

CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT - PROHIBITED
ACTS AND PENALTIES

Act of Nov. 23, 2010, P.L. 1081, No. 107

Cl. 35

Session of 2010

No. 2010-107

HB 196

AN ACT

Amending the act of April 14, 1972 (P.L.233, No.64), entitled "An act relating to the manufacture, sale and possession of controlled substances, other drugs, devices and cosmetics; conferring powers on the courts and the secretary and Department of Health, and a newly created Pennsylvania Drug, Device and Cosmetic Board; establishing schedules of controlled substances; providing penalties; requiring registration of persons engaged in the drug trade and for the revocation or suspension of certain licenses and registrations; and repealing an act," further providing for prohibited acts and penalties.

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

Section 1. Section 13(c) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, amended December 14, 1984 (P.L.988, No.200), is amended and subsection (a) is amended by adding a clause to read:

Section 13. Prohibited Acts; Penalties.--(a) The following acts and the causing thereof within the Commonwealth are hereby prohibited:

* * *

(40) The sale at retail of any product containing ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers or salts of optical isomers as the sole active ingredient unless one of the following applies:

(i) The product is offered for sale behind a counter where the public is not permitted.

(ii) The product is offered for sale within a locked cabinet that is located in an area of the facility involved to which customers do have direct access.

* * *

(c) Any person who violates the provisions of clauses (21), (22) [and (24)], **(24), (39) and (40)** of subsection (a) shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished only as follows:

(1) Upon conviction of the first such offense, he shall be sentenced to imprisonment not exceeding six months, or to pay a fine not exceeding ten thousand dollars (\$10,000), or both.

(2) Upon conviction of the second and subsequent offense, he shall be sentenced to imprisonment not exceeding two years, or to pay a fine not exceeding twenty-five thousand dollars (\$25,000), or both.

* * *

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

APPROVED--The 23rd day of November, A.D. 2010.

EDWARD G. RENDELL