

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, TRUE, PETRARCA, DENLINGER AND
LONGIETTI, JANUARY 31, 2007

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 19, 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

1 acts and the causing thereof within the Commonwealth are hereby
2 prohibited:

3 * * *

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

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

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

14 WITHIN A LOCKED CABINET THAT IS LOCATED IN AN AREA OF THE <—
15 FACILITY INVOLVED TO WHICH CUSTOMERS DO HAVE DIRECT ACCESS.

16 * * *

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

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

24 (2) Upon conviction of the second and subsequent offense, he
25 shall be sentenced to imprisonment not exceeding two years, or
26 to pay a fine not exceeding twenty-five thousand dollars
27 (\$25,000), or both.

28 * * *

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