

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 538 Session of 2023

INTRODUCED BY LAUGHLIN, KANE AND MUTH, APRIL 4, 2023

REFERRED TO LAW AND JUSTICE, APRIL 4, 2023

AN ACT

1 Amending the act of April 17, 2016 (P.L.84, No.16), entitled "An
2 act establishing a medical marijuana program; providing for
3 patient and caregiver certification and for medical marijuana
4 organization registration; imposing duties on the Department
5 of Health; providing for a tax on medical marijuana
6 organization gross receipts; establishing the Medical
7 Marijuana Program Fund; establishing the Medical Marijuana
8 Advisory Board; establishing a medical marijuana research
9 program; imposing duties on the Department of Corrections,
10 the Department of Education and the Department of Human
11 Services; and providing for academic clinical research
12 centers and for penalties and enforcement," in preliminary
13 provisions, further providing for definitions; and, in
14 program, further providing for lawful use of medical
15 marijuana and for unlawful use of medical marijuana.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. Section 103 of the act of April 17, 2016 (P.L.84,
19 No.16), known as the Medical Marijuana Act, is amended by adding
20 a definition to read:

21 Section 103. Definitions.

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

25 * * *

1 "Edible medical marijuana product." A medical marijuana
2 product intended for human consumption, in whole or in part, by
3 oral ingestion. The term does not include a medical marijuana
4 product in the following forms:

5 (1) Pill.

6 (2) Oil.

7 (3) Topical forms, including gels, creams or ointments.

8 (4) A form medically appropriate for administration by
9 vaporization or nebulization.

10 (5) Tincture.

11 (6) Liquid.

12 * * *

13 Section 2. Section 303(b) (2) of the act is amended and the
14 section is amended by adding a subsection to read:

15 Section 303. Lawful use of medical marijuana.

16 * * *

17 (b) Requirements.--The lawful use of medical marijuana is
18 subject to the following:

19 * * *

20 (2) Subject to regulations promulgated under this act,
21 medical marijuana may only be dispensed to a patient or
22 caregiver in the following forms:

23 (i) pill;

24 (ii) oil;

25 (iii) topical forms, including gels, creams or
26 ointments;

27 (iv) a form medically appropriate for administration
28 by vaporization or nebulization, excluding dry leaf or
29 plant form until dry leaf or plant forms become
30 acceptable under regulations adopted under section 1202;

- 1 (v) tincture; [or]
- 2 (vi) liquid[.]; or
- 3 (vii) edible medical marijuana product.

4 * * *

5 (c) Edible medical marijuana products.--The department shall
6 promulgate regulations governing eligible medical marijuana
7 products, including, but not limited to, the packaging,
8 labeling, marketing and appearance of eligible medical marijuana
9 products to ensure the safety of patients and minors. The
10 department may require a grower/processor to comply with
11 additional food safety requirements as the department deems
12 necessary for the processing of edible medical marijuana
13 products.

14 Section 3. Section 304(b) (2) and (c) of the act are amended
15 to read:

16 Section 304. Unlawful use of medical marijuana.

17 * * *

18 (b) Unlawful use described.--It is unlawful to:

19 * * *

20 [(2) Except as provided under subsection (c),
21 incorporate medical marijuana into edible form.]

22 * * *

23 [(c) Edible medical marijuana.--Nothing in this act shall be
24 construed to preclude the incorporation of medical marijuana
25 into edible form by a patient or a caregiver in order to aid
26 ingestion of the medical marijuana by the patient.]

27 Section 4. This act shall take effect in 30 days.