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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 869 Session of  
2023

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INTRODUCED BY STREET, LAUGHLIN, SAVAL, FONTANA, KEARNEY, COSTA,  
CAPPELLETTI AND BARTOLOTTA, JULY 27, 2023

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REFERRED TO LAW AND JUSTICE, JULY 27, 2023

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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 patients,  
13 providing for cultivating cannabis for personal use.

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

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

19 Section 511. Cultivating cannabis for personal use.

20 Notwithstanding any other provision of law, a patient who is  
21 21 years of age or older and has been a resident of this  
22 Commonwealth for a period of at least 30 days may cultivate  
23 cannabis for personal use subject to the following:

1           (1) A patient may cultivate up to six cannabis plants,  
2 which may be more than five inches tall, and in a vegetative  
3 or fruiting or flowering phase.

4           (2) Cannabis cultivation must take place in an enclosed  
5 and locked space.

6           (3) A patient may purchase cannabis seeds from a  
7 dispensary for the purpose of home cultivation. Seeds may not  
8 be given or sold to any other person.

9           (4) Cannabis plants may not be stored or placed in a  
10 location where the plants are subject to ordinary public  
11 view. A patient who cultivates cannabis under this section  
12 shall take reasonable precautions to ensure that the plants  
13 are secure from unauthorized access, including unauthorized  
14 access by an individual under 21 years of age.

15           (5) Cannabis cultivation may occur only on residential  
16 property lawfully in the patient's possession or with the  
17 consent of the person in lawful possession of the property.  
18 An owner or lessor of residential property may prohibit the  
19 cultivation of cannabis by a lessee.

20           (6) Cannabis plants may only be tended to by:

21           (i) A patient who resides at the residence, or their  
22 authorized agent attending to the residence for brief  
23 periods, including when the patient is temporarily away  
24 from the residence.

25           (ii) The caregiver of a patient who is physically  
26 unable to tend to the plants.

27           (7) A patient who cultivates more than the allowable  
28 number of cannabis plants, or who sells or gives away  
29 cannabis plants, cannabis or cannabis-infused products  
30 produced under this section, shall be liable for penalties as

1 provided by law in addition to loss of home cultivation  
2 privileges under this section.  
3 Section 2. This act shall take effect in 60 days.