

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 196 Session of 2017

INTRODUCED BY GAINEY, TAYLOR, DEAN, McNEILL, ROZZI, KINSEY, EVERETT, READSHAW, SIMS, FRANKEL, ORTITAY, STURLA, McCLINTON, SCHWEYER, BULLOCK, D. COSTA AND D. MILLER, FEBRUARY 1, 2017

REFERRED TO COMMITTEE ON HEALTH, FEBRUARY 1, 2017

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 definitions.

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

14 Section 1. Paragraph (11) of the definition of "drug
 15 paraphernalia" in section 2(b) of the act of April 14, 1972
 16 (P.L.233, No.64), known as The Controlled Substance, Drug,
 17 Device and Cosmetic Act, is amended to read:

18 Section 2. Definitions.--* * *

19 (b) As used in this act:

20 * * *

21 "Drug paraphernalia" means all equipment, products and
 22 materials of any kind which are used, intended for use or

1 designed for use in planting, propagating, cultivating, growing,
2 harvesting, manufacturing, compounding, converting, producing,
3 processing, preparing, testing, analyzing, packaging,
4 repackaging, storing, containing, concealing, injecting,
5 ingesting, inhaling or otherwise introducing into the human body
6 a controlled substance in violation of this act. It includes,
7 but is not limited to:

8 * * *

9 (11) Hypodermic syringes, needles and other objects used,
10 intended for use, or designed for use in parenterally injected
11 controlled substances into the human body[.], subject to the
12 following:

13 (i) The term does not include a syringe, needle or other
14 object that is provided to a drug dependent person by a public
15 or private agency or health care provider authorized to provide
16 the object through a needle exchange or other program. The
17 authorization shall come from:

18 (A) the department, in consultation with the Department of
19 Drug and Alcohol Programs; or

20 (B) the municipal corporation in which the needle exchange
21 or other program is based, in consultation with the department
22 and the Department of Drug and Alcohol Programs.

23 (ii) The agency or provider under subparagraph (i) shall
24 contemporaneously provide to the drug dependent person
25 information regarding the treatment of drug dependency.

26 (iii) For purposes of this paragraph, the term "health care
27 provider" means an individual or health care facility that is
28 licensed, certified or otherwise authorized to provide health
29 care under the laws of this Commonwealth. The term also includes
30 both of the following:

1 (A) An officer, employe or agent of a health care provider
2 acting within the scope of the person's duties and authority.

3 (B) A legal entity through which one or more health care
4 providers deliver health care, including, but not limited to, a
5 professional corporation, a partnership or limited liability
6 company.

7 * * *

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