
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 959 Session of 2023

INTRODUCED BY ROBINSON, BAKER, BREWSTER AND KANE,
OCTOBER 16, 2023

REFERRED TO JUDICIARY, OCTOBER 16, 2023

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 authority to control.

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

14 Section 1. Section 3(c)(1) 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 and the section is amended
17 by adding a subsection to read:

18 Section 3. Authority to Control.--* * *

19 (b.1) (1) Notwithstanding subsection (a), if a substance is
20 added to the schedules as a controlled substance under Federal
21 law, the secretary shall similarly schedule the substance as a
22 controlled substance under this act and transmit a notice to the

1 Legislative Reference Bureau for publication in the next
2 available issue of the Pennsylvania Bulletin, which may not
3 occur earlier than 30 days from publication in the Federal
4 Register of the final order.

5 (2) If, within 30 days of publication of the final order in
6 the Federal Register, the secretary objects or a party adversely
7 affected files with the secretary a substantial written
8 objection to the addition of the substance as a controlled
9 substance under this act, the secretary shall transmit to the
10 Legislative Reference Bureau for publication in the next
11 available issue of the Pennsylvania Bulletin a notice of the
12 reasons for the objection or the substantial written objections
13 and shall afford all interested parties an opportunity to be
14 heard by the secretary.

15 (3) After conclusion of the hearing required under clause
16 (2), the secretary shall issue an order as to whether the
17 substance is scheduled in accordance with clause (1) as a
18 controlled substance under this act, and shall transmit the
19 order to the Legislative Reference Bureau for publication in the
20 next available issue of the Pennsylvania Bulletin.

21 (4) If, within 30 days of publication of the final order in
22 the Federal Register, neither the secretary objects nor a party
23 adversely affected files with the secretary a substantial
24 written objection to the addition, the secretary shall transmit
25 an order to the Legislative Reference Bureau for publication in
26 the next available issue of the Pennsylvania Bulletin. The order
27 shall state that the substance is scheduled in accordance with
28 clause (1) as a controlled substance under this act.

29 (5) A rule published in accordance with clause (3) or (4)
30 shall take effect upon publication in the Pennsylvania Bulletin.

1 (c) Notwithstanding subsection (a), if the secretary finds
2 that the health and safety of the public will not be adversely
3 affected, the secretary may:

4 [(1) Reschedule any controlled substance to coincide with
5 Federal law, including the Controlled Substances Act (Public Law
6 91-513, 84 Stat. 1236), regulations promulgated under 21 CFR Ch.
7 2 (relating to drug enforcement administration, department of
8 justice) or any Federal judicial order. The secretary shall
9 publish a notice in the Pennsylvania Bulletin of the
10 rescheduling of a controlled substance under this clause. The
11 rescheduling of the controlled substance to a higher schedule
12 may not take effect earlier than thirty days after publication
13 of the notice in the Pennsylvania Bulletin. The rescheduling of
14 a controlled substance to a lower schedule may take effect upon
15 publication in the Pennsylvania Bulletin.]

16 * * *

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