
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2120 Session of
2024

INTRODUCED BY DALEY, BRENNAN, GUENST, CEPEDA-FREYTIZ, NEILSON,
KAZEEM, KINSEY, MALAGARI, SANCHEZ, SCOTT AND CERRATO,
MARCH 14, 2024

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
MARCH 14, 2024

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 and for misbranding.

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

14 Section 1. Section 2(b) of the act of April 14, 1972
15 (P.L.233, No.64), known as The Controlled Substance, Drug,
16 Device and Cosmetic Act, is amended by adding a definition to
17 read:

18 Section 2. Definitions.--* * *

19 (b) As used in this act:

20 * * *

21 "Gluten-containing grain." Any of the following grains or a

1 crossbred hybrid of any of the following grains:

2 (1) wheat, including any species belonging to the genus
3 Triticum;

4 (2) rye, including any species belonging to the genus
5 Secale;

6 (3) barley, including any species belonging to the genus
7 Hordeum; or

8 (4) oat, including any species belonging to the genus Avena
9 sativa.

10 * * *

11 Section 2. Section 8 of the act is amended by adding a
12 clause to read:

13 Section 8. Misbranding.--A controlled substance, other drug
14 or device or cosmetic shall be deemed to be misbranded:

15 * * *

16 (13) If it is an oral controlled substance or other oral
17 drug containing an ingredient derived directly or indirectly
18 from a gluten-containing grain, unless its label bears a
19 statement that the drug contains the ingredient and identifies
20 the ingredient and type of gluten-containing grain from which
21 the ingredient is derived.

22 Section 3. This act shall take effect in two years.