

No. 1990-187

AN ACT

HB 2296

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," further providing for penalties.

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

Section 1. Section 13(m) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, added December 22, 1989 (P.L.701, No.92), is amended to read:

Section 13. Prohibited Acts; Penalties.—* * *

(m) Notwithstanding any other provision in this act, any person, not a registrant, who possesses, sells, delivers, offers for sale, holds for sale or gives away any controlled substance, in addition to any other penalty provided in this or any act, upon conviction for a violation of this act, shall have his or her operating privilege suspended. **[A copy of the court order shall be transmitted to the Department of Transportation.]** *The clerk of any court of this Commonwealth, within ten days after final judgment of conviction for violations of this act requiring suspension under this section, shall send to the Department of Transportation a record of the conviction on a form provided by the Department of Transportation.* When the [department] *Department of Transportation* suspends the operating privilege of a person under this subsection, the duration of the suspension shall be as follows:

- (1) For a first offense, a period of 90 days from the date of suspension.
- (2) For a second offense, a period of one year from the date of suspension.
- (3) For a third offense, and any offense thereafter, a period of two years from the date of suspension. Any multiple [sentences] *suspensions* imposed shall be served consecutively.

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

APPROVED—The 17th day of December, A. D. 1990.

ROBERT P. CASEY