

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 907

Session of
1981

INTRODUCED BY KUKOVICH, MICHLOVIC, WILSON, PISTELLA, WHITE,
JACKSON, ITKIN, WACHOB, COLE, COHEN, JOHNSON, PUCCIARELLI,
GAMBLE, MURPHY, BROWN, MRKONIC AND MCINTYRE, MARCH 17, 1981

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, MARCH 17, 1981

AN ACT

1 Relating to the use of and experimentation and research with
2 marihuana.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the "Controlled
7 Substances Therapeutic Research Act."

8 Section 2. Legislative findings.

9 The General Assembly finds that recent research has shown
10 that the use of marihuana may alleviate the nausea and ill-
11 effects of cancer chemotherapy and, additionally, may alleviate
12 the ill-effects of glaucoma. The General Assembly further finds
13 that there is a need for further research and experimentation
14 with regards to the use of marihuana under strictly controlled
15 circumstances.

16 Section 3. Definitions.

17 The following words when used in this act shall have the

1 meanings given to them in this section, unless the context
2 clearly indicates otherwise:

3 "Administrator." The Secretary of Health or his designee.

4 "Board." The Pennsylvania Drug, Device and Cosmetic Board.

5 "Department." The Department of Health.

6 "Marihuana." Marihuana, tetrahydrocannabinols or a chemical
7 derivative of tetrahydrocannabinol.

8 "Practitioner." A physician.

9 "Program." The controlled substance therapeutic research
10 program.

11 Section 4. Controlled substances therapeutic research program
12 established.

13 (a) Program.--There is hereby established in the Department
14 of Health the controlled substances therapeutic research
15 program. The program shall be administered by the administrator.
16 The department shall promulgate rules and regulations necessary
17 for the proper administration of this act.

18 (b) Participation.--Except as provided in section 5(a), the
19 controlled substances therapeutic research program shall be
20 limited to cancer chemotherapy patients and glaucoma patients,
21 who are certified to the patient qualification review board by a
22 practitioner as being involved in a life-threatening or sense-
23 threatening situation and who are not responding to conventional
24 controlled substances or where the conventional controlled
25 substances administered have proven to be effective but where
26 the patient has incurred severe side effects.

27 Section 5. Powers and duties of Pennsylvania Drug, Device and
28 Cosmetic Board.

29 (a) Review by board.--The Pennsylvania Drug, Device and
30 Cosmetic Board shall review all applicants for the program and

1 their licensed practitioners and certify their participation in
2 the program. The board shall additionally certify practitioners
3 and State-operated licensed pharmacies for participation
4 regarding the distribution of marihuana pursuant to the
5 provisions of section 6.

6 (b) Participation.--The board may include other disease
7 groups for participation in the program after pertinent medical
8 data have been presented by a practitioner to both the
9 administrator and the board.

10 Section 6. Procurement and distribution.

11 (a) Procurement of marihuana.--The administrator shall apply
12 to contract with the National Institute on Drug Abuse for
13 receipt of marihuana pursuant to regulations promulgated by the
14 National Institute on Drug Abuse, the Food and Drug
15 Administration and the Drug Enforcement Agency and pursuant to
16 the provisions of this act.

17 (b) Distribution of marihuana.--The administrator shall
18 cause such analyzed marihuana to be transferred to a certified
19 State-operated licensed pharmacy for distribution to the
20 certified patient upon the written prescription of the certified
21 practitioner, pursuant to the provisions of this act.

22 Section 7. Report.

23 The administrator, in conjunction with the board, shall
24 report his findings and recommendations to the Governor and the
25 General Assembly regarding the effectiveness of the program.

26 Section 8. Effective date.

27 This act shall take effect in 60 days.