

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 977 Session of 2023

INTRODUCED BY KUZMA, GERGELY, GREGORY, JAMES, JOZWIAK, MARCELL, MIHALEK, MOUL, NEILSON, E. NELSON, O'NEAL, ROZZI, SCHEMEL, SCIALABBA, STEELE, VENKAT, SCHEUREN, COOPER, FLICK AND ZIMMERMAN, APRIL 24, 2023

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 2, 2024

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 AMENDING THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), ENTITLED <--
13 "AN ACT RELATING TO THE MANUFACTURE, SALE AND POSSESSION OF
14 CONTROLLED SUBSTANCES, OTHER DRUGS, DEVICES AND COSMETICS;
15 CONFERRING POWERS ON THE COURTS AND THE SECRETARY AND
16 DEPARTMENT OF HEALTH, AND A NEWLY CREATED PENNSYLVANIA DRUG,
17 DEVICE AND COSMETIC BOARD; ESTABLISHING SCHEDULES OF
18 CONTROLLED SUBSTANCES; PROVIDING PENALTIES; REQUIRING
19 REGISTRATION OF PERSONS ENGAGED IN THE DRUG TRADE AND FOR THE
20 REVOCATION OR SUSPENSION OF CERTAIN LICENSES AND
21 REGISTRATIONS; AND REPEALING AN ACT," FURTHER PROVIDING FOR
22 PROHIBITED ACTS AND PENALTIES.

23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:

25 ~~Section 1. Section 13(f) (1.1) of the act of April 14, 1972 <--~~
26 ~~(P.L.233, No.64), known as The Controlled Substance, Drug,~~

1 ~~Device and Cosmetic Act, is amended to read:~~

2 ~~Section 13. Prohibited Acts; Penalties. * * *~~

3 ~~(f) Any person who violates clause (12), (14) or (30) of~~
4 ~~subsection (a) with respect to:~~

5 ~~* * *~~

6 ~~(1.1) Phencyclidine; methamphetamine, including its salts,~~
7 ~~isomers and salts of isomers; coca leaves and any salt,~~
8 ~~compound, derivative or preparation of coca leaves; tianeptine~~
9 ~~and any salt, compound, derivative or preparation of tianeptine;~~
10 ~~any salt, compound, derivative or preparation of the preceding~~
11 ~~which is chemically equivalent or identical with any of these~~
12 ~~substances, except decocanized coca leaves or extracts of coca~~
13 ~~leaves, which extracts do not contain cocaine or ecgonine; and~~
14 ~~marihuana in a quantity in excess of one thousand (1,000)~~
15 ~~pounds, is guilty of a felony and upon conviction thereof shall~~
16 ~~be sentenced to imprisonment not exceeding ten years, or to pay~~
17 ~~a fine not exceeding one hundred thousand dollars (\$100,000), or~~
18 ~~both, or such larger amount as is sufficient to exhaust the~~
19 ~~assets utilized in and the profits obtained from the illegal~~
20 ~~manufacture or distribution of these substances.~~

21 ~~* * *~~

22 ~~Section 2. This act shall take effect in 60 days.~~

23 SECTION 1. SECTION 13(A) OF THE ACT OF APRIL 14, 1972 <--
24 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG,
25 DEVICE AND COSMETIC ACT, IS AMENDED BY ADDING A CLAUSE AND THE
26 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

27 SECTION 13. PROHIBITED ACTS; PENALTIES.--(A) THE FOLLOWING
28 ACTS AND THE CAUSING THEREOF WITHIN THE COMMONWEALTH ARE HEREBY
29 PROHIBITED:

30 * * *

1 (41) THE MANUFACTURE, DELIVERY OR POSSESSION WITH INTENT TO
2 MANUFACTURE OR DELIVER TIANEPTINE OR ANY SALT, COMPOUND,
3 DERIVATIVE OR PREPARATION OF TIANEPTINE BY A PERSON NOT
4 REGISTERED UNDER THIS ACT OR BY A PRACTITIONER NOT REGISTERED OR
5 LICENSED BY THE APPROPRIATE STATE BOARD.

6 * * *

7 (F.1) ANY PERSON WHO KNOWINGLY OR INTENTIONALLY VIOLATES
8 CLAUSE (41) OF SUBSECTION (A) IS GUILTY OF A FELONY AND UPON
9 CONVICTION THEREOF SHALL BE SENTENCED TO IMPRISONMENT NOT
10 EXCEEDING FIVE YEARS, OR TO PAY A FINE NOT EXCEEDING FIFTEEN
11 THOUSAND DOLLARS (\$15,000), OR BOTH.

12 * * *

13 SECTION 2. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.