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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1265 Session of  
2018

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INTRODUCED BY STREET AND FONTANA, SEPTEMBER 25, 2018

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REFERRED TO JUDICIARY, SEPTEMBER 25, 2018

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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(a) (31) and (g) of the act of April 14,  
15 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,  
16 Device and Cosmetic Act, are amended to read:

17 Section 13. Prohibited Acts; Penalties.--(a) The following  
18 acts and the causing thereof within the Commonwealth are hereby  
19 prohibited:

20 \* \* \*

21 (31) Notwithstanding other subsections of this section[,]:

22 (i) the possession of a small amount of marihuana only for

23 personal use; (ii) the possession of a small amount of marihuana

1 with the intent to distribute it but not to sell it; [or] (iii)  
2 the distribution of a small amount of marihuana but not for  
3 sale[.]; or (iv) the smoking of a small amount of marihuana in a  
4 public space.

5 [For purposes of this subsection, thirty (30) grams of  
6 marihuana or eight (8) grams of hashish shall be considered a  
7 small amount of marihuana.]

8 As used in this subsection:

9 "Public space" means a street, alley, park, sidewalk, a  
10 vehicle in or upon any street, alley, park or parking area or  
11 any other place to which the public is invited.

12 "Small amount of marihuana" means thirty (30) grams or less  
13 of marihuana or eight (8) grams or less of hashish.

14 "Smoking" means inhaling, exhaling, burning or carrying a  
15 lighted cigarette, cigar, pipe or other device which contains  
16 marihuana.

17 \* \* \*

18 (g) (1) Any person who violates clause (31)(i), (ii) or  
19 (iii) of subsection (a) is guilty of a [misdemeanor] summary  
20 offense and upon conviction thereof shall be [sentenced to  
21 imprisonment not exceeding thirty days, or] ordered to pay a  
22 fine not exceeding [five hundred dollars (\$500), or both]  
23 twenty-five dollars (\$25).

24 (2) Any person who violates clause (31)(iv) of subsection  
25 (a) is guilty of a summary offense and upon conviction thereof  
26 shall be ordered to pay a fine not exceeding one hundred dollars  
27 (\$100).

28 (3) A conviction under this subsection shall not trigger  
29 application of the mandatory license suspension provisions under  
30 75 Pa.C.S. § 1532(c) (relating to suspension of operating

1 privilege).

2 \* \* \*

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