

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1285 Session of 1989

INTRODUCED BY J. H. CLARK, CALTAGIRONE, MOEHLMANN, ALLEN, ANGSTADT, ARGALL, BELARDI, BIRMELIN, BLAUM, BOYES, BUSH, CAWLEY, CESSAR, CHADWICK, D. F. CLARK, CLYMER, COLAIZZO, CORNELL, COWELL, DAVIES, DeLUCA, DEMPSEY, DIETTERICK, DISTLER, DOMBROWSKI, DORR, FEE, FOX, GEIST, GIGLIOTTI, GODSHALL, GRUPPO, HAGARTY, HALUSKA, HAYDEN, HAYES, HERMAN, HOWLETT, JACKSON, JADLOWIEC, KASUNIC, KOSINSKI, LaGROTTA, LASHINGER, LLOYD, MAIALE, MARKOSEK, MARSICO, McVERRY, MELIO, MERRY, MICOZZIE, MILLER, MORRIS, MRKONIC, NAHILL, NAILOR, PICCOLA, PITTS, PRESSMANN, RAYMOND, ROBBINS, ROBINSON, SAURMAN, SCHEETZ, SEMMEL, SERAFINI, S. H. SMITH, D. W. SNYDER, STABACK, STEIGHNER, STUBAN, TANGRETTI, E. Z. TAYLOR, TIGUE, TRELLO, WAMBACH, WESTON, WOGAN, J. L. WRIGHT, BURD, O'BRIEN, F. TAYLOR, NOYE, FLICK AND BARLEY, APRIL 24, 1989

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 31, 1989

AN ACT

1 Providing for the registration and reporting of certain
2 noncontrolled substances; imposing additional powers and
3 duties on the Secretary of Health; and fixing penalties.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Noncontrolled
8 Substances Reporting and Registration Act.

9 Section 2. Chemicals subject to registration.

10 (a) Specific chemicals.--The following ~~chemicals or chemical~~ <—
11 substances, SALTS AND ISOMERS shall be subject to the provisions <—

1 of this act:

2 ~~(1) Anthranilic acid.~~ ←

3 ~~(2) N acetyl anthranilic acid.~~

4 ~~(3) Ergot alkaloids.~~

5 ~~(4) Lysergic acid.~~

6 ~~(5) Phenyl 2 propanone (phenylacetone).~~

7 ~~(6) Piperidine cyclohexane carbonitrile.~~

8 (1) PHENYL-2-PROPANONE. ←

9 (2) METHYLAMINE.

10 (3) ETHYLAMINE.

11 (4) D-LYSERGIC ACID.

12 (5) ERGOTAMINE.

13 (6) DIETHYL MALONATE.

14 (7) MALONIC ACID.

15 (8) ETHYL MALONATE.

16 (9) BARBITURIC ACID.

17 (10) PIPERIDINE CYCLOHEXANE CARBONITRILE.

18 (11) N-ACETYLANTHRANILIC ACID.

19 (12) PYRROLIDINE.

20 (13) PHENYLACETIC ACID.

21 (14) ANTHRANILIC ACID.

22 (15) MORPHOLINE.

23 (16) EPHEDRINE.

24 (17) PSEUDOEPHEDRINE.

25 (18) NORPSEUDOEPHEDRINE.

26 (19) PHENYLPROPANOLAMINE.

27 (20) PROPIONIC ANHYDRIDE.

28 (21) ISOSAFROLE.

29 (22) SAFROLE.

30 (23) PIPERONAL.

- 1 (24) THIONYLCHLORIDE.
- 2 (25) BENZYL CYANIDE.
- 3 (26) ERGONOVINE.
- 4 (27) N-METHYLEPHEDRINE.
- 5 (28) N-ETHYLEPHEDRINE.
- 6 (29) N-METHYLPSEUDOEPHEDRINE.
- 7 (30) N-ETHYLPSEUDOEPHEDRINE.
- 8 (31) CHLOROEPHEDRINE.
- 9 (32) CHLOROPSEUDOEPHEDRINE.

10 (b) Additional chemicals.--The Secretary of Health is hereby
11 empowered to add to the list of substances enumerated in this
12 subsection (a) any substance he believes is being used or could
13 be used in the illegal manufacture of controlled substances or
14 in the illegal sale of controlled substances. Notice of such
15 addition shall be sent to every person engaged in the sale or
16 distribution of such substances known to the Secretary of
17 Health.

18 Section 3. Registration of sellers and distributors.

19 ~~A person engaged in the sale or distribution~~ ANY ←
20 MANUFACTURER, WHOLESALER, RETAILER OR OTHER PERSON WHO IS
21 ENGAGED IN THE SALE, DISTRIBUTION, TRANSFER OR FURNISHING of any
22 substance covered by this act shall register with the Secretary
23 of Health. He shall maintain updated, complete and accurate
24 information with the secretary, which shall include the
25 following:

26 (1) The full name of the person or firm, his address
27 (other than a post office box number), telephone number and
28 all addresses of subsidiary or field offices or locations of
29 operations.

30 (2) The full name, address (other than a post office box

1 number), telephone number and occupation of all owners of a
2 firm covered by this act.

3 (3) The name, address and telephone number of any
4 subsidiary and field locations of operations of a firm under
5 paragraph (2).

6 (4) Any other information required by the secretary.

7 Section 4. Records of sales or distributions.

8 ~~A person who sells or distributes the substances enumerated~~ <—
9 ~~in section 2 at wholesale or retail shall be responsible for the~~
10 ~~maintenance of accurate records relative to the acquisition,~~
11 ~~storage and distribution of such substances. He shall record the~~
12 ~~full name, address (other than a post office box number),~~
13 ~~occupation, telephone number and other identifying data of those~~
14 ~~who purchase such substances. He shall record the date, time,~~
15 ~~location and quantity of the purchase and the price paid for~~
16 ~~such substances. He shall note the manner of payment and, for~~
17 ~~all purchases made with check, money order or bank draft, the~~
18 ~~name and address of the financial institution on the check,~~
19 ~~money order or draft and its number. He shall record the name~~
20 ~~and address (other than a post office box number) of the~~
21 ~~signers, the date of issuance and other identifying data, and~~
22 ~~the registration number of the vehicle transporting the~~
23 ~~substances.~~

24 (A) GENERAL RULE.--ANY MANUFACTURER, WHOLESALER, RETAILER OR <—
25 OTHER PERSON SHALL, PRIOR TO SELLING, DISTRIBUTING, TRANSFERRING
26 OR OTHERWISE FURNISHING ANY SUBSTANCE SPECIFIED IN SECTION 2,
27 RECORD THE FOLLOWING INFORMATION:

28 (1) THE PURCHASER'S MOTOR VEHICLE OPERATOR'S LICENSE
29 WHICH CONTAINS A PHOTOGRAPH OF THE PURCHASER.

30 (2) THE RESIDENTIAL MAILING ADDRESS OF THE PURCHASER,

1 OTHER THAN A POST OFFICE BOX NUMBER.

2 (3) THE MOTOR VEHICLE LICENSE NUMBER OF ANY MOTOR
3 VEHICLE OWNED OR OPERATED BY THE PURCHASER.

4 (4) A LETTER OF AUTHORIZATION FROM THE BUSINESS FOR
5 WHICH ANY SUBSTANCE SPECIFIED IN SECTION 2 IS BEING
6 FURNISHED, WHICH INCLUDES THE BUSINESS LICENSE NUMBER AND
7 ADDRESS OF THE BUSINESS, A FULL DESCRIPTION OF HOW THE
8 SUBSTANCE IS TO BE USED AND THE SIGNATURE OF THE PURCHASER.

9 (5) THE DATE, TIME, LOCATION, QUANTITY AND PRICE OF THE
10 SUBSTANCE.

11 (6) THE MANNER OF PAYMENT. FOR PURCHASES MADE WITH
12 CHECK, MONEY ORDER OR BANK DRAFT, THE NAME AND ADDRESS OF THE
13 FINANCIAL INSTITUTION ON THE CHECK, MONEY ORDER OR DRAFT AND
14 ITS NUMBER, THE NAME AND ADDRESS OF THE SIGNER, THE DATE OF
15 ISSUANCE AND OTHER IDENTIFYING DATA.

16 (B) EXCEPTIONS.--THE REQUIREMENTS OF THIS SECTION SHALL NOT
17 APPLY TO:

18 (1) ANY PHARMACIST OR OTHER AUTHORIZED PERSON WHO SELLS
19 OR FURNISHES A SUBSTANCE UPON THE PRESCRIPTION OF A
20 PHYSICIAN, DENTIST, PODIATRIST OR VETERINARIAN.

21 (2) ANY PHYSICIAN, DENTIST, PODIATRIST OR VETERINARIAN
22 WHO ADMINISTERS OR FURNISHES A SUBSTANCE TO HIS OR HER
23 PATIENTS AS PART OF THEIR REGULAR MEDICAL TREATMENT.

24 (3) ANY MANUFACTURER OR WHOLESALER LICENSED BY THE
25 DEPARTMENT OF HEALTH WHO SELLS, TRANSFERS OR OTHERWISE
26 FURNISHES A SUBSTANCE TO A LICENSED PHARMACY, PHYSICIAN,
27 DENTIST, PODIATRIST OR VETERINARIAN IN THE USUAL COURSE OF
28 BUSINESS.

29 (4) ANY SALE, TRANSFER, FURNISHING OR RECEIPT OF ANY
30 DRUG WHICH CONTAINS ANY SUBSTANCE WHICH IS LAWFULLY SOLD,

1 TRANSFERRED OR FURNISHED OVER THE COUNTER WITHOUT A
2 PRESCRIPTION PURSUANT TO THE FEDERAL FOOD, DRUG, AND COSMETIC
3 ACT (52 STAT. 1040, 21 U.S.C. § 301 ET SEQ.) OR REGULATIONS
4 ADOPTED THEREUNDER.

5 Section 5. Records of purchases.

6 The ~~seller or distributor~~ MANUFACTURER, WHOLESALER, RETAILER <—
7 OR OTHER PERSON shall include in the records required by this
8 act the full name, address, telephone number and occupation of
9 the person from whom the ~~seller or distributor~~ acquired the <—
10 ~~substances~~ SUBSTANCES WERE ACQUIRED and the person involved in <—
11 the storage and distribution of the substances.

12 Section 6. Reports.

13 (a) Availability.--A person regulated by this act shall make
14 available, to any Federal, State or local law enforcement agency
15 and personnel, the records required to be kept by him.

16 (b) Transmission of reports.--A person regulated by this act
17 shall send, quarter-annually to the Secretary of Health AND THE <—
18 OFFICE OF ATTORNEY GENERAL, a complete report containing the
19 information required by sections 4 and 5.

20 (c) Use of reports.--A Federal, State or local law
21 enforcement agency may not use information obtained pursuant to
22 this act for purposes other than the investigation of possible
23 criminal conduct.

24 ~~Section 7. Enforcement.~~ <—

25 ~~A member of a State or local law enforcement agency may bring~~
26 ~~charges against a person for violations of this act.~~

27 Section 8 7. Penalty. <—

28 (a) False information.--A person who provides false
29 information to a seller or distributor under this act commits a
30 misdemeanor of the first degree and shall, upon conviction, be

1 sentenced to pay a fine of not less than \$1,000 and not more
2 than \$25,000 or to imprisonment for not more than five years, or
3 both.

4 (b) Seller or distributor violation.--A seller or
5 distributor who violates this act commits a misdemeanor of the
6 third degree and shall, upon conviction, be sentenced to pay a
7 fine of not less than \$500 and not more than \$5,000 or to
8 imprisonment for not more than three years, or both.

9 (c) Wrongful use of reports.--A person who violates section
10 6(c) commits a summary offense and shall, upon conviction, be
11 sentenced to pay a fine of not less than \$300 and not more than
12 \$1,000 or to imprisonment for not more than 90 days, or both.

13 Section 9 8. Effective date.

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14 This act shall take effect in 90 days.