
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 35 Session of
2015

INTRODUCED BY REGAN, STAATS, ROZZI, MURT, D. COSTA, SCHWEYER AND
DeLUCA, MAY 6, 2015

REFERRED TO COMMITTEE ON JUDICIARY, MAY 6, 2015

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for criminal diversion of
3 medical marijuana; and imposing penalties.

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

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 30A

9 CRIMINAL DIVERSION OF MEDICAL MARIJUANA

10 Subchapter

11 A. Preliminary Provisions

12 B. Defined Offenses

13 SUBCHAPTER A

14 PRELIMINARY PROVISIONS

15 Sec.

16 30A01. Definitions.

17 § 30A01. Definitions.

18 The following words and phrases when used in this chapter

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

3 "Caregiver." An individual designated by a patient to
4 deliver medical marijuana to the patient.

5 "Medical marijuana." Marijuana legally permitted for medical
6 use.

7 "Medical marijuana organization." An organization that is
8 legally authorized to provide medical marijuana.

9 "Patient." A patient who:

10 (1) has met the requirements for the lawful use of
11 medical marijuana; and

12 (2) is a resident of this Commonwealth or is receiving
13 care and treatment within this Commonwealth.

14 "Practitioner." A physician who is legally authorized to
15 provide medical marijuana.

16 SUBCHAPTER B

17 DEFINED OFFENSES

18 Sec.

19 30A11. Criminal diversion of medical marijuana by
20 practitioners.

21 30A12. Criminal diversion of medical marijuana by medical
22 marijuana organizations.

23 30A13. Criminal retention of medical marijuana.

24 § 30A11. Criminal diversion of medical marijuana by
25 practitioners.

26 A practitioner commits a misdemeanor of the first degree if
27 the practitioner intentionally, knowingly, recklessly or
28 negligently provides medical marijuana to a person who is not
29 lawfully entitled to receive medical marijuana.

30 § 30A12. Criminal diversion of medical marijuana by medical

1 marijuana organizations.

2 An employee or owner of a medical marijuana organization
3 commits a misdemeanor of the second degree if the person
4 intentionally, knowingly, recklessly or negligently sells,
5 trades, delivers or otherwise provides medical marijuana to a
6 person who is not lawfully entitled to receive medical
7 marijuana.

8 § 30A13. Criminal retention of medical marijuana.

9 A patient or caregiver commits a summary offense if the
10 patient or caregiver intentionally, knowingly or recklessly
11 possesses, stores or maintains an amount of medical marijuana in
12 excess of the amount legally permitted.

13 Section 2. This act shall take effect in 60 days.