
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. **616** Session of
2019

INTRODUCED BY OWLETT, PICKETT, RYAN, HERSHEY, BERNSTINE,
McNEILL, LONGIETTI, ROTHMAN, MILLARD, ZIMMERMAN, JAMES,
B. MILLER, DRISCOLL, KAUFER, SAYLOR, READSHAW, HILL-EVANS,
NEILSON, WEBSTER, HEFFLEY, WALSH AND KORTZ, FEBRUARY 28, 2019

SENATOR BAKER, JUDICIARY, IN SENATE, AS AMENDED, OCTOBER 6, 2020

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 schedules of controlled substances.

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

14 ~~Section 1. Section 4(2)(ii) 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 subclause to~~
17 ~~read:~~

18 SECTION 1. SECTION 4(2)(II) OF THE ACT OF APRIL 14, 1972 <--
19 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG,
20 DEVICE AND COSMETIC ACT, IS AMENDED BY ADDING A SUBCLAUSE AND
21 THE SECTION IS AMENDED BY ADDING A PARAGRAPH TO READ:

1 Section 4. Schedules of Controlled Substances.--The
2 following schedules include the controlled substances listed or
3 to be listed by whatever official name, common or usual name,
4 chemical name, or trade name designated.

5 * * *

6 (2) Schedule II--In determining that a substance comes
7 within this schedule, the secretary shall find: a high potential
8 for abuse, currently accepted medical use in the United States,
9 or currently accepted medical use with severe restrictions, and
10 abuse may lead to severe psychic or physical dependence. The
11 following controlled substances are included in this schedule:

12 * * *

13 (ii) Any of the following opiates, including their isomers,
14 esters, ethers, salts, and salts of isomers, esters and ethers,
15 of any quantity, unless specifically excepted or listed in
16 another schedule, whenever the existence of such isomers,
17 esters, ethers and salts is possible within the specific
18 chemical designation:

19 * * *

20 22. Carfentanil.

21 * * *

22 (6) A DRUG PRODUCT IN A FINISHED DOSAGE FORMULATION THAT <--
23 CONTAINS 2-[1R-3-METHYL-6R-(1METHYLETHENYL)-2-CYCLOHEXEN-1-YL]-
24 5-PENTYL-1,3-BENZENEDIOL THAT HAS BEEN APPROVED BY THE FEDERAL
25 FOOD AND DRUG ADMINISTRATION PURSUANT TO SECTION 505 OF THE
26 FEDERAL FOOD, DRUG AND COSMETIC ACT PRIOR TO THE DATE OF
27 ENACTMENT SHALL NOT BE SUBJECT TO CONTROL UNDER THIS ACT.

28 Section 2. This act shall take effect immediately.