

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1275 Session of  
1989

INTRODUCED BY DeLUCA, CALTAGIRONE, MOEHLMANN, BIRMELIN, ACOSTA,  
ADOLPH, ANGSTADT, ARGALL, BELARDI, BELFANTI, BILLOW, BISHOP,  
BLAUM, BOYES, BUNT, BURD, BUSH, CIVERA, COLAIZZO, COLE,  
CORRIGAN, DALEY, FAIRCHILD, FARGO, FEE, FOX, GEIST,  
GIGLIOTTI, HAGARTY, HALUSKA, HARPER, HERMAN, HOWLETT,  
JOHNSON, KASUNIC, KOSINSKI, LASHINGER, LETTERMAN, MAIALE,  
MARKOSEK, MELIO, MORRIS, MRKONIC, NOYE, PISTELLA, PITTS,  
PRESSMANN, RAYMOND, ROBINSON, SERAFINI, B. SMITH, G. SNYDER,  
STABACK, STEIGHNER, STUBAN, TANGRETTI, J. TAYLOR, TRELLO,  
TRICH, VEON, WAMBACH, WASS, WOZNIAK, J. L. WRIGHT, F. TAYLOR,  
O'BRIEN, FLICK, STISH, LINTON, COY AND BROUJOS,  
APRIL 24, 1989

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,  
DECEMBER 5, 1989

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," providing for designer  
11 ~~drugs; and further providing for prohibited acts.~~ <—

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

14 Section 1. Section 2(b) 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 by adding definitions A <—

1 DEFINITION to read:

2 Section 2. Definitions.--\* \* \*

3 (b) As used in this act:

4 \* \* \*

5 "Designer drug" means a substance other than a controlled  
6 substance that has a chemical structure substantially similar to  
7 that of a controlled substance in Schedules I or II of this act  
8 which produces an effect substantially similar to that of a  
9 controlled substance in Schedules I or II. Examples of chemical  
10 classes in which designer drugs are found include, but are not  
11 limited to, the following: Phenethylamines, N-substituted  
12 piperidines, morphinans, ecgonines, quinazolinones, substituted  
13 indoles and arylcycloalkylamines.

14 \* \* \*

15 ~~"Engagement" means solicitation, inducement, encouragement,~~ <—  
16 ~~coercion, employment, hiring, direction or use.~~

17 \* \* \*

18 ~~Section 2. Section 13(a) of the act is amended by adding a~~  
19 ~~clause and the section is amended by adding a subsection to~~  
20 ~~read:~~

21 ~~Section 13. Prohibited Acts; Penalties. (a) The following~~  
22 ~~acts and the causing thereof within the Commonwealth are hereby~~  
23 ~~prohibited:~~

24 \* \* \*

25 ~~(37) Except as authorized by this act, the engagement of an~~  
26 ~~individual under 18 years of age, without regard to a legal~~  
27 ~~consideration or payment of a fee or compensation and without~~  
28 ~~regard for knowledge or mistaken belief of the age of the~~  
29 ~~individual engaged:~~

30 ~~(i) to manufacture, produce, deliver, distribute, possess,~~

1 ~~transport, carry, conceal, acquire, obtain possession, purchase,~~  
2 ~~receive, package, repackage, or store a controlled substance or~~  
3 ~~designer drug;~~

4 ~~(ii) to hinder, obstruct or avoid investigation, detection,~~  
5 ~~apprehension or arrest for an offense under this act;~~

6 ~~(iii) to provide, furnish or render services or assistance~~  
7 ~~for hindering, obstructing or avoiding investigation, detection,~~  
8 ~~apprehension or arrest for an offense under this act; or~~

9 ~~(iv) to commit or omit an act which violates 18 Pa.C.S. Ch.~~  
10 ~~51 Subch. A (relating to obstructing governmental operations)~~  
11 ~~with respect to an offense under this act, or to violate 18~~  
12 ~~Pa.C.S. Ch. 51 Subch. A with respect to an offense under this~~  
13 ~~act.~~

14 \* \* \*

15 ~~(m) Any person who violates clause (37) of subsection (a) is~~  
16 ~~guilty of a felony and upon conviction thereof shall be~~  
17 ~~sentenced to imprisonment not exceeding ten years or to pay a~~  
18 ~~fine not exceeding three hundred thousand dollars (\$300,000) or~~  
19 ~~such larger amount as is sufficient to exhaust the assets~~  
20 ~~utilized in and the profits obtained from the illegal activity,~~  
21 ~~or both. Sentences under this subsection shall be served without~~  
22 ~~possibility of parole.~~

23 Section 3 2. This act shall take effect in 60 days.

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