

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 221 Session of 2017

INTRODUCED BY GREENLEAF, VULAKOVICH, COSTA, YUDICHAK, HAYWOOD AND RAFFERTY, JANUARY 26, 2017

REFERRED TO JUDICIARY, JANUARY 26, 2017

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 and
 4 imposing a penalty.

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 a section to read:

9 § 6322. Selling or furnishing dextromethorphan to minors.

10 (a) Offenses defined.--

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

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

19 (b) Proof of age requirements.--A person making a retail

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

6 (c) Penalty.--A person who is convicted of violating
7 subsection (a) shall be sentenced to pay a fine of not less than
8 \$250 nor more than \$500 for the first violation and a fine of
9 \$500 for each subsequent violation.

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

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

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

21 "Finished drug product." A drug legally marketed under the
22 Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. §
23 321 et seq.) that is in finished dosage form.

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

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