

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1285 Session of  
1989

INTRODUCED BY J. H. CLARK, CALTAGIRONE, MOEHLMANN, ALLEN,  
ANGSTADT, ARGALL, BELARDI, BIRMELIN, BLAUM, BOYES, BUSH,  
CAWLEY, CESSAR, CHADWICK, D. F. CLARK, CLYMER, COLAIZZO,  
CORNELL, COWELL, DAVIES, DeLUCA, DEMPSEY, DIETTERICK,  
DISTLER, DOMBROWSKI, DORR, FEE, FOX, GEIST, GIGLIOTTI,  
GODSHALL, GRUPPO, HAGARTY, HALUSKA, HAYDEN, HAYES, HERMAN,  
HOWLETT, JACKSON, JADLOWIEC, KASUNIC, KOSINSKI, LaGROTTA,  
LASHINGER, LLOYD, MAIALE, MARKOSEK, MARSICO, McVERRY, MELIO,  
MERRY, MICOZZIE, MILLER, MORRIS, MRKONIC, NAHILL, NAILOR,  
PICCOLA, PITTS, PRESSMANN, RAYMOND, ROBBINS, ROBINSON,  
SAURMAN, SCHEETZ, SEMMEL, SERAFINI, S. H. SMITH,  
D. W. SNYDER, STABACK, STEIGHNER, STUBAN, TANGRETTI,  
E. Z. TAYLOR, TIGUE, TRELLO, WAMBACH, WESTON, WOGAN,  
J. L. WRIGHT, BURD, O'BRIEN, F. TAYLOR AND NOYE,  
APRIL 24, 1989

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 24, 1989

AN ACT

1 Providing for the registration and reporting of certain  
2 noncontrolled substances; imposing additional powers and  
3 duties on the Secretary of Health; and fixing penalties.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Noncontrolled  
8 Substances Reporting and Registration Act.

9 Section 2. Chemicals subject to registration.

10 (a) Specific chemicals.--The following chemicals or chemical  
11 substances shall be subject to the provisions of this act:

12 (1) Anthranilic acid.

- 1           (2) N-acetyl anthranilic acid.
- 2           (3) Ergot alkaloids.
- 3           (4) Lysergic acid.
- 4           (5) Phenyl-2-propanone (phenylacetone).
- 5           (6) Piperidine cyclohexane carbonitrile.

6       (b) Additional chemicals.--The Secretary of Health is hereby  
7 empowered to add to the list of substances enumerated in this  
8 subsection (a) any substance he believes is being used or could  
9 be used in the illegal manufacture of controlled substances or  
10 in the illegal sale of controlled substances. Notice of such  
11 addition shall be sent to every person engaged in the sale or  
12 distribution of such substances known to the Secretary of  
13 Health.

#### 14 Section 3. Registration of sellers and distributors.

15       A person engaged in the sale or distribution of any substance  
16 covered by this act shall register with the Secretary of Health.  
17 He shall maintain updated, complete and accurate information  
18 with the secretary, which shall include the following:

19           (1) The full name of the person or firm, his address  
20       (other than a post office box number), telephone number and  
21       all addresses of subsidiary or field offices or locations of  
22       operations.

23           (2) The full name, address (other than a post office box  
24       number), telephone number and occupation of all owners of a  
25       firm covered by this act.

26           (3) The name, address and telephone number of any  
27       subsidiary and field locations of operations of a firm under  
28       paragraph (2).

29           (4) Any other information required by the secretary.

#### 30 Section 4. Records of sales or distributions.

1 A person who sells or distributes the substances enumerated  
2 in section 2 at wholesale or retail shall be responsible for the  
3 maintenance of accurate records relative to the acquisition,  
4 storage and distribution of such substances. He shall record the  
5 full name, address (other than a post office box number),  
6 occupation, telephone number and other identifying data of those  
7 who purchase such substances. He shall record the date, time,  
8 location and quantity of the purchase and the price paid for  
9 such substances. He shall note the manner of payment and, for  
10 all purchases made with check, money order or bank draft, the  
11 name and address of the financial institution on the check,  
12 money order or draft and its number. He shall record the name  
13 and address (other than a post office box number) of the  
14 signers, the date of issuance and other identifying data, and  
15 the registration number of the vehicle transporting the  
16 substances.

17 Section 5. Records of purchases.

18 The seller or distributor shall include in the records  
19 required by this act the full name, address, telephone number  
20 and occupation of the person from whom the seller or distributor  
21 acquired the substances and the person involved in the storage  
22 and distribution of the substances.

23 Section 6. Reports.

24 (a) Availability.--A person regulated by this act shall make  
25 available, to any Federal, State or local law enforcement agency  
26 and personnel, the records required to be kept by him.

27 (b) Transmission of reports.--A person regulated by this act  
28 shall send, quarter-annually to the Secretary of Health, a  
29 complete report containing the information required by sections  
30 4 and 5.

1 (c) Use of reports.--A Federal, State or local law  
2 enforcement agency may not use information obtained pursuant to  
3 this act for purposes other than the investigation of possible  
4 criminal conduct.

5 Section 7. Enforcement.

6 A member of a State or local law enforcement agency may bring  
7 charges against a person for violations of this act.

8 Section 8. Penalty.

9 (a) False information.--A person who provides false  
10 information to a seller or distributor under this act commits a  
11 misdemeanor of the first degree and shall, upon conviction, be  
12 sentenced to pay a fine of not less than \$1,000 and not more  
13 than \$25,000 or to imprisonment for not more than five years, or  
14 both.

15 (b) Seller or distributor violation.--A seller or  
16 distributor who violates this act commits a misdemeanor of the  
17 third degree and shall, upon conviction, be sentenced to pay a  
18 fine of not less than \$500 and not more than \$5,000 or to  
19 imprisonment for not more than three years, or both.

20 (c) Wrongful use of reports.--A person who violates section  
21 6(c) commits a summary offense and shall, upon conviction, be  
22 sentenced to pay a fine of not less than \$300 and not more than  
23 \$1,000 or to imprisonment for not more than 90 days, or both.

24 Section 9. Effective date.

25 This act shall take effect in 90 days.