

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 798 Session of
1999INTRODUCED BY EARLL, CORMAN, HELFRICK, BRIGHTBILL, TOMLINSON,
COSTA, ROBBINS, LEMMOND, GERLACH AND BELL, APRIL 12, 1999

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, APRIL 20, 1999

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 ~~schedules of controlled substances.~~

12 AMENDING THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), ENTITLED <—
13 "AN ACT RELATING TO THE MANUFACTURE, SALE AND POSSESSION OF
14 CONTROLLED SUBSTANCES, OTHER DRUGS, DEVICES AND COSMETICS;
15 CONFERRING POWERS ON THE COURTS AND THE SECRETARY AND
16 DEPARTMENT OF HEALTH, AND A NEWLY CREATED PENNSYLVANIA DRUG,
17 DEVICE AND COSMETIC BOARD; ESTABLISHING SCHEDULES OF
18 CONTROLLED SUBSTANCES; PROVIDING PENALTIES; REQUIRING
19 REGISTRATION OF PERSONS ENGAGED IN THE DRUG TRADE AND FOR THE
20 REVOCATION OR SUSPENSION OF CERTAIN LICENSES AND
21 REGISTRATIONS; AND REPEALING AN ACT," FURTHER PROVIDING FOR
22 SCHEDULES OF CONTROLLED SUBSTANCES; AND PROVIDING FOR
23 PENALTIES.

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

26 ~~Section 1. Section 4(1) of the act of April 14, 1972~~ <—
27 ~~(P.L.233, No.64), known as The Controlled Substance, Drug,~~
28 ~~Device and Cosmetic Act, amended December 22, 1989 (P.L.700,~~

1 ~~No.91), is amended to read:~~

2 ~~Section 4. Schedules of Controlled Substances. The~~
3 ~~following schedules include the controlled substances listed or~~
4 ~~to be listed by whatever official name, common or usual name,~~
5 ~~chemical name, or trade name designated.~~

6 ~~(1) Schedule I In determining that a substance comes within~~
7 ~~this schedule, the secretary shall find: a high potential for~~
8 ~~abuse, no currently accepted medical use in the United States,~~
9 ~~and a lack of accepted safety for use under medical supervision.~~
10 ~~The following controlled substances are included in this~~
11 ~~schedule:~~

12 ~~(i) Any of the following opiates, including their isomers,~~
13 ~~esters, ethers, salts, and salts of isomers, esters, and ethers,~~
14 ~~unless specifically excepted, whenever the existence of such~~
15 ~~isomers, esters, ethers and salts is possible within the~~
16 ~~specific chemical designation:~~

17 ~~1. Acetylmethadol.~~

18 ~~2. Allylprodine.~~

19 ~~3. Alphacetylmethadol.~~

20 ~~4. Alphameprodine.~~

21 ~~5. Alphamethadol.~~

22 ~~6. Benzethidine.~~

23 ~~7. Betacetylmethadol.~~

24 ~~8. Betameprodine.~~

25 ~~9. Betamethadol.~~

26 ~~10. Betaprodine.~~

27 ~~11. Clonitazene.~~

28 ~~12. Dextromoramide.~~

29 ~~13. Dextrorphan (except its methylether).~~

30 ~~14. Diampromide.~~

- 1 ~~15.—Diethylthiambutene.~~
- 2 ~~16.—Dimenoxadol.~~
- 3 ~~17.—Dimepheptanol.~~
- 4 ~~18.—Dimethylthiambutene.~~
- 5 ~~19.—Dioxaphetyl butyrate.~~
- 6 ~~20.—Dipipanone.~~
- 7 ~~21.—Ethylmethylthiambutene.~~
- 8 ~~22.—Etonitazene.~~
- 9 ~~23.—Etoxeridine.~~
- 10 ~~24.—Furethidine.~~
- 11 ~~25.—Hydroxypethidine.~~
- 12 ~~26.—Ketobemidone.~~
- 13 ~~27.—Levomoramide.~~
- 14 ~~28.—Levophenacymorphan.~~
- 15 ~~29.—Morpheridine.~~
- 16 ~~30.—Noracymethadol.~~
- 17 ~~31.—Norlevorphanol.~~
- 18 ~~32.—Normethadone.~~
- 19 ~~33.—Norpipanone.~~
- 20 ~~34.—Phenadoxone.~~
- 21 ~~35.—Phenampromide.~~
- 22 ~~36.—Phenomorphan.~~
- 23 ~~37.—Phenoperidine.~~
- 24 ~~38.—Piritramide.~~
- 25 ~~39.—Proheptazine.~~
- 26 ~~40.—Properidine.~~
- 27 ~~41.—Racemoramide.~~
- 28 ~~42.—Trimeperidine.~~
- 29 ~~(ii) Any of the following opium derivatives, their salts,~~
- 30 ~~isomers and salts of isomers, unless specifically excepted,~~

~~whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:~~

~~1. Acetorphine.~~

~~2. Acetyldihydrocodeine.~~

~~3. Benzylmorphine.~~

~~4. Codeine methylbromide.~~

~~5. Codeine N Oxide.~~

~~6. Cyrenorphine.~~

~~7. Desomorphine.~~

~~8. Dihydromorphine.~~

~~9. Etorphine.~~

~~10. Heroin.~~

~~11. Hydromorphenol.~~

~~12. Methyldesorphine.~~

~~13. Methylhydromorphine.~~

~~14. Morphine methylbromide.~~

~~15. Morphine methylsulfonate.~~

~~16. Morphine N Oxide.~~

~~17. Myrophine.~~

~~18. Nicocodeine.~~

~~19. Nicomorphine.~~

~~20. Normorphine.~~

~~21. Pholcodine.~~

~~22. Thebacon.~~

~~(iii) Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:~~

1 ~~1. 3,4 methylenedioxy amphetamine.~~
2 ~~2. 5 methoxy 3,4 methylenedioxy amphetamine.~~
3 ~~3. 3,4,5 trimethoxy amphetamine.~~
4 ~~4. Bufotenine.~~
5 ~~5. Diethyltryptamine.~~
6 ~~6. Dimethyltryptamine.~~
7 ~~7. 4 methyl 2,5 dimethoxyamphetamine.~~
8 ~~8. Ibogaine.~~
9 ~~9. Lysergic acid diethylamide.~~
10 ~~10. Mescaline.~~
11 ~~11. Peyote.~~
12 ~~12. N ethyl 3 piperidyl benzilate.~~
13 ~~13. N methyl 3 piperidyl benzilate.~~
14 ~~14. Psilocybin.~~
15 ~~15. Psilocyn.~~
16 ~~16. Tetrahydrocannabinols.~~
17 ~~(iv) Marihuana.~~
18 ~~(v) Any material, compound, mixture or preparation which~~
19 ~~contains any quantity of the following substances, including the~~
20 ~~salts, isomers and salts of isomers:~~
21 ~~1. Methaqualone.~~
22 ~~(vi) Gamma hydroxybutyrate and gamma hydroxybutyric acid~~
23 ~~sodium salt.~~

24 ~~* * *~~

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

26 SECTION 1. SECTION 4(3) OF THE ACT OF APRIL 14, 1972
27 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG,
28 DEVICE AND COSMETIC ACT, AMENDED NOVEMBER 26, 1978 (P.L.1392,
29 NO.328) AND DECEMBER 18, 1996 (P.L.1096, NO.163), IS AMENDED TO
30 READ:

SECTION 4. SCHEDULES OF CONTROLLED SUBSTANCES.--THE
FOLLOWING SCHEDULES INCLUDE THE CONTROLLED SUBSTANCES LISTED OR
TO BE LISTED BY WHATEVER OFFICIAL NAME, COMMON OR USUAL NAME,
CHEMICAL NAME, OR TRADE NAME DESIGNATED.

* * *

(3) SCHEDULE III--IN DETERMINING THAT A SUBSTANCE COMES
WITHIN THIS SCHEDULE, THE SECRETARY SHALL FIND: A POTENTIAL FOR
ABUSE LESS THAN THE SUBSTANCES LISTED IN SCHEDULES I AND II;
WELL DOCUMENTED AND CURRENTLY ACCEPTED MEDICAL USE IN THE UNITED
STATES; AND ABUSE MAY LEAD TO MODERATE OR LOW PHYSICAL
DEPENDENCE OR HIGH PSYCHOLOGICAL DEPENDENCE. THE FOLLOWING
CLASSES OF CONTROLLED SUBSTANCES ARE INCLUDED IN THIS SCHEDULE:

(I) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION UNLESS
SPECIFICALLY EXCEPTED OR UNLESS LISTED IN ANOTHER SCHEDULE WHICH
CONTAINS ANY QUANTITY OF THE FOLLOWING SUBSTANCES:

1. ANY SUBSTANCE WHICH CONTAINS ANY QUANTITY OF A DERIVATIVE
OF BARBITURIC ACID, OR ANY SALT OF A DERIVATIVE OF
BARBITURIC ACID.

2. CHORHEXADOL.

3. GLUTETHIMIDE.

4. LYSERGIC ACID.

5. LYSERGIC ACID AMIDE.

6. METHYPRYLON.

8. SULFONDIETHYLMETHANE.

9. SULFONETHYLMETHANE.

10. SULFONMETHANE.

(II) NALORPHINE.

(III) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION
CONTAINING LIMITED QUANTITIES OF THE FOLLOWING NARCOTIC DRUGS,
OR ANY SALTS THEREOF, UNLESS SPECIFICALLY EXCEPTED OR LISTED IN

1 OTHER SCHEDULES:

2 1. NOT MORE THAN 1.8 GRAMS OF CODEINE PER 100 MILLILITERS OR
3 NOT MORE THAN 90 MILLIGRAMS PER DOSAGE UNIT, WITH AN EQUAL OR
4 GREATER QUANTITY OF AN ISOQUINOLINE ALKALOID OF OPIUM.

5 2. NOT MORE THAN 1.8 GRAMS OF CODEINE PER 100 MILLILITERS OR
6 NOT MORE THAN 90 MILLIGRAMS PER DOSAGE UNIT, WITH ONE OR MORE
7 ACTIVE, NONNARCOTIC INGREDIENTS IN RECOGNIZED THERAPEUTIC
8 AMOUNTS.

9 3. NOT MORE THAN 300 MILLIGRAMS OF DIHYDROCODEINONE PER 100
10 MILLILITERS OR NOT MORE THAN 15 MILLIGRAMS PER DOSAGE UNIT, WITH
11 A FOURFOLD OR GREATER QUANTITY OF AN ISOQUINOLINE ALKALOID OF
12 OPIUM.

13 4. NOT MORE THAN 300 MILLIGRAMS OF DIHYDROCODEINONE PER 100
14 MILLILITERS OR NOT MORE THAN 15 MILLIGRAMS PER DOSAGE UNIT, WITH
15 ONE OR MORE ACTIVE, NONNARCOTIC INGREDIENTS IN RECOGNIZED
16 THERAPEUTIC AMOUNTS.

17 5. NOT MORE THAN 1.8 GRAMS OF DIHYDROCODEINE PER 100
18 MILLILITERS OR NOT MORE THAN 90 MILLIGRAMS PER DOSAGE UNIT, WITH
19 ONE OR MORE ACTIVE, NONNARCOTIC INGREDIENTS IN RECOGNIZED
20 THERAPEUTIC AMOUNTS.

21 6. NOT MORE THAN 300 MILLIGRAMS OF ETHYLMORPHINE PER 100
22 MILLILITERS OR NOT MORE THAN 15 MILLIGRAMS PER DOSAGE UNIT, WITH
23 ONE OR MORE ACTIVE, NONNARCOTIC INGREDIENTS IN RECOGNIZED
24 THERAPEUTIC AMOUNTS.

25 7. NOT MORE THAN 500 MILLIGRAMS OF OPIUM PER 100 MILLILITERS
26 OR PER 100 GRAMS, OR NOT MORE THAN 25 MILLIGRAMS PER DOSAGE
27 UNIT, WITH ONE OR MORE ACTIVE, NONNARCOTIC INGREDIENTS IN
28 RECOGNIZED THERAPEUTIC AMOUNTS.

29 8. NOT MORE THAN 50 MILLIGRAMS OF MORPHINE PER 100
30 MILLILITERS OR PER 100 GRAMS AND NOT MORE THAN 2.5 MILLIGRAMS

1 PER DOSAGE UNIT WITH ONE OR MORE ACTIVE, NONNARCOTIC INGREDIENTS
2 IN RECOGNIZED THERAPEUTIC AMOUNTS.

3 (V) THE SECRETARY MAY BY REGULATION EXCEPT ANY COMPOUND,
4 MIXTURE, OR PREPARATION CONTAINING ANY DRUG OR CONTROLLED
5 SUBSTANCE LISTED IN SUBCLAUSES (I) AND (II) OF THIS SCHEDULE
6 ABOVE FROM THE APPLICATION OF THOSE PROVISIONS OF THIS ACT
7 COVERING CONTROLLED SUBSTANCES, IF THE COMPOUND, MIXTURE, OR
8 PREPARATION CONTAINS ONE OR MORE ACTIVE MEDICINAL INGREDIENTS
9 NOT HAVING A STIMULANT OR DEPRESSANT EFFECT ON THE CENTRAL
10 NERVOUS SYSTEM: PROVIDED, THAT SUCH ADMIXTURES SHALL BE INCLUDED
11 THEREIN IN SUCH COMBINATIONS, QUANTITY, PROPORTION, OR
12 CONCENTRATION AS TO VITIATE THE POTENTIAL FOR ABUSE OF THE
13 SUBSTANCES WHICH DO HAVE A STIMULANT OR DEPRESSANT EFFECT ON THE
14 CENTRAL NERVOUS SYSTEM.

15 (VI) THE SECRETARY SHALL BY REGULATION EXEMPT ANY
16 NONNARCOTIC SUBSTANCE FROM THE CONTROL UNDER THIS ACT IF SUCH
17 SUBSTANCE MAY, UNDER THE PROVISIONS OF THE FEDERAL FOOD, DRUG,
18 AND COSMETIC ACT (21 U.S.C. 301 ET SEQ.), BE LAWFULLY SOLD OVER
19 THE COUNTER WITHOUT A PRESCRIPTION.

20 (VII) ANABOLIC STEROID INCLUDES ANY MATERIAL, COMPOUND,
21 MIXTURE OR PREPARATION THAT INCLUDES ANY OF THE FOLLOWING OR ANY
22 ISOMER, ESTER, SALT OR DERIVATIVE OF ANY OF THE FOLLOWING THAT
23 ACTS IN THE SAME MANNER ON THE HUMAN BODY:

- 24 1. CHORIONIC GONADOTROPIN.
- 25 2. CLOSTEBOL.
- 26 3. DEHYDROCHLORMETHYLTESTOSTERONE.
- 27 4. ETHYLESTRENOL.
- 28 5. FLUOXYMESTERONE.
- 29 6. MESTEROLONE.
- 30 7. METENOLONE.

- 1 8. METHANDIENONE.
- 2 9. METHANDROSTENOLONE.
- 3 10. METHYLTESTOSTERONE.
- 4 11. NANDROLONE DECANOATE.
- 5 12. NANDROLONE PHENPROPIONATE.
- 6 13. NORETHANDROLONE.
- 7 14. OXANDROLONE.
- 8 15. OXYMESTERONE.
- 9 16. OXYMETHOLONE.
- 10 17. STANZOLOL.
- 11 18. TESTOSTERONE PROPIONATE.
- 12 19. TESTOSTERONE-LIKE RELATED COMPOUNDS.

13 HUMAN GROWTH HORMONE (HGH) SHALL NOT BE INCLUDED AS AN ANABOLIC
14 STEROID UNDER THE PROVISIONS OF THIS ACT. AN ANABOLIC STEROID
15 WHICH IS A COMBINATION OF ESTROGEN AND ANABOLIC STEROID AND
16 WHICH IS EXPRESSLY INTENDED FOR ADMINISTRATION TO HORMONE-
17 DEFICIENT WOMEN SHALL BE EXEMPT FROM THE PROVISIONS OF THIS ACT.
18 A PERSON WHO PRESCRIBES, DISPENSES OR DISTRIBUTES AN ANABOLIC
19 STEROID WHICH IS A COMBINATION OF ESTROGEN AND ANABOLIC STEROIDS
20 AND WHICH IS INTENDED FOR ADMINISTRATION TO HORMONE-DEFICIENT
21 WOMEN FOR USE BY PERSONS WHO ARE NOT HORMONE-DEFICIENT WOMEN
22 SHALL BE CONSIDERED TO HAVE PRESCRIBED, DISPENSED OR DISTRIBUTED
23 AN ANABOLIC STEROID WITHIN THE MEANING OF THIS SUBCLAUSE.

24 (VIII) GAMMA HYDROXYBUTYRIC ACID, ANY SALT, HYDROXYBUTYRIC
25 COMPOUND, DERIVATIVE OR PREPARATION OF GAMMA HYDROXYBUTYRIC
26 ACID, INCLUDING ANY ISOMERS, ESTERS AND ETHERS AND SALTS OF
27 ISOMERS, ESTERS AND ETHERS OF GAMMA HYDROXYBUTYRIC ACID WHENEVER
28 THE EXISTENCE OF SUCH ISOMERS, ESTERS AND SALTS IS POSSIBLE
29 WITHIN THE SPECIFIC CHEMICAL DESIGNATION.

30 * * *

1 SECTION 2. SECTION 13(F) OF THE ACT IS AMENDED BY ADDING A
2 CLAUSE TO READ:

3 SECTION 13. PROHIBITED ACTS; PENALTIES.--* * *

4 (F) ANY PERSON WHO VIOLATES CLAUSE (12), (14) OR (30) OF
5 SUBSECTION (A) WITH RESPECT TO:

6 * * *

7 (2.1) ANY PERSON WHO VIOLATES SECTION 4(3)(VIII) IS GUILTY
8 OF A FELONY AND UPON CONVICTION THEREOF SHALL BE SENTENCED TO
9 IMPRISONMENT NOT EXCEEDING FIFTEEN YEARS, OR TO PAY A FINE NOT
10 EXCEEDING TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000), OR
11 BOTH.

12 * * *

13 SECTION 3. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.