

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 152 Session of
1997

INTRODUCED BY MARSICO, GANNON, LAUGHLIN, YOUNGBLOOD, CLARK,
HENNESSEY, TRUE, GIGLIOTTI, SATHER, FARGO, FLEAGLE, SCHULER,
ZUG, MILLER, MELIO, FICHTER, GODSHALL, HALUSKA, GORDNER,
FAIRCHILD, ROONEY, COY, EGOLF, HERSHEY, TRAVAGLIO, STABACK,
CURRY, HERMAN, CORPORA, J. TAYLOR, COLAFELLA, JAMES, ALLEN,
SEMMEL, CORNELL, BARD, FEESE, LYNCH, LUCYK, BROWNE, RAMOS,
E. Z. TAYLOR, TIGUE, LEDERER, REINARD AND TRELLO,
JANUARY 29, 1997

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 29, 1997

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, prohibiting the provision of certain
3 stimulants to minors; and providing penalties.

4 The General Assembly finds and declares as follows:

5 (1) That look-alike or act-alike drugs are those drugs
6 which are regularly marketed as stimulants or weight-loss
7 aids and in their appearance look and in their effect act
8 upon the body like illegal stimulants containing
9 amphetamines.

10 (2) That look-alike or act-alike drugs are composed of
11 various forms of ephedrine.

12 (3) That these look-alike or act-alike drugs are readily
13 available to the public, regardless of age.

14 (4) That many children employ the use of look-alike or
15 act-alike drugs as a starter drug prior to the use of illegal

1 controlled substances.

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

4 Section 1. Title 18 of the Pennsylvania Consolidated
5 Statutes is amended by adding a section to read:

6 § 6316. Selling or furnishing certain stimulants to minors.

7 (a) Offense defined.--A person commits a summary offense if
8 he knowingly sells or purchases with the intent to sell
9 ephedrine to a person who is less than 18 years of age.

10 (b) Penalty.--A person who is convicted of violating
11 subsection (a) shall be sentenced to pay a fine of not less than
12 \$250 nor more than \$500 for the first violation and a fine of
13 \$500 for each subsequent violation.

14 (c) Definitions.--As used in this section, the following
15 words and phrases shall have the meanings given to them in this
16 subsection:

17 "Ephedrine."

18 (1) Except as provided in paragraph (2), any product
19 that contains any quantity of ephedrine, a salt of ephedrine,
20 an optical isomer of ephedrine or a salt of an optical isomer
21 of ephedrine.

22 (2) The term does not include a product containing
23 ephedrine if it may lawfully be sold over the counter without
24 a prescription under the Federal Food, Drug, and Cosmetic Act
25 (52 Stat. 1040, 21 U.S.C. § 301 et seq.); is labeled and
26 marketed in a manner consistent with the pertinent OTC
27 Tentative Final or Final Monograph; is manufactured and
28 distributed for legitimate medicinal use in a manner that
29 reduces or eliminates the likelihood of abuse; and as
30 described as follows:

1 (i) Solid oral dosage forms, including soft gelatin
2 caplets, that combine active ingredients in the following
3 ranges for each dosage unit:

4 (A) Theophylline (100-130 mg), ephedrine (12.5-
5 24 mg).

6 (B) Theophylline (60-100 mg), ephedrine (12.5-24
7 mg), guaifenesin (200-400 mg).

8 (C) Ephedrine (12.5-25 mg), guaifenesin (200-400
9 mg).

10 (D) Phenobarbital (not greater than 8 mg) in
11 combination with the ingredients of clause (A) or
12 (B).

13 (ii) Liquid oral dosage forms that combine active
14 ingredients in the following ranges for each 5 ml dose:

15 (A) Theophylline (not greater than 45 mg),
16 ephedrine (not greater than 36 mg), guaifenesin (not
17 greater than 100 mg), phenobarbital (not greater than
18 12 mg).

19 (B) Phenylephrine (not greater than 5 mg),
20 ephedrine (not greater than 5 mg), chlorpheniramine
21 (not greater than 2 mg), dextromethorphan (not
22 greater than 10 mg), ammonium Cl (not greater than 40
23 mg), ipecac fluid extract (not greater than 0.005
24 ml).

25 (iii) Anorectal preparations containing less than 5%
26 ephedrine.

27 (iv) Any liquid compound, mixture or preparation
28 containing 0.5% or less of ephedrine.

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