

AMENDMENTS TO SENATE BILL NO. 3 (As amended by A05835)

Sponsor: REPRESENTATIVE LAWRENCE

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1 Amend Bill, page 2, by inserting between lines 50 and 51

2 (A05835)

3 Section 2101.1. Financial and employment interests.

4 Amend Bill, page 42, by inserting between lines 24 and 25

5 (A05835)

6 Section 2101.1. Financial and employment interests.

7 (a) Financial interests.--Except as may be provided for the
8 judiciary by rule or order of the Pennsylvania Supreme Court, an
9 executive-level public employee, public official or party
10 officer, or an immediate family member thereof, shall not
11 intentionally or knowingly hold a financial interest in a
12 medical marijuana organization or in a holding company,
13 affiliate, intermediary or subsidiary thereof, while the
14 individual is an executive-level public employee, public
15 official or party officer and for one year following termination
16 of the individual's status as an executive-level public
17 employee, public official or party officer.

18 (b) Employment.--Except as may be provided by rule or order
19 of the Pennsylvania Supreme Court, no executive-level public
20 employee, public official or party officer, or an immediate
21 family member thereof, shall be employed by a medical marijuana
22 organization or by any holding company, affiliate, intermediary
23 or subsidiary thereof, while the individual is an executive-
24 level public employee, public official or party officer and for
25 one year following termination of the individual's status as an
26 executive-level public employee, public official or party
27 officer.

28 (c) Grading.--An individual who violates this section
29 commits a misdemeanor and shall, upon conviction, be sentenced
30 to pay a fine of not more than \$1,000 or to imprisonment for not
31 more than one year, or both.

32 (d) State Ethics Commission.--The State Ethics Commission
33 shall do all of the following:

34 (1) Issue a written determination of whether a person is
35 subject to subsections (a) or (b) upon the written request of
36 the person or any other person that may have liability for an

1 action taken with respect to such person. A person that
2 relies in good faith on a determination made under this
3 paragraph shall not be subject to any penalty for an action
4 taken, provided that all material facts set forth in the
5 request for the determination are correct.

6 (2) Publish a list of all State, county, municipal and
7 other government positions that meet the definitions of
8 "public official" as defined under subsection (b) or
9 "executive-level public employee." The Office of
10 Administration shall assist the State Ethics Commission in
11 the development of the list, which shall be published by the
12 State Ethics Commission in the Pennsylvania Bulletin
13 biennially and posted by the board on the board's Internet
14 website. Upon request, each public official shall have a duty
15 to provide the State Ethics Commission with adequate
16 information to accurately develop and maintain the list. The
17 State Ethics Commission may impose a civil penalty under 65
18 Pa.C.S. § 1109(f) (relating to penalties) upon any
19 individual, including any public official or executive-level
20 public employee, who fails to cooperate with the State Ethics
21 Commission under this subsection. A person that relies in
22 good faith on the list published by the State Ethics
23 Commission shall not be subject to any penalty for a
24 violation of this section.

25 (e) Definitions.--As used in this section, the following
26 words and phrases shall have the meanings given to them in this
27 subsection:

28 "Financial interest." As defined in 4 Pa.C.S. § 1512(b)
29 (relating to financial and employment interests).

30 "Immediate family." As defined in 4 Pa.C.S. § 1512(b).

31 "Party officer." As defined in 4 Pa.C.S. § 1512(b).

32 "Public official." The term shall include the following:

33 (1) The Governor, Lieutenant Governor, a member of the
34 Governor's cabinet, Treasurer, Auditor General and Attorney
35 General of the Commonwealth.

36 (2) A member of the Senate or House of Representatives
37 of the Commonwealth.

38 (3) An individual elected or appointed to any office of
39 a county or municipality that directly receives a
40 distribution of revenue under this part.

41 (4) An individual elected or appointed to a department,
42 agency, board, commission, authority or other governmental
43 body not included in paragraph (1), (2) or (3) that directly
44 receives a distribution of revenue under this part.

45 (5) An individual elected or appointed to a department,
46 agency, board, commission, authority, county, municipality or
47 other governmental body not included in paragraph (1), (2) or
48 (3) with discretionary power which may influence or affect
49 the outcome of an action or decision and who is involved in
50 the development of regulation or policy relating to a
51 licensed entity or who is involved in other matters under

1 this part.
2 The term does not include a member of a school board or an
3 individual who held an uncompensated office with a governmental
4 body prior to January 1, 2017, and who no longer holds the
5 office as of January 1, 2017. The term includes a member of an
6 advisory board or commission.