

No. 2000-3

AN ACT

HB 1971

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," further defining "designer drug"; further providing for prohibited acts; and making an editorial change.

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

Section 1. The definition of "designer drug" in section 2(b) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, added December 22, 1989 (P.L.769, No.107), is amended to read:

Section 2. Definitions.—* * *

(b) As used in this act:

* * *

"Designer drug" means a substance other than a controlled substance that *is intended for human consumption and that either* has a chemical structure substantially similar to that of a controlled substance in Schedules I [or], II *or* III of this act [which] *or that* produces an effect substantially similar to that of a controlled substance in Schedules I [or], II *or* III. Examples of chemical classes in which designer drugs are found include, but are not limited to, the following: Phenethylamines, N-substituted piperidines, morphinans, ecgonines, quinazolinones, substituted indoles and arylcycloalkylamines.

* * *

Section 2. Section 13(a)(36) of the act, added December 11, 1986 (P.L.1488, No.154), is amended to read:

Section 13. Prohibited Acts; Penalties.—(a) The following acts and the causing thereof within the Commonwealth are hereby prohibited:

* * *

(36) The knowing or intentional manufacture, distribution, possession with intent to distribute, or possession of a designer drug [**intended for human consumption**]. Nothing in this section shall be construed to apply to a person who manufactures or distributes a substance in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of section 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. § 355). For purposes of this section, no

new drug shall be introduced or delivered for introduction except upon approval of an application pursuant to section 505 of the Federal Food, Drug and Cosmetic Act. [**“Designer drug” means a substance other than a controlled substance that has a chemical structure substantially similar to that of a controlled substance in Schedules I or II which produces an effect substantially similar to that of a controlled substance in Schedules I or II. Examples of chemical classes in which designer drugs are found include, but are not limited to, the following: Phenethylamines, N-substituted piperdines, morphinans, ecogonines, quinazolinones, substituted indoles, and arylicycloalkylamines.**]

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Section 3. This act shall take effect in 60 days.

APPROVED—The 11th day of February, A.D. 2000.

THOMAS J. RIDGE