

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 538 Session of 2023

INTRODUCED BY LAUGHLIN AND CAPPELLETTI, APRIL 4, 2023

SENATOR REGAN, LAW AND JUSTICE, AS AMENDED, JUNE 21, 2023

AN ACT

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

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

18 Section 1. Section 103 of the act of April 17, 2016 (P.L.84,
19 No.16), known as the Medical Marijuana Act, is amended by adding
20 a definition DEFINITIONS to read: <--

21 Section 103. Definitions.

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

25 * * *

1 ~~"Edible medical marijuana product." A medical marijuana~~ <--
2 ~~product intended for human consumption, in whole or in part, by~~
3 ~~oral ingestion. The term does not include a medical marijuana~~
4 ~~product in the following forms:~~

5 ~~(1) Pill.~~

6 ~~(2) Oil.~~

7 ~~(3) Topical forms, including gels, creams or ointments.~~

8 ~~(4) A form medically appropriate for administration by~~
9 ~~vaporization or nebulization.~~

10 ~~(5) Tincture.~~

11 ~~(6) Liquid.~~

12 ~~"INFUSED EDIBLE PRODUCT." A MEDICAL MARIJUANA PRODUCT WHICH~~ <--
13 ~~IS CHEWED, DISSOLVED, TAKEN SUBLINGUALLY OR SWALLOWED. THE TERM~~
14 ~~INCLUDES OILS, TINCTURES, CAPSULES, TABLETS, GUMMIES, LIQUIDS,~~
15 ~~INCLUDING BEVERAGES AND OTHER INGESTIBLE FORMS. THE TERM DOES~~
16 ~~NOT INCLUDE FORMS MEDICALLY APPROPRIATE FOR ADMINISTRATION BY~~
17 ~~VAPORIZATION OR NEBULIZATION, INCLUDING DRY LEAF OR PLANT~~
18 ~~MATERIALS.~~

19 ~~"INFUSED NONEDIBLE PRODUCT." A MEDICAL MARIJUANA PRODUCT~~
20 ~~WHICH IS USED TOPICALLY OR OTHERWISE NOT INTENDED FOR INGESTION.~~
21 ~~THE TERM INCLUDES GELS, CREAMS, PATCHES OR OINTMENTS. THE TERM~~
22 ~~DOES NOT INCLUDE FORMS MEDICALLY APPROPRIATE FOR ADMINISTRATION~~
23 ~~BY VAPORIZATION OR NEBULIZATION, INCLUDING DRY LEAF AND PLANT~~
24 ~~MATERIALS.~~

25 * * *

26 ~~Section 2. Section 303(b)(2) of the act is amended and the~~ <--
27 ~~section is amended by adding a subsection to read:~~

28 SECTION 2. SECTION 303(B)(2) AND (8) OF THE ACT ARE AMENDED <--
29 AND THE SUBSECTION IS AMENDED BY ADDING PARAGRAPHS TO READ:
30 Section 303. Lawful use of medical marijuana.

1 * * *

2 (b) Requirements.--The lawful use of medical marijuana is
3 subject to the following:

4 * * *

5 (2) [Subject to regulations promulgated under this act, <--
6 medical] MEDICAL marijuana may only be dispensed to a patient <--
7 or caregiver in the following forms:

8 [(i) pill; <--

9 (ii) oil;

10 (iii) topical forms, including gels, creams or
11 ointments;

12 (iv) a form medically appropriate for administration
13 by vaporization or nebulization, excluding dry leaf or
14 plant form until dry leaf or plant forms become
15 acceptable under regulations adopted under section 1202;

16 (v) tincture; ~~for~~ <--

17 (vi) liquid~~].~~; ~~or~~ <--

18 ~~(vii) edible medical marijuana product.~~

19 * * *

20 ~~(c) Edible medical marijuana products. The department shall~~
21 ~~promulgate regulations governing eligible medical marijuana~~
22 ~~products, including, but not limited to, the packaging,~~
23 ~~labeling, marketing and appearance of eligible medical marijuana~~
24 ~~products to ensure the safety of patients and minors. The~~
25 ~~department may require a grower/processor to comply with~~
26 ~~additional food safety requirements as the department deems~~
27 ~~necessary for the processing of edible medical marijuana~~
28 ~~products.~~

29 (VII) INFUSED EDIBLE PRODUCT; <--

30 (VIII) INFUSED NONEDIBLE PRODUCT; OR

1 (IX) FORMS MEDICALLY APPROPRIATE FOR ADMINISTRATION
2 BY VAPORIZATION OR NEBULIZATION, INCLUDING DRY LEAF AND
3 PLANT MATERIAL.

4 * * *

5 (8) PRODUCTS PACKAGED BY A GROWER/PROCESSOR OR SOLD BY A
6 DISPENSARY SHALL [ONLY] BE IDENTIFIED BY THE NAME OF THE
7 GROWER/PROCESSOR, THE NAME OF THE DISPENSARY, THE FORM AND
8 SPECIES OF MEDICAL MARIJUANA, THE PERCENTAGE OF
9 TETRAHYDROCANNABINOL AND CANNABINOL CONTAINED IN THE PRODUCT
10 AND ANY OTHER LABELING [REQUIRED BY THE DEPARTMENT.] DEEMED
11 NECESSARY BY THE MEDICAL MARIJUANA ORGANIZATION.

12 (9) THE DEPARTMENT SHALL PUBLISH GUIDELINES FOR
13 PACKAGING AND LABELING OF MEDICAL MARIJUANA. PRE-APPROVAL OF
14 PACKAGING AND LABELS BY THE DEPARTMENT SHALL NOT BE REQUIRED.
15 ALL PACKAGING SHALL BE CHILDPROOF AND FREE OF NAMES, COLORS
16 OR IMAGES THAT WOULD BE ATTRACTIVE TO INDIVIDUALS UNDER 21
17 YEARS OF AGE. PACKAGING THAT WILL BE IN CONTACT WITH INFUSED
18 EDIBLE PRODUCTS MUST BE FOOD GRADE.

19 (10) THE DEPARTMENT MAY REQUIRE A GROWER/PROCESSOR TO
20 COMPLY WITH ADDITIONAL FOOD SAFETY REQUIREMENTS AS THE
21 DEPARTMENT DEEMS NECESSARY FOR THE PROCESSING OF INFUSED
22 EDIBLE PRODUCTS.

23 Section 3. Section 304(b) (2) and (c) of the act are amended
24 to read:

25 Section 304. Unlawful use of medical marijuana.

26 * * *

27 (b) Unlawful use described.--It is unlawful to:

28 * * *

29 [(2) Except as provided under subsection (c),
30 incorporate medical marijuana into edible form.]

1 * * *

2 [(c) Edible medical marijuana.--Nothing in this act shall be
3 construed to preclude the incorporation of medical marijuana
4 into edible form by a patient or a caregiver in order to aid
5 ingestion of the medical marijuana by the patient.]

6 Section 4. This act shall take effect in 30 days.