

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1182 Session of 2014

INTRODUCED BY FOLMER, LEACH, TEPLITZ, FERLO, FONTANA, FARNESE, WILEY, BLAKE, WHITE, STACK, WILLIAMS, WOZNIAK, TARTAGLIONE, SCHWANK, DINNIMAN, YUDICHAK AND SMITH, JANUARY 15, 2014

SENATOR MCILHINNEY, LAW AND JUSTICE, AS AMENDED, JUNE 27, 2014

AN ACT

1 ~~Providing for the medical use of cannabis in the Commonwealth of~~ <--  
2 ~~Pennsylvania.~~

3 PROVIDING FOR THE MEDICAL USE OF CANNABIS IN THE COMMONWEALTH OF <--  
4 PENNSYLVANIA.

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

7 ~~Section 1. Short title.~~ <--

8 ~~This act shall be known and may be cited as the Governor~~  
9 ~~Raymond Shafer Compassionate Use of Medical Cannabis Act.~~

10 ~~Section 2. Definitions.~~

11 ~~The following words and phrases when used in this act shall~~  
12 ~~have the meanings given to them in this section unless the~~  
13 ~~context clearly indicates otherwise:~~

14 ~~"Board." The Medical Cannabis Board.~~

15 ~~"Bona fide medical professional patient relationship." A~~  
16 ~~physician, registered nurse practitioner, dentist or~~  
17 ~~psychiatrist who has completed a full assessment of the~~  
18 ~~patient's medical history and current medical condition,~~

1 ~~including a personal examination.~~

2 ~~"Bureau." The Bureau of Medical Cannabis Control~~  
3 ~~Enforcement.~~

4 ~~"Cannabidiol" or "CBD." A main cannabinoid present in the~~  
5 ~~naturally growing populations and in the industrially cultivated~~  
6 ~~varieties of Cannabis sativa L which is not psychoactive and has~~  
7 ~~several pharmacological properties, including acting as a~~  
8 ~~powerful anti-inflammatory, neuroprotective and antioxidant~~  
9 ~~compound.~~

10 ~~"Cannabis concentrate." Extracted oil from the usable~~  
11 ~~cannabis flower.~~

12 ~~"Cannabis flower." Dried leaves, flowers and seeds of~~  
13 ~~cannabis and any portion or preparation of cannabis.~~

14 ~~"Caregiver." A person who is:~~

15 ~~(1) At least 18 years of age.~~

16 ~~(2) Has agreed to assist with a patient's medical use of~~  
17 ~~cannabis.~~

18 ~~(3) Has been designated as caregiver on the patient's~~  
19 ~~application or renewal for a medical cannabis identification~~  
20 ~~card or in other written notification to the board.~~

21 ~~(4) Only has one patient at a time, unless the caregiver~~  
22 ~~has more than one dependent under the caregiver's care or the~~  
23 ~~caregiver is a recognized hospice practitioner.~~

24 ~~(5) Is not the patient's physician.~~

25 ~~"Commercial medical cannabis farm." A nonprofit location or~~  
26 ~~facility that produces and supplies medical cannabis to~~  
27 ~~compassionate care centers and commercial medical cannabis~~  
28 ~~manufacturers.~~

29 ~~"Commercial medical cannabis manufacturer." A nonprofit~~  
30 ~~facility that does all of the following:~~

1           ~~(1) Turns usable cannabis flowers into usable cannabis~~  
2           ~~concentrate.~~

3           ~~(2) Distributes its products to compassionate care~~  
4           ~~centers.~~

5           ~~"Compassionate care center." A nonprofit facility where~~  
6           ~~cannabis in any form, including dried cannabis flowers, cannabis~~  
7           ~~concentrate and cannabis infused products, may be stored and~~  
8           ~~dispensed, under the supervision of a registered nurse, for~~  
9           ~~medical use to registered patients or caregivers.~~

10          ~~"Controlled Substance, Drug, Device and Cosmetic Act." The~~  
11          ~~act of April 14, 1972 (P.L.233, No.64), known as The Controlled~~  
12          ~~Substance, Drug, Device and Cosmetic Act.~~

13          ~~"Debilitating medical condition." Any of the following:~~

14           ~~(1) Cancer or the treatment of cancer.~~

15           ~~(2) Glaucoma or the treatment of glaucoma.~~

16           ~~(3) Post traumatic stress disorder or the treatment of~~  
17           ~~post traumatic stress disorder.~~

18           ~~(4) Positive status for human immunodeficiency virus,~~  
19           ~~acquired immune deficiency syndrome or the treatment of~~  
20           ~~either human immunodeficiency virus or acquired immune~~  
21           ~~deficiency syndrome.~~

22           ~~(5) A chronic or attenuating disease or medical~~  
23           ~~condition or its treatment that produces one or more of the~~  
24           ~~following:~~

25           ~~(i) Cachexia or wasting syndrome.~~

26           ~~(ii) Severe or chronic pain.~~

27           ~~(iii) Severe nausea.~~

28           ~~(iv) Seizures, including seizures characteristic of~~  
29           ~~epilepsy.~~

30           ~~(v) Severe and persistent muscle spasms, including~~

1           ~~spasms characteristic of multiple sclerosis or Crohn's~~  
2           ~~disease.~~

3           ~~(vi) Intractable pain.~~

4           ~~(6) Any other medical condition or its treatment that is~~  
5           ~~recognized by licensed medical authorities attending to a~~  
6           ~~patient as being treatable with cannabis in a manner that is~~  
7           ~~superior to treatment without cannabis.~~

8           ~~"Dentist." An individual licensed to practice dentistry~~  
9           ~~under the act of May 1, 1933 (P.L.216, No.76), known as The~~  
10          ~~Dental Law, who can prescribe medicine to a dental patient.~~

11          ~~"Medical cannabis identification card." A document issued by~~  
12          ~~the board that identifies a person as a patient or caregiver.~~  
13          ~~The term includes a medical cannabis identification card or its~~  
14          ~~equivalent issued by another state to permit the medical use of~~  
15          ~~cannabis by a patient or to permit a person to assist with a~~  
16          ~~patient's medical use of cannabis.~~

17          ~~"Medical professional." A physician, registered nurse~~  
18          ~~practitioner, dentist, physician assistant, nurse midwife,~~  
19          ~~psychiatrist or other professional who is licensed under the~~  
20          ~~laws of this Commonwealth and is permitted to prescribe Schedule~~  
21          ~~III medication under the Controlled Substance, Drug Device and~~  
22          ~~Cosmetic Act.~~

23          ~~"Medical use." The acquisition, possession, cultivation,~~  
24          ~~manufacture, use, delivery, transfer or transportation of~~  
25          ~~cannabis or paraphernalia relating to a patient's consumption or~~  
26          ~~production of cannabis to alleviate the symptoms or effects of~~  
27          ~~the patient's debilitating medical condition.~~

28          ~~"Nurse midwife." An individual licensed to practice as a~~  
29          ~~nurse midwife under the act of December 20, 1985 (P.L.457,~~  
30          ~~No.112), known as the Medical Practice Act of 1985.~~

1       ~~"Organic chemist." A college or university graduate who has~~  
2 ~~achieved a bachelor's degree or higher in the study of organic~~  
3 ~~chemistry or chemical engineering.~~

4       ~~"Patient." A person who has been diagnosed by a physician as~~  
5 ~~having a debilitating medical condition.~~

6       ~~"Physician." A person licensed to practice medicine and~~  
7 ~~surgery under the act of December 20, 1985 (P.L.457, No.112),~~  
8 ~~known as the Medical Practice Act of 1985. The term includes a~~  
9 ~~person licensed to practice osteopathic medicine and surgery~~  
10 ~~under the act of October 5, 1978 (P.L.1109, No.261), known as~~  
11 ~~the Osteopathic Medical Practice Act.~~

12       ~~"Physician assistant." A person licensed as a physician~~  
13 ~~assistant under the act of October 5, 1978 (P.L.1109, No.261),~~  
14 ~~known as the Osteopathic Medical Practice Act, or under the act~~  
15 ~~of December 20, 1985 (P.L.457, No.112), known as the Medical~~  
16 ~~Practice Act of 1985.~~

17       ~~"Psychiatrist." A person licensed to practice psychiatry~~  
18 ~~under the act of March 23, 1972 (P.L.136, No.52), known as the~~  
19 ~~Professional Psychologists Practice Act.~~

20       ~~"Registered nurse." A person licensed to practice~~  
21 ~~professional nursing under the act of May 22, 1951 (P.L.317,~~  
22 ~~No.69), known as The Professional Nursing Law.~~

23       ~~"Registered nurse practitioner." A person certified to be a~~  
24 ~~nurse practitioner under the act of May 22, 1951 (P.L.317,~~  
25 ~~No.69), known as The Professional Nursing Law.~~

26       ~~"Tetrahydrocannabinol." A compound that is an active~~  
27 ~~component in cannabis.~~

28       ~~"Written certification." A patient's medical records, or a~~  
29 ~~statement signed by a medical professional licensed in~~  
30 ~~accordance with the laws of this Commonwealth with whom the~~

1 ~~patient has a bona fide medical professional patient~~  
2 ~~relationship, stating that in a medical professional's opinion,~~  
3 ~~after having completed a full assessment of the patient's~~  
4 ~~medical history and current medical condition, the patient has a~~  
5 ~~debilitating medical condition for which the potential benefits~~  
6 ~~of the medical use of cannabis would most likely be superior to~~  
7 ~~treatment without the medical use of cannabis.~~

8 ~~Section 3. Board and bureau.~~

9 ~~(a) Establishment.~~

10 ~~(1) The Pennsylvania Medical Cannabis Board is created~~  
11 ~~as an independent administrative board.~~

12 ~~(2) The Bureau of Medical Cannabis Control Enforcement~~  
13 ~~is created within the Pennsylvania State Police and shall be~~  
14 ~~responsible for enforcing this act and regulations~~  
15 ~~promulgated under this act.~~

16 ~~(b) Advisory council. The board shall consult with an~~  
17 ~~advisory council as necessary, and the council shall perform an~~  
18 ~~oversight role for the board by performing tasks that include~~  
19 ~~reviewing written certifications. The advisory council shall~~  
20 ~~consist of the following members:~~

21 ~~(1) The Secretary of Health of the Commonwealth.~~

22 ~~(2) The Secretary of Agriculture of the Commonwealth.~~

23 ~~(3) The Secretary of Drug and Alcohol Programs of the~~  
24 ~~Commonwealth.~~

25 ~~(4) The head of the bureau.~~

26 ~~(5) The chairman of the board.~~

27 ~~(6) The solicitor for the board.~~

28 ~~(7) A member of the Pennsylvania Medical Association.~~

29 ~~(8) A member of the Pennsylvania State Nurses~~  
30 ~~Association.~~

1           ~~(9) A member of the Pennsylvania Dental Association.~~

2           ~~(10) A member of the Pennsylvania Pharmaceutical~~  
3           ~~Association.~~

4           ~~(11) A member of the Pennsylvania Psychiatric Society.~~

5           ~~(c) Bureau of Consumer Relations. The board shall establish~~  
6           ~~the Bureau of Consumer Relations which shall be responsible for~~  
7           ~~handling all consumer complaints and suggestions. The Bureau of~~  
8           ~~Consumer Relations shall develop a systemwide program for~~  
9           ~~investigating all complaints and suggestions and implementing~~  
10           ~~improvements. The management of the Bureau of Consumer Relations~~  
11           ~~shall be vested in a director who shall be assisted by other~~  
12           ~~personnel as the board deems necessary.~~

13           ~~(d) Administrative code. Except as otherwise provided by~~  
14           ~~law, the board, bureau and other divisions created under this~~  
15           ~~act shall be subject to the act of April 9, 1929 (P.L.177,~~  
16           ~~No.175), known as The Administrative Code of 1929, which apply~~  
17           ~~generally to independent administrative boards and commissions.~~

18           ~~(1) The board, the members, the bureau and all employees~~  
19           ~~of the board and bureau shall be subject to the act of July~~  
20           ~~19, 1957 (P.L.1017, No.451), known as the State Adverse~~  
21           ~~Interest Act and the act of October 4, 1978 (P.L.883,~~  
22           ~~No.170), referred to as the Public Official and Employee~~  
23           ~~Ethics Law.~~

24           ~~(2) Membership on the board and employment or continued~~  
25           ~~employment as an employee of the board, the bureau or another~~  
26           ~~division shall be conditioned upon compliance with the~~  
27           ~~provisions of the acts in paragraph (1). Acceptance or~~  
28           ~~retention of employment shall be deemed as voluntary consent~~  
29           ~~to submit to the financial reporting requirements of the~~  
30           ~~Public Official and Employee Ethics Law as a condition of~~

~~employment. Failure to timely comply with the requirements shall result in immediate termination of employment. The board and the bureau shall be subject to 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure).~~

~~Section 4. Members of the board.~~

~~(a) Appointment, terms and salaries.~~

~~(1) The board shall consist of three members appointed by the Governor by and with the advice and consent of two thirds of all the members of the Senate. Not more than two of the members shall be from the same political party as the Governor.~~

~~(2) Of the members first appointed after the effective date of this section, one member shall serve a term of three years, one member shall serve a term of four years and one member shall serve a term of five years. Subsequent terms shall be for four years, ending on the third Tuesday in May.~~

~~(3) A member may continue to hold office beyond the expiration of that member's term if a successor to that member has not been duly appointed and qualified according to law.~~

~~(4) Each member shall receive an annual salary as provided under the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law.~~

~~(b) Qualifications.~~

~~(1) Each member of the board at the time of appointment and qualification must:~~

~~(i) Be a citizen of the United States for at least the previous three years.~~

~~(ii) Be a resident of the Commonwealth of Pennsylvania for at least the previous three years.~~



1           ~~(iii) Have been a qualified elector in this~~  
2           ~~Commonwealth for a period of at least one year preceding~~  
3           ~~the appointment.~~

4           ~~(iv) Be not less than 21 years of age.~~

5           ~~(2) No member of the board during the member's period of~~  
6           ~~service with the board shall hold another office under the~~  
7           ~~laws of this Commonwealth or of the United States.~~

8           ~~(3) A board member must devote full time to the member's~~  
9           ~~official duties. A board member may not hold an office or~~  
10           ~~position if the duties of the office or position are~~  
11           ~~incompatible with the member's board duties.~~

12           ~~(c) Chair of board.~~

13           ~~(1) The Governor shall designate one of the board~~  
14           ~~members as chair, and the chair shall serve at the pleasure~~  
15           ~~of the Governor. When present, the chair shall preside at all~~  
16           ~~meetings. In the chair's absence, a member designated by the~~  
17           ~~chair shall preside.~~

18           ~~(2) Two members of the board shall constitute a quorum,~~  
19           ~~and an action or order of the board shall require the~~  
20           ~~approval of at least two members.~~

21           ~~(d) Secretary of board. The board may appoint a secretary~~  
22           ~~to hold office at the board's pleasure. If appointed, the~~  
23           ~~secretary shall have powers and shall perform duties not~~  
24           ~~contrary to law as the board shall prescribe. The secretary~~  
25           ~~shall receive compensation as the board determines with the~~  
26           ~~approval of the Governor. The secretary shall have power and~~  
27           ~~authority to designate one of the clerks appointed by the board~~  
28           ~~to perform the duties of the secretary during the secretary's~~  
29           ~~absence. The appointed clerk shall exercise the powers of the~~  
30           ~~secretary of the board for the time designated.~~

1 ~~Section 5. Powers and duties.~~

2 ~~(a) General powers. Notwithstanding subsection (b), the~~  
3 ~~board shall have the following powers and duties:~~

4 ~~(1) To establish, oversee and provide structure and~~  
5 ~~guidance to the medical cannabis industry within this~~  
6 ~~Commonwealth.~~

7 ~~(2) To ensure safe and regular distribution of medical~~  
8 ~~cannabis.~~

9 ~~(3) To establish an application process for commercial~~  
10 ~~medical cannabis farms, commercial medical cannabis~~  
11 ~~manufacturers, compassionate care centers, medical cannabis~~  
12 ~~identification cards and transportation licenses.~~

13 ~~(4) To issue, transfer or extend licenses for commercial~~  
14 ~~medical cannabis farms, commercial medical cannabis~~  
15 ~~manufacturers, transportation and compassionate care centers.~~

16 ~~(5) To issue medical cannabis identification cards.~~

17 ~~(6) To issue transportation licenses for the~~  
18 ~~transportation of medical cannabis.~~

19 ~~(7) To inspect and investigate all commercial medical~~  
20 ~~cannabis farms, commercial medical cannabis manufacturers and~~  
21 ~~compassionate care centers licensed by the board.~~

22 ~~(8) To determine the number of commercial medical~~  
23 ~~cannabis farms, commercial medical cannabis manufacturers and~~  
24 ~~compassionate care centers within a municipality.~~

25 ~~(9) To determine licensing districts, periods and~~  
26 ~~hearings.~~

27 ~~(10) To grant, issue, suspend and revoke all licenses~~  
28 ~~the board is authorized to issue under this act.~~

29 ~~(11) To issue penalties and fines.~~

30 ~~(12) Through the Department of General Services as~~

1 ~~agent, to lease and furnish and equip buildings, rooms and~~  
2 ~~other accommodations as required for the operation of this~~  
3 ~~act.~~

4 ~~(13) To appoint, fix the compensation of and define the~~  
5 ~~powers and duties of managers, officers, inspectors,~~  
6 ~~examiners, clerks and other employees as required for the~~  
7 ~~operation of this act, subject to act of April 9, 1929~~  
8 ~~(P.L.177, No.175), known as The Administrative Code of 1929~~  
9 ~~and the act of August 5, 1941 (P.L.752, No.286), known as the~~  
10 ~~Civil Service Act.~~

11 ~~(14) To determine the nature, form and capacity of all~~  
12 ~~packages and original containers to be used for containing~~  
13 ~~medical cannabis.~~

14 ~~(15) To perform acts necessary or advisable for the~~  
15 ~~purpose of carrying out the provisions of this act and the~~  
16 ~~regulations promulgated under this act.~~

17 ~~(16) To promulgate regulations not inconsistent with~~  
18 ~~this act for the efficient administration of this act.~~

19 ~~(17) By regulation, to provide for the use of a~~  
20 ~~computerized referral system to assist patients and~~  
21 ~~caregivers in locating special items at compassionate care~~  
22 ~~centers.~~

23 ~~(18) To issue grants to various entities for medical~~  
24 ~~cannabis study, research and clinical testing.~~

25 ~~(b) Specific subjects. Except as otherwise provided under~~  
26 ~~this act, the board may make regulations regarding:~~

27 ~~(1) Cultivation of medical cannabis within this~~  
28 ~~Commonwealth.~~

29 ~~(2) Manufacturing of medical cannabis within this~~  
30 ~~Commonwealth.~~

1           ~~(3) Sale of medical cannabis within this Commonwealth.~~

2           ~~(4) Distribution of medical cannabis within this~~  
3 ~~Commonwealth.~~

4           ~~(5) Qualifications for licenses, fees and duration.~~

5           ~~(6) Number and kinds of licenses allowed for each~~  
6 ~~licensee.~~

7           ~~(7) Registration of brands.~~

8           ~~(8) Price changes for medicinal cannabis.~~

9           ~~(9) Transportation of medical cannabis within this~~  
10 ~~Commonwealth.~~

11           ~~(10) The identification of classes, varieties and brands~~  
12 ~~of medical cannabis deemed acceptable by the board.~~

13           ~~(11) The labeling of medical cannabis.~~

14           ~~(12) Purchasing and importing hemp products related to~~  
15 ~~medical cannabis.~~

16           ~~(13) Another process, procedure or aspect related to~~  
17 ~~medical cannabis or the medical cannabis industry as may be~~  
18 ~~necessary to carry out the provisions of this act.~~

19           ~~(14) Limitations in the public interest on a~~  
20 ~~debilitating medical condition or treatment not specifically~~  
21 ~~included in this act which may be recognized by licensed~~  
22 ~~medical authorities as being treatable with cannabis in a~~  
23 ~~manner that is superior to treatment without cannabis.~~

24           ~~(15) The reasonable and related impact an applicant's~~  
25 ~~criminal background will have on the approval or denial of a~~  
26 ~~license issued under this act.~~

27           ~~(c) Restrictions.—~~

28           ~~(1) A member or employee of the board, immediate family~~  
29 ~~member of a member or employee of the board, employee of the~~  
30 ~~Commonwealth or employee of the bureau may not solicit or~~

1 ~~receive, directly or indirectly, a commission, remuneration~~  
2 ~~or gift for personal use from a person having sold, selling~~  
3 ~~or offering medical cannabis for sale.~~

4 ~~(2) A person who obtains financial gain as a result of~~  
5 ~~violating a provision of this subsection, in addition to any~~  
6 ~~other penalty provided by law, shall pay to the board a civil~~  
7 ~~penalty equal to three times the financial gain resulting~~  
8 ~~from the violation.~~

9 ~~(3) A person who violates this subsection shall be~~  
10 ~~barred for a period of five years from engaging in business~~  
11 ~~or contracting with the board.~~

12 ~~(d) Investigative unit.—~~

13 ~~(1) The board shall establish an investigative unit that~~  
14 ~~shall be responsible for implementing and monitoring~~  
15 ~~compliance with the provisions of and regulations made under~~  
16 ~~this act relating to medical cannabis and the medical~~  
17 ~~cannabis industry.~~

18 ~~(2) The duties of the investigative unit shall include:~~

19 ~~(i) Handling notifications concerning price~~  
20 ~~introductions and changes.~~

21 ~~(ii) Receiving and making recommendations to the~~  
22 ~~board concerning applications to rescind price discounts.~~

23 ~~(iii) Providing assistance to the board concerning~~  
24 ~~reports and investigations the board deems necessary or~~  
25 ~~is required to provide.~~

26 ~~(iv) Handling applications for brand registration.~~

27 ~~(v) Handling copies of franchise or territorial~~  
28 ~~agreements submitted by importing distributors.~~

29 ~~(3) Management of the investigation unit shall be vested~~  
30 ~~in a director who shall be assisted by other personnel as~~

1 ~~determined by the board. The director shall report to the~~  
2 ~~board secretary.~~

3 ~~(4) The investigation unit shall not have any power to~~  
4 ~~arrest individuals. The investigatory powers of the unit~~  
5 ~~shall be limited to compliance with this act.~~

6 ~~(e) Legal opinions. Upon written request by a licensee, the~~  
7 ~~board or the board's counsel shall issue a legal opinion~~  
8 ~~regarding subject matter relating to this act or a regulation~~  
9 ~~promulgated under this act. The legal opinion shall be binding~~  
10 ~~on the bureau.~~

11 ~~(f) Reports. The board and bureau must report twice a year~~  
12 ~~to the President pro tempore of the Senate and the Speaker of~~  
13 ~~the House of Representatives. The report shall provide~~  
14 ~~information that includes the following:~~

15 ~~(1) The number of people within this Commonwealth who~~  
16 ~~are registered to legally consume medical cannabis.~~

17 ~~(2) The amount of cannabis cultivated, manufactured and~~  
18 ~~sold within this Commonwealth.~~

19 ~~(3) The number of licenses sold to individuals within~~  
20 ~~this Commonwealth.~~

21 ~~Section 6. Enforcement.~~

22 ~~(a) Bureau. Officers and investigators assigned to the~~  
23 ~~bureau shall have the following powers and duties:~~

24 ~~(1) To initiate an investigation if reasonable grounds~~  
25 ~~exist to believe medical cannabis is being sold on unlicensed~~  
26 ~~premises. If the investigation produces evidence of the~~  
27 ~~unlawful sale of medical cannabis or another violation of~~  
28 ~~this act, the officer involved in the investigation shall~~  
29 ~~institute criminal proceedings against the person believed to~~  
30 ~~have been criminally liable.~~

1           ~~(2) For uniformed law enforcement officers to arrest on~~  
2 ~~view, except in private homes, or with a warrant a person~~  
3 ~~engaged in any of the following activities contrary to this~~  
4 ~~act or another law of this Commonwealth:~~

5           ~~(i) Unlawful sale of medical cannabis.~~

6           ~~(ii) Unlawful importation of medical cannabis.~~

7           ~~(iii) Unlawful manufacture of medical cannabis.~~

8           ~~(iv) Unlawful transportation of medical cannabis.~~

9           ~~(v) Unlawful possession of medical cannabis.~~

10          ~~(vi) Unlawful growing of medical cannabis.~~

11          ~~(3) For uniformed law enforcement officers to arrest on~~  
12 ~~view, except in private homes, or with a warrant a person~~  
13 ~~whom the officer or investigator, while in the performance of~~  
14 ~~assigned duties under this act and regulations promulgated~~  
15 ~~under this act, observes to be in violation of any of the~~  
16 ~~following:~~

17          ~~(i) 18 Pa.C.S. § 3302 (relating to causing or~~  
18 ~~risking catastrophe).~~

19          ~~(ii) 18 Pa.C.S. § 3304 (relating to criminal~~  
20 ~~mischief).~~

21          ~~(iii) 18 Pa.C.S. § 4101 (relating to forgery).~~

22          ~~(iv) 18 Pa.C.S. § 5503 (relating to disorderly~~  
23 ~~conduct).~~

24          ~~(v) 18 Pa.C.S. § 6310.3 (relating to carrying a~~  
25 ~~false identification card).~~

26          ~~(4) To search, seize and dispose of seized property in~~  
27 ~~accordance with the following:~~

28          ~~(i) Upon reasonable and probable cause with a~~  
29 ~~warrant, except in private homes, to search and seize the~~  
30 ~~following:~~

1                   ~~(A) Medical cannabis unlawfully possessed,~~  
2                   ~~manufactured, sold, imported or transported.~~

3                   ~~(B) Equipment, materials, utensils, vehicles,~~  
4                   ~~boats, vessels or aircraft which are or have been~~  
5                   ~~used in the unlawful manufacture, sale, importation~~  
6                   ~~or transportation of medical cannabis.~~

7                   ~~(ii) Medical cannabis equipment, materials,~~  
8                   ~~utensils, vehicles, boats, vessels or aircraft that have~~  
9                   ~~been seized shall be disposed of as provided in this act~~  
10                   ~~and in regulations promulgated under this act.~~

11                   ~~(5) To investigate and issue citations for the~~  
12                   ~~following:~~

13                   ~~(i) A violation of this act.~~

14                   ~~(ii) A violation of a regulation of the board.~~

15                   ~~(iii) A violation of another law of this~~  
16                   ~~Commonwealth.~~

17                   ~~(6) For uniformed law enforcement officers to arrest a~~  
18                   ~~person who engages in the following offenses when the~~  
19                   ~~offenses are committed against the investigator or a person~~  
20                   ~~accompanying and assisting the investigator while the~~  
21                   ~~investigator is performing assigned duties under this act and~~  
22                   ~~the regulations promulgated under this act:~~

23                   ~~(i) 18 Pa.C.S. § 2701 (relating to simple assault).~~

24                   ~~(ii) 18 Pa.C.S. § 2702 (relating to aggravated~~  
25                   ~~assault).~~

26                   ~~(iii) 18 Pa.C.S. § 2705 (relating to recklessly~~  
27                   ~~endangering another person).~~

28                   ~~(iv) 18 Pa.C.S. § 2706 (relating to terroristic~~  
29                   ~~threats).~~

30                   ~~(v) 18 Pa.C.S. § 2709 (relating to harassment).~~



1           ~~(vi) 18 Pa.C.S. § 5104 (relating to resisting arrest~~  
2           ~~or other law enforcement).~~

3           ~~(vii) 18 Pa.C.S. § 5501 (relating to riot).~~

4           ~~(7) To serve and execute warrants issued by the proper~~  
5           ~~authorities for offenses under this subsection and to serve~~  
6           ~~subpoenas.~~

7           ~~(8) To arrange for the administration of chemical tests~~  
8           ~~of blood or urine to a person for the purpose of determining~~  
9           ~~the tetrahydrocannabinol content of blood or the presence of~~  
10           ~~a controlled substance by qualified personnel of a State or~~  
11           ~~local police department or qualified personnel of a clinical~~  
12           ~~laboratory licensed and approved by the Department of Health.~~

13           ~~(b) Confiscation. Equipment or appurtenance actually used~~  
14           ~~in the commission of the unlawful acts may be confiscated. The~~  
15           ~~confiscation shall not divest or impair the rights or interest~~  
16           ~~of a bona fide lien holder in the equipment or appurtenance.~~

17           ~~(c) Officer. The Commissioner of Pennsylvania State Police~~  
18           ~~shall assign Pennsylvania State Police officers to supervisory,~~  
19           ~~training and other capacities in the bureau as the Commissioner~~  
20           ~~deems necessary. All other personnel of the bureau shall be~~  
21           ~~nonlaw enforcement personnel. Only law enforcement officers~~  
22           ~~shall have the authority to make an arrest under this act.~~

23           ~~(d) Representation. The Office of Chief Counsel for the~~  
24           ~~Pennsylvania State Police shall represent the bureau in all~~  
25           ~~enforcement proceedings brought before the office of~~  
26           ~~administrative law judge or other adjudicatory body.~~

27           ~~(e) Nonlaw enforcement agent. Nothing under this act shall~~  
28           ~~be construed to change the status of a nonlaw enforcement~~  
29           ~~personnel member who is an enforcement agent for the purposes of~~  
30           ~~the act of July 23, 1970 (P.L.563, No.195), known as the Public~~

1 ~~Employe Relations Act or cause nonlaw enforcement agents to be~~  
2 ~~considered policemen for the purposes of the act of June 24,~~  
3 ~~1968 (P.L.237, No.111), referred to as the Policemen and Firemen~~  
4 ~~Collective Bargaining Act.~~

5 ~~(f) Information. The Pennsylvania State Police shall~~  
6 ~~provide the chairman and minority chairman of the Appropriations~~  
7 ~~Committee of the Senate and the chairman and minority chairman~~  
8 ~~of the Appropriations Committee of the House of Representatives:~~

9 ~~(1) Other information as requested.~~

10 ~~(2) The following:~~

11 ~~(i) A copy of the most recently completed audit of~~  
12 ~~expenditures of the bureau.~~

13 ~~(ii) A report detailing the demographic~~  
14 ~~characteristics of the bureau's complement of civilian~~  
15 ~~officers. The report shall include information relating~~  
16 ~~to workplace diversity.~~

17 ~~Section 7. Office of administrative law judge.~~

18 ~~(a) Establishment. There is established within the board an~~  
19 ~~autonomous office to be known as the office of administrative~~  
20 ~~law judge.~~

21 ~~(b) Judges. The Governor shall appoint from a list of~~  
22 ~~qualified candidates submitted by the Civil Service Commission~~  
23 ~~after appropriate examination under the act of August 5, 1941~~  
24 ~~(P.L.752, No.286), known as the Civil Service Act, as many~~  
25 ~~administrative law judges as the board, with the approval of the~~  
26 ~~Governor, deems necessary for the holding of hearings required~~  
27 ~~or permitted under this act. The Governor shall designate one of~~  
28 ~~the civil service appointees as the chief administrative law~~  
29 ~~judge.~~

30 ~~(c) Authority. An administrative law judge shall preside at~~

1 ~~all citation and other enforcement hearings required or~~  
2 ~~permitted under this act.~~

3 ~~(d) Qualifications. An administrative law judge appointed~~  
4 ~~under this section shall be an attorney in good standing before~~  
5 ~~the Pennsylvania Supreme Court in the law and shall be a member~~  
6 ~~in good standing of the bar of the Pennsylvania Supreme Court.~~

7 ~~(e) Salary. Compensation for an administrative law judge~~  
8 ~~shall be established by the board.~~

9 ~~(f) Limitations. An administrative law judge shall devote~~  
10 ~~full time to the judge's official duties and may not perform a~~  
11 ~~duty inconsistent with the judge's duties and responsibilities~~  
12 ~~as administrative law judge.~~

13 ~~(g) Employment security. An administrative law judge~~  
14 ~~appointed under this section shall be afforded employment~~  
15 ~~security as provided by the Civil Service Act.~~

16 ~~(h) Hearings. The board shall employ a complement of five~~  
17 ~~administrative law judges who have been appointed by the~~  
18 ~~Governor. An appointed judge who has been selected by the board~~  
19 ~~shall conduct a licensing hearing as required by this act.~~

20 ~~(i) Construction. Nothing in this section or this act shall~~  
21 ~~be construed or intended to change the terms and conditions of~~  
22 ~~employment of the five hearing examiners selected by the board~~  
23 ~~under subsection (h).~~

24 ~~Section 8. Medical use permitted.~~

25 ~~(a) Freedom from arrest, prosecution or penalty.~~

26 ~~(1) A patient who possesses a valid medical cannabis~~  
27 ~~identification card shall not be subject to detrimental~~  
28 ~~action including arrest, prosecution, penalty, denial of a~~  
29 ~~right or privilege, civil penalty or disciplinary action by a~~  
30 ~~professional licensing board for the medical use of cannabis.~~

1 ~~Law enforcement personnel may not unreasonably detain,~~  
2 ~~question or arrest or repeatedly detain, question or arrest a~~  
3 ~~patient with a valid medical cannabis identification card.~~

4 ~~(2) There shall exist a rebuttable presumption that a~~  
5 ~~patient is engaged in the medical use of cannabis if the~~  
6 ~~patient possesses a valid medical cannabis identification~~  
7 ~~card. The presumption may be rebutted by evidence that~~  
8 ~~conduct related to cannabis was not for the purpose of~~  
9 ~~alleviating the symptoms or effects of a patient's~~  
10 ~~debilitating medical condition.~~

11 ~~(3) A patient may assert the medical use of cannabis as~~  
12 ~~an affirmative defense to a prosecution involving cannabis~~  
13 ~~unless the patient was in violation of this section when the~~  
14 ~~events giving rise to the prosecution occurred. The defense~~  
15 ~~shall be presumed valid if the evidence shows both of the~~  
16 ~~following:~~

17 ~~(i) Either:~~

18 ~~(A) the patient's medical records and current~~  
19 ~~medical condition made in the course of a bona fide~~  
20 ~~medical professional patient relationship indicate~~  
21 ~~the potential benefits of the medical use of cannabis~~  
22 ~~would likely outweigh the health risks for the~~  
23 ~~patient; or~~

24 ~~(B) a medical professional stated that in the~~  
25 ~~medical professional's opinion, after completing a~~  
26 ~~full assessment of the patient's medical history and~~  
27 ~~current medical condition, the potential benefits of~~  
28 ~~the medical use of cannabis would likely outweigh the~~  
29 ~~health risks for the patient; and~~

30 ~~(ii) the patient and the patient's caregiver were~~

1           ~~collectively in possession of no more than one ounce of~~  
2           ~~usable cannabis flower or three ounces of usable cannabis~~  
3           ~~concentrate.~~

4           ~~(4) Possession of or application for a medical cannabis~~  
5           ~~identification card may not alone constitute probable cause~~  
6           ~~to search a person, the property of the person possessing or~~  
7           ~~applying for the medical cannabis identification card or~~  
8           ~~otherwise subject the person or his property to inspection by~~  
9           ~~a governmental agency.~~

10           ~~(5) Law enforcement officials may not destroy, damage or~~  
11           ~~alter a patient's supply of medical cannabis if the patient~~  
12           ~~is in possession of a valid medical cannabis identification~~  
13           ~~card.~~

14           ~~(b) Patients under 18 years of age. Subsection (a) does not~~  
15           ~~apply to a patient under 18 years of age unless all of the~~  
16           ~~following have occurred:~~

17           ~~(1) The patient's medical professional has explained to~~  
18           ~~the patient and the patient's custodial parent, guardian or~~  
19           ~~person having legal custody the potential risks and benefits~~  
20           ~~of the medical use of cannabis.~~

21           ~~(2) The custodial parent, guardian or person having~~  
22           ~~legal custody consents in writing to:~~

23           ~~(i) Allow the patient's medical use of cannabis.~~

24           ~~(ii) Serve as the patient's caregiver.~~

25           ~~(iii) Control the acquisition, dosage and frequency~~  
26           ~~of the medical use of cannabis by the patient.~~

27           ~~(c) Immunity of caregiver.~~

28           ~~(1) A caregiver who has possession of a valid medical~~  
29           ~~cannabis identification card shall not be subject to~~  
30           ~~detrimental action including arrest, prosecution, penalty,~~

1 ~~denial of a right or privilege, civil penalty or disciplinary~~  
2 ~~action by a professional licensing board for assisting a~~  
3 ~~patient to whom the caregiver is connected through the~~  
4 ~~board's registration process with the medical use of~~  
5 ~~cannabis. Law enforcement personnel may not unreasonably~~  
6 ~~detain, question or arrest or repeatedly detain, question or~~  
7 ~~arrest a caregiver for assisting the patient.~~

8 ~~(2) There shall exist a rebuttable presumption that a~~  
9 ~~caregiver is engaged in the medical use of cannabis if the~~  
10 ~~caregiver possesses a valid medical cannabis identification~~  
11 ~~card. The presumption may be rebutted by evidence that~~  
12 ~~conduct related to cannabis was not for the purpose of~~  
13 ~~alleviating the symptoms or effects of a patient's~~  
14 ~~debilitating medical condition.~~

15 ~~(3) A caregiver may assert the medical use of cannabis~~  
16 ~~as an affirmative defense to a prosecution involving cannabis~~  
17 ~~unless the caregiver was in violation of this section when~~  
18 ~~the events giving rise to the prosecution occurred. The~~  
19 ~~defense shall be presumed valid if the evidence shows either~~  
20 ~~of the following at the time of the events giving rise to the~~  
21 ~~prosecution:~~

22 ~~(i) The patient's medical records and current~~  
23 ~~medical condition made in the course of a bona fide~~  
24 ~~medical professional patient relationship indicate the~~  
25 ~~potential benefits of the medical use of cannabis would~~  
26 ~~likely outweigh the health risks for the patient.~~

27 ~~(ii) A medical professional stated that in the~~  
28 ~~medical professional's opinion, after completing a full~~  
29 ~~assessment of the patient's medical history and current~~  
30 ~~medical condition, the potential benefits of the medical~~

1 use of cannabis would likely outweigh the health risks  
2 for the patient.

3 ~~(4) Possession of or application for a medical cannabis~~  
4 ~~identification card shall not alone constitute probable cause~~  
5 ~~to search a person, property of a person possessing or~~  
6 ~~applying for the medical cannabis identification card or~~  
7 ~~otherwise subject the person or the person's property to~~  
8 ~~inspection by a governmental agency.~~

9 ~~(5) Law enforcement officials may not destroy, damage or~~  
10 ~~alter a patient's supply of medical cannabis which is in the~~  
11 ~~possession of the caregiver if the caregiver is in possession~~  
12 ~~of a medical cannabis identification card.~~

13 ~~(d) Immunity of a medical professional. A physician,~~  
14 ~~psychiatrist, registered nurse practitioner or dentist shall not~~  
15 ~~be subject to detrimental action including arrest, prosecution,~~  
16 ~~penalty, denial of a right or privilege, civil penalty or~~  
17 ~~disciplinary action by the State Board of Medicine for providing~~  
18 ~~written certification for the medical use of cannabis to a~~  
19 ~~patient in accordance with this act.~~

20 ~~(e) Personal proximity. A person shall not be subject to~~  
21 ~~arrest or prosecution for constructive possession, conspiracy or~~  
22 ~~another offense for being in the presence or vicinity of the~~  
23 ~~medical use of cannabis as permitted under this act.~~

24 ~~(f) Restriction. An individual who has been sentenced for a~~  
25 ~~violation of 75 Pa.C.S. § 3550 (relating to pedestrians under~~  
26 ~~influence of alcohol or controlled substance) or 3802 (relating~~  
27 ~~to driving under the influence of alcohol or controlled~~  
28 ~~substance) shall not be disqualified from obtaining or~~  
29 ~~possessing a valid medical cannabis identification card on the~~  
30 ~~basis of the offense.~~

1 ~~Section 9. Medical cannabis identification card.~~

2 ~~(a) Registry. The board shall establish a registry and~~  
3 ~~issue a registry identification card, known as a medical~~  
4 ~~cannabis identification card, to a patient who submits all of~~  
5 ~~the following in accordance with the board's regulations:~~

6 ~~(1) Written certification that the person is a patient.~~

7 ~~(2) An application or renewal fee of not less than \$50~~  
8 ~~and not more than \$100, which may be based on a sliding fee~~  
9 ~~scale as determined by the board.~~

10 ~~(3) The name, address and date of birth of the patient.~~

11 ~~(4) The name, address and telephone number of the~~  
12 ~~patient's physician.~~

13 ~~(5) Name, address and date of birth of the patient's~~  
14 ~~caregiver, if any.~~

15 ~~(b) Issuance to qualified patient. Before issuing a medical~~  
16 ~~cannabis identification card, the board shall verify the~~  
17 ~~information contained in the application or renewal form~~  
18 ~~submitted under this section. The board shall approve or deny an~~  
19 ~~application or renewal in accordance with the following:~~

20 ~~(1) The approval or denial shall be no later than 15~~  
21 ~~days from receipt of the application or renewal.~~

22 ~~(2) The board shall issue a medical cannabis~~  
23 ~~identification card no later than five days from approving~~  
24 ~~the application or renewal.~~

25 ~~(3) The board may deny an application or renewal only if~~  
26 ~~the applicant fails to provide the information required under~~  
27 ~~this section or if the board determines that the information~~  
28 ~~was falsified.~~

29 ~~(4) An applicant must be provided with the reason for~~  
30 ~~and all information relative to the denial of a medical~~



1 ~~cannabis card and given an established procedure for~~  
2 ~~resubmission of an application.~~

3 ~~(5) Denial of an application shall be considered a final~~  
4 ~~agency decision, subject to review by an administrative law~~  
5 ~~judge.~~

6 ~~(c) Issuance to caregiver. The board shall issue a medical~~  
7 ~~cannabis identification card to the caregiver named in a~~  
8 ~~patient's approved application if the caregiver signs a~~  
9 ~~statement agreeing to provide cannabis only to the patient who~~  
10 ~~has named him or her as caregiver.~~

11 ~~(d) Contents. A medical cannabis identification card shall~~  
12 ~~contain the following information:~~

13 ~~(1) The name, address and date of birth of the patient.~~

14 ~~(2) The name, address and date of birth of the patient's~~  
15 ~~caregiver, if any.~~

16 ~~(3) The date of issuance and expiration date of the~~  
17 ~~medical cannabis identification card.~~

18 ~~(4) Photo identification of the cardholder.~~

19 ~~(5) Other information that the board may specify in~~  
20 ~~regulations.~~

21 ~~(e) Changes in listed information. A patient who has been~~  
22 ~~issued a medical cannabis identification card must notify the~~  
23 ~~board of a change in the patient's name, address, medical~~  
24 ~~professional, caregiver or change in status of the patient's~~  
25 ~~debilitating medical condition no later than ten days from~~  
26 ~~change or the medical cannabis identification card shall be~~  
27 ~~deemed null and void.~~

28 ~~(f) Right to Know Law. The board shall maintain a~~  
29 ~~confidential list of each person who has been issued a medical~~  
30 ~~cannabis identification card. Individual names and other~~

~~1 identifying information on the list shall be confidential and  
2 shall not be considered a public record under the act of  
3 February 14, 2008 (P.L.6, No.3), known as the Right to Know Law.~~

~~4 The list may not be disclosed except to any of the following:~~

~~5 (1) Authorized employees of the board as necessary to  
6 perform official duties of the board.~~

~~7 (2) Authorized employees of board or bureau, only as  
8 necessary to verify that a person who is engaged in the  
9 suspected or alleged medical use of cannabis is lawfully in  
10 possession of a medical cannabis identification card.~~

~~11 Section 10. Compassionate care center.~~

~~12 (a) Licensing. The board shall license privately owned  
13 nonprofit compassionate care centers. The board shall license a  
14 registered nurse to operate and own a compassionate care center.~~

~~15 (b) Processing or distribution. A compassionate care center  
16 shall maintain records of all cannabis the center processes or  
17 distributes for medical treatment and shall make the records  
18 available for inspection by the board.~~

~~19 (c) Report. Each month, a compassionate care center shall  
20 submit to the board a report which details the amount and what  
21 types of cannabis the center has distributed during the past  
22 month.~~

~~23 (d) Professional setting. A compassionate care center must  
24 be similar in appearance and function as a doctor's office that  
25 dispenses pharmaceuticals. The appearance and function must  
26 conform with regulations promulgated by the board. No medical  
27 cannabis products shall be visible from the exterior or the  
28 entryway of the compassionate care center.~~

~~29 (e) Donation. A compassionate care center may donate usable  
30 medical cannabis concentrate for study and research to a~~

1 ~~postsecondary institution.~~

2 ~~(f) Background check.~~

3 ~~(1) The board shall require a prospective licensee to~~  
4 ~~submit with the application, under 18 Pa.C.S. Ch. 91~~  
5 ~~(relating to criminal history record information), a report~~  
6 ~~of criminal history record information from the Pennsylvania~~  
7 ~~State Police or a statement from the Pennsylvania State~~  
8 ~~Police that the State Police central repository contains no~~  
9 ~~information relating to the prospective licensee.~~

10 ~~(2) The report of criminal history record information~~  
11 ~~shall be less than one year old.~~

12 ~~(3) A violation of the Controlled Substance, Drug,~~  
13 ~~Device and Cosmetic Act or 18 Pa.C.S. (relating to crimes and~~  
14 ~~offenses) relating to marijuana or cannabis may not~~  
15 ~~negatively impact the board's decision regarding the approval~~  
16 ~~of an applicant.~~

17 ~~Section 11. Commercial medical cannabis farm.~~

18 ~~(a) License. The board shall license a farmer to own a~~  
19 ~~commercial medical cannabis farm for the purpose of supplying to~~  
20 ~~licensed commercial medical cannabis manufacturers and~~  
21 ~~compassionate care centers.~~

22 ~~(b) Growing and cultivating cannabis for medical~~  
23 ~~treatment. A commercial medical cannabis farmer must have a~~  
24 ~~contract with a compassionate care center and a commercial~~  
25 ~~medical cannabis manufacturer to supply medical cannabis.~~

26 ~~(c) Records. A commercial medical cannabis farmer must keep~~  
27 ~~detailed records of the medical cannabis the farmer sells to~~  
28 ~~compassionate care centers and shall make the records available~~  
29 ~~for inspection by the board.~~

30 ~~(d) Report. Each month, a commercial medical cannabis~~

1 ~~farmer shall submit to the board a report which details how much~~  
2 ~~and what types of cannabis the farmer has distributed during the~~  
3 ~~past month.~~

4 ~~(e) Donation. A commercial medical cannabis farmer may~~  
5 ~~donate usable medical cannabis to a postsecondary institution~~  
6 ~~for study and research.~~

7 ~~(f) Background check.~~

8 ~~(1) The board shall require a prospective licensee to~~  
9 ~~submit with the application, under 18 Pa.C.S. Ch. 91~~  
10 ~~(relating to criminal history record information), a report~~  
11 ~~of criminal history record information from the Pennsylvania~~  
12 ~~State Police or a statement from the Pennsylvania State~~  
13 ~~Police that the State Police central repository contains no~~  
14 ~~information relating to the prospective licensee.~~

15 ~~(2) The report of criminal history record information~~  
16 ~~shall be less than one year old.~~

17 ~~(3) A violation of the Controlled Substance, Drug,~~  
18 ~~Device and Cosmetic Act or 18 Pa.C.S. (relating to crimes and~~  
19 ~~offenses) relating to marijuana or cannabis may not~~  
20 ~~negatively impact the board's decision regarding the approval~~  
21 ~~of an applicant.~~

22 ~~(g) Personal use. A commercial medical cannabis farmer who~~  
23 ~~has a valid medical cannabis identification card may retain up~~  
24 ~~to 25% of the annual yield for personal use.~~

25 ~~Section 12. Commercial medical cannabis manufacturer.~~

26 ~~(a) License. The board shall license an organic chemist to~~  
27 ~~own a commercial medical cannabis manufacturing facility for the~~  
28 ~~purpose of supplying a compassionate care center with useable~~  
29 ~~medical cannabis concentrate.~~

30 ~~(b) Extraction method. A commercial medical cannabis~~

1 ~~manufacturer may only use the extraction method described under~~  
2 ~~section 14.~~

3 ~~(c) Report. Each month, a commercial medical cannabis~~  
4 ~~manufacturer shall submit to the board a report which details~~  
5 ~~the amount and what types of cannabis the manufacturer has~~  
6 ~~distributed during the past month.~~

7 ~~(d) Donation. A commercial medical cannabis manufacturer~~  
8 ~~may donate medical cannabis transportation services to a~~  
9 ~~postsecondary institution for study and research.~~

10 ~~(e) Background check.~~

11 ~~(1) The board shall require a prospective licensee to~~  
12 ~~submit with the application, under 18 Pa.C.S. Ch. 91~~  
13 ~~(relating to criminal history record information), a report~~  
14 ~~of criminal history record information from the Pennsylvania~~  
15 ~~State Police or a statement from the Pennsylvania State~~  
16 ~~Police that the State Police central repository contains no~~  
17 ~~information relating to the prospective licensee.~~

18 ~~(2) The report of criminal history record information~~  
19 ~~shall be less than one year old.~~

20 ~~(3) A violation of the Controlled Substance, Drug,~~  
21 ~~Device and Cosmetic Act or 18 Pa.C.S. (relating to crimes and~~  
22 ~~offenses) relating to marijuana or cannabis may not~~  
23 ~~negatively impact the board's decision regarding the approval~~  
24 ~~of an applicant.~~

25 ~~Section 13. Commercial medical cannabis transporter.~~

26 ~~(a) License. The board shall license a transportation~~  
27 ~~company with a commercial medical cannabis transportation~~  
28 ~~license for the purpose of transporting useable medical cannabis~~  
29 ~~concentrate.~~

30 ~~(b) Requirements. A commercial medical cannabis transporter~~

1 ~~shall meet the following requirements to the satisfaction of the~~  
2 ~~board:~~

3 ~~(1) Each transportation vehicle shall be unmarked and~~  
4 ~~may not directly or indirectly indicate what is being~~  
5 ~~transported.~~

6 ~~(2) Each transportation vehicle and all equipment used~~  
7 ~~in the process of transportation shall be in compliance with~~  
8 ~~this act.~~

9 ~~(c) Report. Each month, a commercial medical cannabis~~  
10 ~~transporter shall submit to the board a report which details the~~  
11 ~~amount and what types of cannabis the transporter has~~  
12 ~~transported during the past month.~~

13 ~~(d) Donation. A commercial medical cannabis transporter may~~  
14 ~~donate medical cannabis transportation services to a~~  
15 ~~postsecondary institution for study and research.~~

16 ~~(e) Background check.—~~

17 ~~(1) The board shall require a prospective licensee to~~  
18 ~~submit with the application, under 18 Pa.C.S. Ch. 91~~  
19 ~~(relating to criminal history record information), a report~~  
20 ~~of criminal history record information from the Pennsylvania~~  
21 ~~State Police or a statement from the Pennsylvania State~~  
22 ~~Police that the State Police central repository contains no~~  
23 ~~information relating to the prospective licensee.~~

24 ~~(2) The report of criminal history record information~~  
25 ~~shall be less than one year old.~~

26 ~~(3) A violation of the Controlled Substance, Drug,~~  
27 ~~Device and Cosmetic Act or 18 Pa.C.S. (relating to crimes and~~  
28 ~~offenses) relating to marijuana or cannabis may not~~  
29 ~~negatively impact the board's decision regarding the approval~~  
30 ~~of an applicant.~~

1 ~~Section 14. Variety allowed, extraction method and inspection.~~

2 ~~(a) General rule. There shall be no restriction on specific~~  
3 ~~strains of cannabis that can be used for medical purposes under~~  
4 ~~this act.~~

5 ~~(b) Extraction method. A food grade, ethanol based formula~~  
6 ~~method and water methods shall be the only acceptable methods of~~  
7 ~~cannabis extraction in this Commonwealth, unless another method~~  
8 ~~is deemed safer and approved by the board.~~

9 ~~(c) Inspection. The board shall conduct monthly inspections~~  
10 ~~of commercial medical cannabis farms, commercial medical~~  
11 ~~cannabis manufacturers and compassionate care centers to ensure~~  
12 ~~compliance with this act. If a facility is not in compliance~~  
13 ~~with this act, the facility owners shall be fined as determined~~  
14 ~~by the board. A fine may not exceed \$5,000.~~

15 ~~Section 15. Operation of motor vehicles.~~

16 ~~(a) Prohibited operation. A person may not operate, drive~~  
17 ~~navigate or be in actual physical control of the following while~~  
18 ~~under the influence of tetrahydrocannabinol:~~

19 ~~(1) A vehicle.~~

20 ~~(2) An aircraft.~~

21 ~~(3) A motorboat.~~

22 ~~(4) Heavy machinery~~

23 ~~(5) Another mode of transportation that would constitute~~  
24 ~~an offense under 75 Pa.C.S. Ch.38 (relating to drinking after~~  
25 ~~imbibing alcohol or utilizing drugs).~~

26 ~~(b) Prohibited location. No person may smoke cannabis in~~  
27 ~~any of the following locations:-~~

28 ~~(1) A school bus or other form of public transportation.~~

29 ~~(2) On school grounds.~~

30 ~~(3) In a correctional facility.~~

1           ~~(4) At a public park or beach.~~

2           ~~(5) At a recreation center.~~

3           ~~(6) At a place where cigarette smoking is prohibited by~~  
4           ~~law or by organizational policy.~~

5           ~~(c) Vaporization. Smoking cannabis by means of vaporization~~  
6           ~~is permitted in the public domain.~~

7           ~~(d) Violation. A person who commits an act prohibited in~~  
8           ~~this section shall be subject to penalties as provided by law.~~

9           ~~Section 16. Misrepresentation prohibited.~~

10          ~~It shall be a violation of 18 Pa.C.S. § 5503 (relating to~~  
11          ~~disorderly conduct) for a person to fabricate or misrepresent a~~  
12          ~~registry identification card to a law enforcement official.~~

13          ~~Section 17. Funding.~~

14          ~~(a) Board. For fiscal year 2014 2015 and 2015 2016, the~~  
15          ~~Pennsylvania Liquor Control Board shall transfer \$3,000,000 to~~  
16          ~~the board. The board shall promulgate regulations on the~~  
17          ~~spending and accounting method to be used by the board.~~

18          ~~(b) Bureau. Beginning in fiscal year 2014 2015 and~~  
19          ~~continuing each year thereafter, the Pennsylvania State Police~~  
20          ~~shall allocate \$2,000,000 to the bureau.~~

21          ~~(c) Other funding. The board may accept, from a~~  
22          ~~governmental department or agency, public or private body or~~  
23          ~~another source, a grant or contribution to be used to effectuate~~  
24          ~~the purposes of this act.~~

25          ~~Section 18. Reports by board.~~

26          ~~The chair of the board shall report annually to the Governor~~  
27          ~~and the General Assembly as follows:~~

28                 ~~(1) The report may not contain any identifying~~  
29                 ~~information of patients, caregivers or medical professionals.~~

30                 ~~(2) The report shall include all of the following~~



1 ~~information:~~

2 ~~(i) The number of applications for medical cannabis~~  
3 ~~identification cards.~~

4 ~~(ii) The number of patients and caregivers approved.~~

5 ~~(iii) The categories of the debilitating medical~~  
6 ~~conditions of the patients.~~

7 ~~(iv) The number of registry identification cards~~  
8 ~~revoked.~~

9 ~~(v) The number of physicians providing written~~  
10 ~~certifications for patients.~~

11 ~~Section 19. Health insurance.~~

12 ~~Nothing in this act shall be construed to require a State~~  
13 ~~government medical assistance program or private health insurer~~  
14 ~~to reimburse a person for costs associated with the medical use~~  
15 ~~of cannabis or an employer to accommodate the medical use of~~  
16 ~~cannabis in a workplace.~~

17 ~~Section 20. Sovereign immunity.~~

18 ~~The Commonwealth may not be held liable for any deleterious~~  
19 ~~outcomes resulting from the medical use of cannabis by a~~  
20 ~~patient.~~

21 ~~Section 21. Duty of the Pennsylvania State Police.~~

22 ~~The Pennsylvania State Police shall advise the board, bureau~~  
23 ~~and caregivers on effective security measures for the possession~~  
24 ~~and transportation of medical cannabis and shall inspect sites~~  
25 ~~if requested.~~

26 ~~Section 22. Repeals.~~

27 ~~The following shall apply:~~

28 ~~(1) Sections 4 and 13 of act of April 14, 1972 (P.L.233,~~  
29 ~~No.64), known as The Controlled Substance, Drug, Device and~~  
30 ~~Cosmetic Act, are repealed insofar as they are inconsistent~~

1 ~~with this act.~~

2 ~~(2) All acts and parts of acts are repealed insofar as~~  
3 ~~they are inconsistent with this act.~~

4 ~~Section 23. Effective date.~~

5 ~~This act shall take effect in 90 days.~~

6 CHAPTER 1

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7 PRELIMINARY PROVISIONS

8 SECTION 101. SHORT TITLE.

9 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE MEDICAL  
10 CANNABIS ACT.

11 SECTION 102. DEFINITIONS.

12 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL  
13 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
14 CONTEXT CLEARLY INDICATES OTHERWISE:

15 "AUTHORIZED PROVIDER." A PARENT OR GUARDIAN OF A PATIENT  
16 WITH A VALID MEDICAL CANNABIS ACCESS CARD OR AN INDIVIDUAL  
17 EMPLOYED BY A HEALTH CARE FACILITY AND WHO IS AUTHORIZED BY THE  
18 BOARD TO PURCHASE, POSSESS, TRANSPORT AND TRANSFER MEDICAL  
19 CANNABIS FROM A MEDICAL CANNABIS DISPENSER AND PROPERLY  
20 ADMINISTER THE MEDICAL CANNABIS TO THE PATIENT IN ACCORDANCE  
21 WITH THE RECOMMENDATION OF THE PATIENT'S HEALTH CARE  
22 PRACTITIONER.

23 "BOARD." THE STATE BOARD OF MEDICAL CANNABIS LICENSING.

24 "CHANGE IN CONTROL." THE ACQUISITION BY A PERSON OR GROUP OF  
25 PERSONS ACTING IN CONCERT OF MORE THAN 20% OF THE LICENSE.

26 "DEPARTMENT." THE DEPARTMENT OF STATE OF THE COMMONWEALTH.

27 "HEALTH CARE PRACTITIONER." AN INDIVIDUAL AS DEFINED UNDER  
28 SECTION 2 OF THE ACT OF DECEMBER 20, 1985 (P.L.457, NO.112),  
29 KNOWN AS THE MEDICAL PRACTICE ACT OF 1985, WHO IS AUTHORIZED TO  
30 PRESCRIBE SCHEDULE III DRUGS UNDER THE ACT OF APRIL 14, 1972

1 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG,  
2 DEVICE AND COSMETIC ACT.

3 "HEALTH CARE FACILITY." A FACILITY THAT PROVIDES HEALTH CARE  
4 TO PATIENTS AND DOES NOT RECEIVE FEDERAL FUNDING. THE TERM  
5 INCLUDES:

6 (1) A HOSPITAL, AS DEFINED UNDER THE ACT OF JULY 19,  
7 1979 (P.L.130, NO.48), KNOWN AS THE HEALTH CARE FACILITIES  
8 ACT.

9 (2) A CLINIC, TREATMENT FACILITY OR PHYSICIAN'S OFFICE  
10 OPERATED BY THE HOSPITAL.

11 (3) AN AMBULATORY OR SURGICAL FACILITY.

12 (4) A LONG-TERM CARE NURSING FACILITY.

13 (5) A CANCER TREATMENT CENTER.

14 (6) A HOSPICE CARE FACILITY.

15 "MEDICAL CANNABIS." PLANTS CONTAINING CANNABIDIOL,  
16 TETRAHYDROCANNABINOL OR DELTA-9-TETRAHYDROCANNABINOL ACID USED  
17 FOR MEDICAL PURPOSES OR ANY PART OF A CANNABIS PLANT, INCLUDING  
18 CANNABIS PROCESSED BY EXTRACTING OIL FROM THE PLANT. THE TERM  
19 INCLUDES THE DELIVERY OF EXTRACTED OIL, EDIBLE PRODUCTS,  
20 OINTMENTS, TINCTURES AND VAPORIZATION OR ANY OTHER MEDICAL  
21 DEVICE USED TO ADMINISTER MEDICAL CANNABIS TO A PATIENT.

22 "MEDICAL CANNABIS ACCESS CARD." A DOCUMENT ISSUED BY THE  
23 DEPARTMENT OF HEALTH TO AUTHORIZE A PATIENT OR AUTHORIZED  
24 PROVIDER TO PURCHASE AND POSSESS MEDICAL CANNABIS FROM A  
25 LICENSED MEDICAL CANNABIS DISPENSER.

26 "MEDICAL CANNABIS DISPENSER." A FOR-PROFIT OR NONPROFIT  
27 ENTITY LICENSED UNDER SECTION 503 TO DISPENSE MEDICAL CANNABIS.

28 "MEDICAL CANNABIS EMPLOYEE." AN INDIVIDUAL WHO IS ELIGIBLE  
29 TO RECEIVE AN OCCUPATION PERMIT BY MEETING ONE OF THE FOLLOWING:

30 (1) AN INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING:

1 (I) IS EMPLOYED WITH THE AUTHORITY TO MAKE A  
2 DISCRETIONARY DECISION RELATING TO THE GROWING,  
3 PROCESSING OR DISPENSING OF MEDICAL CANNABIS, INCLUDING A  
4 MANAGER, SUPERVISOR OR AN INDIVIDUAL WHO DIRECTLY HANDLES  
5 CANNABIS.

6 (II) IS RESPONSIBLE FOR TRACKING THE AMOUNT AND  
7 TRANSPORTATION OF MEDICAL CANNABIS.

8 (2) ANY OTHER EMPLOYEE POSITION DESIGNATED BY THE BOARD.

9 "MEDICAL CANNABIS GROWER." A FOR-PROFIT OR NONPROFIT ENTITY  
10 LICENSED UNDER SECTION 501 WHO GROWS OR CULTIVATES MEDICAL  
11 CANNABIS FOR DISTRIBUTION TO AUTHORIZED MEDICAL CANNABIS  
12 PROCESSORS AND MEDICAL CANNABIS DISPENSERS IN ACCORDANCE WITH  
13 THIS ACT.

14 "MEDICAL CANNABIS PROCESSOR." A FOR-PROFIT OR NONPROFIT  
15 ENTITY LICENSED UNDER SECTION 502 WHO CAN PURCHASE MEDICAL  
16 CANNABIS FROM A MEDICAL CANNABIS GROWER FOR THE PURPOSE OF  
17 PROCESSING THE MEDICAL CANNABIS AND WHO CAN DISTRIBUTE MEDICAL  
18 CANNABIS TO A MEDICAL CANNABIS DISPENSER AS AUTHORIZED UNDER  
19 THIS ACT.

20 "MEDICAL CANNABIS STRAINS." THE THREE TYPES OF PURE CANNABIS  
21 UTILIZED FOR MEDICAL PURPOSES, CANNABIS SATIVA, CANNABIS INDICA  
22 AND THE COMBINATION OF BOTH CANNABIS SATIVA AND CANNABIS INDICA,  
23 WHICH CREATE A CANNABIS HYBRID.

24 "MEDICAL USE." THE ACQUISITION, POSSESSION OR USE OF MEDICAL  
25 CANNABIS BY A PATIENT, INCLUDING THE USE OF VAPORIZATION IN THE  
26 PUBLIC DOMAIN OR THE ACQUISITION, POSSESSION AND DELIVERY OF  
27 MEDICAL CANNABIS BY AN AUTHORIZED PROVIDER.

28 "OWNER OR OPERATOR." ANY OF THE FOLLOWING:

29 (1) AN OFFICER, PRINCIPAL, OWNER OR DIRECTOR OF THE  
30 MEDICAL CANNABIS GROWER, PROCESSOR OR DISPENSER LICENSED

1 UNDER SECTION 507.

2 (2) A PERSON WHO DIRECTLY HOLDS A BENEFICIAL INTEREST IN  
3 OR HAS A CONTROLLING INTEREST IN AN APPLICANT OR LICENSEE.

4 (3) A PERSON WHO HAS THE ABILITY TO ELECT A MAJORITY OF  
5 THE BOARD OF DIRECTORS OF A LICENSEE OR TO OTHERWISE CONTROL  
6 A LICENSEE.

7 "OCCUPATION PERMIT." A PERMIT ISSUED BY THE BOARD  
8 AUTHORIZING AN INDIVIDUAL TO BE EMPLOYED AS A MEDICAL CANNABIS  
9 EMPLOYEE OF A MEDICAL CANNABIS GROWER, PROCESSOR OR DISPENSER.

10 "PATIENT." AN INDIVIDUAL WHO HAS AN ESTABLISHED  
11 PRACTITIONER-PATIENT RELATIONSHIP AND HAS BEEN DIAGNOSED BY A  
12 HEALTH CARE PRACTITIONER AS HAVING A QUALIFIED MEDICAL  
13 CONDITION.

14 "PRACTITIONER-PATIENT RELATIONSHIP." THE RELATIONSHIP  
15 ESTABLISHED BETWEEN A PATIENT AND HEALTH CARE PRACTITIONER  
16 FOLLOWING AN ASSESSMENT OF THE PATIENT'S MEDICAL HISTORY AND  
17 CURRENT CONDITION AND THE CONDUCT OF A PERSONAL EXAMINATION.

18 "QUALIFIED MEDICAL CONDITION." A MEDICAL CONDITION OR ITS  
19 TREATMENT THAT IS RECOGNIZED BY A LICENSED HEALTH CARE  
20 PRACTITIONER ATTENDING TO A PATIENT AS BEING TREATABLE WITH  
21 MEDICAL CANNABIS IN A MANNER THAT IS RECOMMENDED BY AND UNDER  
22 THE SUPERVISION OF A HEALTH CARE PRACTITIONER WHO HAS  
23 ESTABLISHED A PRACTITIONER-PATIENT RELATIONSHIP WITH THE PATIENT  
24 AND HAS PROVIDED WRITTEN CERTIFICATION IN ORDER TO NOTIFY THE  
25 DEPARTMENT OF HEALTH THAT THE PATIENT IS TO BE ISSUED A MEDICAL  
26 CANNABIS ACCESS CARD AFTER AUTHORIZATION OF THE CERTIFICATION IN  
27 ACCORDANCE WITH SECTION 512.

28 "REGISTERED NURSE." A PERSON LICENSED TO PRACTICE  
29 PROFESSIONAL NURSING UNDER THE ACT OF MAY 22, 1951 (P.L.317,  
30 NO.69), KNOWN AS THE PROFESSIONAL NURSING LAW.

1 "TESTING LABORATORY." AN ACCREDITED CLINICAL LABORATORY OR  
2 TESTING FACILITY LOCATED WITHIN THE COMMONWEALTH, CERTIFIED BY  
3 THE BOARD UNDER SECTION 511.

4 "VAPORIZER." A MEDICAL DEVICE THAT ENABLES THE INHALATION OF  
5 MEDICAL CANNABIS AS A METHOD OF INGESTION, TURNING MEDICAL  
6 CANNABIS INTO VAPOR AND WHERE A NONTOXIC WATER VAPOR IS THE ONLY  
7 BYPRODUCT OF USING MEDICAL CANNABIS THROUGH VAPORIZATION.

8 CHAPTER 3

9 REGULATORY OVERSIGHT

10 SECTION 301. LICENSE.

11 (A) MEDICAL CANNABIS.--A PERSON MAY NOT CONDUCT AN ACTIVITY  
12 RELATED TO THE GROWING, PROCESSING OR DISPENSING OF MEDICAL  
13 CANNABIS UNLESS THE PERSON IS LICENSED BY THE BOARD UNDER THIS  
14 ACT.

15 (B) EMPLOYEE.--A LICENSED MEDICAL CANNABIS GROWER, MEDICAL  
16 CANNABIS PROCESSOR OR MEDICAL CANNABIS DISPENSER MAY NOT EMPLOY  
17 AN INDIVIDUAL TO DIRECTLY PARTICIPATE IN THE GROWING,  
18 PROCESSING, DELIVERY OR DISPENSING OF AUTHORIZED MEDICAL  
19 CANNABIS UNLESS THE INDIVIDUAL RECEIVES AN OCCUPATION PERMIT  
20 FROM THE BOARD UNDER THIS ACT.

21 SECTION 302. STATE BOARD OF MEDICAL CANNABIS LICENSING.

22 (A) ESTABLISHMENT.--THERE IS HEREBY ESTABLISHED THE STATE  
23 BOARD OF MEDICAL CANNABIS LICENSING WITHIN THE DEPARTMENT.

24 (B) COMPOSITION.--THE BOARD SHALL CONSIST OF THE FOLLOWING:

25 (1) THE SECRETARY OF HEALTH.

26 (2) TWO PUBLIC MEMBERS.

27 (3) ONE MEMBER REPRESENTING HOSPITALS.

28 (4) TWO MEMBERS WHO ARE MEDICAL DOCTORS REPRESENTING  
29 SPECIALTIES WHICH UTILIZE MEDICAL CANNABIS TO TREAT PATIENTS.

30 (5) TWO MEMBERS WHO ARE REGISTERED NURSES.

1           (6) THE SECRETARY OF STATE OR A DESIGNEE FROM THE  
2 DEPARTMENT WHO SHALL BE AN EX OFFICIO MEMBER.

3           (7) THE SECRETARY OF PUBLIC WELFARE OR A DESIGNEE FROM  
4 THE DEPARTMENT OF PUBLIC WELFARE WHO SHALL BE AN EX OFFICIO  
5 MEMBER.

6           (8) COMMISSIONER OF THE BUREAU OF PROFESSIONAL AND  
7 OCCUPATIONAL AFFAIRS.

8           (C) MEETINGS.--THE BOARD SHALL MEET WITHIN 30 DAYS OF THE  
9 CONFIRMATION OF THE INITIAL MEMBER AND SHALL:

10           (1) ESTABLISH PROCEDURES TO OPERATE THE BOARD.

11           (2) DEVELOP APPLICATIONS AND OTHER FORMS FOR LICENSURE  
12 AND OCCUPATION PERMITS AND ENFORCEMENT OF THIS ACT AND  
13 CERTIFICATIONS FOR TESTING LABORATORIES.

14           (3) PROMULGATE REGULATIONS, AS NECESSARY, TO IMPLEMENT  
15 AND ENFORCE THIS ACT.

16           (D) TERM.--EACH PROFESSIONAL AND PUBLIC MEMBER SHALL BE  
17 APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF A  
18 MAJORITY OF THE SENATE. EACH MEMBER SHALL:

19           (1) BE A CITIZEN OF THE UNITED STATES AND A RESIDENT OF  
20 THIS COMMONWEALTH.

21           (2) EXCEPT AS PROVIDED IN SUBSECTION (E), SERVE A TERM  
22 OF FOUR YEARS OR UNTIL A SUCCESSOR HAS BEEN APPOINTED AND  
23 QUALIFIED, WHICH MAY NOT BE LONGER THAN SIX MONTHS BEYOND THE  
24 FOUR-YEAR PERIOD.

25           (3) NOT BE ELIGIBLE TO SERVE MORE THAN TWO CONSECUTIVE  
26 TERMS.

27           (4) NOT HOLD ANY OTHER PUBLIC OFFICE DURING THEIR TERM  
28 ON THE BOARD.

29           (E) INITIAL APPOINTMENTS.--FOR EACH MEMBER INITIALLY  
30 APPOINTED TO THE BOARD, THE TERM OF OFFICE SHALL BE AS FOLLOWS:

1 (1) THREE MEMBERS SHALL SERVE FOR A TERM OF FOUR YEARS.

2 (2) TWO MEMBERS SHALL SERVE FOR A TERM OF THREE YEARS.

3 (3) TWO MEMBERS SHALL SERVE FOR A TERM OF TWO YEARS.

4 (F) QUORUM.--A MAJORITY OF THE MEMBERS OF THE BOARD SHALL  
5 CONSTITUTE A QUORUM. EACH MEMBER MUST BE PHYSICALLY IN  
6 ATTENDANCE TO BE COUNTED AS PART OF A QUORUM OR TO VOTE ON AN  
7 ISSUE. A MAJORITY OF THE MEMBERS PRESENT SHALL BE NECESSARY FOR  
8 A VOTE TO BE CONSIDERED BINDING.

9 (G) CHAIRPERSON.--THE BOARD SHALL ANNUALLY SELECT A  
10 CHAIRPERSON FROM THE MEMBERS OF THE BOARD.

11 (H) EXPENSES.--WITH THE EXCEPTION OF THE COMMISSIONER OF THE  
12 BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS, THE SECRETARY  
13 OF HEALTH, THE SECRETARY OF STATE OR A DESIGNEE FROM THE  
14 DEPARTMENT, THE SECRETARY OF PUBLIC WELFARE OR A DESIGNEE FROM  
15 THE DEPARTMENT OF PUBLIC WELFARE, EACH MEMBER OF THE BOARD SHALL  
16 RECEIVE \$100 PER DIEM WHEN ATTENDING TO THE WORK OF THE BOARD. A  
17 MEMBER SHALL ALSO RECEIVE THE AMOUNT OF REASONABLE TRAVEL, HOTEL  
18 AND OTHER NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THE  
19 MEMBER'S DUTIES IN ACCORDANCE WITH COMMONWEALTH REGULATIONS.

20 (I) FORFEITURE.--A MEMBER WHO FAILS TO ATTEND THREE  
21 CONSECUTIVE MEETINGS SHALL FORFEIT THE MEMBER'S SEAT UNLESS THE  
22 CHAIRMAN, UPON WRITTEN REQUEST FROM THE MEMBER, FINDS THAT THE  
23 MEMBER SHOULD BE EXCUSED BECAUSE OF ILLNESS OR DEATH OF A FAMILY  
24 MEMBER.

25 (J) FREQUENCY OF MEETINGS.--THE BOARD SHALL MEET AT LEAST  
26 ONCE PER MONTH FOR THE FIRST 12 MONTHS INCLUDING AND AFTER THE  
27 INITIAL MEETING REQUIRED BY SECTION 302(C). AFTER THE FIRST  
28 TWELVE MONTHS FOLLOWING THE ESTABLISHMENT OF THE BOARD, THE  
29 BOARD SHALL MEET AT LEAST SIX TIMES A YEAR AND MAY MEET AT  
30 ADDITIONAL TIMES AS NECESSARY TO CONDUCT THE BUSINESS OF THE



1 BOARD.

2 SECTION 303. POWERS AND DUTIES OF THE BOARD.

3 THE BOARD SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

4 (1) TO PROVIDE FOR AND REGULATE THE LICENSING OF THE  
5 FOLLOWING:

6 (I) A MEDICAL CANNABIS GROWER AS USED IN SECTION  
7 501.

8 (II) A MEDICAL CANNABIS PROCESSOR AS USED IN SECTION  
9 502.

10 (III) A MEDICAL CANNABIS DISPENSER AS USED IN  
11 SECTION 503.

12 (2) TO ISSUE OCCUPATION PERMITS TO MEDICAL CANNABIS  
13 EMPLOYEES.

14 (3) TO ISSUE CERTIFICATIONS TO TESTING LABORATORIES AS  
15 USED IN SECTION 511.

16 (4) TO ISSUE, DENY, RENEW, REINSTATE OR REFUSE TO RENEW,  
17 SUSPEND AND TO REVOKE LICENSES, CERTIFICATIONS OF TESTING  
18 LABORATORIES AND OCCUPATION PERMITS IN ACCORDANCE WITH THIS  
19 ACT.

20 (5) TO ADMINISTER AND ENFORCE THE PROVISIONS OF THIS  
21 ACT.

22 (6) TO INVESTIGATE AND CONDUCT BACKGROUND CHECKS FOR  
23 EACH APPLICATION FOR A LICENSE OR OCCUPATION PERMIT TO  
24 DETERMINE THE FITNESS AND ELIGIBILITY OF AN INDIVIDUAL  
25 APPLYING FOR A LICENSE OR OCCUPATION PERMIT.

26 (7) TO ESTABLISH FEES FOR APPLICATION AND RENEWAL OF  
27 LICENSES AND OCCUPATION PERMITS AND THE DUE DATES FOR ALL  
28 FEES.

29 (8) TO PROMULGATE AND ENFORCE REGULATIONS, NOT  
30 INCONSISTENT WITH THIS ACT, NECESSARY TO CARRY OUT THE

1 PROVISIONS OF THIS ACT. EXCEPT AS PROVIDED FOR IN SECTION  
2 5101(B), REGULATIONS SHALL BE ADOPTED IN CONFORMITY WITH ALL  
3 OF THE FOLLOWING:

4 (I) THE ACT OF JULY 31, 1968 (P.L.769, NO.240),  
5 REFERRED TO AS THE COMMONWEALTH DOCUMENTS LAW.

6 (II) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181),  
7 KNOWN AS THE REGULATORY REVIEW ACT.

8 (9) TO KEEP MINUTES AND RECORDS OF EACH TRANSACTION AND  
9 PROCEEDING.

10 (10) TO PROVIDE STANDARDS FOR THE APPEARANCE OF  
11 DISPENSERS TO ENSURE A PROFESSIONAL ATMOSPHERE.

12 (11) TO PROMULGATE REGULATIONS:

13 (I) IN REGARDS TO CHILDPROOF CONTAINERS, PACKAGING,  
14 TRACKING, LABELING AND TESTING.

15 (II) PROVIDING FOR THE DEVELOPMENT OF A SYSTEM TO  
16 ENSURE A MEDICAL CANNABIS DISPENSER CAN AUTHORIZE A  
17 PATIENT'S MEDICAL CANNABIS ACCESS CARD.

18 (III) PROHIBITING THE BOARD FROM LIMITING, CHANGING  
19 OR RESTRICTING THE DEFINITION OF A QUALIFIED MEDICAL  
20 CONDITION.

21 (IV) ENSURING THE DIVERSITY OF MEDICAL CANNABIS  
22 THROUGH ESTABLISHING A MEDICAL CANNABIS STRAIN AND BRAND  
23 REGISTRY.

24 (12) TO DEVELOP REGULAR INSPECTION SCHEDULES, INCLUDING  
25 UNANNOUNCED INSPECTION, OF ALL MEDICAL CANNABIS GROWERS,  
26 PROCESSORS AND DISPENSERS.

27 (13) TO SUBMIT ANNUALLY TO THE DEPARTMENT AN ESTIMATE OF  
28 FINANCIAL REQUIREMENTS OF THE BOARD FOR THE BOARD'S  
29 ADMINISTRATIVE, LEGAL AND OTHER EXPENSES.

30 (14) TO SUBMIT AN ANNUAL REPORT TO THE SENATE AND THE

1 HOUSE OF REPRESENTATIVES REGARDING THE ACTIVITY OF THE BOARD.

2 (15) TO PROMULGATE REGULATIONS WITHIN THE COMMONWEALTH,  
3 AS TO ALLOW ACCREDITED RESEARCH INSTITUTIONS, UNIVERSITIES  
4 AND COLLEGES RECOGNIZED BY THE COMMONWEALTH TO STUDY AND  
5 RESEARCH THE HEALTH BENEFITS OF MEDICAL CANNABIS.

6 (16) TO PROMULGATE REGULATIONS TO PROHIBIT THE COST FOR  
7 MEDICAL CANNABIS FROM EXCEEDING 110% OF THE AVERAGE WHOLESALE  
8 PRICE OF THE PRODUCT.

9 (17) TO PROMULGATE AND ENFORCE REGULATIONS IN  
10 CONSULTATION WITH CANNABIS INFLORESCENCE, CANNABIS SPP.  
11 STANDARDS OF IDENTITY, ANALYSIS AND QUALITY CONTROL PUBLISHED  
12 BY THE AMERICAN HERBAL PHARMACOPEIA, NOT INCONSISTENT WITH  
13 THIS ACT AS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS  
14 ACT.

15 SECTION 304. SUBPOENA POWER.

16 THE GENERAL COUNSEL OF THE COMMONWEALTH, OR THE GENERAL  
17 COUNSEL'S DESIGNEE, SHALL HAVE THE POWER TO ISSUE A SUBPOENA ON  
18 BEHALF OF THE BOARD IN DISCIPLINARY AND LICENSING MATTERS BEFORE  
19 THE BOARD IN ORDER TO INVESTIGATE AN ALLEGED VIOLATION IN  
20 ACCORDANCE WITH THE FOLLOWING:

21 (1) THE POWER SHALL NOT APPLY TO PATIENT RECORDS WITHOUT  
22 ORDER OF A COURT OF COMPETENT JURISDICTION SHOWING THAT THE  
23 RECORDS ARE REASONABLY NECESSARY FOR THE CONDUCT OF AN  
24 INVESTIGATION.

25 (2) THE COURT MAY IMPOSE LIMITATIONS ON THE SCOPE OF A  
26 SUBPOENA AS NECESSARY TO PREVENT UNNECESSARY INTRUSION INTO  
27 PATIENT CONFIDENTIAL INFORMATION.

28 (3) THE ATTORNEY REPRESENTING THE COMMONWEALTH IN A  
29 DISCIPLINARY MATTER BEFORE THE BOARD MAY APPLY TO  
30 COMMONWEALTH COURT TO ENFORCE THE SUBPOENAS.

1 (4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO EXCUSE  
2 A PERSON FROM PRODUCING DOCUMENTS AND RECORDS AS REQUESTED BY  
3 THE BOARD UNDER ANY OTHER PROVISION OF LAW.

4 SECTION 305. HEARING EXAMINERS.

5 (A) APPOINTMENT.--THE COMMISSIONER OF THE BUREAU OF  
6 PROFESSIONAL AND OCCUPATIONAL AFFAIRS, AFTER CONSULTATION WITH  
7 THE BOARD, SHALL APPOINT HEARING EXAMINERS AS NECESSARY TO  
8 CONDUCT HEARINGS IN DISCIPLINARY MATTERS BEFORE THE BOARD.

9 (B) REGULATION.--REGULATIONS PROMULGATED BY THE BOARD SHALL  
10 INCLUDE THE PROCEDURAL RULES TO BE FOLLOWED BY HEARING EXAMINERS  
11 UNDER THIS ACT. EACH PROCEEDING SHALL BE CONDUCTED IN ACCORDANCE  
12 WITH 2 PA.C.S. (RELATING TO ADMINISTRATIVE LAW AND PROCEDURE).

13 (C) POWERS.--A HEARING EXAMINER SHALL HAVE THE FOLLOWING  
14 POWERS:

15 (1) TO CONDUCT HEARINGS.

16 (2) TO ISSUE SUBPOENAS REQUIRING:

17 (I) THE ATTENDANCE AND TESTIMONY OF INDIVIDUALS.

18 (II) THE PRODUCTION OF PERTINENT RECORDS OR OTHER  
19 PAPERS BY PERSONS WHOM THE EXAMINER BELIEVES HAVE  
20 INFORMATION RELEVANT TO MATTERS PENDING BEFORE THE  
21 EXAMINER.

22 (3) TO ISSUE DECISIONS.

23 SECTION 306. CIVIL PENALTIES.

24 (A) AUTHORIZATION.--THE BOARD SHALL ADOPT A SCHEDULE OF  
25 CIVIL PENALTIES FOR OPERATING WITHOUT A CURRENT, REGISTERED,  
26 UNSUSPENDED AND UNREVOKED LICENSE OR OCCUPATION PERMIT AND FOR  
27 VIOLATIONS OF THIS ACT. THE SCHEDULE SHALL BE PUBLISHED IN THE  
28 PENNSYLVANIA BULLETIN.

29 (B) IMPOSITION.--AN AGENT OF THE BOARD MAY ISSUE CITATIONS  
30 AND IMPOSE PENALTIES FOR A VIOLATION OF THIS CHAPTER. A PENALTY

1 MAY BE APPEALED TO A HEARING EXAMINER OR THE BOARD PURSUANT TO  
2 REGULATIONS PROMULGATED BY THE BOARD. IF THE MATTER IS INITIALLY  
3 REFERRED TO A HEARING EXAMINER, THE BOARD SHALL RENDER A  
4 DECISION ON AN EXCEPTION TO THE DECISION OF THE HEARING EXAMINER  
5 OR ON ANY APPLICATIONS FOR REVIEW UNDER 2 PA.C.S. (RELATING TO  
6 ADMINISTRATIVE LAW AND PROCEDURE).

7 (C) BOARD SANCTION.--

8 (1) IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW,  
9 THE BOARD MAY IMPOSE THE FOLLOWING SANCTIONS ON A LICENSEE:

10 (I) REVOCATION OF THE LICENSE OF A PERSON CONVICTED  
11 OF A CRIMINAL OFFENSE OR VIOLATION OF THIS ACT OR  
12 REGULATIONS OF THE BOARD WHICH WOULD DISQUALIFY THE  
13 HOLDER FROM GROWING, PROCESSING OR DISPENSING MEDICAL  
14 CANNABIS.

15 (II) REVOCATION OF THE LICENSE OF A PERSON FOR  
16 WILLFULLY AND KNOWINGLY VIOLATING OR ATTEMPTING TO  
17 VIOLATE AN ORDER OF THE BOARD DIRECTED TO THE PERSON.

18 (III) REVOCATION OF AN OCCUPATION PERMIT OF A PERSON  
19 FOR WILLFULLY AND KNOWINGLY VIOLATING OR ATTEMPTING TO  
20 VIOLATE AN ORDER OF THE BOARD DIRECTED TO THE PERSON.

21 (IV) SUSPENSION OF THE LICENSE OR OCCUPATION PERMIT  
22 OF A PERSON PENDING THE OUTCOME OF A HEARING IN A CASE IN  
23 WHICH A LICENSE, OCCUPATION PERMIT OR CERTIFICATION  
24 REVOCATION COULD RESULT.

25 (V) SUSPENSION OF THE LICENSE OF A LICENSED GROWER,  
26 PROCESSOR OR DISPENSER FOR A VIOLATION OR ATTEMPT TO  
27 VIOLATE ANY PROVISIONS OF THIS ACT.

28 (VI) ASSESSMENT OF AN ADMINISTRATIVE PENALTY AS  
29 NECESSARY TO ADDRESS MISCONDUCT AND DETER FUTURE  
30 VIOLATIONS.

1 (VII) ORDERING OF RESTITUTION OF FUNDS OR PROPERTY  
2 UNLAWFULLY OBTAINED OR RETAINED BY A LICENSEE.

3 (VIII) ENTRANCE OF A CEASE AND DESIST ORDER WHICH  
4 SPECIFIES THE CONDUCT WHICH IS TO BE DISCONTINUED,  
5 ALTERED OR IMPLEMENTED BY THE LICENSEE.

6 (IX) ISSUANCE OF A LETTER OF REPRIMAND OR CENSURE,  
7 WHICH SHALL BE MADE A PERMANENT PART OF THE FILE OF EACH  
8 LICENSEE OR OCCUPATION PERMIT HOLDER.

9 (2) IF THE BOARD REFUSES TO ISSUE OR RENEW A LICENSE OR  
10 OCCUPATION PERMIT OR IMPOSES A PENALTY UNDER PARAGRAPH (1),  
11 THE BOARD SHALL PROVIDE THE APPLICANT, LICENSEE OR PERMIT  
12 HOLDER WITH WRITTEN NOTIFICATION OF THE DECISION, INCLUDING A  
13 STATEMENT OF THE REASONS FOR THE DECISION BY CERTIFIED MAIL  
14 WITHIN FIVE BUSINESS DAYS OF THE DECISION OF THE BOARD. THE  
15 APPLICANT, LICENSEE OR PERMITTEE SHALL HAVE THE RIGHT TO  
16 APPEAL THE DECISION IN ACCORDANCE WITH 2 PA.C.S. CHS. 5  
17 (RELATING TO PRACTICE AND PROCEDURE) AND 7 (RELATING TO  
18 JUDICIAL REVIEW).

19 (3) A PERSON WHO AIDS, ABETS, COUNSELS, INDUCES,  
20 PROCURES OR CAUSES ANOTHER PERSON TO VIOLATE THIS ACT SHALL  
21 BE SUBJECT TO ALL SANCTIONS AND PENALTIES PROVIDED UNDER THIS  
22 SUBSECTION.

23 (D) ADDITIONAL POWERS.--IN ADDITION TO THE PENALTIES UNDER  
24 SUBSECTIONS (B) AND (C), THE BOARD SHALL HAVE THE POWER TO DO  
25 THE FOLLOWING:

26 (1) LEVY A CIVIL PENALTY OF NOT MORE THAN \$25,000 FOR A  
27 VIOLATION OF THIS ACT.

28 (2) IMPOSE A CIVIL PENALTY OF UP TO \$15,000 PER  
29 VIOLATION IF A PERSON AIDS AND ABETS THE UNLICENSED GROWING,  
30 PROCESSING, DISTRIBUTION OR DISPENSING OF MEDICAL CANNABIS.

1 THE PENALTY MAY NOT BE LEVIED AGAINST A PERSON SOLELY AS A  
2 CONSEQUENCE OF THAT PERSON BEING A PATIENT OF THE UNLICENSED  
3 PERSON.

4 (3) ASSESS AGAINST A RESPONDENT DETERMINED TO BE IN  
5 VIOLATION OF THIS ACT THE COSTS OF INVESTIGATION UNDERLYING  
6 THAT DISCIPLINARY ACTION. THE COST OF INVESTIGATION SHALL NOT  
7 INCLUDE COSTS INCURRED BY THE BOARD AFTER THE FILING OF  
8 FORMAL ACTIONS OR DISCIPLINARY CHARGES AGAINST A RESPONDENT.

9 (E) JUDGMENT.--A CIVIL PENALTY IMPOSED UNDER THIS SECTION  
10 SHALL BE A JUDGMENT IN FAVOR OF THE BOARD UPON THE PERSON OR  
11 PROPERTY OF THE PERSON UPON WHOM THE CIVIL PENALTY IS IMPOSED.  
12 THE ATTORNEY GENERAL SHALL BE RESPONSIBLE FOR ENFORCING THE  
13 JUDGMENTS IN COURTS OF COMPETENT JURISDICTION IN ACCORDANCE WITH  
14 THE PROVISIONS OF 42 PA.C.S. (RELATING TO JUDICIARY AND JUDICIAL  
15 PROCEDURE).

16 SECTION 307. CONFIDENTIALITY.

17 (A) GENERAL RULE.--INVESTIGATIVE RECORDS OF THE BOARD,  
18 INCLUDING PROSECUTORIAL MEMOS AND TRANSCRIPTS OF DEPOSITION ON  
19 BEHALF OF THE BOARD OR CONCERNING A LICENSURE-RELATED COMPLAINT  
20 FILED WITH THE DEPARTMENT, SHALL BE CONFIDENTIAL AND PRIVILEGED.  
21 THE FOLLOWING SHALL APPLY:

22 (1) NO PERSON WHO HAS INVESTIGATED OR HAS ACCESS TO OR  
23 CUSTODY OF DOCUMENTS, MATERIALS OR INFORMATION WHICH IS  
24 CONFIDENTIAL AND PRIVILEGED UNDER THIS SECTION MAY BE  
25 REQUIRED TO TESTIFY IN A JUDICIAL OR ADMINISTRATIVE  
26 PROCEEDING WITHOUT THE WRITTEN CONSENT OF THE BOARD UNLESS  
27 DIRECTED TO DO SO BY A COURT OF COMPETENT JURISDICTION.

28 (2) THIS SUBSECTION SHALL NOT PRECLUDE OR LIMIT  
29 INTRODUCTION OF THE CONTENTS OF AN INVESTIGATIVE FILE OR  
30 RELATED WITNESS TESTIMONY IN A HEARING OR PROCEEDING BEFORE

1 THE BOARD.

2 (3) THIS SECTION SHALL NOT APPLY TO A LETTER OR OTHER  
3 DOCUMENT TO A LICENSEE OR OCCUPATION PERMIT HOLDER THAT  
4 DISCLOSES THE FINAL OUTCOME OF AN INVESTIGATION OR TO A FINAL  
5 ADJUDICATION OR ORDER OF THE BOARD.

6 (B) DISCLOSURE PERMITTED.---EXCEPT AS PROVIDED IN SUBSECTION  
7 (A), THIS SECTION SHALL NOT PREVENT DISCLOSURE OF DOCUMENTS,  
8 MATERIALS OR INFORMATION PERTAINING TO THE STATUS OF A LICENSE  
9 OR OCCUPATION PERMIT OR THE SHARING OF INFORMATION WITH LAW  
10 ENFORCEMENT OFFICIALS OR SIMILAR REGULATORY BOARDS IN OTHER  
11 JURISDICTIONS. A VIOLATION OF THIS SECTION SHALL SUBJECT AN  
12 EMPLOYEE OR AGENT OF THE BOARD TO ADMINISTRATIVE DISCIPLINE,  
13 INCLUDING DISCHARGE, SUSPENSION OR OTHER FORMAL OR APPROPRIATE  
14 DISCIPLINARY ACTION.

15 (C) AFFIDAVIT.---EACH EMPLOYEE OR AGENT OF THE BOARD MUST  
16 EXECUTE A CONFIDENTIALITY AFFIDAVIT WHICH PROVIDES THAT  
17 DOCUMENTS, MATERIALS OR INFORMATION IN SUBSECTION (A) OBTAINED  
18 BY THE EMPLOYEE OR AGENT SHALL BE CONSIDERED CONFIDENTIAL AND  
19 MAY BE DISCLOSED ONLY AS PERMITTED UNDER THIS SECTION.

20 (D) WAIVER.--THE BOARD MAY NOT REQUIRE AN APPLICANT TO WAIVE  
21 ANY CONFIDENTIALITY UNDER THIS SECTION AS A CONDITION FOR THE  
22 APPROVAL OF A LICENSE OR OTHER ACTION OF THE BOARD.

23 CHAPTER 5

24 LICENSING

25 SECTION 501. MEDICAL CANNABIS GROWERS.

26 (A) LICENSING.--THE BOARD SHALL LICENSE MEDICAL CANNABIS  
27 GROWERS TO SUPPLY MEDICAL CANNABIS FOR DISTRIBUTION TO MEDICAL  
28 CANNABIS PROCESSORS AND MEDICAL CANNABIS DISPENSERS UNDER THIS  
29 ACT.

30 (B) IMPOSITION.--AT THE TIME OF LICENSE ISSUANCE, THE BOARD



1 SHALL IMPOSE A LICENSING FEE IN THE AMOUNT OF \$5,000. THE BOARD  
2 SHALL IMPOSE A \$2,500 ANNUAL RENEWAL FEE FOR EACH YEAR  
3 IMMEDIATELY FOLLOWING THE YEAR THE LICENSE WAS ISSUED.

4 (C) TERM.--UPON PAYMENT OF THE FEE UNDER SUBSECTION (B), A  
5 GROWER'S LICENSE SHALL BE IN EFFECT UNLESS SUSPENDED, REVOKED OR  
6 NOT RENEWED BY THE BOARD FOR GOOD CAUSE.

7 (D) UPDATE.--A LICENSEE UNDER THIS SECTION MUST NOTIFY THE  
8 BOARD OF A CHANGE RELATING TO THE STATUS OF ITS LICENSE OR OTHER  
9 INFORMATION CONTAINED IN ITS APPLICATION AND OTHER INFORMATION  
10 FILED WITH THE BOARD.

11 (E) DEPOSIT.--THE FEE UNDER SUBSECTION (B) SHALL BE  
12 DEPOSITED INTO THE GENERAL FUND.

13 (F) RESTRICTION.--THERE SHALL BE NO RESTRICTION ON SPECIFIC  
14 STRAINS OF MEDICAL CANNABIS THAT MAY BE GROWN UNDER THIS ACT.  
15 THERE SHALL BE NO USE OF GENETICALLY MODIFIED ORGANISMS OR AN  
16 ORGANISM WHOSE GENETIC MATERIAL HAS BEEN ALTERED USING GENETIC  
17 ENGINEERING INVOLVED IN THE CULTIVATION OF MEDICAL CANNABIS.

18 (G) REQUIREMENTS.--A MEDICAL CANNABIS GROWER SHALL DO ALL OF  
19 THE FOLLOWING:

20 (1) ONLY GROW MEDICAL CANNABIS USING CONVENTIONAL  
21 GROWING METHODS ON LAND OR IN A FACILITY APPROVED BY THE  
22 BOARD.

23 (2) CONDUCT QUALITY TESTING UTILIZING A TESTING  
24 LABORATORY CERTIFIED BY THE BOARD AND SUBMIT TO RANDOM  
25 TESTING OF MEDICAL CANNABIS CONDUCTED BY THE BOARD.

26 (3) PACKAGE AND LABEL MEDICAL CANNABIS PRODUCTS IN  
27 ACCORDANCE WITH 3 PA.C.S. CH. 57 (RELATING TO FOOD  
28 PROTECTION) AND REGULATIONS OF THE BOARD.

29 (4) ONLY TRANSPORT, SELL OR DELIVER MEDICAL CANNABIS TO  
30 A MEDICAL CANNABIS PROCESSOR, A TESTING LABORATORY OR TO A

1 MEDICAL CANNABIS DISPENSER.

2 (5) MAINTAIN RECORDS OF ALL SALES AND OTHER ACTIVITIES  
3 AS REQUIRED BY THE BOARD.

4 (H) EXCHANGE.--THE BOARD SHALL PROMULGATE REGULATIONS FOR  
5 THE EXCHANGE OF SEED AND PLANT MATERIALS WITH GROWERS.

6 SECTION 502. MEDICAL CANNABIS PROCESSORS.

7 (A) LICENSING.--THE BOARD SHALL LICENSE MEDICAL CANNABIS  
8 PROCESSORS TO PROCESS MEDICAL CANNABIS INTO OIL-BASED MEDICAL  
9 CANNABIS PRODUCTS.

10 (B) IMPOSITION.--AT THE TIME OF LICENSE ISSUANCE, THE BOARD  
11 SHALL IMPOSE A LICENSING FEE IN THE AMOUNT OF \$10,000. THE BOARD  
12 SHALL IMPOSE A \$5,000 ANNUAL RENEWAL FEE FOR EACH YEAR  
13 IMMEDIATELY FOLLOWING THE YEAR THE LICENSE WAS ISSUED.

14 (C) TERM.--UPON PAYMENT OF THE FEE UNDER SUBSECTION (B), A  
15 PROCESSOR'S LICENSE SHALL BE IN EFFECT UNLESS SUSPENDED, REVOKED  
16 OR NOT RENEWED BY THE BOARD FOR GOOD CAUSE.

17 (D) UPDATE.--A LICENSEE UNDER THIS SECTION MUST NOTIFY THE  
18 BOARD OF A CHANGE RELATING TO THE STATUS OF ITS LICENSE OR OTHER  
19 INFORMATION CONTAINED IN ITS APPLICATION AND OTHER INFORMATION  
20 FILED WITH THE BOARD.

21 (E) DEPOSIT.--THE FEE UNDER SUBSECTION (B) SHALL BE  
22 DEPOSITED INTO THE GENERAL FUND.

23 (F) REQUIREMENTS.--A MEDICAL CANNABIS PROCESSOR SHALL DO ALL  
24 OF THE FOLLOWING:

25 (1) ONLY USE EXTRACTION AND PROCESSING METHODS APPROVED  
26 BY THE BOARD.

27 (2) CONDUCT QUALITY TESTING UTILIZING AN ACCREDITED  
28 TESTING LABORATORY APPROVED BY THE BOARD AND SUBMIT TO RANDOM  
29 TESTING CONDUCTED BY THE BOARD.

30 (3) ONLY SELL, TRANSPORT OR DELIVER MEDICAL CANNABIS TO

1 A TESTING LABORATORY OR TO A MEDICAL CANNABIS DISPENSER.

2 (4) CONDUCT PROCESSING ACTIVITIES IN FACILITIES APPROVED  
3 BY THE BOARD.

4 (5) MAINTAIN RECORDS OF ALL SALES AND OTHER ACTIVITIES  
5 AS REQUIRED BY THE BOARD.

6 SECTION 503. MEDICAL CANNABIS DISPENSERS.

7 (A) LICENSING.--THE BOARD SHALL LICENSE MEDICAL CANNABIS  
8 DISPENSERS TO ACCEPT MEDICAL CANNABIS ACCESS CARDS AND DISPENSE  
9 MEDICAL CANNABIS TO A PATIENT WITH A QUALIFYING MEDICAL  
10 CONDITION IN ACCORDANCE WITH A HEALTH CARE PRACTITIONER'S  
11 INSTRUCTIONS.

12 (B) IMPOSITION.--AT THE TIME OF LICENSE ISSUANCE, THE BOARD  
13 SHALL IMPOSE A LICENSING FEE IN THE AMOUNT OF \$15,000. THE BOARD  
14 SHALL IMPOSE A \$7,500 ANNUAL RENEWAL FEE FOR EACH YEAR  
15 IMMEDIATELY FOLLOWING THE YEAR THE LICENSE WAS ISSUED.

16 (C) TERM.--UPON PAYMENT OF THE FEE UNDER SUBSECTION (B), A  
17 DISPENSER'S LICENSE SHALL BE IN EFFECT UNLESS SUSPENDED, REVOKED  
18 OR NOT RENEWED BY THE BOARD FOR GOOD CAUSE.

19 (D) UPDATE.--A LICENSEE UNDER THIS SECTION MUST NOTIFY THE  
20 BOARD OF A CHANGE RELATING TO THE STATUS OF ITS LICENSE OR OTHER  
21 INFORMATION CONTAINED IN ITS APPLICATION AND OTHER INFORMATION  
22 FILED WITH THE BOARD.

23 (E) DEPOSIT.--THE FEE UNDER SUBSECTION (B) SHALL BE  
24 DEPOSITED INTO THE GENERAL FUND.

25 (F) REQUIREMENTS.--A MEDICAL CANNABIS DISPENSER SHALL DO ALL  
26 OF THE FOLLOWING:

27 (1) MAINTAIN A SYSTEM TO VERIFY MEDICAL CANNABIS ACCESS  
28 CARDS.

29 (2) MAINTAIN A RECORD OF ALL MEDICAL CANNABIS DISPENSED.  
30 EACH RECORD SHALL INCLUDE:

1 (I) THE NAME OF THE HOLDER OF THE MEDICAL CANNABIS  
2 ACCESS CARD.

3 (II) THE AMOUNT OF MEDICAL CANNABIS DISPENSED.

4 (III) THE DATE OF EACH DISPENSING TO THE CARDHOLDER.

5 (3) PROVIDE REPORTS AS REQUIRED BY THE BOARD RELATING TO  
6 AMOUNTS DISPENSED.

7 (4) MAINTAIN A PHYSICAL PREMISES THAT MEETS THE  
8 REGULATIONS OF THE BOARD. MEDICAL CANNABIS MAY NOT BE VISIBLE  
9 FROM THE ENTRY WAY TO AN INDIVIDUAL WHO IS NOT AN OCCUPATION-  
10 PERMITTED EMPLOYEE, OWNER OR OPERATOR OF THE LICENSED  
11 PREMISES.

12 (5) MAINTAIN A SECURITY SYSTEM AS REQUIRED BY THE BOARD.

13 (6) ADOPT ACCOUNTABILITY MEASURES RELATING TO THE  
14 REQUEST OF MEDICAL CANNABIS FROM A MEDICAL CANNABIS GROWER OR  
15 PROCESSOR.

16 (7) PROVIDE FOR THE SUPERVISION OF THE DISPENSING OF  
17 MEDICAL CANNABIS AT ALL TIMES BY A REGISTERED NURSE.

18 (8) DISPLAY APPROPRIATE SIGNAGE AS REQUIRED BY THE  
19 BOARD.

20 SECTION 504. APPLICATIONS.

21 (A) APPLICATION.--AN APPLICATION FOR A GROWER, PROCESSOR OR  
22 DISPENSER LICENSE MUST BE SUBMITTED ON A FORM AND IN A MANNER AS  
23 REQUIRED BY THE BOARD. IN REVIEWING AN APPLICATION, THE BOARD  
24 SHALL CONFIRM THAT ALL APPLICABLE FEES HAVE BEEN PAID.

25 (B) INFORMATION.--AN APPLICANT FOR A GROWER, PROCESSOR OR  
26 DISPENSER LICENSE UNDER THIS ACT MUST DO ALL OF THE FOLLOWING:

27 (1) DISCLOSE THE FOLLOWING INFORMATION:

28 (I) EACH ARREST AND CITATION FOR A NONTRAFFIC  
29 SUMMARY OFFENSE OF THE APPLICANT.

30 (II) THE NAME, ADDRESS AND PHOTOGRAPH OF THE

1           APPLICANT AND EACH PRINCIPAL AND THE PRINCIPAL'S POSITION  
2           WITHIN THE CORPORATION OR ORGANIZATION.

3           (III) ANY FINANCIAL INFORMATION REQUIRED BY THE  
4           BOARD.

5           (IV) THE PROPOSED LOCATION OF THE GROWING,  
6           PROCESSING OR DISPENSING OPERATION.

7           (V) THE DETAILS OF EACH LOAN OBTAINED TO FINANCE THE  
8           GROWING, PROCESSING OR DISPENSING OPERATION.

9           (VI) ANY OTHER INFORMATION REQUIRED BY THE BOARD.

10          (2) CONSENT TO THE CONDUCT OF A BACKGROUND INVESTIGATION  
11          BY THE BOARD, THE SCOPE OF WHICH SHALL BE DETERMINED BY THE  
12          BOARD CONSISTENT WITH THIS ACT. CONSENT SHALL INCLUDE A  
13          RELEASE SIGNED BY EACH PERSON SUBJECT TO THE INVESTIGATION OF  
14          INFORMATION REQUIRED TO COMPLETE THE INVESTIGATION.

15          (C) REFUSAL.--A REFUSAL TO PROVIDE THE INFORMATION REQUIRED  
16          UNDER THIS SECTION OR TO CONSENT TO A BACKGROUND INVESTIGATION  
17          SHALL RESULT IN THE IMMEDIATE DENIAL OF A LICENSE.

18          (D) CHARACTER REQUIREMENTS.--EACH APPLICATION FOR A GROWER,  
19          PROCESSOR OR DISPENSER LICENSE SHALL INCLUDE INFORMATION,  
20          DOCUMENTATION AND ASSURANCE REQUIRED TO ESTABLISH BY CLEAR AND  
21          CONVINCING EVIDENCE THAT THE APPLICANT IS A PERSON OF GOOD  
22          CHARACTER, HONESTY AND INTEGRITY AND IS ELIGIBLE AND SUITABLE TO  
23          BE AN OWNER OR OPERATOR. INFORMATION SHALL INCLUDE INFORMATION  
24          PERTAINING TO ASSOCIATES DURING THE TEN-YEAR PERIOD IMMEDIATELY  
25          PRECEDING THE FILING DATE OF THE APPLICATION.

26          SECTION 505. LOCATION.

27          (A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED UNDER THIS  
28          ACT, EACH GROWER, PROCESSOR AND DISPENSER LICENSE SHALL BE VALID  
29          FOR THE SPECIFIC PHYSICAL LOCATION WITHIN THE MUNICIPALITY AND  
30          COUNTY FOR WHICH IT WAS ORIGINALLY GRANTED. A PERSON MAY NOT

1 DISTRIBUTE MEDICAL CANNABIS FROM A LOCATION OTHER THAN A  
2 LICENSED FACILITY.

3 (B) ZONING.--THE FOLLOWING SHALL APPLY:

4 (1) THE GROWING OF MEDICAL CANNABIS SHALL BE CLASSIFIED  
5 AS A NORMAL AGRICULTURAL OPERATION AS DEFINED UNDER SECTION 2  
6 OF THE ACT OF JUNE 10, 1982 (P.L.454, NO.133), REFERRED TO AS  
7 THE RIGHT-TO-FARM LAW.

8 (2) FACILITIES FOR THE MANUFACTURING, PREPARATION AND  
9 PRODUCTION OF MEDICAL CANNABIS SHALL MEET THE SAME MUNICIPAL  
10 ZONING AND LAND USE REQUIREMENTS AS OTHER MANUFACTURING,  
11 PREPARATION AND PRODUCTION FACILITIES.

12 (3) FACILITIES FOR THE DISPENSING OF MEDICAL CANNABIS  
13 SHALL MEET THE SAME MUNICIPAL ZONING AND LAND USE  
14 REQUIREMENTS AS OTHER COMMERCIAL FACILITIES.

15 (C) PETITION.--AN APPLICANT OR HOLDER OF A LICENSE UNDER  
16 THIS ACT MAY PETITION THE BOARD TO RELOCATE ITS FACILITY. IN  
17 DETERMINING WHETHER TO GRANT A PETITION TO RELOCATE, THE BOARD  
18 SHALL DO ALL OF THE FOLLOWING:

19 (1) EVALUATE THE PROPOSED NEW LOCATION AND THE REASON  
20 FOR RELOCATION.

21 (2) EVALUATE COMMUNITY SUPPORT AND COMPLIANCE WITH LOCAL  
22 ORDINANCES.

23 (3) CONSIDER ANY OTHER INFORMATION SUBMITTED BY THE  
24 PETITIONER OR REQUIRED BY THE BOARD.

25 SECTION 506. CHANGE IN OWNERSHIP.

26 THE FOLLOWING APPLY TO NOTIFICATION AND APPROVAL:

27 (1) A MEDICAL CANNABIS GROWER, PROCESSOR OR DISPENSER  
28 MUST NOTIFY THE BOARD UPON BECOMING AWARE OF A PROPOSED OR  
29 CONTEMPLATED CHANGE OF OWNERSHIP OR CONTROL OF THE LICENSEE.  
30 THE NEW OWNER MUST PAY A LICENSING FEE AS DETERMINED BY THE

1 BOARD.

2 (2) THE PURCHASER OF THE ASSETS OF A MEDICAL CANNABIS  
3 GROWER, PROCESSOR OR DISPENSER MUST INDEPENDENTLY QUALIFY FOR  
4 A LICENSE IN ACCORDANCE WITH THIS ACT AND MUST PAY THE  
5 LICENSE FEE REQUIRED UNDER THIS CHAPTER.

6 (3) IF THE OWNERSHIP OF THE OPERATION OF A LICENSED  
7 GROWER, PROCESSOR OR DISPENSER OR ITS AFFILIATE IS CHANGED,  
8 THE NEW OWNER MUST PAY THE ANNUAL RENEWAL FEE FOR EACH  
9 APPLICABLE LICENSE.

10 SECTION 507. LICENSING OF OWNER OR OPERATOR.

11 (A) LICENSE REQUIRED.--EACH OWNER OR OPERATOR SHALL OBTAIN  
12 AN OWNER OR OPERATOR LICENSE FROM THE BOARD.

13 (B) APPLICATION.--A OWNER OR OPERATOR LICENSE APPLICATION  
14 SHALL BE IN A FORM PRESCRIBED BY THE BOARD AND SHALL INCLUDE THE  
15 FOLLOWING:

16 (1) VERIFICATION OF STATUS AS AN OWNER OR OPERATOR FROM  
17 A MEDICAL CANNABIS DISPENSER, GROWER OR PROCESSOR.

18 (2) A DESCRIPTION OF RESPONSIBILITIES AS AN OWNER OR  
19 OPERATOR.

20 (3) EACH RELEASE NECESSARY TO OBTAIN INFORMATION FROM  
21 GOVERNMENTAL AGENCIES, EMPLOYERS AND OTHER ORGANIZATIONS.

22 (4) FINGERPRINTS, WHICH SHALL BE SUBMITTED TO THE  
23 PENNSYLVANIA STATE POLICE. THE PENNSYLVANIA STATE POLICE  
24 SHALL SUBMIT FINGERPRINT DATA TO AND RECEIVE NATIONAL  
25 CRIMINAL HISTORY RECORD INFORMATION FROM THE FEDERAL BUREAU  
26 OF INVESTIGATION FOR USE IN INVESTIGATING AN APPLICANT FOR AN  
27 OWNER OR OPERATOR LICENSE.

28 (5) A PHOTOGRAPH THAT MEETS THE STANDARDS OF THE  
29 COMMONWEALTH PHOTO IMAGING NETWORK.

30 (6) DETAILS RELATING TO A SIMILAR LICENSE, PERMIT OR

1 OTHER AUTHORIZATION OBTAINED IN ANOTHER JURISDICTION.

2 (7) ANY ADDITIONAL INFORMATION REQUIRED BY THE BOARD.

3 (C) ISSUANCE.--FOLLOWING REVIEW OF THE APPLICATION AND THE  
4 BACKGROUND INVESTIGATION, THE BOARD MAY ISSUE AN OWNER OR  
5 OPERATOR LICENSE IF THE APPLICANT HAS PROVEN BY CLEAR AND  
6 CONVINCING EVIDENCE THAT THE APPLICANT IS A PERSON OF GOOD  
7 CHARACTER, HONESTY AND INTEGRITY AND IS ELIGIBLE AND SUITABLE TO  
8 BE LICENSED AS AN OWNER OR OPERATOR.

9 (D) NONTRANSFERABILITY.--A LICENSE ISSUED UNDER THIS SECTION  
10 SHALL BE NONTRANSFERABLE.

11 (E) OWNER OR OPERATOR.--AN INDIVIDUAL WHO RECEIVES AN OWNER  
12 OR OPERATOR LICENSE NEED NOT OBTAIN AN OCCUPATION PERMIT.  
13 SECTION 508. OCCUPATION PERMIT FOR MEDICAL CANNABIS EMPLOYEES  
14 AND CERTAIN AUTHORIZED PROVIDERS.

15 (A) PERMIT REQUIRED.--EACH MEDICAL CANNABIS EMPLOYEE, AND  
16 EACH AUTHORIZED PROVIDER WHO IS NOT A PARENT OR GUARDIAN OF A  
17 PATIENT, SHALL OBTAIN AN OCCUPATION PERMIT FROM THE BOARD.

18 (B) APPLICATION.--AN OCCUPATION PERMIT APPLICATION SHALL BE  
19 IN A FORM PRESCRIBED BY THE BOARD AND SHALL INCLUDE THE  
20 FOLLOWING:

21 (1) VERIFICATION OF ONE OF THE FOLLOWING:

22 (I) THE STATUS AS AN OCCUPATION PERMIT HOLDER FROM A  
23 MEDICAL CANNABIS GROWER, PROCESSOR OR DISPENSER.

24 (II) FROM A HEALTH CARE FACILITY THAT THE AUTHORIZED  
25 PROVIDER IS AN EMPLOYEE DESIGNATED TO PURCHASE, POSSESS,  
26 TRANSPORT, DELIVER AND PROPERLY ADMINISTER MEDICAL  
27 CANNABIS TO A PATIENT WITH A MEDICAL CANNABIS ACCESS CARD  
28 WHO IS UNABLE TO OBTAIN THE MEDICAL CANNABIS.

29 (2) A DESCRIPTION OF EMPLOYMENT RESPONSIBILITIES.

30 (3) EACH RELEASE NECESSARY TO OBTAIN INFORMATION FROM



1 GOVERNMENTAL AGENCIES, EMPLOYERS AND OTHER ORGANIZATIONS.

2 (4) FINGERPRINTS, WHICH SHALL BE SUBMITTED TO THE  
3 PENNSYLVANIA STATE POLICE. THE PENNSYLVANIA STATE POLICE  
4 SHALL SUBMIT FINGERPRINT DATA TO AND RECEIVE NATIONAL  
5 CRIMINAL HISTORY RECORD INFORMATION FROM THE FEDERAL BUREAU  
6 OF INVESTIGATION FOR USE IN INVESTIGATING AN APPLICANT FOR AN  
7 OCCUPATION PERMIT.

8 (5) A PHOTOGRAPH THAT MEETS THE STANDARDS OF THE  
9 COMMONWEALTH PHOTO IMAGING NETWORK.

10 (6) DETAILS RELATING TO A SIMILAR LICENSE, PERMIT OR  
11 OTHER AUTHORIZATION OBTAINED IN ANOTHER JURISDICTION.

12 (7) ANY ADDITIONAL INFORMATION REQUIRED BY THE BOARD.

13 (C) ISSUANCE.--FOLLOWING REVIEW OF THE APPLICATION AND THE  
14 BACKGROUND INVESTIGATION, THE BOARD MAY ISSUE AN OCCUPATION  
15 PERMIT IF THE APPLICANT HAS PROVEN BY CLEAR AND CONVINCING  
16 EVIDENCE THAT THE APPLICANT IS A PERSON OF GOOD CHARACTER,  
17 HONESTY AND INTEGRITY AND IS ELIGIBLE AND SUITABLE TO BE AN  
18 OCCUPATION PERMIT HOLDER.

19 (D) NONTRANSFERABILITY.--AN OCCUPATION PERMIT ISSUED UNDER  
20 THIS SECTION SHALL BE NONTRANSFERABLE.

21 SECTION 509. STORAGE AND TRANSPORTATION.

22 THE BOARD SHALL DEVELOP REGULATIONS RELATING TO THE STORAGE  
23 AND TRANSPORTATION OF MEDICAL CANNABIS BETWEEN GROWERS,  
24 PROCESSORS, TESTING LABORATORIES AND MEDICAL CANNABIS DISPENSERS  
25 WHICH ENSURE ADEQUATE SECURITY TO GUARD AGAINST IN-TRANSIT  
26 LOSSES. THE REGULATIONS SHALL PROVIDE FOR THE FOLLOWING:

27 (1) REQUIREMENTS RELATING TO SHIPPING CONTAINERS AND  
28 PACKAGING.

29 (2) THE MANNER IN WHICH TRAILERS OR CARRIERS WILL BE  
30 SECURED.

1 (3) SECURITY SYSTEMS THAT INCLUDE A NUMBERED SEAL ON THE  
2 TRAILER.

3 (4) OBTAINING COPIES OF DRIVER'S LICENSES AND  
4 REGISTRATIONS.

5 (5) USE OF GPS SYSTEMS.

6 (6) NUMBER OF DRIVERS OR OTHER SECURITY REQUIRED TO  
7 ENSURE AGAINST STORAGE OR IN-TRANSIT LOSSES.

8 (7) RECORD KEEPING FOR DELIVERY AND RECEIPT OF MEDICAL  
9 CANNABIS PRODUCTS.

10 SECTION 510. DISPOSAL AND DONATION.

11 (A) DISPOSAL.--THE BOARD SHALL PROMULGATE REGULATIONS  
12 RELATING TO DISPOSAL OF MEDICAL CANNABIS BY MEDICAL CANNABIS  
13 GROWERS, PROCESSORS, DISPENSERS AND LAW ENFORCEMENT.

14 (B) DONATION.--A MEDICAL CANNABIS DISPENSER, GROWER AND  
15 PROCESSOR MAY DONATE MEDICAL CANNABIS THAT HAS BEEN PURCHASED OR  
16 PRODUCED AND TESTED IN THIS COMMONWEALTH IN ACCORDANCE WITH THIS  
17 ACT AND IS IN NEW AND UNOPENED CONDITION AND CAN ONLY BE DONATED  
18 FOR RESEARCHING PURPOSES TO AN ACCREDITED RESEARCH INSTITUTION,  
19 UNIVERSITY OR COLLEGE WITHIN THIS COMMONWEALTH AND RECOGNIZED BY  
20 THE COMMONWEALTH.

21 SECTION 511. TESTING LABORATORIES.

22 (A) CERTIFICATION.--THE BOARD MAY CERTIFY AN ACCREDITED  
23 LABORATORY TO TEST MEDICAL CANNABIS AS REQUIRED BY THE BOARD.

24 (B) REQUIREMENT.--A MEDICAL CANNABIS GROWER AND A MEDICAL  
25 CANNABIS PROCESSOR MUST UTILIZE A CERTIFIED LABORATORY TO TEST  
26 THE QUALITY OF MEDICAL CANNABIS BEFORE THE SALE OR TRANSACTION  
27 OF MEDICAL CANNABIS IS MADE AS REQUIRED BY THE BOARD.

28 SECTION 512. MEDICAL CANNABIS ACCESS CARD.

29 (A) DEPARTMENT OF HEALTH.--A PATIENT WITH A QUALIFIED  
30 MEDICAL CONDITION MAY APPLY TO THE DEPARTMENT OF HEALTH FOR A

1 MEDICAL CANNABIS ACCESS CARD.

2 (B) APPLICATION.--AN APPLICATION FOR A MEDICAL CANNABIS  
3 ACCESS CARD SHALL BE DEVELOPED BY THE DEPARTMENT OF HEALTH.  
4 APPLICATIONS FOR RENEWAL SHALL BE REQUIRED ON AN ANNUAL BASIS.  
5 AN AUTHORIZED PROVIDER MAY OBTAIN A MEDICAL CANNABIS ACCESS CARD  
6 ON BEHALF OF A PATIENT.

7 (C) CERTIFICATION.--APPLICATIONS AND RENEWALS MUST INCLUDE  
8 WRITTEN CERTIFICATION FROM A HEALTH CARE PRACTITIONER THAT THE  
9 APPLICANT HAS A QUALIFIED MEDICAL CONDITION.

10 (D) VERIFICATION.--THE DEPARTMENT OF HEALTH SHALL VERIFY THE  
11 INFORMATION IN THE APPLICATION AND RENEWAL FORM. VERIFICATION  
12 SHALL INCLUDE VERIFICATION OF THE CERTIFICATION UNDER SUBSECTION  
13 (C).

14 (E) TIME.--THE DEPARTMENT MUST APPROVE OR DENY AN  
15 APPLICATION WITHIN 30 BUSINESS DAYS.

16 (F) DENIAL.--A DENIAL MUST STATE THE REASON FOR THE DENIAL.  
17 A DENIAL SHALL BE CONSIDERED A FINAL AGENCY DECISION SUBJECT TO  
18 REVIEW UNDER 2 PA.C.S. (RELATING TO ADMINISTRATIVE LAW AND  
19 PROCEDURE).

20 (G) FEE.--THE DEPARTMENT SHALL CHARGE AN APPLICATION FEE OF  
21 NOT MORE THAN \$100.

22 (H) RESIDENCY.--A PATIENT MUST RESIDE IN THIS COMMONWEALTH  
23 TO RECEIVE A MEDICAL CANNABIS ACCESS CARD.

24 (I) RECIPROCITY.--A PATIENT REGISTERED IN ANOTHER MEDICAL  
25 CANNABIS STATE MAY SUBMIT TO THE DEPARTMENT THE PATIENT'S  
26 CREDENTIALS TO UTILIZE MEDICAL CANNABIS. AFTER THE DEPARTMENT  
27 AUTHORIZES THE PATIENT'S CREDENTIALS, THE DEPARTMENT SHALL ISSUE  
28 THE PATIENT A MEDICAL CANNABIS ACCESS CARD ALLOWING THE PATIENT  
29 TO UTILIZE MEDICAL CANNABIS IN THIS COMMONWEALTH.

30 (J) ISSUANCE TO AUTHORIZED PROVIDER.--IF AN AUTHORIZED

1 PROVIDER IS NO LONGER EMPLOYED WITH A RECOGNIZED HEALTH CARE  
2 FACILITY, THE AUTHORIZED PROVIDER'S MEDICAL CANNABIS ACCESS CARD  
3 SHALL BE MADE IMMEDIATELY NULL AND VOID. A HEALTH CARE FACILITY  
4 THAT EMPLOYS AN AUTHORIZED PROVIDER TO PICK UP AND ADMINISTER  
5 MEDICAL CANNABIS TO ITS PATIENTS SHALL NOTIFY THE DEPARTMENT OF  
6 HEALTH IMMEDIATELY UPON THE TERMINATION OF THE AUTHORIZED  
7 PROVIDER'S EMPLOYMENT.

8 (K) RIGHT-TO-KNOW LAW.--

9 (1) THE DEPARTMENT OF HEALTH SHALL MAINTAIN A  
10 CONFIDENTIAL LIST OF EACH INDIVIDUAL IDENTIFIED BY THE  
11 INDIVIDUAL'S MEDICAL CANNABIS ACCESS CARD WHO HAS BEEN ISSUED  
12 A MEDICAL CANNABIS ACCESS CARD. OTHER IDENTIFYING INFORMATION  
13 ON THE LIST SHALL BE CONFIDENTIAL AND SHALL NOT BE CONSIDERED  
14 A PUBLIC RECORD UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6,  
15 NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW. THE LIST MAY NOT BE  
16 DISCLOSED EXCEPT TO ANY OF THE FOLLOWING:

17 (I) AUTHORIZED EMPLOYEES OF THE BOARD AS NECESSARY  
18 TO PERFORM OFFICIAL DUTIES OF THE BOARD AND DEPARTMENT OF  
19 HEALTH.

20 (II) AUTHORIZED EMPLOYEES OF THE BOARD AND  
21 DEPARTMENT OF HEALTH, ONLY AS NECESSARY TO VERIFY THAT A  
22 PERSON WHO IS ENGAGED IN THE SUSPECTED OR ALLEGED MEDICAL  
23 USE OF CANNABIS IS LAWFULLY IN POSSESSION OF A MEDICAL  
24 CANNABIS ACCESS CARD.

25 (2) THIS SECTION SHALL APPLY TO THE DEPARTMENT OF HEALTH  
26 AND THE BOARD.

27 SECTION 513. PROHIBITIONS AND USE.

28 (A) PROHIBITIONS.--

29 (1) NO INDIVIDUAL SHALL SMOKE MEDICAL CANNABIS IN THE  
30 PUBLIC DOMAIN.

1 (2) NO INDIVIDUAL MAY OPERATE, DRIVE, NAVIGATE OR BE IN  
2 PHYSICAL CONTROL OF ANY OF THE FOLLOWING WHILE UNDER THE  
3 INFLUENCE WITH A BLOOD CONTENT OF MORE THAN 10 NANOGRAMS OF  
4 TETRAHYDROCANNABIS OF MEDICAL CANNABIS:

5 (I) A MOTOR VEHICLE.

6 (II) AN AIRCRAFT.

7 (III) A MOTOR BOAT.

8 (IV) HEAVY MACHINERY.

9 (V) A MODE OF TRANSPORTATION IN A MANNER THAT WOULD  
10 CONSTITUTE AN OFFENSE UNDER 75 PA.C.S. CH. 38 (RELATING  
11 TO DRIVING AFTER IMBIBING ALCOHOL OR UTILIZING DRUGS).

12 (3) AN INDIVIDUAL WITH A VALID MEDICAL CANNABIS ACCESS  
13 CARD SHALL NOT BE DETERMINED TO BE UNDER THE INFLUENCE OF  
14 MEDICAL CANNABIS SOLELY FOR HAVING MEDICAL CANNABIS IN THE  
15 INDIVIDUAL'S SYSTEM.

16 (B) USE.--EXCEPT AS PROVIDED UNDER SUBSECTIONS (A) AND (C),  
17 AN INDIVIDUAL WITH A VALID MEDICAL CANNABIS ACCESS CARD MAY  
18 UTILIZE MEDICAL CANNABIS IN ANY PUBLIC PLACE, INCLUDING THE  
19 FOLLOWING:

20 (I) PUBLIC TRANSPORTATION.

21 (II) ON SCHOOL GROUNDS IN ACCORDANCE WITH THE  
22 DEPARTMENT OF EDUCATION REGULATIONS REGARDING MEDICATION  
23 ON SCHOOL GROUNDS.

24 (III) IN A CORRECTIONAL FACILITY IN ACCORDANCE WITH  
25 THE DEPARTMENT OF CORRECTIONS REGULATIONS REGARDING  
26 MEDICATIONS IN CORRECTIONAL FACILITIES.

27 (IV) AT A PUBLIC PARK OR PUBLIC BEACH.

28 (C) VAPORIZATION.--COMBUSTING AND INHALING MEDICAL CANNABIS  
29 BY MEANS OF VAPORIZATION IS PERMITTED IN THE PUBLIC DOMAIN.

30 (D) ADULTERATION.--WITH THE EXCEPTION OF EXTRACTION METHODS

1 AND PROCESSING OPERATIONS APPROVED BY THE BOARD, A PERSON MAY  
2 NOT ADULTERATE, FORTIFY, CONTAMINATE OR CHANGE THE CHARACTER OR  
3 PURITY OF MEDICAL CANNABIS FROM THE ORIGINAL SOLD BY A LICENSE  
4 MEDICAL CANNABIS GROWER, PROCESSOR OR DISPENSER.

5 SECTION 514. UNLAWFUL ACTIVITIES.

6 (A) LICENSING.--IT SHALL BE A CRIMINAL OFFENSE TO  
7 INTENTIONALLY OR KNOWINGLY DO ANY OF THE FOLLOWING:

8 (1) GROW, PROCESS OR DISPENSE MEDICAL CANNABIS WITHOUT A  
9 LICENSE UNDER THIS ACT.

10 (2) TRANSPORT MEDICAL CANNABIS FROM OR BETWEEN AN  
11 UNLICENSED GROWER, PROCESSOR OR DISPENSER.

12 (3) PARTICIPATE IN THE GROWING, PROCESSING OR DISPENSING  
13 OF MEDICAL CANNABIS IN VIOLATION OF THIS ACT.

14 (4) FAIL TO REPORT, PAY OR TRUTHFULLY ACCOUNT FOR AND  
15 PAY ANY LICENSE FEE, AUTHORIZATION FEE OR AN ASSESSMENT  
16 IMPOSED UNDER THIS ACT.

17 (5) VIOLATE ANY REGULATION OF THE BOARD.

18 (B) FALSE SWEARING.--THE PROVISIONS OF 18 PA.C.S. SECTION  
19 4902 (RELATING TO PERJURY), 4903 (RELATING TO FALSE SWEARING) OR  
20 4904 (RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES) SHALL  
21 APPLY TO A PERSON PROVIDING INFORMATION OR MAKING AN ORAL OR  
22 WRITTEN STATEMENT TO THE BOARD, A COMMONWEALTH AGENCY OR TO LAW  
23 ENFORCEMENT IN RELATION TO THE ENFORCEMENT OF THIS ACT.

24 SECTION 515. CRIMINAL PENALTIES AND FINES.

25 (A) OFFENSE.--EXCEPT AS PROVIDED UNDER SUBSECTIONS (B) AND  
26 (C), A VIOLATION OF THE ACT SHALL BE GRADED AS A MISDEMEANOR OF  
27 THE SECOND DEGREE.

28 (B) UNAUTHORIZED ACTIONS.--A MEDICAL CANNABIS GROWER,  
29 PROCESSOR OR DISPENSER THAT DISTRIBUTES, GIVES, SELLS OR  
30 PROVIDES MEDICAL CANNABIS TO A PERSON OTHER THAN A PERSON

1 AUTHORIZED UNDER THIS ACT COMMITS A FELONY OF THE THIRD DEGREE.

2 (C) INDIVIDUAL.--AN INDIVIDUAL WHO FALSIFIES AN APPLICATION  
3 OR CERTIFICATION UNDER SECTION 511 COMMITS A MISDEMEANOR OF THE  
4 FIRST DEGREE.

5 (D) OTHER VIOLATIONS.--A PERSON THAT IS CONVICTED OF A  
6 SECOND OR SUBSEQUENT VIOLATION OF THIS ACT COMMITS A FELONY OF  
7 THE THIRD DEGREE.

8 CHAPTER 7

9 MEDICAL CANNABIS

10 SECTION 701. MEDICAL USE PERMITTED.

11 (A) FREEDOM FROM ARREST, PROSECUTION OR PENALTY.--

12 (1) AN INDIVIDUAL WHO POSSESSES A VALID MEDICAL CANNABIS  
13 ACCESS CARD SHALL NOT BE SUBJECT TO ARREST, PROSECUTION,  
14 PENALTY, DENIAL OF A RIGHT OR PRIVILEGE, CIVIL PENALTY OR  
15 DISCIPLINARY ACTION BY A PROFESSIONAL LICENSING BOARD DUE TO  
16 THE USE OF MEDICAL CANNABIS IN ACCORDANCE WITH THIS ACT. LAW  
17 ENFORCEMENT PERSONNEL MAY NOT UNREASONABLY DETAIN, QUESTION  
18 OR ARREST A PATIENT WITH A VALID MEDICAL CANNABIS ACCESS  
19 CARD.

20 (2) THERE SHALL EXIST A REBUTTABLE PRESUMPTION THAT AN  
21 INDIVIDUAL IS USING MEDICAL CANNABIS IF THE INDIVIDUAL  
22 POSSESSES A VALID MEDICAL CANNABIS ACCESS CARD. THE  
23 PRESUMPTION MAY BE REBUTTED BY EVIDENCE THAT CONDUCT RELATED  
24 TO MEDICAL CANNABIS WAS NOT RELATED TO A PATIENT'S QUALIFIED  
25 MEDICAL CONDITION.

26 (3) AN INDIVIDUAL MAY ASSERT THE USE OF MEDICAL CANNABIS  
27 AS AN AFFIRMATIVE DEFENSE TO A PROSECUTION INVOLVING MEDICAL  
28 CANNABIS UNLESS THE INDIVIDUAL WAS IN VIOLATION OF THIS ACT  
29 WHEN THE EVENTS GIVING RISE TO THE PROSECUTION OCCURRED. THE  
30 DEFENSE SHALL BE PRESUMED VALID IF THE EVIDENCE SHOWS ONE OF

1 THE FOLLOWING:

2 (I) MEDICAL RECORDS AND CURRENT MEDICAL CONDITION  
3 MADE IN THE COURSE OF A PRACTITIONER-PATIENT RELATIONSHIP  
4 INDICATE THE POTENTIAL BENEFITS OF MEDICAL CANNABIS WOULD  
5 LIKELY OUTWEIGH HEALTH RISKS.

6 (II) A HEALTH CARE PRACTITIONER AFFIRMED THAT IN THE  
7 HEALTH CARE PRACTITIONER'S OPINION, AFTER FULL ASSESSMENT  
8 OF THE PATIENT'S MEDICAL HISTORY AND CURRENT MEDICAL  
9 CONDITION, THE POTENTIAL BENEFITS OF MEDICAL CANNABIS  
10 WOULD OUTWEIGH THE HEALTH RISKS.

11 (4) POSSESSION OF OR APPLICATION FOR A MEDICAL CANNABIS  
12 ACCESS CARD MAY NOT ALONE CONSTITUTE PROBABLE CAUSE TO SEARCH  
13 A PERSON, THE PERSON'S PROPERTY OR OTHERWISE SUBJECT THE  
14 PERSON OR PROPERTY TO INSPECTION BY A GOVERNMENTAL AGENCY.

15 (5) LAW ENFORCEMENT OFFICIALS MAY NOT DESTROY, DAMAGE OR  
16 ALTER AN INDIVIDUAL'S SUPPLY OF MEDICAL CANNABIS IF THE  
17 INDIVIDUAL IS IN POSSESSION OF A VALID MEDICAL CANNABIS  
18 ACCESS CARD.

19 (B) PATIENTS UNDER 18 YEARS OF AGE.--SUBSECTION (A) DOES NOT  
20 APPLY TO A PATIENT UNDER 18 YEARS OF AGE UNLESS ALL OF THE  
21 FOLLOWING HAVE OCCURRED:

22 (1) THE MINOR'S HEALTH CARE PRACTITIONER HAS EXPLAINED  
23 TO THE MINOR AND THE MINOR'S CUSTODIAL PARENT, GUARDIAN OR  
24 PERSON HAVING LEGAL CUSTODY THE POTENTIAL RISKS AND BENEFITS  
25 OF MEDICAL CANNABIS.

26 (2) THE CUSTODIAL PARENT, GUARDIAN OR PERSON HAVING  
27 LEGAL CUSTODY CONSENTS IN WRITING TO:

28 (I) ALLOW THE MINOR'S USE OF MEDICAL CANNABIS.

29 (II) SERVE AS THE MINOR'S AUTHORIZED PROVIDER.

30 (III) CONTROL THE ACQUISITION, DOSAGE AND FREQUENCY



1 OF THE MINOR'S USE OF MEDICAL CANNABIS.

2 (C) IMMUNITY OF AUTHORIZED PROVIDER.--

3 (1) AN AUTHORIZED PROVIDER WHO HAS POSSESSION OF A VALID  
4 MEDICAL CANNABIS ACCESS CARD SHALL NOT BE SUBJECT TO  
5 DETRIMENTAL ACTION INCLUDING ARREST, PROSECUTION, PENALTY,  
6 DENIAL OF A RIGHT OR PRIVILEGE, CIVIL PENALTY OR DISCIPLINARY  
7 ACTION BY A PROFESSIONAL LICENSING BOARD FOR ASSISTING A  
8 PATIENT TO WHOM THE AUTHORIZED PROVIDER IS CONNECTED THROUGH  
9 THE BOARD'S REGISTRATION PROCESS WITH MEDICAL CANNABIS. LAW  
10 ENFORCEMENT PERSONNEL MAY NOT UNREASONABLY DETAIN, QUESTION  
11 OR ARREST OR REPEATEDLY DETAIN, QUESTION OR ARREST AN  
12 AUTHORIZED PROVIDER FOR ASSISTING THE PATIENT.

13 (2) THERE SHALL EXIST A REBUTTABLE PRESUMPTION THAT AN  
14 AUTHORIZED PROVIDER IS ENGAGED IN MEDICAL CANNABIS USE IF THE  
15 AUTHORIZED PROVIDER POSSESSES A VALID MEDICAL CANNABIS ACCESS  
16 CARD. THE PRESUMPTION MAY BE REBUTTED BY EVIDENCE THAT  
17 CONDUCT RELATED TO CANNABIS WAS NOT FOR THE PURPOSE OF  
18 ALLEVIATING THE SYMPTOMS OR EFFECTS OF A PATIENT'S QUALIFIED  
19 MEDICAL CONDITION.

20 (3) AN AUTHORIZED PROVIDER MAY ASSERT THE MEDICAL USE OF  
21 CANNABIS AS AN AFFIRMATIVE DEFENSE TO A PROSECUTION INVOLVING  
22 MEDICAL CANNABIS UNLESS THE AUTHORIZED PROVIDER WAS IN  
23 VIOLATION OF THIS SECTION WHEN THE EVENTS GIVING RISE TO THE  
24 PROSECUTION OCCURRED. THE DEFENSE SHALL BE PRESUMED VALID IF  
25 THE EVIDENCE SHOWS EITHER OF THE FOLLOWING AT THE TIME OF THE  
26 EVENTS GIVING RISE TO THE PROSECUTION:

27 (I) THE PATIENT'S MEDICAL RECORDS AND CURRENT  
28 MEDICAL CONDITION MADE IN THE COURSE OF A PRACTITIONER-  
29 PATIENT RELATIONSHIP INDICATE THE POTENTIAL BENEFITS OF  
30 MEDICAL CANNABIS WOULD OUTWEIGH THE HEALTH RISKS FOR THE

1 PATIENT.

2 (II) A HEALTH CARE PRACTITIONER STATED THAT IN THE  
3 HEALTH CARE PRACTITIONER'S OPINION, AFTER COMPLETING A  
4 FULL ASSESSMENT OF THE PATIENT'S MEDICAL HISTORY AND  
5 CURRENT MEDICAL CONDITION, POTENTIAL BENEFITS OF MEDICAL  
6 CANNABIS WOULD LIKELY OUTWEIGH THE HEALTH RISKS FOR THE  
7 PATIENT.

8 (4) POSSESSION OF OR APPLICATION FOR A MEDICAL CANNABIS  
9 ACCESS CARD SHALL NOT ALONE CONSTITUTE PROBABLE CAUSE TO  
10 SEARCH A PERSON, PROPERTY OF A PERSON POSSESSING OR APPLYING  
11 FOR THE MEDICAL CANNABIS ACCESS CARD OR OTHERWISE SUBJECT THE  
12 PERSON OR THE PERSON'S PROPERTY TO INSPECTION BY A  
13 GOVERNMENTAL AGENCY.

14 (5) LAW ENFORCEMENT OFFICIALS MAY NOT INTENTIONALLY  
15 DESTROY, DAMAGE OR ALTER A PATIENT'S SUPPLY OF MEDICAL  
16 CANNABIS WHICH IS IN THE POSSESSION OF THE AUTHORIZED  
17 PROVIDER IF THE AUTHORIZED PROVIDER IS IN POSSESSION OF A  
18 MEDICAL CANNABIS ACCESS CARD.

19 (D) IMMUNITY OF A HEALTH CARE PRACTITIONER AND REGISTERED  
20 NURSE.--A HEALTH CARE PRACTITIONER OR REGISTERED NURSE SHALL NOT  
21 BE SUBJECT TO DETRIMENTAL ACTION INCLUDING ARREST, PROSECUTION,  
22 PENALTY, DENIAL OF A RIGHT OR PRIVILEGE, CIVIL PENALTY OR  
23 DISCIPLINARY ACTION BY THE HEALTH CARE PRACTITIONER'S OR  
24 REGISTERED NURSE'S LICENSING BOARD FOR PROVIDING WRITTEN  
25 CERTIFICATION FOR THE MEDICAL USE OF CANNABIS TO A PATIENT IN  
26 ACCORDANCE WITH THIS ACT.

27 (E) REGISTERED NURSE IMMUNITY.--A REGISTERED NURSE SHALL NOT  
28 BE SUBJECT TO DETRIMENTAL ACTION, INCLUDING ARREST, PROSECUTION,  
29 PENALTY, DENIAL OF A RIGHT OR PRIVILEGE, CIVIL PENALTY OR  
30 DISCIPLINARY ACTION BY THE REGISTERED NURSE'S LICENSING BOARD

1 FOR DISPENSING MEDICAL CANNABIS TO A PATIENT IN ACCORDANCE WITH  
2 THIS ACT.

3 (F) PERSONAL PROXIMITY.--AN INDIVIDUAL SHALL NOT BE SUBJECT  
4 TO ARREST OR PROSECUTION FOR CONSTRUCTIVE POSSESSION, CONSPIRACY  
5 OR ANOTHER OFFENSE FOR BEING IN THE PRESENCE OR VICINITY OF  
6 MEDICAL CANNABIS AS PERMITTED UNDER THIS ACT.

7 (G) RESTRICTION.--AN INDIVIDUAL WHO HAS BEEN SENTENCED FOR A  
8 CRIMINAL ACT SHALL NOT BE DISQUALIFIED FROM OBTAINING OR  
9 POSSESSING A VALID MEDICAL CANNABIS ACCESS CARD ON THE BASIS OF  
10 THE OFFENSE.

11 CHAPTER 9

12 PROTECTION, PROHIBITIONS AND ENFORCEMENT

13 SECTION 901. CIVIL DISCRIMINATION PROTECTION.

14 THE FOLLOWING SHALL APPLY:

15 (1) FOR THE PURPOSES OF MEDICAL CARE, INCLUDING ORGAN  
16 TRANSPLANT, A PATIENT'S AUTHORIZED USE OF MEDICAL CANNABIS  
17 UNDER THIS ACT SHALL BE CONSIDERED THE EQUIVALENT OF THE USE  
18 OF OTHER MEDICATION UNDER THE DIRECTION OF A HEALTH CARE  
19 PRACTITIONER. MEDICAL CANNABIS, WHEN USED IN ACCORDANCE WITH  
20 THIS ACT, MAY NOT BE CONSIDERED AN ILLICIT SUBSTANCE OR  
21 OTHERWISE DISQUALIFY A PATIENT FROM MEDICAL CARE.

22 (2) AN INDIVIDUAL MAY NOT BE PENALIZED IN ANY OF THE  
23 FOLLOWING WAYS DUE TO THE INDIVIDUAL'S USE OF MEDICAL  
24 CANNABIS UNDER THIS ACT:

25 (I) DENIED CUSTODY, VISITATION OR PARENTING TIME  
26 WITH A MINOR CHILD.

27 (II) PRESUMED TO NEGLECT OR ENDANGER A MINOR CHILD  
28 UNLESS THE INDIVIDUAL'S BEHAVIOR CREATES AN UNREASONABLE  
29 DANGER TO THE SAFETY OF THE MINOR BY CLEAR AND CONVINCING  
30 EVIDENCE.

1 (3) A LANDLORD MAY NOT REFUSE TO LEASE OR OTHERWISE  
2 PENALIZE A PATIENT SOLELY FOR HAVING A MEDICAL CANNABIS  
3 ACCESS CARD OR USING MEDICAL CANNABIS IN ACCORDANCE WITH THIS  
4 ACT UNLESS THE LANDLORD WOULD LOSE A MONETARY OR LICENSING-  
5 RELATED BENEFIT UNDER FEDERAL LAW OR REGULATION.

6 (4) A SCHOOL MAY NOT REFUSE TO ENROLL OR OTHERWISE  
7 PENALIZE A PATIENT SOLELY FOR HAVING A MEDICAL CANNABIS  
8 ACCESS CARD OR USING MEDICAL CANNABIS IN ACCORDANCE WITH THIS  
9 ACT UNLESS THE SCHOOL WOULD LOSE A MONETARY OR LICENSING-  
10 RELATED BENEFIT UNDER FEDERAL LAW OR REGULATION.

11 (5) AN EMPLOYER MAY NOT DISCRIMINATE AGAINST AN  
12 INDIVIDUAL IN THE HIRING, TERMINATION OF BENEFITS OR  
13 OTHERWISE PENALIZE THE INDIVIDUAL FOR BEING A MEDICAL  
14 CANNABIS ACCESS CARDHOLDER. THE FOLLOWING SHALL APPLY:

15 (I) THE EMPLOYER MAY TAKE AN INDIVIDUAL'S STATUS AS  
16 A CARDHOLDER INTO ACCOUNT ONLY IF THE EMPLOYER CAN PROVE  
17 THE EMPLOYEE IS ABUSING OR MISUSING THE EMPLOYEE'S  
18 MEDICAL CANNABIS ON THE PREMISES OF THE PLACE OF  
19 EMPLOYMENT DURING ORDINARY HOURS OF EMPLOYMENT OR IF  
20 FAILURE TO DO SO WOULD CAUSE AN EMPLOYER TO LOSE  
21 LICENSING BENEFIT UNDER FEDERAL LAW OR REGULATION.

22 (II) A INDIVIDUAL'S POSITIVE DRUG TEST FOR CANNABIS  
23 COMPONENTS OR METABOLITES MAY NOT BE CONSIDERED BY AN  
24 EMPLOYER UNLESS THE INDIVIDUAL UNLAWFULLY USED, POSSESSED  
25 OR WAS IMPAIRED BY THE MEDICAL CANNABIS WHILE ON THE  
26 PREMISES OF THE PLACE OF EMPLOYMENT OR DURING THE HOURS  
27 OF EMPLOYMENT.

28 SECTION 902. PROHIBITIONS.

29 (A) INSPECTION.--A LICENSEE MAY NOT REFUSE TO ALLOW AN  
30 AUTHORIZED EMPLOYEE OF THE DEPARTMENT TO INSPECT A LICENSED

1 PREMISES AT ANY TIME.

2 (B) OTHER PROHIBITIONS.--A LICENSEE MAY BE CITED UNDER THIS  
3 ACT FOR:

4 (1) AN UNLAWFUL ACT PROHIBITED BY STATE LAW WHICH OCCURS  
5 ON THE LICENSED PREMISES.

6 (2) AN UNLAWFUL ACT WHICH INVOLVES A LICENSEE OR THE  
7 LICENSEE'S AGENT OR EMPLOYEE.

8 (3) THE SALE OR PURCHASE OF AN ILLEGAL DRUG BY THE  
9 LICENSEE OR BY THE LICENSEE'S AGENT OR EMPLOYEE.

10 SECTION 903. ENFORCEMENT.

11 (A) OFFICERS.--TO ENFORCE THE PROVISIONS OF THIS ACT,  
12 UNIFORMED LAW ENFORCEMENT OFFICERS MAY:

13 (1) ARREST ON VIEW, EXCEPT IN PRIVATE HOMES, OR WITH A  
14 WARRANT A PERSON ENGAGED IN ANY OF THE FOLLOWING ACTIVITIES  
15 CONTRARY TO THIS ACT OR ANOTHER LAW OF THIS COMMONWEALTH:

16 (I) UNLAWFUL DISTRIBUTION, SALE OR TRANSFER OF  
17 MEDICAL CANNABIS.

18 (II) UNLAWFUL IMPORTATION OF MEDICAL CANNABIS.

19 (III) UNLAWFUL MANUFACTURE OF MEDICAL CANNABIS.

20 (IV) UNLAWFUL TRANSPORTATION OF MEDICAL CANNABIS.

21 (V) UNLAWFUL POSSESSION OF MEDICAL CANNABIS.

22 (VI) UNLAWFUL GROWING OF MEDICAL CANNABIS.

23 (2) ARREST ON VIEW, EXCEPT IN PRIVATE HOMES OR WITH A  
24 WARRANT, A PERSON WHOM THE OFFICER, WHILE IN THE PERFORMANCE  
25 OF ASSIGNED DUTIES UNDER THIS ACT AND REGULATIONS PROMULGATED  
26 UNDER THIS ACT, OBSERVES TO BE IN VIOLATION OF ANY OF THE  
27 FOLLOWING:

28 (I) 18 PA.C.S. § 3302 (RELATING TO CAUSING OR  
29 RISKING CATASTROPHE).

30 (II) 18 PA.C.S. § 3304 (RELATING TO CRIMINAL

1 MISCHIEF) .

2 (III) 18 PA.C.S. § 4101 (RELATING TO FORGERY) .

3 (IV) 18 PA.C.S. § 5503 (RELATING TO DISORDERLY  
4 CONDUCT) .

5 (V) 18 PA.C.S. § 6310.3 (RELATING TO CARRYING A  
6 FALSE IDENTIFICATION CARD) .

7 (3) SEARCH, SEIZE AND DISPOSE OF SEIZED PROPERTY IN  
8 ACCORDANCE WITH THE FOLLOWING:

9 (I) UPON REASONABLE AND PROBABLE CAUSE WITH A  
10 WARRANT, EXCEPT IN PRIVATE HOMES, TO SEARCH AND SEIZE THE  
11 FOLLOWING:

12 (A) MEDICAL CANNABIS UNLAWFULLY POSSESSED,  
13 MANUFACTURED, SOLD, IMPORTED OR TRANSPORTED.

14 (B) EQUIPMENT, MATERIALS, UTENSILS, VEHICLES,  
15 BOATS, VESSELS OR AIRCRAFT WHICH ARE OR HAVE BEEN  
16 USED IN THE UNLAWFUL MANUFACTURE, SALE, IMPORTATION  
17 OR TRANSPORTATION OF MEDICAL CANNABIS.

18 (II) MEDICAL CANNABIS EQUIPMENT, MATERIALS,  
19 UTENSILS, VEHICLES, BOATS, VESSELS OR AIRCRAFT THAT HAVE  
20 BEEN SEIZED SHALL BE DISPOSED OF AS PROVIDED IN THIS ACT  
21 AND IN REGULATIONS PROMULGATED UNDER THIS ACT.

22 (4) ARREST A PERSON WHO ENGAGES IN THE FOLLOWING  
23 OFFENSES WHEN THE OFFENSES ARE COMMITTED AGAINST THE OFFICER  
24 WHILE THE OFFICER IS PERFORMING ASSIGNED DUTIES UNDER THIS  
25 ACT AND THE REGULATIONS PROMULGATED UNDER THIS ACT:

26 (I) 18 PA.C.S. § 2701 (RELATING TO SIMPLE ASSAULT) .

27 (II) 18 PA.C.S. § 2702 (RELATING TO AGGRAVATED  
28 ASSAULT) .

29 (III) 18 PA.C.S. § 2705 (RELATING TO RECKLESSLY  
30 ENDANGERING ANOTHER PERSON) .

1 (IV) 18 PA.C.S. § 2706 (RELATING TO TERRORISTIC  
2 THREATS) .

3 (V) 18 PA.C.S. § 2709 (RELATING TO HARASSMENT) .

4 (VI) 18 PA.C.S. § 5104 (RELATING TO RESISTING ARREST  
5 OR OTHER LAW ENFORCEMENT) .

6 (VII) 18 PA.C.S. § 5501 (RELATING TO RIOT) .

7 (5) SERVE AND EXECUTE WARRANTS ISSUED BY THE PROPER  
8 AUTHORITIES FOR OFFENSES UNDER THIS SUBSECTION AND TO SERVE  
9 SUBPOENAS .

10 (6) ARRANGE FOR THE ADMINISTRATION OF CHEMICAL TESTS OF  
11 BLOOD OR URINE TO A PERSON FOR THE PURPOSE OF DETERMINING THE  
12 TETRAHYDROCANNABINOL CONTENT OF BLOOD OR THE PRESENCE OF A  
13 CONTROLLED SUBSTANCE BY QUALIFIED PERSONNEL OF A STATE OR  
14 LOCAL POLICE DEPARTMENT OR QUALIFIED PERSONNEL OF A CLINICAL  
15 LABORATORY LICENSED AND APPROVED BY THE DEPARTMENT .

16 (7) TO INVESTIGATE AND ISSUE CITATIONS FOR THE  
17 FOLLOWING:

18 (I) A VIOLATION OF THIS ACT .

19 (II) A VIOLATION OF A REGULATION OF THE BOARD .

20 (III) A VIOLATION OF ANOTHER LAW OF THIS  
21 COMMONWEALTH .

22 (B) CONFISCATION.--EQUIPMENT OR APPURTENANCE ACTUALLY USED  
23 IN THE COMMISSION OF THE UNLAWFUL ACTS MAY BE CONFISCATED. THE  
24 CONFISCATION SHALL NOT DIVEST OR IMPAIR THE RIGHTS OR INTEREST  
25 OF A BONA FIDE LIEN HOLDER IN THE EQUIPMENT OR APPURTENANCE .

## 26 CHAPTER 51

### 27 MISCELLANEOUS PROVISIONS

28 SECTION 5101. REGULATIONS .

29 (A) REQUIREMENT.--THE BOARD SHALL PROMULGATE REGULATIONS AS  
30 NECESSARY TO IMPLEMENT THIS ACT .

1 (B) TEMPORARY REGULATIONS.--IN ORDER TO FACILITATE THE  
2 IMPLEMENTATION OF THIS ACT, REGULATIONS PROMULGATED BY THE BOARD  
3 SHALL BE DEEMED TEMPORARY REGULATIONS WHICH SHALL EXPIRE NOT  
4 LATER THAN TWO YEARS FOLLOWING THE PUBLICATION OF THE TEMPORARY  
5 REGULATION. TEMPORARY REGULATIONS SHALL NOT BE SUBJECT TO:

6 (1) SECTIONS 201, 202, 203, 204 AND 205 OF ACT OF JULY  
7 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE COMMONWEALTH  
8 DOCUMENTS LAW.

9 (2) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS  
10 THE REGULATORY REVIEW ACT.

11 (3) SECTION 204(B) AND 301(10) OF THE ACT OF OCTOBER 15,  
12 1980 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS  
13 ACT.

14 (C) EXPIRATION.--THE BOARD'S AUTHORITY TO ADOPT TEMPORARY  
15 REGULATIONS UNDER SUBSECTION (B) SHALL EXPIRE TWO YEARS AFTER  
16 THE EFFECTIVE DATE OF THIS SECTION. REGULATIONS ADOPTED AFTER  
17 THIS PERIOD SHALL BE PROMULGATED AS PROVIDED BY LAW.

18 (D) PUBLICATION.--THE BOARD SHALL BEGIN PUBLISHING TEMPORARY  
19 REGULATIONS IN THE PENNSYLVANIA BULLETIN NO LATER THAN SIX  
20 MONTHS FOLLOWING THE EFFECTIVE DATE OF THIS SECTION.

21 SECTION 5102. APPLICABILITY OF OTHER STATUTES.

22 THE FOLLOWING ACTS SHALL APPLY TO THE BOARD:

23 (1) THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS  
24 THE RIGHT-TO-KNOW LAW.

25 (2) THE ACT OF JULY 19, 1957 (P.L.1017, NO.451), KNOWN  
26 AS THE STATE ADVERSE INTEREST ACT.

27 (3) 65 PA.C.S. CHS. 7 (RELATING TO OPEN MEETINGS) AND 11  
28 (RELATING TO ETHICS STANDARDS AND FINANCIAL DISCLOSURE).

29 SECTION 5103. REPEALS.

30 THE FOLLOWING SHALL APPLY:



1           (1) SECTIONS 4 AND 13 OF THE ACT OF APRIL 14, 1972  
2           (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG,  
3           DEVICE AND COSMETIC ACT, ARE REPEALED INsofar AS THEY ARE  
4           INCONSISTENT WITH THIS ACT.

5           (2) ALL ACTS AND PARTS OF ACTS ARE REPEALED INsofar AS  
6           THEY ARE INCONSISTENT WITH THIS ACT.

7 SECTION 5104. SOVEREIGN IMMUNITY.

8           THE COMMONWEALTH MAY NOT BE HELD LIABLE FOR ANY DELETERIOUS  
9           OUTCOMES RESULTING FROM THE MEDICAL USE OF CANNABIS BY A  
10          PATIENT.

11 SECTION 5105. HEALTH INSURANCE.

12          NOTHING IN THIS ACT SHALL BE CONSTRUED TO REQUIRE A STATE  
13          GOVERNMENT MEDICAL ASSISTANCE PROGRAM OR PRIVATE HEALTH INSURER  
14          TO REIMBURSE A PERSON FOR COSTS ASSOCIATED WITH THE MEDICAL USE  
15          OF CANNABIS OR AN EMPLOYER TO ACCOMMODATE THE MEDICAL USE OF  
16          CANNABIS IN A WORKPLACE.

17 SECTION 5106. EFFECTIVE DATE.

18          THIS ACT SHALL TAKE EFFECT IN 60 DAYS.