

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 1182 Session of  
2014

---

INTRODUCED BY FOLMER, LEACH, TEPLITZ, FERLO, FONTANA, FARNESE  
AND WILEY, JANUARY 15, 2014

---

REFERRED TO LAW AND JUSTICE, JANUARY 15, 2014

---

AN ACT

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

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 Governor  
7 Raymond Shafer Compassionate Use of Medical Cannabis Act.

8 Section 2. Definitions.

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

12 "Board." The Medical Cannabis Board.

13 "Bona fide medical professional-patient relationship." A  
14 physician, registered nurse practitioner, dentist or  
15 psychiatrist who has completed a full assessment of the  
16 patient's medical history and current medical condition,  
17 including a personal examination.

18 "Bureau." The Bureau of Medical Cannabis Control

1 Enforcement.

2 "Cannabidiol" or "CBD." A main cannabinoid present in the  
3 naturally growing populations and in the industrially cultivated  
4 varieties of Cannabis sativa L which is not psychoactive and has  
5 several pharmacological properties, including acting as a  
6 powerful anti-inflammatory, neuroprotective and antioxidant  
7 compound.

8 "Cannabis concentrate." Extracted oil from the usable  
9 cannabis flower.

10 "Cannabis flower." Dried leaves, flowers and seeds of  
11 cannabis and any portion or preparation of cannabis.

12 "Caregiver." A person who is:

13 (1) At least 18 years of age.

14 (2) Has agreed to assist with a patient's medical use of  
15 cannabis.

16 (3) Has been designated as caregiver on the patient's  
17 application or renewal for a medical cannabis identification  
18 card or in other written notification to the board.

19 (4) Only has one patient at a time, unless the caregiver  
20 has more than one dependent under the caregiver's care or the  
21 caregiver is a recognized hospice practitioner.

22 (5) Is not the patient's physician.

23 "Commercial medical cannabis farm." A nonprofit location or  
24 facility that produces and supplies medical cannabis to  
25 compassionate care centers and commercial medical cannabis  
26 manufacturers.

27 "Commercial medical cannabis manufacturer." A nonprofit  
28 facility that does all of the following:

29 (1) Turns usable cannabis flowers into usable cannabis  
30 concentrate.

1           (2) Distributes its products to compassionate care  
2 centers.

3           "Compassionate care center." A nonprofit facility where  
4 cannabis in any form, including dried cannabis flowers, cannabis  
5 concentrate and cannabis-infused products, may be stored and  
6 dispensed, under the supervision of a registered nurse, for  
7 medical use to registered patients or caregivers.

8           "Controlled Substance, Drug, Device and Cosmetic Act." The  
9 act of April 14, 1972 (P.L.233, No.64), known as The Controlled  
10 Substance, Drug, Device and Cosmetic Act.

11          "Debilitating medical condition." Any of the following:

12           (1) Cancer or the treatment of cancer.

13           (2) Glaucoma or the treatment of glaucoma.

14           (3) Post-traumatic stress disorder or the treatment of  
15 post-traumatic stress disorder.

16           (4) Positive status for human immunodeficiency virus,  
17 acquired immune deficiency syndrome or the treatment of  
18 either human immunodeficiency virus or acquired immune  
19 deficiency syndrome.

20           (5) A chronic or attenuating disease or medical  
21 condition or its treatment that produces one or more of the  
22 following:

23           (i) Cachexia or wasting syndrome.

24           (ii) Severe or chronic pain.

25           (iii) Severe nausea.

26           (iv) Seizures, including seizures characteristic of  
27 epilepsy.

28           (v) Severe and persistent muscle spasms, including  
29 spasms characteristic of multiple sclerosis or Crohn's  
30 disease.

1 (vi) Intractable pain.

2 (6) Any other medical condition or its treatment that is  
3 recognized by licensed medical authorities attending to a  
4 patient as being treatable with cannabis in a manner that is  
5 superior to treatment without cannabis.

6 "Dentist." An individual licensed to practice dentistry  
7 under the act of May 1, 1933 (P.L.216, No.76), known as The  
8 Dental Law, who can prescribe medicine to a dental patient.

9 "Medical cannabis identification card." A document issued by  
10 the board that identifies a person as a patient or caregiver.  
11 The term includes a medical cannabis identification card or its  
12 equivalent issued by another state to permit the medical use of  
13 cannabis by a patient or to permit a person to assist with a  
14 patient's medical use of cannabis.

15 "Medical professional." A physician, registered nurse  
16 practitioner, dentist, physician assistant, nurse midwife,  
17 psychiatrist or other professional who is licensed under the  
18 laws of this Commonwealth and is permitted to prescribe Schedule  
19 III medication under the Controlled Substance, Drug Device and  
20 Cosmetic Act.

21 "Medical use." The acquisition, possession, cultivation,  
22 manufacture, use, delivery, transfer or transportation of  
23 cannabis or paraphernalia relating to a patient's consumption or  
24 production of cannabis to alleviate the symptoms or effects of  
25 the patient's debilitating medical condition.

26 "Nurse midwife." An individual licensed to practice as a  
27 nurse midwife under the act of December 20, 1985 (P.L.457,  
28 No.112), known as the Medical Practice Act of 1985.

29 "Organic chemist." A college or university graduate who has  
30 achieved a bachelor's degree or higher in the study of organic

1 chemistry or chemical engineering.

2 "Patient." A person who has been diagnosed by a physician as  
3 having a debilitating medical condition.

4 "Physician." A person licensed to practice medicine and  
5 surgery under the act of December 20, 1985 (P.L.457, No.112),  
6 known as the Medical Practice Act of 1985. The term includes a  
7 person licensed to practice osteopathic medicine and surgery  
8 under the act of October 5, 1978 (P.L.1109, No.261), known as  
9 the Osteopathic Medical Practice Act.

10 "Physician assistant." A person licensed as a physician  
11 assistant under the act of October 5, 1978 (P.L.1109, No.261),  
12 known as the Osteopathic Medical Practice Act, or under the act  
13 of December 20, 1985 (P.L.457, No.112), known as the Medical  
14 Practice Act of 1985.

15 "Psychiatrist." A person licensed to practice psychiatry  
16 under the act of March 23, 1972 (P.L.136, No.52), known as the  
17 Professional Psychologists Practice Act.

18 "Registered nurse." A person licensed to practice  
19 professional nursing under the act of May 22, 1951 (P.L.317,  
20 No.69), known as The Professional Nursing Law.

21 "Registered nurse practitioner." A person certified to be a  
22 nurse practitioner under the act of May 22, 1951 (P.L.317,  
23 No.69), known as The Professional Nursing Law.

24 "Tetrahydrocannabinol." A compound that is an active  
25 component in cannabis.

26 "Written certification." A patient's medical records, or a  
27 statement signed by a medical professional licensed in  
28 accordance with the laws of this Commonwealth with whom the  
29 patient has a bona fide medical professional-patient  
30 relationship, stating that in a medical professional's opinion,

1 after having completed a full assessment of the patient's  
2 medical history and current medical condition, the patient has a  
3 debilitating medical condition for which the potential benefits  
4 of the medical use of cannabis would most likely be superior to  
5 treatment without the medical use of cannabis.

6 Section 3. Board and bureau.

7 (a) Establishment.--

8 (1) The Pennsylvania Medical Cannabis Board is created  
9 as an independent administrative board.

10 (2) The Bureau of Medical Cannabis Control Enforcement  
11 is created within the Pennsylvania State Police and shall be  
12 responsible for enforcing this act and regulations  
13 promulgated under this act.

14 (b) Advisory council.--The board shall consult with an  
15 advisory council as necessary, and the council shall perform an  
16 oversight role for the board by performing tasks that include  
17 reviewing written certifications. The advisory council shall  
18 consist of the following members:

19 (1) The Secretary of Health of the Commonwealth.

20 (2) The Secretary of Agriculture of the Commonwealth.

21 (3) The Secretary of Drug and Alcohol Programs of the  
22 Commonwealth.

23 (4) The head of the bureau.

24 (5) The chairman of the board.

25 (6) The solicitor for the board.

26 (7) A member of the Pennsylvania Medical Association.

27 (8) A member of the Pennsylvania State Nurses  
28 Association.

29 (9) A member of the Pennsylvania Dental Association.

30 (10) A member of the Pennsylvania Pharmaceutical

1 Association.

2 (11) A member of the Pennsylvania Psychiatric Society.

3 (c) Bureau of Consumer Relations.--The board shall establish  
4 the Bureau of Consumer Relations which shall be responsible for  
5 handling all consumer complaints and suggestions. The Bureau of  
6 Consumer Relations shall develop a systemwide program for  
7 investigating all complaints and suggestions and implementing  
8 improvements. The management of the Bureau of Consumer Relations  
9 shall be vested in a director who shall be assisted by other  
10 personnel as the board deems necessary.

11 (d) Administrative code.--Except as otherwise provided by  
12 law, the board, bureau and other divisions created under this  
13 act shall be subject to the act of April 9, 1929 (P.L.177,  
14 No.175), known as The Administrative Code of 1929, which apply  
15 generally to independent administrative boards and commissions.

16 (1) The board, the members, the bureau and all employees  
17 of the board and bureau shall be subject to the act of July  
18 19, 1957 (P.L.1017, No.451), known as the State Adverse  
19 Interest Act and the act of October 4, 1978 (P.L.883,  
20 No.170), referred to as the Public Official and Employee  
21 Ethics Law.

22 (2) Membership on the board and employment or continued  
23 employment as an employee of the board, the bureau or another  
24 division shall be conditioned upon compliance with the  
25 provisions of the acts in paragraph (1). Acceptance or  
26 retention of employment shall be deemed as voluntary consent  
27 to submit to the financial reporting requirements of the  
28 Public Official and Employee Ethics Law as a condition of  
29 employment. Failure to timely comply with the requirements  
30 shall result in immediate termination of employment. The

1 board and the bureau shall be subject to 65 Pa.C.S. Ch. 11  
2 (relating to ethics standards and financial disclosure).

3 Section 4. Members of the board.

4 (a) Appointment, terms and salaries.--

5 (1) The board shall consist of three members appointed  
6 by the Governor by and with the advice and consent of two-  
7 thirds of all the members of the Senate. Not more than two of  
8 the members shall be from the same political party as the  
9 Governor.

10 (2) Of the members first appointed after the effective  
11 date of this section, one member shall serve a term of three  
12 years, one member shall serve a term of four years and one  
13 member shall serve a term of five years. Subsequent terms  
14 shall be for four years, ending on the third Tuesday in May.

15 (3) A member may continue to hold office beyond the  
16 expiration of that member's term if a successor to that  
17 member has not been duly appointed and qualified according to  
18 law.

19 (4) Each member shall receive an annual salary as  
20 provided under the act of September 30, 1983 (P.L.160,  
21 No.39), known as the Public Official Compensation Law.

22 (b) Qualifications.--

23 (1) Each member of the board at the time of appointment  
24 and qualification must:

25 (i) Be a citizen of the United States for at least  
26 the previous three years.

27 (ii) Be a resident of the Commonwealth of  
28 Pennsylvania for at least the previous three years.

29 (iii) Have been a qualified elector in this  
30 Commonwealth for a period of at least one year preceding



1 the appointment.

2 (iv) Be not less than 21 years of age.

3 (2) No member of the board during the member's period of  
4 service with the board shall hold another office under the  
5 laws of this Commonwealth or of the United States.

6 (3) A board member must devote full time to the member's  
7 official duties. A board member may not hold an office or  
8 position if the duties of the office or position are  
9 incompatible with the member's board duties.

10 (c) Chair of board.--

11 (1) The Governor shall designate one of the board  
12 members as chair, and the chair shall serve at the pleasure  
13 of the Governor. When present, the chair shall preside at all  
14 meetings. In the chair's absence, a member designated by the  
15 chair shall preside.

16 (2) Two members of the board shall constitute a quorum,  
17 and an action or order of the board shall require the  
18 approval of at least two members.

19 (d) Secretary of board.--The board may appoint a secretary  
20 to hold office at the board's pleasure. If appointed, the  
21 secretary shall have powers and shall perform duties not  
22 contrary to law as the board shall prescribe. The secretary  
23 shall receive compensation as the board determines with the  
24 approval of the Governor. The secretary shall have power and  
25 authority to designate one of the clerks appointed by the board  
26 to perform the duties of the secretary during the secretary's  
27 absence. The appointed clerk shall exercise the powers of the  
28 secretary of the board for the time designated.

29 Section 5. Powers and duties.

30 (a) General powers.--Notwithstanding subsection (b), the

1 board shall have the following powers and duties:

2 (1) To establish, oversee and provide structure and  
3 guidance to the medical cannabis industry within this  
4 Commonwealth.

5 (2) To ensure safe and regular distribution of medical  
6 cannabis.

7 (3) To establish an application process for commercial  
8 medical cannabis farms, commercial medical cannabis  
9 manufacturers, compassionate care centers, medical cannabis  
10 identification cards and transportation licenses.

11 (4) To issue, transfer or extend licenses for commercial  
12 medical cannabis farms, commercial medical cannabis  
13 manufacturers, transportation and compassionate care centers.

14 (5) To issue medical cannabis identification cards.

15 (6) To issue transportation licenses for the  
16 transportation of medical cannabis.

17 (7) To inspect and investigate all commercial medical  
18 cannabis farms, commercial medical cannabis manufacturers and  
19 compassionate care centers licensed by the board.

20 (8) To determine the number of commercial medical  
21 cannabis farms, commercial medical cannabis manufacturers and  
22 compassionate care centers within a municipality.

23 (9) To determine licensing districts, periods and  
24 hearings.

25 (10) To grant, issue, suspend and revoke all licenses  
26 the board is authorized to issue under this act.

27 (11) To issue penalties and fines.

28 (12) Through the Department of General Services as  
29 agent, to lease and furnish and equip buildings, rooms and  
30 other accommodations as required for the operation of this

1 act.

2 (13) To appoint, fix the compensation of and define the  
3 powers and duties of managers, officers, inspectors,  
4 examiners, clerks and other employees as required for the  
5 operation of this act, subject to act of April 9, 1929  
6 (P.L.177, No.175), known as The Administrative Code of 1929  
7 and the act of August 5, 1941 (P.L.752, No.286), known as the  
8 Civil Service Act.

9 (14) To determine the nature, form and capacity of all  
10 packages and original containers to be used for containing  
11 medical cannabis.

12 (15) To perform acts necessary or advisable for the  
13 purpose of carrying out the provisions of this act and the  
14 regulations promulgated under this act.

15 (16) To promulgate regulations not inconsistent with  
16 this act for the efficient administration of this act.

17 (17) By regulation, to provide for the use of a  
18 computerized referral system to assist patients and  
19 caregivers in locating special items at compassionate care  
20 centers.

21 (18) To issue grants to various entities for medical  
22 cannabis study, research and clinical testing.

23 (b) Specific subjects.--Except as otherwise provided under  
24 this act, the board may make regulations regarding:

25 (1) Cultivation of medical cannabis within this  
26 Commonwealth.

27 (2) Manufacturing of medical cannabis within this  
28 Commonwealth.

29 (3) Sale of medical cannabis within this Commonwealth.

30 (4) Distribution of medical cannabis within this

1 Commonwealth.

2 (5) Qualifications for licenses, fees and duration.

3 (6) Number and kinds of licenses allowed for each  
4 licensee.

5 (7) Registration of brands.

6 (8) Price changes for medicinal cannabis.

7 (9) Transportation of medical cannabis within this  
8 Commonwealth.

9 (10) The identification of classes, varieties and brands  
10 of medical cannabis deemed acceptable by the board.

11 (11) The labeling of medical cannabis.

12 (12) Purchasing and importing hemp products related to  
13 medical cannabis.

14 (13) Another process, procedure or aspect related to  
15 medical cannabis or the medical cannabis industry as may be  
16 necessary to carry out the provisions of this act.

17 (14) Limitations in the public interest on a  
18 debilitating medical condition or treatment not specifically  
19 included in this act which may be recognized by licensed  
20 medical authorities as being treatable with cannabis in a  
21 manner that is superior to treatment without cannabis.

22 (15) The reasonable and related impact an applicant's  
23 criminal background will have on the approval or denial of a  
24 license issued under this act.

25 (c) Restrictions.--

26 (1) A member or employee of the board, immediate family  
27 member of a member or employee of the board, employee of the  
28 Commonwealth or employee of the bureau may not solicit or  
29 receive, directly or indirectly, a commission, remuneration  
30 or gift for personal use from a person having sold, selling

1 or offering medical cannabis for sale.

2 (2) A person who obtains financial gain as a result of  
3 violating a provision of this subsection, in addition to any  
4 other penalty provided by law, shall pay to the board a civil  
5 penalty equal to three times the financial gain resulting  
6 from the violation.

7 (3) A person who violates this subsection shall be  
8 barred for a period of five years from engaging in business  
9 or contracting with the board.

10 (d) Investigative unit.--

11 (1) The board shall establish an investigative unit that  
12 shall be responsible for implementing and monitoring  
13 compliance with the provisions of and regulations made under  
14 this act relating to medical cannabis and the medical  
15 cannabis industry.

16 (2) The duties of the investigative unit shall include:

17 (i) Handling notifications concerning price  
18 introductions and changes.

19 (ii) Receiving and making recommendations to the  
20 board concerning applications to rescind price discounts.

21 (iii) Providing assistance to the board concerning  
22 reports and investigations the board deems necessary or  
23 is required to provide.

24 (iv) Handling applications for brand registration.

25 (v) Handling copies of franchise or territorial  
26 agreements submitted by importing distributors.

27 (3) Management of the investigation unit shall be vested  
28 in a director who shall be assisted by other personnel as  
29 determined by the board. The director shall report to the  
30 board secretary.

1           (4) The investigation unit shall not have any power to  
2       arrest individuals. The investigatory powers of the unit  
3       shall be limited to compliance with this act.

4       (e) Legal opinions.--Upon written request by a licensee, the  
5       board or the board's counsel shall issue a legal opinion  
6       regarding subject matter relating to this act or a regulation  
7       promulgated under this act. The legal opinion shall be binding  
8       on the bureau.

9       (f) Reports.--The board and bureau must report twice a year  
10      to the President pro tempore of the Senate and the Speaker of  
11      the House of Representatives. The report shall provide  
12      information that includes the following:

13           (1) The number of people within this Commonwealth who  
14      are registered to legally consume medical cannabis.

15           (2) The amount of cannabis cultivated, manufactured and  
16      sold within this Commonwealth.

17           (3) The number of licenses sold to individuals within  
18      this Commonwealth.

19      Section 6. Enforcement.

20      (a) Bureau.--Officers and investigators assigned to the  
21      bureau shall have the following powers and duties:

22           (1) To initiate an investigation if reasonable grounds  
23      exist to believe medical cannabis is being sold on unlicensed  
24      premises. If the investigation produces evidence of the  
25      unlawful sale of medical cannabis or another violation of  
26      this act, the officer involved in the investigation shall  
27      institute criminal proceedings against the person believed to  
28      have been criminally liable.

29           (2) For uniformed law enforcement officers to arrest on  
30      view, except in private homes, or with a warrant a person

1 engaged in any of the following activities contrary to this  
2 act or another law of this Commonwealth:

- 3 (i) Unlawful sale of medical cannabis.
- 4 (ii) Unlawful importation of medical cannabis.
- 5 (iii) Unlawful manufacture of medical cannabis.
- 6 (iv) Unlawful transportation of medical cannabis.
- 7 (v) Unlawful possession of medical cannabis.
- 8 (vi) Unlawful growing of medical cannabis.

9 (3) For uniformed law enforcement officers to arrest on  
10 view, except in private homes, or with a warrant a person  
11 whom the officer or investigator, while in the performance of  
12 assigned duties under this act and regulations promulgated  
13 under this act, observes to be in violation of any of the  
14 following:

- 15 (i) 18 Pa.C.S. § 3302 (relating to causing or  
16 risking catastrophe).
- 17 (ii) 18 Pa.C.S. § 3304 (relating to criminal  
18 mischief).
- 19 (iii) 18 Pa.C.S. § 4101 (relating to forgery).
- 20 (iv) 18 Pa.C.S. § 5503 (relating to disorderly  
21 conduct).
- 22 (v) 18 Pa.C.S. § 6310.3 (relating to carrying a  
23 false identification card).

24 (4) To search, seize and dispose of seized property in  
25 accordance with the following:

- 26 (i) Upon reasonable and probable cause with a  
27 warrant, except in private homes, to search and seize the  
28 following:

- 29 (A) Medical cannabis unlawfully possessed,  
30 manufactured, sold, imported or transported.

1 (B) Equipment, materials, utensils, vehicles,  
2 boats, vessels or aircraft which are or have been  
3 used in the unlawful manufacture, sale, importation  
4 or transportation of medical cannabis.

5 (ii) Medical cannabis equipment, materials,  
6 utensils, vehicles, boats, vessels or aircraft that have  
7 been seized shall be disposed of as provided in this act  
8 and in regulations promulgated under this act.

9 (5) To investigate and issue citations for the  
10 following:

11 (i) A violation of this act.

12 (ii) A violation of a regulation of the board.

13 (iii) A violation of another law of this  
14 Commonwealth.

15 (6) For uniformed law enforcement officers to arrest a  
16 person who engages in the following offenses when the  
17 offenses are committed against the investigator or a person  
18 accompanying and assisting the investigator while the  
19 investigator is performing assigned duties under this act and  
20 the regulations promulgated under this act:

21 (i) 18 Pa.C.S. § 2701 (relating to simple assault).

22 (ii) 18 Pa.C.S. § 2702 (relating to aggravated  
23 assault).

24 (iii) 18 Pa.C.S. § 2705 (relating to recklessly  
25 endangering another person).

26 (iv) 18 Pa.C.S. § 2706 (relating to terroristic  
27 threats).

28 (v) 18 Pa.C.S. § 2709 (relating to harassment).

29 (vi) 18 Pa.C.S. § 5104 (relating to resisting arrest  
30 or other law enforcement).



1 (vii) 18 Pa.C.S. § 5501 (relating to riot).

2 (7) To serve and execute warrants issued by the proper  
3 authorities for offenses under this subsection and to serve  
4 subpoenas.

5 (8) To arrange for the administration of chemical tests  
6 of blood or urine to a person for the purpose of determining  
7 the tetrahydrocannabinol content of blood or the presence of  
8 a controlled substance by qualified personnel of a State or  
9 local police department or qualified personnel of a clinical  
10 laboratory licensed and approved by the Department of Health.

11 (b) Confiscation.--Equipment or appurtenance actually used  
12 in the commission of the unlawful acts may be confiscated. The  
13 confiscation shall not divest or impair the rights or interest  
14 of a bona fide lien holder in the equipment or appurtenance.

15 (c) Officer.--The Commissioner of Pennsylvania State Police  
16 shall assign Pennsylvania State Police officers to supervisory,  
17 training and other capacities in the bureau as the Commissioner  
18 deems necessary. All other personnel of the bureau shall be  
19 nonlaw enforcement personnel. Only law enforcement officers  
20 shall have the authority to make an arrest under this act.

21 (d) Representation.--The Office of Chief Counsel for the  
22 Pennsylvania State Police shall represent the bureau in all  
23 enforcement proceedings brought before the office of  
24 administrative law judge or other adjudicatory body.

25 (e) Nonlaw enforcement agent.--Nothing under this act shall  
26 be construed to change the status of a nonlaw enforcement  
27 personnel member who is an enforcement agent for the purposes of  
28 the act of July 23, 1970 (P.L.563, No.195), known as the Public  
29 Employe Relations Act or cause nonlaw enforcement agents to be  
30 considered policemen for the purposes of the act of June 24,

1 1968 (P.L.237, No.111), referred to as the Policemen and Firemen  
2 Collective Bargaining Act.

3 (f) Information.--The Pennsylvania State Police shall  
4 provide the chairman and minority chairman of the Appropriations  
5 Committee of the Senate and the chairman and minority chairman  
6 of the Appropriations Committee of the House of Representatives:

7 (1) Other information as requested.

8 (2) The following:

9 (i) A copy of the most recently completed audit of  
10 expenditures of the bureau.

11 (ii) A report detailing the demographic  
12 characteristics of the bureau's complement of civilian  
13 officers. The report shall include information relating  
14 to workplace diversity.

15 Section 7. Office of administrative law judge.

16 (a) Establishment.--There is established within the board an  
17 autonomous office to be known as the office of administrative  
18 law judge.

19 (b) Judges.--The Governor shall appoint from a list of  
20 qualified candidates submitted by the Civil Service Commission  
21 after appropriate examination under the act of August 5, 1941  
22 (P.L.752, No.286), known as the Civil Service Act, as many  
23 administrative law judges as the board, with the approval of the  
24 Governor, deems necessary for the holding of hearings required  
25 or permitted under this act. The Governor shall designate one of  
26 the civil service appointees as the chief administrative law  
27 judge.

28 (c) Authority.--An administrative law judge shall preside at  
29 all citation and other enforcement hearings required or  
30 permitted under this act.

1 (d) Qualifications.--An administrative law judge appointed  
2 under this section shall be an attorney in good standing before  
3 the Pennsylvania Supreme Court in the law and shall be a member  
4 in good standing of the bar of the Pennsylvania Supreme Court.

5 (e) Salary.--Compensation for an administrative law judge  
6 shall be established by the board.

7 (f) Limitations.--An administrative law judge shall devote  
8 full time to the judge's official duties and may not perform a  
9 duty inconsistent with the judge's duties and responsibilities  
10 as administrative law judge.

11 (g) Employment security.--An administrative law judge  
12 appointed under this section shall be afforded employment  
13 security as provided by the Civil Service Act.

14 (h) Hearings.--The board shall employ a complement of five  
15 administrative law judges who have been appointed by the  
16 Governor. An appointed judge who has been selected by the board  
17 shall conduct a licensing hearing as required by this act.

18 (i) Construction.--Nothing in this section or this act shall  
19 be construed or intended to change the terms and conditions of  
20 employment of the five hearing examiners selected by the board  
21 under subsection (h).

22 Section 8. Medical use permitted.

23 (a) Freedom from arrest, prosecution or penalty.--

24 (1) A patient who possesses a valid medical cannabis  
25 identification card shall not be subject to detrimental  
26 action including arrest, prosecution, penalty, denial of a  
27 right or privilege, civil penalty or disciplinary action by a  
28 professional licensing board for the medical use of cannabis.  
29 Law enforcement personnel may not unreasonably detain,  
30 question or arrest or repeatedly detain, question or arrest a

1 patient with a valid medical cannabis identification card.

2 (2) There shall exist a rebuttable presumption that a  
3 patient is engaged in the medical use of cannabis if the  
4 patient possesses a valid medical cannabis identification  
5 card. The presumption may be rebutted by evidence that  
6 conduct related to cannabis was not for the purpose of  
7 alleviating the symptoms or effects of a patient's  
8 debilitating medical condition.

9 (3) A patient may assert the medical use of cannabis as  
10 an affirmative defense to a prosecution involving cannabis  
11 unless the patient was in violation of this section when the  
12 events giving rise to the prosecution occurred. The defense  
13 shall be presumed valid if the evidence shows both of the  
14 following:

15 (i) Either:

16 (A) the patient's medical records and current  
17 medical condition made in the course of a bona fide  
18 medical professional-patient relationship indicate  
19 the potential benefits of the medical use of cannabis  
20 would likely outweigh the health risks for the  
21 patient; or

22 (B) a medical professional stated that in the  
23 medical professional's opinion, after completing a  
24 full assessment of the patient's medical history and  
25 current medical condition, the potential benefits of  
26 the medical use of cannabis would likely outweigh the  
27 health risks for the patient; and

28 (ii) the patient and the patient's caregiver were  
29 collectively in possession of no more than one ounce of  
30 usable cannabis flower or three ounces of usable cannabis

1 concentrate.

2 (4) Possession of or application for a medical cannabis  
3 identification card may not alone constitute probable cause  
4 to search a person, the property of the person possessing or  
5 applying for the medical cannabis identification card or  
6 otherwise subject the person or his property to inspection by  
7 a governmental agency.

8 (5) Law enforcement officials may not destroy, damage or  
9 alter a patient's supply of medical cannabis if the patient  
10 is in possession of a valid medical cannabis identification  
11 card.

12 (b) Patients under 18 years of age.--Subsection (a) does not  
13 apply to a patient under 18 years of age unless all of the  
14 following have occurred:

15 (1) The patient's medical professional has explained to  
16 the patient and the patient's custodial parent, guardian or  
17 person having legal custody the potential risks and benefits  
18 of the medical use of cannabis.

19 (2) The custodial parent, guardian or person having  
20 legal custody consents in writing to:

21 (i) Allow the patient's medical use of cannabis.

22 (ii) Serve as the patient's caregiver.

23 (iii) Control the acquisition, dosage and frequency  
24 of the medical use of cannabis by the patient.

25 (c) Immunity of caregiver.--

26 (1) A caregiver who has possession of a valid medical  
27 cannabis identification card shall not be subject to  
28 detrimental action including arrest, prosecution, penalty,  
29 denial of a right or privilege, civil penalty or disciplinary  
30 action by a professional licensing board for assisting a

1 patient to whom the caregiver is connected through the  
2 board's registration process with the medical use of  
3 cannabis. Law enforcement personnel may not unreasonably  
4 detain, question or arrest or repeatedly detain, question or  
5 arrest a caregiver for assisting the patient.

6 (2) There shall exist a rebuttable presumption that a  
7 caregiver is engaged in the medical use of cannabis if the  
8 caregiver possesses a valid medical cannabis identification  
9 card. The presumption may be rebutted by evidence that  
10 conduct related to cannabis was not for the purpose of  
11 alleviating the symptoms or effects of a patient's  
12 debilitating medical condition.

13 (3) A caregiver may assert the medical use of cannabis  
14 as an affirmative defense to a prosecution involving cannabis  
15 unless the caregiver was in violation of this section when  
16 the events giving rise to the prosecution occurred. The  
17 defense shall be presumed valid if the evidence shows either  
18 of the following at the time of the events giving rise to the  
19 prosecution:

20 (i) The patient's medical records and current  
21 medical condition made in the course of a bona fide  
22 medical professional-patient relationship indicate the  
23 potential benefits of the medical use of cannabis would  
24 likely outweigh the health risks for the patient.

25 (ii) A medical professional stated that in the  
26 medical professional's opinion, after completing a full  
27 assessment of the patient's medical history and current  
28 medical condition, the potential benefits of the medical  
29 use of cannabis would likely outweigh the health risks  
30 for the patient.

1           (4) Possession of or application for a medical cannabis  
2 identification card shall not alone constitute probable cause  
3 to search a person, property of a person possessing or  
4 applying for the medical cannabis identification card or  
5 otherwise subject the person or the person's property to  
6 inspection by a governmental agency.

7           (5) Law enforcement officials may not destroy, damage or  
8 alter a patient's supply of medical cannabis which is in the  
9 possession of the caregiver if the caregiver is in possession  
10 of a medical cannabis identification card.

11         (d) Immunity of a medical professional.--A physician,  
12 psychiatrist, registered nurse practitioner or dentist shall not  
13 be subject to detrimental action including arrest, prosecution,  
14 penalty, denial of a right or privilege, civil penalty or  
15 disciplinary action by the State Board of Medicine for providing  
16 written certification for the medical use of cannabis to a  
17 patient in accordance with this act.

18         (e) Personal proximity.--A person shall not be subject to  
19 arrest or prosecution for constructive possession, conspiracy or  
20 another offense for being in the presence or vicinity of the  
21 medical use of cannabis as permitted under this act.

22         (f) Restriction.--An individual who has been sentenced for a  
23 violation of 75 Pa.C.S. § 3550 (relating to pedestrians under  
24 influence of alcohol or controlled substance) or 3802 (relating  
25 to driving under the influence of alcohol or controlled  
26 substance) shall not be disqualified from obtaining or  
27 possessing a valid medical cannabis identification card on the  
28 basis of the offense.

29 Section 9. Medical cannabis identification card.

30         (a) Registry.--The board shall establish a registry and

1 issue a registry identification card, known as a medical  
2 cannabis identification card, to a patient who submits all of  
3 the following in accordance with the board's regulations:

4 (1) Written certification that the person is a patient.

5 (2) An application or renewal fee of not less than \$50  
6 and not more than \$100, which may be based on a sliding fee  
7 scale as determined by the board.

8 (3) The name, address and date of birth of the patient.

9 (4) The name, address and telephone number of the  
10 patient's physician.

11 (5) Name, address and date of birth of the patient's  
12 caregiver, if any.

13 (b) Issuance to qualified patient.--Before issuing a medical  
14 cannabis identification card, the board shall verify the  
15 information contained in the application or renewal form  
16 submitted under this section. The board shall approve or deny an  
17 application or renewal in accordance with the following:

18 (1) The approval or denial shall be no later than 15  
19 days from receipt of the application or renewal.

20 (2) The board shall issue a medical cannabis  
21 identification card no later than five days from approving  
22 the application or renewal.

23 (3) The board may deny an application or renewal only if  
24 the applicant fails to provide the information required under  
25 this section or if the board determines that the information  
26 was falsified.

27 (4) An applicant must be provided with the reason for  
28 and all information relative to the denial of a medical  
29 cannabis card and given an established procedure for  
30 resubmission of an application.



1           (5) Denial of an application shall be considered a final  
2 agency decision, subject to review by an administrative law  
3 judge.

4           (c) Issuance to caregiver.--The board shall issue a medical  
5 cannabis identification card to the caregiver named in a  
6 patient's approved application if the caregiver signs a  
7 statement agreeing to provide cannabis only to the patient who  
8 has named him or her as caregiver.

9           (d) Contents.--A medical cannabis identification card shall  
10 contain the following information:

11           (1) The name, address and date of birth of the patient.

12           (2) The name, address and date of birth of the patient's  
13 caregiver, if any.

14           (3) The date of issuance and expiration date of the  
15 medical cannabis identification card.

16           (4) Photo identification of the cardholder.

17           (5) Other information that the board may specify in  
18 regulations.

19           (e) Changes in listed information.--A patient who has been  
20 issued a medical cannabis identification card must notify the  
21 board of a change in the patient's name, address, medical  
22 professional, caregiver or change in status of the patient's  
23 debilitating medical condition no later than ten days from  
24 change or the medical cannabis identification card shall be  
25 deemed null and void.

26           (f) Right-to-Know Law.--The board shall maintain a  
27 confidential list of each person who has been issued a medical  
28 cannabis identification card. Individual names and other  
29 identifying information on the list shall be confidential and  
30 shall not be considered a public record under the act of

1 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

2 The list may not be disclosed except to any of the following:

3 (1) Authorized employees of the board as necessary to  
4 perform official duties of the board.

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

9 Section 10. Compassionate care center.

10 (a) Licensing.--The board shall license privately owned  
11 nonprofit compassionate care centers. The board shall license a  
12 registered nurse to operate and own a compassionate care center.

13 (b) Processing or distribution.--A compassionate care center  
14 shall maintain records of all cannabis the center processes or  
15 distributes for medical treatment and shall make the records  
16 available for inspection by the board.

17 (c) Report.--Each month, a compassionate care center shall  
18 submit to the board a report which details the amount and what  
19 types of cannabis the center has distributed during the past  
20 month.

21 (d) Professional setting.--A compassionate care center must  
22 be similar in appearance and function as a doctor's office that  
23 dispenses pharmaceuticals. The appearance and function must  
24 conform with regulations promulgated by the board. No medical  
25 cannabis products shall be visible from the exterior or the  
26 entryway of the compassionate care center.

27 (e) Donation.--A compassionate care center may donate usable  
28 medical cannabis concentrate for study and research to a  
29 postsecondary institution.

30 (f) Background check.--

1 (1) The board shall require a prospective licensee to  
2 submit with the application, under 18 Pa.C.S. Ch. 91  
3 (relating to criminal history record information), a report  
4 of criminal history record information from the Pennsylvania  
5 State Police or a statement from the Pennsylvania State  
6 Police that the State Police central repository contains no  
7 information relating to the prospective licensee.

8 (2) The report of criminal history record information  
9 shall be less than one year old.

10 (3) A violation of the Controlled Substance, Drug,  
11 Device and Cosmetic Act or 18 Pa.C.S. (relating to crimes and  
12 offenses) relating to marijuana or cannabis may not  
13 negatively impact the board's decision regarding the approval  
14 of an applicant.

15 Section 11. Commercial medical cannabis farm.

16 (a) License.--The board shall license a farmer to own a  
17 commercial medical cannabis farm for the purpose of supplying to  
18 licensed commercial medical cannabis manufacturers and  
19 compassionate care centers.

20 (b) Growing and cultivating cannabis for medical  
21 treatment.--A commercial medical cannabis farmer must have a  
22 contract with a compassionate care center and a commercial  
23 medical cannabis manufacturer to supply medical cannabis.

24 (c) Records.--A commercial medical cannabis farmer must keep  
25 detailed records of the medical cannabis the farmer sells to  
26 compassionate care centers and shall make the records available  
27 for inspection by the board.

28 (d) Report.--Each month, a commercial medical cannabis  
29 farmer shall submit to the board a report which details how much  
30 and what types of cannabis the farmer has distributed during the

1 past month.

2 (e) Donation.--A commercial medical cannabis farmer may  
3 donate usable medical cannabis to a postsecondary institution  
4 for study and research.

5 (f) Background check.--

6 (1) The board shall require a prospective licensee to  
7 submit with the application, under 18 Pa.C.S. Ch. 91  
8 (relating to criminal history record information), a report  
9 of criminal history record information from the Pennsylvania  
10 State Police or a statement from the Pennsylvania State  
11 Police that the State Police central repository contains no  
12 information relating to the prospective licensee.

13 (2) The report of criminal history record information  
14 shall be less than one year old.

15 (3) A violation of the Controlled Substance, Drug,  
16 Device and Cosmetic Act or 18 Pa.C.S. (relating to crimes and  
17 offenses) relating to marijuana or cannabis may not  
18 negatively impact the board's decision regarding the approval  
19 of an applicant.

20 (g) Personal use.--A commercial medical cannabis farmer who  
21 has a valid medical cannabis identification card may retain up  
22 to 25% of the annual yield for personal use.

23 Section 12. Commercial medical cannabis manufacturer.

24 (a) License.--The board shall license an organic chemist to  
25 own a commercial medical cannabis manufacturing facility for the  
26 purpose of supplying a compassionate care center with useable  
27 medical cannabis concentrate.

28 (b) Extraction method.--A commercial medical cannabis  
29 manufacturer may only use the extraction method described under  
30 section 14.

1 (c) Report.--Each month, a commercial medical cannabis  
2 manufacturer shall submit to the board a report which details  
3 the amount and what types of cannabis the manufacturer has  
4 distributed during the past month.

5 (d) Donation.--A commercial medical cannabis manufacturer  
6 may donate medical cannabis transportation services to a  
7 postsecondary institution for study and research.

8 (e) Background check.--

9 (1) The board shall require a prospective licensee to  
10 submit with the application, under 18 Pa.C.S. Ch. 91  
11 (relating to criminal history record information), a report  
12 of criminal history record information from the Pennsylvania  
13 State Police or a statement from the Pennsylvania State  
14 Police that the State Police central repository contains no  
15 information relating to the prospective licensee.

16 (2) The report of criminal history record information  
17 shall be less than one year old.

18 (3) A violation of the Controlled Substance, Drug,  
19 Device and Cosmetic Act or 18 Pa.C.S. (relating to crimes and  
20 offenses) relating to marijuana or cannabis may not  
21 negatively impact the board's decision regarding the approval  
22 of an applicant.

23 Section 13. Commercial medical cannabis transporter.

24 (a) License.--The board shall license a transportation  
25 company with a commercial medical cannabis transportation  
26 license for the purpose of transporting useable medical cannabis  
27 concentrate.

28 (b) Requirements.--A commercial medical cannabis transporter  
29 shall meet the following requirements to the satisfaction of the  
30 board:

1 (1) Each transportation vehicle shall be unmarked and  
2 may not directly or indirectly indicate what is being  
3 transported.

4 (2) Each transportation vehicle and all equipment used  
5 in the process of transportation shall be in compliance with  
6 this act.

7 (c) Report.--Each month, a commercial medical cannabis  
8 transporter shall submit to the board a report which details the  
9 amount and what types of cannabis the transporter has  
10 transported during the past month.

11 (d) Donation.--A commercial medical cannabis transporter may  
12 donate medical cannabis transportation services to a  
13 postsecondary institution for study and research.

14 (e) Background check.--

15 (1) The board shall require a prospective licensee to  
16 submit with the application, under 18 Pa.C.S. Ch. 91  
17 (relating to criminal history record information), a report  
18 of criminal history record information from the Pennsylvania  
19 State Police or a statement from the Pennsylvania State  
20 Police that the State Police central repository contains no  
21 information relating to the prospective licensee.

22 (2) The report of criminal history record information  
23 shall be less than one year old.

24 (3) A violation of the Controlled Substance, Drug,  
25 Device and Cosmetic Act or 18 Pa.C.S. (relating to crimes and  
26 offenses) relating to marijuana or cannabis may not  
27 negatively impact the board's decision regarding the approval  
28 of an applicant.

29 Section 14. Variety allowed, extraction method and inspection.

30 (a) General rule.--There shall be no restriction on specific

1 strains of cannabis that can be used for medical purposes under  
2 this act.

3 (b) Extraction method.--A food-grade, ethanol-based formula  
4 method and water methods shall be the only acceptable methods of  
5 cannabis extraction in this Commonwealth, unless another method  
6 is deemed safer and approved by the board.

7 (c) Inspection.--The board shall conduct monthly inspections  
8 of commercial medical cannabis farms, commercial medical  
9 cannabis manufacturers and compassionate care centers to ensure  
10 compliance with this act. If a facility is not in compliance  
11 with this act, the facility owners shall be fined as determined  
12 by the board. A fine may not exceed \$5,000.

13 Section 15. Operation of motor vehicles.

14 (a) Prohibited operation.--A person may not operate, drive  
15 navigate or be in actual physical control of the following while  
16 under the influence of tetrahydrocannabinol:

- 17 (1) A vehicle.
- 18 (2) An aircraft.
- 19 (3) A motorboat.
- 20 (4) Heavy machinery
- 21 (5) Another mode of transportation that would constitute  
22 an offense under 75 Pa.C.S. Ch.38 (relating to drinking after  
23 imbibing alcohol or utilizing drugs).

24 (b) Prohibited location.--No person may smoke cannabis in  
25 any of the following locations:

- 26 (1) A school bus or other form of public transportation.
- 27 (2) On school grounds.
- 28 (3) In a correctional facility.
- 29 (4) At a public park or beach.
- 30 (5) At a recreation center.

1           (6) At a place where cigarette smoking is prohibited by  
2 law or by organizational policy.

3           (c) Vaporization.--Smoking cannabis by means of vaporization  
4 is permitted in the public domain.

5           (d) Violation.--A person who commits an act prohibited in  
6 this section shall be subject to penalties as provided by law.  
7 Section 16. Misrepresentation prohibited.

8           It shall be a violation of 18 Pa.C.S. § 5503 (relating to  
9 disorderly conduct) for a person to fabricate or misrepresent a  
10 registry identification card to a law enforcement official.  
11 Section 17. Funding.

12           (a) Board.--For fiscal year 2014-2015 and 2015-2016, the  
13 Pennsylvania Liquor Control Board shall transfer \$3,000,000 to  
14 the board. The board shall promulgate regulations on the  
15 spending and accounting method to be used by the board.

16           (b) Bureau.--Beginning in fiscal year 2014-2015 and  
17 continuing each year thereafter, the Pennsylvania State Police  
18 shall allocate \$2,000,000 to the bureau.

19           (c) Other funding.--The board may accept, from a  
20 governmental department or agency, public or private body or  
21 another source, a grant or contribution to be used to effectuate  
22 the purposes of this act.

23 Section 18. Reports by board.

24           The chair of the board shall report annually to the Governor  
25 and the General Assembly as follows:

26           (1) The report may not contain any identifying  
27 information of patients, caregivers or medical professionals.

28           (2) The report shall include all of the following  
29 information:

30           (i) The number of applications for medical cannabis



1 identification cards.

2 (ii) The number of patients and caregivers approved.

3 (iii) The categories of the debilitating medical  
4 conditions of the patients.

5 (iv) The number of registry identification cards  
6 revoked.

7 (v) The number of physicians providing written  
8 certifications for patients.

9 Section 19. Health insurance.

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

15 Section 20. Sovereign immunity.

16 The Commonwealth may not be held liable for any deleterious  
17 outcomes resulting from the medical use of cannabis by a  
18 patient.

19 Section 21. Duty of the Pennsylvania State Police.

20 The Pennsylvania State Police shall advise the board, bureau  
21 and caregivers on effective security measures for the possession  
22 and transportation of medical cannabis and shall inspect sites  
23 if requested.

24 Section 22. Repeals.

25 The following shall apply:

26 (1) Sections 4 and 13 of act of April 14, 1972 (P.L.233,  
27 No.64), known as The Controlled Substance, Drug, Device and  
28 Cosmetic Act, are repealed insofar as they are inconsistent  
29 with this act.

30 (2) All acts and parts of acts are repealed insofar as

1       they are inconsistent with this act.

2 Section 23.   Effective date.

3       This act shall take effect in 90 days.