

No. 2004-109

AN ACT

HB 2739

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for restitution for cleanup of clandestine laboratories.

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

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 1110. Restitution for cleanup of clandestine laboratories.

(a) General rule.—When any person is convicted of an offense under The Controlled Substance, Drug, Device and Cosmetic Act involving the manufacture of a controlled substance, the court shall order the person to make restitution for the costs incurred in the cleanup, including labor costs, equipment and supplies, of any clandestine laboratory used by the person to manufacture the controlled substance.

(b) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Clandestine laboratory.” A location or site, including buildings or vehicles, in which glassware, heating devices, precursors or related reagents or solvents which are intended to be used or are used to unlawfully manufacture a controlled substance are located.

“Cleanup.” Actions necessary to contain, collect, control, identify, analyze, disassemble, treat, remove or otherwise disperse all substances and materials in a clandestine laboratory, including those found to be hazardous waste and any contamination caused by those substances or materials.

“The Controlled Substance, Drug, Device and Cosmetic Act.” The act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

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

APPROVED—The 19th day of November, A.D. 2004.

EDWARD G. RENDELL