



SENATE OF PENNSYLVANIA BILL SUMMARY

House Bill 608 Printer's No. 2254

Prime Sponsor: Representative Baker
Committee: Judiciary

SYNOPSIS:

This bill amends The Controlled Substance, Drug, Device and Cosmetic Act.

SUMMARY:

The Controlled Substance, Drug, Device and Cosmetic Act authorizes the Secretary of Health to control all substances listed in Schedules I through V and add controlled substances by regulation if the substance has a potential for abuse. The Act currently prohibits the Secretary from removing a substance from control without authorization by the General Assembly or rescheduling a controlled substance without authorization by the Pennsylvania Drug, Device and Cosmetic Board.

This bill allows the Secretary to reschedule any controlled substance to coincide with federal law. The rescheduling to a higher schedule takes effect 30 days after notice of the rescheduling has been published in the Pennsylvania Bulletin. The bill also allows the Secretary to exclude or remove a controlled substance from any schedule if that substance has been approved for over-the-counter use without a prescription by federal law.

If the Secretary finds that the scheduling of a substance on a temporary basis is necessary to avoid an imminent hazard to public safety, the secretary may schedule a substance without seeking the advice of the Drug, Device and Cosmetic Board. This temporary scheduling of a substance expires at the end of one year from the date of publication of a final notice, unless the Secretary takes additional steps in the regulatory process with regard to the scheduling of a new substance. The bill sets forth the factors to be considered by the Secretary when making a temporary scheduling and requires that notice be provided to the Attorney General. While the substance is temporarily scheduled, if the Secretary determines that a substance should not be permanently scheduled and the General Assembly has enacted no law to permanently schedule the substance, the Secretary shall publish a notice in the Pennsylvania Bulletin explaining the rationale for not permanently scheduling the substance. No criminal proceeding or civil action initiated during the temporary scheduling will be affected by the decision not to permanently schedule the substance.

The bill adds certain compounds and "precursor substances" to the lists of controlled substances

EFFECTIVE DATE:

This bill is effective in 60 days.

BILL HISTORY:

Passed the House of Representatives on September 29, 2015 by a vote of 192-1.

Prepared by: Cawley 4/1/2016