
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1166 Session of
2024

INTRODUCED BY CAPPELLETTI, FONTANA, KANE, HUGHES, COMMITTA, COSTA
AND BREWSTER, MAY 16, 2024

REFERRED TO HEALTH AND HUMAN SERVICES, MAY 16, 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
22 crossbred hybrid of any of the following grains:

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

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

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

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

9 * * *

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

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

14 * * *

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

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