

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2185 Session of  
2008

INTRODUCED BY CRUZ, SABATINA, YOUNGBLOOD, CLYMER, J. TAYLOR,  
METCALFE, SIPTROTH, KENNEY, McCALL AND SCHRODER,  
JANUARY 23, 2008

AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MARCH 18, 2008

## AN ACT

~~Amending the act of July 31, 1968 (P.L.805, No.247), entitled,~~  
~~as amended, "An act to empower cities of the second class A,~~  
~~and third class, boroughs, incorporated towns, townships of~~  
~~the first and second classes including those within a county~~  
~~of the second class and counties of the second through eighth~~  
~~classes, individually or jointly, to plan their development~~  
~~and to govern the same by zoning, subdivision and land~~  
~~development ordinances, planned residential development and~~  
~~other ordinances, by official maps, by the reservation of~~  
~~certain land for future public purpose and by the acquisition~~  
~~of such land; to promote the conservation of energy through~~  
~~the use of planning practices and to promote the effective~~  
~~utilization of renewable energy sources; providing for the~~  
~~establishment of planning commissions, planning departments,~~  
~~planning committees and zoning hearing boards, authorizing~~  
~~them to charge fees, make inspections and hold public~~  
~~hearings; providing for mediation; providing for transferable~~  
~~development rights; providing for appropriations, appeals to~~  
~~courts and penalties for violations; and repealing acts and~~  
~~parts of acts," prohibiting the operation of syringe exchange~~  
~~programs in certain locations.~~

LIMITING THE OPERATION OF SYRINGE-EXCHANGE PROGRAMS IN CITIES OF  
THE FIRST CLASS.

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

~~Section 1. The act of July 31, 1968 (P.L.805, No.247), known~~  
~~as the Pennsylvania Municipalities Planning Code, reenacted and~~

~~amended December 21, 1988 (P.L.1329, No.170), is amended by  
adding a section to read:~~

~~Section 622. Prohibiting the Operation of Syringe exchange  
Programs in Certain Locations. (a) (1) Notwithstanding any  
other provision of law to the contrary, a syringe exchange  
program shall not be operated within 500 feet of a residential  
housing development in a city of the first class.~~

~~(2) The provisions of this subsection shall apply whether or  
not a permit has been issued to the operator of the syringe  
exchange program for a location that is within 500 feet of a  
residential housing development in a city of the first class.~~

~~(b) As used in this section, the term "syringe exchange  
program" shall mean a program which exchanges unused syringes  
for used syringes and is conducted pursuant to an executive  
order by a mayor in a city of the first class.~~

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

SECTION 1. SHORT TITLE.

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THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE SYRINGE-  
EXCHANGE PROGRAM LIMITATION ACT.

SECTION 2. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL  
HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
CONTEXT CLEARLY INDICATES OTHERWISE:

"CITY." A CITY OF THE FIRST CLASS.

"SYRINGE-EXCHANGE PROGRAM." A PROGRAM WHICH EXCHANGES UNUSED  
SYRINGES FOR USED SYRINGES AND IS CONDUCTED PURSUANT TO AN  
EXECUTIVE ORDER BY A MAYOR OF A CITY OF THE FIRST CLASS.

SECTION 3. LIMITATION.

NOTWITHSTANDING ANY OTHER PROVISION OF STATUTE, CHARTER,  
ORDINANCE OR OTHER LAW TO THE CONTRARY, A SYRINGE-EXCHANGE

1 PROGRAM MAY NOT OPERATE WITHIN 500 FEET OF A RESIDENTIAL HOUSING  
2 DEVELOPMENT IN A CITY.

3 SECTION 4. APPLICABILITY.

4 THIS ACT SHALL APPLY REGARDLESS OF WHETHER A PERMIT HAS BEEN  
5 ISSUED TO THE OPERATOR OF A SYRINGE-EXCHANGE PROGRAM FOR A  
6 LOCATION THAT IS WITHIN 500 FEET OF A RESIDENTIAL HOUSING  
7 DEVELOPMENT IN A CITY.

8 SECTION 5. EFFECTIVE DATE.

9 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.