

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 923 Session of
2005

INTRODUCED BY REGOLA, ORIE, FONTANA, LOGAN, PICCOLA, KASUNIC,
PILEGGI, EARLL, BROWNE, WENGER, RAFFERTY, D. WHITE, RHOADES,
ROBBINS AND WONDERLING, OCTOBER 13, 2005

REFERRED TO PUBLIC HEALTH AND WELFARE, OCTOBER 13, 2005

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 schedules of controlled substances.

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

14 Section 1. Section 4(5) of the act of April 14, 1972
15 (P.L.233, No.64), known as The Controlled Substance, Drug,
16 Device and Cosmetic Act, is amended by adding a subclause to
17 read:

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

22 * * *

(5) Schedule V--In determining that a substance comes within this schedule, the secretary shall find: a low potential for abuse relative to the substances listed in Schedule IV; currently accepted medical use in the United States; and limited physical dependence and/or psychological dependence liability relative to the substances listed in Schedule IV. The following controlled substances are included in this schedule:

* * *

(iii) Any compound, mixture, or preparation containing any detectable quantity of ephedrine, pseudoephedrine or phenylpropanolamine or any of their salts or optical isomers, or salts of optical isomers, but shall not include any of the following:

1. Any compound, mixture, or preparation in liquid, liquid capsule, or liquid gel capsule form if ephedrine, pseudoephedrine or phenylpropanolamine is not the only active ingredient.

2. Any compound, mixture, or preparation which has been determined by the secretary to be formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine or its salts or optical isomers, or salts of optical isomers.

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