

CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT - SCHEDULES
OF CONTROLLED SUBSTANCES AND SECURE STORAGE OF XYLAZINE

Act of May 15, 2024, P.L. 364, No. 17

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HB 1661

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 schedules of controlled substances; and providing for secure storage of xylazine.

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

Section 1. Section 4(3) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, is amended by adding subclauses to read:

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

* * *

(3) Schedule III--In determining that a substance comes within this schedule, the secretary shall find: a potential for abuse less than the substances listed in Schedules I and II; well documented and currently accepted medical use in the United States; and abuse may lead to moderate or low physical dependence or high psychological dependence. The following classes of controlled substances are included in this schedule:

* * *

(x) Xylazine, including any of the following substances, their salts, isomers and salts of isomers whenever the existence of the salts, isomers and salts of isomers is possible within the specific chemical designation:

1. Xylazine.
2. Xylazine-M (2,6-Mich dimethylaniline).
3. Xylazine-M (N-thiourea-2,6-dimethylaniline).
4. Xylazine-M (Sulfone-HO-) isomer 2.
5. Xylazine-M (HO-2,6-dimethylaline isomer 1).
6. Xylazine-M (HO-2,6-dimethylaline isomer 2).
7. Xylazine M (oxo-).
8. Xylazine-M (HO-) isomer 1.
9. Xylazine-M (HO-) isomer 1 glucuronide.
10. Xylazine-M (HO-) isomer 2.
11. Xylazine-M (HO-) isomer 2 glucuronide.
12. Xylazine-M (HO-oxo-) isomer 1.
13. Xylazine-M (HO-oxo-) isomer 1 glucuronide.
14. Xylazine-M (HO-oxo-) isomer 2.

15. Xylazine-M (HO-oxo-) isomer 2 glucuronide.
16. Xylazine-M (sulfone).
17. Xylazine-M (sulfone-HO-) isomer 1.
18. A compound, mixture or preparation which contains any quantity of the substances referred to in this clause.

(xi) Xylazine as described in subclass (x) is not a controlled substance when used in any of the following manners:

1. Dispensing or prescribing for, or administering to, a nonhuman species of a drug containing xylazine that:

(A) has been approved by the United States Secretary of Health and Human Services under 21 U.S.C. § 360b (relating to new animal drugs); or

(B) is authorized under 21 U.S.C. § 360b(a)(4).

2. The manufacturing, distribution or use of xylazine as an active pharmaceutical ingredient for manufacturing an animal drug approved under 21 U.S.C. § 360b or an animal drug that has been issued an investigation use exemption under 21 U.S.C. § 360b(j).

3. The manufacturing, distribution or use of a xylazine bulk chemical for pharmaceutical compounding by a licensed pharmacist or veterinarians.

4. Any other use approved or authorized under 21 U.S.C. Ch. 9 (relating to Federal Food, Drug, and Cosmetic Act).

5. Another use approved or permissible under Federal or State law.

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Section 2. The act is amended by adding a section to read:

Section 13.9. Secure Storage of Xylazine.--A practitioner who is a veterinarian shall comply with the provisions of section 4(a)(5) of the act of September 27, 1961 (P.L.1700, No.699), known as the "Pharmacy Act," for the storage and protection of xylazine.

Section 3. This act shall take effect immediately.

APPROVED--The 15th day of May, A.D. 2024.

JOSH SHAPIRO