

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2724 Session of  
2004

INTRODUCED BY J. EVANS, PICKETT, ARMSTRONG, BAKER, BLAUM, BOYD,  
BROWNE, CAPPELLI, COSTA, CRAHALLA, DALLY, DIGIROLAMO, EGOLF,  
FORCIER, GEIST, GILLESPIE, GOOD, GOODMAN, HARPER, HARRIS,  
HORSEY, LaGROTTA, LEDERER, LYNCH, MAHER, MARSICO, MILLARD,  
READSHAW, REICHLEY, SATHER, SAYLOR, SCHRODER, SOLOBAY,  
E. Z. TAYLOR, TRUE, TURZAI, WATSON, WEBER, WILT AND  
YOUNGBLOOD, JUNE 17, 2004

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,  
JUNE 17, 2004

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 the  
11 definition of "structure"; and further providing for  
12 prohibited acts and penalties.

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

15 Section 1. Section 2(b) of the act of April 14, 1972  
16 (P.L.233, No.64), known as The Controlled Substance, Drug,  
17 Device and Cosmetic Act, is amended by adding a definition to  
18 read:

19 Section 2. Definitions.--\* \* \*

20 (b) As used in this act:

1 \* \* \*

2 "Structure" means any house, apartment building, shop,  
3 warehouse, barn, building, vessel, railroad car, cargo  
4 container, motor vehicle, housecar, trailer, trailer coach,  
5 camper, mine, floating home, or other enclosed structure capable  
6 of holding a child and manufacturing equipment.

7 \* \* \*

8 Section 2. Section 13(a) of the act is amended and the  
9 section is amended by adding a subsection to read:

10 Section 13. Prohibited Acts; Penalties.--(a) The following  
11 acts and the causing thereof within the Commonwealth are hereby  
12 prohibited:

13 \* \* \*

14 (38) The unlawful manufacture of methamphetamine or  
15 phencyclidine or their salts, isomers and salts of isomers,  
16 whenever the existence of such salts, isomers or salts of  
17 isomers is possible within the specific chemical designation:

18 (i) in a structure where any child under 18 years of age is  
19 present; or

20 (ii) where the manufacturing of methamphetamine or  
21 phencyclidine causes any child under 18 years of age to suffer  
22 bodily injury.

23 \* \* \*

24 (p) (i) Any person who violates subsection (a)(38)(i) is  
25 guilty of a felony of the third degree and upon conviction  
26 thereof shall be sentenced to at least two years in prison and a  
27 fine of twenty-five thousand dollars (\$25,000), or such larger  
28 amount as is sufficient to exhaust the assets utilized in the  
29 profits obtained from the illegal activity.

30 (ii) Any person who violates subsection (a)(38)(ii) is

1 guilty of a felony of the second degree and upon conviction  
2 thereof shall be sentenced to at least five years in prison and  
3 a fine of fifty thousand dollars (\$50,000), or such larger  
4 amount as is sufficient to exhaust the assets utilized in and  
5 the profits obtained from the illegal activity.

6 Section 3. This act shall take effect in 60 days.