

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1144 Session of
2015

INTRODUCED BY GREENLEAF, RAFFERTY AND COSTA, MARCH 4, 2016

REFERRED TO JUDICIARY, MARCH 4, 2016

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in minors, providing for the offense
3 of selling or furnishing dextromethorphan to minors.

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

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 6322. Selling or furnishing dextromethorphan to minors.

9 (a) Offenses defined.--

10 (1) A person commits a summary offense if he knowingly
11 sells or purchases with the intent to sell a finished drug
12 product containing any quantity of dextromethorphan to a
13 person who is less than 18 years of age.

14 (2) A person commits a summary offense if he falsely
15 represents himself to be 18 years of age or older to another
16 for the purpose of procuring a finished drug product
17 containing any quantity of dextromethorphan.

18 (b) Proof of age requirements.--A person making a retail
19 sale of a finished drug product containing any quantity of

1 dextromethorphan shall obtain proof of age from the purchaser
2 before completing the sale, unless the purchaser's outward
3 appearance is such that a person would reasonably presume the
4 purchaser to be at least 25 years of age.

5 (c) Penalty.--A person who is convicted of violating
6 subsection (a) shall be sentenced to pay a fine of not less than
7 \$250 nor more than \$500 for the first violation and a fine of
8 \$500 for each subsequent violation.

9 (d) Exception.--This section does not apply to a medication
10 containing dextromethorphan that is sold pursuant to a valid
11 prescription.

12 (e) Preemption.--This section shall be construed to preempt
13 any ordinance regulating the sale, distribution, receipt or
14 possession of dextromethorphan enacted by any political
15 subdivision, and dextromethorphan is not subject to further
16 regulation by political subdivisions.

17 (f) Definitions.--As used in this section, the following
18 words and phrases shall have the meanings given to them in this
19 subsection unless the context clearly indicates otherwise:

20 "Finished drug product." A drug legally marketed under the
21 Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. §
22 321 et seq.) that is in finished dosage form.

23 "Proof of age." A document issued by a governmental agency
24 that contains a description or photograph of a person and gives
25 the person's date of birth, including a passport, military
26 identification card or driver's license.

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