

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2715

Session of
1986

INTRODUCED BY FOX, RIEGER, NAHILL, MRKONIC, ACOSTA, BUNT,
MICOZZIE, JAROLIN, STEVENS, KOSINSKI, WESTON, WASS,
DONATUCCI, SAURMAN, BALDWIN, BLAUM, MAYERNIK, GODSHALL,
HERSHEY, J. TAYLOR, HOWLETT, CIVERA, RAYMOND, FISCHER,
GAMBLE, FARGO, BOWSER, STABACK, BELARDI, CARLSON, BLACK,
ANGSTADT, JACKSON, MORRIS, HERMAN, FLICK, TIGUE,
R. C. WRIGHT, CIMINI, KENNEY, WOGAN AND PUNT, JULY 1, 1986

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, JULY 1, 1986

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 the sale and possession of certain controlled substances; and
12 providing penalties.

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 December 14, 1984 (P.L.988,
18 No.200), is amended to read:

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

20 (f) Any person who violates [clause (12), (14)] clauses (11)

1 through (16), (19) or (30) of 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 no less than two years, but not
6 exceeding fifteen years, [or] and to pay a fine not exceeding
7 two hundred fifty thousand dollars (\$250,000), [or both] or such
8 larger amount as is sufficient to exhaust the assets utilized in
9 and the profits obtained from the illegal activity.

10 (1.1) Phencyclidine; methamphetamine, including its salts,
11 isomers and salts of isomers; coca leaves and any salt,
12 compound, derivative or preparation of coca leaves; any salt,
13 compound, derivative or preparation of the preceding which is
14 chemically equivalent or identical with any of these substances,
15 except decocanized coca leaves or extracts of coca leaves, which
16 extracts do not contain cocaine or ecgonine; and marihuana in a
17 quantity in excess of one thousand (1,000) pounds, is guilty of
18 a felony and upon conviction thereof shall be sentenced to
19 imprisonment no less than two years, but not exceeding ten
20 years, [or] and to pay a fine not exceeding one hundred thousand
21 dollars (\$100,000), [or both,] or such larger amount as is
22 sufficient to exhaust the assets utilized in and the profits
23 obtained from the illegal manufacture or distribution of these
24 substances.

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

30 (3) A controlled substance or counterfeit substance

1 classified in Schedule IV, is guilty of a felony and upon
2 conviction thereof shall be sentenced to imprisonment not
3 exceeding three years, or to pay a fine not exceeding ten
4 thousand dollars (\$10,000), or both.

5 (4) A controlled substance or counterfeit substance
6 classified in Schedule V, is guilty of a misdemeanor and upon
7 conviction thereof shall be sentenced to imprisonment not
8 exceeding one year, or to pay a fine not exceeding five thousand
9 dollars (\$5,000), or both.

10 * * *

11 Section 2. This act shall take effect immediately.