
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 933 Session of
2019

INTRODUCED BY A. WILLIAMS, TARTAGLIONE, KILLION, BREWSTER,
MENSCH, BAKER, STEFANO AND PITTMAN, NOVEMBER 15, 2019

REFERRED TO JUDICIARY, NOVEMBER 15, 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 prohibited acts and penalties and effect on local ordinances.

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

14 Section 1. Section 13(a) of the act of April 14, 1972
15 (P.L.233, No.64), known as The Controlled Substance, Drug,
16 Device and Cosmetic Act, is amended by adding a paragraph and
17 the section is amended by adding a subsection to read:

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

21 * * *

22 (41) The operation of a clinic or establishment, not

1 otherwise authorized by law or by local ordinance pursuant to
2 section 41.1(b), that provides drug paraphernalia and space for
3 any person to inject, ingest, inhale or otherwise introduce into
4 the person's body a controlled substance in violation of this
5 act.

6 * * *

7 (g) Any person who violates subsection (a) (41):

8 (1) Is guilty of a felony and upon conviction thereof shall
9 be sentenced to a term of imprisonment of not more than twenty
10 years or a fine of not more than five hundred thousand dollars
11 (\$500,000), or both, or a fine of two million dollars
12 (\$2,000,000) for a person other than an individual.

13 (2) Shall be subject to a civil penalty of not more than the
14 greater of two hundred fifty thousand dollars (\$250,000).

15 Section 2. Section 41.1 of the act is amended to read:

16 Section 41.1. Effect on Local Ordinances.--(a) Nothing in
17 this act relating to drug paraphernalia shall be deemed to
18 supersede or invalidate any consistent local ordinance,
19 including zoning and nuisance ordinances, relating to the
20 possession, sale or use of drug paraphernalia.

21 (b) The governing body of a municipality shall have the
22 option to authorize by ordinance or resolution the operation of
23 a clinic or establishment in the municipality that provides drug
24 paraphernalia and space for any person to inject, ingest, inhale
25 or otherwise introduce into the person's body a controlled
26 substance for the purpose of reducing the spread of disease and
27 overdose-related deaths and providing information related to
28 treatment services for drug dependency or drug abuse. The
29 ordinance must provide for, at a minimum, the following
30 requirements for the operation of the clinic or establishment:

1 (1) At least three public input hearings within the
2 municipality prior to the municipality's approval of the
3 operator of the clinic or establishment.

4 (2) Observation by appropriate medical professionals of each
5 person using the clinic or establishment to inject, ingest,
6 inhale or otherwise introduce into the person's body a
7 controlled substance in order to reduce the spread of disease
8 associated with drug paraphernalia, intervene with medical care
9 if necessary and prevent fatal overdose.

10 (3) A proactive and comprehensive community safety plan
11 developed in cooperation with local law enforcement, the
12 Pennsylvania State Police, or both.

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