

No. 1990-11

AN ACT

HB 1285

Providing for the registration and reporting of certain noncontrolled substances; imposing additional powers and duties on the Secretary of Health; and fixing penalties.

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

Section 1. Short title.

This act shall be known and may be cited as the Noncontrolled Substances Reporting and Registration Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Substance.” Includes a salt or isomer.

Section 3. Chemicals subject to registration.

(a) Specific chemicals.—The following substances, salts and isomers shall be subject to the provisions of this act:

- (1) Phenyl-2-propanone.
- (2) Methylamine.
- (3) Ethylamine.
- (4) D-lysergic acid.
- (5) Ergotamine.
- (6) Diethyl malonate.
- (7) Malonic acid.
- (8) Ethyl malonate.
- (9) Barbituric acid.
- (10) Piperidine cyclohexane carbonitrite.
- (11) N-acetylanthranilic acid.
- (12) Pyrrolidine.
- (13) Phenylacetic acid.
- (14) Anthranilic acid.
- (15) Morpholine.
- (16) Ephedrine.
- (17) Pseudoephedrine.
- (18) Norpseudoephedrine.
- (19) Phenylpropanolamine.
- (20) Propionic anhydride.
- (21) Isosafrole.
- (22) Safrole.
- (23) Piperonal.
- (24) Thionylchloride.
- (25) Benzyl cyanide.

- (26) Ergonovine.
- (27) N-methylephedrine.
- (28) N-ethylephedrine.
- (29) N-methylpseudoephedrine.
- (30) N-ethylpseudoephedrine.
- (31) Chloroephedrine.
- (32) Chloropseudoephedrine.

(b) Additional chemicals.—The Secretary of Health is hereby empowered to add to the list of substances enumerated in subsection (a) any substance he believes is being used or could be used in the illegal manufacture of controlled substances or in the illegal sale of controlled substances. Notice of such addition shall be sent to every person engaged in the sale or distribution of such substances known to the Secretary of Health.

Section 4. Registration.

(a) General rule.—Any manufacturer, wholesaler, retailer or other person who is engaged in the sale, distribution, transfer or furnishing of any substance covered by this act shall register with the Secretary of Health. He shall maintain updated, complete and accurate information with the secretary, which shall include the following:

(1) The full name of the person or firm, his address (other than a post office box number), telephone number and all addresses of subsidiary or field offices or locations of operations.

(2) The full name, address (other than a post office box number), telephone number and occupation of all owners of a firm covered by this act.

(3) The name, address and telephone number of any subsidiary and field locations of operations of a firm under paragraph (2).

(4) Any other information required by the secretary.

(b) Exceptions.—The requirements of this section shall not apply to:

(1) Any pharmacist or other authorized person who sells or furnishes a substance, salt or isomer upon the prescription of a physician, dentist, podiatrist or veterinarian.

(2) Any physician, dentist, podiatrist or veterinarian who administers or furnishes a substance, salt or isomer to his or her patients as part of their regular medical treatment.

(3) Any manufacturer or wholesaler licensed by the Department of Health who sells, transfers or otherwise furnishes a substance, salt or isomer to a licensed pharmacy, physician, dentist, podiatrist or veterinarian in the usual course of business.

(4) Any sale, transfer, furnishing or receipt of any drug which contains any substance, salt or isomer which is lawfully sold, transferred or furnished over the counter without a prescription pursuant to the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.) or regulations adopted thereunder.

Section 5. Records.

(a) General rule.—Any manufacturer, wholesaler, retailer or other person shall, prior to selling, distributing, transferring or otherwise furnishing any substance specified in section 3, record the following information:

(1) The purchaser's motor vehicle operator's license which contains a photograph of the purchaser.

(2) The residential mailing address of the purchaser, other than a post office box number.

(3) The motor vehicle license number of any motor vehicle owned or operated by the purchaser.

(4) A letter of authorization from the business for which any substance specified in section 3 is being furnished, which includes the business license number and address of the business, a full description of how the substance is to be used and the signature of the purchaser.

(5) The date, time, location, quantity and price of the substance.

(6) The manner of payment. For purchases made with check, money order or bank draft, the name and address of the financial institution on the check, money order or draft and its number, the name and address of the signer, the date of issuance and other identifying data.

(b) Exceptions.—The requirements of this section shall not apply to:

(1) Any pharmacist or other authorized person who sells or furnishes a substance upon the prescription of a physician, dentist, podiatrist or veterinarian.

(2) Any physician, dentist, podiatrist or veterinarian who administers or furnishes a substance to his or her patients as part of their regular medical treatment.

(3) Any manufacturer or wholesaler licensed by the Department of Health who sells, transfers or otherwise furnishes a substance to a licensed pharmacy, physician, dentist, podiatrist or veterinarian in the usual course of business.

(4) Any sale, transfer, furnishing or receipt of any drug which contains any substance which is lawfully sold, transferred or furnished over the counter without a prescription pursuant to the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.) or regulations adopted thereunder.

Section 6. Records of purchases.

The manufacturer, wholesaler, retailer or other person shall include in the records required by this act the full name, address, telephone number and occupation of the person from whom the substances were acquired and the person involved in the storage and distribution of the substances.

Section 7. Reports.

(a) Availability.—A person regulated by this act shall make available, to any Federal, State or local law enforcement agency and personnel, the records required to be kept by him.

(b) Transmission of reports.—A person regulated by this act shall send, quarter-annually to the Secretary of Health and the Office of Attorney General, a complete report containing the information required by sections 5 and 6.

(c) Use of reports.—A Federal, State or local law enforcement agency may not use information obtained pursuant to this act for purposes other than the investigation of possible criminal conduct.

Section 8. Penalty.

(a) False information.—A person who provides false information under this act to a manufacturer, wholesaler, retailer or other person commits a misdemeanor of the first degree and shall, upon conviction, be sentenced to pay a fine of not less than \$1,000 and not more than \$25,000 or to imprisonment for not more than five years, or both.

(b) Other violations.—A manufacturer, wholesaler, retailer or other person who violates this act commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of not less than \$500 and not more than \$5,000 or to imprisonment for not more than three years, or both.

(c) Wrongful use of reports.—A person who violates section 7(c) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$300 and not more than \$1,000 or to imprisonment for not more than 90 days, or both.

Section 9. Effective date.

This act shall take effect in 90 days.

APPROVED—The 14th day of February, A. D. 1990.

ROBERT P. CASEY