

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 3

Session of 2015

INTRODUCED BY FOLMER, LEACH, TEPLITZ, WILEY, BLAKE, FONTANA, YUDICHAK, SCARNATI, BOSCOLA, YAW, ARGALL, SMITH, COSTA, FARNESE, WAGNER, BARTOLOTTA, WILLIAMS, TARTAGLIONE, VULAKOVICH, WHITE, SCHWANK, RAFFERTY, STEFANO, WOZNIAK, MCGARRIGLE, BROWNE AND DINNIMAN, JANUARY 26, 2015

SENATOR FOLMER, STATE GOVERNMENT, AS AMENDED, APRIL 21, 2015

AN ACT

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

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- 12 SECTION 5105. EFFECTIVE DATE.

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

15 CHAPTER 1

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16 PRELIMINARY PROVISIONS

17 ~~Section 101. Short title.~~

18 ~~This act shall be known and may be cited as the Medical~~  
19 ~~Cannabis Act.~~

20 ~~Section 102. Definitions.~~

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

24 ~~"Account." The Professional Licensure Augmentation Account~~  
25 ~~established under and used in accordance with the act of July 1,~~  
26 ~~1978 (P.L.700, No.124), known as the Bureau of Professional and~~  
27 ~~Occupational Affairs Fee Act.~~

28 ~~"Board." The State Board of Medical Cannabis Licensing.~~

29 ~~"Change in control." The acquisition by a person or group of~~  
30 ~~persons acting in concert of at least 20% of an interest in a~~

1 ~~licensed entity.~~

2 ~~"Department." The Department of State of the Commonwealth.~~

3 ~~"Health care facility." A facility that provides health care~~  
4 ~~to patients. The term includes:~~

5 ~~(1) A hospital, as defined under the act of July 19,~~  
6 ~~1979 (P.L.130, No.48), known as the Health Care Facilities~~  
7 ~~Act.~~

8 ~~(2) A clinic operated by the hospital.~~

9 ~~(3) An ambulatory or surgical facility.~~

10 ~~(4) A long term care nursing facility.~~

11 ~~(5) A cancer treatment center.~~

12 ~~(6) A hospice care facility.~~

13 ~~"Health care practitioner." An individual as defined under~~  
14 ~~section 2 of the act of December 20, 1985 (P.L.457, No.112),~~  
15 ~~known as the Medical Practice Act of 1985, who is authorized to~~  
16 ~~prescribe Schedule III drugs under the act of April 14, 1972~~  
17 ~~(P.L.233, No.64), known as The Controlled Substance, Drug,~~  
18 ~~Device and Cosmetic Act. The term shall not include an~~  
19 ~~individual licensed under the act of May 1, 1933 (P.L.216,~~  
20 ~~No.76), known as The Dental Law.~~

21 ~~"Medical cannabis." Plants containing cannabidiol,~~  
22 ~~tetrahydrocannabinol or delta 9 tetrahydrocannabinol acid or any~~  
23 ~~part of a cannabis plant, including cannabis processed by~~  
24 ~~extracting oil from the plant, intended for medical purposes.~~  
25 ~~The term includes extracted oil, edible products, ointments and~~  
26 ~~tinctures.~~

27 ~~"Medical cannabis access card." A document issued by the~~  
28 ~~Department of Health to authorize a patient or patient~~  
29 ~~representative to purchase and possess medical cannabis in this~~  
30 ~~Commonwealth.~~

1 ~~"Medical cannabis dispenser." A for profit or nonprofit~~  
2 ~~entity licensed under section 503 to dispense medical cannabis.~~

3 ~~"Medical cannabis employee." An individual who is eligible~~  
4 ~~to receive an occupation permit by meeting one of the following:~~

5 ~~(1) An individual who meets all of the following:~~

6 ~~(i) Is employed by a medical cannabis grower,~~  
7 ~~medical cannabis processor, medical cannabis dispenser or~~  
8 ~~certified laboratory with the authority to make a~~  
9 ~~discretionary decision relating to the growing,~~  
10 ~~processing, dispensing or testing of medical cannabis,~~  
11 ~~including a manager, supervisor or an individual who~~  
12 ~~directly handles or controls cannabis.~~

13 ~~(ii) Is responsible for tracking the amount and~~  
14 ~~transportation of medical cannabis.~~

15 ~~(2) Any other employee position designated by the board.~~

16 ~~"Medical cannabis grower." A for profit or nonprofit entity~~  
17 ~~licensed under section 501 that grows or cultivates cannabis for~~  
18 ~~distribution to authorized medical cannabis processors and~~  
19 ~~medical cannabis dispensers in accordance with this act.~~

20 ~~"Medical cannabis processor." A for profit or nonprofit~~  
21 ~~entity licensed under section 502 authorized to purchase medical~~  
22 ~~cannabis from a medical cannabis grower for the purpose of~~  
23 ~~processing the medical cannabis for distribution to a medical~~  
24 ~~cannabis dispenser in accordance with this act.~~

25 ~~"Medical cannabis strains." The three types of pure cannabis~~  
26 ~~utilized for medical purposes. The term includes cannabis~~  
27 ~~sativa, cannabis indica and the hybrid created by the~~  
28 ~~combination of both cannabis sativa and cannabis indica.~~

29 ~~"Medical use." The acquisition, possession or use of medical~~  
30 ~~cannabis by a registered patient or patient representative. The~~



1 ~~term does not include the smoking or vaporization of cannabis.~~

2 ~~"Occupation permit." A permit issued by the board~~  
3 ~~authorizing an individual to be employed as a medical cannabis~~  
4 ~~employee.~~

5 ~~"Owner or operator." Any of the following:~~

6 ~~(1) An officer or director of the medical cannabis~~  
7 ~~grower, processor or dispenser licensed under section 505.~~

8 ~~(2) A person who directly holds a beneficial interest in~~  
9 ~~or has a controlling interest in an applicant or licensee.~~

10 ~~(3) A person who has the ability to elect a majority of~~  
11 ~~the board of directors of a licensee or to otherwise control~~  
12 ~~a licensee.~~

13 ~~"Patient." An individual who has an established~~  
14 ~~practitioner patient relationship and has been diagnosed with a~~  
15 ~~qualified medical condition.~~

16 ~~"Patient representative." Any of the following:~~

17 ~~(1) A parent or guardian of a registered patient.~~

18 ~~(2) An individual who:~~

19 ~~(i) is at least 18 years of age; and~~

20 ~~(ii) receives a medical cannabis access card which~~  
21 ~~authorizes:~~

22 ~~(A) purchase, possession, transport and transfer~~  
23 ~~of medical cannabis from a medical cannabis~~  
24 ~~dispenser; and~~

25 ~~(B) proper administration of the medical~~  
26 ~~cannabis to a registered patient in accordance with~~  
27 ~~the recommendation of the registered patient's health~~  
28 ~~care practitioner.~~

29 ~~"Practitioner patient relationship." The relationship~~  
30 ~~established between a patient and health care practitioner~~

1 ~~following an assessment of the patient's medical history and~~  
2 ~~current condition and the conduct of a personal examination.~~

3 ~~"Qualified medical condition." Any of the following,~~  
4 ~~including treatment:~~

5 ~~(1) Cancer.~~

6 ~~(2) Epilepsy and seizures.~~

7 ~~(3) Amyotrophic lateral sclerosis.~~

8 ~~(4) Cachexia/wasting syndrome.~~

9 ~~(5) Parkinson's disease.~~

10 ~~(6) Traumatic brain injury and postconcussion syndrome.~~

11 ~~(7) Multiple sclerosis.~~

12 ~~(8) Spinocerebellar Ataxia (SCA).~~

13 ~~(9) Posttraumatic stress disorder.~~

14 ~~(10) Severe fibromyalgia.~~

15 ~~(11) A condition authorized by the department under~~  
16 ~~section 702.~~

17 ~~"Testing laboratory." A clinical laboratory or testing~~  
18 ~~facility located within this Commonwealth, certified by the~~  
19 ~~board under section 511.~~

20 ~~CHAPTER 3~~

21 ~~STATE BOARD OF MEDICAL CANNABIS~~

22 ~~LICENSING AND ADMINISTRATIVE PROCEDURE~~

23 ~~Section 301. License.~~

24 ~~(a) Medical cannabis. A person may not conduct an activity~~  
25 ~~related to the growing, processing or dispensing of medical~~  
26 ~~cannabis or operating a testing laboratory unless the person is~~  
27 ~~licensed or certified by the board under this act.~~

28 ~~(b) Employee. A licensed medical cannabis grower, medical~~  
29 ~~cannabis processor or a medical cannabis dispenser may not~~  
30 ~~employ an individual to directly participate in the growing,~~

1 ~~processing, delivery or dispensing of medical cannabis unless~~  
2 ~~the individual receives an occupation permit from the board~~  
3 ~~under this act.~~

4 ~~Section 302. State Board of Medical Cannabis Licensing.~~

5 ~~(a) Establishment. There is hereby established the State~~  
6 ~~Board of Medical Cannabis Licensing within the department.~~

7 ~~(b) Composition. The board shall consist of the following:~~

8 ~~(1) The Secretary of Health or a designee who is an~~  
9 ~~employee of the Department of Health.~~

10 ~~(2) Commissioner of Professional and Occupational~~  
11 ~~Affairs or a designee who is an employee of the Bureau of~~  
12 ~~Professional and Occupational Affairs.~~

13 ~~(3) The Secretary of Public Welfare or a designee who is~~  
14 ~~an employee of the Department of Public Welfare.~~

15 ~~(4) Two public members.~~

16 ~~(5) One member representing hospitals.~~

17 ~~(6) Two members who are medical doctors representing~~  
18 ~~specialties which utilize medical cannabis to treat patients.~~

19 ~~(7) Two members who are registered nurses.~~

20 ~~(8) A licensed pharmacist.~~

21 ~~(c) Meetings. The board shall meet within 30 days of~~  
22 ~~confirmation of the members and shall:~~

23 ~~(1) Establish procedures to operate the board.~~

24 ~~(2) Develop applications and other forms for licensure~~  
25 ~~and occupation permits and enforcement of this act and~~  
26 ~~certifications for testing laboratories.~~

27 ~~(3) Promulgate regulations, as necessary, to implement~~  
28 ~~and enforce this act.~~

29 ~~(d) Appointment and qualifications. Each professional and~~  
30 ~~public member shall be appointed by the Governor with the advice~~

1 ~~and consent of a majority of the Senate. Each member must comply~~  
2 ~~with all of the following:~~

3 ~~(1) Be a citizen of the United States and a resident of~~  
4 ~~this Commonwealth.~~

5 ~~(2) Not hold any other public office during the term on~~  
6 ~~the board.~~

7 ~~(c) Terms.~~

8 ~~(1) A member under subsection (b) (1), (2) or (3) shall~~  
9 ~~serve ex officio.~~

10 ~~(2) For a member under subsection (b) (4) through (8),~~  
11 ~~the following apply:~~

12 ~~(i) Initial appointments shall be as follows:~~

13 ~~(A) Three members shall serve for a term of four~~  
14 ~~years.~~

15 ~~(B) Three members shall serve for a term of~~  
16 ~~three years.~~

17 ~~(C) Two members shall serve for a term of two~~  
18 ~~years.~~

19 ~~(ii) Each subsequent term shall be for four years or~~  
20 ~~until a successor has been appointed and qualified, which~~  
21 ~~may not be longer than six months beyond the four year~~  
22 ~~period.~~

23 ~~(iii) A member may not serve more than two~~  
24 ~~consecutive terms.~~

25 ~~(f) Quorum. A majority of the members of the board shall~~  
26 ~~constitute a quorum. Each member must be physically in~~  
27 ~~attendance to be counted as part of a quorum or to vote on an~~  
28 ~~issue. A majority of the members present shall be necessary for~~  
29 ~~a vote to be considered binding.~~

30 ~~(g) Chairperson. The board shall annually select a~~

1 ~~chairperson from the members of the board.~~

2 ~~(h) Expenses. With the exception of ex officio members,~~  
3 ~~each member of the board shall receive \$100 per diem when~~  
4 ~~attending to the work of the board. A member shall also receive~~  
5 ~~the amount of reasonable travel, hotel and other necessary~~  
6 ~~expenses incurred in the performance of the member's duties in~~  
7 ~~accordance with Commonwealth regulations.~~

8 ~~(i) Forfeiture. A member who fails to attend three~~  
9 ~~consecutive meetings shall forfeit the member's seat unless the~~  
10 ~~chairman, upon written request from the member, finds that the~~  
11 ~~member should be excused because of illness or death of a family~~  
12 ~~member.~~

13 ~~(j) Frequency of meetings. The board shall meet at least~~  
14 ~~once per month for the first 12 months, including and after the~~  
15 ~~initial meeting required by section 302(c). After the first~~  
16 ~~12 months following the establishment of the board, the board~~  
17 ~~shall meet at least six times a year and may meet at additional~~  
18 ~~times as necessary to conduct the business of the board.~~

19 ~~Section 303. Powers and duties of board.~~

20 ~~The board shall have the following powers and duties:~~

21 ~~(1) To provide for and regulate the licensing of the~~  
22 ~~following:~~

23 ~~(i) A medical cannabis grower under section 501.~~

24 ~~(ii) A medical cannabis processor under section 502.~~

25 ~~(iii) A medical cannabis dispenser under section~~  
26 ~~503.~~

27 ~~(2) To issue occupation permits to medical cannabis~~  
28 ~~employees.~~

29 ~~(3) To issue certifications to testing laboratories~~  
30 ~~under section 511.~~

1           ~~(4) To issue, deny, renew, reinstate or refuse to renew,~~  
2           ~~suspend and revoke licenses, certifications of testing~~  
3           ~~laboratories and occupation permits in accordance with this~~  
4           ~~act.~~

5           ~~(5) To implement procedures to allow the expansion of~~  
6           ~~qualified medical conditions for which a patient may obtain~~  
7           ~~medical cannabis under section 702.~~

8           ~~(6) To administer and enforce the provisions of this~~  
9           ~~act.~~

10           ~~(7) To investigate and conduct background checks for~~  
11           ~~each application for a license or occupation permit to~~  
12           ~~determine the fitness and eligibility of a person applying~~  
13           ~~for a license or occupation permit.~~

14           ~~(8) To establish fees for application and renewal of~~  
15           ~~licenses and occupation permits and the due dates for all~~  
16           ~~fees.~~

17           ~~(9) To charge for services related to the inspection and~~  
18           ~~oversight of this act. Billings shall be submitted at least~~  
19           ~~quarterly and all charges shall be itemized.~~

20           ~~(10) To keep minutes and records of each transaction and~~  
21           ~~proceeding.~~

22           ~~(11) To provide standards for the appearance of~~  
23           ~~dispensers to ensure a professional atmosphere.~~

24           ~~(12) To require utilization of any prescription~~  
25           ~~monitoring program established by the Commonwealth by a~~  
26           ~~health care practitioner to review a patient's pharmaceutical~~  
27           ~~history.~~

28           ~~(13) To develop a system to ensure medical cannabis~~  
29           ~~dispensers are able to verify medical cannabis access cards.~~

30           ~~(14) To establish a medical cannabis registry to ensure~~

1 ~~adequate availability of different strains and concentrations~~  
2 ~~of medical cannabis.~~

3 ~~(15) To develop regular inspection schedules, unannounced~~  
4 ~~inspections, procedures and other enforcement measures to~~  
5 ~~regulate all medical cannabis growers, processors and~~  
6 ~~dispensers.~~

7 ~~(16) To inspect, at any time, premises occupied or used~~  
8 ~~for the production, preparation, testing, packaging,~~  
9 ~~processing, storage, sale, distribution and transport of~~  
10 ~~medical cannabis.~~

11 ~~(17) To develop standards and requirements for the~~  
12 ~~implementation, use and maintenance of security systems.~~

13 ~~(18) To submit annually to the department an estimate of~~  
14 ~~financial requirements of the board, including~~  
15 ~~administrative, legal and other expenses.~~

16 ~~(19) To develop a system for mandatory and voluntary~~  
17 ~~recall of defective products or medical cannabis.~~

18 ~~(20) To develop an inventory tracking system to be used~~  
19 ~~by all licensees and certified laboratories.~~

20 ~~(21) To promulgate regulations to implement this act,~~  
21 ~~including:~~

22 ~~(i) The receipt of medical cannabis for study and~~  
23 ~~research of the health benefits of medical cannabis by~~  
24 ~~accredited research institutions, universities and~~  
25 ~~colleges in this Commonwealth.~~

26 ~~(ii) Determination of required quality and safe~~  
27 ~~clinical strength of medical cannabis.~~

28 ~~(iii) Print advertising and marketing of medical~~  
29 ~~cannabis.~~

30 ~~(iv) Containers, tracking and testing.~~

1           ~~(v) Packaging and labeling by licensed growers,~~  
2           ~~licensed processors and licensed dispensers. Regulations~~  
3           ~~under this subparagraph shall require labeling to~~  
4           ~~specify:~~

5                     ~~(A) date of packaging;~~

6                     ~~(B) use by date;~~

7                     ~~(C) instructions to keep the product in the~~  
8           ~~package;~~

9                     ~~(D) warnings related to use, including pregnancy~~  
10           ~~and medical conditions;~~

11                    ~~(E) warnings to keep medical cannabis out of~~  
12           ~~children's reach;~~

13                    ~~(F) other warnings deemed appropriate by the~~  
14           ~~board;~~

15                    ~~(G) recommended dosages;~~

16                    ~~(H) appropriate methods to administer medical~~  
17           ~~cannabis for authorized diseases; and~~

18           ~~(22) To provide for the form and content of the~~  
19           ~~authority given to a registered patient by a health care~~  
20           ~~provider to obtain medical cannabis.~~

21           ~~(23) To consult information published by the American~~  
22           ~~Herbal Pharmacopeia, in the promulgation of regulations.~~

23           ~~(24) To enforce regulations under this act.~~

24           ~~(25) To submit an annual report to the Secretary of the~~  
25           ~~Senate and the Chief Clerk of the House of Representatives.~~

26           ~~Section 304. Subpoena power.~~

27           ~~The General Counsel of the Commonwealth, or the General~~  
28           ~~Counsel's designee, shall have the power to issue a subpoena on~~  
29           ~~behalf of the board in disciplinary and licensing matters before~~  
30           ~~the board in order to investigate an alleged violation in~~



1 ~~accordance with the following:~~

2 ~~(1) The power shall not apply to patient records without~~  
3 ~~order of a court of competent jurisdiction showing that the~~  
4 ~~records are reasonably necessary for the conduct of an~~  
5 ~~investigation.~~

6 ~~(2) The court may impose limitations on the scope of a~~  
7 ~~subpoena as necessary to prevent unnecessary intrusion into~~  
8 ~~patient confidential information.~~

9 ~~(3) The attorney representing the Commonwealth in a~~  
10 ~~disciplinary matter before the board may apply to~~  
11 ~~Commonwealth Court to enforce the subpoenas.~~

12 ~~(4) Nothing in this section shall be construed to excuse~~  
13 ~~a person from producing documents and records as requested by~~  
14 ~~the board under any other provision of law.~~

15 ~~Section 305. Hearing examiners.~~

16 ~~(a) Appointment. The Commissioner of Professional and~~  
17 ~~Occupational Affairs, after consultation with the board, shall~~  
18 ~~appoint hearing examiners as necessary to conduct hearings in~~  
19 ~~disciplinary matters before the board.~~

20 ~~(b) Regulation. Regulations promulgated by the board shall~~  
21 ~~include the procedural rules to be followed by hearing examiners~~  
22 ~~under this act. Each proceeding shall be conducted in accordance~~  
23 ~~with 2 Pa.C.S. (relating to administrative law and procedure).~~

24 ~~(c) Powers. A hearing examiner shall have the following~~  
25 ~~powers:~~

26 ~~(1) To conduct hearings.~~

27 ~~(2) To issue subpoenas requiring:~~

28 ~~(i) The attendance and testimony of individuals.~~

29 ~~(ii) The production of pertinent records or other~~  
30 ~~papers by persons whom the examiner believes have~~

1 ~~information relevant to matters pending before the~~  
2 ~~examiner.~~

3 ~~(3) To issue decisions.~~

4 ~~Section 306. Civil penalties.~~

5 ~~(a) Authorization. The board shall adopt a schedule of~~  
6 ~~civil penalties for operating without a current, registered,~~  
7 ~~unsuspended and unrevoked license, certificate or occupation~~  
8 ~~permit and for violations of this act. The schedule shall be~~  
9 ~~published in the Pennsylvania Bulletin.~~

10 ~~(b) Imposition. An agent of the board may issue citations~~  
11 ~~and impose penalties for a violation of this chapter. A penalty~~  
12 ~~may be appealed to a hearing examiner or the board pursuant to~~  
13 ~~regulations promulgated by the board. If the matter is initially~~  
14 ~~referred to a hearing examiner, the board shall render a~~  
15 ~~decision on an exception to the decision of the hearing examiner~~  
16 ~~or on any applications for review under 2 Pa.C.S. (relating to~~  
17 ~~administrative law and procedure).~~

18 ~~(c) Board sanction.~~

19 ~~(1) In addition to any other penalty authorized by law,~~  
20 ~~the board may impose the following sanctions:~~

21 ~~(i) Revocation of the license, permit or certificate~~  
22 ~~of a person convicted of a criminal offense or violation~~  
23 ~~of this act or regulations of the board which would~~  
24 ~~disqualify the holder from growing, processing or~~  
25 ~~dispensing medical cannabis.~~

26 ~~(ii) Revocation of the license of a person for~~  
27 ~~willfully and knowingly violating or attempting to~~  
28 ~~violate an order of the board directed to the person.~~

29 ~~(iii) Revocation of an occupation permit or~~  
30 ~~certificate of a person for willfully and knowingly~~

1 ~~violating or attempting to violate an order of the board~~  
2 ~~directed to the person.~~

3 ~~(iv) Suspension of the license, permit or~~  
4 ~~certificate of a person pending the outcome of a hearing~~  
5 ~~in a case in which a license, occupation permit or~~  
6 ~~certification revocation could result.~~

7 ~~(v) Suspension of the license of a licensed grower,~~  
8 ~~processor or dispenser for a violation or attempt to~~  
9 ~~violate any provisions of this act.~~

10 ~~(vi) Assessment of an administrative penalty as~~  
11 ~~necessary to address misconduct and deter future~~  
12 ~~violations.~~

13 ~~(vii) Ordering of restitution of funds or property~~  
14 ~~unlawfully obtained or retained by a licensee.~~

15 ~~(viii) Entrance of a cease and desist order which~~  
16 ~~specifies the conduct which is to be discontinued,~~  
17 ~~altered or implemented by the licensee.~~

18 ~~(2) If the board refuses to issue or renew a license,~~  
19 ~~certificate or occupation permit or imposes a penalty under~~  
20 ~~paragraph (1), the board shall provide the applicant,~~  
21 ~~licensee, certificate holder or permit holder with written~~  
22 ~~notification of the decision, including a statement of the~~  
23 ~~reasons for the decision by certified mail within five~~  
24 ~~business days of the decision of the board. The applicant,~~  
25 ~~licensee, certificate holder or permittee shall have the~~  
26 ~~right to appeal the decision in accordance with 2 Pa.C.S.~~  
27 ~~Chs. 5 (relating to practice and procedure) and 7 (relating~~  
28 ~~to judicial review).~~

29 ~~(3) A person who aids, abets, counsels, induces,~~  
30 ~~procures or causes another person to violate this act shall~~

1 ~~be subject to all sanctions and penalties provided under this~~  
2 ~~subsection.~~

3 ~~(d) Additional powers. In addition to the penalties under~~  
4 ~~subsections (b) and (c), the board shall have the power to do~~  
5 ~~the following:~~

6 ~~(1) Levy a civil penalty of not more than \$25,000 for a~~  
7 ~~violation of this act.~~

8 ~~(2) Impose a civil penalty of up to \$15,000 per~~  
9 ~~violation if a person aids and abets the unlicensed growing,~~  
10 ~~processing, distribution or dispensing of medical cannabis.~~  
11 ~~The penalty may not be levied against a person solely as a~~  
12 ~~consequence of that person being a registered patient of the~~  
13 ~~unlicensed person.~~

14 ~~(3) Assess against a respondent determined to be in~~  
15 ~~violation of this act the costs of investigation underlying~~  
16 ~~that disciplinary action. The cost of investigation shall not~~  
17 ~~include costs incurred by the board after the filing of~~  
18 ~~formal actions or disciplinary charges against a respondent.~~

19 ~~(e) Judgment. A civil penalty imposed under this section~~  
20 ~~shall be a judgment in favor of the board upon the person or~~  
21 ~~property of the person upon whom the civil penalty is imposed.~~  
22 ~~The Attorney General shall be responsible for enforcing the~~  
23 ~~judgments in courts of competent jurisdiction in accordance with~~  
24 ~~the provisions of 42 Pa.C.S. (relating to judiciary and judicial~~  
25 ~~procedure).~~

26 ~~Section 307. Confidentiality.~~

27 ~~(a) General rule. Investigative records of the board,~~  
28 ~~including prosecutorial memos and transcripts of deposition on~~  
29 ~~behalf of the board or concerning a licensure related complaint~~  
30 ~~filed with the department, shall be confidential and privileged.~~

1 ~~The following shall apply:~~

2 ~~(1) No person who has investigated or has access to or~~  
3 ~~eustody of documents, materials or information which is~~  
4 ~~confidential and privileged under this section may be~~  
5 ~~required to testify in a judicial or administrative~~  
6 ~~proceeding without the written consent of the board unless~~  
7 ~~directed to do so by a court of competent jurisdiction.~~

8 ~~(2) This subsection shall not preclude or limit~~  
9 ~~introduction of the contents of an investigative file or~~  
10 ~~related witness testimony in a hearing or proceeding before~~  
11 ~~the board.~~

12 ~~(3) This section shall not apply to a letter or other~~  
13 ~~document to a licensee, occupation permittee or certificate~~  
14 ~~holder that discloses the final outcome of an investigation~~  
15 ~~or to a final adjudication or order of the board.~~

16 ~~(b) Disclosure permitted. Except as provided in subsection~~  
17 ~~(a), this section shall not prevent disclosure of documents,~~  
18 ~~materials or information pertaining to the status of a license,~~  
19 ~~certificate or occupation permit or the sharing of information~~  
20 ~~with law enforcement officials or similar regulatory boards in~~  
21 ~~other jurisdictions. A violation of this section shall subject~~  
22 ~~an employee or agent of the board to administrative discipline,~~  
23 ~~including discharge, suspension or other formal or appropriate~~  
24 ~~disciplinary action.~~

25 ~~(c) Affidavit. Each employee or agent of the board must~~  
26 ~~execute a confidentiality affidavit which provides that~~  
27 ~~documents, materials or information in subsection (a) obtained~~  
28 ~~by the employee or agent shall be considered confidential and~~  
29 ~~may be disclosed only as permitted under this section.~~

30 ~~(d) Waiver. The board may not require an applicant to waive~~

1 ~~any confidentiality under this section as a condition for the~~  
2 ~~approval of a license or other action of the board.~~

3 ~~Section 308. Financing.~~

4 ~~(a) Setting of fees. Beginning two years after the~~  
5 ~~effective date of this subsection, all fees required under this~~  
6 ~~act shall be fixed by the board by regulation. If revenue raised~~  
7 ~~by fees, fines and civil penalties imposed under this act are~~  
8 ~~not sufficient to meet expenditures over a two year period, the~~  
9 ~~board shall increase those fees by regulation under section~~  
10 ~~303(21) so that the projected revenues will meet or exceed~~  
11 ~~projected expenditures.~~

12 ~~(b) Renewal fees. Beginning two years after the effective~~  
13 ~~date of this subsection, all renewal fees shall be deposited~~  
14 ~~into the account.~~

15 ~~(c) Inadequate fees. If the Bureau of Professional and~~  
16 ~~Occupational Affairs determines that the fees established by the~~  
17 ~~board under subsection (a) are inadequate to meet the minimum~~  
18 ~~enforcement efforts required by this act, then the bureau, after~~  
19 ~~consultation with the board, shall increase the fees by~~  
20 ~~regulation under section 303(21) in an amount that adequate~~  
21 ~~revenues are raised to meet the required enforcement effort.~~

22 ~~(d) Disposition. Fees, fines and civil penalties imposed~~  
23 ~~and collected under this act shall be for the exclusive use of~~  
24 ~~the board in carrying out this act and shall be annually~~  
25 ~~appropriated from the account for that purpose. This subsection~~  
26 ~~shall not apply to an initial license fee.~~

27 ~~(e) Charging of fees. The board may charge a reasonable~~  
28 ~~fee, as set by the board by regulation under section 303(21),~~  
29 ~~for all examinations, registrations, certificates, licensures or~~  
30 ~~applications permitted by this act or a regulation under this~~

1 act.

2 ~~(f) Civil penalties. All civil penalties shall be deposited~~  
3 ~~into the account.~~

4 ~~(g) Reports to department. The board shall submit annually~~  
5 ~~to the department an estimate of the financial requirements of~~  
6 ~~the board for its administrative, investigative, legal and~~  
7 ~~miscellaneous expenses.~~

8 ~~(h) Reports to the Appropriations Committee of the Senate~~  
9 ~~and the Appropriations Committee of the House of~~  
10 ~~Representatives. The board shall submit annually to the~~  
11 ~~Appropriations Committee of the Senate and the Appropriations~~  
12 ~~Committee of the House of Representatives, 15 days after the~~  
13 ~~Governor has submitted his budget to the General Assembly, a~~  
14 ~~copy of the budget request for the upcoming fiscal year which~~  
15 ~~the board previously submitted to the department.~~

16 ~~(i) Reports to other legislative committees. The board~~  
17 ~~shall submit annually a report to the Consumer Protection and~~  
18 ~~Professional Licensure Committee of the Senate and to the~~  
19 ~~Professional Licensure Committee of the House of Representatives~~  
20 ~~containing a description of the types of complaints received,~~  
21 ~~status of cases, board action which has been taken and the~~  
22 ~~length of time from the initial complaint to final board~~  
23 ~~resolution. The report shall also include a statement of the~~  
24 ~~numbers and types of licenses granted.~~

25 CHAPTER 5

26 LICENSING

27 Section 501. Medical cannabis growers.

28 ~~(a) Licensing. The board shall license not more than 65~~  
29 ~~medical cannabis growers to supply medical cannabis for~~  
30 ~~distribution to medical cannabis processors and medical cannabis~~

1 ~~dispensers under this act.~~

2 ~~(b) Imposition. At the time of license issuance, the board~~  
3 ~~shall impose a licensing fee in the amount of \$50,000. The board~~  
4 ~~shall impose an initial \$5,000 annual renewal fee for each year~~  
5 ~~immediately following the year the license was issued. Renewal~~  
6 ~~fees shall thereafter be subject to adjustment under section~~  
7 ~~308.~~

8 ~~(c) Term. Upon payment of the fee under subsection (b), a~~  
9 ~~grower's license shall be in effect unless suspended, revoked or~~  
10 ~~not renewed by the board for good cause.~~

11 ~~(d) Update. A licensee under this section must notify the~~  
12 ~~board of a change relating to the status of its license or other~~  
13 ~~information contained in its application and other information~~  
14 ~~filed with the board.~~

15 ~~(e) Deposit. The licensure fee under subsection (b) shall~~  
16 ~~be deposited into the General Fund. Renewal fees under~~  
17 ~~subsection (b) shall be deposited into the account.~~

18 ~~(f) Restriction. There shall be no restriction on specific~~  
19 ~~strains of medical cannabis that may be grown under this act.~~  
20 ~~Use of genetically modified organisms or an organism whose~~  
21 ~~genetic material has been altered using genetic engineering may~~  
22 ~~not be used in the cultivation of medical cannabis.~~

23 ~~(g) Requirements. A medical cannabis grower shall:~~

24 ~~(1) Only grow medical cannabis using conventional~~  
25 ~~growing methods approved by the board in consultation with~~  
26 ~~the Department of Agriculture.~~

27 ~~(2) Submit to preoperational and postoperational~~  
28 ~~announced and unannounced inspections by the board or the~~  
29 ~~department.~~

30 ~~(3) Grow cannabis only in an indoor, enclosed, secure~~



1 ~~facility.~~

2 ~~(4) Conduct quality testing utilizing a testing~~  
3 ~~laboratory certified by the board prior to the sale of~~  
4 ~~medical cannabis and submit to random testing of medical~~  
5 ~~cannabis conducted by the board.~~

6 ~~(5) Package and label medical cannabis products in~~  
7 ~~accordance with regulations of the board.~~

8 ~~(6) Only sell, transport or deliver medical cannabis to~~  
9 ~~a medical cannabis processor, certified laboratory or medical~~  
10 ~~cannabis dispenser.~~

11 ~~(7) Provide information relating to the enclosed, secure~~  
12 ~~facility where medical cannabis will be grown, harvested or~~  
13 ~~stored, including electronic locking systems, limited access~~  
14 ~~areas, secure storage and disposal procedures, electronic~~  
15 ~~surveillance and other features required by the board.~~

16 ~~(8) Provide a cultivation, inventory and packaging plan~~  
17 ~~and procedures for the oversight of the cultivation area,~~  
18 ~~including a plant monitoring system, container tracking~~  
19 ~~system and staffing plan.~~

20 ~~(9) Maintain daily records of plants, sales and other~~  
21 ~~activities, as required by the board.~~

22 ~~(10) Perform a weekly physical inventory of all plants~~  
23 ~~and containers.~~

24 ~~(11) Notify law enforcement within 24 hours of any loss~~  
25 ~~or theft of medical cannabis.~~

26 ~~(h) Prohibitions. A medical cannabis grower may not do any~~  
27 ~~of the following:~~

28 ~~(1) Be located within 1,000 feet of the property line of~~  
29 ~~a public, private or parochial school or a day care center.~~

30 ~~(2) Be located in a residential dwelling or an area~~

1 ~~zoned for residential use.~~

2 ~~(3) Acquire cannabis from outside this Commonwealth or~~  
3 ~~otherwise in violation of regulations of the board.~~

4 ~~(4) Permit an individual to consume cannabis on its~~  
5 ~~property.~~

6 ~~(5) Advertise medical cannabis on radio or television.~~

7 ~~(i) Exchange. The board shall promulgate regulations for~~  
8 ~~the exchange of medical cannabis seed and plant materials~~  
9 ~~between growers.~~

10 ~~Section 502. Medical cannabis processors.~~

11 ~~(a) Licensing. The board shall license not more than 65~~  
12 ~~medical cannabis processors to process medical cannabis into~~  
13 ~~oil based medical cannabis products, including oil, edible~~  
14 ~~products, ointments and tinctures. The licensees shall be~~  
15 ~~geographically dispersed throughout this Commonwealth to allow~~  
16 ~~access to processed medical cannabis by medical cannabis~~  
17 ~~dispensers.~~

18 ~~(b) Imposition. At the time of license issuance, the board~~  
19 ~~shall impose a licensing fee in the amount of \$50,000. The board~~  
20 ~~shall impose an initial \$5,000 annual renewal fee for each year~~  
21 ~~immediately following the year the license was issued. Renewal~~  
22 ~~fees shall be subject to adjustment and deposit under section~~  
23 ~~308.~~

24 ~~(c) Term. Upon payment of the fee under subsection (b), a~~  
25 ~~processor's license shall be in effect unless suspended, revoked~~  
26 ~~or not renewed by the board for good cause.~~

27 ~~(d) Update. A licensee under this section must notify the~~  
28 ~~board of a change relating to the status of its license or other~~  
29 ~~information contained in its application and other information~~  
30 ~~filed with the board.~~

1       ~~(e) Deposit. The license fee under subsection (b) shall be~~  
2 ~~deposited into the General Fund. Renewal fees shall be deposited~~  
3 ~~into the account.~~

4       ~~(f) Requirements. A medical cannabis processor shall do all~~  
5 ~~of the following:~~

6           ~~(1) Only use extraction and processing methods approved~~  
7 ~~by the board.~~

8           ~~(2) Submit to preoperational and postoperational~~  
9 ~~announced and unannounced inspections by the board and the~~  
10 ~~department.~~

11           ~~(3) Conduct quality testing utilizing a certified~~  
12 ~~testing laboratory approved by the board prior to delivery to~~  
13 ~~a dispenser and submit to random testing conducted by the~~  
14 ~~board.~~

15           ~~(4) Only sell, transport or deliver medical cannabis to~~  
16 ~~a testing laboratory or to a medical cannabis dispenser.~~

17           ~~(5) Conduct processing activity in a board approved~~  
18 ~~facility that is indoor, enclosed and secure, and includes an~~  
19 ~~electronic locking system, a limited access area, secure~~  
20 ~~storage and disposal procedures, electronic surveillance and~~  
21 ~~other features required by the board.~~

22           ~~(6) Provide information relating to the facility and~~  
23 ~~features under paragraph (5).~~

24           ~~(7) Provide a processing, inventory and packaging plan~~  
25 ~~and procedures for the oversight of the processing facility,~~  
26 ~~including a plant and product monitoring system, container~~  
27 ~~tracking system and staffing plan.~~

28           ~~(8) Perform a weekly physical inventory of all plants,~~  
29 ~~containers and processing materials.~~

30           ~~(9) Maintain a daily log of access to medical cannabis~~

1 ~~received and products shipped.~~

2 ~~(10) Only sell medical cannabis approved by a certified~~  
3 ~~laboratory to a licensed medical cannabis dispenser.~~

4 ~~(11) Notify law enforcement within 24 hours of a loss or~~  
5 ~~theft of medical cannabis.~~

6 ~~(12) Maintain daily records of all sales and other~~  
7 ~~activities as required by the board.~~

8 ~~(13) Comply with the regulations of the Department of~~  
9 ~~Agriculture relating to food safety when manufacturing edible~~  
10 ~~products.~~

11 ~~(g) Prohibitions. A medical cannabis processor may not do~~  
12 ~~any of the following:~~

13 ~~(1) Be located within 1,000 feet of the property line of~~  
14 ~~a public, private or parochial school or a day care center.~~

15 ~~(2) Be located in a residential dwelling or an area~~  
16 ~~zoned for residential use.~~

17 ~~(3) Acquire cannabis from anyone other than a licensed~~  
18 ~~medical cannabis grower.~~

19 ~~(4) Obtain cannabis from outside this Commonwealth.~~

20 ~~(5) Process cannabis for any purpose except to provide~~  
21 ~~medical cannabis to a licensed medical cannabis dispenser.~~

22 ~~(6) Advertise medical cannabis on radio or television.~~

23 ~~Section 503. Medical cannabis dispensers.~~

24 ~~(a) Licensing. The board shall license not more than 130~~  
25 ~~medical cannabis dispensers to accept medical cannabis access~~  
26 ~~cards and dispense medical cannabis to a registered patient or~~  
27 ~~patient representative in accordance with the instructions of a~~  
28 ~~health care practitioner. The licensees shall be geographically~~  
29 ~~dispersed throughout this Commonwealth to allow all registered~~  
30 ~~patients reasonable proximity and access to medical cannabis by~~

1 ~~a medical cannabis dispenser.~~

2 ~~(b) Imposition. At the time of license issuance, the board~~  
3 ~~shall impose a licensing fee in the amount of \$50,000. The board~~  
4 ~~shall impose an initial \$5,000 annual renewal fee for each year~~  
5 ~~immediately following the year the license was issued. Renewal~~  
6 ~~fees shall be subject to adjustment under section 308.~~

7 ~~(c) Term. Upon payment of the fee under subsection (b), a~~  
8 ~~dispenser's license shall be in effect unless suspended, revoked~~  
9 ~~or not renewed by the board for good cause.~~

10 ~~(d) Update. A licensee under this section must notify the~~  
11 ~~board of a change relating to the status of its license,~~  
12 ~~operation or other information contained in its application and~~  
13 ~~other information filed with the board.~~

14 ~~(e) Deposit. The license fee under subsection (b) shall be~~  
15 ~~deposited into the General Fund. Renewal fees shall be deposited~~  
16 ~~into the account.~~

17 ~~(f) Requirements. A medical cannabis dispenser shall do all~~  
18 ~~of the following:~~

19 ~~(1) Maintain a system to verify medical cannabis access~~  
20 ~~cards.~~

21 ~~(2) Submit to preoperational and postoperational~~  
22 ~~announced and unannounced inspections by the board and the~~  
23 ~~department.~~

24 ~~(3) Maintain a daily log of all medical cannabis~~  
25 ~~purchased and dispensed. The log shall include:~~

26 ~~(i) The name of the registered patient or a patient~~  
27 ~~representative that holds the medical cannabis access~~  
28 ~~card.~~

29 ~~(ii) The amount of medical cannabis dispensed.~~

30 ~~(iii) The date of each dispensing to the cardholder.~~

1           ~~(4) Provide reports as required by the board relating to~~  
2 ~~amounts dispensed.~~

3           ~~(5) Maintain an enclosed, secure physical premises that~~  
4 ~~meets the regulations of the board. Medical cannabis may not~~  
5 ~~be visible from the entryway to an individual who is not an~~  
6 ~~occupation permitted employee, owner or operator of the~~  
7 ~~licensed premises.~~

8           ~~(6) Dispense no more than a 30 day supply of the dosage~~  
9 ~~recommended by the health care practitioner unless the~~  
10 ~~registered patient receives a waiver from the department~~  
11 ~~authorizing a larger amount. A new 30 day supply may be~~  
12 ~~dispensed during the seven days prior to the end of the 30-~~  
13 ~~day period under this paragraph.~~

14           ~~(7) Only accept authorizations from a health care~~  
15 ~~practitioner for no more than the 30 day supply periods.~~  
16 ~~Thereafter, a new authorization from the health care~~  
17 ~~practitioner shall be required.~~

18           ~~(8) Comply with recommendations of the health care~~  
19 ~~practitioner as to strain, dosage and amount of medical~~  
20 ~~cannabis dispensed.~~

21           ~~(9) Provide all registered patients and patient~~  
22 ~~representatives with a safety insert developed by the~~  
23 ~~Department of Health which includes:~~

24                 ~~(i) Methods for administering medical cannabis.~~  
25                 ~~(ii) Potential dangers.~~  
26                 ~~(iii) Recognition and correction of problematic~~  
27 ~~dosage.~~

28                 ~~(iv) Other information required by the department.~~

29           ~~(10) Sell only medical cannabis that has received~~  
30 ~~approval from the certified laboratory.~~

1           ~~(11) Maintain an electronic security system, including~~  
2 ~~all of the following:~~

3           ~~(i) Electronic surveillance.~~

4           ~~(ii) An electronic locking system.~~

5           ~~(iii) A locked door or barrier between the entry and~~  
6 ~~a limited access area for patients, storage, disposal and~~  
7 ~~other processes.~~

8           ~~(12) Provide for the supervision of the dispensing of~~  
9 ~~medical cannabis at all times by an individual with~~  
10 ~~qualifications required by the board.~~

11           ~~(13) Display appropriate signage as required by the~~  
12 ~~board.~~

13           ~~(14) Provide the proposed address of the enclosed,~~  
14 ~~secure facility where medical cannabis will be dispensed.~~

15           ~~(15) Provide an inventory and packaging plan and~~  
16 ~~procedures for the oversight of the dispensing facility,~~  
17 ~~including a plant and product monitoring system, container~~  
18 ~~tracking system, staffing plan and security plan.~~

19           ~~(16) Perform a weekly physical inventory of all medical~~  
20 ~~cannabis and medical cannabis products.~~

21           ~~(17) Obtain medical cannabis only from a medical~~  
22 ~~cannabis processor.~~

23           ~~(18) Notify law enforcement within 24 hours of a loss or~~  
24 ~~theft of medical cannabis.~~

25           ~~(g) Prohibitions. A medical cannabis dispenser may not do~~  
26 ~~any of the following:~~

27           ~~(1) Be located within 1,000 feet of the property line of~~  
28 ~~a public, private or parochial school or a day care center.~~

29           ~~(2) Be located in a residential dwelling or an area~~  
30 ~~zoned for residential use.~~

1 ~~(3) Obtain cannabis from outside this Commonwealth.~~

2 ~~(4) Sell medical cannabis for any purpose except to a~~  
3 ~~registered patient or a patient representative.~~

4 ~~(5) Permit an individual to consume cannabis on its~~  
5 ~~property.~~

6 ~~(6) Sell products which contain nicotine or alcohol.~~

7 ~~(7) Sell medical cannabis over the Internet or to a~~  
8 ~~person not physically present at its location.~~

9 ~~(8) Advertise medical cannabis on radio or television.~~

10 ~~Section 504. Applications.~~

11 ~~(a) Application. An application for a grower, processor or~~  
12 ~~dispenser license must be submitted on a form and in a manner as~~  
13 ~~required by the board. In reviewing an application, the board~~  
14 ~~shall confirm that all applicable fees have been paid.~~

15 ~~(b) Information. An applicant for a grower, processor or~~  
16 ~~dispenser license under this act must do all of the following:~~

17 ~~(1) Disclose the following information:~~

18 ~~(i) Each arrest and citation for a nontraffic~~  
19 ~~summary offense of the applicant.~~

20 ~~(ii) The name, address and photograph of the~~  
21 ~~applicant and each principal and the principal's position~~  
22 ~~within the corporation or organization.~~

23 ~~(iii) Any financial information required by the~~  
24 ~~board.~~

25 ~~(iv) The proposed location of the growing,~~  
26 ~~processing or dispensing operation.~~

27 ~~(v) The details of each loan obtained to finance the~~  
28 ~~growing, processing or dispensing operation.~~

29 ~~(vi) The details of any civil judgment against the~~  
30 ~~applicant or the applicant's owners or operators relating~~



1           to:

2                   ~~(A) security regulation laws of the Federal~~  
3           ~~Government;~~

4                   ~~(B) laws relating to the regulation of~~  
5           ~~pharmaceuticals; or~~

6                   ~~(C) laws under 15 Pa.C.S. (relating to~~  
7           ~~corporations and unincorporated associations).~~

8                   ~~(vii) Any other information required by the board.~~

9           ~~(2) Consent to the conduct of a background investigation~~  
10           ~~by the board, the scope of which shall be determined by the~~  
11           ~~board consistent with this act. Consent shall include a~~  
12           ~~release signed by each person subject to the investigation of~~  
13           ~~information required to complete the investigation.~~

14           ~~(c) Refusal. A refusal to provide the information required~~  
15           ~~under this section or to consent to a background investigation~~  
16           ~~shall result in the immediate denial of a license.~~

17           ~~(d) Character requirements. Each application for a grower,~~  
18           ~~processor or dispenser license shall include information,~~  
19           ~~documentation and assurance required to establish by clear and~~  
20           ~~convincing evidence that the applicant is a person of good~~  
21           ~~character, honesty and integrity, has appropriate financial~~  
22           ~~suitability and is eligible and suitable to be an owner or~~  
23           ~~operator. Information shall include information pertaining to~~  
24           ~~associates during the 10 year period immediately preceding the~~  
25           ~~filing date of the application.~~

26           ~~(e) Privilege. The issuance or renewal of a license under~~  
27           ~~this section shall be a revocable privilege.~~

28           ~~Section 505. Licensing of owner or operator.~~

29           ~~(a) License required. Each owner or operator of an~~  
30           ~~applicant for licensure under this act must obtain an owner or~~

1 ~~operator license from the board. An owner or operator may only~~  
2 ~~have an interest in the activity under this act for which~~  
3 ~~licensure is sought.~~

4 ~~(b) Application. An owner or operator license application~~  
5 ~~shall be in a form prescribed by the board and shall include the~~  
6 ~~following:~~

7 ~~(1) Verification of status as an owner or operator from~~  
8 ~~a medical cannabis dispenser, grower or processor.~~

9 ~~(2) A description of responsibilities as an owner or~~  
10 ~~operator.~~

11 ~~(3) Each release necessary to obtain information from~~  
12 ~~governmental agencies, employers and other organizations.~~

13 ~~(4) Fingerprints, which shall be submitted to the~~  
14 ~~Pennsylvania State Police. The Pennsylvania State Police~~  
15 ~~shall submit fingerprint data to and receive national~~  
16 ~~criminal history record information from the Federal Bureau~~  
17 ~~of Investigation for use in investigating an applicant for an~~  
18 ~~owner or operator license.~~

19 ~~(5) A photograph that meets the standards of the~~  
20 ~~Commonwealth Photo Imaging Network.~~

21 ~~(6) Details relating to a similar license, permit or~~  
22 ~~other authorization obtained in another jurisdiction.~~

23 ~~(7) Any additional information required by the board.~~

24 ~~(c) Issuance. Following review of the application and the~~  
25 ~~background investigation, the board may issue an owner or~~  
26 ~~operator license if the applicant has proven by clear and~~  
27 ~~convincing evidence that the applicant is a person of good~~  
28 ~~character, honesty and integrity and is eligible and suitable to~~  
29 ~~be licensed as an owner or operator.~~

30 ~~(d) Nontransferability. A license issued under this section~~

1 ~~shall be nontransferable.~~

2 ~~(e) Owner or operator. An individual who receives an owner~~  
3 ~~or operator license need not obtain an occupation permit.~~

4 ~~(f) Waiver. The board may waive licensure requirements for~~  
5 ~~an owner of securities in a publicly traded corporation if the~~  
6 ~~board determines that the holder of the securities is not~~  
7 ~~significantly involved in the activities of the applicant.~~

8 ~~Section 506. Occupation permit for medical cannabis employees~~  
9 ~~and certain patient representatives.~~

10 ~~(a) Permit required. Each medical cannabis employee, and~~  
11 ~~each patient representative who is not a parent or guardian of a~~  
12 ~~patient, shall obtain an occupation permit from the board.~~

13 ~~(b) Application. An occupation permit application shall be~~  
14 ~~in a form prescribed by the board and shall include the~~  
15 ~~following:~~

16 ~~(1) Verification of one of the following:~~

17 ~~(i) The status as a medical cannabis employee or~~  
18 ~~potential medical cannabis employer from a medical~~  
19 ~~cannabis grower, processor or dispenser.~~

20 ~~(ii) From a health care facility that the patient~~  
21 ~~representative is an employee designated to purchase,~~  
22 ~~possess, transport, deliver and properly administer~~  
23 ~~medical cannabis to a patient with a medical cannabis~~  
24 ~~access card who is unable to obtain the medical cannabis.~~

25 ~~(2) A description of employment responsibilities.~~

26 ~~(3) Each release necessary to obtain information from~~  
27 ~~governmental agencies, employers and other organizations.~~

28 ~~(4) Fingerprints, which shall be submitted to the~~  
29 ~~Pennsylvania State Police. The Pennsylvania State Police~~  
30 ~~shall submit fingerprint data to and receive national~~

1 ~~criminal history record information from the Federal Bureau-~~  
2 ~~of Investigation for use in investigating an applicant for an-~~  
3 ~~occupation permit.~~

4 ~~(5) A photograph that meets the standards of the-~~  
5 ~~Commonwealth Photo Imaging Network.~~

6 ~~(6) Details relating to a similar license, permit or-~~  
7 ~~other authorization obtained in another jurisdiction.~~

8 ~~(7) Any additional information required by the board.~~

9 ~~(c) Issuance. Following review of the application and the-~~  
10 ~~background investigation, the board may issue an occupation-~~  
11 ~~permit if the applicant has proven by clear and convincing-~~  
12 ~~evidence that the applicant is a person of good character,-~~  
13 ~~honesty and integrity and is eligible and suitable to be an-~~  
14 ~~occupation permit holder.~~

15 ~~(d) Nontransferability. An occupation permit issued under-~~  
16 ~~this section shall be nontransferable.~~

17 ~~(e) Privilege. The issuance or renewal of a permit under-~~  
18 ~~this section shall be a revocable privilege.~~

19 ~~Section 507. Change in ownership.~~

20 ~~The following apply to notification and approval:~~

21 ~~(1) A medical cannabis grower, processor or dispenser-~~  
22 ~~must notify the board upon becoming aware of a proposed or-~~  
23 ~~contemplated change of ownership or control of the licensee.-~~  
24 ~~The new owner must pay the licensing fee required under this-~~  
25 ~~chapter.~~

26 ~~(2) The purchaser of the assets of a medical cannabis-~~  
27 ~~grower, processor or dispenser must independently qualify for-~~  
28 ~~a license in accordance with this act and must pay the-~~  
29 ~~license fee required under this chapter.~~

30 ~~(3) If the ownership of the operation of a licensed-~~

1 ~~grower, processor or dispenser or its affiliate is changed,~~  
2 ~~the new owner must pay the annual renewal fee for each~~  
3 ~~applicable license.~~

4 ~~Section 508. Location.~~

5 ~~(a) General rule. Except as otherwise provided under this~~  
6 ~~act, each grower, processor and dispenser license shall be valid~~  
7 ~~for the specific physical location within the municipality and~~  
8 ~~county for which it was originally granted. A person may not~~  
9 ~~distribute medical cannabis from a location other than a~~  
10 ~~licensed facility.~~

11 ~~(b) Zoning. The following shall apply:~~

12 ~~(1) The growing of medical cannabis shall be classified~~  
13 ~~as a normal agricultural operation as defined under section 2~~  
14 ~~of the act of June 10, 1982 (P.L.454, No.133), referred to as~~  
15 ~~the Right to Farm Law.~~

16 ~~(2) Facilities for the manufacturing, preparation and~~  
17 ~~production of medical cannabis shall meet the same municipal~~  
18 ~~zoning and land use requirements as other manufacturing,~~  
19 ~~preparation and production facilities.~~

20 ~~(3) Facilities for the dispensing of medical cannabis~~  
21 ~~shall meet the same municipal zoning and land use~~  
22 ~~requirements as other commercial facilities.~~

23 ~~(c) Petition. An applicant or holder of a license under~~  
24 ~~this act may petition the board to relocate its facility. In~~  
25 ~~determining whether to grant a petition to relocate, the board~~  
26 ~~shall do all of the following:~~

27 ~~(1) Evaluate the proposed new location and the reason~~  
28 ~~for relocation.~~

29 ~~(2) Evaluate community support and compliance with local~~  
30 ~~ordinances.~~

1           ~~(3) Consider any other information submitted by the~~  
2           ~~petitioner or required by the board.~~

3   ~~Section 509. Storage and transportation.~~

4           ~~The board shall develop regulations relating to the storage~~  
5           ~~and transportation of medical cannabis among growers,~~  
6           ~~processors, testing laboratories and medical cannabis dispensers~~  
7           ~~which ensure adequate security to guard against in transit~~  
8           ~~losses. The tracking system developed by the board shall include~~  
9           ~~all transportation and storage of medical cannabis. The~~  
10           ~~regulations shall provide for the following:~~

11           ~~(1) Requirements relating to shipping containers and~~  
12           ~~packaging.~~

13           ~~(2) The manner in which trucks, vans, trailers or other~~  
14           ~~carriers will be secured.~~

15           ~~(3) Security systems that include a numbered seal on the~~  
16           ~~trailer.~~

17           ~~(4) Obtaining copies of driver's licenses and~~  
18           ~~registrations and other information related to security and~~  
19           ~~tracking.~~

20           ~~(5) Use of GPS systems.~~

21           ~~(6) Number of drivers or other security required to~~  
22           ~~ensure against storage or in transit losses.~~

23           ~~(7) Recordkeeping for delivery and receipt of medical~~  
24           ~~cannabis products.~~

25   ~~Section 510. Disposal and donation.~~

26           ~~(a) Disposal. The board shall promulgate regulations~~  
27           ~~relating to disposal of medical cannabis by medical cannabis~~  
28           ~~growers, processors, dispensers and law enforcement.~~

29           ~~(b) Donation. A medical cannabis dispenser, grower and~~  
30           ~~processor may donate medical cannabis that has been purchased or~~

1 ~~produced and tested in this Commonwealth in accordance with this~~  
2 ~~act and is in new and unopened condition and can only be donated~~  
3 ~~for research purposes to an accredited research institution,~~  
4 ~~university or college within this Commonwealth and recognized by~~  
5 ~~the Commonwealth.~~

6 ~~Section 511. Testing laboratories.~~

7 ~~(a) Certification. The board shall certify accredited~~  
8 ~~laboratories to test medical cannabis in accordance with~~  
9 ~~regulations of the board.~~

10 ~~(b) Requirement. A medical cannabis grower and a medical~~  
11 ~~cannabis processor must utilize a certified laboratory to test~~  
12 ~~the quality of medical cannabis before the sale or transport of~~  
13 ~~medical cannabis is made as required by the board.~~

14 ~~(c) Duty of board. The board shall determine the scope and~~  
15 ~~content of information required to certify laboratories,~~  
16 ~~including security requirements.~~

17 ~~Section 512. Licensee prohibitions.~~

18 ~~(a) Inspection. A licensee or certified laboratory may not~~  
19 ~~refuse to allow an authorized employee of the department to~~  
20 ~~inspect a licensed premises at any time.~~

21 ~~(b) Other prohibitions. A licensee or certified laboratory~~  
22 ~~may be cited under this act for:~~

23 ~~(1) An unlawful act prohibited by State law which occurs~~  
24 ~~on the licensed premises.~~

25 ~~(2) An unlawful act which involves a licensee or the~~  
26 ~~licensee's agent or employee.~~

27 ~~(3) The sale or purchase of an illegal drug by the~~  
28 ~~licensee or by the licensee's agent or employee.~~

29 ~~CHAPTER 7~~

30 ~~MEDICAL CANNABIS ACCESS~~

1 ~~Section 701. Medical cannabis access card.~~

2 ~~(a) Department of Health. A patient with a qualified~~  
3 ~~medical condition may register with the Department of Health and~~  
4 ~~be issued a medical cannabis access card.~~

5 ~~(b) Enforcement. The department shall develop regulations~~  
6 ~~to enforce the provisions of this chapter, including revocation~~  
7 ~~or suspension of an access card for violations of this act.~~

8 ~~(c) Application. An application for a medical cannabis~~  
9 ~~access card shall be developed by the Department of Health.~~  
10 ~~Applications for renewal shall be required on an annual basis. A~~  
11 ~~patient representative may obtain a medical cannabis access card~~  
12 ~~on behalf of a registered patient.~~

13 ~~(d) Certification. Applications and renewals must include~~  
14 ~~written certification from a health care practitioner under~~  
15 ~~subsection (1) that the applicant has a qualified medical~~  
16 ~~condition.~~

17 ~~(e) Verification. The Department of Health shall verify the~~  
18 ~~information in the application and renewal form. Verification~~  
19 ~~shall include verification of the certification under subsection~~  
20 ~~(d).~~

21 ~~(f) Time. The Department of Health must approve or deny an~~  
22 ~~application within 90 business days.~~

23 ~~(g) Fee. The Department of Health shall charge an~~  
24 ~~application fee of not more than \$100 and an annual renewal fee~~  
25 ~~of not more than \$50.~~

26 ~~(h) Residency. Except as provided in subsection (i), a~~  
27 ~~patient must reside in this Commonwealth to receive a medical~~  
28 ~~cannabis access card.~~

29 ~~(i) Reciprocity. A patient registered in another state that~~  
30 ~~authorizes medical cannabis and recognizes medical cannabis~~



1 ~~access cards from patients who are residents of this~~  
2 ~~Commonwealth may submit to the Department of Health the~~  
3 ~~patient's credentials to utilize medical cannabis. The~~  
4 ~~department shall develop a system for confirming an out of State~~  
5 ~~patient's status as a medical cannabis user in each state with~~  
6 ~~legalized medical cannabis and only grant a medical cannabis~~  
7 ~~access card to a person with a qualified medical condition.~~  
8 ~~After the Department of Health investigates and approves the~~  
9 ~~patient's credentials, the Department of Health shall issue the~~  
10 ~~patient a medical cannabis access card allowing the patient to~~  
11 ~~utilize medical cannabis in this Commonwealth.~~

12 ~~(j) Patient representative.~~

13 ~~(1) A patient representative must be:~~

14 ~~(i) at least 18 years of age; and~~

15 ~~(ii) a resident of this Commonwealth.~~

16 ~~(2) A patient representative shall do all of the~~  
17 ~~following:~~

18 ~~(i) Register with the department in a manner~~  
19 ~~prescribed by the department.~~

20 ~~(ii) Present, from the registered patient's health-~~  
21 ~~care practitioner who prescribed the medical cannabis,~~  
22 ~~certification that the patient is unable to obtain or~~  
23 ~~administer medical cannabis for a good faith medical or~~  
24 ~~physical reason.~~

25 ~~(iii) Notify the department within 10 business days~~  
26 ~~after:~~

27 ~~(A) a change to the information that the~~  
28 ~~provider, registered patient or patient-~~  
29 ~~representative was required to submit to the~~  
30 ~~department; and~~

1                   ~~(B) the patient representative discovers that~~  
2                   ~~the registry identification has been lost or stolen.~~

3                   ~~(iv) Notify the department by telephone and in~~  
4                   ~~writing within 10 days following the death of the patient~~  
5                   ~~representative's registered patient. The department shall~~  
6                   ~~provide instruction to the patient representative~~  
7                   ~~regarding the duty to dispose of and means by which the~~  
8                   ~~remaining medical cannabis may be disposed.~~

9                   ~~(3) A patient representative may do any of the~~  
10                  ~~following:~~

11                  ~~(i) Transport a registered patient to and from a~~  
12                  ~~licensed medical cannabis dispenser.~~

13                  ~~(ii) Obtain and transport an adequate supply of~~  
14                  ~~medical cannabis from a medical cannabis dispenser on~~  
15                  ~~behalf of a registered patient.~~

16                  ~~(iii) Prepare medical cannabis for consumption by a~~  
17                  ~~registered patient.~~

18                  ~~(iv) Administer medical cannabis to a registered~~  
19                  ~~patient as recommended by the registered patient's health~~  
20                  ~~care practitioner.~~

21                  ~~(4) A patient representative may not do any of the~~  
22                  ~~following:~~

23                  ~~(i) Receive payment or other compensation for~~  
24                  ~~services provided as a patient representative other than~~  
25                  ~~reimbursement for reasonable expenses incurred in the~~  
26                  ~~provision of services as a patient representative. In the~~  
27                  ~~case of an employee of a health care facility serving as~~  
28                  ~~a patient representative, the individual may not receive~~  
29                  ~~payment or compensation above or beyond the individual's~~  
30                  ~~regular wages.~~

1           ~~(ii) Consume medical cannabis which has been~~  
2           ~~dispensed on behalf of a registered patient.~~

3           ~~(iii) Sell, provide or otherwise divert medical~~  
4           ~~cannabis which has been dispensed to a registered~~  
5           ~~patient.~~

6           ~~(iv) Grow or cultivate medical cannabis on behalf of~~  
7           ~~any individual.~~

8           ~~(v) Purchase medical cannabis from an unlicensed~~  
9           ~~source.~~

10          ~~(vi) Obtain medical cannabis from a registered~~  
11          ~~patient or a patient representative.~~

12          ~~(5) If a patient representative previously employed by a~~  
13          ~~health care facility is no longer employed by the health care~~  
14          ~~facility, the authority to obtain medical cannabis using a~~  
15          ~~medical cannabis access card or other form of authorization~~  
16          ~~issued by the department shall be void. A health care~~  
17          ~~facility that employs a patient representative to pick up,~~  
18          ~~deliver or administer medical cannabis to registered patients~~  
19          ~~shall notify the department immediately upon termination of~~  
20          ~~the patient representative's employment.~~

21          ~~(6) The department shall promulgate regulations relating~~  
22          ~~to patient representatives, including the form of~~  
23          ~~authorization to be utilized.~~

24          ~~(k) Confidentiality. The Department of Health shall~~  
25          ~~maintain a confidential list of each individual who has been~~  
26          ~~issued a medical cannabis access card or authorized to act as a~~  
27          ~~patient representative. Other identifying information on the~~  
28          ~~list shall be confidential and shall not be considered a public~~  
29          ~~record under the act of February 14, 2008 (P.L.6, No.3), known~~  
30          ~~as the Right to Know Law. The list may not be disclosed except~~

1 ~~to any of the following:~~

2 ~~(1) Authorized employees of the board and the Department~~  
3 ~~of Health as necessary to perform official duties of the~~  
4 ~~board and the Department of Health.~~

5 ~~(2) Authorized employees of the board and the Department~~  
6 ~~of Health, as necessary to verify that a person who is~~  
7 ~~engaged in the suspected or alleged medical use of cannabis~~  
8 ~~is lawfully in possession of a medical cannabis access card.~~

9 ~~(1) Health care practitioners.~~

10 ~~(1) A health care practitioner may recommend the use of~~  
11 ~~medical cannabis to a patient if the health care practitioner~~  
12 ~~complies with all of the following:~~

13 ~~(i) Has a good faith practitioner patient~~  
14 ~~relationship with the patient, not limited to a~~  
15 ~~certification for the patient to use medical cannabis or~~  
16 ~~a consultation simply for that purpose.~~

17 ~~(ii) Practices within this Commonwealth at an~~  
18 ~~established place of practice.~~

19 ~~(iii) Registers with the department if required by~~  
20 ~~department regulation.~~

21 ~~(iv) Has responsibility for the ongoing care and~~  
22 ~~treatment of the patient as long as the ongoing care~~  
23 ~~treatment is not limited to or for the primary purpose of~~  
24 ~~certifying a qualifying medical condition.~~

25 ~~(v) Has completed and documented an in person full~~  
26 ~~assessment of the patient's medical history and current~~  
27 ~~medical condition not more than 90 days prior to making~~  
28 ~~the certification for medical cannabis. The assessment~~  
29 ~~shall include a review of medical records from other~~  
30 ~~treating health care practitioners from the previous 12~~

1 months.

2 ~~(vi) Certifies that the patient is under the~~  
3 ~~physician's care for, and that the physician has~~  
4 ~~expertise in, the patient's qualifying medical condition.~~

5 ~~(vii) Certifies that in the physician's professional~~  
6 ~~opinion, the patient is likely to receive therapeutic or~~  
7 ~~palliative benefit from the medical use of cannabis to~~  
8 ~~treat or alleviate the patient's qualifying medical~~  
9 ~~condition or symptoms associated with the condition.~~

10 ~~(viii) Bases each authorization to receive medical~~  
11 ~~cannabis on generally accepted standards of medical~~  
12 ~~practice.~~

13 ~~(ix) Has adopted a recordkeeping system for all~~  
14 ~~patients for whom the physician has recommended the use~~  
15 ~~of medical cannabis.~~

16 ~~(2) A health care practitioner may not do any of the~~  
17 ~~following:~~

18 ~~(i) Accept, solicit or offer a form of remuneration~~  
19 ~~from or to:~~

20 ~~(A) a patient, except normal medical examination~~  
21 ~~costs, patient representative, licensed grower,~~  
22 ~~licensed processor or licensed dispenser; or~~

23 ~~(B) any principal officer, employee or agent of~~  
24 ~~a person listed in clause (A).~~

25 ~~(ii) Offer a discount or an item of value to a~~  
26 ~~patient who uses or agrees to use a particular patient~~  
27 ~~representative or medical cannabis dispenser to obtain~~  
28 ~~medical cannabis.~~

29 ~~(iii) Conduct an examination of a patient for~~  
30 ~~purposes of diagnosing a qualifying medical condition at~~

1 ~~a location where medical cannabis is sold or distributed.~~

2 ~~(iv) Hold a direct or indirect economic interest in,~~  
3 ~~or serve on the board of, a licensed medical cannabis-~~  
4 ~~grower, licensed medical cannabis processor or licensed-~~  
5 ~~medical cannabis dispenser.~~

6 ~~(v) Refer a patient to a particular licensed medical-~~  
7 ~~cannabis grower, licensed medical cannabis processor or-~~  
8 ~~licensed medical cannabis dispenser.~~

9 ~~(vi) Advertise in a facility of a licensed medical-~~  
10 ~~cannabis grower, licensed medical cannabis processor or-~~  
11 ~~licensed medical cannabis dispenser.~~

12 ~~(vii) Issue an authorization to receive medical-~~  
13 ~~cannabis to a member of the health care practitioner's-~~  
14 ~~family.~~

15 ~~Section 702. Expansion of medical conditions.~~

16 ~~(a) Petition. Beginning in 2015, the board may accept-~~  
17 ~~petitions from a resident of this Commonwealth to add additional-~~  
18 ~~qualified medical conditions to those conditions for which a-~~  
19 ~~patient may receive medical cannabis.~~

20 ~~(b) Requirements. A petition under subsection (a):~~

21 ~~(1) must be limited to a single proposed qualified-~~  
22 ~~medical condition;~~

23 ~~(2) must be in a form prescribed by the board;~~

24 ~~(3) must include a description of the specific medical-~~  
25 ~~condition which is the subject of the petition; and~~

26 ~~(4) must not request approval for broad categories of-~~  
27 ~~illnesses.~~

28 ~~(c) Review. Upon receipt of a petition under subsection-~~  
29 ~~(a), the board shall do all of the following:~~

30 ~~(1) Review the petition received for the addition of a-~~

1 ~~qualified medical condition which would benefit from the use~~  
2 ~~of medical cannabis. The board may consolidate petitions for~~  
3 ~~the same or similar condition.~~

4 ~~(2) Review new or current medical and scientific~~  
5 ~~evidence pertaining to currently approved conditions.~~

6 ~~(3) Consult medical and scientific experts as necessary~~  
7 ~~to adequately review the petition.~~

8 ~~(4) Analyze the following:~~

9 ~~(i) Information about why conventional medical~~  
10 ~~therapies are not sufficient to treat or alleviate the~~  
11 ~~impact of the condition or disease.~~

12 ~~(ii) The proposed benefits from the use of medical~~  
13 ~~cannabis.~~

14 ~~(iii) Evidence from the medical community and other~~  
15 ~~experts supporting the use of medical cannabis to~~  
16 ~~alleviate suffering caused by the condition or disease or~~  
17 ~~its treatment.~~

18 ~~(iv) Letters of support from licensed health care~~  
19 ~~providers knowledgeable about the condition or disease,~~  
20 ~~including letters from physicians with whom the~~  
21 ~~petitioner has a physician patient relationship.~~

22 ~~(v) Medical or scientific documentation.~~

23 ~~(d) Action. The board shall approve or deny a petition in~~  
24 ~~accordance with regulations promulgated by the board.~~

25 ~~Section 703. Medical use permitted.~~

26 ~~(a) General rule. The cultivation, possession, acquisition,~~  
27 ~~use, delivery, processing, dispensing or transportation of~~  
28 ~~medical cannabis by a person who, at the time the cultivation,~~  
29 ~~possession, acquisition, use, delivery, processing, dispensing~~  
30 ~~or transportation occurs, possesses a valid license,~~

~~occupational permit, certificate or medical cannabis access card under this act and is in compliance with all applicable terms under this act shall not be unlawful under any provision of law.~~

~~(b) Access card.~~

~~(1) Possession of or application for a medical cannabis access card may not alone constitute probable cause to search a person, the person's property or otherwise subject the person or property to inspection by a governmental agency.~~

~~(2) Paragraph (1) does not apply to a patient under 18 years of age unless all of the following have occurred:~~

~~(i) The minor's health care practitioner has explained to the minor and the minor's custodial parent, guardian or person having legal custody the potential risks and benefits of medical cannabis.~~

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

~~(A) Allow the minor's use of medical cannabis.~~

~~(B) Serve as the minor's patient representative.~~

~~(C) Control the acquisition, dosage and frequency of the minor's use of medical cannabis.~~

~~(c) Restriction. An individual who has been convicted, adjudicated delinquent or granted accelerated rehabilitative disposition or who pleads guilty or nolo contendere for any offense shall not be disqualified from obtaining or possessing a valid medical cannabis access card on the basis of the offense.~~

~~Section 704. Health insurance.~~

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



1 ~~cannabis in a workplace.~~

2 ~~Section 705. Sovereign immunity.~~

3 ~~The Commonwealth may not be held liable for any deleterious~~  
4 ~~outcomes resulting from the medical use of cannabis by a~~  
5 ~~registered patient.~~

6 CHAPTER 9

7 PROTECTION, PROHIBITIONS,

8 ENFORCEMENT AND PENALTIES

9 ~~Section 901. Civil discrimination protection.~~

10 ~~The following shall apply:~~

11 ~~(1) For the purposes of medical care, a patient's~~  
12 ~~authorized use of medical cannabis under this act shall be~~  
13 ~~considered the equivalent of the use of other medication~~  
14 ~~under the direction of a health care practitioner. Medical~~  
15 ~~cannabis, when used in accordance with this act, may not be~~  
16 ~~considered an illicit substance or otherwise disqualify a~~  
17 ~~patient from medical care.~~

18 ~~(2) An individual may not be penalized in any of the~~  
19 ~~following ways due to the individual's use of medical~~  
20 ~~cannabis under this act:~~

21 ~~(i) Denied custody, visitation or parenting time~~  
22 ~~with a minor child.~~

23 ~~(ii) Presumed to neglect or endanger a minor child~~  
24 ~~unless the individual's behavior creates an unreasonable~~  
25 ~~danger to the safety of the minor by clear and convincing~~  
26 ~~evidence.~~

27 ~~(3) A landlord may not refuse to lease or otherwise~~  
28 ~~penalize a patient solely for having a medical cannabis~~  
29 ~~access card or using medical cannabis in accordance with this~~  
30 ~~act unless the landlord would lose a monetary or licensing~~

1 ~~related benefit under Federal law or regulation.~~

2 ~~(4) A school may not refuse to enroll or otherwise~~  
3 ~~penalize a patient solely for having a medical cannabis~~  
4 ~~access card or using medical cannabis in accordance with this~~  
5 ~~act unless the school would lose a monetary or licensing~~  
6 ~~related benefit under Federal law or regulation.~~

7 ~~(5) An employer may not discriminate against an~~  
8 ~~individual in the hiring or termination of benefits or~~  
9 ~~otherwise penalize the individual for being a medical~~  
10 ~~cannabis access cardholder. The following shall apply:~~

11 ~~(i) The employer may take an individual's status as~~  
12 ~~a cardholder into account only if the employer can prove~~  
13 ~~the employee is abusing or misusing the employee's~~  
14 ~~medical cannabis on the premises of the place of~~  
15 ~~employment during ordinary hours of employment or if~~  
16 ~~failure to do so would cause an employer to lose a~~  
17 ~~licensing benefit under Federal law or regulation.~~

18 ~~(ii) An individual's positive drug test for cannabis~~  
19 ~~components or metabolites may not be considered by an~~  
20 ~~employer unless the individual unlawfully used, possessed~~  
21 ~~or was impaired by the medical cannabis while on the~~  
22 ~~premises of the place of employment or during the hours~~  
23 ~~of employment.~~

24 ~~Section 902. Prohibitions and use.~~

25 ~~(a) Prohibitions.—~~

26 ~~(1) A registered patient may not operate or be in~~  
27 ~~physical control of any of the following while under the~~  
28 ~~influence with a blood content of more than 10 nanograms of~~  
29 ~~active tetrahydrocannabinol per milliliter of blood in serum:~~

30 ~~(i) A motor vehicle.~~

1           ~~(ii) An aircraft.~~

2           ~~(iii) A motor boat.~~

3           ~~(iv) Heavy machinery.~~

4           ~~(v) A mode of transportation in a manner that would~~  
5           ~~constitute an offense under 75 Pa.C.S. Ch. 38 (relating~~  
6           ~~to driving after imbibing alcohol or utilizing drugs).~~

7           ~~(2) A registered patient may not undertake any task~~  
8           ~~under the influence of cannabis when doing so would~~  
9           ~~constitute negligence or professional malpractice.~~

10          ~~(3) A person may not allow cannabis obtained by a~~  
11          ~~registered patient to be used by an individual who is not~~  
12          ~~authorized to use medical cannabis under this act.~~

13          ~~(4) An individual may not smoke cannabis or utilize a~~  
14          ~~vaporizer to ingest or inhale cannabis.~~

15          ~~(b) Use. Except as provided under subsection (a), a~~  
16          ~~registered patient may utilize medical cannabis in any public~~  
17          ~~place, including the following:~~

18                 ~~(i) Public transportation.~~

19                 ~~(ii) On school grounds if the registered patient is~~  
20                 ~~a student or an employee of the school in accordance with~~  
21                 ~~the Department of Education regulations regarding~~  
22                 ~~medication on school grounds.~~

23                 ~~(iii) In a correctional facility in accordance with~~  
24                 ~~Department of Corrections regulations regarding~~  
25                 ~~medications in correctional facilities.~~

26                 ~~(iv) At a public park or public beach.~~

27          ~~(c) Adulteration. With the exception of extraction methods~~  
28          ~~and processing operations approved by the board, a person may~~  
29          ~~not adulterate, fortify, contaminate or change the character or~~  
30          ~~purity of medical cannabis from the original sold by a licensed~~

1 ~~medical cannabis grower, processor or dispenser.~~

2 ~~Section 903. Unlawful activities.~~

3 ~~In addition to any other applicable provision of law, it~~  
4 ~~shall be a criminal offense to intentionally or knowingly do any~~  
5 ~~of the following:~~

6 ~~(1) Grow, process or dispense medical cannabis without a~~  
7 ~~license under this act.~~

8 ~~(2) Transport medical cannabis from or between an~~  
9 ~~unlicensed grower, processor or dispenser.~~

10 ~~(3) Participate in the growing, processing, testing or~~  
11 ~~dispensing of medical cannabis in violation of this act.~~

12 ~~(4) Fail to report, pay or truthfully account for and~~  
13 ~~pay any license fee, authorization fee or an assessment~~  
14 ~~imposed under this act.~~

15 ~~(5) Violate any regulation of the board.~~

16 ~~Section 904. Criminal penalties and fines.~~

17 ~~(a) Offense. Except as provided under subsections (b) and~~  
18 ~~(c), a violation of the act shall be graded as a misdemeanor of~~  
19 ~~the second degree.~~

20 ~~(b) Unauthorized actions. A medical cannabis grower,~~  
21 ~~processor or dispenser that distributes, gives, sells or~~  
22 ~~provides medical cannabis to a person other than a person~~  
23 ~~authorized under this act commits a felony of the third degree.~~

24 ~~(c) Individual. An individual who falsifies an application~~  
25 ~~or certification under section 511 commits a misdemeanor of the~~  
26 ~~first degree.~~

27 ~~(d) Other violations. A person that is convicted of a~~  
28 ~~second or subsequent violation of this act commits a felony of~~  
29 ~~the third degree.~~

30 ~~CHAPTER 11~~



1 ~~the property sold, cost or value of transportation, cost or~~  
2 ~~value of labor or service, interest or discount paid or allowed~~  
3 ~~after the sale is consummated, other taxes or surcharges imposed~~  
4 ~~by the Commonwealth or other expense.~~

5 ~~"Sale." A transfer of ownership, custody or possession of~~  
6 ~~medical cannabis for consideration; an exchange, barter or gift;~~  
7 ~~or an offer to sell or transfer the ownership, custody or~~  
8 ~~possession of medical cannabis for consideration.~~

9 ~~"Surcharge payer." A person subject to the surcharge under~~  
10 ~~this chapter.~~

11 ~~"Unclassified importer." A person in this Commonwealth that~~  
12 ~~acquires medical cannabis from a source on which the surcharge~~  
13 ~~imposed by this chapter was not paid and that is not a person~~  
14 ~~otherwise required to be licensed under the provisions of this~~  
15 ~~chapter. The term includes a patient who purchases medical~~  
16 ~~cannabis outside this Commonwealth for personal possession or~~  
17 ~~use in this Commonwealth.~~

18 ~~Section 1102. Incidence and rate of surcharge.~~

19 ~~(a) Imposition. A medical cannabis surcharge is imposed on~~  
20 ~~a medical cannabis purveyor or other person at the time the~~  
21 ~~medical cannabis is first sold to a medical cannabis dispenser~~  
22 ~~in this Commonwealth at the rate of 6% on the purchase price~~  
23 ~~charged to the medical cannabis dispenser for the purchase of~~  
24 ~~medical cannabis. The surcharge shall be collected from the~~  
25 ~~medical cannabis dispenser by the seller of the medical cannabis~~  
26 ~~to the medical cannabis dispenser and remitted to the~~  
27 ~~department. A person required to collect this surcharge shall~~  
28 ~~separately state the amount of surcharge on an invoice or other~~  
29 ~~sales document.~~

30 ~~(b) Medical cannabis dispenser. If the surcharge is not~~

1 ~~collected by the seller from the medical cannabis dispenser, the~~  
2 ~~surcharge is imposed on the medical cannabis dispenser at the~~  
3 ~~time of purchase at the same rate as in subsection (a) based on~~  
4 ~~the medical cannabis dispenser's purchase price of the medical~~  
5 ~~cannabis. The medical cannabis dispenser shall remit the~~  
6 ~~surcharge to the department.~~

7 ~~(c) Unclassified importer. The surcharge is imposed on an~~  
8 ~~unclassified importer at the time of purchase at the same rate~~  
9 ~~as in subsection (a) based on the unclassified importer's~~  
10 ~~purchase price of the medical cannabis. The unclassified~~  
11 ~~importer shall remit the surcharge to the department.~~

12 ~~(d) Exceptions. The surcharge shall not be imposed on~~  
13 ~~medical cannabis that:~~

- 14 ~~(1) is exported for sale outside this Commonwealth; or~~  
15 ~~(2) is not subject to surcharge or taxation by the~~  
16 ~~Commonwealth pursuant to any laws of the United States.~~

17 ~~(e) Article II. Unless otherwise specifically noted, the~~  
18 ~~provisions of Article II of the act of March 4, 1971 (P.L.6,~~  
19 ~~No.2), known as the Tax Reform Code of 1971, shall apply to the~~  
20 ~~returns, payment, penalties, enforcement, collections and~~  
21 ~~appeals of the surcharge imposed on medical cannabis.~~

22 ~~Section 1103. Limitation of surcharge.~~

23 ~~Only one sale shall be surcharged and used in computing the~~  
24 ~~amount of surcharge due under this chapter.~~

25 ~~Section 1104. Remittance of surcharge to department.~~

26 ~~Medical cannabis purveyors and unclassified importers shall~~  
27 ~~file monthly reports on a form prescribed by the department by~~  
28 ~~the 20th day of the month following the sale or purchase of~~  
29 ~~medical cannabis from another source on which the surcharge~~  
30 ~~levied by this chapter has not been paid. The surcharge is due~~

1 ~~at the time the report is due. The department may require the~~  
2 ~~filing of reports and payments of surcharges on a less frequent~~  
3 ~~basis at its discretion.~~

4 ~~Section 1105. Procedures for claiming refund.~~

5 ~~A claim for a refund of the surcharge imposed by this chapter~~  
6 ~~shall be in accordance with section 3003.1 and Article XXVII of~~  
7 ~~the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform~~  
8 ~~Code of 1971, and shall be in the form and contain the~~  
9 ~~information prescribed by the department by regulation.~~

10 ~~Section 1106. Sales or possession of medical cannabis when~~  
11 ~~surcharges not paid.~~

12 ~~(a) Sales or possession. A person who sells or possesses~~  
13 ~~medical cannabis for which the proper surcharge has not been~~  
14 ~~paid commits a summary offense and shall, upon conviction, be~~  
15 ~~sentenced to pay costs of prosecution and a fine of not less~~  
16 ~~than \$100 nor more than \$1,000 or to imprisonment for not more~~  
17 ~~than 60 days, or both, at the discretion of the court. Medical~~  
18 ~~cannabis purchased from a medical cannabis purveyor properly~~  
19 ~~licensed under this chapter shall be presumed to have the proper~~  
20 ~~surcharges paid.~~

21 ~~(b) Surcharge evasion. A person that falsely or~~  
22 ~~fraudulently, maliciously, intentionally or willfully, with~~  
23 ~~intent to evade the payment of the surcharge imposed by this~~  
24 ~~chapter, sells or possesses medical cannabis for which the~~  
25 ~~proper surcharge has not been paid commits a misdemeanor of the~~  
26 ~~third degree and shall, upon conviction, be sentenced to pay~~  
27 ~~costs of prosecution and a fine of not more than \$5,000 or to~~  
28 ~~imprisonment for not more than one year, or both, at the~~  
29 ~~discretion of the court.~~

30 ~~Section 1107. Assessment.~~



1       ~~The department is authorized to make the inquiries,~~  
2 ~~determinations and assessments of the surcharge, including~~  
3 ~~interest, additions and penalties, imposed by this chapter.~~  
4 ~~Section 1108. Failure to file return.~~

5       ~~Where no return is filed, the amount of the surcharge due may~~  
6 ~~be assessed and collected at any time as to chargeable~~  
7 ~~transactions not reported.~~

8 ~~Section 1109. False or fraudulent return.~~

9       ~~Where the surcharge payer willfully files a false or~~  
10 ~~fraudulent return with intent to evade the surcharge imposed by~~  
11 ~~this chapter, the amount of surcharge due may be assessed and~~  
12 ~~collected at any time.~~

13 ~~Section 1110. Extension of limitation period.~~

14       ~~Notwithstanding any other provision of this chapter, where,~~  
15 ~~before the expiration of the period prescribed for the~~  
16 ~~assessment of a surcharge, a surcharge payer has consented, in~~  
17 ~~writing, that the period be extended, the amount of surcharge~~  
18 ~~due may be assessed at any time within the extended period. The~~  
19 ~~period so extended may be extended further by subsequent~~  
20 ~~consents, in writing, made before the expiration of the extended~~  
21 ~~period.~~

22 ~~Section 1111. Failure to furnish information, returning false~~  
23 ~~information or failure to permit inspection.~~

24       ~~(a) Penalty. A surcharge payer who fails to keep or make a~~  
25 ~~record, return, report, inventory or statement, or keeps or~~  
26 ~~makes a false or fraudulent record, return, report, inventory or~~  
27 ~~statement required by this chapter, commits a misdemeanor and~~  
28 ~~shall, upon conviction, be sentenced to pay costs of prosecution~~  
29 ~~and a fine of \$500 and to imprisonment for not more than one~~  
30 ~~year, or both, at the discretion of the court.~~

1       ~~(b) Examination. The department is authorized to examine~~  
2 ~~the books and records, the stock of medical cannabis and the~~  
3 ~~premises and equipment of a surcharge payer in order to verify~~  
4 ~~the accuracy of the payment of the surcharge imposed by this~~  
5 ~~chapter. The person subject to an examination shall give to the~~  
6 ~~department or its duly authorized representative the means,~~  
7 ~~facilities and opportunity for the examination. Willful refusal~~  
8 ~~to cooperate with or permit an examination to the satisfaction~~  
9 ~~of the department shall be sufficient grounds for suspension or~~  
10 ~~revocation of a surcharge payer's license issued under this~~  
11 ~~chapter.~~

12       ~~(c) Records. A medical cannabis purveyor shall keep and~~  
13 ~~maintain for a period of four years records in the form~~  
14 ~~prescribed by the department. The records shall be maintained at~~  
15 ~~the location for which the license under this chapter is issued.~~

16       ~~(d) Reports. A medical cannabis purveyor shall file reports~~  
17 ~~at times and in the form prescribed by the department.~~

18       ~~(e) Medical cannabis purveyor. A medical cannabis purveyor~~  
19 ~~located or doing business in this Commonwealth who sells medical~~  
20 ~~cannabis in this Commonwealth shall keep records showing:~~

21           ~~(1) The amount and kind of medical cannabis sold.~~

22           ~~(2) The date the medical cannabis was sold.~~

23           ~~(3) The name and license number issued under Chapter 5~~  
24 ~~of the medical cannabis dispenser to which the medical~~  
25 ~~cannabis was sold.~~

26           ~~(4) The total price of the medical cannabis sold to the~~  
27 ~~medical cannabis dispenser.~~

28           ~~(5) The place where the medical cannabis was shipped.~~

29           ~~(6) The name of the common carrier.~~

30       ~~(f) Medical cannabis purveyor. A medical cannabis purveyor~~

1 ~~shall file with the department, on or before the 20th day of~~  
2 ~~each month, a report showing the information listed in~~  
3 ~~subsection (e) for the previous month.~~

4 ~~Section 1112. Records of shipments and receipts of medical~~  
5 ~~cannabis required.~~

6 ~~The department may, in its discretion, require reports from a~~  
7 ~~common or contract carrier who transports medical cannabis to~~  
8 ~~any point or points within this Commonwealth, and from a bonded~~  
9 ~~warehouseman or bailee who has in the possession of the~~  
10 ~~warehouseman or bailee any medical cannabis. The reports shall~~  
11 ~~contain the information concerning shipments of medical cannabis~~  
12 ~~that the department determines to be necessary for the~~  
13 ~~administration of this chapter. All common and contract~~  
14 ~~carriers, bailees and warehousemen shall permit the examination~~  
15 ~~by the department or its authorized agents of records relating~~  
16 ~~to the shipment or receipt of medical cannabis.~~

17 ~~Section 1113. Licensing of medical cannabis purveyors.~~

18 ~~(a) Prohibition. No person, unless all sales of medical~~  
19 ~~cannabis are exempt from the medical cannabis surcharge in this~~  
20 ~~Commonwealth, shall sell, transfer or deliver medical cannabis~~  
21 ~~in this Commonwealth without first obtaining the proper license~~  
22 ~~provided for in this chapter.~~

23 ~~(b) Application. An applicant for a medical cannabis~~  
24 ~~purveyor's license shall complete and file an application with~~  
25 ~~the department. The application shall be in the form and contain~~  
26 ~~information prescribed by the department and shall set forth~~  
27 ~~truthfully and accurately the information required by the~~  
28 ~~department. If the application is approved, the department shall~~  
29 ~~license the medical cannabis purveyor for a period of one year~~  
30 ~~and the license may be renewed annually thereafter.~~

1 ~~(c) Requirements. Applicants for a medical cannabis~~  
2 ~~purveyor's license or renewal of that license shall meet the~~  
3 ~~following requirements:~~

4 ~~(1) The premises on which the applicant proposes to~~  
5 ~~conduct business are adequate to protect the revenue.~~

6 ~~(2) The applicant is a person of reasonable financial~~  
7 ~~stability and reasonable business experience.~~

8 ~~(3) The applicant, or a shareholder controlling more~~  
9 ~~than 10% of the stock if the applicant is a corporation or an~~  
10 ~~officer or director if the applicant is a corporation, shall~~  
11 ~~not have been convicted of a crime involving moral turpitude.~~

12 ~~(4) The applicant shall not have failed to disclose~~  
13 ~~material information required by the department, including~~  
14 ~~information that the applicant has complied with this chapter~~  
15 ~~by providing a signed statement under penalty of perjury.~~

16 ~~(5) The applicant shall not have made any material false~~  
17 ~~statement in the application.~~

18 ~~(6) The applicant shall not have violated a provision of~~  
19 ~~this chapter.~~

20 ~~(7) The applicant shall have filed all required State~~  
21 ~~tax reports and paid State taxes not subject to a timely~~  
22 ~~perfected administrative or judicial appeal or subject to a~~  
23 ~~duly authorized deferred payment plan.~~

24 ~~(d) Multiple locations. The medical cannabis purveyor's~~  
25 ~~license shall be valid for one specific location only. Medical~~  
26 ~~cannabis purveyors with more than one location shall obtain a~~  
27 ~~license for each location.~~

28 ~~Section 1114. License fees and issuance and display of license.~~

29 ~~(a) Fees. At the time of making an application or license~~  
30 ~~renewal application, an applicant for a medical cannabis~~

1 ~~purveyor's license shall pay the department a license fee of~~  
2 ~~\$75.~~

3 ~~(b) Proration. Fees shall not be prorated.~~

4 ~~(c) Issuance and display. On approval of the application~~  
5 ~~and payment of the fees, the department shall issue the proper~~  
6 ~~license which must be conspicuously displayed at the location~~  
7 ~~for which it has been issued.~~

8 ~~Section 1115. Electronic filing.~~

9 ~~The department may, at its discretion, require that any or~~  
10 ~~all returns, reports or registrations that are required to be~~  
11 ~~filed under this chapter be filed electronically.~~

12 ~~Section 1116. Expiration of license.~~

13 ~~(a) Expiration. A license shall expire on the last day of~~  
14 ~~June next succeeding the date upon which it was issued unless~~  
15 ~~the department at an earlier date suspends, surrenders or~~  
16 ~~revokes the license.~~

17 ~~(b) Violation. After the expiration date of the license or~~  
18 ~~sooner if the license is suspended, surrendered or revoked, it~~  
19 ~~shall be illegal for a medical cannabis purveyor to engage~~  
20 ~~directly or indirectly in the business conducted by the medical~~  
21 ~~cannabis purveyor for which the license was issued. A licensee~~  
22 ~~who shall, after the expiration date of the license, engage in~~  
23 ~~the business conducted by the licensee either by way of~~  
24 ~~purchase, sale, distribution or in any other manner directly or~~  
25 ~~indirectly engaged in the business of dealing with medical~~  
26 ~~cannabis shall be in violation of this chapter and be subject to~~  
27 ~~the penalties provided in this chapter.~~

28 ~~Section 1117. Administration powers and duties.~~

29 ~~(a) Department. The administration of this chapter is~~  
30 ~~vested in the department. The department shall adopt rules and~~

1 ~~regulations for the enforcement of this chapter.~~

2 ~~(b) Joint administration. The department is authorized to~~  
3 ~~jointly administer this chapter with other provisions of the act~~  
4 ~~of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of~~  
5 ~~1971, including joint reporting of information, forms, returns,~~  
6 ~~statements, documents or other information submitted to the~~  
7 ~~department.~~

8 ~~Section 1118. Sales without license.~~

9 ~~(a) Penalty. A person who shall, without being the holder~~  
10 ~~of a proper unexpired medical cannabis purveyor's license,~~  
11 ~~engage in purchasing, selling, distributing or in another manner~~  
12 ~~directly or indirectly engage in the business of dealing with~~  
13 ~~medical cannabis commits a summary offense and shall, upon~~  
14 ~~conviction, be sentenced to pay costs of prosecution and a fine~~  
15 ~~of not less than \$250 nor more than \$1,000, or to imprisonment~~  
16 ~~for not more than 30 days, or both, at the discretion of the~~  
17 ~~court.~~

18 ~~(b) Prima facie evidence. Open display of medical cannabis~~  
19 ~~in any manner shall be prima facie evidence that the person~~  
20 ~~displaying such medical cannabis is directly or indirectly~~  
21 ~~engaging in the business of dealing medical cannabis.~~

22 ~~Section 1119. Violations and penalties.~~

23 ~~(a) Suspension. The license of a person who violates this~~  
24 ~~chapter may be suspended after due notice and opportunity for a~~  
25 ~~hearing for a period of not less than five days nor more than 30~~  
26 ~~days for a first violation and shall be revoked or suspended for~~  
27 ~~any subsequent violation.~~

28 ~~(b) Fine. In addition to the provisions of subsection (a),~~  
29 ~~upon adjudication of a first violation, the person shall be~~  
30 ~~fined not less than \$2,500 nor more than \$5,000. For subsequent~~

1 ~~violations, the person shall, upon adjudication, be fined not~~  
2 ~~less than \$5,000 nor more than \$15,000.~~

3 ~~Section 1120. Property rights.~~

4 ~~(a) Incorporation. Subject to subsection (b), section 1285~~  
5 ~~of the act of March 4, 1971 (P.L.6, No.2), known as the Tax~~  
6 ~~Reform Code of 1971, is incorporated by reference into and shall~~  
7 ~~apply to this chapter.~~

8 ~~(b) Alterations.~~

9 ~~(1) References to cigarettes in section 1285 of the Tax~~  
10 ~~Reform Code of 1971 shall apply to medical cannabis in this~~  
11 ~~chapter.~~

12 ~~(2) References to 2,000 or more unstamped cigarettes in~~  
13 ~~section 1285 of the Tax Reform Code of 1971 shall apply to~~  
14 ~~medical cannabis worth at least \$1,000 in this chapter.~~

15 ~~(3) References to more than 200 unstamped cigarettes in~~  
16 ~~section 1285 of the Tax Reform Code of 1971 shall apply to~~  
17 ~~medical cannabis worth at least \$100 in this chapter.~~

18 ~~Section 1121. Information exchange.~~

19 ~~The department is authorized to exchange information with any~~  
20 ~~other Federal, State or local enforcement agency for purposes of~~  
21 ~~enforcing this chapter.~~

## 22 ~~CHAPTER 51~~

### 23 ~~MISCELLANEOUS PROVISIONS~~

24 ~~Section 5101. Regulations.~~

25 ~~(a) Requirement. The board shall promulgate regulations as~~  
26 ~~necessary to implement this act.~~

27 ~~(b) Temporary regulations. In order to facilitate the~~  
28 ~~implementation of this act, regulations promulgated by the board~~  
29 ~~shall be deemed temporary regulations which shall expire not~~  
30 ~~later than two years following the publication of the temporary~~

1 ~~regulation. Temporary regulations shall not be subject to:~~

2 ~~(1) Sections 201, 202, 203, 204 and 205 of the act of~~  
3 ~~July 31, 1968 (P.L.769, No.240), referred to as the~~  
4 ~~Commonwealth Documents Law.~~

5 ~~(2) The act of June 25, 1982 (P.L.633, No.181), known as~~  
6 ~~the Regulatory Review Act.~~

7 ~~(3) Sections 204(b) and 301(10) of the act of October~~  
8 ~~15, 1980 (P.L.950, No.164), known as the Commonwealth~~  
9 ~~Attorneys Act.~~

10 ~~(c) Expiration. The board's authority to adopt temporary~~  
11 ~~regulations under subsection (b) shall expire two years after~~  
12 ~~the effective date of this section. Regulations adopted after~~  
13 ~~this period shall be promulgated as provided by law.~~

14 ~~(d) Publication. The board shall begin publishing temporary~~  
15 ~~regulations in the Pennsylvania Bulletin no later than six~~  
16 ~~months following the effective date of this section.~~

17 ~~Section 5102. Appropriation.~~

18 ~~The sum of \$1.3 million or as much thereof as may be~~  
19 ~~necessary is appropriated from the General Fund to the Bureau of~~  
20 ~~Professional and Occupational Affairs within the Department of~~  
21 ~~State for the start up and initial operation of the State Board~~  
22 ~~of Medical Cannabis Licensing.~~

23 ~~Section 5103. Applicability of other statutes.~~

24 ~~The following acts shall apply to the board:~~

25 ~~(1) The act of February 14, 2008 (P.L.6, No.3), known as~~  
26 ~~the Right to Know Law.~~

27 ~~(2) The act of July 19, 1957 (P.L.1017, No.451), known~~  
28 ~~as the State Adverse Interest Act.~~

29 ~~(3) 65 Pa.C.S. Chs. 7 (relating to open meetings) and 11~~  
30 ~~(relating to ethics standards and financial disclosure).~~



1 ~~Section 5104. Repeals.~~

2 ~~The following shall apply:~~

3 ~~(1) Sections 4 and 13 of the act of April 14, 1972~~  
4 ~~(P.L.233, No.64), known as The Controlled Substance, Drug,~~  
5 ~~Device and Cosmetic Act, are repealed insofar as they are~~  
6 ~~inconsistent with this act.~~

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

9 ~~Section 5105. Effective date.~~

10 ~~This act shall take effect in 60 days.~~

11 CHAPTER 1

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12 PRELIMINARY PROVISIONS

13 SECTION 101. SHORT TITLE.

14 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE MEDICAL  
15 CANNABIS ACT.

16 SECTION 102. DEFINITIONS.

17 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL  
18 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
19 CONTEXT CLEARLY INDICATES OTHERWISE:

20 "ACCOUNT." THE PROFESSIONAL LICENSURE AUGMENTATION ACCOUNT  
21 ESTABLISHED UNDER AND USED IN ACCORDANCE WITH THE ACT OF JULY 1,  
22 1978 (P.L.700, NO.124), KNOWN AS THE BUREAU OF PROFESSIONAL AND  
23 OCCUPATIONAL AFFAIRS FEE ACT.

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

25 "CHANGE IN CONTROL." THE ACQUISITION BY A PERSON OR GROUP OF  
26 PERSONS ACTING IN CONCERT OF AT LEAST 20% OF AN INTEREST IN A  
27 LICENSED ENTITY.

28 "DEPARTMENT." THE DEPARTMENT OF STATE OF THE COMMONWEALTH.

29 "HEALTH CARE FACILITY." A FACILITY THAT PROVIDES HEALTH CARE  
30 TO PATIENTS. THE TERM INCLUDES:

1 (1) ANY OF THE FOLLOWING, AS DEFINED UNDER SECTION 802.1  
2 OF THE ACT OF JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE  
3 HEALTH CARE FACILITIES ACT:

4 (I) A HEALTH CARE FACILITY.

5 (II) AN AMBULATORY SURGICAL FACILITY.

6 (III) A LONG-TERM CARE NURSING FACILITY.

7 (IV) A HOSPICE.

8 (2) A CLINIC OPERATED BY A HOSPITAL.

9 (3) A CANCER TREATMENT CENTER.

10 "HEALTH CARE PRACTITIONER." A MEDICAL DOCTOR OR A DOCTOR OF  
11 OSTEOPATHY, AS DEFINED UNDER SECTION 2 OF THE ACT OF DECEMBER  
12 20, 1985 (P.L.457, NO.112), KNOWN AS THE MEDICAL PRACTICE ACT OF  
13 1985.

14 "MEDICAL CANNABIS." AS FOLLOWS:

15 (1) PLANTS CONTAINING CANNABIDIOL, TETRAHYDROCANNABINOL  
16 OR DELTA-9-TETRAHYDROCANNABINOL ACID OR ANY PART OF A  
17 CANNABIS PLANT, INCLUDING CANNABIS PROCESSED BY EXTRACTING  
18 OIL FROM THE PLANT, INTENDED FOR MEDICAL PURPOSES.

19 (2) THE TERM INCLUDES EXTRACTED OIL, OINTMENTS,  
20 TINCTURES AND MEDICAL CANNABIS DELIVERED BY A NEBULIZER.

21 (3) THE TERM DOES NOT INCLUDE EDIBLE PRODUCTS.

22 "MEDICAL CANNABIS ACCESS CARD." A DOCUMENT ISSUED BY THE  
23 DEPARTMENT OF HEALTH THAT AUTHORIZES A PATIENT OR PATIENT  
24 REPRESENTATIVE TO PURCHASE AND POSSESS MEDICAL CANNABIS IN THIS  
25 COMMONWEALTH.

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 BY A MEDICAL CANNABIS GROWER,  
2 MEDICAL CANNABIS PROCESSOR, MEDICAL CANNABIS DISPENSER OR  
3 CERTIFIED LABORATORY WITH THE AUTHORITY TO MAKE A  
4 DISCRETIONARY DECISION RELATING TO THE GROWING,  
5 PROCESSING, DISPENSING OR TESTING OF MEDICAL CANNABIS,  
6 INCLUDING A MANAGER, SUPERVISOR OR AN INDIVIDUAL WHO  
7 DIRECTLY HANDLES OR CONTROLS CANNABIS.

8 (II) IS RESPONSIBLE FOR TRACKING THE AMOUNT AND  
9 TRANSPORTATION OF MEDICAL CANNABIS.

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

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

15 "MEDICAL CANNABIS PROCESSOR." A FOR-PROFIT OR NONPROFIT  
16 ENTITY LICENSED UNDER SECTION 502 AUTHORIZED TO PURCHASE MEDICAL  
17 CANNABIS FROM A MEDICAL CANNABIS GROWER FOR THE PURPOSE OF  
18 PROCESSING THE MEDICAL CANNABIS FOR DISTRIBUTION TO A MEDICAL  
19 CANNABIS DISPENSER IN ACCORDANCE WITH THIS ACT.

20 "MEDICAL CANNABIS STRAINS." THE THREE TYPES OF PURE CANNABIS  
21 UTILIZED FOR MEDICAL PURPOSES. THE TERM INCLUDES CANNABIS  
22 SATIVA, CANNABIS INDICA AND THE HYBRID CREATED BY THE  
23 COMBINATION OF BOTH CANNABIS SATIVA AND CANNABIS INDICA.

24 "MEDICAL USE." THE ACQUISITION, POSSESSION OR USE OF MEDICAL  
25 CANNABIS BY A REGISTERED PATIENT OR PATIENT REPRESENTATIVE. THE  
26 TERM DOES NOT INCLUDE THE SMOKING OR VAPORIZATION OF CANNABIS.

27 "NEBULIZER." A DRUG DELIVERY DEVICE THAT USES OXYGEN,  
28 COMPRESSED AIR OR ULTRASONIC POWER TO BREAK UP MEDICAL  
29 SOLUTIONS, INCLUDING OIL-BASES CANNABIS, INTO SMALL AEROSOL  
30 DROPLETS THAT ARE DIRECTLY INHALED FROM THE MOUTHPIECE OF THE

1 DEVICE.

2 "OCCUPATION PERMIT." A PERMIT ISSUED BY THE BOARD  
3 AUTHORIZING AN INDIVIDUAL TO BE EMPLOYED AS A MEDICAL CANNABIS  
4 EMPLOYEE OR PATIENT REPRESENTATIVE.

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

6 (1) AN OFFICER OR DIRECTOR OF THE MEDICAL CANNABIS  
7 GROWER, PROCESSOR OR DISPENSER LICENSED UNDER SECTION 505.

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

10 (3) A PERSON WHO HAS THE ABILITY TO ELECT A MAJORITY OF  
11 THE BOARD OF DIRECTORS OF A LICENSEE OR TO OTHERWISE CONTROL  
12 A LICENSEE.

13 "PATIENT." AN INDIVIDUAL WHO HAS AN ESTABLISHED  
14 PRACTITIONER-PATIENT RELATIONSHIP AND HAS BEEN DIAGNOSED WITH A  
15 QUALIFIED MEDICAL CONDITION.

16 "PATIENT REPRESENTATIVE." ANY OF THE FOLLOWING:

17 (1) A PARENT OR GUARDIAN OF A REGISTERED PATIENT.

18 (2) AN INDIVIDUAL WHO:

19 (I) IS AT LEAST 18 YEARS OF AGE; AND

20 (II) RECEIVES A MEDICAL CANNABIS ACCESS CARD WHICH  
21 AUTHORIZES:

22 (A) PURCHASE, POSSESSION, TRANSPORT AND TRANSFER  
23 OF MEDICAL CANNABIS FROM A MEDICAL CANNABIS  
24 DISPENSER; AND

25 (B) PROPER ADMINISTRATION OF THE MEDICAL  
26 CANNABIS TO A REGISTERED PATIENT IN ACCORDANCE WITH  
27 THE RECOMMENDATION OF THE REGISTERED PATIENT'S HEALTH  
28 CARE PRACTITIONER.

29 "PRACTITIONER-PATIENT RELATIONSHIP." THE RELATIONSHIP  
30 ESTABLISHED BETWEEN A PATIENT AND HEALTH CARE PRACTITIONER

1 FOLLOWING AN ASSESSMENT OF THE PATIENT'S MEDICAL HISTORY AND  
2 CURRENT CONDITION AND THE CONDUCT OF A PERSONAL EXAMINATION.

3 "QUALIFIED MEDICAL CONDITION." ANY OF THE FOLLOWING:

4 (1) CANCER.

5 (2) EPILEPSY AND SEIZURES.

6 (3) AMYOTROPHIC LATERAL SCLEROSIS.

7 (4) CACHEXIA/WASTING SYNDROME.

8 (5) PARKINSON'S DISEASE.

9 (6) TRAUMATIC BRAIN INJURY AND POSTCONCUSSION SYNDROME.

10 (7) MULTIPLE SCLEROSIS.

11 (8) SPINOCEREBELLARA ATAXIA (SCA).

12 (9) POSTTRAUMATIC STRESS DISORDER.

13 (10) SEVERE FIBROMYALGIA.

14 (11) HIV/AIDS.

15 (12) GLAUCOMA.

16 (13) A CONDITION AUTHORIZED BY THE DEPARTMENT UNDER  
17 SECTION 703.

18 "TESTING LABORATORY." A CLINICAL LABORATORY OR TESTING  
19 FACILITY LOCATED WITHIN THIS COMMONWEALTH, CERTIFIED BY THE  
20 BOARD UNDER SECTION 511.

21 "TRACKING SYSTEM." AN ELECTRONIC SYSTEM ESTABLISHED BY THE  
22 DEPARTMENT TO MONITOR THE ACTIVITIES OF A PERSON THAT GROWS,  
23 PROCESSES, DISPENSES, TRANSPORTS OR TESTS MEDICAL CANNABIS OR IS  
24 DETERMINED BY THE DEPARTMENT TO BE ENGAGED IN AN ACTIVITY  
25 REGULATED UNDER THIS ACT.

26 "VERIFICATION SYSTEM." AN ELECTRONIC SYSTEM ESTABLISHED AND  
27 MAINTAINED BY THE DEPARTMENT OF HEALTH THAT ALLOWS THE  
28 DEPARTMENT OF HEALTH, THE BUREAU OF PROFESSIONAL AND  
29 OCCUPATIONAL AFFAIRS, LICENSED DISPENSERS AND LAW ENFORCEMENT TO  
30 VERIFY THE ISSUANCE OF A MEDICAL CANNABIS ACCESS CARD TO AN

1 INDIVIDUAL.

2 "WRITTEN CERTIFICATION." A DOCUMENT DATED AND SIGNED BY A  
3 HEALTH CARE PRACTITIONER THAT MEETS THE REQUIREMENTS UNDER  
4 SECTION 702 (C) .

5 CHAPTER 3  
6 STATE BOARD OF MEDICAL CANNABIS  
7 LICENSING AND ADMINISTRATIVE PROCEDURE

8 SECTION 301. LICENSE.

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

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

19 SECTION 302. STATE BOARD OF MEDICAL CANNABIS LICENSING.

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

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

23 (1) THE SECRETARY OF HEALTH OR A DESIGNEE WHO IS AN  
24 EMPLOYEE OF THE DEPARTMENT OF HEALTH.

25 (2) COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL  
26 AFFAIRS OR A DESIGNEE WHO IS AN EMPLOYEE OF THE BUREAU OF  
27 PROFESSIONAL AND OCCUPATIONAL AFFAIRS.

28 (3) THE SECRETARY OF HUMAN SERVICES OR A DESIGNEE WHO IS  
29 AN EMPLOYEE OF THE DEPARTMENT OF HUMAN SERVICES.

30 (4) TWO PUBLIC MEMBERS.

1 (5) ONE MEDICAL DOCTOR WHO IS AN EXPERT IN THE FIELD OF  
2 PEDIATRICS.

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

5 (7) THE PHYSICIAN GENERAL.

6 (8) TWO MEMBERS WHO ARE REGISTERED NURSES.

7 (9) A LICENSED PHARMACIST.

8 (C) MEETINGS.--THE BOARD SHALL MEET WITHIN 30 DAYS OF  
9 CONFIRMATION OF THE MEMBERS 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) APPOINTMENT AND QUALIFICATIONS.--EACH PROFESSIONAL AND  
17 PUBLIC MEMBER SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE  
18 AND CONSENT OF A MAJORITY OF THE SENATE. EACH MEMBER MUST COMPLY  
19 WITH ALL OF THE FOLLOWING:

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

22 (2) NOT HOLD ANY OTHER PUBLIC OFFICE DURING THE TERM ON  
23 THE BOARD.

24 (E) TERMS.--

25 (1) A MEMBER UNDER SUBSECTION (B) (1), (2) OR (3) SHALL  
26 SERVE EX OFFICIO.

27 (2) FOR A MEMBER UNDER SUBSECTION (B), THE FOLLOWING  
28 APPLY:

29 (I) INITIAL APPOINTMENTS SHALL BE AS FOLLOWS:

30 (A) THREE MEMBERS SHALL SERVE FOR A TERM OF FOUR

1 YEARS.

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

4 (C) TWO MEMBERS SHALL SERVE FOR A TERM OF TWO  
5 YEARS.

6 (II) EACH SUBSEQUENT TERM SHALL BE FOR FOUR YEARS OR  
7 UNTIL A SUCCESSOR HAS BEEN APPOINTED AND QUALIFIED, WHICH  
8 MAY NOT BE LONGER THAN SIX MONTHS BEYOND THE FOUR-YEAR  
9 PERIOD.

10 (III) A MEMBER MAY NOT SERVE MORE THAN TWO  
11 CONSECUTIVE TERMS.

12 (F) QUORUM.--A MAJORITY OF THE MEMBERS OF THE BOARD SHALL  
13 CONSTITUTE A QUORUM. EACH MEMBER MUST BE PHYSICALLY IN  
14 ATTENDANCE TO BE COUNTED AS PART OF A QUORUM OR TO VOTE ON AN  
15 ISSUE. A MAJORITY OF THE MEMBERS PRESENT SHALL BE NECESSARY FOR  
16 A VOTE TO BE CONSIDERED BINDING.

17 (G) CHAIRPERSON.--THE BOARD SHALL ANNUALLY SELECT A  
18 CHAIRPERSON FROM THE MEMBERS OF THE BOARD.

19 (H) EXPENSES.--WITH THE EXCEPTION OF EX OFFICIO MEMBERS,  
20 EACH MEMBER OF THE BOARD SHALL RECEIVE \$100 PER DIEM WHEN  
21 ATTENDING TO THE WORK OF THE BOARD. A MEMBER SHALL ALSO RECEIVE  
22 THE AMOUNT OF REASONABLE TRAVEL, HOTEL AND OTHER NECESSARY  
23 EXPENSES INCURRED IN THE PERFORMANCE OF THE MEMBER'S DUTIES IN  
24 ACCORDANCE WITH COMMONWEALTH REGULATIONS.

25 (I) FORFEITURE.--A MEMBER WHO FAILS TO ATTEND THREE  
26 CONSECUTIVE MEETINGS SHALL FORFEIT THE MEMBER'S SEAT UNLESS THE  
27 CHAIRMAN, UPON WRITTEN REQUEST FROM THE MEMBER, FINDS THAT THE  
28 MEMBER SHOULD BE EXCUSED BECAUSE OF ILLNESS OR DEATH OF A FAMILY  
29 MEMBER.

30 (J) FREQUENCY OF MEETINGS.--THE BOARD SHALL MEET AT LEAST



1 ONCE PER MONTH FOR THE FIRST 12 MONTHS, INCLUDING AND AFTER THE  
2 INITIAL MEETING REQUIRED BY SECTION 302(C). AFTER THE FIRST 12  
3 MONTHS FOLLOWING THE ESTABLISHMENT OF THE BOARD, THE BOARD SHALL  
4 MEET AT LEAST SIX TIMES A YEAR AND MAY MEET AT ADDITIONAL TIMES  
5 AS NECESSARY TO CONDUCT THE BUSINESS OF THE BOARD.

6 SECTION 303. POWERS AND DUTIES OF BOARD.

7 THE BOARD SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

8 (1) TO PROVIDE FOR AND REGULATE THE LICENSING OF THE  
9 FOLLOWING:

10 (I) A MEDICAL CANNABIS GROWER UNDER SECTION 501.

11 (II) A MEDICAL CANNABIS PROCESSOR UNDER SECTION 502.

12 (III) A MEDICAL CANNABIS DISPENSER UNDER SECTION  
13 503.

14 (2) TO ISSUE OCCUPATION PERMITS TO MEDICAL CANNABIS  
15 EMPLOYEES.

16 (3) TO ISSUE CERTIFICATIONS TO TESTING LABORATORIES  
17 UNDER SECTION 511.

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

22 (5) TO IMPLEMENT PROCEDURES TO ALLOW THE EXPANSION OF  
23 QUALIFIED MEDICAL CONDITIONS FOR WHICH A PATIENT MAY OBTAIN  
24 MEDICAL CANNABIS UNDER SECTION 703.

25 (6) TO ADMINISTER AND ENFORCE THE PROVISIONS OF THIS  
26 ACT.

27 (7) TO INVESTIGATE AND CONDUCT BACKGROUND CHECKS FOR  
28 EACH APPLICATION FOR A LICENSE OR OCCUPATION PERMIT TO  
29 DETERMINE THE FITNESS AND ELIGIBILITY OF A PERSON APPLYING  
30 FOR A LICENSE OR OCCUPATION PERMIT.

1 (8) TO ESTABLISH FEES FOR APPLICATION AND RENEWAL OF  
2 LICENSES AND OCCUPATION PERMITS AND THE DUE DATES FOR ALL  
3 FEES.

4 (9) TO CHARGE FOR SERVICES RELATED TO THE ENFORCEMENT  
5 AND ADMINISTRATION OF THIS ACT. BILLINGS SHALL BE SUBMITTED  
6 AT LEAST QUARTERLY AND ALL CHARGES SHALL BE ITEMIZED.

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

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

11 (12) TO REQUIRE SITE PLANS, INCLUDING STREETS, PROPERTY  
12 LINES, BUILDINGS, SECURITY FEATURES AND ACCESS TO WATER  
13 SOURCES.

14 (13) TO REQUIRE UTILIZATION OF ANY PRESCRIPTION  
15 MONITORING PROGRAM ESTABLISHED BY THE COMMONWEALTH BY A  
16 HEALTH CARE PRACTITIONER TO REVIEW A PATIENT'S PHARMACEUTICAL  
17 HISTORY.

18 (14) TO ESTABLISH AN ELECTRONIC VERIFICATION SYSTEM THAT  
19 CAN BE ACCESSED BY HEALTH CARE PRACTITIONERS, THE DEPARTMENT  
20 OF HEALTH, PATIENTS, THE BUREAU OF PROFESSIONAL AND  
21 OCCUPATIONAL AFFAIRS, LAW ENFORCEMENT PERSONNEL AND OTHER  
22 INDIVIDUALS DESIGNATED BY THE BOARD TO VERIFY INDIVIDUAL  
23 MEDICAL CANNABIS ACCESS CARDS AND DETERMINE WHETHER THE  
24 IDENTIFICATION NUMBER CORRESPONDS WITH A CURRENT, VALID  
25 REGISTRY IDENTIFICATION CARD AND THAT THE CARDHOLDER IS A  
26 REGISTERED QUALIFYING PATIENT OR A PATIENT REPRESENTATIVE.  
27 THE VERIFICATION SYSTEM:

28 (I) MUST BE AVAILABLE ON A 24-HOUR BASIS FOR THE  
29 VERIFICATION OF MEDICAL CANNABIS ACCESS CARDS.

30 (II) MAY ONLY DISCLOSE THE VALIDITY OF THE CARD,

1           WHETHER THE CARDHOLDER IS A QUALIFIED PATIENT OR A  
2           PATIENT REPRESENTATIVE AND THE REGISTRY IDENTIFICATION  
3           NUMBER OF THE PATIENT.

4           (III)   MUST DETERMINE WHETHER A MEDICAL CANNABIS  
5           ACCESS CARD HAS BEEN SUSPENDED OR REVOKED.

6           (15)   TO ESTABLISH AN ELECTRONIC TRACKING SYSTEM TO BE  
7           USED BY THE DEPARTMENT TO TRACK THE GROWING, PROCESSING,  
8           TRANSPORTING, DISPENSING AND DELIVERY OF ALL MEDICAL CANNABIS  
9           PRODUCTS BETWEEN GROWERS, PROCESSORS, LABORATORIES, TRANSPORT  
10          ENTITIES, DISPENSERS AND OTHER PERSONS ENGAGED IN ACTIVITIES  
11          REGULATED UNDER THIS ACT. THE ELECTRONIC TRACKING SYSTEM MUST  
12          INCLUDE:

13          (I)    DATE, TIME, QUANTITY AND PRICE OF EACH SALE OF  
14          MEDICAL CANNABIS TO A QUALIFIED PATIENT OR PATIENT  
15          REPRESENTATIVE.

16          (II)   EACH DAILY RECORD OF PLANTS AND PRODUCTS GROWN  
17          AND POSSESSED BY A LICENSEE, INCLUDING DATE OF HARVEST,  
18          BATCH NUMBER, ORIGIN AND STRAIN, NUMBER OF SEEDS OR  
19          CUTTINGS PLANTED, CHEMICAL ADDITIVES, DISPOSAL AND OTHER  
20          INFORMATION REQUIRED BY THE BOARD.

21          (III)  EACH SALE, TRANSPORT AND OTHER ACTIVITY AS  
22          DEEMED NECESSARY BY THE DEPARTMENT.

23          (IV)  RECORDS OF TRANSPORT TO AND FROM TESTING  
24          LABORATORIES AND THE RESULTS OF TESTING.

25          (V)   AN INVENTORY CONTROL SYSTEM, INCLUDING EACH  
26          DAY'S BEGINNING INVENTORY, ACQUISITIONS, HARVESTS, SALES,  
27          DISBURSEMENTS, DISPOSALS AND ENDING INVENTORY.  
28          INFORMATION MUST BE ADDED TO THE ELECTRONIC TRACKING  
29          SYSTEM UNDER THIS PARAGRAPH ON A DAILY BASIS.

30          (16)  TO ESTABLISH A MEDICAL CANNABIS REGISTRY TO ENSURE

1 ADEQUATE AVAILABILITY OF DIFFERENT STRAINS AND CONCENTRATIONS  
2 OF MEDICAL CANNABIS.

3 (17) TO DEVELOP REGULAR INSPECTION SCHEDULES, UNANNOUNCED  
4 INSPECTIONS, PROCEDURES AND OTHER ENFORCEMENT MEASURES TO  
5 REGULATE ALL MEDICAL CANNABIS GROWERS, PROCESSORS, DISPENSERS  
6 AND TESTING LABORATORIES.

7 (18) TO INSPECT, AT ANY TIME, PREMISES OCCUPIED OR USED  
8 FOR THE PRODUCTION, PREPARATION, TESTING, PACKAGING,  
9 PROCESSING, STORAGE, SALE, DISTRIBUTION AND TRANSPORT OF  
10 MEDICAL CANNABIS.

11 (19) TO DEVELOP STANDARDS AND REQUIREMENTS FOR THE  
12 IMPLEMENTATION, USE AND MAINTENANCE OF SECURITY SYSTEMS.

13 (20) TO SUBMIT ANNUALLY TO THE DEPARTMENT AN ESTIMATE OF  
14 FINANCIAL REQUIREMENTS OF THE BOARD, INCLUDING  
15 ADMINISTRATIVE, LEGAL AND OTHER EXPENSES.

16 (21) TO DEVELOP A SYSTEM FOR MANDATORY AND VOLUNTARY  
17 RECALL OF DEFECTIVE PRODUCTS OR MEDICAL CANNABIS.

18 (22) TO DEVELOP STANDARDS FOR CREATION AND MAINTENANCE  
19 OF QUALIFYING PATIENT RECORDS.

20 (23) TO PROMULGATE REGULATIONS TO IMPLEMENT THIS ACT,  
21 INCLUDING:

22 (I) THE RECEIPT OF MEDICAL CANNABIS FOR STUDY AND  
23 RESEARCH OF THE HEALTH BENEFITS OF MEDICAL CANNABIS BY  
24 ACCREDITED RESEARCH INSTITUTIONS, UNIVERSITIES AND  
25 COLLEGES IN THIS COMMONWEALTH.

26 (II) DETERMINATION OF REQUIRED QUALITY AND SAFE  
27 CLINICAL STRENGTH OF MEDICAL CANNABIS.

28 (III) PRINT ADVERTISING AND MARKETING OF MEDICAL  
29 CANNABIS.

30 (IV) CONTAINERS, TRACKING AND TESTING.

1 (V) PACKAGING AND LABELING BY LICENSED GROWERS,  
2 LICENSED PROCESSORS AND LICENSED DISPENSERS. REGULATIONS  
3 UNDER THIS SUBPARAGRAPH SHALL REQUIRE LABELING TO  
4 SPECIFY:

5 (A) DATE OF PACKAGING;

6 (B) USE-BY DATE;

7 (C) CULTIVATION SITE;

8 (D) INSTRUCTIONS TO KEEP THE PRODUCT IN THE  
9 PACKAGE;

10 (E) WARNINGS RELATED TO USE, INCLUDING PREGNANCY  
11 AND MEDICAL CONDITIONS;

12 (F) WARNINGS TO KEEP MEDICAL CANNABIS OUT OF  
13 CHILDREN'S REACH;

14 (G) OTHER WARNINGS DEEMED APPROPRIATE BY THE  
15 BOARD;

16 (H) RECOMMENDED DOSAGES; AND

17 (I) APPROPRIATE METHODS TO ADMINISTER MEDICAL  
18 CANNABIS FOR AUTHORIZED DISEASES.

19 (24) TO PROVIDE FOR THE FORM AND CONTENT OF THE  
20 AUTHORITY GIVEN TO A REGISTERED PATIENT BY A HEALTH CARE  
21 PRACTITIONER TO OBTAIN MEDICAL CANNABIS.

22 (25) TO ADOPT REQUIREMENTS RELATING TO THE AMOUNT OF  
23 TETRAHYDROCANNABINOL AUTHORIZED FOR EACH PRODUCT AND THE  
24 TETRAHYDROCANNABINOL'S APPLICATION TO THE APPROPRIATE  
25 QUALIFIED MEDICAL CONDITION.

26 (26) TO CONSULT INFORMATION PUBLISHED BY THE AMERICAN  
27 HERBAL PHARMACOPEIA, IN THE PROMULGATION OF REGULATIONS.

28 (27) TO ENFORCE REGULATIONS UNDER THIS ACT.

29 (28) TO ESTABLISH RECORD RETENTION POLICIES FOR PERSONS  
30 REGULATED UNDER THIS ACT.

1 SECTION 304. SUBPOENA POWER.

2 THE GENERAL COUNSEL OF THE COMMONWEALTH, OR THE GENERAL  
3 COUNSEL'S DESIGNEE, SHALL HAVE THE POWER TO ISSUE A SUBPOENA ON  
4 BEHALF OF THE BOARD IN ENFORCEMENT, DISCIPLINARY AND LICENSING  
5 MATTERS BEFORE THE BOARD IN ORDER TO INVESTIGATE AN ALLEGED  
6 VIOLATION IN ACCORDANCE WITH THE FOLLOWING:

7 (1) THE POWER SHALL NOT APPLY TO PATIENT RECORDS WITHOUT  
8 ORDER OF A COURT OF COMPETENT JURISDICTION SHOWING THAT THE  
9 RECORDS ARE REASONABLY NECESSARY FOR THE CONDUCT OF AN  
10 INVESTIGATION.

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

14 (3) THE ATTORNEY REPRESENTING THE COMMONWEALTH IN A  
15 DISCIPLINARY MATTER BEFORE THE BOARD MAY APPLY TO  
16 COMMONWEALTH COURT TO ENFORCE THE SUBPOENAS.

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

20 SECTION 305. HEARING EXAMINERS.

21 (A) APPOINTMENT.--THE COMMISSIONER OF PROFESSIONAL AND  
22 OCCUPATIONAL AFFAIRS, AFTER CONSULTATION WITH THE BOARD, SHALL  
23 APPOINT HEARING EXAMINERS AS NECESSARY TO CONDUCT HEARINGS IN  
24 DISCIPLINARY MATTERS BEFORE THE BOARD.

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

29 (C) POWERS.--A HEARING EXAMINER SHALL HAVE THE FOLLOWING  
30 POWERS:

- 1 (1) TO CONDUCT HEARINGS.
- 2 (2) TO ISSUE SUBPOENAS REQUIRING:
- 3 (I) THE ATTENDANCE AND TESTIMONY OF INDIVIDUALS.
- 4 (II) THE PRODUCTION OF PERTINENT RECORDS OR OTHER
- 5 PAPERS BY PERSONS WHOM THE EXAMINER BELIEVES HAVE
- 6 INFORMATION RELEVANT TO MATTERS PENDING BEFORE THE
- 7 EXAMINER.
- 8 (3) TO ISSUE DECISIONS.

9 SECTION 306. CIVIL PENALTIES.

10 (A) AUTHORIZATION.--THE BOARD SHALL ADOPT A SCHEDULE OF

11 CIVIL PENALTIES FOR OPERATING WITHOUT A CURRENT, REGISTERED,

12 UNSUSPENDED AND UNREVOKED LICENSE, CERTIFICATE OR OCCUPATION

13 PERMIT AND FOR VIOLATIONS OF THIS ACT. THE SCHEDULE SHALL BE

14 PUBLISHED IN THE PENNSYLVANIA BULLETIN.

15 (B) IMPOSITION.--AN AGENT OF THE BOARD MAY ISSUE CITATIONS

16 AND IMPOSE PENALTIES FOR A VIOLATION OF THIS CHAPTER. A CITATION

17 OR A PENALTY MAY BE APPEALED TO A HEARING EXAMINER OR THE BOARD

18 PURSUANT TO REGULATIONS PROMULGATED BY THE BOARD. IF THE MATTER

19 IS INITIALLY REFERRED TO A HEARING EXAMINER, THE BOARD SHALL

20 RENDER A DECISION ON AN EXCEPTION TO THE DECISION OF THE HEARING

21 EXAMINER OR ON ANY APPLICATIONS FOR REVIEW UNDER 2 PA.C.S.

22 (RELATING TO ADMINISTRATIVE LAW AND PROCEDURE).

23 (C) BOARD SANCTION.--

24 (1) IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW,

25 THE BOARD MAY IMPOSE THE FOLLOWING SANCTIONS:

26 (I) REVOCATION OF THE LICENSE, PERMIT OR CERTIFICATE

27 OF A PERSON CONVICTED OF A CRIMINAL OFFENSE OR VIOLATION

28 OF THIS ACT OR REGULATIONS OF THE BOARD WHICH WOULD

29 DISQUALIFY THE HOLDER FROM GROWING, PROCESSING OR

30 DISPENSING MEDICAL CANNABIS.

1 (II) REVOCATION OF THE LICENSE OF A PERSON FOR  
2 WILLFULLY AND KNOWINGLY VIOLATING OR ATTEMPTING TO  
3 VIOLATE AN ORDER OF THE BOARD DIRECTED TO THE PERSON.

4 (III) REVOCATION OF AN OCCUPATION PERMIT OR  
5 CERTIFICATE OF A PERSON FOR WILLFULLY AND KNOWINGLY  
6 VIOLATING OR ATTEMPTING TO VIOLATE AN ORDER OF THE BOARD  
7 DIRECTED TO THE PERSON.

8 (IV) SUSPENSION OF THE LICENSE, PERMIT OR  
9 CERTIFICATE OF A PERSON PENDING THE OUTCOME OF A HEARING  
10 IN A CASE IN WHICH A LICENSE, OCCUPATION PERMIT OR  
11 CERTIFICATION REVOCATION COULD RESULT.

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

15 (VI) ASSESSMENT OF AN ADMINISTRATIVE PENALTY AS  
16 NECESSARY TO ADDRESS MISCONDUCT AND DETER FUTURE  
17 VIOLATIONS.

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

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

23 (2) IF THE BOARD REFUSES TO ISSUE OR RENEW A LICENSE,  
24 CERTIFICATE OR OCCUPATION PERMIT OR IMPOSES A PENALTY UNDER  
25 PARAGRAPH (1), THE BOARD SHALL PROVIDE THE APPLICANT,  
26 LICENSEE, CERTIFICATE HOLDER OR PERMIT HOLDER WITH WRITTEN  
27 NOTIFICATION OF THE DECISION, INCLUDING A STATEMENT OF THE  
28 REASONS FOR THE DECISION BY CERTIFIED MAIL WITHIN FIVE  
29 BUSINESS DAYS OF THE DECISION OF THE BOARD. THE APPLICANT,  
30 LICENSEE, CERTIFICATE HOLDER OR PERMITTEE SHALL HAVE THE



1 RIGHT TO APPEAL THE DECISION IN ACCORDANCE WITH 2 PA.C.S.  
2 CHS. 5 (RELATING TO PRACTICE AND PROCEDURE) AND 7 (RELATING  
3 TO JUDICIAL REVIEW).

4 (3) A PERSON WHO AIDS, ABETS, COUNSELS, INDUCES,  
5 PROCURES OR CAUSES ANOTHER PERSON TO VIOLATE THIS ACT SHALL  
6 BE SUBJECT TO ALL SANCTIONS AND PENALTIES PROVIDED UNDER THIS  
7 SUBSECTION.

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

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

13 (2) IMPOSE A CIVIL PENALTY OF UP TO \$15,000 PER  
14 VIOLATION IF A PERSON AIDS AND ABETS THE UNLICENSED GROWING,  
15 PROCESSING, DISTRIBUTION OR DISPENSING OF MEDICAL CANNABIS.  
16 THE PENALTY MAY NOT BE LEVIED AGAINST A PERSON SOLELY AS A  
17 CONSEQUENCE OF THAT PERSON BEING A REGISTERED PATIENT OF THE  
18 UNLICENSED PERSON.

19 (3) ASSESS AGAINST A RESPONDENT DETERMINED TO BE IN  
20 VIOLATION OF THIS ACT THE COSTS OF INVESTIGATION UNDERLYING  
21 THAT DISCIPLINARY ACTION. THE COST OF INVESTIGATION SHALL NOT  
22 INCLUDE COSTS INCURRED BY THE BOARD AFTER THE FILING OF  
23 FORMAL ACTIONS OR DISCIPLINARY CHARGES AGAINST A RESPONDENT.

24 (E) JUDGMENT.--A CIVIL PENALTY IMPOSED UNDER THIS SECTION  
25 SHALL BE A JUDGMENT IN FAVOR OF THE BOARD UPON THE PERSON OR  
26 PROPERTY OF THE PERSON UPON WHOM THE CIVIL PENALTY IS IMPOSED.  
27 THE ATTORNEY GENERAL SHALL BE RESPONSIBLE FOR ENFORCING THE  
28 JUDGMENTS IN COURTS OF COMPETENT JURISDICTION IN ACCORDANCE WITH  
29 THE PROVISIONS OF 42 PA.C.S. (RELATING TO JUDICIARY AND JUDICIAL  
30 PROCEDURE).

1 SECTION 307. CONFIDENTIALITY.

2 (A) GENERAL RULE.--INVESTIGATIVE RECORDS OF THE BOARD,  
3 INCLUDING PROSECUTORIAL MEMOS AND TRANSCRIPTS OF DEPOSITION ON  
4 BEHALF OF THE BOARD OR CONCERNING A LICENSURE-RELATED COMPLAINT  
5 FILED WITH THE DEPARTMENT, SHALL BE CONFIDENTIAL AND PRIVILEGED.  
6 THE FOLLOWING SHALL APPLY:

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

13 (2) THIS SUBSECTION SHALL NOT PRECLUDE OR LIMIT  
14 INTRODUCTION OF THE CONTENTS OF AN INVESTIGATIVE FILE OR  
15 RELATED WITNESS TESTIMONY IN A HEARING OR PROCEEDING BEFORE  
16 THE BOARD.

17 (3) THIS SECTION SHALL NOT APPLY TO A LETTER OR OTHER  
18 DOCUMENT TO A LICENSEE, OCCUPATION PERMITTEE OR CERTIFICATE  
19 HOLDER THAT DISCLOSES THE FINAL OUTCOME OF AN INVESTIGATION  
20 OR TO A FINAL ADJUDICATION OR ORDER OF THE BOARD.

21 (B) DISCLOSURE PERMITTED.--EXCEPT AS PROVIDED IN SUBSECTION  
22 (A), THIS SECTION SHALL NOT PREVENT DISCLOSURE OF DOCUMENTS,  
23 MATERIALS OR INFORMATION PERTAINING TO THE STATUS OF A LICENSE,  
24 CERTIFICATE OR OCCUPATION PERMIT OR THE SHARING OF INFORMATION  
25 WITH LAW ENFORCEMENT OFFICIALS OR SIMILAR REGULATORY BOARDS IN  
26 OTHER JURISDICTIONS. A VIOLATION OF THIS SECTION SHALL SUBJECT  
27 AN EMPLOYEE OR AGENT OF THE BOARD TO ADMINISTRATIVE DISCIPLINE,  
28 INCLUDING DISCHARGE, SUSPENSION OR OTHER FORMAL OR APPROPRIATE  
29 DISCIPLINARY ACTION.

30 (C) AFFIDAVIT.--EACH EMPLOYEE OR AGENT OF THE BOARD MUST

1 EXECUTE A CONFIDENTIALITY AFFIDAVIT WHICH PROVIDES THAT  
2 DOCUMENTS, MATERIALS OR INFORMATION IN SUBSECTION (A) OBTAINED  
3 BY THE EMPLOYEE OR AGENT SHALL BE CONSIDERED CONFIDENTIAL AND  
4 MAY BE DISCLOSED ONLY AS PERMITTED UNDER THIS SECTION.

5 (D) WAIVER.--THE BOARD MAY NOT REQUIRE AN APPLICANT TO WAIVE  
6 ANY CONFIDENTIALITY UNDER THIS SECTION AS A CONDITION FOR THE  
7 APPROVAL OF A LICENSE OR OTHER ACTION OF THE BOARD.  
8 SECTION 308. FINANCING.

9 (A) SETTING OF FEES.--BEGINNING TWO YEARS AFTER THE  
10 EFFECTIVE DATE OF THIS SUBSECTION, ALL FEES REQUIRED UNDER THIS  
11 ACT SHALL BE FIXED BY THE BOARD BY REGULATION. IF REVENUE RAISED  
12 BY FEES, FINES AND CIVIL PENALTIES IMPOSED UNDER THIS ACT ARE  
13 NOT SUFFICIENT TO MEET EXPENDITURES OVER A TWO-YEAR PERIOD, THE  
14 BOARD SHALL INCREASE THOSE FEES BY REGULATION UNDER SECTION  
15 303(23) SO THAT THE PROJECTED REVENUES WILL MEET OR EXCEED  
16 PROJECTED EXPENDITURES.

17 (B) RENEWAL FEES.--BEGINNING TWO YEARS AFTER THE EFFECTIVE  
18 DATE OF THIS SUBSECTION, ALL RENEWAL FEES SHALL BE DEPOSITED  
19 INTO THE ACCOUNT.

20 (C) INADEQUATE FEES.--IF THE BUREAU OF PROFESSIONAL AND  
21 OCCUPATIONAL AFFAIRS DETERMINES THAT THE FEES ESTABLISHED BY THE  
22 BOARD UNDER SUBSECTION (A) ARE INADEQUATE TO MEET THE MINIMUM  
23 ENFORCEMENT EFFORTS REQUIRED BY THIS ACT, THEN THE BUREAU, AFTER  
24 CONSULTATION WITH THE BOARD, SHALL INCREASE THE FEES BY  
25 REGULATION UNDER SECTION 303(23) IN AN AMOUNT THAT ADEQUATE  
26 REVENUES ARE RAISED TO MEET THE REQUIRED ENFORCEMENT EFFORT.

27 (D) DISPOSITION.--FEES, FINES AND CIVIL PENALTIES IMPOSED  
28 AND COLLECTED UNDER THIS ACT SHALL BE FOR THE EXCLUSIVE USE OF  
29 THE BOARD IN CARRYING OUT THIS ACT AND SHALL BE ANNUALLY  
30 APPROPRIATED FROM THE ACCOUNT FOR THAT PURPOSE. THIS SUBSECTION

1 SHALL NOT APPLY TO AN INITIAL LICENSE FEE.

2 (E) CHARGING OF FEES.--THE BOARD MAY CHARGE A REASONABLE  
3 FEE, AS SET BY THE BOARD BY REGULATION UNDER SECTION 303(23),  
4 FOR ALL EXAMINATIONS, ENFORCEMENT ACTIVITIES, REGISTRATIONS,  
5 CERTIFICATES, AUDITS, LICENSURES OR APPLICATIONS PERMITTED BY  
6 THIS ACT OR A REGULATION UNDER THIS ACT.

7 (F) CIVIL PENALTIES.--ALL CIVIL PENALTIES SHALL BE DEPOSITED  
8 INTO THE ACCOUNT.

9 SECTION 309. RECORDS AND REPORTS.

10 (A) RECORDS.--EACH RECORD OF ACTIVITIES REQUIRED UNDER THIS  
11 ACT MUST BE RETAINED FOR A PERIOD OF AT LEAST TWO YEARS UNLESS  
12 OTHERWISE REQUIRED BY THE BOARD.

13 (B) REPORTS TO DEPARTMENT.--THE BOARD SHALL SUBMIT ANNUALLY  
14 TO THE DEPARTMENT AN ESTIMATE OF THE FINANCIAL REQUIREMENTS OF  
15 THE BOARD FOR ITS ADMINISTRATIVE, INVESTIGATIVE, LEGAL AND  
16 MISCELLANEOUS EXPENSES.

17 (C) REPORTS TO THE APPROPRIATIONS COMMITTEE OF THE SENATE  
18 AND THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF  
19 REPRESENTATIVES.--THE BOARD SHALL SUBMIT ANNUALLY TO THE  
20 APPROPRIATIONS COMMITTEE OF THE SENATE AND THE APPROPRIATIONS  
21 COMMITTEE OF THE HOUSE OF REPRESENTATIVES, 15 DAYS AFTER THE  
22 GOVERNOR HAS SUBMITTED HIS BUDGET TO THE GENERAL ASSEMBLY, A  
23 COPY OF THE BUDGET REQUEST FOR THE UPCOMING FISCAL YEAR WHICH  
24 THE BOARD PREVIOUSLY SUBMITTED TO THE DEPARTMENT.

25 (D) REPORTS TO OTHER LEGISLATIVE COMMITTEES.--THE BOARD  
26 SHALL SUBMIT ANNUALLY A REPORT TO THE CONSUMER PROTECTION AND  
27 PROFESSIONAL LICENSURE COMMITTEE OF THE SENATE AND TO THE  
28 PROFESSIONAL LICENSURE COMMITTEE OF THE HOUSE OF REPRESENTATIVES  
29 CONTAINING A DESCRIPTION OF THE TYPES OF COMPLAINTS RECEIVED,  
30 STATUS OF CASES, BOARD ACTION WHICH HAS BEEN TAKEN AND THE

1 LENGTH OF TIME FROM THE INITIAL COMPLAINT TO FINAL BOARD  
2 RESOLUTION. THE REPORT SHALL ALSO INCLUDE A STATEMENT OF THE  
3 NUMBERS AND TYPES OF LICENSES GRANTED.

4 CHAPTER 5  
5 LICENSING

6 SECTION 501. MEDICAL CANNABIS GROWERS.

7 (A) LICENSING.--THE BOARD SHALL LICENSE NOT MORE THAN 65  
8 MEDICAL CANNABIS GROWERS TO SUPPLY MEDICAL CANNABIS FOR  
9 DISTRIBUTION TO MEDICAL CANNABIS PROCESSORS AND MEDICAL CANNABIS  
10 DISPENSERS UNDER THIS ACT.

11 (B) IMPOSITION.--AT THE TIME OF LICENSE ISSUANCE, THE BOARD  
12 SHALL IMPOSE A LICENSING FEE IN THE AMOUNT OF \$50,000. THE BOARD  
13 SHALL IMPOSE AN INITIAL \$5,000 ANNUAL RENEWAL FEE FOR EACH YEAR  
14 IMMEDIATELY FOLLOWING THE YEAR THE LICENSE WAS ISSUED. RENEWAL  
15 FEES SHALL THEREAFTER BE SUBJECT TO ADJUSTMENT UNDER SECTION  
16 308.

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

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

24 (E) DEPOSIT.--THE LICENSURE FEE UNDER SUBSECTION (B) SHALL  
25 BE DEPOSITED INTO THE GENERAL FUND. RENEWAL FEES UNDER  
26 SUBSECTION (B) SHALL BE DEPOSITED INTO THE ACCOUNT.

27 (F) RESTRICTION.--THERE SHALL BE NO RESTRICTION ON SPECIFIC  
28 STRAINS OF MEDICAL CANNABIS THAT MAY BE GROWN UNDER THIS ACT.  
29 USE OF GENETICALLY MODIFIED ORGANISMS OR AN ORGANISM WHOSE  
30 GENETIC MATERIAL HAS BEEN ALTERED USING GENETIC ENGINEERING MAY

1 NOT BE USED IN THE CULTIVATION OF MEDICAL CANNABIS.

2 (G) REQUIREMENTS.--A MEDICAL CANNABIS GROWER SHALL:

3 (1) ONLY GROW MEDICAL CANNABIS USING CONVENTIONAL  
4 GROWING METHODS APPROVED BY THE BOARD IN CONSULTATION WITH  
5 THE DEPARTMENT OF AGRICULTURE.

6 (2) SUBMIT TO PREOPERATIONAL AND POSTOPERATIONAL  
7 ANNOUNCED AND UNANNOUNCED INSPECTIONS BY THE BOARD OR THE  
8 DEPARTMENT.

9 (3) GROW CANNABIS ONLY IN AN INDOOR, ENCLOSED, SECURE  
10 FACILITY.

11 (4) CONDUCT QUALITY TESTING UTILIZING A TESTING  
12 LABORATORY CERTIFIED BY THE BOARD PRIOR TO THE SALE OF  
13 MEDICAL CANNABIS AND SUBMIT TO RANDOM TESTING OF MEDICAL  
14 CANNABIS CONDUCTED BY THE BOARD.

15 (5) PACKAGE AND LABEL MEDICAL CANNABIS PRODUCTS IN  
16 ACCORDANCE WITH REGULATIONS OF THE BOARD.

17 (6) ONLY SELL, TRANSPORT OR DELIVER MEDICAL CANNABIS TO  
18 A MEDICAL CANNABIS PROCESSOR, CERTIFIED LABORATORY OR MEDICAL  
19 CANNABIS DISPENSER.

20 (7) PROVIDE INFORMATION RELATING TO THE ENCLOSED, SECURE  
21 FACILITY WHERE MEDICAL CANNABIS WILL BE GROWN, HARVESTED OR  
22 STORED, INCLUDING ELECTRONIC LOCKING SYSTEMS, LIMITED ACCESS  
23 AREAS, SECURE STORAGE AND DISPOSAL PROCEDURES, ELECTRONIC  
24 SURVEILLANCE AND OTHER FEATURES REQUIRED BY THE BOARD.

25 (8) PROVIDE A CULTIVATION, INVENTORY AND PACKAGING PLAN  
26 AND PROCEDURES FOR THE OVERSIGHT OF THE CULTIVATION AREA,  
27 INCLUDING A PLANT MONITORING SYSTEM, CONTAINER TRACKING  
28 SYSTEM AND STAFFING PLAN.

29 (9) MAINTAIN DAILY RECORDS OF PLANTS, SALES AND OTHER  
30 ACTIVITIES, AS REQUIRED BY THE BOARD.

1 (10) PERFORM A WEEKLY PHYSICAL INVENTORY OF ALL PLANTS  
2 AND CONTAINERS.

3 (11) NOTIFY LAW ENFORCEMENT WITHIN 24 HOURS OF ANY LOSS  
4 OR THEFT OF MEDICAL CANNABIS AND RECORD THE LOSS OR THEFT IN  
5 THE ELECTRONIC TRACKING SYSTEM.

6 (12) UTILIZE ANY ELECTRONIC TRACKING SYSTEM REQUIRED BY  
7 THE BOARD.

8 (H) PROHIBITIONS.--A MEDICAL CANNABIS GROWER MAY NOT DO ANY  
9 OF THE FOLLOWING:

10 (1) BE LOCATED WITHIN 1,000 FEET OF THE PROPERTY LINE OF  
11 A PUBLIC, PRIVATE OR PAROCHIAL SCHOOL OR A DAY-CARE CENTER.

12 (2) BE LOCATED IN A RESIDENTIAL DWELLING OR AN AREA  
13 ZONED FOR RESIDENTIAL USE.

14 (3) ACQUIRE CANNABIS FROM OUTSIDE THIS COMMONWEALTH OR  
15 OTHERWISE IN VIOLATION OF REGULATIONS OF THE BOARD.

16 (4) PERMIT AN INDIVIDUAL TO CONSUME CANNABIS ON ITS  
17 PROPERTY.

18 (5) ADVERTISE MEDICAL CANNABIS ON RADIO OR TELEVISION.

19 (I) EXCHANGE.--THE BOARD SHALL PROMULGATE REGULATIONS FOR  
20 THE EXCHANGE OF MEDICAL CANNABIS SEED AND PLANT MATERIALS  
21 BETWEEN GROWERS.

22 SECTION 502. MEDICAL CANNABIS PROCESSORS.

23 (A) LICENSING.--THE BOARD SHALL LICENSE NOT MORE THAN 65  
24 MEDICAL CANNABIS PROCESSORS TO PROCESS MEDICAL CANNABIS INTO  
25 OIL-BASED MEDICAL CANNABIS PRODUCTS, INCLUDING OIL, OINTMENTS  
26 AND TINCTURES. THE LICENSEES SHALL BE GEOGRAPHICALLY DISPERSED  
27 THROUGHOUT THIS COMMONWEALTH TO ALLOW ACCESS TO PROCESSED  
28 MEDICAL CANNABIS BY MEDICAL CANNABIS DISPENSERS.

29 (B) IMPOSITION.--AT THE TIME OF LICENSE ISSUANCE, THE BOARD  
30 SHALL IMPOSE A LICENSING FEE IN THE AMOUNT OF \$50,000. THE BOARD

1 SHALL IMPOSE AN INITIAL \$5,000 ANNUAL RENEWAL FEE FOR EACH YEAR  
2 IMMEDIATELY FOLLOWING THE YEAR THE LICENSE WAS ISSUED. RENEWAL  
3 FEES SHALL BE SUBJECT TO ADJUSTMENT AND DEPOSIT UNDER SECTION  
4 308.

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

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

12 (E) DEPOSIT.--THE LICENSE FEE UNDER SUBSECTION (B) SHALL BE  
13 DEPOSITED INTO THE GENERAL FUND. RENEWAL FEES SHALL BE DEPOSITED  
14 INTO THE ACCOUNT.

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

17 (1) ONLY USE EXTRACTION AND PROCESSING METHODS APPROVED  
18 BY THE BOARD.

19 (2) SUBMIT TO PREOPERATIONAL AND POSTOPERATIONAL  
20 ANNOUNCED AND UNANNOUNCED INSPECTIONS BY THE BOARD AND THE  
21 DEPARTMENT.

22 (3) CONDUCT QUALITY TESTING UTILIZING A CERTIFIED  
23 TESTING LABORATORY APPROVED BY THE BOARD PRIOR TO DELIVERY TO  
24 A DISPENSER AND SUBMIT TO RANDOM TESTING CONDUCTED BY THE  
25 BOARD.

26 (4) ONLY SELL, TRANSPORT OR DELIVER MEDICAL CANNABIS TO  
27 A TESTING LABORATORY OR TO A MEDICAL CANNABIS DISPENSER.

28 (5) CONDUCT PROCESSING ACTIVITY IN A BOARD-APPROVED  
29 FACILITY THAT IS INDOOR, ENCLOSED AND SECURE, AND INCLUDES AN  
30 ELECTRONIC LOCKING SYSTEM, A LIMITED ACCESS AREA, SECURE



1 STORAGE AND DISPOSAL PROCEDURES, ELECTRONIC SURVEILLANCE AND  
2 OTHER FEATURES REQUIRED BY THE BOARD.

3 (6) PROVIDE INFORMATION RELATING TO THE FACILITY AND  
4 FEATURES UNDER PARAGRAPH (5).

5 (7) PROVIDE A PROCESSING, INVENTORY AND PACKAGING PLAN  
6 AND PROCEDURES FOR THE OVERSIGHT OF THE PROCESSING FACILITY,  
7 INCLUDING A PLANT AND PRODUCT MONITORING SYSTEM, CONTAINER  
8 TRACKING SYSTEM AND STAFFING PLAN.

9 (8) PERFORM A WEEKLY PHYSICAL INVENTORY OF ALL PLANTS,  
10 CONTAINERS AND PROCESSING MATERIALS.

11 (9) MAINTAIN A DAILY LOG OF ACCESS TO MEDICAL CANNABIS  
12 RECEIVED AND PRODUCTS SHIPPED.

13 (10) ONLY SELL MEDICAL CANNABIS APPROVED BY A CERTIFIED  
14 LABORATORY TO A LICENSED MEDICAL CANNABIS DISPENSER.

15 (11) NOTIFY LAW ENFORCEMENT WITHIN 24 HOURS OF A LOSS OR  
16 THEFT OF MEDICAL CANNABIS AND RECORD THE LOSS OR THEFT IN THE  
17 ELECTRONIC TRACKING SYSTEM.

18 (12) MAINTAIN DAILY RECORDS OF ALL SALES AND OTHER  
19 ACTIVITIES AS REQUIRED BY THE BOARD.

20 (13) UTILIZE ANY ELECTRONIC TRACKING SYSTEM REQUIRED BY  
21 THE BOARD.

22 (G) PROHIBITIONS.--A MEDICAL CANNABIS PROCESSOR MAY NOT DO  
23 ANY OF THE FOLLOWING:

24 (1) BE LOCATED WITHIN 1,000 FEET OF THE PROPERTY LINE OF  
25 A PUBLIC, PRIVATE OR PAROCHIAL SCHOOL OR A DAY-CARE CENTER.

26 (2) BE LOCATED IN A RESIDENTIAL DWELLING OR AN AREA  
27 ZONED FOR RESIDENTIAL USE.

28 (3) ACQUIRE CANNABIS FROM ANYONE OTHER THAN A LICENSED  
29 MEDICAL CANNABIS GROWER.

30 (4) OBTAIN CANNABIS FROM OUTSIDE THIS COMMONWEALTH.

1 (5) PROCESS CANNABIS FOR ANY PURPOSE EXCEPT TO PROVIDE  
2 MEDICAL CANNABIS TO A LICENSED MEDICAL CANNABIS DISPENSER.

3 (6) ADVERTISE MEDICAL CANNABIS ON RADIO OR TELEVISION.  
4 SECTION 503. MEDICAL CANNABIS DISPENSERS.

5 (A) LICENSING.--THE BOARD SHALL LICENSE NOT MORE THAN 130  
6 MEDICAL CANNABIS DISPENSERS TO ACCEPT MEDICAL CANNABIS ACCESS  
7 CARDS AND DISPENSE MEDICAL CANNABIS TO A REGISTERED PATIENT OR  
8 PATIENT REPRESENTATIVE IN ACCORDANCE WITH THE INSTRUCTIONS OF A  
9 HEALTH CARE PRACTITIONER. THE LICENSEES SHALL BE GEOGRAPHICALLY  
10 DISPERSED THROUGHOUT THIS COMMONWEALTH TO ALLOW ALL REGISTERED  
11 PATIENTS REASONABLE PROXIMITY AND ACCESS TO MEDICAL CANNABIS BY  
12 A MEDICAL CANNABIS DISPENSER.

13 (B) IMPOSITION.--AT THE TIME OF LICENSE ISSUANCE, THE BOARD  
14 SHALL IMPOSE A LICENSING FEE IN THE AMOUNT OF \$50,000. THE BOARD  
15 SHALL IMPOSE AN INITIAL \$5,000 ANNUAL RENEWAL FEE FOR EACH YEAR  
16 IMMEDIATELY FOLLOWING THE YEAR THE LICENSE WAS ISSUED. RENEWAL  
17 FEES SHALL BE SUBJECT TO ADJUSTMENT UNDER SECTION 308.

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

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

25 (E) DEPOSIT.--THE LICENSE FEE UNDER SUBSECTION (B) SHALL BE  
26 DEPOSITED INTO THE GENERAL FUND. RENEWAL FEES SHALL BE DEPOSITED  
27 INTO THE ACCOUNT.

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

30 (1) MAINTAIN AN ONGOING CONNECTION WITH THE DEPARTMENT

1 OF HEALTH'S INDIVIDUAL VERIFICATION SYSTEM TO VERIFY MEDICAL  
2 CANNABIS ACCESS CARDS.

3 (2) SUBMIT TO PREOPERATIONAL AND POSTOPERATIONAL  
4 ANNOUNCED AND UNANNOUNCED INSPECTIONS BY THE BOARD AND THE  
5 DEPARTMENT.

6 (3) PRIOR TO DISPENSING MEDICAL CANNABIS, ACCESS THE  
7 VERIFICATION SYSTEM TO ENSURE THAT THE INDIVIDUAL SEEKING TO  
8 PURCHASE MEDICAL CANNABIS HOLDS A MEDICAL CANNABIS ACCESS  
9 CARD IN EFFECT AT THE TIME OF PURCHASE.

10 (4) MAINTAIN A DAILY LOG OF ALL MEDICAL CANNABIS SOLD  
11 AND DISPENSED. THE LOG SHALL INCLUDE:

12 (I) THE NAME OF THE REGISTERED PATIENT OR PATIENT  
13 REPRESENTATIVE THAT HOLDS THE MEDICAL CANNABIS ACCESS  
14 CARD.

15 (II) THE AMOUNT AND DOSAGE OF THE MEDICAL CANNABIS  
16 RECOMMENDED BY THE PHYSICIAN.

17 (III) THE QUALIFIED MEDICAL CONDITION OF THE  
18 PATIENT.

19 (IV) THE AMOUNT OF MEDICAL CANNABIS DISPENSED.

20 (V) THE DATE AND TIME OF EACH DISPENSING TO THE  
21 CARDHOLDER.

22 (VI) THE DISPENSARY AGENT'S REGISTRY NUMBER.

23 (VII) THE SIGNATURE AND DATE OF THE PATIENT OR  
24 PATIENT REPRESENTATIVE.

25 (5) PROVIDE REPORTS AS REQUIRED BY THE BOARD RELATING TO  
26 AMOUNTS DISPENSED.

27 (6) DISPENSE NO MORE THAN 2.5 OUNCES OF CANNABIS TO A  
28 PATIENT, DIRECTLY OR VIA A PATIENT REPRESENTATIVE, IN A 14-  
29 DAY PERIOD UNLESS THE QUALIFYING PATIENT HAS A QUANTITY  
30 WAIVER FROM THE DEPARTMENT OF HEALTH.

1 (7) ONLY ACCEPT WRITTEN CERTIFICATIONS FROM A HEALTH  
2 CARE PRACTITIONER FOR NO MORE THAN THE 28-DAY SUPPLY PERIODS.  
3 THEREAFTER, A NEW WRITTEN CERTIFICATION FROM THE HEALTH CARE  
4 PRACTITIONER SHALL BE REQUIRED.

5 (8) COMPLY WITH RECOMMENDATIONS OF THE HEALTH CARE  
6 PRACTITIONER AS TO STRAIN, DOSAGE AND AMOUNT OF MEDICAL  
7 CANNABIS DISPENSED.

8 (9) PROVIDE ALL REGISTERED PATIENTS AND PATIENT  
9 REPRESENTATIVES WITH A SAFETY INSERT DEVELOPED BY THE  
10 DEPARTMENT OF HEALTH WHICH INCLUDES:

11 (I) METHODS FOR ADMINISTERING MEDICAL CANNABIS.

12 (II) POTENTIAL DANGERS.

13 (III) RECOGNITION AND CORRECTION OF PROBLEMATIC  
14 DOSAGE.

15 (IV) OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

16 (10) SELL ONLY MEDICAL CANNABIS THAT HAS RECEIVED  
17 APPROVAL FROM A TESTING LABORATORY.

18 (11) MAINTAIN AN ELECTRONIC SECURITY SYSTEM, INCLUDING  
19 ALL OF THE FOLLOWING:

20 (I) ELECTRONIC SURVEILLANCE.

21 (II) AN ELECTRONIC LOCKING SYSTEM.

22 (III) A LOCKED DOOR OR BARRIER BETWEEN THE ENTRY AND  
23 A LIMITED ACCESS AREA FOR PATIENTS, STORAGE, DISPOSAL AND  
24 OTHER PROCESSES.

25 (12) PROVIDE FOR THE SUPERVISION OF THE DISPENSING OF  
26 MEDICAL CANNABIS AT ALL TIMES BY AN INDIVIDUAL. THE BOARD  
27 SHALL DETERMINE THE QUALIFICATIONS REQUIRED TO SUPERVISE THE  
28 DISPENSING WHICH MAY INCLUDE INDIVIDUALS WITH HEALTH CARE,  
29 EDUCATIONAL, PHARMACEUTICAL, MANAGEMENT OR OTHER EDUCATION OR  
30 TRAINING AS DETERMINED BY THE BOARD.

1 (13) DISPLAY APPROPRIATE SIGNAGE AS REQUIRED BY THE  
2 BOARD.

3 (14) PROVIDE THE PROPOSED ADDRESS OF THE ENCLOSED,  
4 SECURE FACILITY WHERE MEDICAL CANNABIS WILL BE DISPENSED.

5 (15) PROVIDE AN INVENTORY AND PACKAGING PLAN AND  
6 PROCEDURES FOR THE OVERSIGHT OF THE DISPENSING FACILITY,  
7 INCLUDING COMPLIANCE WITH THE INVENTORY CONTROL SYSTEM  
8 DEVELOPED UNDER SECTION 303(15), STAFFING PLAN AND SECURITY  
9 PLAN.

10 (16) APPOINT A PHYSICIAN TO FUNCTION AS A MEDICAL  
11 DIRECTOR TO SERVE ON SITE OR WHO IS ABLE TO BE CONTACTED. THE  
12 MEDICAL DIRECTOR MUST:

13 (I) PROVIDE TRAINING TO DISPENSARY EMPLOYEES.

14 (II) DEVELOP PATIENT EDUCATION.

15 (III) DEVELOP A POLICY FOR REFUSING TO DISPENSE  
16 MEDICAL CANNABIS TO AN INDIVIDUAL WHO APPEARS TO BE  
17 IMPAIRED OR ABUSING MEDICAL CANNABIS.

18 (17) PERFORM A WEEKLY PHYSICAL INVENTORY OF ALL MEDICAL  
19 CANNABIS AND MEDICAL CANNABIS PRODUCTS.

20 (18) OBTAIN MEDICAL CANNABIS ONLY FROM A MEDICAL  
21 CANNABIS PROCESSOR.

22 (19) NOTIFY LAW ENFORCEMENT WITHIN 24 HOURS OF A LOSS OR  
23 THEFT OF MEDICAL CANNABIS AND RECORD THE LOSS OR THEFT IN THE  
24 ELECTRONIC TRACKING SYSTEM.

25 (20) UTILIZE ANY ELECTRONIC TRACKING SYSTEM REQUIRED BY  
26 THE BOARD.

27 (G) PROHIBITIONS.--A MEDICAL CANNABIS DISPENSER MAY NOT DO  
28 ANY OF THE FOLLOWING:

29 (1) BE LOCATED WITHIN 1,000 FEET OF THE PROPERTY LINE OF  
30 A PUBLIC, PRIVATE OR PAROCHIAL SCHOOL OR A DAY-CARE CENTER.

1 THE BOARD MAY ADJUST OR WAIVE THE PROHIBITION UNDER THIS  
2 PARAGRAPH IF IT IS SHOWN BY CLEAR AND CONVINCING EVIDENCE  
3 THAT THE ADJUSTMENT OR WAIVER IS NECESSARY TO PROVIDE  
4 ADEQUATE ACCESS TO PATIENTS. AN ADJUSTMENT OR WAIVER MUST  
5 INCLUDE ANY ADDITIONAL SECURITY, PHYSICAL PLANT OR OTHER  
6 CONDITIONS NECESSARY TO PROTECT CHILDREN.

7 (2) BE LOCATED IN A RESIDENTIAL DWELLING OR AN AREA  
8 ZONED FOR RESIDENTIAL USE.

9 (3) OBTAIN CANNABIS FROM OUTSIDE THIS COMMONWEALTH.

10 (4) SELL MEDICAL CANNABIS FOR ANY PURPOSE EXCEPT TO A  
11 REGISTERED PATIENT OR A PATIENT REPRESENTATIVE.

12 (5) PERMIT AN INDIVIDUAL TO CONSUME CANNABIS ON ITS  
13 PROPERTY.

14 (6) SELL PRODUCTS WHICH CONTAIN NICOTINE OR ALCOHOL.

15 (7) SELL MEDICAL CANNABIS OVER THE INTERNET OR TO A  
16 PERSON NOT PHYSICALLY PRESENT AT ITS LOCATION.

17 (8) ADVERTISE MEDICAL CANNABIS ON RADIO OR TELEVISION.

18 SECTION 504. APPLICATIONS.

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

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

25 (1) DISCLOSE THE FOLLOWING INFORMATION:

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

28 (II) THE NAME, ADDRESS AND PHOTOGRAPH OF THE  
29 APPLICANT AND EACH PRINCIPAL AND THE PRINCIPAL'S POSITION  
30 WITHIN THE CORPORATION OR ORGANIZATION.

1 (III) ANY FINANCIAL INFORMATION REQUIRED BY THE  
2 BOARD.

3 (IV) THE PROPOSED LOCATION OF THE GROWING,  
4 PROCESSING OR DISPENSING OPERATION.

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

7 (VI) THE DETAILS OF ANY CIVIL JUDGMENT AGAINST THE  
8 APPLICANT OR THE APPLICANT'S OWNERS OR OPERATORS RELATING  
9 TO:

10 (A) SECURITY REGULATION LAWS OF THE FEDERAL  
11 GOVERNMENT;

12 (B) LAWS RELATING TO THE REGULATION OF  
13 PHARMACEUTICALS; OR

14 (C) LAWS UNDER 15 PA.C.S. (RELATING TO  
15 CORPORATIONS AND UNINCORPORATED ASSOCIATIONS).

16 (VII) ANY OTHER INFORMATION REQUIRED BY THE BOARD.

17 (2) CONSENT TO THE CONDUCT OF A BACKGROUND INVESTIGATION  
18 BY THE BOARD, THE SCOPE OF WHICH SHALL BE DETERMINED BY THE  
19 BOARD CONSISTENT WITH THIS ACT. CONSENT SHALL INCLUDE A  
20 RELEASE SIGNED BY EACH PERSON SUBJECT TO THE INVESTIGATION OF  
21 INFORMATION REQUIRED TO COMPLETE THE INVESTIGATION.

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

25 (D) CHARACTER REQUIREMENTS.--EACH APPLICATION FOR A GROWER,  
26 PROCESSOR OR DISPENSER LICENSE SHALL INCLUDE INFORMATION,  
27 DOCUMENTATION AND ASSURANCES REQUIRED BY THE BOARD TO ESTABLISH  
28 BY CLEAR AND CONVINCING EVIDENCE THAT THE APPLICANT IS A PERSON  
29 OF GOOD CHARACTER, HONESTY AND INTEGRITY, HAS APPROPRIATE  
30 FINANCIAL SUITABILITY AND IS ELIGIBLE AND SUITABLE TO BE AN

1 OWNER OR OPERATOR. INFORMATION SHALL INCLUDE INFORMATION  
2 PERTAINING TO ASSOCIATES DURING THE 10-YEAR PERIOD IMMEDIATELY  
3 PRECEDING THE FILING DATE OF THE APPLICATION.

4 (E) PRIVILEGE.--THE ISSUANCE OR RENEWAL OF A LICENSE UNDER  
5 THIS SECTION SHALL BE A REVOCABLE PRIVILEGE.

6 SECTION 505. LICENSING OF OWNER OR OPERATOR.

7 (A) LICENSE REQUIRED.--EACH OWNER OR OPERATOR OF AN  
8 APPLICANT FOR LICENSURE UNDER THIS ACT MUST OBTAIN AN OWNER OR  
9 OPERATOR LICENSE FROM THE BOARD. AN OWNER OR OPERATOR MAY ONLY  
10 HAVE AN INTEREST IN THE ACTIVITY UNDER THIS ACT FOR WHICH  
11 LICENSURE IS SOUGHT.

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

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

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

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

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

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

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



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

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

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

10 (E) OWNER OR OPERATOR.--AN INDIVIDUAL WHO RECEIVES AN OWNER  
11 OR OPERATOR LICENSE NEED NOT OBTAIN AN OCCUPATION PERMIT.

12 (F) WAIVER.--THE BOARD MAY WAIVE LICENSURE REQUIREMENTS FOR  
13 AN OWNER OF SECURITIES IN A PUBLICLY TRADED CORPORATION IF THE  
14 BOARD DETERMINES THAT THE HOLDER OF THE SECURITIES IS NOT  
15 SIGNIFICANTLY INVOLVED IN THE ACTIVITIES OF THE APPLICANT.  
16 SECTION 506. OCCUPATION PERMIT FOR MEDICAL CANNABIS EMPLOYEES  
17 AND CERTAIN PATIENT REPRESENTATIVES.

18 (A) PERMIT REQUIRED.--EACH MEDICAL CANNABIS EMPLOYEE, AND  
19 EACH PATIENT REPRESENTATIVE WHO IS AN EMPLOYEE OF A HEALTH CARE  
20 FACILITY, SHALL OBTAIN AN OCCUPATION PERMIT FROM THE BOARD.

21 (B) APPLICATION.--AN OCCUPATION PERMIT APPLICATION SHALL BE  
22 IN A FORM PRESCRIBED BY THE BOARD AND SHALL INCLUDE THE  
23 FOLLOWING:

24 (1) VERIFICATION OF ONE OF THE FOLLOWING:

25 (I) THE STATUS AS A MEDICAL CANNABIS EMPLOYEE OR  
26 POTENTIAL MEDICAL CANNABIS EMPLOYER FROM A MEDICAL  
27 CANNABIS GROWER, PROCESSOR OR DISPENSER.

28 (II) FROM A HEALTH CARE FACILITY THAT THE PATIENT  
29 REPRESENTATIVE IS AN EMPLOYEE DESIGNATED TO PURCHASE,  
30 POSSESS, TRANSPORT, DELIVER AND PROPERLY ADMINISTER

1 MEDICAL CANNABIS TO A PATIENT WITH A MEDICAL CANNABIS  
2 ACCESS CARD WHO IS UNABLE TO OBTAIN THE MEDICAL CANNABIS.

3 (2) A DESCRIPTION OF EMPLOYMENT RESPONSIBILITIES.

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

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

12 (5) A PHOTOGRAPH THAT MEETS THE STANDARDS OF THE  
13 COMMONWEALTH PHOTO IMAGING NETWORK.

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

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

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

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

25 (E) PRIVILEGE.--THE ISSUANCE OR RENEWAL OF A PERMIT UNDER  
26 THIS SECTION SHALL BE A REVOCABLE PRIVILEGE.

27 SECTION 507. CHANGE IN OWNERSHIP.

28 THE FOLLOWING APPLY TO NOTIFICATION AND APPROVAL:

29 (1) A MEDICAL CANNABIS GROWER, PROCESSOR OR DISPENSER  
30 MUST NOTIFY THE BOARD UPON BECOMING AWARE OF A PROPOSED OR

1 CONTEMPLATED CHANGE OF OWNERSHIP OR CONTROL OF THE LICENSEE.  
2 THE NEW OWNER MUST PAY THE LICENSING FEE REQUIRED UNDER THIS  
3 CHAPTER.

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

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

12 SECTION 508. LOCATION.

13 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED UNDER THIS  
14 ACT, EACH GROWER, PROCESSOR AND DISPENSER LICENSE SHALL BE VALID  
15 FOR THE SPECIFIC PHYSICAL LOCATION WITHIN THE MUNICIPALITY AND  
16 COUNTY FOR WHICH IT WAS ORIGINALLY GRANTED. A PERSON MAY NOT  
17 DISTRIBUTE MEDICAL CANNABIS FROM A LOCATION OTHER THAN A  
18 LICENSED FACILITY.

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

20 (1) FACILITIES FOR THE GROWING OR PROCESSING OF MEDICAL  
21 CANNABIS SHALL MEET THE SAME MUNICIPAL ZONING AND LAND USE  
22 REQUIREMENTS AS OTHER MANUFACTURING, PREPARATION AND  
23 PRODUCTION FACILITIES.

24 (2) FACILITIES FOR THE DISPENSING OF MEDICAL CANNABIS  
25 SHALL MEET THE SAME MUNICIPAL ZONING AND LAND USE  
26 REQUIREMENTS AS OTHER COMMERCIAL FACILITIES.

27 (3) APPLICANTS FOR A GROWER, PROCESSOR OR DISTRIBUTOR  
28 LICENSE MUST INCLUDE A COPY OF THE APPLICANT'S ZONING  
29 APPROVAL WITH THE APPLICANT'S APPLICATION. LOCAL ZONING  
30 APPROVAL MUST BE OBTAINED PRIOR TO THE ISSUANCE OF A LICENSE

1 BY THE BOARD.

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

6 (1) EVALUATE THE PROPOSED NEW LOCATION AND THE REASON  
7 FOR RELOCATION.

8 (2) EVALUATE COMMUNITY SUPPORT AND COMPLIANCE WITH LOCAL  
9 ORDINANCES.

10 (3) CONSIDER ANY OTHER INFORMATION SUBMITTED BY THE  
11 PETITIONER OR REQUIRED BY THE BOARD.

12 SECTION 509. STORAGE AND TRANSPORTATION.

13 THE BOARD SHALL DEVELOP REGULATIONS RELATING TO THE STORAGE  
14 AND TRANSPORTATION OF MEDICAL CANNABIS AMONG GROWERS,  
15 PROCESSORS, TESTING LABORATORIES AND MEDICAL CANNABIS DISPENSERS  
16 WHICH ENSURE ADEQUATE SECURITY TO GUARD AGAINST IN-TRANSIT  
17 LOSSES. THE TRACKING SYSTEM DEVELOPED BY THE BOARD SHALL INCLUDE  
18 ALL TRANSPORTATION AND STORAGE OF MEDICAL CANNABIS. THE  
19 REGULATIONS SHALL PROVIDE FOR THE FOLLOWING:

20 (1) REQUIREMENTS RELATING TO SHIPPING CONTAINERS AND  
21 PACKAGING.

22 (2) THE MANNER IN WHICH TRUCKS, VANS, TRAILERS OR OTHER  
23 CARRIERS WILL BE SECURED.

24 (3) SECURITY SYSTEMS THAT INCLUDE A NUMBERED SEAL ON THE  
25 TRAILER.

26 (4) OBTAINING COPIES OF DRIVER'S LICENSES AND  
27 REGISTRATIONS AND OTHER INFORMATION RELATED TO SECURITY AND  
28 TRACKING.

29 (5) USE OF GPS SYSTEMS.

30 (6) NUMBER OF DRIVERS OR OTHER SECURITY REQUIRED TO

1 ENSURE AGAINST STORAGE OR IN-TRANSIT LOSSES.

2 (7) RECORDKEEPING FOR DELIVERY AND RECEIPT OF MEDICAL  
3 CANNABIS PRODUCTS.

4 (8) REQUIREMENTS TO UTILIZE ANY ELECTRONIC TRACKING  
5 SYSTEM REQUIRED BY THE BOARD.

6 SECTION 510. DISPOSAL AND DONATION.

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

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

17 (C) TRACKING.--THE ELECTRONIC TRACKING SYSTEM MUST MONITOR  
18 DISPOSALS AND DONATIONS OF MEDICAL CANNABIS BY LICENSEES. A  
19 MEDICAL CANNABIS GROWER, PROCESSOR AND DISPENSER MUST RECORD  
20 DISPOSALS AND DONATIONS IN THE ELECTRONIC TRACKING SYSTEM.

21 SECTION 511. TESTING LABORATORIES.

22 (A) CERTIFICATION.--THE BOARD SHALL CERTIFY ACCREDITED  
23 LABORATORIES TO TEST MEDICAL CANNABIS IN ACCORDANCE WITH  
24 REGULATIONS OF THE BOARD.

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

29 (C) DUTY OF BOARD.--THE BOARD SHALL DETERMINE THE SCOPE AND  
30 CONTENT OF INFORMATION REQUIRED TO CERTIFY LABORATORIES,

1 INCLUDING SECURITY REQUIREMENTS.

2 (D) TRACKING.--A TESTING LABORATORY MUST NOTIFY LAW  
3 ENFORCEMENT WITHIN 24 HOURS OF A LOSS OR THEFT OF MEDICAL  
4 CANNABIS AND RECORD THE LOSS OR THEFT IN THE ELECTRONIC TRACKING  
5 SYSTEM.

6 SECTION 512. LICENSEE PROHIBITIONS.

7 (A) INSPECTION.--A LICENSEE OR CERTIFIED LABORATORY MAY NOT  
8 REFUSE TO ALLOW AN AUTHORIZED EMPLOYEE OF THE DEPARTMENT TO  
9 INSPECT A LICENSED PREMISES AT ANY TIME.

10 (B) OTHER PROHIBITIONS.--A LICENSEE OR CERTIFIED LABORATORY  
11 MAY BE CITED UNDER THIS ACT FOR:

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

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

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

18 CHAPTER 7

19 MEDICAL CANNABIS ACCESS

20 SECTION 701. MEDICAL CANNABIS ACCESS CARD.

21 (A) DEPARTMENT OF HEALTH.--A PATIENT WITH A QUALIFIED  
22 MEDICAL CONDITION MAY REGISTER WITH THE DEPARTMENT OF HEALTH AND  
23 BE ISSUED A MEDICAL CANNABIS ACCESS CARD.

24 (B) ENFORCEMENT.--THE DEPARTMENT OF HEALTH SHALL DEVELOP  
25 REGULATIONS TO ENFORCE THE PROVISIONS OF THIS CHAPTER, INCLUDING  
26 REVOCATION OR SUSPENSION OF AN ACCESS CARD FOR VIOLATIONS OF  
27 THIS ACT.

28 (C) APPLICATION.--AN APPLICATION FOR A MEDICAL CANNABIS  
29 ACCESS CARD SHALL BE DEVELOPED BY THE DEPARTMENT OF HEALTH.  
30 APPLICATIONS FOR RENEWAL SHALL BE REQUIRED ON AN ANNUAL BASIS. A

1 PATIENT REPRESENTATIVE MAY OBTAIN A MEDICAL CANNABIS ACCESS CARD  
2 ON BEHALF OF A REGISTERED PATIENT. THE DEPARTMENT OF HEALTH  
3 SHALL REQUIRE AN ADDRESS, PHOTO AND OTHER IDENTIFYING  
4 INFORMATION ON THE APPLICATION.

5 (D) CERTIFICATION.--APPLICATIONS AND RENEWALS MUST INCLUDE  
6 WRITTEN CERTIFICATION FROM A HEALTH CARE PRACTITIONER UNDER  
7 SECTION 702(A) THAT THE APPLICANT HAS A QUALIFIED MEDICAL  
8 CONDITION.

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

13 (F) TIME.--THE DEPARTMENT OF HEALTH MUST APPROVE OR DENY AN  
14 APPLICATION WITHIN 90 BUSINESS DAYS.

15 (G) FEE.--THE DEPARTMENT OF HEALTH SHALL CHARGE AN  
16 APPLICATION FEE OF NOT MORE THAN \$100 AND AN ANNUAL RENEWAL FEE  
17 OF NOT MORE THAN \$50.

18 (H) RESIDENCY.--EXCEPT AS PROVIDED IN SUBSECTION (L), A  
19 PATIENT MUST RESIDE IN THIS COMMONWEALTH TO RECEIVE A MEDICAL  
20 CANNABIS ACCESS CARD.

21 (I) VERIFICATION.--THE PATIENT OR PATIENT REPRESENTATIVE  
22 MUST BE ASSIGNED A REGISTRATION NUMBER AND MUST BE PLACED ON THE  
23 VERIFICATION SYSTEM.

24 (J) DURATION.--THE MEDICAL CANNABIS ACCESS CARD SHALL BE  
25 VALID FOR TWO YEARS FROM THE DATE OF ISSUANCE. A REPLACEMENT  
26 CARD SHALL HAVE THE SAME EXPIRATION DATE.

27 (K) NOTIFICATION.--THE DEPARTMENT OF HEALTH MUST NOTIFY THE  
28 PATIENT OR PATIENT REPRESENTATIVE THAT AN ACCESS CARD IS NO  
29 LONGER VALID IF NOTICE IS RECEIVED FROM:

30 (1) THE PATIENT OR HEALTH CARE PRACTITIONER THAT THE

1 QUALIFIED MEDICAL CONDITION IS IMPROVED AND NO LONGER  
2 REQUIRES MEDICAL CANNABIS.

3 (2) THE PATIENT OR HEALTH CARE PRACTITIONER THAT THE  
4 PATIENT NO LONGER HAS A QUALIFIED MEDICAL CONDITION OR THAT  
5 MEDICAL CANNABIS IS NO LONGER THERAPEUTIC OR PALLIATIVE.

6 (3) THE HEALTH CARE PRACTITIONER THAT THE HEALTH CARE  
7 PRACTITIONER BELIEVES THE PATIENT IS NOT USING THE MEDICAL  
8 CANNABIS AS RECOMMENDED.

9 (L) RECIPROCITY.--A PATIENT REGISTERED IN ANOTHER STATE THAT  
10 AUTHORIZES MEDICAL CANNABIS AND RECOGNIZES MEDICAL CANNABIS  
11 ACCESS CARDS FROM PATIENTS WHO ARE RESIDENTS OF THIS  
12 COMMONWEALTH MAY SUBMIT TO THE DEPARTMENT OF HEALTH THE  
13 PATIENT'S CREDENTIALS TO UTILIZE MEDICAL CANNABIS. THE  
14 DEPARTMENT OF HEALTH SHALL CONFIRM AN OUT-OF-STATE PATIENT'S  
15 STATUS AS A MEDICAL CANNABIS USER IN EACH STATE WITH LEGALIZED  
16 MEDICAL CANNABIS AND ONLY GRANT A MEDICAL CANNABIS ACCESS CARD  
17 TO A PERSON WITH A QUALIFIED MEDICAL CONDITION. AFTER THE  
18 DEPARTMENT OF HEALTH INVESTIGATES AND APPROVES THE PATIENT'S  
19 CREDENTIALS, THE DEPARTMENT OF HEALTH SHALL ISSUE THE PATIENT A  
20 MEDICAL CANNABIS ACCESS CARD ALLOWING THE PATIENT TO UTILIZE  
21 MEDICAL CANNABIS IN THIS COMMONWEALTH.

22 (M) PATIENT REPRESENTATIVE.--

23 (1) A PATIENT REPRESENTATIVE MUST BE:

24 (I) AT LEAST 18 YEARS OF AGE; AND

25 (II) A RESIDENT OF THIS COMMONWEALTH.

26 (2) A PATIENT REPRESENTATIVE SHALL DO ALL OF THE  
27 FOLLOWING:

28 (I) REGISTER WITH THE DEPARTMENT OF HEALTH IN A  
29 MANNER PRESCRIBED BY THE DEPARTMENT OF HEALTH.

30 (II) PRESENT, FROM THE REGISTERED PATIENT'S HEALTH



1 CARE PRACTITIONER WHO PRESCRIBED THE MEDICAL CANNABIS,  
2 CERTIFICATION THAT THE PATIENT IS UNABLE TO OBTAIN OR  
3 ADMINISTER MEDICAL CANNABIS FOR A GOOD FAITH MEDICAL OR  
4 PHYSICAL REASON.

5 (III) NOTIFY THE DEPARTMENT OF HEALTH WITHIN 10  
6 BUSINESS DAYS AFTER:

7 (A) A CHANGE TO THE INFORMATION THAT THE  
8 PROVIDER, REGISTERED PATIENT OR PATIENT  
9 REPRESENTATIVE WAS REQUIRED TO SUBMIT TO THE  
10 DEPARTMENT OF HEALTH; AND

11 (B) THE PATIENT REPRESENTATIVE DISCOVERS THAT  
12 THE REGISTRY IDENTIFICATION HAS BEEN LOST OR STOLEN.

13 (IV) NOTIFY THE DEPARTMENT OF HEALTH BY TELEPHONE  
14 AND IN WRITING WITHIN 10 DAYS FOLLOWING THE DEATH OF THE  
15 PATIENT REPRESENTATIVE'S REGISTERED PATIENT. THE  
16 DEPARTMENT OF HEALTH SHALL PROVIDE INSTRUCTION TO THE  
17 PATIENT REPRESENTATIVE REGARDING THE DUTY TO DISPOSE OF  
18 AND MEANS BY WHICH THE REMAINING MEDICAL CANNABIS MAY BE  
19 DISPOSED.

20 (3) A PATIENT REPRESENTATIVE MAY DO ANY OF THE  
21 FOLLOWING:

22 (I) TRANSPORT A REGISTERED PATIENT TO AND FROM A  
23 LICENSED MEDICAL CANNABIS DISPENSER.

24 (II) OBTAIN AND TRANSPORT AN APPROPRIATE SUPPLY IN  
25 ACCORDANCE WITH SECTION 503(F)(6) AND (7) OF MEDICAL  
26 CANNABIS FROM A MEDICAL CANNABIS DISPENSER ON BEHALF OF A  
27 REGISTERED PATIENT.

28 (III) PREPARE MEDICAL CANNABIS FOR CONSUMPTION BY A  
29 REGISTERED PATIENT.

30 (IV) ADMINISTER MEDICAL CANNABIS TO A REGISTERED

1 PATIENT AS RECOMMENDED BY THE REGISTERED PATIENT'S HEALTH  
2 CARE PRACTITIONER.

3 (4) A PATIENT REPRESENTATIVE MAY NOT DO ANY OF THE  
4 FOLLOWING:

5 (I) RECEIVE PAYMENT OR OTHER COMPENSATION FOR  
6 SERVICES PROVIDED AS A PATIENT REPRESENTATIVE OTHER THAN  
7 REIMBURSEMENT FOR REASONABLE EXPENSES INCURRED IN THE  
8 PROVISION OF SERVICES AS A PATIENT REPRESENTATIVE. IN THE  
9 CASE OF AN EMPLOYEE OF A HEALTH CARE FACILITY SERVING AS  
10 A PATIENT REPRESENTATIVE, THE INDIVIDUAL MAY NOT RECEIVE  
11 PAYMENT OR COMPENSATION ABOVE OR BEYOND THE INDIVIDUAL'S  
12 REGULAR WAGES.

13 (II) CONSUME MEDICAL CANNABIS WHICH HAS BEEN  
14 DISPENSED ON BEHALF OF A REGISTERED PATIENT.

15 (III) SELL, PROVIDE OR OTHERWISE DIVERT MEDICAL  
16 CANNABIS WHICH HAS BEEN DISPENSED TO A REGISTERED  
17 PATIENT.

18 (IV) GROW OR CULTIVATE MEDICAL CANNABIS ON BEHALF OF  
19 ANY INDIVIDUAL.

20 (V) PURCHASE MEDICAL CANNABIS FROM AN UNLICENSED  
21 SOURCE.

22 (VI) OBTAIN MEDICAL CANNABIS FROM A REGISTERED  
23 PATIENT OR A PATIENT REPRESENTATIVE.

24 (5) IF A PATIENT REPRESENTATIVE PREVIOUSLY EMPLOYED BY A  
25 HEALTH CARE FACILITY IS NO LONGER EMPLOYED BY THE HEALTH CARE  
26 FACILITY, THE AUTHORITY TO OBTAIN MEDICAL CANNABIS USING A  
27 MEDICAL CANNABIS ACCESS CARD OR OTHER FORM OF AUTHORIZATION  
28 ISSUED BY THE DEPARTMENT OF HEALTH SHALL BE VOID. A HEALTH  
29 CARE FACILITY THAT EMPLOYS A PATIENT REPRESENTATIVE TO PICK  
30 UP, DELIVER OR ADMINISTER MEDICAL CANNABIS TO REGISTERED

1 PATIENTS SHALL NOTIFY THE DEPARTMENT OF HEALTH IMMEDIATELY  
2 UPON TERMINATION OF THE PATIENT REPRESENTATIVE'S EMPLOYMENT.

3 (6) THE DEPARTMENT OF HEALTH SHALL PROMULGATE  
4 REGULATIONS RELATING TO PATIENT REPRESENTATIVES, INCLUDING  
5 THE FORM OF AUTHORIZATION TO BE UTILIZED.

6 (N) CONFIDENTIALITY.--THE DEPARTMENT OF HEALTH SHALL  
7 MAINTAIN A VERIFICATION SYSTEM THAT INCLUDES THE NAMES OF EACH  
8 INDIVIDUAL WHO HAS BEEN ISSUED A MEDICAL CANNABIS ACCESS CARD OR  
9 AUTHORIZED TO ACT AS A PATIENT REPRESENTATIVE. THE INFORMATION  
10 ON THE LIST SHALL BE CONFIDENTIAL AND SHALL NOT BE CONSIDERED A  
11 PUBLIC RECORD UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3),  
12 KNOWN AS THE RIGHT-TO-KNOW LAW. THE LIST MAY NOT BE DISCLOSED  
13 EXCEPT TO ANY OF THE FOLLOWING:

14 (1) AUTHORIZED EMPLOYEES OF THE BOARD, THE DEPARTMENT OF  
15 HEALTH AND THE BUREAU OF PROFESSIONAL AND OCCUPATIONAL  
16 AFFAIRS AS NECESSARY TO PERFORM OFFICIAL DUTIES OF THE BOARD  
17 AND THE DEPARTMENT OF HEALTH.

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

22 (3) LICENSED DISPENSERS AS NECESSARY TO VERIFY  
23 INFORMATION AND IDENTITY.

24 (4) LAW ENFORCEMENT AS PROVIDED UNDER SECTION 906.

25 (5) HEALTH CARE PRACTITIONERS.

26 SECTION 702. HEALTH CARE PRACTITIONERS.

27 (A) REQUIREMENTS.--A HEALTH CARE PRACTITIONER MAY RECOMMEND  
28 THE USE OF MEDICAL CANNABIS TO A PATIENT IF THE HEALTH CARE  
29 PRACTITIONER COMPLIES WITH ALL OF THE FOLLOWING:

30 (1) HAS A GOOD FAITH PRACTITIONER-PATIENT RELATIONSHIP

1 WITH THE PATIENT, NOT LIMITED TO A CERTIFICATION FOR THE  
2 PATIENT TO USE MEDICAL CANNABIS OR A CONSULTATION SIMPLY FOR  
3 THAT PURPOSE.

4 (2) PRACTICES WITHIN THIS COMMONWEALTH AT AN ESTABLISHED  
5 PLACE OF PRACTICE.

6 (3) REGISTERS WITH THE DEPARTMENT IF REQUIRED BY  
7 DEPARTMENT REGULATION.

8 (4) HAS RESPONSIBILITY FOR THE ONGOING CARE AND  
9 TREATMENT OF THE PATIENT AS LONG AS THE ONGOING CARE  
10 TREATMENT IS NOT LIMITED TO OR FOR THE PRIMARY PURPOSE OF  
11 CERTIFYING A QUALIFYING MEDICAL CONDITION.

12 (5) HAS COMPLETED AND DOCUMENTED AN IN-PERSON FULL  
13 ASSESSMENT OF THE PATIENT'S MEDICAL HISTORY AND CURRENT  
14 MEDICAL CONDITION NOT MORE THAN 90 DAYS PRIOR TO MAKING THE  
15 CERTIFICATION FOR MEDICAL CANNABIS. THE ASSESSMENT SHALL  
16 INCLUDE A REVIEW OF MEDICAL RECORDS FROM OTHER TREATING  
17 HEALTH CARE PRACTITIONERS FROM THE PREVIOUS 12 MONTHS.

18 (6) CERTIFIES THAT THE PATIENT IS UNDER THE PHYSICIAN'S  
19 CARE FOR, AND THAT THE PHYSICIAN HAS EXPERTISE IN, THE  
20 PATIENT'S QUALIFYING MEDICAL CONDITION.

21 (7) CERTIFIES THAT IN THE PHYSICIAN'S PROFESSIONAL  
22 OPINION, THE PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR  
23 PALLIATIVE BENEFIT FROM THE MEDICAL USE OF CANNABIS TO TREAT  
24 OR ALLEVIATE THE PATIENT'S QUALIFYING MEDICAL CONDITION OR  
25 SYMPTOMS ASSOCIATED WITH THE CONDITION.

26 (8) BASES EACH WRITTEN CERTIFICATION TO RECEIVE MEDICAL  
27 CANNABIS ON GENERALLY ACCEPTED STANDARDS OF MEDICAL PRACTICE.

28 (9) HAS ADOPTED A RECORDKEEPING SYSTEM FOR ALL PATIENTS  
29 FOR WHOM THE PHYSICIAN HAS RECOMMENDED THE USE OF MEDICAL  
30 CANNABIS.

1 (B) PROHIBITIONS.--A HEALTH CARE PRACTITIONER MAY NOT DO ANY  
2 OF THE FOLLOWING:

3 (1) ACCEPT, SOLICIT OR OFFER A FORM OF REMUNERATION FROM  
4 OR TO:

5 (I) A PATIENT, EXCEPT NORMAL MEDICAL EXAMINATION  
6 COSTS;

7 (II) A PATIENT REPRESENTATIVE;

8 (III) A LICENSED GROWER, LICENSED PROCESSOR OR  
9 LICENSED DISPENSER; OR

10 (IV) AN PRINCIPAL OFFICER, EMPLOYEE OR AGENT OF A  
11 PERSON LISTED IN SUBPARAGRAPH (I), (II) OR (III).

12 (2) OFFER A DISCOUNT OR AN ITEM OF VALUE TO A PATIENT  
13 WHO USES OR AGREES TO USE A PARTICULAR PATIENT REPRESENTATIVE  
14 OR MEDICAL CANNABIS DISPENSER TO OBTAIN MEDICAL CANNABIS.

15 (3) CONDUCT AN EXAMINATION OF A PATIENT FOR PURPOSES OF  
16 DIAGNOSING A QUALIFYING MEDICAL CONDITION AT A LOCATION WHERE  
17 MEDICAL CANNABIS IS SOLD OR DISTRIBUTED.

18 (4) HOLD A DIRECT OR INDIRECT ECONOMIC INTEREST IN, OR  
19 SERVE ON THE BOARD OF, A LICENSED MEDICAL CANNABIS GROWER,  
20 LICENSED MEDICAL CANNABIS PROCESSOR OR LICENSED MEDICAL  
21 CANNABIS DISPENSER.

22 (5) REFER A PATIENT TO A PARTICULAR LICENSED MEDICAL  
23 CANNABIS DISPENSER.

24 (6) ADVERTISE IN A FACILITY OF A LICENSED MEDICAL  
25 CANNABIS GROWER, LICENSED MEDICAL CANNABIS PROCESSOR OR  
26 LICENSED MEDICAL CANNABIS DISPENSER.

27 (7) ISSUE A WRITTEN CERTIFICATION TO RECEIVE MEDICAL  
28 CANNABIS TO A MEMBER OF THE HEALTH CARE PRACTITIONER'S  
29 FAMILY.

30 (C) WRITTEN CERTIFICATION.--A HEALTH CARE PRACTITIONER SHALL

1 ISSUE A WRITTEN CERTIFICATION THAT INCLUDES THE FOLLOWING:

2 (1) THE DATE AND SIGNATURE OF THE HEALTH CARE  
3 PRACTITIONER.

4 (2) A STATEMENT THAT IN THE HEALTH CARE PRACTITIONER'S  
5 OPINION THE PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR  
6 PALLIATIVE BENEFIT FROM THE MEDICAL USE OF CANNABIS TO TREAT  
7 OR ALLEVIATE A QUALIFIED MEDICAL CONDITION OR SYMPTOMS  
8 ASSOCIATED WITH THE QUALIFIED MEDICAL CONDITION.

9 (3) SPECIFICATION OF THE QUALIFIED MEDICAL CONDITION.

10 (4) A STATEMENT THAT THE QUALIFYING PATIENT IS UNDER THE  
11 HEALTH CARE PRACTITIONER'S CARE FOR THE QUALIFIED MEDICAL  
12 CONDITION.

13 (5) THE RECOMMENDED DOSAGE AND TOTAL AMOUNT OF MEDICAL  
14 CANNABIS BEING RECOMMENDED.

15 (D) LIMITATION.--A WRITTEN CERTIFICATION MAY NOT BE FOR MORE  
16 THAN 2.5 OUNCES OF MEDICAL CANNABIS FOR A PATIENT IN A 14-DAY  
17 PERIOD UNLESS THE PATIENT HAS A QUANTITY WAIVER FROM THE  
18 DEPARTMENT OF HEALTH.

19 (E) VETERANS.--A VETERAN WHO HAS RECEIVED TREATMENT AT A  
20 VETERANS' ADMINISTRATION HOSPITAL SHALL BE DEEMED TO HAVE A BONA  
21 FIDE PHYSICIAN-PATIENT RELATIONSHIP WITH A VETERANS'  
22 ADMINISTRATION PHYSICIAN IF THE PATIENT HAS BEEN SEEN FOR THE  
23 QUALIFIED MEDICAL CONDITION IN ACCORDANCE WITH VETERANS'  
24 ADMINISTRATION PROTOCOLS.

25 SECTION 703. EXPANSION OF MEDICAL CONDITIONS.

26 (A) PETITION.--BEGINNING JULY 1, 2017, THE BOARD MAY ACCEPT  
27 PETITIONS FROM A RESIDENT OF THIS COMMONWEALTH TO ADD ADDITIONAL  
28 QUALIFIED MEDICAL CONDITIONS TO THOSE CONDITIONS FOR WHICH A  
29 PATIENT MAY RECEIVE MEDICAL CANNABIS.

30 (B) REQUIREMENTS.--A PETITION UNDER SUBSECTION (A):

1 (1) MUST BE LIMITED TO A SINGLE PROPOSED QUALIFIED  
2 MEDICAL CONDITION;

3 (2) MUST BE IN A FORM PRESCRIBED BY THE BOARD;

4 (3) MUST INCLUDE A DESCRIPTION OF THE SPECIFIC MEDICAL  
5 CONDITION WHICH IS THE SUBJECT OF THE PETITION; AND

6 (4) MUST NOT REQUEST APPROVAL FOR BROAD CATEGORIES OF  
7 ILLNESSES.

8 (C) REVIEW.--UPON RECEIPT OF A PETITION UNDER SUBSECTION  
9 (A), THE BOARD SHALL DO ALL OF THE FOLLOWING:

10 (1) REVIEW THE PETITION RECEIVED FOR THE ADDITION OF A  
11 QUALIFIED MEDICAL CONDITION WHICH WOULD BENEFIT FROM THE USE  
12 OF MEDICAL CANNABIS. THE BOARD MAY CONSOLIDATE PETITIONS FOR  
13 THE SAME OR SIMILAR CONDITION.

14 (2) REVIEW NEW OR CURRENT MEDICAL AND SCIENTIFIC  
15 EVIDENCE PERTAINING TO CURRENTLY APPROVED CONDITIONS.

16 (3) CONSULT MEDICAL AND SCIENTIFIC EXPERTS AS NECESSARY  
17 TO ADEQUATELY REVIEW THE PETITION.

18 (4) ANALYZE THE FOLLOWING:

19 (I) INFORMATION ABOUT WHY CONVENTIONAL MEDICAL  
20 THERAPIES ARE NOT SUFFICIENT TO TREAT OR ALLEVIATE THE  
21 IMPACT OF THE CONDITION OR DISEASE.

22 (II) THE PROPOSED BENEFITS FROM THE USE OF MEDICAL  
23 CANNABIS.

24 (III) EVIDENCE FROM THE MEDICAL COMMUNITY AND OTHER  
25 EXPERTS SUPPORTING THE USE OF MEDICAL CANNABIS TO  
26 ALLEVIATE SUFFERING CAUSED BY THE CONDITION OR DISEASE OR  
27 ITS TREATMENT.

28 (IV) LETTERS OF SUPPORT FROM LICENSED HEALTH CARE  
29 PROVIDERS KNOWLEDGEABLE ABOUT THE CONDITION OR DISEASE,  
30 INCLUDING LETTERS FROM PHYSICIANS WITH WHOM THE

1 PETITIONER HAS A PHYSICIAN-PATIENT RELATIONSHIP.

2 (V) MEDICAL OR SCIENTIFIC DOCUMENTATION.

3 (D) ACTION.--THE BOARD SHALL APPROVE OR DENY A PETITION IN  
4 ACCORDANCE WITH REGULATIONS PROMULGATED BY THE BOARD.

5 SECTION 704. MEDICAL USE PERMITTED.

6 (A) GENERAL RULE.--THE CULTIVATION, POSSESSION, ACQUISITION,  
7 USE, DELIVERY, PROCESSING, DISPENSING OR TRANSPORTATION OF  
8 MEDICAL CANNABIS BY A PERSON WHO, AT THE TIME THE CULTIVATION,  
9 POSSESSION, ACQUISITION, USE, DELIVERY, PROCESSING, DISPENSING  
10 OR TRANSPORTATION OCCURS, POSSESSES A VALID LICENSE,  
11 OCCUPATIONAL PERMIT, CERTIFICATE OR MEDICAL CANNABIS ACCESS CARD  
12 UNDER THIS ACT AND IS IN COMPLIANCE WITH ALL APPLICABLE TERMS  
13 UNDER THIS ACT SHALL NOT BE UNLAWFUL UNDER ANY PROVISION OF LAW.

14 (B) ACCESS CARD.--

15 (1) POSSESSION OF OR APPLICATION FOR A MEDICAL CANNABIS  
16 ACCESS CARD MAY NOT ALONE CONSTITUTE PROBABLE CAUSE TO SEARCH  
17 A PERSON, THE PERSON'S PROPERTY OR OTHERWISE SUBJECT THE  
18 PERSON OR PROPERTY TO INSPECTION BY A GOVERNMENTAL AGENCY.

19 (2) PARAGRAPH (1) DOES NOT APPLY TO A PATIENT UNDER 18  
20 YEARS OF AGE UNLESS ALL OF THE FOLLOWING HAVE OCCURRED:

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

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

27 (A) ALLOW THE MINOR'S USE OF MEDICAL CANNABIS.

28 (B) SERVE AS THE MINOR'S PATIENT REPRESENTATIVE.

29 (C) CONTROL THE ACQUISITION, DOSAGE AND  
30 FREQUENCY OF THE MINOR'S USE OF MEDICAL CANNABIS.



1 (C) RESTRICTION.--AN INDIVIDUAL WHO HAS BEEN CONVICTED,  
2 ADJUDICATED DELINQUENT OR GRANTED ACCELERATED REHABILITATIVE  
3 DISPOSITION OR WHO PLEADS GUILTY OR NOLO CONTENDERE FOR ANY  
4 OFFENSE SHALL NOT BE DISQUALIFIED FROM OBTAINING OR POSSESSING A  
5 VALID MEDICAL CANNABIS ACCESS CARD ON THE BASIS OF THE OFFENSE.  
6 SECTION 705. AUTHORIZED USE.

7 THE USE OF CANNABIS PRODUCTS MIXED INTO FOOD OR DRINKS TO  
8 FACILITATE INGESTION BY A PATIENT IN A FACILITY OR RESIDENCE  
9 SHALL NOT VIOLATE THE BAN ON EDIBLE CANNABIS PRODUCTS. ANY FOOD  
10 MIXED WITH MEDICAL CANNABIS UNDER THIS SECTION MAY NOT BE SOLD  
11 TO ANY PERSON.

12 SECTION 706. HEALTH INSURANCE.

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

18 SECTION 707. SOVEREIGN IMMUNITY.

19 THE COMMONWEALTH MAY NOT BE HELD LIABLE FOR ANY DELETERIOUS  
20 OUTCOMES RESULTING FROM THE MEDICAL USE OF CANNABIS BY A  
21 REGISTERED PATIENT.

## 22 CHAPTER 9

23 PROTECTION, PROHIBITIONS,

24 ENFORCEMENT AND PENALTIES

25 SECTION 901. CIVIL DISCRIMINATION PROTECTION.

26 THE FOLLOWING SHALL APPLY:

27 (1) FOR THE PURPOSES OF MEDICAL CARE, A PATIENT'S  
28 AUTHORIZED USE OF MEDICAL CANNABIS UNDER THIS ACT SHALL BE  
29 CONSIDERED THE EQUIVALENT OF THE USE OF OTHER MEDICATION  
30 UNDER THE DIRECTION OF A HEALTH CARE PRACTITIONER. MEDICAL

1 CANNABIS, WHEN USED IN ACCORDANCE WITH THIS ACT, MAY NOT BE  
2 CONSIDERED AN ILLICIT SUBSTANCE OR OTHERWISE DISQUALIFY A  
3 PATIENT FROM MEDICAL CARE.

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

7 (I) DENIED CUSTODY, VISITATION OR PARENTING TIME  
8 WITH A MINOR CHILD.

9 (II) PRESUMED TO NEGLECT OR ENDANGER A MINOR CHILD  
10 UNLESS THE INDIVIDUAL'S BEHAVIOR CREATES AN UNREASONABLE  
11 DANGER TO THE SAFETY OF THE MINOR BY CLEAR AND CONVINCING  
12 EVIDENCE.

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

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

23 (5) AN EMPLOYER MAY NOT DISCRIMINATE AGAINST AN  
24 INDIVIDUAL IN THE HIRING OR TERMINATION OF BENEFITS OR  
25 OTHERWISE PENALIZE THE INDIVIDUAL FOR BEING A MEDICAL  
26 CANNABIS ACCESS CARDHOLDER. THE FOLLOWING SHALL APPLY:

27 (I) THE EMPLOYER MAY TAKE AN INDIVIDUAL'S STATUS AS  
28 A CARDHOLDER INTO ACCOUNT ONLY IF THE EMPLOYER CAN PROVE  
29 THE EMPLOYEE IS ABUSING OR MISUSING THE EMPLOYEE'S  
30 MEDICAL CANNABIS ON THE PREMISES OF THE PLACE OF

1 EMPLOYMENT DURING ORDINARY HOURS OF EMPLOYMENT OR IF  
2 FAILURE TO DO SO WOULD CAUSE AN EMPLOYER TO LOSE A  
3 LICENSING BENEFIT UNDER FEDERAL LAW OR REGULATION.

4 (II) AN INDIVIDUAL'S POSITIVE DRUG TEST FOR CANNABIS  
5 COMPONENTS OR METABOLITES MAY NOT BE CONSIDERED BY AN  
6 EMPLOYER UNLESS THE INDIVIDUAL UNLAWFULLY USED, POSSESSED  
7 OR WAS IMPAIRED BY THE MEDICAL CANNABIS WHILE ON THE  
8 PREMISES OF THE PLACE OF EMPLOYMENT OR DURING THE HOURS  
9 OF EMPLOYMENT.

10 SECTION 902. PROHIBITIONS AND USE.

11 (A) PROHIBITIONS.--

12 (1) A REGISTERED PATIENT MAY NOT OPERATE OR BE IN  
13 PHYSICAL CONTROL OF ANY OF THE FOLLOWING WHILE UNDER THE  
14 INFLUENCE WITH A BLOOD CONTENT OF MORE THAN 10 NANOGRAMS OF  
15 ACTIVE TETRAHYDROCANNABIS PER MILLILITER OF BLOOD IN SERUM:

16 (I) A MOTOR VEHICLE.

17 (II) AN AIRCRAFT.

18 (III) A MOTOR BOAT.

19 (IV) HEAVY MACHINERY.

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

23 (2) A REGISTERED PATIENT MAY NOT UNDERTAKE ANY TASK  
24 UNDER THE INFLUENCE OF MEDICAL CANNABIS WHEN DOING SO WOULD  
25 CONSTITUTE NEGLIGENCE OR PROFESSIONAL MALPRACTICE.

26 (3) A PERSON MAY NOT ALLOW MEDICAL CANNABIS OBTAINED BY  
27 A REGISTERED PATIENT TO BE USED BY AN INDIVIDUAL WHO IS NOT  
28 AUTHORIZED TO USE MEDICAL CANNABIS UNDER THIS ACT.

29 (4) AN INDIVIDUAL MAY NOT SMOKE MEDICAL CANNABIS OR  
30 UTILIZE A VAPORIZER TO INGEST OR INHALE MEDICAL CANNABIS.

1 (B) USE.--EXCEPT AS PROVIDED UNDER SUBSECTION (A), A  
2 REGISTERED PATIENT MAY UTILIZE MEDICAL CANNABIS IN ANY PUBLIC  
3 PLACE, INCLUDING THE FOLLOWING:

4 (1) PUBLIC TRANSPORTATION.

5 (2) ON SCHOOL GROUNDS IF THE REGISTERED PATIENT IS A  
6 STUDENT OR AN EMPLOYEE OF THE SCHOOL IN ACCORDANCE WITH THE  
7 DEPARTMENT OF EDUCATION REGULATIONS REGARDING MEDICATION ON  
8 SCHOOL GROUNDS.

9 (3) IN A CORRECTIONAL FACILITY IN ACCORDANCE WITH  
10 DEPARTMENT OF CORRECTIONS REGULATIONS REGARDING MEDICATIONS  
11 IN CORRECTIONAL FACILITIES.

12 (4) AT A PUBLIC PARK OR PUBLIC BEACH.

13 (C) ADULTERATION.--WITH THE EXCEPTION OF EXTRACTION METHODS  
14 AND PROCESSING OPERATIONS APPROVED BY THE BOARD, A PERSON MAY  
15 NOT ADULTERATE, FORTIFY, CONTAMINATE OR CHANGE THE CHARACTER OR  
16 PURITY OF MEDICAL CANNABIS FROM THE ORIGINAL SOLD BY A LICENSED  
17 MEDICAL CANNABIS GROWER, PROCESSOR OR DISPENSER.

18 SECTION 903. UNLAWFUL ACTIVITIES.

19 IN ADDITION TO ANY OTHER APPLICABLE PROVISION OF LAW, IT  
20 SHALL BE A CRIMINAL OFFENSE TO INTENTIONALLY OR KNOWINGLY DO ANY  
21 OF THE FOLLOWING:

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

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

26 (3) PARTICIPATE IN THE GROWING, PROCESSING, TESTING OR  
27 DISPENSING OF MEDICAL CANNABIS IN VIOLATION OF THIS ACT.

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

1 (5) VIOLATE ANY REGULATION OF THE BOARD.

2 SECTION 904. CRIMINAL PENALTIES AND FINES.

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

6 (B) UNAUTHORIZED ACTIONS.--A MEDICAL CANNABIS GROWER,  
7 PROCESSOR OR DISPENSER THAT DISTRIBUTES, GIVES, SELLS OR  
8 PROVIDES MEDICAL CANNABIS TO A PERSON OTHER THAN A PERSON  
9 AUTHORIZED UNDER THIS ACT COMMITS A FELONY OF THE THIRD DEGREE.

10 (C) INDIVIDUAL.--AN INDIVIDUAL WHO FALSIFIES AN APPLICATION  
11 OR CERTIFICATION UNDER SECTION 511 COMMITS A MISDEMEANOR OF THE  
12 FIRST DEGREE.

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

16 SECTION 905. DAILY LOG ACCESS.

17 (A) COURT ORDER.--A DAILY LOG UNDER SECTION 503(F)(4) MAY BE  
18 ACCESSED BY LAW ENFORCEMENT UPON RECEIPT OF A COURT ORDER  
19 OBTAINED BY THE REQUESTING LAW ENFORCEMENT AGENCY. UPON RECEIPT  
20 OF A REQUEST FOR ACCESS UNDER THIS SUBSECTION, A COURT MAY ENTER  
21 AN EX PARTE ORDER GRANTING THE MOTION IF THE LAW ENFORCEMENT  
22 AGENCY HAS DEMONSTRATED BY A PREPONDERANCE OF THE EVIDENCE THAT:

23 (1) THE MOTION PERTAINS TO A PERSON WHO IS THE SUBJECT  
24 OF AN ACTIVE CRIMINAL INVESTIGATION.

25 (2) THERE IS REASONABLE SUSPICION THAT A CRIMINAL ACT  
26 HAS OCCURRED.

27 (B) USE.--DATA OBTAINED BY A LAW ENFORCEMENT AGENCY UNDER  
28 SUBSECTION (A) MAY ONLY BE USED TO ESTABLISH PROBABLE CAUSE TO  
29 OBTAIN A SEARCH WARRANT OR ARREST WARRANT.

30 SECTION 906. LAW ENFORCEMENT.

1 THE VERIFICATION SYSTEM MAY BE ACCESSED BY LAW ENFORCEMENT  
2 AGENCIES REGISTERED WITH THE DEPARTMENT TO CONFIRM THE  
3 AUTHENTICITY OF AN ACCESS CARD. THE INFORMATION SHALL REMAIN  
4 CONFIDENTIAL UNLESS CRIMINAL CHARGES ARE FILED.

5 CHAPTER 11

6 MEDICAL CANNABIS SURCHARGE

7 SECTION 1101. DEFINITIONS.

8 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
9 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
10 CONTEXT CLEARLY INDICATES OTHERWISE:

11 "DEPARTMENT." THE DEPARTMENT OF REVENUE OF THE COMMONWEALTH.

12 "MEDICAL CANNABIS." PLANTS CONTAINING CANNABIDIOL,  
13 TETRAHYDROCANNABINOL OR DELTA-9-TETRAHYDROCANNABINOL ACID OR ANY  
14 PART OF A CANNABIS PLANT, INCLUDING CANNABIS PROCESSED BY  
15 EXTRACTING OIL FROM THE PLANT, INTENDED FOR MEDICAL PURPOSES.  
16 THE TERM INCLUDES EXTRACTED OIL, OINTMENTS AND TINCTURES.

17 "MEDICAL CANNABIS PURVEYOR." A MEDICAL CANNABIS DISPENSER,  
18 MEDICAL CANNABIS GROWER, MEDICAL CANNABIS PROCESSOR OR ANY OTHER  
19 PERSON LICENSED UNDER THIS CHAPTER WHO, IN THE USUAL COURSE OF  
20 BUSINESS, SELLS MEDICAL CANNABIS TO A MEDICAL CANNABIS  
21 DISPENSER.

22 "PURCHASE PRICE." THE TOTAL VALUE OF ANYTHING PAID OR  
23 DELIVERED, OR PROMISED TO BE PAID OR DELIVERED, WHETHER IT BE  
24 MONEY OR OTHERWISE, IN COMPLETE PERFORMANCE OF A SALE OR  
25 PURCHASE, WITHOUT A DEDUCTION ON ACCOUNT OF THE COST OR VALUE OF  
26 THE PROPERTY SOLD, COST OR VALUE OF TRANSPORTATION, COST OR  
27 VALUE OF LABOR OR SERVICE, INTEREST OR DISCOUNT PAID OR ALLOWED  
28 AFTER THE SALE IS CONSUMMATED, OTHER TAXES OR SURCHARGES IMPOSED  
29 BY THE COMMONWEALTH OR OTHER EXPENSE.

30 "SALE." A TRANSFER OF OWNERSHIP, CUSTODY OR POSSESSION OF

1 MEDICAL CANNABIS FOR CONSIDERATION; AN EXCHANGE, BARTER OR GIFT;  
2 OR AN OFFER TO SELL OR TRANSFER THE OWNERSHIP, CUSTODY OR  
3 POSSESSION OF MEDICAL CANNABIS FOR CONSIDERATION.

4 "SURCHARGE PAYER." A PERSON SUBJECT TO THE SURCHARGE UNDER  
5 THIS CHAPTER.

6 "UNCLASSIFIED IMPORTER." A PERSON IN THIS COMMONWEALTH THAT  
7 ACQUIRES MEDICAL CANNABIS FROM A SOURCE ON WHICH THE SURCHARGE  
8 IMPOSED BY THIS CHAPTER WAS NOT PAID AND THAT IS NOT A PERSON  
9 OTHERWISE REQUIRED TO BE LICENSED UNDER THE PROVISIONS OF THIS  
10 CHAPTER. THE TERM INCLUDES A PATIENT WHO PURCHASES MEDICAL  
11 CANNABIS OUTSIDE THIS COMMONWEALTH FOR PERSONAL POSSESSION OR  
12 USE IN THIS COMMONWEALTH.

13 SECTION 1102. INCIDENCE AND RATE OF SURCHARGE.

14 (A) IMPOSITION.--A MEDICAL CANNABIS SURCHARGE IS IMPOSED ON  
15 A MEDICAL CANNABIS PURVEYOR OR OTHER PERSON AT THE TIME THE  
16 MEDICAL CANNABIS IS FIRST SOLD TO A MEDICAL CANNABIS DISPENSER  
17 IN THIS COMMONWEALTH AT THE RATE OF 6% ON THE PURCHASE PRICE  
18 CHARGED TO THE MEDICAL CANNABIS DISPENSER FOR THE PURCHASE OF  
19 MEDICAL CANNABIS. THE SURCHARGE SHALL BE COLLECTED FROM THE  
20 MEDICAL CANNABIS DISPENSER BY THE SELLER OF THE MEDICAL CANNABIS  
21 TO THE MEDICAL CANNABIS DISPENSER AND REMITTED TO THE  
22 DEPARTMENT. A PERSON REQUIRED TO COLLECT THIS SURCHARGE SHALL  
23 SEPARATELY STATE THE AMOUNT OF SURCHARGE ON AN INVOICE OR OTHER  
24 SALES DOCUMENT.

25 (B) MEDICAL CANNABIS DISPENSER.--IF THE SURCHARGE IS NOT  
26 COLLECTED BY THE SELLER FROM THE MEDICAL CANNABIS DISPENSER, THE  
27 SURCHARGE IS IMPOSED ON THE MEDICAL CANNABIS DISPENSER AT THE  
28 TIME OF PURCHASE AT THE SAME RATE AS IN SUBSECTION (A) BASED ON  
29 THE MEDICAL CANNABIS DISPENSER'S PURCHASE PRICE OF THE MEDICAL  
30 CANNABIS. THE MEDICAL CANNABIS DISPENSER SHALL REMIT THE

1 SURCHARGE TO THE DEPARTMENT.

2 (C) UNCLASSIFIED IMPORTER.--THE SURCHARGE IS IMPOSED ON AN  
3 UNCLASSIFIED IMPORTER AT THE TIME OF PURCHASE AT THE SAME RATE  
4 AS IN SUBSECTION (A) BASED ON THE UNCLASSIFIED IMPORTER'S  
5 PURCHASE PRICE OF THE MEDICAL CANNABIS. THE UNCLASSIFIED  
6 IMPORTER SHALL REMIT THE SURCHARGE TO THE DEPARTMENT.

7 (D) EXCEPTIONS.--THE SURCHARGE SHALL NOT BE IMPOSED ON  
8 MEDICAL CANNABIS THAT:

9 (1) IS EXPORTED FOR SALE OUTSIDE THIS COMMONWEALTH; OR

10 (2) IS NOT SUBJECT TO SURCHARGE OR TAXATION BY THE  
11 COMMONWEALTH PURSUANT TO ANY LAWS OF THE UNITED STATES.

12 (E) ARTICLE II.--UNLESS OTHERWISE SPECIFICALLY NOTED, THE  
13 PROVISIONS OF ARTICLE II OF THE ACT OF MARCH 4, 1971 (P.L.6,  
14 NO.2), KNOWN AS THE TAX REFORM CODE OF 1971, SHALL APPLY TO THE  
15 RETURNS, PAYMENT, PENALTIES, ENFORCEMENT, COLLECTIONS AND  
16 APPEALS OF THE SURCHARGE IMPOSED ON MEDICAL CANNABIS.  
17 SECTION 1103. LIMITATION OF SURCHARGE.

18 ONLY ONE SALE SHALL BE SURCHARGED AND USED IN COMPUTING THE  
19 AMOUNT OF SURCHARGE DUE UNDER THIS CHAPTER.

20 SECTION 1104. REMITTANCE OF SURCHARGE TO DEPARTMENT.

21 MEDICAL CANNABIS PURVEYORS AND UNCLASSIFIED IMPORTERS SHALL  
22 FILE MONTHLY REPORTS ON A FORM PRESCRIBED BY THE DEPARTMENT BY  
23 THE 20TH DAY OF THE MONTH FOLLOWING THE SALE OR PURCHASE OF  
24 MEDICAL CANNABIS FROM ANOTHER SOURCE ON WHICH THE SURCHARGE  
25 LEVIED BY THIS CHAPTER HAS NOT BEEN PAID. THE SURCHARGE IS DUE  
26 AT THE TIME THE REPORT IS DUE. THE DEPARTMENT MAY REQUIRE THE  
27 FILING OF REPORTS AND PAYMENTS OF SURCHARGES ON A LESS FREQUENT  
28 BASIS AT ITS DISCRETION.

29 SECTION 1105. PROCEDURES FOR CLAIMING REFUND.

30 A CLAIM FOR A REFUND OF THE SURCHARGE IMPOSED BY THIS CHAPTER



1 SHALL BE IN ACCORDANCE WITH SECTION 3003.1 AND ARTICLE XXVII OF  
2 THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM  
3 CODE OF 1971, AND SHALL BE IN THE FORM AND CONTAIN THE  
4 INFORMATION PRESCRIBED BY THE DEPARTMENT BY REGULATION.

5 SECTION 1106. SALES OR POSSESSION OF MEDICAL CANNABIS WHEN  
6 SURCHARGE NOT PAID.

7 (A) SALES OR POSSESSION.--A PERSON WHO SELLS OR POSSESSES  
8 MEDICAL CANNABIS FOR WHICH THE PROPER SURCHARGE HAS NOT BEEN  
9 PAID COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE  
10 SENTENCED TO PAY COSTS OF PROSECUTION AND A FINE OF NOT LESS  
11 THAN \$100 NOR MORE THAN \$1,000 OR TO IMPRISONMENT FOR NOT MORE  
12 THAN 60 DAYS, OR BOTH, AT THE DISCRETION OF THE COURT. MEDICAL  
13 CANNABIS PURCHASED FROM A MEDICAL CANNABIS PURVEYOR PROPERLY  
14 LICENSED UNDER THIS CHAPTER SHALL BE PRESUMED TO HAVE THE PROPER  
15 SURCHARGES PAID.

16 (B) SURCHARGE EVASION.--A PERSON THAT FALSELY OR  
17 FRAUDULENTLY, MALICIOUSLY, INTENTIONALLY OR WILLFULLY, WITH  
18 INTENT TO EVADE THE PAYMENT OF THE SURCHARGE IMPOSED BY THIS  
19 CHAPTER, SELLS OR POSSESSES MEDICAL CANNABIS FOR WHICH THE  
20 PROPER SURCHARGE HAS NOT BEEN PAID COMMITS A MISDEMEANOR OF THE  
21 THIRD DEGREE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY  
22 COSTS OF PROSECUTION AND A FINE OF NOT MORE THAN \$5,000 OR TO  
23 IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH, AT THE  
24 DISCRETION OF THE COURT.

25 SECTION 1107. ASSESSMENT.

26 THE DEPARTMENT IS AUTHORIZED TO MAKE THE INQUIRIES,  
27 DETERMINATIONS AND ASSESSMENTS OF THE SURCHARGE, INCLUDING  
28 INTEREST, ADDITIONS AND PENALTIES, IMPOSED BY THIS CHAPTER.

29 SECTION 1108. FAILURE TO FILE RETURN.

30 WHERE NO RETURN IS FILED, THE AMOUNT OF THE SURCHARGE DUE MAY

1 BE ASSESSED AND COLLECTED AT ANY TIME AS TO CHARGEABLE  
2 TRANSACTIONS NOT REPORTED.

3 SECTION 1109. FALSE OR FRAUDULENT RETURN.

4 WHERE THE SURCHARGE PAYER WILLFULLY FILES A FALSE OR  
5 FRAUDULENT RETURN WITH INTENT TO EVADE THE SURCHARGE IMPOSED BY  
6 THIS CHAPTER, THE AMOUNT OF SURCHARGE DUE MAY BE ASSESSED AND  
7 COLLECTED AT ANY TIME.

8 SECTION 1110. EXTENSION OF LIMITATION PERIOD.

9 NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, WHERE,  
10 BEFORE THE EXPIRATION OF THE PERIOD PRESCRIBED FOR THE  
11 ASSESSMENT OF A SURCHARGE, A SURCHARGE PAYER HAS CONSENTED, IN  
12 WRITING, THAT THE PERIOD BE EXTENDED, THE AMOUNT OF SURCHARGE  
13 DUE MAY BE ASSESSED AT ANY TIME WITHIN THE EXTENDED PERIOD. THE  
14 PERIOD SO EXTENDED MAY BE EXTENDED FURTHER BY SUBSEQUENT  
15 CONSENTS, IN WRITING, MADE BEFORE THE EXPIRATION OF THE EXTENDED  
16 PERIOD.

17 SECTION 1111. FAILURE TO FURNISH INFORMATION, RETURNING FALSE  
18 INFORMATION OR FAILURE TO PERMIT INSPECTION.

19 (A) PENALTY.--A SURCHARGE PAYER WHO FAILS TO KEEP OR MAKE A  
20 RECORD, RETURN, REPORT, INVENTORY OR STATEMENT, OR KEEPS OR  
21 MAKES A FALSE OR FRAUDULENT RECORD, RETURN, REPORT, INVENTORY OR  
22 STATEMENT REQUIRED BY THIS CHAPTER, COMMITS A MISDEMEANOR AND  
23 SHALL, UPON CONVICTION, BE SENTENCED TO PAY COSTS OF PROSECUTION  
24 AND A FINE OF \$500 AND TO IMPRISONMENT FOR NOT MORE THAN ONE  
25 YEAR, OR BOTH, AT THE DISCRETION OF THE COURT.

26 (B) EXAMINATION.--THE DEPARTMENT IS AUTHORIZED TO EXAMINE  
27 THE BOOKS AND RECORDS, THE STOCK OF MEDICAL CANNABIS AND THE  
28 PREMISES AND EQUIPMENT OF A SURCHARGE PAYER IN ORDER TO VERIFY  
29 THE ACCURACY OF THE PAYMENT OF THE SURCHARGE IMPOSED BY THIS  
30 CHAPTER. THE PERSON SUBJECT TO AN EXAMINATION SHALL GIVE TO THE

1 DEPARTMENT OR ITS DULY AUTHORIZED REPRESENTATIVE THE MEANS,  
2 FACILITIES AND OPPORTUNITY FOR THE EXAMINATION. WILLFUL REFUSAL  
3 TO COOPERATE WITH OR PERMIT AN EXAMINATION TO THE SATISFACTION  
4 OF THE DEPARTMENT SHALL BE SUFFICIENT GROUNDS FOR SUSPENSION OR  
5 REVOCATION OF A SURCHARGE PAYER'S LICENSE ISSUED UNDER THIS  
6 CHAPTER.

7 (C) RECORDS.--A MEDICAL CANNABIS PURVEYOR SHALL KEEP AND  
8 MAINTAIN FOR A PERIOD OF FOUR YEARS RECORDS IN THE FORM  
9 PRESCRIBED BY THE DEPARTMENT. THE RECORDS SHALL BE MAINTAINED AT  
10 THE LOCATION FOR WHICH THE LICENSE UNDER THIS CHAPTER IS ISSUED.

11 (D) REPORTS.--A MEDICAL CANNABIS PURVEYOR SHALL FILE REPORTS  
12 AT TIMES AND IN THE FORM PRESCRIBED BY THE DEPARTMENT.

13 (E) MEDICAL CANNABIS PURVEYOR.--A MEDICAL CANNABIS PURVEYOR  
14 LOCATED OR DOING BUSINESS IN THIS COMMONWEALTH WHO SELLS MEDICAL  
15 CANNABIS IN THIS COMMONWEALTH SHALL KEEP RECORDS SHOWING:

16 (1) THE AMOUNT AND KIND OF MEDICAL CANNABIS SOLD.

17 (2) THE DATE THE MEDICAL CANNABIS WAS SOLD.

18 (3) THE NAME AND LICENSE NUMBER ISSUED UNDER CHAPTER 5  
19 OF THE MEDICAL CANNABIS DISPENSER TO WHICH THE MEDICAL  
20 CANNABIS WAS SOLD.

21 (4) THE TOTAL PRICE OF THE MEDICAL CANNABIS SOLD TO THE  
22 MEDICAL CANNABIS DISPENSER.

23 (5) THE PLACE WHERE THE MEDICAL CANNABIS WAS SHIPPED.

24 (6) THE NAME OF THE COMMON CARRIER.

25 (F) MEDICAL CANNABIS PURVEYOR.--A MEDICAL CANNABIS PURVEYOR  
26 SHALL FILE WITH THE DEPARTMENT, ON OR BEFORE THE 20TH DAY OF  
27 EACH MONTH, A REPORT SHOWING THE INFORMATION LISTED IN  
28 SUBSECTION (E) FOR THE PREVIOUS MONTH.

29 SECTION 1112. RECORDS OF SHIPMENTS AND RECEIPTS OF MEDICAL  
30 CANNABIS REQUIRED.

1 THE DEPARTMENT SHALL REQUIRE REPORTS FROM A COMMON OR  
2 CONTRACT CARRIER WHO TRANSPORTS MEDICAL CANNABIS TO ANY POINT OR  
3 POINTS WITHIN THIS COMMONWEALTH, AND FROM A BONDED WAREHOUSEMAN  
4 OR BAILEE WHO HAS IN THE POSSESSION OF THE WAREHOUSEMAN OR  
5 BAILEE ANY MEDICAL CANNABIS. THE REPORTS SHALL CONTAIN THE  
6 INFORMATION CONCERNING SHIPMENTS OF MEDICAL CANNABIS THAT THE  
7 DEPARTMENT DETERMINES TO BE NECESSARY FOR THE ADMINISTRATION OF  
8 THIS CHAPTER. ALL COMMON AND CONTRACT CARRIERS, BAILEES AND  
9 WAREHOUSEMEN SHALL PERMIT THE EXAMINATION BY THE DEPARTMENT OR  
10 ITS AUTHORIZED AGENTS OF RECORDS RELATING TO THE SHIPMENT OR  
11 RECEIPT OF MEDICAL CANNABIS.

12 SECTION 1113. LICENSING OF MEDICAL CANNABIS PURVEYORS.

13 (A) PROHIBITION.--NO PERSON, UNLESS ALL SALES OF MEDICAL  
14 CANNABIS ARE EXEMPT FROM THE MEDICAL CANNABIS SURCHARGE IN THIS  
15 COMMONWEALTH, SHALL SELL, TRANSFER OR DELIVER MEDICAL CANNABIS  
16 IN THIS COMMONWEALTH WITHOUT FIRST OBTAINING THE PROPER LICENSE  
17 PROVIDED FOR IN THIS CHAPTER.

18 (B) APPLICATION.--AN APPLICANT FOR A MEDICAL CANNABIS  
19 PURVEYOR'S LICENSE SHALL COMPLETE AND FILE AN APPLICATION WITH  
20 THE DEPARTMENT. THE APPLICATION SHALL BE IN THE FORM AND CONTAIN  
21 INFORMATION PRESCRIBED BY THE DEPARTMENT AND SHALL SET FORTH  
22 TRUTHFULLY AND ACCURATELY THE INFORMATION REQUIRED BY THE  
23 DEPARTMENT. IF THE APPLICATION IS APPROVED, THE DEPARTMENT SHALL  
24 LICENSE THE MEDICAL CANNABIS PURVEYOR FOR A PERIOD OF ONE YEAR  
25 AND THE LICENSE MAY BE RENEWED ANNUALLY THEREAFTER.

26 (C) REQUIREMENTS.--APPLICANTS FOR A MEDICAL CANNABIS  
27 PURVEYOR'S LICENSE OR RENEWAL OF THAT LICENSE SHALL MEET THE  
28 FOLLOWING REQUIREMENTS:

29 (1) THE PREMISES ON WHICH THE APPLICANT PROPOSES TO  
30 CONDUCT BUSINESS ARE ADEQUATE TO PROTECT THE REVENUE.

1 (2) THE APPLICANT IS A PERSON OF REASONABLE FINANCIAL  
2 STABILITY AND REASONABLE BUSINESS EXPERIENCE.

3 (3) THE APPLICANT, OR A SHAREHOLDER CONTROLLING MORE  
4 THAN 10% OF THE STOCK IF THE APPLICANT IS A CORPORATION OR AN  
5 OFFICER OR DIRECTOR IF THE APPLICANT IS A CORPORATION, SHALL  
6 NOT HAVE BEEN CONVICTED OF A CRIME INVOLVING MORAL TURPITUDE.

7 (4) THE APPLICANT SHALL NOT HAVE FAILED TO DISCLOSE  
8 MATERIAL INFORMATION REQUIRED BY THE DEPARTMENT, INCLUDING  
9 INFORMATION THAT THE APPLICANT HAS COMPLIED WITH THIS CHAPTER  
10 BY PROVIDING A SIGNED STATEMENT UNDER PENALTY OF PERJURY.

11 (5) THE APPLICANT SHALL NOT HAVE MADE ANY MATERIAL FALSE  
12 STATEMENT IN THE APPLICATION.

13 (6) THE APPLICANT SHALL NOT HAVE VIOLATED A PROVISION OF  
14 THIS CHAPTER.

15 (7) THE APPLICANT SHALL HAVE FILED ALL REQUIRED STATE  
16 TAX REPORTS AND PAID STATE TAXES NOT SUBJECT TO A TIMELY  
17 PERFECTED ADMINISTRATIVE OR JUDICIAL APPEAL OR SUBJECT TO A  
18 DULY AUTHORIZED DEFERRED PAYMENT PLAN.

19 (D) MULTIPLE LOCATIONS.--THE MEDICAL CANNABIS PURVEYOR'S  
20 LICENSE SHALL BE VALID FOR ONE SPECIFIC LOCATION ONLY. MEDICAL  
21 CANNABIS PURVEYORS WITH MORE THAN ONE LOCATION SHALL OBTAIN A  
22 LICENSE FOR EACH LOCATION.

23 SECTION 1114. LICENSE FEES AND ISSUANCE AND DISPLAY OF LICENSE.

24 (A) FEES.--AT THE TIME OF MAKING AN APPLICATION OR LICENSE  
25 RENEWAL APPLICATION, AN APPLICANT FOR A MEDICAL CANNABIS  
26 PURVEYOR'S LICENSE SHALL PAY THE DEPARTMENT A LICENSE FEE OF  
27 \$75.

28 (B) PRORATION.--FEES SHALL NOT BE PRORATED.

29 (C) ISSUANCE AND DISPLAY.--ON APPROVAL OF THE APPLICATION  
30 AND PAYMENT OF THE FEES, THE DEPARTMENT SHALL ISSUE THE PROPER

1 LICENSE WHICH MUST BE CONSPICUOUSLY DISPLAYED AT THE LOCATION  
2 FOR WHICH IT HAS BEEN ISSUED.

3 SECTION 1115. ELECTRONIC FILING.

4 THE DEPARTMENT MAY, AT ITS DISCRETION, REQUIRE THAT ANY OR  
5 ALL RETURNS, REPORTS OR REGISTRATIONS THAT ARE REQUIRED TO BE  
6 FILED UNDER THIS CHAPTER BE FILED ELECTRONICALLY.

7 SECTION 1116. EXPIRATION OF LICENSE.

8 (A) EXPIRATION.--A LICENSE SHALL EXPIRE ON THE LAST DAY OF  
9 JUNE NEXT SUCCEEDING THE DATE UPON WHICH IT WAS ISSUED UNLESS  
10 THE DEPARTMENT AT AN EARLIER DATE SUSPENDS, SURRENDERS OR  
11 REVOKES THE LICENSE.

12 (B) VIOLATION.--AFTER THE EXPIRATION DATE OF THE LICENSE OR  
13 SOONER IF THE LICENSE IS SUSPENDED, SURRENDERED OR REVOKED, IT  
14 SHALL BE ILLEGAL FOR A MEDICAL CANNABIS PURVEYOR TO ENGAGE  
15 DIRECTLY OR INDIRECTLY IN THE BUSINESS CONDUCTED BY THE MEDICAL  
16 CANNABIS PURVEYOR FOR WHICH THE LICENSE WAS ISSUED. A LICENSEE  
17 WHO SHALL, AFTER THE EXPIRATION DATE OF THE LICENSE, ENGAGE IN  
18 THE BUSINESS CONDUCTED BY THE LICENSEE EITHER BY WAY OF  
19 PURCHASE, SALE, DISTRIBUTION OR IN ANY OTHER MANNER DIRECTLY OR  
20 INDIRECTLY ENGAGED IN THE BUSINESS OF DEALING WITH MEDICAL  
21 CANNABIS SHALL BE IN VIOLATION OF THIS CHAPTER AND BE SUBJECT TO  
22 THE PENALTIES PROVIDED IN THIS CHAPTER.

23 SECTION 1117. ADMINISTRATION POWERS AND DUTIES.

24 (A) DEPARTMENT.--THE ADMINISTRATION OF THIS CHAPTER IS  
25 VESTED IN THE DEPARTMENT. THE DEPARTMENT SHALL ADOPT RULES AND  
26 REGULATIONS FOR THE ENFORCEMENT OF THIS CHAPTER.

27 (B) JOINT ADMINISTRATION.--THE DEPARTMENT IS AUTHORIZED TO  
28 JOINTLY ADMINISTER THIS CHAPTER WITH OTHER PROVISIONS OF THE ACT  
29 OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF  
30 1971, INCLUDING JOINT REPORTING OF INFORMATION, FORMS, RETURNS,

1 STATEMENTS, DOCUMENTS OR OTHER INFORMATION SUBMITTED TO THE  
2 DEPARTMENT.

3 SECTION 1118. SALES WITHOUT LICENSE.

4 (A) PENALTY.--A PERSON WHO SHALL, WITHOUT BEING THE HOLDER  
5 OF A PROPER UNEXPIRED MEDICAL CANNABIS PURVEYOR'S LICENSE,  
6 ENGAGE IN PURCHASING, SELLING, DISTRIBUTING OR IN ANOTHER MANNER  
7 DIRECTLY OR INDIRECTLY ENGAGE IN THE BUSINESS OF DEALING WITH  
8 MEDICAL CANNABIS COMMITS A SUMMARY OFFENSE AND SHALL, UPON  
9 CONVICTION, BE SENTENCED TO PAY COSTS OF PROSECUTION AND A FINE  
10 OF NOT LESS THAN \$250 NOR MORE THAN \$1,000, OR TO IMPRISONMENT  
11 FOR NOT MORE THAN 30 DAYS, OR BOTH, AT THE DISCRETION OF THE  
12 COURT.

13 (B) PRIMA FACIE EVIDENCE.--OPEN DISPLAY OF MEDICAL CANNABIS  
14 IN ANY MANNER SHALL BE PRIMA FACIE EVIDENCE THAT THE PERSON  
15 DISPLAYING SUCH MEDICAL CANNABIS IS DIRECTLY OR INDIRECTLY  
16 ENGAGING IN THE BUSINESS OF DEALING MEDICAL CANNABIS.

17 SECTION 1119. VIOLATIONS AND PENALTIES.

18 (A) SUSPENSION.--THE LICENSE OF A PERSON WHO VIOLATES THIS  
19 CHAPTER MAY BE SUSPENDED AFTER DUE NOTICE AND OPPORTUNITY FOR A  
20 HEARING FOR A PERIOD OF NOT LESS THAN FIVE DAYS NOR MORE THAN 30  
21 DAYS FOR A FIRST VIOLATION AND SHALL BE REVOKED OR SUSPENDED FOR  
22 ANY SUBSEQUENT VIOLATION.

23 (B) FINE.--IN ADDITION TO THE PROVISIONS OF SUBSECTION (A),  
24 UPON ADJUDICATION OF A FIRST VIOLATION, THE PERSON SHALL BE  
25 FINED NOT LESS THAN \$2,500 NOR MORE THAN \$5,000. FOR SUBSEQUENT  
26 VIOLATIONS, THE PERSON SHALL, UPON ADJUDICATION, BE FINED NOT  
27 LESS THAN \$5,000 NOR MORE THAN \$15,000.

28 SECTION 1120. PROPERTY RIGHTS.

29 (A) INCORPORATION.--SUBJECT TO SUBSECTION (B), SECTION 1285  
30 OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX

1 REFORM CODE OF 1971, IS INCORPORATED BY REFERENCE INTO AND SHALL  
2 APPLY TO THIS CHAPTER.

3 (B) ALTERATIONS.--

4 (1) REFERENCES TO CIGARETTES IN SECTION 1285 OF THE TAX  
5 REFORM CODE OF 1971 SHALL APPLY TO MEDICAL CANNABIS IN THIS  
6 CHAPTER.

7 (2) REFERENCES TO 2,000 OR MORE UNSTAMPED CIGARETTES IN  
8 SECTION 1285 OF THE TAX REFORM CODE OF 1971 SHALL APPLY TO  
9 MEDICAL CANNABIS WORTH AT LEAST \$1,000 IN THIS CHAPTER.

10 (3) REFERENCES TO MORE THAN 200 UNSTAMPED CIGARETTES IN  
11 SECTION 1285 OF THE TAX REFORM CODE OF 1971 SHALL APPLY TO  
12 MEDICAL CANNABIS WORTH AT LEAST \$100 IN THIS CHAPTER.

13 SECTION 1121. INFORMATION EXCHANGE.

14 THE DEPARTMENT IS AUTHORIZED TO EXCHANGE INFORMATION WITH ANY  
15 OTHER FEDERAL, STATE OR LOCAL ENFORCEMENT AGENCY FOR PURPOSES OF  
16 ENFORCING THIS CHAPTER.

17 CHAPTER 51

18 MISCELLANEOUS PROVISIONS

19 SECTION 5101. REGULATIONS.

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

22 (B) TEMPORARY REGULATIONS.--IN ORDER TO FACILITATE THE  
23 IMPLEMENTATION OF THIS ACT, REGULATIONS PROMULGATED BY THE BOARD  
24 SHALL BE DEEMED TEMPORARY REGULATIONS WHICH SHALL EXPIRE NOT  
25 LATER THAN TWO YEARS FOLLOWING THE PUBLICATION OF THE TEMPORARY  
26 REGULATION. TEMPORARY REGULATIONS SHALL NOT BE SUBJECT TO:

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

30 (2) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS



1 THE REGULATORY REVIEW ACT.

2 (3) SECTIONS 204(B) AND 301(10) OF THE ACT OF OCTOBER  
3 15, 1980 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH  
4 ATTORNEYS ACT.

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

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

12 SECTION 5102. APPROPRIATION.

13 THE SUM OF \$1.3 MILLION OR AS MUCH THEREOF AS MAY BE  
14 NECESSARY IS APPROPRIATED FROM THE GENERAL FUND TO THE BUREAU OF  
15 PROFESSIONAL AND OCCUPATIONAL AFFAIRS WITHIN THE DEPARTMENT OF  
16 STATE FOR THE START-UP AND INITIAL OPERATION OF THE STATE BOARD  
17 OF MEDICAL CANNABIS LICENSING.

18 SECTION 5103. APPLICABILITY OF OTHER STATUTES.

19 THE FOLLOWING ACTS SHALL APPLY TO THE BOARD:

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

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

24 (3) 65 PA.C.S. CHS. 7 (RELATING TO OPEN MEETINGS) AND 11  
25 (RELATING TO ETHICS STANDARDS AND FINANCIAL DISCLOSURE).

26 SECTION 5104. REPEALS.

27 THE FOLLOWING SHALL APPLY:

28 (1) SECTIONS 4 AND 13 OF THE ACT OF APRIL 14, 1972  
29 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG,  
30 DEVICE AND COSMETIC ACT, ARE REPEALED INSOFAR AS THEY ARE

1 INCONSISTENT WITH THIS ACT.

2 (2) ALL ACTS AND PARTS OF ACTS ARE REPEALED INSOFAR AS  
3 THEY ARE INCONSISTENT WITH THIS ACT.

4 SECTION 5105. EFFECTIVE DATE.

5 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.