

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 298 Session of
2007

INTRODUCED BY RAFFERTY, STACK, ERICKSON, KASUNIC, ORIE, RHOADES
AND LOGAN, MARCH 9, 2007

REFERRED TO JUDICIARY, MARCH 9, 2007

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 the
11 offense of tampering with package or receptacle; and
12 prescribing a penalty.

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

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

18 Section 9.1. Tampering With Package or Receptacle.--(a) A
19 person commits an offense if he intentionally tampers with a
20 package or receptacle or with the contents of a package or
21 receptacle containing a controlled substance that is lawfully
22 manufactured.

1 (b) This offense shall be graded as a felony.

2 (c) "Tampers with" means to intentionally and unlawfully
3 change, substitute, alter by or through deception or theft a
4 controlled substance that is lawfully manufactured when the
5 change, substitution or alteration is not done pursuant to a
6 valid order of a licensed practitioner in the normal course of
7 professional practice.

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