

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 879 Session of
2005

INTRODUCED BY WONDERLING, GREENLEAF, ERICKSON, SCARNATI, COSTA,
BOSCOLA, M. WHITE, O'PAKE, PUNT, ORIE, STACK, RAFFERTY,
EARLL, MADIGAN, KASUNIC AND RHOADES, OCTOBER 4, 2005

REFERRED TO PUBLIC HEALTH AND WELFARE, OCTOBER 4, 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 prohibited acts and penalties.

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

14 Section 1. Section 13(c) of the act of April 14, 1972
15 (P.L.233, No.64), known as The Controlled Substance, Drug,
16 Device and Cosmetic Act, amended December 14, 1984 (P.L.988,
17 No.200), is amended and subsection (a) is amended by adding a
18 clause to read:

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

22 * * *

1 (39) The delivery, in any single over-the-counter retail
2 sale, of more than three packages, or any number of packages
3 that contain a combined total of more than nine grams of any
4 product containing ephedrine, pseudoephedrine,
5 phenylpropanolamine, or any of their salts, optical isomers or
6 salts of optical isomers as the sole active ingredient, or in
7 combination with other active ingredients. This clause shall not
8 apply to any of the following:

9 (i) Pediatric products labeled pursuant to Federal
10 regulation primarily intended for administration to children
11 under 12 years of age according to label instructions.

12 (ii) Any compound, mixture, or preparation in liquid, liquid
13 capsule, or liquid gel capsule form if ephedrine,
14 pseudoephedrine or phenylpropanolamine is not the only active
15 ingredient.

16 (iii) Any compound, mixture, or preparation which has been
17 determined by the secretary to be formulated in such a way as to
18 effectively prevent the conversion of the active ingredient into
19 methamphetamine or its salts or optical isomers or salts of
20 optical isomers.

21 * * *

22 (c) Any person who violates the provisions of clauses (21),
23 (22) [and (24)], (24) and (39) of subsection (a) shall be guilty
24 of a misdemeanor, and shall, on conviction thereof, be punished
25 only as follows:

26 (1) Upon conviction of the first such offense, he shall be
27 sentenced to imprisonment not exceeding six months, or to pay a
28 fine not exceeding ten thousand dollars (\$10,000), or both.

29 (2) Upon conviction of the second and subsequent offense, he
30 shall be sentenced to imprisonment not exceeding two years, or

1 to pay a fine not exceeding twenty-five thousand dollars
2 (\$25,000), or both.

3 * * *

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