
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2053 Session of
2015

INTRODUCED BY GAINNEY, J. HARRIS, SCHWEYER, ROZZI, BULLOCK,
V. BROWN, THOMAS, O'BRIEN, McNEILL, D. COSTA, KINSEY,
EVERETT, SCHREIBER, MCCLINTON, FRANKEL, READSHAW, M. DALEY,
D. MILLER AND PHILLIPS-HILL, MAY 11, 2016

REFERRED TO COMMITTEE ON HEALTH, MAY 11, 2016

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 definitions.

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

14 Section 1. Paragraph (11) of the definition of "drug
15 paraphernalia" in section 2(b) of the act of April 14, 1972
16 (P.L.233, No.64), known as The Controlled Substance, Drug,
17 Device and Cosmetic Act, added December 4, 1980 (P.L.1093,
18 No.186), is amended to read:

19 Section 2. Definitions.--* * *

20 (b) As used in this act:

21 * * *

1 "Drug paraphernalia" means all equipment, products and
2 materials of any kind which are used, intended for use or
3 designed for use in planting, propagating, cultivating, growing,
4 harvesting, manufacturing, compounding, converting, producing,
5 processing, preparing, testing, analyzing, packaging,
6 repackaging, storing, containing, concealing, injecting,
7 ingesting, inhaling or otherwise introducing into the human body
8 a controlled substance in violation of this act. It includes,
9 but is not limited to:

10 * * *

11 (11) Hypodermic syringes, needles and other objects used,
12 intended for use, or designed for use in parenterally injected
13 controlled substances into the human body[.], subject to the
14 following:

15 (i) The term does not include a syringe, needle or other
16 object that is provided to a drug dependent person by a public
17 or private agency or health care provider authorized to provide
18 the object through a needle exchange or other program. The
19 authorization shall come from:

20 (A) the department, in consultation with the Department of
21 Drug and Alcohol Programs; or

22 (B) the municipal corporation in which the needle exchange
23 or other program is based, in consultation with the department
24 and the Department of Drug and Alcohol Programs.

25 (ii) The agency or provider under subparagraph (i) shall
26 contemporaneously provide to the drug dependent person
27 information regarding the treatment of drug dependency.

28 (iii) For purposes of this paragraph, the term "health care
29 provider" means an individual or health care facility that is
30 licensed, certified or otherwise authorized to provide health

1 care under the laws of this Commonwealth. The term also includes
2 both of the following:

3 (A) An officer, employe or agent of a health care provider
4 acting within the scope of the person's duties and authority.

5 (B) A legal entity through which one or more health care
6 providers deliver health care, including, but not limited to, a
7 professional corporation, a partnership or limited liability
8 company.

9 * * *

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