
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2248 Session of
2008

INTRODUCED BY MENSCH, BEYER, BIANCUCCI, CLYMER, DALLY, DeLUCA,
FAIRCHILD, FRANKEL, GOODMAN, KAUFFMAN, KENNEY, MANN, MOYER,
PYLE, REICHLEY, SAYLOR, SIPTROTH AND WATSON, MARCH 10, 2008

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 10, 2008

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for the offense of theft of
3 controlled substances and for the offense of theft of
4 prescriptions or prescription order forms.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding sections to read:

9 § 3935. Theft of controlled substances.

10 (a) Offense defined.--A person commits the offense of theft
11 of a controlled substance if he:

12 (1) unlawfully takes possession of, carries away,
13 transfers, causes to be transferred or exercises control over
14 a controlled substance or other drug prescribed by a
15 practitioner for medication for an ultimate user with the
16 intent to deprive the ultimate user of the use of the
17 controlled substance or other drug; or

18 (2) unlawfully takes possession of, carries away,

1 transfers, causes to be transferred or exercises control over
2 a controlled substance or other drug held, stored, offered
3 for sale or distributed by a practitioner, manufacturer or
4 distributor with the intent to deprive the practitioner,
5 manufacturer or distributor thereof.

6 (b) Grading.--

7 (1) An offense under subsection (a)(1) constitutes a
8 misdemeanor of the first degree.

9 (2) An offense under subsection (a)(2) constitutes a
10 felony of the third degree.

11 (c) Definitions.--As used in this section, the following
12 words and phrases shall have the meanings given to them in this
13 subsection:

14 "Controlled substance." As defined in the act of April 14,
15 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,
16 Device and Cosmetic Act.

17 "Distributor." As defined in the act of April 14, 1972
18 (P.L.233, No.64), known as The Controlled Substance, Drug,
19 Device and Cosmetic Act.

20 "Drug." As defined in the act of April 14, 1972 (P.L.233,
21 No.64), known as The Controlled Substance, Drug, Device and
22 Cosmetic Act.

23 "Manufacturer." As defined in the act of April 14, 1972
24 (P.L.233, No.64), known as The Controlled Substance, Drug,
25 Device and Cosmetic Act.

26 "Practitioner." As defined in the act of April 14, 1972
27 (P.L.233, No.64), known as The Controlled Substance, Drug,
28 Device and Cosmetic Act.

29 "Ultimate user." As defined in the act of April 14, 1972
30 (P.L.233, No.64), known as The Controlled Substance, Drug,

1 Device and Cosmetic Act.

2 § 3936. Theft of prescriptions or prescription order forms.

3 (a) Offense defined.--A person commits the offenses of theft
4 of prescriptions or prescription order forms if he:

5 (1) unlawfully takes possession of or exercises control
6 over a prescription or prescription order form for a
7 controlled substance or other drug prescribed by a
8 practitioner for an ultimate user with the intent to deprive

9 the ultimate user of the use of the controlled substance; or

10 (2) unlawfully takes possession of or exercises control
11 over blank prescriptions or prescription order forms for a
12 controlled substance or other drug used by a practitioner for
13 purposes of prescribing controlled substances with the intent
14 to deprive the practitioner thereof.

15 (b) Grading.--

16 (1) An offense under subsection (a)(1) constitutes a
17 misdemeanor of the first degree.

18 (2) An offense under subsection (a)(2) constitutes a
19 felony of the third degree.

20 (c) Definitions.--As used in this section, the following
21 words and phrases shall have the meanings given to them in this
22 subsection:

23 "Controlled substance." As defined in the act of April 14,
24 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,
25 Device and Cosmetic Act.

26 "Drug." As defined in the act of April 14, 1972 (P.L.233,
27 No.64), known as The Controlled Substance, Drug, Device and
28 Cosmetic Act.

29 "Practitioner." As defined in the act of April 14, 1972
30 (P.L.233, No.64), known as The Controlled Substance, Drug,

1 Device and Cosmetic Act.

2 "Prescription" or "prescription order." As defined in the
3 act of April 14, 1972 (P.L.233, No.64), known as The Controlled
4 Substance, Drug, Device and Cosmetic Act.

5 "Ultimate user." As defined in the act of April 14, 1972
6 (P.L.233, No.64), known as The Controlled Substance, Drug,
7 Device and Cosmetic Act.

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