

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 365 Session of
2011

INTRODUCED BY SWANGER, BOYD, CALTAGIRONE, D. COSTA, GRELL,
HARRIS, HORNAMAN, KAUFFMAN, LONGIETTI, MANN, MARSHALL,
METZGAR, MOUL, MURPHY, MURT, PETRI, PYLE, K. SMITH,
VULAKOVICH, YOUNGBLOOD AND BOBACK, FEBRUARY 1, 2011

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, FEBRUARY 15, 2011

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 Schedule I controlled substances.

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

14 Section 1. Section 4(1) 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 November 24, 1999 (P.L.894,
17 No.55), is amended to read:

18 Section 4. Schedules of Controlled Substances.--The
19 following schedules include the controlled substances listed or
20 to be listed by whatever official name, common or usual name,
21 chemical name, or trade name designated.

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

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

1. Acetylmethadol.
2. Allylprodine.
3. Alphacetylmethadol.
4. Alphameprodine.
5. Alphamethadol.
6. Benzethidine.
7. Betacetylmethadol.
8. Betameprodine.
9. Betamethadol.
10. Betaprodine.
11. Clonitazene.
12. Dextromoramide.
13. Dextrorphan (except its methylether).
14. Diampromide.
15. Diethylthiambutene.
16. Dimenoxadol.
17. Dimepheptanol.
18. Dimethylthiambutene.
19. Dioxaphetyl butyrate.

- 1 20. Dipipanone.
- 2 21. Ethylmethylthiambutene.
- 3 22. Etonitazene.
- 4 23. Etoxeridine.
- 5 24. Furethidine.
- 6 25. Hydroxypethidine.
- 7 26. Ketobemidone.
- 8 27. Levomoramide.
- 9 28. Levophenacylmorphane.
- 10 29. Morpheridine.
- 11 30. Noracymethadol.
- 12 31. Norlevorphanol.
- 13 32. Normethadone.
- 14 33. Norpipanone.
- 15 34. Phenadoxone.
- 16 35. Phenampromide.
- 17 36. Phenomorphan.
- 18 37. Phenoperidine.
- 19 38. Piritramide.
- 20 39. Proheptazine.
- 21 40. Properidine.
- 22 41. Racemoramide.
- 23 42. Trimeperidine.
- 24 (ii) Any of the following opium derivatives, their salts,
- 25 isomers and salts of isomers, unless specifically excepted,
- 26 whenever the existence of such salts, isomers and salts of
- 27 isomers is possible within the specific chemical designation:
- 28 1. Acetorphine.
- 29 2. Acetyldihydrocodeine.
- 30 3. Benzylmorphine.

- 1 4. Codeine methylbromide.
- 2 5. Codeine-N-Oxide.
- 3 6. Cyprenorphine.
- 4 7. Desomorphine.
- 5 8. Dihydromorphine.
- 6 9. Etorphine.
- 7 10. Heroin.
- 8 11. Hydromorphenol.
- 9 12. Methyldesorphine.
- 10 13. Methylhydromorphine.
- 11 14. Morphine methylbromide.
- 12 15. Morphine methylsulfonate.
- 13 16. Morphine-N-Oxide.
- 14 17. Myrophine.
- 15 18. Nicocodeine.
- 16 19. Nicomorphine.
- 17 20. Normorphine.
- 18 21. Pholcodine.
- 19 22. Thebacon.

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

- 26 1. 3,4-methylenedioxy amphetamine.
- 27 2. 5-methoxy-3,4-methylenedioxy amphetamine.
- 28 3. 3,4,5-trimethoxy amphetamine.
- 29 4. Bufotenine.
- 30 5. Diethyltryptamine.

1 6. Dimethyltryptamine.
2 7. 4-methyl-2,5-dimethoxyamphetamine.
3 8. Ibogaine.
4 9. Lysergic acid diethylamide.
5 10. Mescaline.
6 11. Peyote.
7 12. N-ethyl-3-piperidyl benzilate.
8 13. N-methyl-3-piperidyl benzilate.
9 14. Psilocybin.
10 15. Psilocyn.
11 16. Tetrahydrocannabinols.
12 17. Salvia Divinorum.
13 18. SALVINORIN A. ←
14 19. DIVINORIN A.
15 (iv) Marihuana.
16 (v) Any material, compound, mixture or preparation which
17 contains any quantity of the following substances, including the
18 salts, isomers and salts of isomers:
19 1. Methaqualone.
20 (vi) Gamma hydroxybutyric acid, any salt, hydroxybutyric
21 compound, derivative or preparation of gamma hydroxybutyric
22 acid, including any isomers, esters and ethers and salts of
23 isomers, esters and ethers of gamma hydroxybutyric acid, except
24 gamma-butyrolactone (GBL), whenever the existence of such
25 isomers, esters and salts is possible within the specific
26 chemical designation. For purposes of security requirements
27 imposed by law or regulation upon registered distributors and
28 registered manufacturers, this substance when manufactured,
29 distributed or possessed in accordance with an exemption
30 approved under section 505(i) of the Federal Food, Drug, and

1 Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.) shall,
2 notwithstanding any other provision of this act, be classified
3 as a controlled substance in Schedule III of this section.

4 * * *

5 Section 2. This act shall take effect in 60 days.