

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 1342** Session of  
1979

INTRODUCED BY KUKOVICH, WILSON, PISTELLA, MICHLOVIC, GAMBLE,  
MURPHY, BROWN, WHITE AND KNIGHT, MAY 21, 1979

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, MAY 21, 1979

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. 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, unless  
18 the context clearly indicates otherwise, the meanings given to

1 them in this section:

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

3 "Board." The patient qualification review board.

4 "Department." The Department of Health.

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

7 "Practitioner." A physician.

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

10 Section 4. Controlled substances therapeutic research program  
11 established; participation.

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

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

26 Section 5. Patient qualification review board; composition;  
27 powers and duties.

28 (a) Composition of board.--The administrator, upon the  
29 recommendation of the Pennsylvania Medical Society, shall  
30 appoint a patient qualification review board to serve at his

1 pleasure. The board shall be comprised of:

2 (1) a physician certified by the American Board of  
3 Ophthalmology;

4 (2) a physician certified by the American Board of  
5 Internal Medicine and also certified in the subspecialty of  
6 medical oncology; and

7 (3) a physician certified by the American Board of  
8 Psychiatry.

9 Members of the board may be reimbursed for their attendance at  
10 meetings at the rate of \$44 per day.

11 (b) Review by board.--The board shall review all applicants  
12 for the program and their licensed practitioners and certify  
13 their participation in the program. The board shall additionally  
14 certify practitioners and State-operated licensed pharmacies for  
15 participation regarding the distribution of marihuana pursuant  
16 to the provisions of section 6.

17 (c) Participation.--The board may include other disease  
18 groups for participation in the program after pertinent medical  
19 data have been presented by a practitioner to both the  
20 administrator and the board.

21 Section 6. Procurement and distribution.

22 (a) Procurement of marihuana.--The administrator shall apply  
23 to contract with the National Institute on Drug Abuse for  
24 receipt of marihuana pursuant to regulations promulgated by the  
25 National Institute on Drug Abuse, the Food and Drug  
26 Administration and the Drug Enforcement Agency and pursuant to  
27 the provisions of this act.

28 (b) Distribution of marihuana.--The administrator shall  
29 cause such analyzed marihuana to be transferred to a certified  
30 State-operated licensed pharmacy for distribution to the

1 certified patient upon the written prescription of the certified  
2 practitioner, pursuant to the provisions of this act.

3 Section 7. Report.

4 The administrator, in conjunction with the board, shall  
5 report his findings and recommendations to the Governor and the  
6 General Assembly regarding the effectiveness of the program.

7 Section 8. Effective date.

8 This act shall take effect in 60 days.