

No. 1985-39

AN ACT

SB 803

Amending the act of April 14, 1972 (P.L.233, No.64), entitled "An act relating to the manufacture, sale and possession of controlled substances, other drugs, devices and cosmetics; conferring powers on the courts and the secretary and Department of Health, and a newly created Pennsylvania Drug, Device and Cosmetic Board; establishing schedules of controlled substances; providing penalties; requiring registration of persons engaged in the drug trade and for the revocation or suspension of certain licenses and registrations; and repealing an act," adding the substance buprenorphine to Schedule V; and further defining amphetamine manufacture and mandatory penalties.

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

Section 1. Section 4(5) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, is amended by adding a subclause to read:

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

* * *

(5) Schedule V—In determining that a substance comes within this schedule, the secretary shall find: a low potential for abuse relative to the substances listed in Schedule IV; currently accepted medical use in the United States; and limited physical dependence and/or psychological dependence liability relative to the substances listed in Schedule IV. The following controlled substances are included in this schedule:

* * *

(ii) *Buprenorphine.*

Section 2. Section 13(k) of the act, added December 14, 1984 (P.L.988, No.200), is amended to read:

Section 13. Prohibited Acts; Penalties.—* * *

(k) Any person convicted of manufacture of amphetamine, *its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, isomers and salts of isomers; or phenylacetone and phenyl-2-propanone* shall be sentenced to at least two years of total confinement *without probation, parole or work release*, notwithstanding any other provision of this act or other statute to the contrary.

Section 3. This act shall take effect immediately.

APPROVED—The 3rd day of July, A. D. 1985.

DICK THORNBURGH