
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 213 Session of
1993

INTRODUCED BY DeLUCA, MIHALICH, COY, SAURMAN, DALEY, PESCI,
LAUGHLIN, PISTELLA, TRELLO, BROWN, KELLER, SCHEETZ, CLARK,
BATTISTO, KIRKLAND, PRESTON, DONATUCCI, TOMLINSON, KASUNIC
AND VEON, FEBRUARY 3, 1993

SENATOR LEWIS, JUDICIARY, IN SENATE, AS AMENDED, MAY 25, 1993

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 prescriptions; and providing automatic suspension of
12 practitioners' licenses for conviction of drug offenses.

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

15 Section 1. Section 11(f) of the act of April 14, 1972
16 (P.L.233, No.64), known as The Controlled Substance, Drug,
17 Device and Cosmetic Act, is amended to read:

18 Section 11. Professional Prescription, Administration, and
19 Dispensing.--* * *

20 (f) Any drug or device dispensed by a pharmacist pursuant to
21 a prescription order shall bear a label showing (i) the name and

1 address of the pharmacy and any registration number obtained
2 pursuant to any applicable Federal laws, (ii) the name of the
3 patient, or, if the patient is an animal, the name of the owner
4 of the animal and the species of the animal, (iii) the name [and
5 any registration number required to be obtained pursuant to any
6 applicable Federal laws,] of the practitioner by whom the
7 prescription order was written, and (iv) the serial number and
8 date of filing of the prescription order. In addition, the
9 following statement shall be required on the label of a
10 controlled substance: "Transfer of this drug to anyone other
11 than the patient for whom it was prescribed is illegal."

12 Section 2. Section 23 of the act is amended by adding a
13 subsection to read:

14 Section 23. Revocation of Licenses of Practitioners.--* * *

15 ~~(c) Any license heretofore issued to any practitioner by a~~ <—
16 ~~licensing board in the Department of State shall automatically~~
17 ~~be suspended for a period of one year upon conviction of a~~
18 ~~misdemeanor violation of the provisions of this act. Such~~
19 ~~suspension may be extended for a period beyond one year by the~~
20 ~~applicable State licensing board.~~

21 (C) THE APPROPRIATE LICENSING BOARDS IN THE DEPARTMENT OF <—
22 STATE SHALL AUTOMATICALLY SUSPEND, FOR A PERIOD NOT TO EXCEED
23 ONE YEAR, THE REGISTRATION OR LICENSE OF ANY PRACTITIONER WHEN
24 THE PERSON HAS PLEADED GUILTY OR NOLO CONTENDERE OR HAS BEEN
25 CONVICTED OF A MISDEMEANOR UNDER THIS ACT. The district attorney
26 of each county shall immediately notify the appropriate State
27 licensing board of practitioners subject to the provisions of
28 this section. However, the provisions of such automatic
29 suspension may be stayed by the appropriate State licensing
30 board in those cases where a practitioner has violated the

1 provisions of this act only for the personal use of controlled
2 substances by the practitioner and the practitioner participates
3 in the impaired professional program approved by the appropriate
4 State licensing board for a period of between three and five
5 years, as directed by the appropriate licensing board. If the
6 practitioner fails to comply in all respects with the standards
7 of such a program the appropriate licensing board shall
8 immediately vacate the stay of the enforcement of the suspension
9 provided for herein. As used in this section, the term <—
10 "conviction" shall include a guilty verdict or judgment, an
11 admission of guilt or a plea of nolo contendere. Automatic
12 suspension shall not be stayed pending any appeal of a
13 conviction. Restoration of such license shall be made as in the
14 case of a suspension of license.

15 Section 3. This act shall take effect in 60 days.