

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 559 Session of 2009

INTRODUCED BY BEYER, BEAR, BOYD, BRENNAN, ELLIS, FABRIZIO, FLECK, FRANKEL, GEIST, GILLESPIE, GINGRICH, GRELL, GROVE, HARKINS, HARPER, HENNESSEY, HORNAMAN, KAUFFMAN, KORTZ, LONGIETTI, MANN, MARSHALL, MILLARD, MILLER, MILNE, MURT, PASHINSKI, PYLE, REICHLEY, SABATINA, SAYLOR, SCAVELLO, SIPTROTH, K. SMITH, SWANGER, TRUE, VULAKOVICH AND WATSON, FEBRUARY 23, 2009

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 23, 2009

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 Schedule I controlled substances.

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

14 Section 1. Section 4(1) of the act of April 14, 1972 (P.L.  
 15 233, No.64), known as The Controlled Substance, Drug, Device and  
 16 Cosmetic Act, amended November 24, 1999 (P.L.894, No.55), is  
 17 amended to read:

18 Section 4. Schedules of Controlled Substances.--The  
 19 following schedules include the controlled substances listed or  
 20 to be listed by whatever official name, common or usual name,

1 chemical name, or trade name designated.

2 (1) Schedule I--In determining that a substance comes within  
3 this schedule, the secretary shall find: a high potential for  
4 abuse, no currently accepted medical use in the United States,  
5 and a lack of accepted safety for use under medical supervision.  
6 The following controlled substances are included in this  
7 schedule:

8 (i) Any of the following opiates, including their isomers,  
9 esters, ethers, salts, and salts of isomers, esters, and ethers,  
10 unless specifically excepted, whenever the existence of such  
11 isomers, esters, ethers and salts is possible within the  
12 specific chemical designation:

- 13 1. Acetylmethadol.
- 14 2. Allylprodine.
- 15 3. Alphacetylmethadol.
- 16 4. Alphameprodine.
- 17 5. Alphamethadol.
- 18 6. Benzethidine.
- 19 7. Betacetylmethadol.
- 20 8. Betameprodine.
- 21 9. Betamethadol.
- 22 10. Betaprodine.
- 23 11. Clonitazene.
- 24 12. Dextromoramide.
- 25 13. Dextrorphan (except its methylether).
- 26 14. Diampromide.
- 27 15. Diethylthiambutene.
- 28 16. Dimenoxadol.
- 29 17. Dimepheptanol.
- 30 18. Dimethylthiambutene.

- 1 19. Dioxaphetyl butyrate.
- 2 20. Dipipanone.
- 3 21. Ethylmethylthiambutene.
- 4 22. Etonitazene.
- 5 23. Etoxeridine.
- 6 24. Furethidine.
- 7 25. Hydroxypethidine.
- 8 26. Ketobemidone.
- 9 27. Levomoramide.
- 10 28. Levophenacylmorphane.
- 11 29. Morpheridine.
- 12 30. Noracymethadol.
- 13 31. Norlevorphanol.
- 14 32. Normethadone.
- 15 33. Norpipanone.
- 16 34. Phenadoxone.
- 17 35. Phenampromide.
- 18 36. Phenomorphan.
- 19 37. Phenoperidine.
- 20 38. Piritramide.
- 21 39. Proheptazine.
- 22 40. Properidine.
- 23 41. Racemoramide.
- 24 42. Trimeperidine.

25 (ii) Any of the following opium derivatives, their salts,  
26 isomers and salts of isomers, unless specifically excepted,  
27 whenever the existence of such salts, isomers and salts of  
28 isomers is possible within the specific chemical designation:

- 29 1. Acetorphine.
- 30 2. Acetyldihydrocodeine.

- 1 3. Benzylmorphine.
- 2 4. Codeine methylbromide.
- 3 5. Codeine-N-Oxide.
- 4 6. Cyprenorphine.
- 5 7. Desomorphine.
- 6 8. Dihydromorphine.
- 7 9. Etorphine.
- 8 10. Heroin.
- 9 11. Hydromorphenol.
- 10 12. Methyldesorphine.
- 11 13. Methylhydromorphine.
- 12 14. Morphine methylbromide.
- 13 15. Morphine methylsulfonate.
- 14 16. Morphine-N-Oxide.
- 15 17. Myrophine.
- 16 18. Nicocodeine.
- 17 19. Nicomorphine.
- 18 20. Normorphine.
- 19 21. Pholcodine.
- 20 22. Thebacon.

21 (iii) Any material, compound, mixture, or preparation which  
22 contains any quantity of the following hallucinogenic  
23 substances, their salts, isomers, and salts of isomers, unless  
24 specifically excepted, whenever the existence of such salts,  
25 isomers, and salts of isomers is possible within the specific  
26 chemical designation:

- 27 1. 3,4-methylenedioxy amphetamine.
- 28 2. 5-methoxy-3,4-methylenedioxy amphetamine.
- 29 3. 3,4,5-trimethoxy amphetamine.
- 30 4. Bufotenine.

- 1 5. Diethyltryptamine.
- 2 6. Dimethyltryptamine.
- 3 7. 4-methyl-2,5-dimethoxyamphetamine.
- 4 8. Ibogaine.
- 5 9. Lysergic acid diethylamide.
- 6 10. Mescaline.
- 7 11. Peyote.
- 8 12. N-ethyl-3-piperidyl benzilate.
- 9 13. N-methyl-3-piperidyl benzilate.
- 10 14. Psilocybin.
- 11 15. Psilocyn.
- 12 16. Tetrahydrocannabinols.
- 13 17. Salvia Divinorum.

14 (iv) Marihuana.

15 (v) Any material, compound, mixture or preparation which  
16 contains any quantity of the following substances, including the  
17 salts, isomers and salts of isomers:

18 1. Methaqualone.

19 (vi) Gamma hydroxybutyric acid, any salt, hydroxybutyric  
20 compound, derivative or preparation of gamma hydroxybutyric  
21 acid, including any isomers, esters and ethers and salts of  
22 isomers, esters and ethers of gamma hydroxybutyric acid, except  
23 gamma-butyrolactone (GBL), whenever the existence of such  
24 isomers, esters and salts is possible within the specific  
25 chemical designation. For purposes of security requirements  
26 imposed by law or regulation upon registered distributors and  
27 registered manufacturers, this substance when manufactured,  
28 distributed or possessed in accordance with an exemption  
29 approved under section 505(i) of the Federal Food, Drug, and  
30 Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.) shall,

1 notwithstanding any other provision of this act, be classified  
2 as a controlled substance in Schedule III of this section.

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