
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 798 Session of
1999

INTRODUCED BY EARLL, CORMAN, HELFRICK, BRIGHTBILL, TOMLINSON,
COSTA, ROBBINS, LEMMOND, GERLACH AND BELL, APRIL 12, 1999

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 19, 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; and providing for
12 penalties.

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

15 Section 1. Section 4(3) 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 November 26, 1978 (P.L.1392,
18 No.328) and December 18, 1996 (P.L.1096, No.163), is amended to
19 read:

20 Section 4. Schedules of Controlled Substances.--The
21 following schedules include the controlled substances listed or

1 to be listed by whatever official name, common or usual name,
2 chemical name, or trade name designated.

3 * * *

4 (3) Schedule III--In determining that a substance comes
5 within this schedule, the secretary shall find: a potential for
6 abuse less than the substances listed in Schedules I and II;
7 well documented and currently accepted medical use in the United
8 States; and abuse may lead to moderate or low physical
9 dependence or high psychological dependence. The following
10 classes of controlled substances are included in this schedule:

11 (i) Any material, compound, mixture, or preparation unless
12 specifically excepted or unless listed in another schedule which
13 contains any quantity of the following substances:

14 1. Any substance which contains any quantity of a derivative
15 of barbituric acid, or any salt of a derivative of
16 barbituric acid.

17 2. Chorhexadol.

18 3. Glutethimide.

19 4. Lysergic acid.

20 5. Lysergic acid amide.

21 6. Methyprylon.

22 8. Sulfondiethylmethane.

23 9. Sulfonethylmethane.

24 10. Sulfonmethane.

25 (ii) Nalorphine.

26 (iii) Any material, compound, mixture, or preparation
27 containing limited quantities of the following narcotic drugs,
28 or any salts thereof, unless specifically excepted or listed in
29 other schedules:

30 1. Not more than 1.8 grams of codeine per 100 milliliters or

1 not more than 90 milligrams per dosage unit, with an equal or
2 greater quantity of an isoquinoline alkaloid of opium.

3 2. Not more than 1.8 grams of codeine per 100 milliliters or
4 not more than 90 milligrams per dosage unit, with one or more
5 active, nonnarcotic ingredients in recognized therapeutic
6 amounts.

7 3. Not more than 300 milligrams of dihydrocodeinone per 100
8 milliliters or not more than 15 milligrams per dosage unit, with
9 a fourfold or greater quantity of an isoquinoline alkaloid of
10 opium.

11 4. Not more than 300 milligrams of dihydrocodeinone per 100
12 milliliters or not more than 15 milligrams per dosage unit, with
13 one or more active, nonnarcotic ingredients in recognized
14 therapeutic amounts.

15 5. Not more than 1.8 grams of dihydrocodeine per 100
16 milliliters or not more than 90 milligrams per dosage unit, with
17 one or more active, nonnarcotic ingredients in recognized
18 therapeutic amounts.

19 6. Not more than 300 milligrams of ethylmorphine per 100
20 milliliters or not more than 15 milligrams per dosage unit, with
21 one or more active, nonnarcotic ingredients in recognized
22 therapeutic amounts.

23 7. Not more than 500 milligrams of opium per 100 milliliters
24 or per 100 grams, or not more than 25 milligrams per dosage
25 unit, with one or more active, nonnarcotic ingredients in
26 recognized therapeutic amounts.

27 8. Not more than 50 milligrams of morphine per 100
28 milliliters or per 100 grams and not more than 2.5 milligrams
29 per dosage unit with one or more active, nonnarcotic ingredients
30 in recognized therapeutic amounts.

1 (v) The secretary may by regulation except any compound,
2 mixture, or preparation containing any drug or controlled
3 substance listed in subclauses (i) and (ii) of this schedule
4 above from the application of those provisions of this act
5 covering controlled substances, if the compound, mixture, or
6 preparation contains one or more active medicinal ingredients
7 not having a stimulant or depressant effect on the central
8 nervous system: Provided, That such admixtures shall be included
9 therein in such combinations, quantity, proportion, or
10 concentration as to vitiate the potential for abuse of the
11 substances which do have a stimulant or depressant effect on the
12 central nervous system.

13 (vi) The secretary shall by regulation exempt any
14 nonnarcotic substance from the control under this act if such
15 substance may, under the provisions of the Federal Food, Drug,
16 and Cosmetic Act (21 U.S.C. 301 et seq.), be lawfully sold over
17 the counter without a prescription.

18 (vii) Anabolic steroid includes any material, compound,
19 mixture or preparation that includes any of the following or any
20 isomer, ester, salt or derivative of any of the following that
21 acts in the same manner on the human body:

- 22 1. Chorionic gonadotropin.
- 23 2. Clostebol.
- 24 3. Dehydrochlormethyltestosterone.
- 25 4. Ethylestrenol.
- 26 5. Fluoxymesterone.
- 27 6. Mesterolone.
- 28 7. Metenolone.
- 29 8. Methandienone.
- 30 9. Methandrostenolone.

- 1 10. Methyltestosterone.
- 2 11. Nandrolone decanoate.
- 3 12. Nandrolone phenpropionate.
- 4 13. Norethandrolone.
- 5 14. Oxandrolone.
- 6 15. Oxymesterone.
- 7 16. Oxymetholone.
- 8 17. Stanozolol.
- 9 18. Testosterone propionate.
- 10 19. Testosterone-like related compounds.

11 Human Growth Hormone (HGH) shall not be included as an anabolic
12 steroid under the provisions of this act. An anabolic steroid
13 which is a combination of estrogen and anabolic steroid and
14 which is expressly intended for administration to hormone-
15 deficient women shall be exempt from the provisions of this act.
16 A person who prescribes, dispenses or distributes an anabolic
17 steroid which is a combination of estrogen and anabolic steroids
18 and which is intended for administration to hormone-deficient
19 women for use by persons who are not hormone-deficient women
20 shall be considered to have prescribed, dispensed or distributed
21 an anabolic steroid within the meaning of this subclause.

22 (viii) Gamma hydroxybutyric acid, any salt, hydroxybutyric
23 compound, derivative or preparation of gamma hydroxybutyric
24 acid, including any isomers, esters and ethers and salts of
25 isomers, esters and ethers of gamma hydroxybutyric acid, EXCEPT <—
26 GAMMA-BUTYROLACTONE (GBL), whenever the existence of such
27 isomers, esters and salts is possible within the specific
28 chemical designation.

29 * * *

30 ~~Section 2. Section 13(f) of the act is amended by adding a~~ <—

1 ~~clause to read:~~

2 ~~Section 13. Prohibited Acts; Penalties. * * *~~

3 ~~(f) Any person who violates clause (12), (14) or (30) of~~
4 ~~subsection (a) with respect to:~~

5 ~~* * *~~

6 ~~(2.1) Any person who violates section 4(3)(viii) is guilty~~
7 ~~of a felony and upon conviction thereof shall be sentenced to~~
8 ~~imprisonment not exceeding fifteen years, or to pay a fine not~~
9 ~~exceeding two hundred fifty thousand dollars (\$250,000), or~~
10 ~~both.~~

11 ~~* * *~~

12 SECTION 2. SECTION 13(A)(34) OF THE ACT, AMENDED DECEMBER
13 14, 1984 (P.L.988, NO.200), IS AMENDED AND THE SECTION IS
14 AMENDED BY ADDING A SUBSECTION TO READ:

<—

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

16 (34) THE PLACING IN ANY NEWSPAPER, MAGAZINE, HANDBILL OR
17 OTHER PUBLICATION OR BY WRITTEN OR ELECTRONIC MEANS, INCLUDING
18 ELECTRONIC MAIL, INTERNET, FACSIMILE AND SIMILAR TRANSMISSION,
19 ANY ADVERTISEMENT, KNOWING, OR UNDER CIRCUMSTANCES WHERE ONE
20 REASONABLY SHOULD KNOW, THAT THE PURPOSE OF THE ADVERTISEMENT,
21 IN WHOLE OR IN PART IS TO PROMOTE THE SALE OF OBJECTS DESIGNED
22 OR INTENDED FOR USE AS DRUG PARAPHERNALIA.

23 * * *

24 (N) ANY PERSON WHO VIOLATES SUBSECTION (A)(12), (14), (16),
25 (30) OR (34) WITH RESPECT TO GAMMA HYDROXYBUTYRIC ACID, ANY
26 SALT, COMPOUND DERIVATIVE OR PREPARATION OF GAMMA HYDROXYBUTYRIC
27 ACID, INCLUDING ANY ISOMERS, ESTERS AND ETHERS AND SALTS OF
28 ISOMERS, OR ESTERS AND ETHERS OF GAMMA HYDROXYBUTYRIC ACID,
29 EXCEPT GAMMA-BUTYROLACTONE (GBL), WHENEVER THE EXISTENCE OF SUCH
30 ISOMERS, ESTERS, ETHERS OR SALTS IS POSSIBLE WITHIN THE SPECIFIC

1 CHEMICAL DESIGNATION, IS GUILTY OF A FELONY AND UPON CONVICTION
2 THEREOF SHALL BE SENTENCED TO IMPRISONMENT NOT EXCEEDING FIFTEEN
3 YEARS, OR TO PAY A FINE NOT EXCEEDING TWO HUNDRED FIFTY THOUSAND
4 DOLLARS (\$250,000), OR BOTH, OR SUCH LARGER AMOUNT AS IS
5 SUFFICIENT TO EXHAUST THE ASSETS UTILIZED IN AND THE PROFITS
6 OBTAINED FROM THE ILLEGAL ACTIVITY.

7 Section 3. This act shall take effect in 60 days.