

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 249 Session of 2021

INTRODUCED BY TARTAGLIONE, SABATINA, GORDNER, BAKER, MENSCH AND STEFANO, FEBRUARY 22, 2021

REFERRED TO JUDICIARY, FEBRUARY 22, 2021

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) 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 that

1 provides drug paraphernalia and space for any person to inject,
2 ingest, inhale or otherwise introduce into the person's body a
3 controlled substance in violation of this act.

4 * * *

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

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

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

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