
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2042 Session of
2015

INTRODUCED BY ACOSTA, KINSEY, KIRKLAND, V. BROWN, J. HARRIS,
ROZZI, SCHLOSSBERG, O'BRIEN AND BULLOCK, MAY 9, 2016

REFERRED TO COMMITTEE ON JUDICIARY, MAY 9, 2016

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] summary offense and upon conviction
21 thereof shall be sentenced [to imprisonment not exceeding thirty
22 days, or to pay a fine not exceeding five hundred dollars

1 (\$500), or both.] as follows:

2 (1) For a first offense, to pay a fine not exceeding two
3 hundred and fifty dollars (\$250), to undergo a clinical
4 evaluation and, if recommended as a result of the clinical
5 evaluation, to complete a substance abuse treatment program:
6 Provided, however, That the court may, in its discretion, waive
7 the clinical evaluation and treatment program requirements.

8 (2) For a second offense, to pay a fine not exceeding five
9 hundred dollars (\$500).

10 (3) For a third or subsequent offense, to pay a fine not
11 exceeding seven hundred and fifty dollars (\$750).

12 * * *

13 Section 2. The Supreme Court of Pennsylvania shall adopt
14 rules that prescribe the circumstances under which a court may
15 waive the clinical evaluation and treatment program requirements
16 of section 13(g)(1) of the act.

17 Section 3. This act shall take effect in 60 days.