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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 845 Session of  
2017

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INTRODUCED BY FARNESE AND RAFFERTY, SEPTEMBER 11, 2017

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REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
SEPTEMBER 11, 2017

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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 prohibited acts and penalties.

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

14 Section 1. Section 13(a) of the act of April 14, 1972  
15 (P.L.233, No.64), known as The Controlled Substance, Drug,  
16 Device and Cosmetic Act, is amended and the section is amended  
17 by adding a subsection to read:

18 Section 13. Prohibited Acts; Penalties.--(a) The following  
19 acts and the causing thereof within the Commonwealth are hereby  
20 prohibited:

21 \* \* \*

22 (41) The offering or giving by any manufacturer or

1 distributor, or any agent thereof, of any gift to a prescriber.

2 As used in this clause:

3 (i) "Gift" means anything that is received without  
4 consideration of equal or greater value, but shall not include:

5 (A) professional samples of a drug provided to a prescriber  
6 for free distribution to patients;

7 (B) items with a total combined retail value, in any  
8 calendar year, of not more than fifty dollars (\$50);

9 (C) a payment to the sponsor of a medical conference,  
10 professional meeting or other educational program, provided the  
11 payment is not made directly to a prescriber and is used solely  
12 for bona fide educational purposes;

13 (D) reasonable honoraria and payment of the reasonable  
14 expenses of a prescriber who serves on the faculty at a  
15 professional or educational conference or meeting;

16 (E) compensation for the substantial professional or  
17 consulting services of a prescriber in connection with a genuine  
18 research project;

19 (F) publications and educational materials; or

20 (G) salaries or other benefits paid to employees.

21 (ii) "Prescriber" means a person that is licensed,  
22 registered or otherwise authorized to distribute, dispense or  
23 administer a controlled substance, other drug or device in the  
24 course of professional practice or research in this  
25 Commonwealth.

26 \* \* \*

27 (g) Any person who knowingly and intentionally violates  
28 clause (41) of subsection (a) is guilty of a misdemeanor and  
29 upon conviction shall be sentenced to imprisonment not exceeding  
30 one year or to pay a fine not exceeding five thousand dollars

1 (\$5,000) for each transaction, occurrence or event, or both.

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