

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 903 Session of 2021

INTRODUCED BY RABB, LEE, N. NELSON, ROZZI, HILL-EVANS, KINSEY, KRAJEWSKI, MALAGARI, BURGOS, SANCHEZ, SCHLOSSBERG, KENYATTA, CIRESI AND SIMS, JUNE 23, 2021

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JUNE 23, 2021

AN ACT

1 Amending the act of April 17, 2016 (P.L.84, No.16), entitled "An
 2 act establishing a medical marijuana program; providing for
 3 patient and caregiver certification and for medical marijuana
 4 organization registration; imposing duties on the Department
 5 of Health; providing for a tax on medical marijuana
 6 organization gross receipts; establishing the Medical
 7 Marijuana Program Fund; establishing the Medical Marijuana
 8 Advisory Board; establishing a medical marijuana research
 9 program; imposing duties on the Department of Corrections,
 10 the Department of Education and the Department of Human
 11 Services; and providing for academic clinical research
 12 centers and for penalties and enforcement," in miscellaneous
 13 provisions, providing for commercial tenant protections.

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

16 Section 1. The act of April 17, 2016 (P.L.84, No.16), known
 17 as the Medical Marijuana Act, is amended by adding a section to
 18 read:

19 Section 2107.1. Commercial tenant protections.

20 (a) General rule.--No landlord that has entered into a lease
 21 for commercial premises with a tenant that is a medical
 22 marijuana organization and has a valid permit issued to the
 23 medical marijuana organization by the department under this act

1 may evict, threaten to evict or otherwise discriminate against
2 the tenant for the lawful sale or possession of medical
3 marijuana on the commercial premises.

4 (b) Civil action.--

5 (1) A tenant who alleges a violation of subsection (a)
6 may bring a civil action in a court of competent jurisdiction
7 for appropriate injunctive relief or damages, or both, within
8 180 days after the occurrence of the alleged violation.

9 (2) It shall be a defense to an action under this
10 section if the landlord proves, by a preponderance of the
11 evidence, that the action by the landlord occurred for
12 separate and legitimate reasons which are not merely
13 pretextual.

14 (3) In rendering a judgment in an action brought under
15 this subsection, a court may order any relief the court
16 considers appropriate. The court may also award the tenant
17 all or a portion of the costs of litigation, including
18 reasonable attorney fees and witness fees, if the tenant
19 prevails in the action.

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