

No. 488

AN ACT

Amending the act of September 26, 1961 (P. L. 1664), entitled "An act relating to the manufacture, sale and possession of drugs, devices and cosmetics; conferring powers on the courts and the secretary and Department of Health and a newly created Pennsylvania Drug, Device and Cosmetic Board; providing penalties; requiring registration of persons engaged in the drug trade and for the revocation or suspension of certain licenses and registrations; and repealing certain acts," changing certain penalties.

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

The Drug, Device
and Cosmetic
Act.

Section 1. Subsection (d) of section 20, act of September 26, 1961 (P. L. 1664), known as "The Drug, Device and Cosmetic Act," is amended to read:

Subsection (d),
section 20, act of
September 26,
1961, P. L. 1664,
amended.

Section 20. Penalties and Enforcement.— * * *

(d) Any person who sells, dispenses or gives away any narcotic drugs in violation of the provisions of this act shall be guilty of a felony, and upon conviction thereof, shall be sentenced, as follows: For a first offense, to pay a fine not exceeding five thousand dollars (\$5,000.00) and to undergo imprisonment by separate or solitary confinement at labor [of not less than five (5) years and exceeding ten (10)] *for an indeterminate term having a minimum of five (5) years and a maximum of twenty (20) years*; for a second offense, or if in case of the first conviction of violation of any provisions of the law to which this subsection is applicable the offender shall previously have been convicted of any violation of the laws of the United States or of any other state, territory or district, relating to narcotic drugs, and said violation would have been a violation of the provisions of this act relating to sale or possession of narcotics, had it occurred in this Commonwealth, to pay a fine not exceeding [ten thousand dollars (\$10,000.00)] *fifteen thousand dollars (\$15,000.00)* and to undergo imprisonment by separate or solitary confinement at labor [of not less than ten (10) years and not exceeding twenty (20)] *for an indeterminate term having a minimum of ten (10) years and a maximum of thirty (30) years, or both*; and for a third or subsequent offense, or if the offender shall previously have been convicted two or more times in the aggregate of any violation of the law of the United States or of any other state, territory or district, relating to narcotic drugs, and said violation would have been a violation of the provisions of the law to which this subsection is applicable, had it occurred in this Commonwealth, to pay a fine not exceeding [fifteen thousand dollars (\$15,000.00)] *thirty*

thousand dollars (\$30,000.00) and to undergo an imprisonment by separate or solitary confinement at labor for the term of his natural life.

* * * * *

Section 20 of act, amended by adding two new subsections (i) and (j).

Section 2. Section 20 of the act is amended by adding, at the end thereof, two new subsections to read:

Section 20. Penalties and Enforcement.—

* * * * *

(i) Any trial of any prosecution for violation of the narcotic provisions of this act shall be held as soon after indictment as possible.

(j) The postponement of any trial for violation of the narcotic provisions of this act shall be permitted only upon approval of a president judge of the court in which the prosecution is set for trial. A president judge shall approve the postponement only upon sworn petition of the defendant, presented in open court at least two days before the date of trial, and after investigation by the district attorney of the reasons assigned for the postponement.

APPROVED—The 24th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 489

A SUPPLEMENT

To the act of May 21, 1943 (P. L. 541), entitled "An act giving the consent of the Commonwealth of Pennsylvania to the acquisition by the United States of America of two tracts of land in Lycoming and Union Counties, Pennsylvania, known as Pennsylvania Ordnance Works, and ceding jurisdiction to the United States," expressly including jurisdiction over two described interior areas of 141.82 acres and 69.36 acres, respectively, within the perimeter of the area heretofore described.

Real property.

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

Consent of Commonwealth of Pennsylvania granted to United States to jurisdiction over certain land at Pennsylvania Ordnance Works, Lycoming and Union Counties.

Section 1. For the purpose of resolving ambiguity or possible doubt of the intent to include the cessation of jurisdiction provisions of two interior areas of land consisting of 141.82 acres, more or less, and 69.36 acres, more or less, located within the perimeter or boundaries of first tract or area consisting of 7,604 acres, more or less, which are described in the act of May 21, 1943 (P. L. 541), the consent of the Commonwealth of Pennsylvania is hereby granted in accordance with the seventeenth clause, eighth section of the first article of the Constitution of the United States to the acquisition by