

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1299 Session of  
1983

INTRODUCED BY DALEY, ALDERETTE, DeLUCA, COWELL, MARKOSEK,  
LESCOVITZ, COY, McCALL, SALOOM, KASUNIC, GEORGE, JAROLIN,  
STEIGHNER, TIGUE, SEMMEL, CAWLEY, BLAUM, BALDWIN, LINTON,  
HERSHEY, MAIALE, CALTAGIRONE, PHILLIPS, RYBAK, KOSINSKI,  
POTT, F. E. TAYLOR, TELEK, FISCHER, WIGGINS, SCHEETZ,  
AFFLERBACH, COLAFELLA, ANGSTADT, CIVERA, PISTELLA AND PRATT,  
JUNE 30, 1983

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 30, 1983

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," providing for minimum  
11 sentence of three years for manufacturing, delivering or  
12 possession of narcotic or counterfeit drugs.

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

15 Section 1. Section 13(f) of the act of April 14, 1972  
16 (P.L.233, No.64), known as The Controlled Substance, Drug,  
17 Device and Cosmetic Act, amended November 26, 1978 (P.L.1392,  
18 No.328), is amended to read:

19 Section 13. Prohibited Acts; Penalties.--\* \* \*

20 (f) Any person who violates clause (14) or clause (30) of

1 subsection (a) with respect to:

2 (1) A controlled substance or counterfeit substance  
3 classified in Schedule I or II which is a narcotic drug, is  
4 guilty of a felony and upon conviction thereof shall be  
5 sentenced to imprisonment [not exceeding] for not less than  
6 three years nor more than fifteen years, or to pay a fine not  
7 exceeding two hundred fifty thousand dollars (\$250,000), or both  
8 or such larger amount as is sufficient to exhaust the assets  
9 utilized in and the profits obtained from the illegal activity.

10 (1.1) Phencyclidine and methamphetamine, including its  
11 salts, isomers and salts of isomers, is guilty of a felony and  
12 upon conviction thereof shall be sentenced to imprisonment not  
13 exceeding ten years, or to pay a fine not exceeding one hundred  
14 thousand dollars (\$100,000), or both, or such larger amount as  
15 is sufficient to exhaust the assets utilized in and the profits  
16 obtained from the illegal manufacture or distribution of these  
17 substances.

18 (2) Any other controlled substance or counterfeit substance  
19 classified in Schedule I, II, or III, is guilty of a felony and  
20 upon conviction thereof shall be sentenced to imprisonment not  
21 exceeding five years, or to pay a fine not exceeding fifteen  
22 thousand dollars (\$15,000), or both.

23 (3) A controlled substance or counterfeit substance  
24 classified in Schedule IV, is guilty of a felony and upon  
25 conviction thereof shall be sentenced to imprisonment not  
26 exceeding three years, or to pay a fine not exceeding ten  
27 thousand dollars (\$10,000), or both.

28 (4) A controlled substance or counterfeit substance  
29 classified in Schedule V, is guilty of a misdemeanor and upon  
30 conviction thereof shall be sentenced to imprisonment not

1 exceeding one year, or to pay a fine not exceeding five thousand  
2 dollars (\$5,000), or both.

3 \* \* \*

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