
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 840 Session of 2019

INTRODUCED BY LANGERHOLC, YAW, ARGALL, MARTIN, PHILLIPS-HILL,
BROOKS, FOLMER, VOGEL, GORDNER, K. WARD, BAKER, REGAN,
J. WARD, AUMENT, MENSCH, STEFANO, BREWSTER, TARTAGLIONE AND
LEACH, AUGUST 28, 2019

REFERRED TO JUDICIARY, AUGUST 28, 2019

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 definitions; and making an editorial change.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. The definition of "drug paraphernalia" in section
15 2(b) of the act of April 14, 1972 (P.L.233, No.64), known as The
16 Controlled Substance, Drug, Device and Cosmetic Act, is amended
17 and the section is amended by adding definitions to read:

18 Section 2. Definitions.--* * *

19 (b) As used in this act:

20 * * *

21 "Drug paraphernalia" means all equipment, products and

1 materials of any kind which are used, intended for use or
2 designed for use in planting, propagating, cultivating, growing,
3 harvesting, manufacturing, compounding, converting, producing,
4 processing, preparing, testing, analyzing, packaging,
5 repackaging, storing, containing, concealing, injecting,
6 ingesting, inhaling or otherwise introducing into the human body
7 a controlled substance in violation of this act. The term does
8 not include fentanyl test strips when used by a law enforcement
9 officer or emergency services personnel. It includes, but is not
10 limited to:

11 (1) Kits used, intended for use or designed for use in
12 planting, propagating, cultivating, growing or harvesting of any
13 species of plant which is a controlled substance or from which a
14 controlled substance can be derived.

15 (2) Kits used, intended for use or designed for use in
16 manufacturing, compounding, converting, producing, processing or
17 preparing controlled substances.

18 (3) Isomerization devices used, intended for use or designed
19 for use in increasing the potency of any species of plant which
20 is a controlled substance.

21 (4) Testing equipment used, intended for use or designed for
22 use [in identifying or] in analyzing the strength, effectiveness
23 or purity of controlled substances.

24 (5) Scales and balances used, intended for use or designed
25 for use in weighing or measuring controlled substances.

26 (6) Diluents and adulterants, such as quinine hydrochloride,
27 mannitol, mannite, dextrose and lactose, used, intended for use
28 or designed for use in cutting controlled substances.

29 (7) Separation gins and sifters used, intended for use or
30 designed for use in removing twigs and seeds from or in

1 otherwise cleaning or refining marihuana.

2 (8) Blenders, bowls, containers, spoons and mixing devices
3 used, intended for use or designed for use in compounding
4 controlled substances.

5 (9) Capsules, balloons, envelopes and other containers used,
6 intended for use or designed for use in packaging small
7 quantities of controlled substances.

8 (10) Containers and other objects used, intended for use or
9 designed for use in storing or concealing controlled substances.

10 (11) Hypodermic syringes, needles and other objects used,
11 intended for use, or designed for use in parenterally injected
12 controlled substances into the human body.

13 (12) Objects used, intended for use or designed for use in
14 ingesting, inhaling or otherwise introducing marihuana, cocaine,
15 hashish or hashish oil into the human body, such as:

16 (i) Metal, wooden, acrylic, glass, stone, plastic or ceramic
17 pipes with or without screens, permanent screens, hashish heads
18 or punctured metal bowls.

19 (ii) Water pipes.

20 (iii) Carburetion tubes and devices.

21 (iv) Smoking and carburetion masks.

22 (v) Roach clips; meaning objects used to hold burning
23 material such as a marihuana cigarette, that has become too
24 small or too short to be held in the hand.

25 (vi) Miniature cocaine spoons and cocaine vials.

26 (vii) Chamber pipes.

27 (viii) Carburetor pipes.

28 (ix) Electric pipes.

29 (x) Air-driven pipes.

30 (xi) Chillums.

1 (xii) Bongs.

2 (xiii) Ice pipes or chillers.

3 In determining whether an object is drug paraphernalia, a
4 court or other authority should consider, in addition to all
5 other logically relevant factors, statements by an owner or by
6 anyone in control of the object concerning its use, prior
7 convictions, if any, of an owner, or of anyone in control of the
8 object, under any State or Federal law relating to any
9 controlled substance, the proximity of the object, in time and
10 space, to a direct violation of this act, the proximity of the
11 object to controlled substances, the existence of any residue of
12 controlled substances on the object, direct or circumstantial
13 evidence of the intent of an owner, or of anyone in control of
14 the object, to deliver it to persons who he knows, or should
15 reasonably know, intend to use the object to facilitate a
16 violation of this act, the innocence of an owner or of anyone in
17 control of the object, as to a direct violation of this act
18 should not prevent a finding that the object is intended for use
19 or designed for use as drug paraphernalia, instructions, oral or
20 written, provided with the object concerning its use,
21 descriptive materials accompanying the object which explain or
22 depict its use, national and local advertising concerning its
23 use, the manner in which the object is displayed for sale,
24 whether the owner, or anyone in control of the object, is a
25 legitimate supplier of like or related items to the community,
26 such as a licensed distributor or dealer of tobacco products,
27 direct or circumstantial evidence of the ratio of sales of the
28 objects to the total sales of the business enterprise, the
29 existence and scope of legitimate uses for the object in the
30 community, and expert testimony concerning its use.

1 "Emergency services personnel" means individuals, including a
2 trained volunteer or a member of the armed forces of the United
3 States or the National Guard, whose official or assigned
4 responsibilities include performing or directly supporting the
5 performance of emergency medical and rescue services or
6 firefighting.

7 * * *

8 "Law enforcement officer" means a person who by virtue of the
9 person's office or public employment is vested by law with a
10 duty to maintain public order or to make arrests for offenses,
11 whether that duty extends to all offenses or is limited to
12 specific offenses, or a person on active State duty under 51
13 Pa.C.S. § 508 (relating to active duty for emergency).

14 * * *

15 Section 2. Section 13.7(f) of the act is amended to read:

16 Section 13.7. Drug Overdose Response Immunity.--* * *

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

20 "911 system." A system, including enhanced 911 service and a
21 wireless E-911 system, that permits a person dialing 911 by
22 telephone to be connected to a public safety answering point,
23 via normal telephone facilities, for the reporting of police,
24 fire, medical or other emergency situations.

25 "Campus security officer." An employee of an institution of
26 higher education charged with maintaining the safety and
27 security of the property of the institution and the persons on
28 the property.

29 "Drug overdose event." An acute medical condition,
30 including, but not limited to, severe physical illness, coma,

1 mania, hysteria or death, which is the result of consumption or
2 use of one or more controlled substances causing an adverse
3 reaction. A patient's condition shall be deemed to be a drug
4 overdose if a prudent layperson, possessing an average knowledge
5 of medicine and health, would reasonably believe that the
6 condition is in fact a drug overdose and requires immediate
7 medical attention.

8 ["Emergency services personnel." Individuals, including a
9 trained volunteer or a member of the armed forces of the United
10 States or the National Guard, whose official or assigned
11 responsibilities include performing or directly supporting the
12 performance of emergency medical and rescue services or
13 firefighting.

14 "Law enforcement officer." A person who by virtue of the
15 person's office or public employment is vested by law with a
16 duty to maintain public order or to make arrests for offenses,
17 whether that duty extends to all offenses or is limited to
18 specific offenses, or a person on active State duty under 51
19 Pa.C.S. § 508 (relating to active duty for emergency).]

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