

AMENDMENTS TO SENATE BILL NO. 165

Sponsor: SENATOR BAKER

Printer's No. 156

1 Amend Bill, page 2, line 1, by striking out "provides drug
2 paraphernalia and" and inserting

3 knowingly provides

4 Amend Bill, page 2, line 3, by inserting after "act."

5 The following shall apply:

6 (i) The district attorneys of the several counties shall
7 have authority to investigate and to institute criminal
8 proceedings for any violation of this clause.

9 (ii) In addition to the authority conferred upon the
10 Attorney General by the act of October 15, 1980 (P.L.950,
11 No.164), known as the "Commonwealth Attorneys Act," the Attorney
12 General shall have the authority to investigate and to institute
13 criminal proceedings for any violation of this clause.

14 (iii) No person charged with a violation of this clause by
15 the Attorney General shall have standing to challenge the
16 authority of the Attorney General to investigate or prosecute
17 the case and, if any challenge is made, the challenge shall be
18 dismissed and no relief shall be available in the courts of this
19 Commonwealth to the person making the challenge.

20 (iv) Nothing contained in subclause (i), (ii) or (iii) shall
21 be construed to limit the regulatory or investigative authority
22 of any department or agency of the Commonwealth whose functions
23 might relate to persons, enterprises or matters falling within
24 the scope of this section.

25 (v) Nothing in this clause shall be construed to:

26 (A) Prohibit the provision of space for the use of a medical
27 marijuana product as long as that use is in conformance with the
28 act of April 17, 2016 (P.L.84, No.16), known as the "Medical
29 Marijuana Act."

30 (B) Prohibit a practitioner from prescribing, administering
31 or dispensing a controlled substance in a manner that is
32 otherwise permitted under this act.

33 Amend Bill, page 2, line 5, by striking out "subsection (a)
34 (41)" and inserting

35 clause (41) of subsection (a)

1 Amend Bill, page 2, line 12, by inserting after "(\$250,000)."

2 The Attorney General shall have the power and duty to
3 institute proceedings to recover the civil penalty provided
4 under this clause against any person liable to the Commonwealth
5 for a penalty.