
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1307 Session of
2014

INTRODUCED BY STACK, FARNESE, LEACH AND COSTA, MARCH 26, 2014

REFERRED TO JUDICIARY, MARCH 26, 2014

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(g) 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 to read:

18 Section 13. Prohibited Acts; Penalties.--* * *

19 (g) Any person who violates clause (31) of subsection (a) is
20 guilty [of a misdemeanor and upon conviction thereof shall be
21 sentenced to imprisonment not exceeding thirty days, or to pay a
22 fine not exceeding five hundred dollars (\$500), or both.] of the
23 following:

1 (1) For a first and second offense, except as provided in
2 clause (4), a summary offense and upon conviction thereof shall
3 be sentenced to pay a fine not exceeding five hundred dollars
4 (\$500).

5 (2) For a third or subsequent offense, except as provided in
6 clause (3), a misdemeanor offense.

7 (3) Nothing in this subsection may prohibit the following:

8 (i) Notwithstanding clause (2), a district attorney may
9 prosecute a violation of this section as a summary offense for
10 the purposes of imposing a diversionary sentence or disposition
11 such as Accelerated Rehabilitative Disposition (ARD) or any
12 other condition that may be imposed by the court if the charging
13 is authorized by policy of the office of the district attorney
14 or local rule.

15 (ii) Imposition of a penalty for any other violation of this
16 subsection may include Accelerated Rehabilitative Disposition
17 (ARD), a diversionary sentence or disposition or any other
18 condition that may be imposed by the court.

19 (4) If, at the time of commission of an offense under this
20 subsection, the person is charged with any other violation of
21 this act or any other criminal offense, the offense under this
22 subsection shall be graded under clause (2).

23 * * *

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