

No. 1989-104

## AN ACT

HB 855

Amending the act of April 14, 1972 (P.L.233, No.64), entitled "An act relating to the manufacture, sale and possession of controlled substances, other 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; establishing schedules of controlled substances; providing penalties; requiring registration of persons engaged in the drug trade and for the revocation or suspension of certain licenses and registrations; and repealing an act," classifying anabolic steroids as a Schedule III controlled substance.

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

Section 1. Section 4(3) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, is amended by adding a subclause to read:

Section 4. Schedules of Controlled Substances.—The following schedules include the controlled substances listed or to be listed by whatever official name, common or usual name, chemical name, or trade name designated.

\* \* \*

(3) Schedule III—In determining that a substance comes within this schedule, the secretary shall find: a potential for abuse less than the substances listed in Schedules I and II; well documented and currently accepted medical use in the United States; and abuse may lead to moderate or low physical dependence or high psychological dependence. The following classes of controlled substances are included in this schedule:

\* \* \*

(vii) *Anabolic steroid includes any material, compound, mixture or preparation that includes any of the following or any isomer, ester, salt or derivative of any of the following that acts in the same manner on the human body:*

1. *Chorionic gonadotropin.*
2. *Clotebol.*
3. *Dehydrochlormethyltestosterone.*
4. *Ethylestrenol.*
5. *Fluoxymesterone.*
6. *Mesterolone.*
7. *Metenolone.*
8. *Methandienone.*
9. *Methandrostenolone.*
10. *Methyltestosterone.*
11. *Nandrolone decanoate.*
12. *Nandrolone phenpropionate.*

13. *Norethandrolone.*
14. *Oxandrolone.*
15. *Oxymesterone.*
16. *Oxymetholone.*
17. *Stanozolol.*
18. *Testosterone propionate.*
19. *Testosterone-like related compounds.*

*Human Growth Hormone (HGH) shall not be included as an anabolic steroid under the provisions of this act.*

\* \* \*

Section 2. Section 11 of the act is amended by adding a subsection to read:

Section 11. Professional Prescription, Administration, and Dispensing.—\*\*\*

*(d.1) A practitioner shall not prescribe, administer or dispense any anabolic steroid for the purpose of enhancing a person's performance in an exercise, sport or game. A practitioner may not prescribe, administer or dispense any anabolic steroid for the purpose of hormonal manipulation intended to increase muscle mass, strength or weight except when medically necessary.*

\* \* \*

Section 3. Section 13(b) of the act, amended December 14, 1984 (P.L.988, No.200), is amended and subsection (a) is amended by adding a clause to read:

Section 13. Prohibited Acts; Penalties.—(a) The following acts and the causing thereof within the Commonwealth are hereby prohibited:

\* \* \*

*(37) The possession by any person, other than a registrant, of more than thirty doses labeled as a dispensed prescription or more than three trade packages of any anabolic steroids listed in section 4(3)(vii).*

(b) Any person who violates any of the provisions of clauses (1) through (11), (13) and (15) through (20) *or* (37) of subsection (a) shall be guilty of a misdemeanor, and except for clauses (4), (6), (7), (8), (9) and (19) shall, on conviction thereof, be sentenced to imprisonment not exceeding one year or to pay a fine not exceeding five thousand dollars (\$5,000), or both, and for clauses (4), (6), (7), (8), (9) and (19) shall, on conviction thereof, be sentenced to imprisonment not exceeding three years or to pay a fine not exceeding five thousand dollars (\$5,000), or both; but, if the violation is committed after a prior conviction of such person for a violation of this act under this section has become final, such person shall be sentenced to imprisonment not exceeding three years or to pay a fine not exceeding twenty-five thousand dollars (\$25,000), or both.

\* \* \*

Section 4. This act shall take effect in 60 days.

APPROVED—The 22nd day of December, A. D. 1989.

ROBERT P. CASEY