709. Harassment and stalking.

* * *

(c) Grading.--

(1) An offense under subsection (a) shall be graded as
follows:

(i) Except as provided in subparagraph (ii), the
offense shall constitute a summary offense.

(ii) An offense under subsection (a)(3) if the
defendant is or, during the past five years, was engaged
in civil litigation with the victim shall constitute a
felony of the third degree.

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§ 3301. ARSON AND RELATED OFFENSES.

* * *

(D) RECKLESS BURNING OR EXPLODING.--A PERSON COMMITS A
FELONY OF THE THIRD DEGREE IF HE INTENTIONALLY STARTS A FIRE OR
CAUSES AN EXPLOSION, OR IF HE AIDS, COUNSELS, PAYS OR AGREES TO
PAY ANOTHER TO CAUSE A FIRE OR EXPLOSION, WHETHER ON HIS OWN
PROPERTY OR ON THAT OF ANOTHER, AND THEREBY RECKLESSLY:

(1) PLACES AN UNINHABITED BUILDING OR UNOCCUPIED
STRUCTURE OF ANOTHER IN DANGER OF DAMAGE OR DESTRUCTION; OR

(2) [PLACES ANY PERSONAL PROPERTY OF ANOTHER HAVING A

1 VALUE OF \$5,000 OR MORE] PLACES ANY PERSONAL PROPERTY OF
2 ANOTHER HAVING A VALUE THAT EXCEEDS \$5,000, OR IF THE
3 PROPERTY IS AN AUTOMOBILE, AIRPLANE, MOTORCYCLE, MOTORBOAT OR
4 OTHER MOTOR PROPELLED VEHICLE IN DANGER OF DAMAGE OR
5 DESTRUCTION.

6 * * *

7 Section 2. Title 18 is amended by adding a section to read:

8 § 6316. Selling or furnishing certain stimulants to minors.

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

12 (b) Penalty.--A person who is convicted of violating
13 subsection (a) shall be sentenced to pay a fine of not less than
14 \$250 nor more than \$500 for the first violation and a fine of
15 \$500 for each subsequent violation.

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

19 "Ephedrine."

20 (1) Except as provided in paragraph (2), any product
21 that contains any quantity of ephedrine, a salt of ephedrine,
22 an optical isomer of ephedrine or a salt of an optical isomer
23 of ephedrine.

24 (2) The term does not include a product containing
25 ephedrine if it may lawfully be sold over the counter without
26 a prescription under the Federal Food, Drug, and Cosmetic Act
27 (52 Stat. 1040, 21 U.S.C. § 301 et seq.); is labeled and
28 marketed in a manner consistent with the pertinent OTC
29 Tentative Final or Final Monograph; is manufactured and
30 distributed for legitimate medicinal use in a manner that

reduces or eliminates the likelihood of abuse; and as
described as follows:

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

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

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

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

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

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

(A) Theophylline (not greater than 45 mg),
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.

1 Section 3. The amendment of 18 Pa.C.S. § 2709(c)(1) shall
2 apply to offenses committed on or after the effective date of
3 this act.

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