
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1147 Session of
2013

INTRODUCED BY MILLER, KORTZ, MCGEEHAN, MAJOR, MAHONEY, BARRAR,
PICKETT, COHEN, GODSHALL, CALTAGIRONE, SCHLOSSBERG, QUINN,
SWANGER, GINGRICH, EVERETT AND MOLCHANY, APRIL 9, 2013

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 9, 2013

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 enforcement provisions.

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

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

17 Section 16. Enforcement Provisions.--The following
18 guidelines shall be applicable in the enforcement of any
19 penalties imposed by this act:

20 * * *

21 (5) (i) Except as set forth in subclause (ii), a person
22 shall be immune from prosecution for a violation of this

1 act if the person can establish:

2 (A) The only way law enforcement became aware of
3 the person's violation is that the person placed a
4 911 call, or a call to campus safety, police or
5 emergency services, in good faith, based upon a
6 reasonable belief, and reported that another person
7 was in need of immediate medical attention to prevent
8 death or serious bodily injury.

9 (B) The person reasonably believed he was the
10 first person to make a 911 call, or a call to campus
11 safety, police or emergency services, and report that
12 a person needed immediate medical attention to
13 prevent death or serious injury.

14 (C) The person provided his own name to the 911
15 operator or equivalent campus safety, police or
16 emergency officer.

17 (D) The person remained with the person needing
18 medical assistance until emergency health care
19 providers arrived and the need for the person's
20 presence had ended.

21 (ii) Immunity under this section shall not apply if any
22 of the following apply:

23 (A) The person provided the controlled substance
24 which was taken by the other person needing immediate
25 medical attention.

26 (B) The person violated any of the provisions of
27 this act related to the manufacture or possession
28 with intent to manufacture a controlled substance.

29 (C) The person violated any of the provisions of
30 this act related to delivery or possession with

1 intent to deliver a controlled substance.

2 Section 2. The addition of section 16(5) of the act applies
3 to offenses committed on or after the effective date of the
4 section.

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