
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1052 Session of
2015

INTRODUCED BY HARHAI, CORBIN, MILLARD, V. BROWN, SCHWEYER,
THOMAS, MENTZER, KOTIK, COHEN, READSHAW, TAYLOR, DeLUCA,
GIBBONS AND MURT, APRIL 27, 2015

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 27, 2015

AN ACT

1 Providing for the categorization of chemical formulas as illegal
2 synthetic drugs; and imposing duties on the Pennsylvania
3 State Police to instantly identify synthetic drugs in the
4 field.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Synthetic
9 Drug Categorization Act.

10 Section 2. Legislative intent.

11 The General Assembly finds that:

12 (1) There has been a growth of synthetic drugs, such as
13 Spice/K2 and bath salts, and the dangers caused by these
14 substances.

15 (2) The concern is exemplified by a Federal Substance
16 Abuse and Mental Health Services Administration report which
17 summarizes the frequency and trends of abuse for these
18 substances.

1 (3) Better methods and strategies that appropriately
2 respond to new synthetic drugs as soon as they are made known
3 to the State is of particular importance.

4 (4) Law enforcement is in need of presumptive testing
5 tools capable of quickly identifying substances as illegal
6 synthetic drugs defined under State law.

7 (5) A process needs to be established where synthetic
8 drugs can be quickly outlawed under State law and instantly
9 identified by police in the field.

10 Section 3. Synthetic cannabinoid or cathinone as Schedule I
11 narcotic.

12 (a) General rule.--Any synthetic cannabinoid or cathinone
13 not regulated by the Federal Food and Drug Administration or by
14 State law that binds to a cannabinoid receptor or mimics the
15 pharmacological response of a Schedule I or II controlled
16 substance shall be considered a Schedule II substance under
17 State law.

18 (b) Construction.--Nothing in this section shall be
19 construed to interfere with the exemptions provided under State
20 law to any person or entity that possesses a chemical formula
21 defined as a scheduled drug for a lawful purpose.

22 Section 4. Law enforcement field testing to instantly identify
23 synthetic drugs.

24 (a) General rule.--The Pennsylvania State Police shall
25 implement a pilot program that uses technologies and protocols
26 to instantly identify synthetic cannabinoids and cathinones, as
27 well as other designer drugs. The pilot program shall focus on
28 using technology capable of presumptive identification of
29 illicit drugs in the field.

30 (b) Districts.--A minimum of five separate districts in this

1 Commonwealth shall be equipped to operate the pilot program. The
2 Pennsylvania State Police may choose to have one or more of the
3 pilot program sites located within a city or county police
4 department.

5 (c) Report to General Assembly.--Prior to July 30, 2016, the
6 Pennsylvania State Police shall submit a report to the General
7 Assembly outlining the findings of the pilot program, and make
8 any recommendation on whether the technologies and protocols
9 selected for the pilot program can be used to help prevent the
10 growth of synthetic drugs and other illicit drugs throughout
11 this Commonwealth. Specifically, the report shall include, but
12 not be limited to, the following:

13 (1) Review of technical capabilities and accuracy rates
14 of technologies and protocols selected for the pilot program.

15 (2) Description of the impact to State and local crime
16 lab backlogs if the technologies and protocols selected could
17 eliminate the need to send synthetic drugs or other illicit
18 drugs to the crime lab for presumptive testing, including the
19 potential cost savings to State and local government.

20 (3) Description of the status of courts' acceptance of
21 the technologies and protocols selected for the pilot program
22 for the presumptive identification of synthetic drugs and
23 other illicit drugs.

24 Section 5. Effective date.

25 This act shall take effect in 90 days.