

AMENDMENTS TO HOUSE BILL NO. 1024

Sponsor: REPRESENTATIVE FRANKEL

Printer's No. 1596

1 Amend Bill, page 1, line 17, by striking out "AND" and
2 inserting a comma

3 Amend Bill, page 1, line 18, by inserting after "RELOCATION"
4 and for limitations on permits

5 Amend Bill, page 1, line 21, by inserting after
6 "requirements;"

7 in Medical Marijuana Advisory Board, further providing for
8 advisory board and for regulations based on recommendations
9 of advisory board; in academic clinical research centers and
10 clinical registrants, further providing for clinical
11 registrants;

12 Amend Bill, page 1, lines 25 through 27; page 2, line 1; by
13 striking out all of said lines on said pages and inserting

14 Section 1. The definitions of "caregiver," "continuing care"
15 and "serious medical condition" in section 103 of the act of
16 April 17, 2016 (P.L.84, No.16), known as the Medical Marijuana
17 Act, are amended and the section is amended by adding a
18 definition to read:

19 Amend Bill, page 2, by inserting between lines 20 and 21

20 "Serious medical condition." Any of the following:

- 21 (1) Cancer, including remission therapy.
22 (2) Positive status for human immunodeficiency virus or
23 acquired immune deficiency syndrome.
24 (3) Amyotrophic lateral sclerosis.
25 (4) Parkinson's disease.
26 (5) Multiple sclerosis.
27 (6) Damage to the nervous tissue of the [spinal cord]
28 central nervous system with objective neurological indication
29 of intractable spasticity and other associated neuropathies.
30 (7) Epilepsy.
31 (8) Inflammatory bowel disease.

- (9) Neuropathies.
(10) Huntington's disease.
(11) Crohn's disease.
(12) Post-traumatic stress disorder.
(13) Intractable seizures.
(14) Glaucoma.
(15) Sickle cell anemia.
(16) Severe chronic or intractable pain of neuropathic origin or severe chronic or intractable pain in which conventional therapeutic intervention and opiate therapy is contraindicated or ineffective.
(17) Autism.
(18) Terminal illness.
(19) Dyskinetic and spastic movement disorders.
(20) Opioid use disorder for which conventional therapeutic interventions are contraindicated or ineffective, or for which adjunctive therapy is indicated in combination with primary therapeutic interventions.
(21) Anxiety disorders.
(22) Tourette Syndrome.
* * *

Amend Bill, page 2, line 21, by inserting after "609,"

616(1) and (2),

Amend Bill, page 2, line 22, by striking out "801(e)" and inserting

801(b) and (e)

Amend Bill, page 2, line 22, by inserting after "802(a)(1)" , 1201(j), 1202, 2002(a)

Amend Bill, page 5, by inserting between lines 19 and 20

Section 616. Limitations on permits.

The following limitations apply to approval of permits for grower/processors and dispensaries:

(1) The department may not initially issue permits to more than [25] 50 growers/processors.

(2) The department may not initially issue permits to more than [50] 100 dispensaries. Each dispensary may provide medical marijuana at no more than three separate locations.

* * *

Amend Bill, page 8, by inserting between lines 14 and 15

(b) Requirements.--A dispensary shall have a physician or a pharmacist [onsite] available, either in person or remotely, to verify patient certifications and to consult with patients and caregivers at all times during the hours the dispensary is open to receive patients and caregivers. If a dispensary has more

1 than one separate location, a physician assistant or a certified
2 registered nurse practitioner may [be onsite at] cover each of
3 the other locations in lieu of the physician or pharmacist. A
4 physician, a pharmacist, a physician assistant or a certified
5 registered nurse practitioner shall, prior to assuming duties
6 under this paragraph, successfully complete the course
7 established in section 301(a)(6). A physician may not issue a
8 certification to authorize patients to receive medical marijuana
9 or otherwise treat patients at the dispensary.

10 * * *

11 Amend Bill, page 8, by inserting between lines 28 and 29

12 Section 1201. Advisory board.

13 * * *

14 (j) Duties.--The advisory board shall have the following
15 duties:

16 (1) To examine and analyze the statutory and regulatory
17 law relating to medical marijuana within this Commonwealth.

18 (2) To examine and analyze the law and events in other
19 states and the nation with respect to medical marijuana.

20 (3) To accept and review written comments from
21 individuals and organizations about medical marijuana.

22 (4) To issue [two years after the effective date of this
23 section a written report] written reports to the Governor,
24 the Senate and the House of Representatives no more
25 frequently than annually.

26 (5) The written [report] reports under paragraph (4)
27 shall include recommendations and findings as to the
28 following:

29 (i) Whether to change the types of medical
30 professionals who can issue certifications to patients.

31 (ii) Whether to change, add or reduce the types of
32 medical conditions which qualify as serious medical
33 conditions under this act.

34 (iii) Whether to change the form of medical
35 marijuana permitted under this act.

36 (iv) Whether to change, add or reduce the number of
37 growers/processors or dispensaries.

38 (v) How to ensure affordable patient access to
39 medical marijuana.

40 [(vi) Whether to permit medical marijuana to be
41 dispensed in dry leaf or plant form, for administration
42 by vaporization.]

43 (6) The [final written report] written reports issued
44 under this section shall be adopted at a public meeting. The
45 [report] reports shall be a public record under the act of
46 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know
47 Law.

48 Section 1202. Regulations based on recommendations of advisory
49 board.

1 After receiving [the] a report of the advisory board under
2 section 1201(j)(4), at the discretion of the secretary, the
3 department may promulgate regulations to effectuate
4 recommendations made by the advisory board. The secretary shall
5 issue notice in the Pennsylvania Bulletin within 12 months of
6 the receipt of [the] a report of the advisory board. The notice
7 shall include the recommendations of the advisory board and
8 shall state the specific reasons for the decision of the
9 secretary on whether or not to effectuate each recommendation.
10 Section 2002. Clinical registrants.

11 (a) Approval.--The department may approve up to [eight] nine
12 clinical registrants. Each clinical registrant may provide
13 medical marijuana at not more than six separate locations. The
14 total number of locations authorized to dispense medical
15 marijuana under this section shall not exceed [48] 54. The
16 grower/processor and dispensary permits issued to clinical
17 registrants approved under this section shall be in addition to
18 the [25] 50 grower/processor and [50] 100 dispensary permits
19 issued by the department in accordance with section 616(1) and
20 (2). The limitations relating to number and location in sections
21 616(1) and (2) and 603(d) do not apply. A clinical registrant
22 may not hold more than one grower/processor and one dispensary
23 permit. Once the department approves the entity as a clinical
24 registrant, the entity shall comply with this chapter.

25 * * *