

## 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 registration.

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

14 Section 1. Section 6(a) and (g) of the act of April 14, 1972  
15 (P.L.233, No.64), known as The Controlled Substance, Drug,  
16 Device and Cosmetic Act, are amended to read:

17 Section 6. Registration.--(a) No person shall operate  
18 within this Commonwealth as a manufacturer, distributor or  
19 retailer of controlled substances, other drugs and devices nor  
20 sell, offer for sale nor solicit the purchase of controlled  
21 substances, other drugs and devices nor hold them for sale or  
22 resale until such person has registered under this act with the

1 secretary. Such registration must be renewed annually in  
2 accordance with rules and regulations relating thereto.

3 (1) Any manufacturer or distributor not operating an  
4 establishment within this Commonwealth[, but employing sales  
5 representatives or agents within this Commonwealth,] shall  
6 [either] register as a manufacturer or distributor as the case  
7 may be[, or file, in lieu of registration, with the secretary  
8 the names and addresses of such representatives and agents, and  
9 shall promptly inform the secretary of any changes in said  
10 list].

11 (2) Separate registration with the secretary shall be  
12 required annually for each place at which such person carries on  
13 activities as a manufacturer, distributor or retailer within  
14 this Commonwealth. The certificate evidencing such registration  
15 shall be conspicuously displayed and shall not be transferable.

16 (3) Registrations issued by the secretary or under the law  
17 preceding this act to manufacturers, distributors or retailers  
18 shall continue to be valid for the period issued and, upon  
19 expiration, shall be renewed in the manner provided for renewal  
20 of registration issued pursuant to this section. Nothing  
21 contained herein shall be construed to require the registration  
22 hereunder of any practitioner registered or licensed by the  
23 appropriate State board, nor to require the separate  
24 registration of agents or employes of persons registered  
25 pursuant to the provisions of this section[, or of sales  
26 representatives or agents of manufacturers or distributors not  
27 operating an establishment within this Commonwealth whose names  
28 and addresses are on file with the secretary]: Provided,  
29 however, That all persons registered pursuant to this section,  
30 whether located within this Commonwealth or not, shall be deemed

1 to have accepted and shall be subject to all provisions of this  
2 act.

3 \* \* \*

4 (g) The following persons need not register and may lawfully  
5 possess controlled substances under this act:

6 (1) an agent or employe of any registered manufacturer,  
7 distributor[,] or dispenser [or any person listed in lieu of  
8 registration] with the secretary if he is acting in the usual  
9 course of his business or employment;

10 (2) a common or contract carrier or warehouseman, or an  
11 employe thereof, whose possession of any controlled substance is  
12 in the usual course of business or employment;

13 (3) an ultimate user or a person in possession of any  
14 controlled substance pursuant to a lawful order of a  
15 practitioner or in lawful possession of a Schedule V substance.

16 Section 2. This act shall take effect immediately.