

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 157 Session of
2007

INTRODUCED BY BAKER, MARSICO, CAUSER, PICKETT, BOYD,
CALTAGIRONE, CAPPELLI, CLYMER, FAIRCHILD, GEIST, GILLESPIE,
GINGRICH, GOODMAN, GRELL, HARPER, HENNESSEY, HESS,
HICKERNELL, HUTCHINSON, M. KELLER, MAJOR, MANN, McILHATTAN,
MENSCH, MILLARD, PYLE, RAPP, SCAVELLO, SIPTROTH, STERN,
R. STEVENSON, SWANGER AND TRUE, JANUARY 31, 2007

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 31, 2007

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

1 prohibited:

2 * * *

3 (39) The sale at retail of any product containing ephedrine,
4 pseudoephedrine, phenylpropanolamine, or any of their salts,
5 optical isomers or salts of optical isomers as the sole active
6 ingredient unless one of the following applies:

7 (i) The product is offered for sale behind a counter where
8 the public is not permitted.

9 (ii) The product is offered for sale using any type of
10 antitheft device system, including, but not limited to, an
11 electronic antitheft device system that utilizes a product tag
12 and detection alarm which prevents the theft of the product.

13 * * *

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

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

21 (2) Upon conviction of the second and subsequent offense, he
22 shall be sentenced to imprisonment not exceeding two years, or
23 to pay a fine not exceeding twenty-five thousand dollars
24 (\$25,000), or both.

25 * * *

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