
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 3

Session of
2015

INTRODUCED BY FOLMER, LEACH, TEPLITZ, WILEY, BLAKE, FONTANA,
YUDICHAK, SCARNATI, BOSCOLA, YAW, ARGALL, SMITH, COSTA,
FARNESE, WAGNER, BARTOLOTTA, WILLIAMS, TARTAGLIONE,
VULAKOVICH, WHITE, SCHWANK, RAFFERTY, STEFANO, WOZNIAK,
McGARRIGLE, BROWNE AND DINNIMAN, JANUARY 26, 2015

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 15, 2016

AN ACT

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

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3 ESTABLISHING A MEDICAL MARIJUANA PROGRAM; PROVIDING FOR PATIENT <--
4 AND CAREGIVER CERTIFICATION AND FOR MEDICAL MARIJUANA
5 ORGANIZATION REGISTRATION; IMPOSING DUTIES ON THE DEPARTMENT
6 OF HEALTH; PROVIDING FOR A TAX ON MEDICAL MARIJUANA
7 ORGANIZATION GROSS RECEIPTS; ESTABLISHING THE MEDICAL
8 MARIJUANA PROGRAM FUND; ESTABLISHING THE MEDICAL MARIJUANA
9 ADVISORY BOARD; ESTABLISHING A MEDICAL MARIJUANA RESEARCH
10 PROGRAM; IMPOSING DUTIES ON THE DEPARTMENT OF CORRECTIONS,
11 THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HUMAN
12 SERVICES; AND PROVIDING FOR ACADEMIC CLINICAL RESEARCH
13 CENTERS AND FOR PENALTIES AND ENFORCEMENT.

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12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 CHAPTER 1

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15 PRELIMINARY PROVISIONS

16 ~~Section 101. Short title.~~

17 ~~This act shall be known and may be cited as the Medical~~
18 ~~Cannabis Act.~~

19 ~~Section 102. Definitions.~~

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

23 ~~"Account." The Professional Licensure Augmentation Account~~
24 ~~established under and used in accordance with the act of July 1,~~
25 ~~1978 (P.L.700, No.124), known as the Bureau of Professional and~~
26 ~~Occupational Affairs Fee Act.~~

27 ~~"Board." The State Board of Medical Cannabis Licensing.~~

28 ~~"Change in control." The acquisition by a person or group of~~
29 ~~persons acting in concert of at least 20% of an interest in a~~
30 ~~licensed entity.~~

1 ~~"Department." Except as provided in section 1101, the~~
2 ~~Department of State of the Commonwealth.~~

3 ~~"Health care facility." A facility that provides health care~~
4 ~~to patients. The term includes:~~

5 ~~(1) Any of the following, as defined under section 802.1~~
6 ~~of the act of July 19, 1979 (P.L.130, No.48), known as the~~
7 ~~Health Care Facilities Act:~~

8 ~~(i) A health care facility.~~

9 ~~(ii) An ambulatory surgical facility.~~

10 ~~(iii) A long term care nursing facility.~~

11 ~~(iv) A hospice.~~

12 ~~(2) A clinic operated by a hospital.~~

13 ~~(3) A cancer treatment center.~~

14 ~~"Health care practitioner." Any of the following:~~

15 ~~(1) A medical doctor or a doctor of osteopathy, as~~
16 ~~defined under section 2 of the act of December 20, 1985~~
17 ~~(P.L.457, No.112), known as the Medical Practice Act of 1985.~~

18 ~~(2) A certified registered nurse practitioner as defined~~
19 ~~in section 2(12) of the act of May 22, 1951 (P.L.317, No.69),~~
20 ~~known as The Professional Nursing Law, when acting in~~
21 ~~collaboration with a physician as set forth in a written~~
22 ~~agreement.~~

23 ~~"Medical cannabis." As follows:~~

24 ~~(1) Plants containing cannabidiol, tetrahydrocannabinol~~
25 ~~or delta 9 tetrahydrocannabinol acid or any part of a~~
26 ~~cannabis plant, including cannabis processed by extracting~~
27 ~~oil from the plant, intended for medical purposes.~~

28 ~~(2) The term includes any of the following made from~~
29 ~~plants under paragraph (1):~~

30 ~~(i) Oils.~~

- 1 ~~(ii) Ointments.~~
- 2 ~~(iii) Tinctures.~~
- 3 ~~(iv) Liquids.~~
- 4 ~~(v) Gels.~~
- 5 ~~(vi) Pills.~~
- 6 ~~(vii) Similar substances.~~

7 ~~"Medical cannabis access card." A document issued by the~~
8 ~~Department of Health that authorizes a patient or patient~~
9 ~~representative to purchase and possess medical cannabis in this~~
10 ~~Commonwealth.~~

11 ~~"Medical cannabis dispenser." A for profit or nonprofit~~
12 ~~entity licensed under section 503 to dispense medical cannabis.~~

13 ~~"Medical cannabis employee." An individual who is eligible~~
14 ~~to receive an occupation permit by meeting one of the following:~~

- 15 ~~(1) An individual who meets all of the following:~~
 - 16 ~~(i) Is employed by a medical cannabis grower,~~
 - 17 ~~medical cannabis processor, medical cannabis dispenser or~~
 - 18 ~~certified laboratory with the authority to make a~~
 - 19 ~~discretionary decision relating to the growing,~~
 - 20 ~~processing, dispensing or testing of medical cannabis,~~
 - 21 ~~including a manager, supervisor or an individual who~~
 - 22 ~~directly handles or controls medical cannabis.~~

- 23 ~~(ii) Is responsible for tracking the amount and~~
- 24 ~~transportation of medical cannabis.~~

- 25 ~~(2) Any other employee position designated by the board.~~

26 ~~"Medical cannabis grower." A for profit or nonprofit entity~~
27 ~~licensed under section 501 that grows or cultivates cannabis for~~
28 ~~distribution to authorized medical cannabis processors and~~
29 ~~medical cannabis dispensers in accordance with this act.~~

30 ~~"Medical cannabis processor." A for profit or nonprofit~~

1 ~~entity licensed under section 502 authorized to purchase medical~~
2 ~~cannabis from a medical cannabis grower for the purpose of~~
3 ~~processing the medical cannabis for distribution to a medical~~
4 ~~cannabis dispenser in accordance with this act.~~

5 ~~"Medical cannabis strains." The three types of pure cannabis~~
6 ~~utilized for medical purposes. The term includes cannabis~~
7 ~~sativa, cannabis indica and the hybrid created by the~~
8 ~~combination of both cannabis sativa and cannabis indica.~~

9 ~~"Medical use." The acquisition, possession or use of medical~~
10 ~~cannabis by a registered patient or patient representative. The~~
11 ~~term does not include the smoking of cannabis.~~

12 ~~"Occupation permit." A permit issued by the board~~
13 ~~authorizing an individual to be employed as a medical cannabis~~
14 ~~employee or patient representative.~~

15 ~~"Owner or operator." Any of the following:~~

16 ~~(1) An officer or director of the medical cannabis~~
17 ~~grower, processor or dispenser licensed under section 505.~~

18 ~~(2) A person who directly holds a beneficial interest in~~
19 ~~or has a controlling interest in an applicant or licensee.~~

20 ~~(3) A person who has the ability to elect a majority of~~
21 ~~the board of directors of a licensee or to otherwise control~~
22 ~~a licensee.~~

23 ~~"Patient." An individual who has an established~~
24 ~~practitioner patient relationship and has been diagnosed with a~~
25 ~~qualified medical condition.~~

26 ~~"Patient representative." Any of the following:~~

27 ~~(1) A parent or guardian of a registered patient.~~

28 ~~(2) An individual who:~~

29 ~~(i) is at least 18 years of age; and~~

30 ~~(ii) receives a medical cannabis access card which~~

1 authorizes:

2 ~~(A) purchase, possession, transport and transfer~~
3 ~~of medical cannabis from a medical cannabis~~
4 ~~dispenser; and~~

5 ~~(B) proper administration of the medical~~
6 ~~cannabis to a registered patient in accordance with~~
7 ~~the recommendation of the registered patient's health~~
8 ~~care practitioner.~~

9 ~~"Practitioner patient relationship." The relationship~~
10 ~~established between a patient and health care practitioner~~
11 ~~following an assessment of the patient's medical history and~~
12 ~~current condition and the conduct of a personal examination.~~

13 ~~"Qualified medical condition." Any of the following:~~

14 ~~(1) Cancer.~~

15 ~~(2) Epilepsy and seizures.~~

16 ~~(3) Amyotrophic lateral sclerosis.~~

17 ~~(4) Cachexia/wasting syndrome.~~

18 ~~(5) Parkinson's disease.~~

19 ~~(6) Traumatic brain injury and postconcussion syndrome.~~

20 ~~(7) Multiple sclerosis.~~

21 ~~(8) Spinocerebellar Ataxia (SCA).~~

22 ~~(9) Posttraumatic stress disorder.~~

23 ~~(10) Severe fibromyalgia.~~

24 ~~(11) HIV/AIDS.~~

25 ~~(12) Glaucoma.~~

26 ~~(13) Chronic or intractable pain where other methods of~~
27 ~~treatment no longer have therapeutic or palliative benefit.~~

28 ~~(14) Crohn's disease.~~

29 ~~(15) Diabetes.~~

30 ~~(16) A condition authorized by the department under~~

1 ~~section 703.~~

2 ~~"Testing laboratory." A clinical laboratory or testing~~
3 ~~facility located within this Commonwealth, certified by the~~
4 ~~board under section 511.~~

5 ~~"Tracking system." An electronic system established by the~~
6 ~~department to monitor the activities of a person that grows,~~
7 ~~processes, dispenses, transports or tests medical cannabis or is~~
8 ~~determined by the department to be engaged in an activity~~
9 ~~regulated under this act.~~

10 ~~"Verification system." An electronic system established and~~
11 ~~maintained by the Department of Health that allows the~~
12 ~~Department of Health, the Bureau of Professional and~~
13 ~~Occupational Affairs, licensed dispensers and law enforcement to~~
14 ~~verify the issuance of a medical cannabis access card to an~~
15 ~~individual.~~

16 ~~"Written certification." A document dated and signed by a~~
17 ~~health care practitioner that meets the requirements under~~
18 ~~section 702(c).~~

19 CHAPTER 3

20 STATE BOARD OF MEDICAL CANNABIS

21 LICENSING AND ADMINISTRATIVE PROCEDURE

22 Section 301. License.

23 ~~(a) Medical cannabis. A person may not conduct an activity~~
24 ~~related to the growing, processing or dispensing of medical~~
25 ~~cannabis or operating a testing laboratory unless the person is~~
26 ~~licensed or certified by the board under this act.~~

27 ~~(b) Employee. A licensed medical cannabis grower, medical~~
28 ~~cannabis processor or a medical cannabis dispenser may not~~
29 ~~employ an individual to directly participate in the growing,~~
30 ~~processing, delivery or dispensing of medical cannabis unless~~

1 ~~the individual receives an occupation permit from the board~~
2 ~~under this act.~~

3 ~~Section 302. State Board of Medical Cannabis Licensing.~~

4 ~~(a) Establishment. There is hereby established the State~~
5 ~~Board of Medical Cannabis Licensing within the department.~~

6 ~~(b) Composition. The board shall consist of the following:~~

7 ~~(1) The Secretary of Health or a designee who is an~~
8 ~~employee of the Department of Health.~~

9 ~~(2) Commissioner of Professional and Occupational~~
10 ~~Affairs or a designee who is an employee of the Bureau of~~
11 ~~Professional and Occupational Affairs.~~

12 ~~(3) The Secretary of Human Services or a designee who is~~
13 ~~an employee of the Department of Human Services.~~

14 ~~(4) Two public members.~~

15 ~~(5) One medical doctor who is an expert in the field of~~
16 ~~pediatrics.~~

17 ~~(6) Two members who are medical doctors representing~~
18 ~~specialties which utilize medical cannabis to treat patients.~~

19 ~~(7) The Physician General.~~

20 ~~(8) Two members who are registered nurses.~~

21 ~~(9) A licensed pharmacist.~~

22 ~~(c) Meetings. The board shall meet within 30 days of~~
23 ~~confirmation of the members and shall:~~

24 ~~(1) Establish procedures to operate the board.~~

25 ~~(2) Develop applications and other forms for licensure~~
26 ~~and occupation permits and enforcement of this act and~~
27 ~~certifications for testing laboratories.~~

28 ~~(3) Promulgate regulations, as necessary, to implement~~
29 ~~and enforce this act.~~

30 ~~(d) Appointment and qualifications. Each professional and~~

1 ~~public member shall be appointed by the Governor with the advice~~
2 ~~and consent of a majority of the Senate. Each member must comply~~
3 ~~with all of the following:~~

4 ~~(1) Be a citizen of the United States and a resident of~~
5 ~~this Commonwealth.~~

6 ~~(2) Not hold any other public office during the term on~~
7 ~~the board.~~

8 ~~(e) Terms.—~~

9 ~~(1) A member under subsection (b) (1), (2) or (3) shall~~
10 ~~serve ex officio.~~

11 ~~(2) For a member under subsection (b), the following~~
12 ~~apply:~~

13 ~~(i) Initial appointments shall be as follows:~~

14 ~~(A) Three members shall serve for a term of four~~
15 ~~years.~~

16 ~~(B) Three members shall serve for a term of~~
17 ~~three years.~~

18 ~~(C) Two members shall serve for a term of two~~
19 ~~years.~~

20 ~~(ii) Each subsequent term shall be for four years or~~
21 ~~until a successor has been appointed and qualified, which~~
22 ~~may not be longer than six months beyond the four year~~
23 ~~period.~~

24 ~~(iii) A member may not serve more than two~~
25 ~~consecutive terms.~~

26 ~~(f) Quorum. A majority of the members of the board shall~~
27 ~~constitute a quorum. Each member must be physically in~~
28 ~~attendance to be counted as part of a quorum or to vote on an~~
29 ~~issue. A majority of the members present shall be necessary for~~
30 ~~a vote to be considered binding.~~

1 ~~(g) Chairperson. The board shall annually select a~~
2 ~~chairperson from the members of the board.~~

3 ~~(h) Expenses. With the exception of ex officio members,~~
4 ~~each member of the board shall receive \$100 per diem when~~
5 ~~attending to the work of the board. A member shall also receive~~
6 ~~the amount of reasonable travel, hotel and other necessary~~
7 ~~expenses incurred in the performance of the member's duties in~~
8 ~~accordance with Commonwealth regulations.~~

9 ~~(i) Forfeiture. A member who fails to attend three~~
10 ~~consecutive meetings shall forfeit the member's seat unless the~~
11 ~~chairman, upon written request from the member, finds that the~~
12 ~~member should be excused because of illness or death of a family~~
13 ~~member.~~

14 ~~(j) Frequency of meetings. The board shall meet at least~~
15 ~~once per month for the first 12 months, including and after the~~
16 ~~initial meeting required by section 302(c). After the first 12~~
17 ~~months following the establishment of the board, the board shall~~
18 ~~meet at least six times a year and may meet at additional times~~
19 ~~as necessary to conduct the business of the board.~~

20 ~~Section 303. Powers and duties of board.~~

21 ~~The board shall have the following powers and duties:~~

22 ~~(1) To provide for and regulate the licensing of the~~
23 ~~following:~~

24 ~~(i) A medical cannabis grower under section 501.~~

25 ~~(ii) A medical cannabis processor under section 502.~~

26 ~~(iii) A medical cannabis dispenser under section~~
27 ~~503.~~

28 ~~(2) To issue occupation permits to medical cannabis~~
29 ~~employees.~~

30 ~~(3) To issue certifications to testing laboratories~~

1 ~~under section 511.~~

2 ~~(4) To issue, deny, renew, reinstate or refuse to renew,~~
3 ~~suspend and revoke licenses, certifications of testing~~
4 ~~laboratories and occupation permits in accordance with this~~
5 ~~act.~~

6 ~~(5) To implement procedures to allow the expansion of~~
7 ~~qualified medical conditions for which a patient may obtain~~
8 ~~medical cannabis under section 703.~~

9 ~~(6) To administer and enforce the provisions of this~~
10 ~~act.~~

11 ~~(7) To investigate and conduct background checks for~~
12 ~~each application for a license or occupation permit to~~
13 ~~determine the fitness and eligibility of a person applying~~
14 ~~for a license or occupation permit.~~

15 ~~(8) To establish fees for application and renewal of~~
16 ~~licenses and occupation permits and the due dates for all~~
17 ~~fees.~~

18 ~~(9) To charge for services related to the enforcement~~
19 ~~and administration of this act. Billings shall be submitted~~
20 ~~at least quarterly and all charges shall be itemized.~~

21 ~~(10) To keep minutes and records of each transaction and~~
22 ~~proceeding.~~

23 ~~(11) To provide standards for the appearance of~~
24 ~~dispensers to ensure a professional atmosphere.~~

25 ~~(12) To require site plans, including streets, property~~
26 ~~lines, buildings, security features and access to water~~
27 ~~sources.~~

28 ~~(13) To require utilization of any prescription~~
29 ~~monitoring program established by the Commonwealth by a~~
30 ~~health care practitioner to review a patient's pharmaceutical~~

1 history.

2 ~~(14) To establish an electronic verification system that~~
3 ~~can be accessed by health care practitioners, the Department~~
4 ~~of Health, patients, the Bureau of Professional and~~
5 ~~Occupational Affairs, law enforcement personnel and other~~
6 ~~individuals designated by the board to verify individual~~
7 ~~medical cannabis access cards and determine whether the~~
8 ~~identification number corresponds with a current, valid~~
9 ~~registry identification card and that the cardholder is a~~
10 ~~registered qualifying patient or a patient representative.~~
11 ~~The verification system:~~

12 ~~(i) Must be available on a 24 hour basis for the~~
13 ~~verification of medical cannabis access cards.~~

14 ~~(ii) May only disclose the validity of the card,~~
15 ~~whether the cardholder is a qualified patient or a~~
16 ~~patient representative and the registry identification~~
17 ~~number of the patient.~~

18 ~~(iii) Must determine whether a medical cannabis~~
19 ~~access card has been suspended or revoked.~~

20 ~~(15) To establish an electronic tracking system to be~~
21 ~~used by the department to track the growing, processing,~~
22 ~~transporting, dispensing and delivery of all medical cannabis~~
23 ~~products between growers, processors, laboratories, transport~~
24 ~~entities, dispensers and other persons engaged in activities~~
25 ~~regulated under this act. The electronic tracking system must~~
26 ~~include:~~

27 ~~(i) Date, time, quantity and price of each sale of~~
28 ~~medical cannabis to a qualified patient or patient~~
29 ~~representative.~~

30 ~~(ii) Each daily record of plants and products grown~~

1 and possessed by a licensee, including date of harvest,
2 batch number, origin and strain, number of seeds or
3 cuttings planted, chemical additives, disposal and other
4 information required by the board.

5 ~~(iii) Each sale, transport and other activity as~~
6 ~~deemed necessary by the department.~~

7 ~~(iv) Records of transport to and from testing~~
8 ~~laboratories and the results of testing.~~

9 ~~(v) An inventory control system, including each~~
10 ~~day's beginning inventory, acquisitions, harvests, sales,~~
11 ~~disbursements, disposals and ending inventory.~~

12 ~~Information must be added to the electronic tracking~~
13 ~~system under this paragraph on a daily basis.~~

14 ~~(16) To establish a medical cannabis registry to ensure~~
15 ~~adequate availability of different strains and concentrations~~
16 ~~of medical cannabis.~~

17 ~~(17) To develop regular inspection schedules, unannounced~~
18 ~~inspections, procedures and other enforcement measures to~~
19 ~~regulate all medical cannabis growers, processors, dispensers~~
20 ~~and testing laboratories.~~

21 ~~(18) To inspect, at any time, premises occupied or used~~
22 ~~for the production, preparation, testing, packaging,~~
23 ~~processing, storage, sale, distribution and transport of~~
24 ~~medical cannabis.~~

25 ~~(19) To develop standards and requirements for the~~
26 ~~implementation, use and maintenance of security systems.~~

27 ~~(20) To submit annually to the department an estimate of~~
28 ~~financial requirements of the board, including~~
29 ~~administrative, legal and other expenses.~~

30 ~~(21) To develop a system for mandatory and voluntary~~

1 ~~recall of defective products or medical cannabis.~~

2 ~~(22) To develop standards for creation and maintenance~~
3 ~~of qualifying patient records.~~

4 ~~(23) To promulgate regulations to implement this act,~~
5 ~~including:~~

6 ~~(i) The receipt of medical cannabis for study and~~
7 ~~research of the health benefits of medical cannabis by~~
8 ~~accredited research institutions, universities and~~
9 ~~colleges in this Commonwealth.~~

10 ~~(ii) Determination of required quality and safe~~
11 ~~clinical strength of medical cannabis.~~

12 ~~(iii) Print advertising and marketing of medical~~
13 ~~cannabis.~~

14 ~~(iv) Containers, tracking and testing.~~

15 ~~(v) Packaging and labeling by licensed growers,~~
16 ~~licensed processors and licensed dispensers. Regulations~~
17 ~~under this subparagraph shall require labeling to~~
18 ~~specify:~~

19 ~~(A) date of packaging;~~

20 ~~(B) use by date;~~

21 ~~(C) cultivation site;~~

22 ~~(D) instructions to keep the product in the~~
23 ~~package;~~

24 ~~(E) warnings related to use, including pregnancy~~
25 ~~and medical conditions;~~

26 ~~(F) warnings to keep medical cannabis out of~~
27 ~~children's reach;~~

28 ~~(G) other warnings deemed appropriate by the~~
29 ~~board;~~

30 ~~(H) recommended dosages; and~~

1 ~~(I) appropriate methods to administer medical~~
2 ~~cannabis for authorized diseases.~~

3 ~~(24) To provide for the form and content of the~~
4 ~~authority given to a registered patient by a health care~~
5 ~~practitioner to obtain medical cannabis.~~

6 ~~(25) To adopt requirements relating to the amount of~~
7 ~~tetrahydrocannabinol authorized for each product and the~~
8 ~~tetrahydrocannabinol's application to the appropriate~~
9 ~~qualified medical condition.~~

10 ~~(26) To consult information published by the American~~
11 ~~Herbal Pharmacopeia, in the promulgation of regulations.~~

12 ~~(27) To enforce regulations under this act.~~

13 ~~(28) To establish record retention policies for persons~~
14 ~~regulated under this act.~~

15 ~~Section 304. Subpoena power.~~

16 ~~The General Counsel of the Commonwealth, or the General~~
17 ~~Counsel's designee, shall have the power to issue a subpoena on~~
18 ~~behalf of the board in enforcement, disciplinary and licensing~~
19 ~~matters before the board in order to investigate an alleged~~
20 ~~violation in accordance with the following:~~

21 ~~(1) The power shall not apply to patient records without~~
22 ~~order of a court of competent jurisdiction showing that the~~
23 ~~records are reasonably necessary for the conduct of an~~
24 ~~investigation.~~

25 ~~(2) The court may impose limitations on the scope of a~~
26 ~~subpoena as necessary to prevent unnecessary intrusion into~~
27 ~~patient confidential information.~~

28 ~~(3) The attorney representing the Commonwealth in a~~
29 ~~disciplinary matter before the board may apply to~~
30 ~~Commonwealth Court to enforce the subpoenas.~~

1 ~~(4) Nothing in this section shall be construed to excuse~~
2 ~~a person from producing documents and records as requested by~~
3 ~~the board under any other provision of law.~~

4 ~~Section 305. Hearing examiners.~~

5 ~~(a) Appointment. The Commissioner of Professional and~~
6 ~~Occupational Affairs, after consultation with the board, shall~~
7 ~~appoint hearing examiners as necessary to conduct hearings in~~
8 ~~disciplinary matters before the board.~~

9 ~~(b) Regulation. Regulations promulgated by the board shall~~
10 ~~include the procedural rules to be followed by hearing examiners~~
11 ~~under this act. Each proceeding shall be conducted in accordance~~
12 ~~with 2 Pa.C.S. (relating to administrative law and procedure).~~

13 ~~(c) Powers. A hearing examiner shall have the following~~
14 ~~powers:~~

15 ~~(1) To conduct hearings.~~

16 ~~(2) To issue subpoenas requiring:~~

17 ~~(i) The attendance and testimony of individuals.~~

18 ~~(ii) The production of pertinent records or other~~
19 ~~papers by persons whom the examiner believes have~~
20 ~~information relevant to matters pending before the~~
21 ~~examiner.~~

22 ~~(3) To issue decisions.~~

23 ~~Section 306. Civil penalties.~~

24 ~~(a) Authorization. The board shall adopt a schedule of~~
25 ~~civil penalties for operating without a current, registered,~~
26 ~~unsuspended and unrevoked license, certificate or occupation~~
27 ~~permit and for violations of this act. The schedule shall be~~
28 ~~published in the Pennsylvania Bulletin.~~

29 ~~(b) Imposition. An agent of the board may issue citations~~
30 ~~and impose penalties for a violation of this chapter. A citation~~

1 ~~or a penalty may be appealed to a hearing examiner or the board~~
2 ~~pursuant to regulations promulgated by the board. If the matter~~
3 ~~is initially referred to a hearing examiner, the board shall~~
4 ~~render a decision on an exception to the decision of the hearing~~
5 ~~examiner or on any applications for review under 2 Pa.C.S.~~
6 ~~(relating to administrative law and procedure).~~

7 ~~(c) Board sanction.~~

8 ~~(1) In addition to any other penalty authorized by law,~~
9 ~~the board may impose the following sanctions:~~

10 ~~(i) Revocation of the license, permit or certificate~~
11 ~~of a person convicted of a criminal offense or violation~~
12 ~~of this act or regulations of the board which would~~
13 ~~disqualify the holder from growing, processing or~~
14 ~~dispensing medical cannabis.~~

15 ~~(ii) Revocation of the license of a person for~~
16 ~~willfully and knowingly violating or attempting to~~
17 ~~violate an order of the board directed to the person.~~

18 ~~(iii) Revocation of an occupation permit or~~
19 ~~certificate of a person for willfully and knowingly~~
20 ~~violating or attempting to violate an order of the board~~
21 ~~directed to the person.~~

22 ~~(iv) Suspension of the license, permit or~~
23 ~~certificate of a person pending the outcome of a hearing~~
24 ~~in a case in which a license, occupation permit or~~
25 ~~certification revocation could result.~~

26 ~~(v) Suspension of the license of a licensed grower,~~
27 ~~processor or dispenser for a violation or attempt to~~
28 ~~violate any provisions of this act.~~

29 ~~(vi) Assessment of an administrative penalty as~~
30 ~~necessary to address misconduct and deter future~~

1 ~~violations.~~

2 ~~(vii) Ordering of restitution of funds or property~~
3 ~~unlawfully obtained or retained by a licensee.~~

4 ~~(viii) Entrance of a cease and desist order which~~
5 ~~specifies the conduct which is to be discontinued,~~
6 ~~altered or implemented by the licensee.~~

7 ~~(2) If the board refuses to issue or renew a license,~~
8 ~~certificate or occupation permit or imposes a penalty under~~
9 ~~paragraph (1), the board shall provide the applicant,~~
10 ~~licensee, certificate holder or permit holder with written~~
11 ~~notification of the decision, including a statement of the~~
12 ~~reasons for the decision by certified mail within five~~
13 ~~business days of the decision of the board. The applicant,~~
14 ~~licensee, certificate holder or permittee shall have the~~
15 ~~right to appeal the decision in accordance with 2 Pa.C.S.~~
16 ~~Chs. 5 (relating to practice and procedure) and 7 (relating~~
17 ~~to judicial review).~~

18 ~~(3) A person who aids, abets, counsels, induces,~~
19 ~~procures or causes another person to violate this act shall~~
20 ~~be subject to all sanctions and penalties provided under this~~
21 ~~subsection.~~

22 ~~(d) Additional powers. In addition to the penalties under~~
23 ~~subsections (b) and (c), the board shall have the power to do~~
24 ~~the following:~~

25 ~~(1) Levy a civil penalty of not more than \$25,000 for a~~
26 ~~violation of this act.~~

27 ~~(2) Impose a civil penalty of up to \$15,000 per~~
28 ~~violation if a person aids and abets the unlicensed growing,~~
29 ~~processing, distribution or dispensing of medical cannabis.~~
30 ~~The penalty may not be levied against a person solely as a~~

1 ~~consequence of that person being a registered patient of the~~
2 ~~unlicensed person.~~

3 ~~(3) Assess against a respondent determined to be in~~
4 ~~violation of this act the costs of investigation underlying~~
5 ~~that disciplinary action. The cost of investigation shall not~~
6 ~~include costs incurred by the board after the filing of~~
7 ~~formal actions or disciplinary charges against a respondent.~~

8 ~~(e) Judgment. A civil penalty imposed under this section~~
9 ~~shall be a judgment in favor of the board upon the person or~~
10 ~~property of the person upon whom the civil penalty is imposed.~~
11 ~~The Attorney General shall be responsible for enforcing the~~
12 ~~judgments in courts of competent jurisdiction in accordance with~~
13 ~~the provisions of 42 Pa.C.S. (relating to judiciary and judicial~~
14 ~~procedure).~~

15 ~~Section 307. Confidentiality.~~

16 ~~(a) General rule. Investigative records of the board,~~
17 ~~including prosecutorial memos and transcripts of deposition on~~
18 ~~behalf of the board or concerning a licensure related complaint~~
19 ~~filed with the department, shall be confidential and privileged.~~
20 ~~The following shall apply:~~

21 ~~(1) No person who has investigated or has access to or~~
22 ~~custody of documents, materials or information which is~~
23 ~~confidential and privileged under this section may be~~
24 ~~required to testify in a judicial or administrative~~
25 ~~proceeding without the written consent of the board unless~~
26 ~~directed to do so by a court of competent jurisdiction.~~

27 ~~(2) This subsection shall not preclude or limit~~
28 ~~introduction of the contents of an investigative file or~~
29 ~~related witness testimony in a hearing or proceeding before~~
30 ~~the board.~~

1 ~~(3) This section shall not apply to a letter or other~~
2 ~~document to a licensee, occupation permittee or certificate~~
3 ~~holder that discloses the final outcome of an investigation~~
4 ~~or to a final adjudication or order of the board.~~

5 ~~(b) Disclosure permitted. Except as provided in subsection~~
6 ~~(a), this section shall not prevent disclosure of documents,~~
7 ~~materials or information pertaining to the status of a license,~~
8 ~~certificate or occupation permit or the sharing of information~~
9 ~~with law enforcement officials or similar regulatory boards in~~
10 ~~other jurisdictions. A violation of this section shall subject~~
11 ~~an employee or agent of the board to administrative discipline,~~
12 ~~including discharge, suspension or other formal or appropriate~~
13 ~~disciplinary action.~~

14 ~~(c) Affidavit. Each employee or agent of the board must~~
15 ~~execute a confidentiality affidavit which provides that~~
16 ~~documents, materials or information in subsection (a) obtained~~
17 ~~by the employee or agent shall be considered confidential and~~
18 ~~may be disclosed only as permitted under this section.~~

19 ~~(d) Waiver. The board may not require an applicant to waive~~
20 ~~any confidentiality under this section as a condition for the~~
21 ~~approval of a license or other action of the board.~~

22 ~~Section 308. Financing.~~

23 ~~(a) Setting of fees. Beginning two years after the~~
24 ~~effective date of this subsection, all fees required under this~~
25 ~~act shall be fixed by the board by regulation. If revenue raised~~
26 ~~by fees, fines and civil penalties imposed under this act are~~
27 ~~not sufficient to meet expenditures over a two year period, the~~
28 ~~board shall increase those fees by regulation under section~~
29 ~~303(23) so that the projected revenues will meet or exceed~~
30 ~~projected expenditures.~~

1 ~~(b) Renewal fees. Beginning two years after the effective~~
2 ~~date of this subsection, all renewal fees shall be deposited~~
3 ~~into the account.~~

4 ~~(c) Inadequate fees. If the Bureau of Professional and~~
5 ~~Occupational Affairs determines that the fees established by the~~
6 ~~board under subsection (a) are inadequate to meet the minimum~~
7 ~~enforcement efforts required by this act, then the bureau, after~~
8 ~~consultation with the board, shall increase the fees by~~
9 ~~regulation under section 303(23) in an amount that adequate~~
10 ~~revenues are raised to meet the required enforcement effort.~~

11 ~~(d) Disposition. Fees, fines and civil penalties imposed~~
12 ~~and collected under this act shall be for the exclusive use of~~
13 ~~the board in carrying out this act and shall be annually~~
14 ~~appropriated from the account for that purpose. This subsection~~
15 ~~shall not apply to an initial license fee.~~

16 ~~(e) Charging of fees. The board may charge a reasonable~~
17 ~~fee, as set by the board by regulation under section 303(23),~~
18 ~~for all examinations, enforcement activities, registrations,~~
19 ~~certificates, audits, licensures or applications permitted by~~
20 ~~this act or a regulation under this act.~~

21 ~~(f) Civil penalties. All civil penalties shall be deposited~~
22 ~~into the account.~~

23 ~~Section 309. Records and reports.~~

24 ~~(a) Records. Each record of activities required under this~~
25 ~~act must be retained for a period of at least two years unless~~
26 ~~otherwise required by the board.~~

27 ~~(b) Reports to department. The board shall submit annually~~
28 ~~to the department an estimate of the financial requirements of~~
29 ~~the board for its administrative, investigative, legal and~~
30 ~~miscellaneous expenses.~~

1 ~~(c) Term. Upon payment of the fee under subsection (b), a~~
2 ~~grower's license shall be in effect unless suspended, revoked or~~
3 ~~not renewed by the board for good cause.~~

4 ~~(d) Update. A licensee under this section must notify the~~
5 ~~board of a change relating to the status of its license or other~~
6 ~~information contained in its application and other information~~
7 ~~filed with the board.~~

8 ~~(e) Deposit. The licensure fee under subsection (b) shall~~
9 ~~be deposited into the General Fund. Renewal fees under~~
10 ~~subsection (b) shall be deposited into the account.~~

11 ~~(f) Restriction. There shall be no restriction on specific~~
12 ~~strains of medical cannabis that may be grown under this act.~~
13 ~~Use of genetically modified organisms or an organism whose~~
14 ~~genetic material has been altered using genetic engineering may~~
15 ~~not be used in the cultivation of medical cannabis.~~

16 ~~(g) Requirements. A medical cannabis grower shall:~~

17 ~~(1) Only grow medical cannabis using conventional~~
18 ~~growing methods approved by the board in consultation with~~
19 ~~the Department of Agriculture.~~

20 ~~(2) Submit to preoperational and postoperational~~
21 ~~announced and unannounced inspections by the board or the~~
22 ~~department.~~

23 ~~(3) Grow cannabis only in an indoor, enclosed, secure~~
24 ~~facility.~~

25 ~~(4) Conduct quality testing utilizing a testing~~
26 ~~laboratory certified by the board prior to the sale of~~
27 ~~medical cannabis and submit to random testing of medical~~
28 ~~cannabis conducted by the board.~~

29 ~~(5) Package and label medical cannabis products in~~
30 ~~accordance with regulations of the board.~~

1 ~~(6) Only sell, transport or deliver medical cannabis to~~
2 ~~a medical cannabis processor, certified laboratory or medical~~
3 ~~cannabis dispenser.~~

4 ~~(7) Provide information relating to the enclosed, secure~~
5 ~~facility where medical cannabis will be grown, harvested or~~
6 ~~stored, including electronic locking systems, limited access~~
7 ~~areas, secure storage and disposal procedures, electronic~~
8 ~~surveillance and other features required by the board.~~

9 ~~(8) Provide a cultivation, inventory and packaging plan~~
10 ~~and procedures for the oversight of the cultivation area,~~
11 ~~including a plant monitoring system, container tracking~~
12 ~~system and staffing plan.~~

13 ~~(9) Maintain daily records of plants, sales and other~~
14 ~~activities, as required by the board.~~

15 ~~(10) Perform a weekly physical inventory of all plants~~
16 ~~and containers.~~

17 ~~(11) Notify law enforcement within 24 hours of any loss~~
18 ~~or theft of medical cannabis and record the loss or theft in~~
19 ~~the electronic tracking system.~~

20 ~~(12) Utilize any electronic tracking system required by~~
21 ~~the board.~~

22 ~~(h) Prohibitions. A medical cannabis grower may not do any~~
23 ~~of the following:~~

24 ~~(1) Be located within 1,000 feet of the property line of~~
25 ~~a public, private or parochial school or a day care center.~~

26 ~~(2) Be located in a residential dwelling or an area~~
27 ~~zoned for residential use.~~

28 ~~(3) Acquire cannabis from outside this Commonwealth or~~
29 ~~otherwise in violation of regulations of the board.~~

30 ~~(4) Permit an individual to consume cannabis on its~~

1 ~~property.~~

2 ~~(5) Advertise medical cannabis on radio or television.~~

3 ~~(i) Exchange. The board shall promulgate regulations for~~
4 ~~the exchange of medical cannabis seed and plant materials~~
5 ~~between growers.~~

6 ~~Section 502. Medical cannabis processors.~~

7 ~~(a) Licensing. The board shall license not more than 65~~
8 ~~medical cannabis processors to process medical cannabis into~~
9 ~~oil based medical cannabis products, including oil, ointments~~
10 ~~and tinctures. The licensees shall be geographically dispersed~~
11 ~~throughout this Commonwealth to allow access to processed~~
12 ~~medical cannabis by medical cannabis dispensers.~~

13 ~~(b) Imposition. At the time of license issuance, the board~~
14 ~~shall impose a licensing fee in the amount of \$50,000. The board~~
15 ~~shall impose an initial \$5,000 annual renewal fee for each year~~
16 ~~immediately following the year the license was issued. Renewal~~
17 ~~fees shall be subject to adjustment and deposit under section~~
18 ~~308.~~

19 ~~(c) Term. Upon payment of the fee under subsection (b), a~~
20 ~~processor's license shall be in effect unless suspended, revoked~~
21 ~~or not renewed by the board for good cause.~~

22 ~~(d) Update. A licensee under this section must notify the~~
23 ~~board of a change relating to the status of its license or other~~
24 ~~information contained in its application and other information~~
25 ~~filed with the board.~~

26 ~~(e) Deposit. The license fee under subsection (b) shall be~~
27 ~~deposited into the General Fund. Renewal fees shall be deposited~~
28 ~~into the account.~~

29 ~~(f) Requirements. A medical cannabis processor shall do all~~
30 ~~of the following:~~

1 ~~(1) Only use extraction and processing methods approved~~
2 ~~by the board.~~

3 ~~(2) Submit to preoperational and postoperational~~
4 ~~announced and unannounced inspections by the board and the~~
5 ~~department.~~

6 ~~(3) Conduct quality testing utilizing a certified~~
7 ~~testing laboratory approved by the board prior to delivery to~~
8 ~~a dispenser and submit to random testing conducted by the~~
9 ~~board.~~

10 ~~(4) Only sell, transport or deliver medical cannabis to~~
11 ~~a testing laboratory or to a medical cannabis dispenser.~~

12 ~~(5) Conduct processing activity in a board approved~~
13 ~~facility that is indoor, enclosed and secure, and includes an~~
14 ~~electronic locking system, a limited access area, secure~~
15 ~~storage and disposal procedures, electronic surveillance and~~
16 ~~other features required by the board.~~

17 ~~(6) Provide information relating to the facility and~~
18 ~~features under paragraph (5).~~

19 ~~(7) Provide a processing, inventory and packaging plan~~
20 ~~and procedures for the oversight of the processing facility,~~
21 ~~including a plant and product monitoring system, container~~
22 ~~tracking system and staffing plan.~~

23 ~~(8) Perform a weekly physical inventory of all plants,~~
24 ~~containers and processing materials.~~

25 ~~(9) Maintain a daily log of access to medical cannabis~~
26 ~~received and products shipped.~~

27 ~~(10) Only sell medical cannabis approved by a certified~~
28 ~~laboratory to a licensed medical cannabis dispenser.~~

29 ~~(11) Notify law enforcement within 24 hours of a loss or~~
30 ~~theft of medical cannabis and record the loss or theft in the~~

1 ~~electronic tracking system.~~

2 ~~(12) Maintain daily records of all sales and other~~
3 ~~activities as required by the board.~~

4 ~~(13) Utilize any electronic tracking system required by~~
5 ~~the board.~~

6 ~~(g) Prohibitions. A medical cannabis processor may not do~~
7 ~~any of the following:~~

8 ~~(1) Be located within 1,000 feet of the property line of~~
9 ~~a public, private or parochial school or a day care center.~~

10 ~~(2) Be located in a residential dwelling or an area~~
11 ~~zoned for residential use.~~

12 ~~(3) Acquire medical cannabis from anyone other than a~~
13 ~~licensed medical cannabis grower.~~

14 ~~(4) Obtain medical cannabis from outside this~~
15 ~~Commonwealth.~~

16 ~~(5) Process cannabis for any purpose except to provide~~
17 ~~medical cannabis to a licensed medical cannabis dispenser.~~

18 ~~(6) Advertise medical cannabis on radio or television.~~

19 ~~Section 503. Medical cannabis dispensers.~~

20 ~~(a) Licensing. The board shall license not more than 130~~
21 ~~medical cannabis dispensers to accept medical cannabis access~~
22 ~~cards and dispense medical cannabis to a registered patient or~~
23 ~~patient representative in accordance with the instructions of a~~
24 ~~health care practitioner. The licensees shall be geographically~~
25 ~~dispersed throughout this Commonwealth to allow all registered~~
26 ~~patients reasonable proximity and access to medical cannabis by~~
27 ~~a medical cannabis dispenser.~~

28 ~~(b) Imposition. At the time of license issuance, the board~~
29 ~~shall impose a licensing fee in the amount of \$50,000. The board~~
30 ~~shall impose an initial \$5,000 annual renewal fee for each year~~

1 ~~immediately following the year the license was issued. Renewal~~
2 ~~fees shall be subject to adjustment under section 308.~~

3 ~~(c) Term. Upon payment of the fee under subsection (b), a~~
4 ~~dispenser's license shall be in effect unless suspended, revoked~~
5 ~~or not renewed by the board for good cause.~~

6 ~~(d) Update. A licensee under this section must notify the~~
7 ~~board of a change relating to the status of its license,~~
8 ~~operation or other information contained in its application and~~
9 ~~other information filed with the board.~~

10 ~~(e) Deposit. The license fee under subsection (b) shall be~~
11 ~~deposited into the General Fund. Renewal fees shall be deposited~~
12 ~~into the account.~~

13 ~~(f) Requirements. A medical cannabis dispenser shall do all~~
14 ~~of the following:~~

15 ~~(1) Maintain an ongoing connection with the Department~~
16 ~~of Health's individual verification system to verify medical~~
17 ~~cannabis access cards.~~

18 ~~(2) Submit to preoperational and postoperational~~
19 ~~announced and unannounced inspections by the board and the~~
20 ~~department.~~

21 ~~(3) Prior to dispensing medical cannabis, access the~~
22 ~~verification system to ensure that the individual seeking to~~
23 ~~purchase medical cannabis holds a medical cannabis access~~
24 ~~card in effect at the time of purchase.~~

25 ~~(4) Maintain a daily log of all medical cannabis sold~~
26 ~~and dispensed. The log shall include:~~

27 ~~(i) The name of the registered patient or patient~~
28 ~~representative that holds the medical cannabis access~~
29 ~~card.~~

30 ~~(ii) The amount and dosage of the medical cannabis~~

1 ~~recommended by the physician.~~

2 ~~(iii) The qualified medical condition of the~~
3 ~~patient.~~

4 ~~(iv) The amount of medical cannabis dispensed.~~

5 ~~(v) The date and time of each dispensing to the~~
6 ~~cardholder.~~

7 ~~(vi) The dispensary agent's registry number.~~

8 ~~(vii) The signature and date of the patient or~~
9 ~~patient representative.~~

10 ~~(5) Provide reports as required by the board relating to~~
11 ~~amounts dispensed.~~

12 ~~(6) Dispense no more than 2.5 ounces of medical cannabis~~
13 ~~to a patient, directly or via a patient representative, in a~~
14 ~~14 day period unless the qualifying patient has a quantity~~
15 ~~waiver from the Department of Health.~~

16 ~~(7) Only accept written certifications from a health-~~
17 ~~care practitioner for no more than the 28 day supply periods.~~
18 ~~Thereafter, a new written certification from the health care~~
19 ~~practitioner shall be required.~~

20 ~~(8) Comply with recommendations of the health care~~
21 ~~practitioner as to strain, dosage and amount of medical~~
22 ~~cannabis dispensed.~~

23 ~~(9) Provide all registered patients and patient~~
24 ~~representatives with a safety insert developed by the~~
25 ~~Department of Health which includes:~~

26 ~~(i) Methods for administering medical cannabis.~~

27 ~~(ii) Potential dangers.~~

28 ~~(iii) Recognition and correction of problematic~~
29 ~~dosage.~~

30 ~~(iv) Other information required by the department.~~

1 ~~(10) Sell only medical cannabis that has received~~
2 ~~approval from a testing laboratory.~~

3 ~~(11) Maintain an electronic security system, including~~
4 ~~all of the following:~~

5 ~~(i) Electronic surveillance.~~

6 ~~(ii) An electronic locking system.~~

7 ~~(iii) A locked door or barrier between the entry and~~
8 ~~a limited access area for patients, storage, disposal and~~
9 ~~other processes.~~

10 ~~(12) Provide for the supervision of the dispensing of~~
11 ~~medical cannabis at all times by an individual. The board~~
12 ~~shall determine the qualifications required to supervise the~~
13 ~~dispensing which may include individuals with health care,~~
14 ~~educational, pharmaceutical, management or other education or~~
15 ~~training as determined by the board.~~

16 ~~(13) Display appropriate signage as required by the~~
17 ~~board.~~

18 ~~(14) Provide the proposed address of the enclosed,~~
19 ~~secure facility where medical cannabis will be dispensed.~~

20 ~~(15) Provide an inventory and packaging plan and~~
21 ~~procedures for the oversight of the dispensing facility,~~
22 ~~including compliance with the inventory control system~~
23 ~~developed under section 303(15), staffing plan and security~~
24 ~~plan.~~

25 ~~(16) Appoint a physician to function as a medical~~
26 ~~director to serve on site or who is able to be contacted. The~~
27 ~~medical director must:~~

28 ~~(i) Provide training to dispensary employees.~~

29 ~~(ii) Develop patient education.~~

30 ~~(iii) Develop a policy for refusing to dispense~~

1 ~~medical cannabis to an individual who appears to be~~
2 ~~impaired or abusing medical cannabis.~~

3 ~~(17) Perform a weekly physical inventory of all medical~~
4 ~~cannabis and medical cannabis products.~~

5 ~~(18) Obtain medical cannabis only from a medical~~
6 ~~cannabis processor.~~

7 ~~(19) Notify law enforcement within 24 hours of a loss or~~
8 ~~theft of medical cannabis and record the loss or theft in the~~
9 ~~electronic tracking system.~~

10 ~~(20) Utilize any electronic tracking system required by~~
11 ~~the board.~~

12 ~~(g) Prohibitions. A medical cannabis dispenser may not do~~
13 ~~any of the following:~~

14 ~~(1) Be located within 1,000 feet of the property line of~~
15 ~~a public, private or parochial school or a day care center.~~
16 ~~The board may adjust or waive the prohibition under this~~
17 ~~paragraph if it is shown by clear and convincing evidence~~
18 ~~that the adjustment or waiver is necessary to provide~~
19 ~~adequate access to patients. An adjustment or waiver must~~
20 ~~include any additional security, physical plant or other~~
21 ~~conditions necessary to protect children.~~

22 ~~(2) Be located in a residential dwelling or an area~~
23 ~~zoned for residential use.~~

24 ~~(3) Obtain medical cannabis from outside this~~
25 ~~Commonwealth.~~

26 ~~(4) Sell medical cannabis for any purpose except to a~~
27 ~~registered patient or a patient representative.~~

28 ~~(5) Permit an individual to consume medical cannabis on~~
29 ~~its property.~~

30 ~~(6) Sell products which contain nicotine or alcohol.~~

1 ~~(7) Sell medical cannabis over the Internet or to a~~
2 ~~person not physically present at its location.~~

3 ~~(8) Advertise medical cannabis on radio or television.~~

4 ~~Section 504. Applications.~~

5 ~~(a) Application. An application for a grower, processor or~~
6 ~~dispenser license must be submitted on a form and in a manner as~~
7 ~~required by the board. In reviewing an application, the board~~
8 ~~shall confirm that all applicable fees have been paid.~~

9 ~~(b) Information. An applicant for a grower, processor or~~
10 ~~dispenser license under this act must do all of the following:~~

11 ~~(1) Disclose the following information:~~

12 ~~(i) Each arrest and citation for a nontraffic-~~
13 ~~summary offense of the applicant.~~

14 ~~(ii) The name, address and photograph of the~~
15 ~~applicant and each principal and the principal's position~~
16 ~~within the corporation or organization.~~

17 ~~(iii) Any financial information required by the~~
18 ~~board.~~

19 ~~(iv) The proposed location of the growing,~~
20 ~~processing or dispensing operation.~~

21 ~~(v) The details of each loan obtained to finance the~~
22 ~~growing, processing or dispensing operation.~~

23 ~~(vi) The details of any civil judgment against the~~
24 ~~applicant or the applicant's owners or operators relating~~
25 ~~to:~~

26 ~~(A) security regulation laws of the Federal~~
27 ~~Government;~~

28 ~~(B) laws relating to the regulation of~~
29 ~~pharmaceuticals; or~~

30 ~~(C) laws under 15 Pa.C.S. (relating to~~

1 ~~corporations and unincorporated associations).~~

2 ~~(vii) Any other information required by the board.~~

3 ~~(2) Consent to the conduct of a background investigation~~
4 ~~by the board, the scope of which shall be determined by the~~
5 ~~board consistent with this act. Consent shall include a~~
6 ~~release signed by each person subject to the investigation of~~
7 ~~information required to complete the investigation.~~

8 ~~(c) Refusal. A refusal to provide the information required~~
9 ~~under this section or to consent to a background investigation~~
10 ~~shall result in the immediate denial of a license.~~

11 ~~(d) Character requirements. Each application for a grower,~~
12 ~~processor or dispenser license shall include information,~~
13 ~~documentation and assurances required by the board to establish~~
14 ~~by clear and convincing evidence that the applicant is a person~~
15 ~~of good character, honesty and integrity, has appropriate~~
16 ~~financial suitability and is eligible and suitable to be an~~
17 ~~owner or operator. Information shall include information~~
18 ~~pertaining to associates during the 10 year period immediately~~
19 ~~preceding the filing date of the application.~~

20 ~~(e) Privilege. The issuance or renewal of a license under~~
21 ~~this section shall be a revocable privilege.~~

22 ~~Section 505. Licensing of owner or operator.~~

23 ~~(a) License required. Each owner or operator of an~~
24 ~~applicant for licensure under this act must obtain an owner or~~
25 ~~operator license from the board. An owner or operator may only~~
26 ~~have an interest in the activity under this act for which~~
27 ~~licensure is sought.~~

28 ~~(b) Application. An owner or operator license application~~
29 ~~shall be in a form prescribed by the board and shall include the~~
30 ~~following:~~

1 ~~(1) Verification of status as an owner or operator from~~
2 ~~a medical cannabis dispenser, grower or processor.~~

3 ~~(2) A description of responsibilities as an owner or~~
4 ~~operator.~~

5 ~~(3) Each release necessary to obtain information from~~
6 ~~governmental agencies, employers and other organizations.~~

7 ~~(4) Fingerprints, which shall be submitted to the~~
8 ~~Pennsylvania State Police. The Pennsylvania State Police~~
9 ~~shall submit fingerprint data to and receive national~~
10 ~~criminal history record information from the Federal Bureau~~
11 ~~of Investigation for use in investigating an applicant for an~~
12 ~~owner or operator license.~~

13 ~~(5) A photograph that meets the standards of the~~
14 ~~Commonwealth Photo Imaging Network.~~

15 ~~(6) Details relating to a similar license, permit or~~
16 ~~other authorization obtained in another jurisdiction.~~

17 ~~(7) Any additional information required by the board.~~

18 ~~(c) Issuance. Following review of the application and the~~
19 ~~background investigation, the board may issue an owner or~~
20 ~~operator license if the applicant has proven by clear and~~
21 ~~convincing evidence that the applicant is a person of good~~
22 ~~character, honesty and integrity and is eligible and suitable to~~
23 ~~be licensed as an owner or operator.~~

24 ~~(d) Nontransferability. A license issued under this section~~
25 ~~shall be nontransferable.~~

26 ~~(e) Owner or operator. An individual who receives an owner~~
27 ~~or operator license need not obtain an occupation permit.~~

28 ~~(f) Waiver. The board may waive licensure requirements for~~
29 ~~an owner of securities in a publicly traded corporation if the~~
30 ~~board determines that the holder of the securities is not~~

1 ~~significantly involved in the activities of the applicant.~~

2 ~~Section 506. Occupation permit for medical cannabis employees~~
3 ~~and certain patient representatives.~~

4 ~~(a) Permit required. Each medical cannabis employee, and~~
5 ~~each patient representative who is an employee of a health care~~
6 ~~facility, shall obtain an occupation permit from the board.~~

7 ~~(b) Application. An occupation permit application shall be~~
8 ~~in a form prescribed by the board and shall include the~~
9 ~~following:~~

10 ~~(1) Verification of one of the following:~~

11 ~~(i) The status as a medical cannabis employee or~~
12 ~~potential medical cannabis employer from a medical~~
13 ~~cannabis grower, processor or dispenser.~~

14 ~~(ii) From a health care facility that the patient~~
15 ~~representative is an employee designated to purchase,~~
16 ~~possess, transport, deliver and properly administer~~
17 ~~medical cannabis to a patient with a medical cannabis~~
18 ~~access card who is unable to obtain the medical cannabis.~~

19 ~~(2) A description of employment responsibilities.~~

20 ~~(3) Each release necessary to obtain information from~~
21 ~~governmental agencies, employers and other organizations.~~

22 ~~(4) Fingerprints, which shall be submitted to the~~
23 ~~Pennsylvania State Police. The Pennsylvania State Police~~
24 ~~shall submit fingerprint data to and receive national~~
25 ~~criminal history record information from the Federal Bureau~~
26 ~~of Investigation for use in investigating an applicant for an~~
27 ~~occupation permit.~~

28 ~~(5) A photograph that meets the standards of the~~
29 ~~Commonwealth Photo Imaging Network.~~

30 ~~(6) Details relating to a similar license, permit or~~

1 ~~other authorization obtained in another jurisdiction.~~

2 ~~(7) Any additional information required by the board.~~

3 ~~(c) Issuance. Following review of the application and the~~
4 ~~background investigation, the board may issue an occupation~~
5 ~~permit if the applicant has proven by clear and convincing~~
6 ~~evidence that the applicant is a person of good character,~~
7 ~~honesty and integrity and is eligible and suitable to be an~~
8 ~~occupation permit holder.~~

9 ~~(d) Nontransferability. An occupation permit issued under~~
10 ~~this section shall be nontransferable.~~

11 ~~(e) Privilege. The issuance or renewal of a permit under~~
12 ~~this section shall be a revocable privilege.~~

13 ~~Section 507. Change in ownership.~~

14 ~~The following apply to notification and approval:~~

15 ~~(1) A medical cannabis grower, processor or dispenser~~
16 ~~must notify the board upon becoming aware of a proposed or~~
17 ~~contemplated change of ownership or control of the licensee.~~
18 ~~The new owner must pay the licensing fee required under this~~
19 ~~chapter.~~

20 ~~(2) The purchaser of the assets of a medical cannabis~~
21 ~~grower, processor or dispenser must independently qualify for~~
22 ~~a license in accordance with this act and must pay the~~
23 ~~license fee required under this chapter.~~

24 ~~(3) If the ownership of the operation of a licensed~~
25 ~~grower, processor or dispenser or its affiliate is changed,~~
26 ~~the new owner must pay the annual renewal fee for each~~
27 ~~applicable license.~~

28 ~~Section 508. Location.~~

29 ~~(a) General rule. Except as otherwise provided under this~~
30 ~~act, each grower, processor and dispenser license shall be valid~~

1 ~~for the specific physical location within the municipality and~~
2 ~~county for which it was originally granted. A person may not~~
3 ~~distribute medical cannabis from a location other than a~~
4 ~~licensed facility.~~

5 ~~(b) Zoning. The following shall apply:~~

6 ~~(1) Facilities for the growing or processing of medical~~
7 ~~cannabis shall meet the same municipal zoning and land use~~
8 ~~requirements as other manufacturing, preparation and~~
9 ~~production facilities.~~

10 ~~(2) Facilities for the dispensing of medical cannabis~~
11 ~~shall meet the same municipal zoning and land use~~
12 ~~requirements as other commercial facilities.~~

13 ~~(3) Applicants for a grower, processor or distributor~~
14 ~~license must include a copy of the applicant's zoning~~
15 ~~approval with the applicant's application. Local zoning~~
16 ~~approval must be obtained prior to the issuance of a license~~
17 ~~by the board.~~

18 ~~(c) Petition. An applicant or holder of a license under~~
19 ~~this act may petition the board to relocate its facility. In~~
20 ~~determining whether to grant a petition to relocate, the board~~
21 ~~shall do all of the following:~~

22 ~~(1) Evaluate the proposed new location and the reason~~
23 ~~for relocation.~~

24 ~~(2) Evaluate community support and compliance with local~~
25 ~~ordinances.~~

26 ~~(3) Consider any other information submitted by the~~
27 ~~petitioner or required by the board.~~

28 ~~Section 509. Storage and transportation.~~

29 ~~The board shall develop regulations relating to the storage~~
30 ~~and transportation of medical cannabis among growers,~~

1 ~~processors, testing laboratories and medical cannabis dispensers~~
2 ~~which ensure adequate security to guard against in transit~~
3 ~~losses. The tracking system developed by the board shall include~~
4 ~~all transportation and storage of medical cannabis. The~~
5 ~~regulations shall provide for the following:~~

6 ~~(1) Requirements relating to shipping containers and~~
7 ~~packaging.~~

8 ~~(2) The manner in which trucks, vans, trailers or other~~
9 ~~carriers will be secured.~~

10 ~~(3) Security systems that include a numbered seal on the~~
11 ~~trailer.~~

12 ~~(4) Obtaining copies of driver's licenses and~~
13 ~~registrations and other information related to security and~~
14 ~~tracking.~~

15 ~~(5) Use of GPS systems.~~

16 ~~(6) Number of drivers or other security required to~~
17 ~~ensure against storage or in transit losses.~~

18 ~~(7) Recordkeeping for delivery and receipt of medical~~
19 ~~cannabis products.~~

20 ~~(8) Requirements to utilize any electronic tracking~~
21 ~~system required by the board.~~

22 ~~Section 510. Disposal and donation.~~

23 ~~(a) Disposal. The board shall promulgate regulations~~
24 ~~relating to disposal of medical cannabis by medical cannabis~~
25 ~~growers, processors, dispensers and law enforcement.~~

26 ~~(b) Donation. A medical cannabis dispenser, grower and~~
27 ~~processor may donate medical cannabis that has been purchased or~~
28 ~~produced and tested in this Commonwealth in accordance with this~~
29 ~~act and is in new and unopened condition and can only be donated~~
30 ~~for research purposes to an accredited research institution,~~

1 ~~university or college within this Commonwealth and recognized by~~
2 ~~the Commonwealth.~~

3 ~~(c) Tracking. The electronic tracking system must monitor~~
4 ~~disposals and donations of medical cannabis by licensees. A~~
5 ~~medical cannabis grower, processor and dispenser must record~~
6 ~~disposals and donations in the electronic tracking system.~~

7 ~~Section 511. Testing laboratories.~~

8 ~~(a) Certification. The board shall certify accredited~~
9 ~~laboratories to test medical cannabis in accordance with~~
10 ~~regulations of the board.~~

11 ~~(b) Requirement. A medical cannabis grower and a medical~~
12 ~~cannabis processor must utilize a certified laboratory to test~~
13 ~~the quality of medical cannabis before the sale or transport of~~
14 ~~medical cannabis is made as required by the board.~~

15 ~~(c) Duty of board. The board shall determine the scope and~~
16 ~~content of information required to certify laboratories,~~
17 ~~including security requirements.~~

18 ~~(d) Tracking. A testing laboratory must notify law~~
19 ~~enforcement within 24 hours of a loss or theft of medical~~
20 ~~cannabis and record the loss or theft in the electronic tracking~~
21 ~~system.~~

22 ~~Section 512. Licensee prohibitions.~~

23 ~~(a) Inspection. A licensee or certified laboratory may not~~
24 ~~refuse to allow an authorized employee of the department to~~
25 ~~inspect a licensed premises at any time.~~

26 ~~(b) Other prohibitions. A licensee or certified laboratory~~
27 ~~may be cited under this act for:~~

28 ~~(1) An unlawful act prohibited by State law which occurs~~
29 ~~on the licensed premises.~~

30 ~~(2) An unlawful act which involves a licensee or the~~

1 ~~licensee's agent or employee.~~

2 ~~(3) The sale or purchase of an illegal drug by the~~
3 ~~licensee or by the licensee's agent or employee.~~

4 CHAPTER 7

5 MEDICAL CANNABIS ACCESS

6 Section 701. ~~Medical cannabis access card.~~

7 ~~(a) Department of Health. A patient with a qualified~~
8 ~~medical condition may register with the Department of Health and~~
9 ~~be issued a medical cannabis access card.~~

10 ~~(b) Enforcement. The Department of Health shall develop~~
11 ~~regulations to enforce the provisions of this chapter, including~~
12 ~~revocation or suspension of a medical cannabis access card for~~
13 ~~violations of this act.~~

14 ~~(c) Application. An application for a medical cannabis~~
15 ~~access card shall be developed by the Department of Health.~~
16 ~~Applications for renewal shall be required on an annual basis. A~~
17 ~~patient representative may obtain a medical cannabis access card~~
18 ~~on behalf of a registered patient. The Department of Health~~
19 ~~shall require an address, photo and other identifying~~
20 ~~information on the application.~~

21 ~~(d) Certification. Applications and renewals must include~~
22 ~~written certification from a health care practitioner under~~
23 ~~section 702(a) that the applicant has a qualified medical~~
24 ~~condition.~~

25 ~~(e) Verification. The Department of Health shall verify the~~
26 ~~information in the application and renewal form. Verification~~
27 ~~shall include verification of the certification under subsection~~
28 ~~(d).~~

29 ~~(f) Time. The Department of Health must approve or deny an~~
30 ~~application within 90 business days.~~

1 ~~(g) Fee. The Department of Health shall charge an~~
2 ~~application fee of not more than \$100 and an annual renewal fee~~
3 ~~of not more than \$50.~~

4 ~~(h) Residency. Except as provided in subsection (l), a~~
5 ~~patient must reside in this Commonwealth to receive a medical~~
6 ~~cannabis access card.~~

7 ~~(i) Verification. The patient or patient representative~~
8 ~~must be assigned a registration number and must be placed on the~~
9 ~~verification system.~~

10 ~~(j) Duration. The medical cannabis access card shall be~~
11 ~~valid for two years from the date of issuance. A replacement~~
12 ~~card shall have the same expiration date.~~

13 ~~(k) Notification. The Department of Health must notify the~~
14 ~~patient or patient representative that a medical cannabis access~~
15 ~~card is no longer valid if notice is received from:~~

16 ~~(1) The patient or health care practitioner that the~~
17 ~~qualified medical condition is improved and no longer~~
18 ~~requires medical cannabis.~~

19 ~~(2) The patient or health care practitioner that the~~
20 ~~patient no longer has a qualified medical condition or that~~
21 ~~medical cannabis is no longer therapeutic or palliative.~~

22 ~~(3) The health care practitioner that the health care~~
23 ~~practitioner believes the patient is not using the medical~~
24 ~~cannabis as recommended.~~

25 ~~(l) Reciprocity. A patient registered in another state that~~
26 ~~authorizes medical cannabis and recognizes medical cannabis~~
27 ~~access cards from patients who are residents of this~~
28 ~~Commonwealth may submit to the Department of Health the~~
29 ~~patient's credentials to utilize medical cannabis. The~~
30 ~~Department of Health shall confirm an out of State patient's~~

1 ~~status as a medical cannabis user in each state with legalized~~
2 ~~medical cannabis and only grant a medical cannabis access card~~
3 ~~to a person with a qualified medical condition. After the~~
4 ~~Department of Health investigates and approves the patient's~~
5 ~~credentials, the Department of Health shall issue the patient a~~
6 ~~medical cannabis access card allowing the patient to utilize~~
7 ~~medical cannabis in this Commonwealth.~~

8 ~~(m) Patient representative.—~~

9 ~~(1) A patient representative must be:~~

10 ~~(i) at least 18 years of age; and~~

11 ~~(ii) a resident of this Commonwealth.~~

12 ~~(2) A patient representative shall do all of the~~
13 ~~following:~~

14 ~~(i) Register with the Department of Health in a~~
15 ~~manner prescribed by the Department of Health.~~

16 ~~(ii) Present, from the registered patient's health-~~
17 ~~care practitioner who prescribed the medical cannabis,~~
18 ~~certification that the patient is unable to obtain or~~
19 ~~administer medical cannabis for a good faith medical or~~
20 ~~physical reason.~~

21 ~~(iii) Notify the Department of Health within 10~~
22 ~~business days after:~~

23 ~~(A) a change to the information that the~~
24 ~~provider, registered patient or patient~~
25 ~~representative was required to submit to the~~
26 ~~Department of Health; and~~

27 ~~(B) the patient representative discovers that~~
28 ~~the registry identification has been lost or stolen.~~

29 ~~(iv) Notify the Department of Health by telephone~~
30 ~~and in writing within 10 days following the death of the~~

1 ~~patient representative's registered patient. The~~
2 ~~Department of Health shall provide instruction to the~~
3 ~~patient representative regarding the duty to dispose of~~
4 ~~and means by which the remaining medical cannabis may be~~
5 ~~disposed.~~

6 ~~(3) A patient representative may do any of the~~
7 ~~following:~~

8 ~~(i) Transport a registered patient to and from a~~
9 ~~licensed medical cannabis dispenser.~~

10 ~~(ii) Obtain and transport an appropriate supply in~~
11 ~~accordance with section 503(f)(6) and (7) of medical~~
12 ~~cannabis from a medical cannabis dispenser on behalf of a~~
13 ~~registered patient.~~

14 ~~(iii) Prepare medical cannabis for consumption by a~~
15 ~~registered patient.~~

16 ~~(iv) Administer medical cannabis to a registered~~
17 ~~patient as recommended by the registered patient's health~~
18 ~~care practitioner.~~

19 ~~(4) A patient representative may not do any of the~~
20 ~~following:~~

21 ~~(i) Receive payment or other compensation for~~
22 ~~services provided as a patient representative other than~~
23 ~~reimbursement for reasonable expenses incurred in the~~
24 ~~provision of services as a patient representative. In the~~
25 ~~case of an employee of a health care facility serving as~~
26 ~~a patient representative, the individual may not receive~~
27 ~~payment or compensation above or beyond the individual's~~
28 ~~regular wages.~~

29 ~~(ii) Consume medical cannabis which has been~~
30 ~~dispensed on behalf of a registered patient.~~

1 ~~(iii) Sell, provide or otherwise divert medical~~
2 ~~cannabis which has been dispensed to a registered~~
3 ~~patient.~~

4 ~~(iv) Grow or cultivate medical cannabis on behalf of~~
5 ~~any individual.~~

6 ~~(v) Purchase medical cannabis from an unlicensed~~
7 ~~source.~~

8 ~~(vi) Obtain medical cannabis from a registered~~
9 ~~patient or a patient representative.~~

10 ~~(5) If a patient representative previously employed by a~~
11 ~~health care facility is no longer employed by the health care~~
12 ~~facility, the authority to obtain medical cannabis using a~~
13 ~~medical cannabis access card or other form of authorization~~
14 ~~issued by the Department of Health shall be void. A health~~
15 ~~care facility that employs a patient representative to pick~~
16 ~~up, deliver or administer medical cannabis to registered~~
17 ~~patients shall notify the Department of Health immediately~~
18 ~~upon termination of the patient representative's employment.~~

19 ~~(6) The Department of Health shall promulgate~~
20 ~~regulations relating to patient representatives, including~~
21 ~~the form of authorization to be utilized.~~

22 ~~(n) Confidentiality. The Department of Health shall~~
23 ~~maintain a verification system that includes the names of each~~
24 ~~individual who has been issued a medical cannabis access card or~~
25 ~~authorized to act as a patient representative. The information~~
26 ~~on the list shall be confidential and shall not be considered a~~
27 ~~public record under the act of February 14, 2008 (P.L.6, No.3),~~
28 ~~known as the Right to Know Law. The list may not be disclosed~~
29 ~~except to any of the following:~~

30 ~~(1) Authorized employees of the board, the Department of~~

1 ~~Health and the Bureau of Professional and Occupational~~
2 ~~Affairs as necessary to perform official duties of the board~~
3 ~~and the Department of Health.~~

4 ~~(2) Authorized employees of the board and the Department~~
5 ~~of Health, as necessary to verify that a person who is~~
6 ~~engaged in the suspected or alleged medical use of cannabis~~
7 ~~is lawfully in possession of a medical cannabis access card.~~

8 ~~(3) Licensed dispensers as necessary to verify~~
9 ~~information and identity.~~

10 ~~(4) Law enforcement as provided under section 906.~~

11 ~~(5) Health care practitioners.~~

12 ~~Section 702. Health care practitioners.~~

13 ~~(a) Requirements. A health care practitioner may recommend~~
14 ~~the use of medical cannabis to a patient if the health care~~
15 ~~practitioner complies with all of the following:~~

16 ~~(1) Has a good faith practitioner patient relationship~~
17 ~~with the patient, not limited to a certification for the~~
18 ~~patient to use medical cannabis or a consultation simply for~~
19 ~~that purpose.~~

20 ~~(2) Practices within this Commonwealth at an established~~
21 ~~place of practice.~~

22 ~~(3) Registers with the department if required by~~
23 ~~department regulation.~~

24 ~~(4) Has responsibility for the ongoing care and~~
25 ~~treatment of the patient as long as the ongoing care~~
26 ~~treatment is not limited to or for the primary purpose of~~
27 ~~certifying a qualifying medical condition.~~

28 ~~(5) Has completed and documented an in person full~~
29 ~~assessment of the patient's medical history and current~~
30 ~~medical condition not more than 90 days prior to making the~~

1 ~~certification for medical cannabis. The assessment shall~~
2 ~~include a review of medical records from other treating~~
3 ~~health care practitioners from the previous 12 months.~~

4 ~~(6) Certifies that the patient is under the physician's~~
5 ~~care for, and that the physician has expertise in, the~~
6 ~~patient's qualifying medical condition.~~

7 ~~(7) Certifies that in the physician's professional~~
8 ~~opinion, the patient is likely to receive therapeutic or~~
9 ~~palliative benefit from the medical use of cannabis to treat~~
10 ~~or alleviate the patient's qualifying medical condition or~~
11 ~~symptoms associated with the condition.~~

12 ~~(8) Bases each written certification to receive medical~~
13 ~~cannabis on generally accepted standards of medical practice.~~

14 ~~(9) Has adopted a recordkeeping system for all patients~~
15 ~~for whom the physician has recommended the use of medical~~
16 ~~cannabis.~~

17 ~~(b) Prohibitions. A health care practitioner may not do any~~
18 ~~of the following:~~

19 ~~(1) Accept, solicit or offer a form of remuneration from~~
20 ~~or to:~~

21 ~~(i) a patient, except normal medical examination~~
22 ~~costs;~~

23 ~~(ii) a patient representative;~~

24 ~~(iii) a licensed grower, licensed processor or~~
25 ~~licensed dispenser; or~~

26 ~~(iv) an principal officer, employee or agent of a~~
27 ~~person listed in subparagraph (i), (ii) or (iii).~~

28 ~~(2) Offer a discount or an item of value to a patient~~
29 ~~who uses or agrees to use a particular patient representative~~
30 ~~or medical cannabis dispenser to obtain medical cannabis.~~

1 ~~(3) Conduct an examination of a patient for purposes of~~
2 ~~diagnosing a qualifying medical condition at a location where~~
3 ~~medical cannabis is sold or distributed.~~

4 ~~(4) Hold a direct or indirect economic interest in, or~~
5 ~~serve on the board of, a licensed medical cannabis grower,~~
6 ~~licensed medical cannabis processor or licensed medical~~
7 ~~cannabis dispenser.~~

8 ~~(5) Refer a patient to a particular licensed medical~~
9 ~~cannabis dispenser.~~

10 ~~(6) Advertise in a facility of a licensed medical~~
11 ~~cannabis grower, licensed medical cannabis processor or~~
12 ~~licensed medical cannabis dispenser.~~

13 ~~(7) Issue a written certification to receive medical~~
14 ~~cannabis to a member of the health care practitioner's~~
15 ~~family.~~

16 ~~(c) Written certification. A health care practitioner shall~~
17 ~~issue a written certification that includes the following:~~

18 ~~(1) The date and signature of the health care~~
19 ~~practitioner.~~

20 ~~(2) A statement that in the health care practitioner's~~
21 ~~opinion the patient is likely to receive therapeutic or~~
22 ~~palliative benefit from the medical use of cannabis to treat~~
23 ~~or alleviate a qualified medical condition or symptoms~~
24 ~~associated with the qualified medical condition.~~

25 ~~(3) Specification of the qualified medical condition.~~

26 ~~(4) A statement that the qualifying patient is under the~~
27 ~~health care practitioner's care for the qualified medical~~
28 ~~condition.~~

29 ~~(5) The recommended dosage and total amount of medical~~
30 ~~cannabis being recommended.~~

1 ~~(d) Limitation. A written certification may not be for more~~
2 ~~than 2.5 ounces of medical cannabis for a patient in a 14 day~~
3 ~~period unless the patient has a quantity waiver from the~~
4 ~~Department of Health.~~

5 ~~(e) Veterans. A veteran who has received treatment at a~~
6 ~~Veterans' Administration hospital shall be deemed to have a bona~~
7 ~~fide physician patient relationship with a Veterans'~~
8 ~~Administration physician if the patient has been seen for the~~
9 ~~qualified medical condition in accordance with Veterans'~~
10 ~~Administration protocols.~~

11 ~~Section 703. Expansion of medical conditions.~~

12 ~~(a) Petition. Beginning July 1, 2017, the board may accept~~
13 ~~petitions from a resident of this Commonwealth to add additional~~
14 ~~qualified medical conditions to those conditions for which a~~
15 ~~patient may receive medical cannabis.~~

16 ~~(b) Requirements. A petition under subsection (a):~~

17 ~~(1) must be limited to a single proposed qualified~~
18 ~~medical condition;~~

19 ~~(2) must be in a form prescribed by the board;~~

20 ~~(3) must include a description of the specific medical~~
21 ~~condition which is the subject of the petition; and~~

22 ~~(4) must not request approval for broad categories of~~
23 ~~illnesses.~~

24 ~~(c) Review. Upon receipt of a petition under subsection~~
25 ~~(a), the board shall do all of the following:~~

26 ~~(1) Review the petition received for the addition of a~~
27 ~~qualified medical condition which would benefit from the use~~
28 ~~of medical cannabis. The board may consolidate petitions for~~
29 ~~the same or similar condition.~~

30 ~~(2) Review new or current medical and scientific~~

1 ~~evidence pertaining to currently approved conditions.~~

2 ~~(3) Consult medical and scientific experts as necessary~~
3 ~~to adequately review the petition.~~

4 ~~(4) Analyze the following:~~

5 ~~(i) Information about why conventional medical~~
6 ~~therapies are not sufficient to treat or alleviate the~~
7 ~~impact of the condition or disease.~~

8 ~~(ii) The proposed benefits from the use of medical~~
9 ~~cannabis.~~

10 ~~(iii) Evidence from the medical community and other~~
11 ~~experts supporting the use of medical cannabis to~~
12 ~~alleviate suffering caused by the condition or disease or~~
13 ~~its treatment.~~

14 ~~(iv) Letters of support from licensed health care~~
15 ~~providers knowledgeable about the condition or disease,~~
16 ~~including letters from physicians with whom the~~
17 ~~petitioner has a physician patient relationship.~~

18 ~~(v) Medical or scientific documentation.~~

19 ~~(d) Action. The board shall approve or deny a petition in~~
20 ~~accordance with regulations promulgated by the board.~~

21 ~~Section 704. Medical use permitted.~~

22 ~~(a) General rule. The cultivation, possession, acquisition,~~
23 ~~use, delivery, processing, dispensing or transportation of~~
24 ~~medical cannabis by a person who, at the time the cultivation,~~
25 ~~possession, acquisition, use, delivery, processing, dispensing~~
26 ~~or transportation occurs, possesses a valid license,~~
27 ~~occupational permit, certificate or medical cannabis access card~~
28 ~~under this act and is in compliance with all applicable terms~~
29 ~~under this act shall not be unlawful under any provision of law.~~

30 ~~(b) Medical cannabis access card.~~

1 ~~(1) Possession of or application for a medical cannabis~~
2 ~~access card may not alone constitute probable cause to search~~
3 ~~a person, the person's property or otherwise subject the~~
4 ~~person or property to inspection by a governmental agency.~~

5 ~~(2) Paragraph (1) does not apply to a patient under 18~~
6 ~~years of age unless all of the following have occurred:~~

7 ~~(i) The minor's health care practitioner has~~
8 ~~explained to the minor and the minor's custodial parent,~~
9 ~~guardian or person having legal custody the potential~~
10 ~~risks and benefits of medical cannabis.~~

11 ~~(ii) The custodial parent, guardian or person having~~
12 ~~legal custody consents in writing to:~~

13 ~~(A) Allow the minor's use of medical cannabis.~~

14 ~~(B) Serve as the minor's patient representative.~~

15 ~~(C) Control the acquisition, dosage and~~
16 ~~frequency of the minor's use of medical cannabis.~~

17 ~~(c) Restriction. An individual who has been convicted,~~
18 ~~adjudicated delinquent or granted accelerated rehabilitative~~
19 ~~disposition or who pleads guilty or nolo contendere for any~~
20 ~~offense shall not be disqualified from obtaining or possessing a~~
21 ~~valid medical cannabis access card on the basis of the offense.~~

22 ~~Section 705. Authorized use.~~

23 ~~(a) Use in food. The use of medical cannabis products mixed~~
24 ~~into food or drinks to facilitate ingestion by a patient in a~~
25 ~~facility or residence shall not violate the ban on edible~~
26 ~~medical cannabis products. Any food mixed with medical cannabis~~
27 ~~under this section may not be sold to any person.~~

28 ~~(b) Vaporization. For cancer, a seizure or posttraumatic~~
29 ~~stress disorder, vaporization of medical cannabis is authorized~~
30 ~~if a physician indicates that vaporization is necessary for the~~

1 ~~delivery of medical cannabis. Vaporization must be delivered by~~
2 ~~using a form of vaporization authorized by the board. Equipment~~
3 ~~or delivery systems approved by the board may be used for~~
4 ~~vaporization.~~

5 ~~Section 706. Health insurance.~~

6 ~~Nothing in this act shall be construed to require a State~~
7 ~~government medical assistance program or private health insurer~~
8 ~~to reimburse a person for costs associated with the medical use~~
9 ~~of cannabis or an employer to accommodate the medical use of~~
10 ~~cannabis in a workplace.~~

11 ~~Section 707. Sovereign immunity.~~

12 ~~The Commonwealth may not be held liable for any deleterious~~
13 ~~outcomes resulting from the medical use of cannabis by a~~
14 ~~registered patient.~~

15 ~~CHAPTER 9~~

16 ~~PROTECTION, PROHIBITIONS,~~

17 ~~ENFORCEMENT AND PENALTIES~~

18 ~~Section 901. Civil discrimination protection.~~

19 ~~The following shall apply:~~

20 ~~(1) Medical cannabis, when used in accordance with this~~
21 ~~act, may not be considered an illicit substance or otherwise~~
22 ~~disqualify a patient from medical care.~~

23 ~~(2) An individual may not be penalized in any of the~~
24 ~~following ways due to the individual's use of medical~~
25 ~~cannabis under this act:~~

26 ~~(i) Denied custody, visitation or parenting time~~
27 ~~with a minor child.~~

28 ~~(ii) Presumed to neglect or endanger a minor child~~
29 ~~unless the individual's behavior creates an unreasonable~~
30 ~~danger to the safety of the minor by clear and convincing~~

1 evidence.

2 ~~(3) A landlord may not refuse to lease or otherwise~~
3 ~~penalize a patient solely for having a medical cannabis~~
4 ~~access card or using medical cannabis in accordance with this~~
5 ~~act unless the landlord would lose a monetary or licensing~~
6 ~~related benefit under Federal law or regulation.~~

7 ~~(4) A school may not refuse to enroll or otherwise~~
8 ~~penalize a patient solely for having a medical cannabis~~
9 ~~access card or using medical cannabis in accordance with this~~
10 ~~act unless the school would lose a monetary or licensing~~
11 ~~related benefit under Federal law or regulation.~~

12 ~~(5) An employer may not discriminate against an~~
13 ~~individual in the hiring or termination of benefits or~~
14 ~~otherwise penalize the individual for being a medical~~
15 ~~cannabis access cardholder. The following shall apply:~~

16 ~~(i) The employer may take an individual's status as~~
17 ~~a medical cannabis access cardholder into account only if~~
18 ~~the employer can prove the employee is abusing or~~
19 ~~misusing the employee's medical cannabis on the premises~~
20 ~~of the place of employment during ordinary hours of~~
21 ~~employment or if failure to do so would cause an employer~~
22 ~~to lose a licensing benefit under Federal law or~~
23 ~~regulation.~~

24 ~~(ii) An individual's positive drug test for cannabis~~
25 ~~components or metabolites may not be considered by an~~
26 ~~employer unless the individual unlawfully used, possessed~~
27 ~~or was impaired by the medical cannabis while on the~~
28 ~~premises of the place of employment or during the hours~~
29 ~~of employment.~~

30 ~~Section 902. Prohibitions and use.~~

1 ~~(a) Prohibitions.~~

2 ~~(1) A registered patient may not operate or be in~~
3 ~~physical control of any of the following while under the~~
4 ~~influence with a blood content of more than 10 nanograms of~~
5 ~~active tetrahydrocannabinis per milliliter of blood in serum:~~

6 ~~(i) A motor vehicle.~~

7 ~~(ii) An aircraft.~~

8 ~~(iii) A motor boat.~~

9 ~~(iv) Heavy machinery.~~

10 ~~(v) A mode of transportation in a manner that would~~
11 ~~constitute an offense under 75 Pa.C.S. Ch. 38 (relating~~
12 ~~to driving after imbibing alcohol or utilizing drugs).~~

13 ~~(2) A registered patient may not undertake any task~~
14 ~~under the influence of medical cannabis when doing so would~~
15 ~~constitute negligence or professional malpractice.~~

16 ~~(3) A person may not allow medical cannabis obtained by~~
17 ~~a registered patient to be used by an individual who is not~~
18 ~~authorized to use medical cannabis under this act.~~

19 ~~(4) An individual may not smoke medical cannabis.~~

20 ~~(b) Use. Except as provided under subsection (a), a~~
21 ~~registered patient may utilize medical cannabis in any public~~
22 ~~place, including the following:~~

23 ~~(1) Public transportation.~~

24 ~~(2) On school grounds if the registered patient is a~~
25 ~~student or an employee of the school in accordance with the~~
26 ~~Department of Education regulations regarding medication on~~
27 ~~school grounds.~~

28 ~~(3) In a correctional facility in accordance with~~
29 ~~Department of Corrections regulations regarding medications~~
30 ~~in correctional facilities.~~

1 ~~(4) At a public park or public beach.~~

2 ~~(c) Adulteration. With the exception of extraction methods~~
3 ~~and processing operations approved by the board, a person may~~
4 ~~not adulterate, fortify, contaminate or change the character or~~
5 ~~purity of medical cannabis from the original sold by a licensed~~
6 ~~medical cannabis grower, processor or dispenser.~~

7 ~~Section 903. Unlawful activities.~~

8 ~~In addition to any other applicable provision of law, it~~
9 ~~shall be a criminal offense to intentionally or knowingly do any~~
10 ~~of the following:~~

11 ~~(1) Grow, process or dispense medical cannabis without a~~
12 ~~license under this act.~~

13 ~~(2) Transport medical cannabis from or between an~~
14 ~~unlicensed grower, processor or dispenser.~~

15 ~~(3) Participate in the growing, processing, testing or~~
16 ~~dispensing of medical cannabis in violation of this act.~~

17 ~~(4) Fail to report, pay or truthfully account for and~~
18 ~~pay any license fee, authorization fee or an assessment~~
19 ~~imposed under this act.~~

20 ~~(5) Violate any regulation of the board.~~

21 ~~Section 904. Criminal penalties and fines.~~

22 ~~(a) Offense. Except as provided under subsections (b) and~~
23 ~~(c), a violation of the act shall be graded as a misdemeanor of~~
24 ~~the second degree.~~

25 ~~(b) Unauthorized actions. A medical cannabis grower,~~
26 ~~processor or dispenser that distributes, gives, sells or~~
27 ~~provides medical cannabis to a person other than a person~~
28 ~~authorized under this act commits a felony of the third degree.~~

29 ~~(c) Individual. An individual who falsifies an application~~
30 ~~or certification under section 511 commits a misdemeanor of the~~

1 ~~first degree.~~

2 ~~(d) Other violations. A person that is convicted of a~~
3 ~~second or subsequent violation of this act commits a felony of~~
4 ~~the third degree.~~

5 ~~Section 905. Daily log access.~~

6 ~~(a) Court order. A daily log under section 503(f)(4) may be~~
7 ~~accessed by law enforcement upon receipt of a court order~~
8 ~~obtained by the requesting law enforcement agency. Upon receipt~~
9 ~~of a request for access under this subsection, a court may enter~~
10 ~~an ex parte order granting the motion if the law enforcement~~
11 ~~agency has demonstrated by a preponderance of the evidence that:~~

12 ~~(1) The motion pertains to a person who is the subject~~
13 ~~of an active criminal investigation.~~

14 ~~(2) There is reasonable suspicion that a criminal act~~
15 ~~has occurred.~~

16 ~~(b) Use. Data obtained by a law enforcement agency under~~
17 ~~subsection (a) may only be used to establish probable cause to~~
18 ~~obtain a search warrant or arrest warrant.~~

19 ~~Section 906. Law enforcement.~~

20 ~~The verification system may be accessed by law enforcement~~
21 ~~agencies registered with the department to confirm the~~
22 ~~authenticity of a medical cannabis access card. The information~~
23 ~~shall remain confidential unless criminal charges are filed.~~

24 ~~CHAPTER 11~~

25 ~~MEDICAL CANNABIS SURCHARGE~~

26 ~~Section 1101. Definitions.~~

27 ~~The following words and phrases when used in this chapter~~
28 ~~shall have the meanings given to them in this section unless the~~
29 ~~context clearly indicates otherwise:~~

30 ~~"Department." The Department of Revenue of the Commonwealth.~~

1 ~~"Medical cannabis purveyor." A medical cannabis dispenser,~~
2 ~~medical cannabis grower, medical cannabis processor or any other~~
3 ~~person licensed under this chapter who, in the usual course of~~
4 ~~business, sells medical cannabis to a medical cannabis~~
5 ~~dispenser.~~

6 ~~"Purchase price." The total value of anything paid or~~
7 ~~delivered, or promised to be paid or delivered, whether it be~~
8 ~~money or otherwise, in complete performance of a sale or~~
9 ~~purchase, without a deduction on account of the cost or value of~~
10 ~~the property sold, cost or value of transportation, cost or~~
11 ~~value of labor or service, interest or discount paid or allowed~~
12 ~~after the sale is consummated, other taxes or surcharges imposed~~
13 ~~by the Commonwealth or other expense.~~

14 ~~"Sale." A transfer of ownership, custody or possession of~~
15 ~~medical cannabis for consideration; an exchange, barter or gift;~~
16 ~~or an offer to sell or transfer the ownership, custody or~~
17 ~~possession of medical cannabis for consideration.~~

18 ~~"Surcharge payer." A person subject to the surcharge under~~
19 ~~this chapter.~~

20 ~~"Unclassified importer." A person in this Commonwealth that~~
21 ~~acquires medical cannabis from a source on which the surcharge~~
22 ~~imposed by this chapter was not paid and that is not a person~~
23 ~~otherwise required to be licensed under the provisions of this~~
24 ~~chapter. The term includes a patient who purchases medical~~
25 ~~cannabis outside this Commonwealth for personal possession or~~
26 ~~use in this Commonwealth.~~

27 ~~Section 1102. Incidence and rate of surcharge.~~

28 ~~(a) Imposition. A medical cannabis surcharge is imposed on~~
29 ~~a medical cannabis purveyor or other person at the time the~~
30 ~~medical cannabis is first sold to a medical cannabis dispenser~~

1 ~~in this Commonwealth at the rate of 6% on the purchase price~~
2 ~~charged to the medical cannabis dispenser for the purchase of~~
3 ~~medical cannabis. The surcharge shall be collected from the~~
4 ~~medical cannabis dispenser by the seller of the medical cannabis~~
5 ~~to the medical cannabis dispenser and remitted to the~~
6 ~~department. A person required to collect this surcharge shall~~
7 ~~separately state the amount of surcharge on an invoice or other~~
8 ~~sales document.~~

9 ~~(b) Medical cannabis dispenser. If the surcharge is not~~
10 ~~collected by the seller from the medical cannabis dispenser, the~~
11 ~~surcharge is imposed on the medical cannabis dispenser at the~~
12 ~~time of purchase at the same rate as in subsection (a) based on~~
13 ~~the medical cannabis dispenser's purchase price of the medical~~
14 ~~cannabis. The medical cannabis dispenser shall remit the~~
15 ~~surcharge to the department.~~

16 ~~(c) Unclassified importer. The surcharge is imposed on an~~
17 ~~unclassified importer at the time of purchase at the same rate~~
18 ~~as in subsection (a) based on the unclassified importer's~~
19 ~~purchase price of the medical cannabis. The unclassified~~
20 ~~importer shall remit the surcharge to the department.~~

21 ~~(d) Exceptions. The surcharge shall not be imposed on~~
22 ~~medical cannabis that:~~

- 23 ~~(1) is exported for sale outside this Commonwealth; or~~
24 ~~(2) is not subject to surcharge or taxation by the~~
25 ~~Commonwealth pursuant to any laws of the United States.~~

26 ~~(e) Article II. Unless otherwise specifically noted, the~~
27 ~~provisions of Article II of the act of March 4, 1971 (P.L.6,~~
28 ~~No.2), known as the Tax Reform Code of 1971, shall apply to the~~
29 ~~returns, payment, penalties, enforcement, collections and~~
30 ~~appeals of the surcharge imposed on medical cannabis.~~

1 ~~Section 1103. Limitation of surcharge.~~

2 ~~Only one sale shall be surcharged and used in computing the~~
3 ~~amount of surcharge due under this chapter.~~

4 ~~Section 1104. Remittance of surcharge to department.~~

5 ~~Medical cannabis purveyors and unclassified importers shall~~
6 ~~file monthly reports on a form prescribed by the department by~~
7 ~~the 20th day of the month following the sale or purchase of~~
8 ~~medical cannabis from another source on which the surcharge~~
9 ~~levied by this chapter has not been paid. The surcharge is due~~
10 ~~at the time the report is due. The department may require the~~
11 ~~filing of reports and payments of surcharges on a less frequent~~
12 ~~basis at its discretion.~~

13 ~~Section 1105. Procedures for claiming refund.~~

14 ~~A claim for a refund of the surcharge imposed by this chapter~~
15 ~~shall be in accordance with section 3003.1 and Article XXVII of~~
16 ~~the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform~~
17 ~~Code of 1971, and shall be in the form and contain the~~
18 ~~information prescribed by the department by regulation.~~

19 ~~Section 1106. Sales or possession of medical cannabis when~~
20 ~~surcharge not paid.~~

21 ~~(a) Sales or possession. A person who sells or possesses~~
22 ~~medical cannabis for which the proper surcharge has not been~~
23 ~~paid commits a summary offense and shall, upon conviction, be~~
24 ~~sentenced to pay costs of prosecution and a fine of not less~~
25 ~~than \$100 nor more than \$1,000 or to imprisonment for not more~~
26 ~~than 60 days, or both, at the discretion of the court. Medical~~
27 ~~cannabis purchased from a medical cannabis purveyor properly~~
28 ~~licensed under this chapter shall be presumed to have the proper~~
29 ~~surcharges paid.~~

30 ~~(b) Surcharge evasion. A person that falsely or~~

1 ~~fraudulently, maliciously, intentionally or willfully, with~~
2 ~~intent to evade the payment of the surcharge imposed by this~~
3 ~~chapter, sells or possesses medical cannabis for which the~~
4 ~~proper surcharge has not been paid commits a misdemeanor of the~~
5 ~~third degree and shall, upon conviction, be sentenced to pay~~
6 ~~costs of prosecution and a fine of not more than \$5,000 or to~~
7 ~~imprisonment for not more than one year, or both, at the~~
8 ~~discretion of the court.~~

9 ~~Section 1107. Assessment.~~

10 ~~The department is authorized to make the inquiries,~~
11 ~~determinations and assessments of the surcharge, including~~
12 ~~interest, additions and penalties, imposed by this chapter.~~

13 ~~Section 1108. Failure to file return.~~

14 ~~Where no return is filed, the amount of the surcharge due may~~
15 ~~be assessed and collected at any time as to chargeable~~
16 ~~transactions not reported.~~

17 ~~Section 1109. False or fraudulent return.~~

18 ~~Where the surcharge payer willfully files a false or~~
19 ~~fraudulent return with intent to evade the surcharge imposed by~~
20 ~~this chapter, the amount of surcharge due may be assessed and~~
21 ~~collected at any time.~~

22 ~~Section 1110. Extension of limitation period.~~

23 ~~Notwithstanding any other provision of this chapter, where,~~
24 ~~before the expiration of the period prescribed for the~~
25 ~~assessment of a surcharge, a surcharge payer has consented, in~~
26 ~~writing, that the period be extended, the amount of surcharge~~
27 ~~due may be assessed at any time within the extended period. The~~
28 ~~period so extended may be extended further by subsequent~~
29 ~~consents, in writing, made before the expiration of the extended~~
30 ~~period.~~

1 ~~Section 1111. Failure to furnish information, returning false~~
2 ~~information or failure to permit inspection.~~

3 ~~(a) Penalty. A surcharge payer who fails to keep or make a~~
4 ~~record, return, report, inventory or statement, or keeps or~~
5 ~~makes a false or fraudulent record, return, report, inventory or~~
6 ~~statement required by this chapter, commits a misdemeanor and~~
7 ~~shall, upon conviction, be sentenced to pay costs of prosecution~~
8 ~~and a fine of \$500 and to imprisonment for not more than one~~
9 ~~year, or both, at the discretion of the court.~~

10 ~~(b) Examination. The department is authorized to examine~~
11 ~~the books and records, the stock of medical cannabis and the~~
12 ~~premises and equipment of a surcharge payer in order to verify~~
13 ~~the accuracy of the payment of the surcharge imposed by this~~
14 ~~chapter. The person subject to an examination shall give to the~~
15 ~~department or its duly authorized representative the means,~~
16 ~~facilities and opportunity for the examination. Willful refusal~~
17 ~~to cooperate with or permit an examination to the satisfaction~~
18 ~~of the department shall be sufficient grounds for suspension or~~
19 ~~revocation of a surcharge payer's license issued under this~~
20 ~~chapter.~~

21 ~~(c) Records. A medical cannabis purveyor shall keep and~~
22 ~~maintain for a period of four years records in the form~~
23 ~~prescribed by the department. The records shall be maintained at~~
24 ~~the location for which the license under this chapter is issued.~~

25 ~~(d) Reports. A medical cannabis purveyor shall file reports~~
26 ~~at times and in the form prescribed by the department.~~

27 ~~(e) Medical cannabis purveyor. A medical cannabis purveyor~~
28 ~~located or doing business in this Commonwealth who sells medical~~
29 ~~cannabis in this Commonwealth shall keep records showing:~~

30 ~~(1) The amount and kind of medical cannabis sold.~~

1 ~~(2) The date the medical cannabis was sold.~~

2 ~~(3) The name and license number issued under Chapter 5~~
3 ~~of the medical cannabis dispenser to which the medical~~
4 ~~cannabis was sold.~~

5 ~~(4) The total price of the medical cannabis sold to the~~
6 ~~medical cannabis dispenser.~~

7 ~~(5) The place where the medical cannabis was shipped.~~

8 ~~(6) The name of the common carrier.~~

9 ~~(f) Medical cannabis purveyor. A medical cannabis purveyor~~
10 ~~shall file with the department, on or before the 20th day of~~
11 ~~each month, a report showing the information listed in~~
12 ~~subsection (e) for the previous month.~~

13 ~~Section 1112. Records of shipments and receipts of medical~~
14 ~~cannabis required.~~

15 ~~The department shall require reports from a common or~~
16 ~~contract carrier who transports medical cannabis to any point or~~
17 ~~points within this Commonwealth, and from a bonded warehouseman~~
18 ~~or bailee who has in the possession of the warehouseman or~~
19 ~~bailee any medical cannabis. The reports shall contain the~~
20 ~~information concerning shipments of medical cannabis that the~~
21 ~~department determines to be necessary for the administration of~~
22 ~~this chapter. All common and contract carriers, bailees and~~
23 ~~warehousemen shall permit the examination by the department or~~
24 ~~its authorized agents of records relating to the shipment or~~
25 ~~receipt of medical cannabis.~~

26 ~~Section 1113. Licensing of medical cannabis purveyors.~~

27 ~~(a) Prohibition. No person, unless all sales of medical~~
28 ~~cannabis are exempt from the medical cannabis surcharge in this~~
29 ~~Commonwealth, shall sell, transfer or deliver medical cannabis~~
30 ~~in this Commonwealth without first obtaining the proper license~~

1 ~~provided for in this chapter.~~

2 ~~(b) Application. An applicant for a medical cannabis~~
3 ~~purveyor's license shall complete and file an application with~~
4 ~~the department. The application shall be in the form and contain~~
5 ~~information prescribed by the department and shall set forth~~
6 ~~truthfully and accurately the information required by the~~
7 ~~department. If the application is approved, the department shall~~
8 ~~license the medical cannabis purveyor for a period of one year~~
9 ~~and the license may be renewed annually thereafter.~~

10 ~~(c) Requirements. Applicants for a medical cannabis~~
11 ~~purveyor's license or renewal of that license shall meet the~~
12 ~~following requirements:~~

13 ~~(1) The premises on which the applicant proposes to~~
14 ~~conduct business are adequate to protect the revenue.~~

15 ~~(2) The applicant is a person of reasonable financial~~
16 ~~stability and reasonable business experience.~~

17 ~~(3) The applicant, or a shareholder controlling more~~
18 ~~than 10% of the stock if the applicant is a corporation or an~~
19 ~~officer or director if the applicant is a corporation, shall~~
20 ~~not have been convicted of a crime involving moral turpitude.~~

21 ~~(4) The applicant shall not have failed to disclose~~
22 ~~material information required by the department, including~~
23 ~~information that the applicant has complied with this chapter~~
24 ~~by providing a signed statement under penalty of perjury.~~

25 ~~(5) The applicant shall not have made any material false~~
26 ~~statement in the application.~~

27 ~~(6) The applicant shall not have violated a provision of~~
28 ~~this chapter.~~

29 ~~(7) The applicant shall have filed all required State~~
30 ~~tax reports and paid State taxes not subject to a timely~~

1 ~~perfected administrative or judicial appeal or subject to a~~
2 ~~duly authorized deferred payment plan.~~

3 ~~(d) Multiple locations. The medical cannabis purveyor's~~
4 ~~license shall be valid for one specific location only. Medical~~
5 ~~cannabis purveyors with more than one location shall obtain a~~
6 ~~license for each location.~~

7 ~~Section 1114. License fees and issuance and display of license.~~

8 ~~(a) Fees. At the time of making an application or license~~
9 ~~renewal application, an applicant for a medical cannabis~~
10 ~~purveyor's license shall pay the department a license fee of~~
11 ~~\$75.~~

12 ~~(b) Proration. Fees shall not be prorated.~~

13 ~~(c) Issuance and display. On approval of the application~~
14 ~~and payment of the fees, the department shall issue the proper~~
15 ~~license which must be conspicuously displayed at the location~~
16 ~~for which it has been issued.~~

17 ~~Section 1115. Electronic filing.~~

18 ~~The department may, at its discretion, require that any or~~
19 ~~all returns, reports or registrations that are required to be~~
20 ~~filed under this chapter be filed electronically.~~

21 ~~Section 1116. Expiration of license.~~

22 ~~(a) Expiration. A license shall expire on the last day of~~
23 ~~June next succeeding the date upon which it was issued unless~~
24 ~~the department at an earlier date suspends, surrenders or~~
25 ~~revokes the license.~~

26 ~~(b) Violation. After the expiration date of the license or~~
27 ~~sooner if the license is suspended, surrendered or revoked, it~~
28 ~~shall be illegal for a medical cannabis purveyor to engage~~
29 ~~directly or indirectly in the business conducted by the medical~~
30 ~~cannabis purveyor for which the license was issued. A licensee~~

1 ~~who shall, after the expiration date of the license, engage in~~
2 ~~the business conducted by the licensee either by way of~~
3 ~~purchase, sale, distribution or in any other manner directly or~~
4 ~~indirectly engaged in the business of dealing with medical~~
5 ~~cannabis shall be in violation of this chapter and be subject to~~
6 ~~the penalties provided in this chapter.~~

7 ~~Section 1117. Administration powers and duties.~~

8 ~~(a) Department. The administration of this chapter is~~
9 ~~vested in the department. The department shall adopt rules and~~
10 ~~regulations for the enforcement of this chapter.~~

11 ~~(b) Joint administration. The department is authorized to~~
12 ~~jointly administer this chapter with other provisions of the act~~
13 ~~of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of~~
14 ~~1971, including joint reporting of information, forms, returns,~~
15 ~~statements, documents or other information submitted to the~~
16 ~~department.~~

17 ~~Section 1118. Sales without license.~~

18 ~~(a) Penalty. A person who shall, without being the holder~~
19 ~~of a proper unexpired medical cannabis purveyor's license,~~
20 ~~engage in purchasing, selling, distributing or in another manner~~
21 ~~directly or indirectly engage in the business of dealing with~~
22 ~~medical cannabis commits a summary offense and shall, upon~~
23 ~~conviction, be sentenced to pay costs of prosecution and a fine~~
24 ~~of not less than \$250 nor more than \$1,000, or to imprisonment~~
25 ~~for not more than 30 days, or both, at the discretion of the~~
26 ~~court.~~

27 ~~(b) Prima facie evidence. Open display of medical cannabis~~
28 ~~in any manner shall be prima facie evidence that the person~~
29 ~~displaying such medical cannabis is directly or indirectly~~
30 ~~engaging in the business of dealing medical cannabis.~~

1 ~~Section 1119. Violations and penalties.~~

2 ~~(a) Suspension. The license of a person who violates this~~
3 ~~chapter may be suspended after due notice and opportunity for a~~
4 ~~hearing for a period of not less than five days nor more than 30~~
5 ~~days for a first violation and shall be revoked or suspended for~~
6 ~~any subsequent violation.~~

7 ~~(b) Fine. In addition to the provisions of subsection (a),~~
8 ~~upon adjudication of a first violation, the person shall be~~
9 ~~finned not less than \$2,500 nor more than \$5,000. For subsequent~~
10 ~~violations, the person shall, upon adjudication, be fined not~~
11 ~~less than \$5,000 nor more than \$15,000.~~

12 ~~Section 1120. Property rights.~~

13 ~~(a) Incorporation. Subject to subsection (b), section 1285~~
14 ~~of the act of March 4, 1971 (P.L.6, No.2), known as the Tax~~
15 ~~Reform Code of 1971, is incorporated by reference into and shall~~
16 ~~apply to this chapter.~~

17 ~~(b) Alterations.~~

18 ~~(1) References to cigarettes in section 1285 of the Tax~~
19 ~~Reform Code of 1971 shall apply to medical cannabis in this~~
20 ~~chapter.~~

21 ~~(2) References to 2,000 or more unstamped cigarettes in~~
22 ~~section 1285 of the Tax Reform Code of 1971 shall apply to~~
23 ~~medical cannabis worth at least \$1,000 in this chapter.~~

24 ~~(3) References to more than 200 unstamped cigarettes in~~
25 ~~section 1285 of the Tax Reform Code of 1971 shall apply to~~
26 ~~medical cannabis worth at least \$100 in this chapter.~~

27 ~~Section 1121. Information exchange.~~

28 ~~The department is authorized to exchange information with any~~
29 ~~other Federal, State or local enforcement agency for purposes of~~
30 ~~enforcing this chapter.~~

1 CHAPTER 51

2 MISCELLANEOUS PROVISIONS

3 ~~Section 5101. Regulations.~~

4 ~~(a) Requirement. The board shall promulgate regulations as~~
5 ~~necessary to implement this act.~~

6 ~~(b) Temporary regulations. In order to facilitate the~~
7 ~~implementation of this act, regulations promulgated by the board~~
8 ~~shall be deemed temporary regulations which shall expire not~~
9 ~~later than two years following the publication of the temporary~~
10 ~~regulation. Temporary regulations shall not be subject to:~~

11 ~~(1) Sections 201, 202, 203, 204 and 205 of the act of~~
12 ~~July 31, 1968 (P.L.769, No.240), referred to as the~~
13 ~~Commonwealth Documents Law.~~

14 ~~(2) The act of June 25, 1982 (P.L.633, No.181), known as~~
15 ~~the Regulatory Review Act.~~

16 ~~(3) Sections 204(b) and 301(10) of the act of October~~
17 ~~15, 1980 (P.L.950, No.164), known as the Commonwealth~~
18 ~~Attorneys Act.~~

19 ~~(c) Expiration. The board's authority to adopt temporary~~
20 ~~regulations under subsection (b) shall expire two years after~~
21 ~~the effective date of this section. Regulations adopted after~~
22 ~~this period shall be promulgated as provided by law.~~

23 ~~(d) Publication. The board shall begin publishing temporary~~
24 ~~regulations in the Pennsylvania Bulletin no later than six~~
25 ~~months following the effective date of this section.~~

26 ~~Section 5102. Appropriation.~~

27 ~~The sum of \$1.3 million or as much thereof as may be~~
28 ~~necessary is appropriated from the Professional Licensure~~
29 ~~Augmentation Account to the Bureau of Professional and~~
30 ~~Occupational Affairs within the Department of State for the~~

1 ~~start up and initial operation of the State Board of Medical~~
2 ~~Cannabis Licensing. The appropriation shall be repaid by the~~
3 ~~board within five years of the beginning of issuance of licenses~~
4 ~~by the board.~~

5 ~~Section 5103. Applicability of other statutes.~~

6 ~~The following acts shall apply to the board:~~

7 ~~(1) The act of February 14, 2008 (P.L.6, No.3), known as~~
8 ~~the Right to Know Law.~~

9 ~~(2) The act of July 19, 1957 (P.L.1017, No.451), known~~
10 ~~as the State Adverse Interest Act.~~

11 ~~(3) 65 Pa.C.S. Chs. 7 (relating to open meetings) and 11~~
12 ~~(relating to ethics standards and financial disclosure).~~

13 ~~Section 5104. Repeals.~~

14 ~~The following shall apply:~~

15 ~~(1) Sections 4 and 13 of the act of April 14, 1972~~
16 ~~(P.L.233, No.64), known as The Controlled Substance, Drug,~~
17 ~~Device and Cosmetic Act, are repealed insofar as they are~~
18 ~~inconsistent with this act.~~

19 ~~(2) All acts and parts of acts are repealed insofar as~~
20 ~~they are inconsistent with this act.~~

21 ~~Section 5105. Effective date.~~

22 ~~This act shall take effect in 60 days.~~

23 ~~CHAPTER 1~~

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24 ~~PRELIMINARY PROVISIONS~~

25 ~~SECTION 101. SHORT TITLE.~~

26 ~~THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE MEDICAL~~
27 ~~MARIJUANA ACT.~~

28 ~~SECTION 102. DECLARATION OF POLICY.~~

29 ~~THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:~~

30 ~~(1) SCIENTIFIC EVIDENCE SUGGESTS THAT MEDICAL MARIJUANA~~

1 IS ONE POTENTIAL THERAPY THAT MAY MITIGATE SUFFERING IN SOME
2 PATIENTS AND ALSO ENHANCE QUALITY OF LIFE.

3 (2) THE COMMONWEALTH IS COMMITTED TO PATIENT SAFETY.
4 CAREFULLY REGULATING THE PROGRAM WHICH ALLOWS ACCESS TO
5 MEDICAL MARIJUANA WILL ENHANCE PATIENT SAFETY WHILE RESEARCH
6 INTO ITS EFFECTIVENESS CONTINUES.

7 (3) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO:

8 (I) PROVIDE A PROGRAM OF ACCESS TO MEDICAL MARIJUANA
9 WHICH BALANCES THE NEED OF PATIENTS TO HAVE ACCESS TO THE
10 LATEST TREATMENTS WITH THE NEED TO PROMOTE PATIENT
11 SAFETY.

12 (II) PROVIDE A SAFE AND EFFECTIVE METHOD OF DELIVERY
13 OF MEDICAL MARIJUANA TO PATIENTS.

14 (III) PROMOTE HIGH QUALITY RESEARCH INTO THE
15 EFFECTIVENESS AND UTILITY OF MEDICAL MARIJUANA.

16 (4) IT IS THE FURTHER INTENTION OF THE GENERAL ASSEMBLY
17 THAT ANY COMMONWEALTH-BASED PROGRAM TO PROVIDE ACCESS TO
18 MEDICAL MARIJUANA SERVE AS A TEMPORARY MEASURE, PENDING
19 FEDERAL APPROVAL OF AND ACCESS TO MEDICAL MARIJUANA THROUGH
20 TRADITIONAL MEDICAL AND PHARMACEUTICAL AVENUES.

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 "ADVISORY BOARD." THE ADVISORY BOARD ESTABLISHED UNDER
26 SECTION 1106.

27 "CAREGIVER." THE INDIVIDUAL DESIGNATED BY A PATIENT OR, IF
28 THE PATIENT IS UNDER 18 YEARS OF AGE, AN INDIVIDUAL UNDER
29 SECTION 508(2), TO DELIVER MEDICAL MARIJUANA.

30 "CERTIFIED MEDICAL USE." THE ACQUISITION, POSSESSION, USE OR

1 TRANSPORTATION OF MEDICAL MARIJUANA BY A PATIENT, OR THE
2 ACQUISITION, POSSESSION, DELIVERY, TRANSPORTATION OR
3 ADMINISTRATION OF MEDICAL MARIJUANA BY A CAREGIVER, FOR USE AS
4 PART OF THE TREATMENT OF THE PATIENT'S SERIOUS MEDICAL
5 CONDITION, AS AUTHORIZED IN A CERTIFICATION UNDER THIS ACT,
6 INCLUDING ENABLING THE PATIENT TO TOLERATE TREATMENT FOR THE
7 SERIOUS MEDICAL CONDITION.

8 "CERTIFIED REGISTERED NURSE PRACTITIONER." AS DEFINED IN
9 SECTION 2 OF THE ACT OF MAY 22, 1951 (P.L.317, NO.69), KNOWN AS
10 THE PROFESSIONAL NURSING LAW.

11 "CHANGE IN CONTROL." THE ACQUISITION BY A PERSON OR GROUP OF
12 PERSONS ACTING IN CONCERT OF A CONTROLLING INTEREST IN AN
13 APPLICANT OR REGISTRANT EITHER ALL AT ONE TIME OR OVER THE SPAN
14 OF A 12-CONSECUTIVE-MONTH PERIOD.

15 "CONTINUING CARE." TREATING A PATIENT, IN THE COURSE OF
16 WHICH THE PRACTITIONER HAS COMPLETED A FULL ASSESSMENT OF THE
17 PATIENT'S MEDICAL HISTORY AND CURRENT MEDICAL CONDITION,
18 INCLUDING AN IN-PERSON CONSULTATION WITH THE PATIENT.

19 "CONTROLLING INTEREST." AS FOLLOWS:

20 (1) THE TERM SHALL MEAN THE FOLLOWING:

21 (I) FOR A PUBLICLY TRADED ENTITY, VOTING RIGHTS THAT
22 ENTITLE A PERSON TO ELECT OR APPOINT ONE OR MORE OF THE
23 MEMBERS OF THE BOARD OF DIRECTORS OR OTHER GOVERNING
24 BOARD OR THE OWNERSHIP OR BENEFICIAL HOLDING OF 5% OR
25 MORE OF THE SECURITIES OF THE PUBLICLY TRADED ENTITY.

26 (II) FOR A PRIVATELY HELD ENTITY, THE OWNERSHIP OF
27 ANY SECURITY IN THE ENTITY.

28 (2) FOR PURPOSES OF THIS DEFINITION, THE TERM "SECURITY"
29 IS AS DEFINED IN SECTION 102(T) OF THE ACT OF DECEMBER 5,
30 1972 (P.L.1280, NO.284), KNOWN AS THE PENNSYLVANIA SECURITIES

1 ACT OF 1972.

2 "DEPARTMENT." THE DEPARTMENT OF HEALTH OF THE COMMONWEALTH.

3 "DISPENSARY." A PERSON, INCLUDING A NATURAL PERSON,
4 CORPORATION, PARTNERSHIP, ASSOCIATION, TRUST OR OTHER ENTITY, OR
5 ANY COMBINATION THEREOF, WHICH IS REGISTERED BY THE DEPARTMENT
6 TO DISPENSE MEDICAL MARIJUANA. THE TERM DOES NOT INCLUDE A
7 HEALTH CARE MEDICAL MARIJUANA ORGANIZATION UNDER CHAPTER 19.

8 "FAMILY OR HOUSEHOLD MEMBER." AS DEFINED IN 23 PA.C.S. §
9 6102 (RELATING TO DEFINITIONS).

10 "FINANCIAL BACKER." AN INVESTOR, MORTGAGEE, BONDHOLDER, NOTE
11 HOLDER OR OTHER SOURCE OF EQUITY OF AN APPLICANT OTHER THAN A
12 FINANCIAL INSTITUTION.

13 "FINANCIAL INSTITUTION." A BANK, A NATIONAL BANKING
14 ASSOCIATION, A BANK AND TRUST COMPANY, A TRUST COMPANY, A
15 SAVINGS AND LOAN ASSOCIATION, A BUILDING AND LOAN ASSOCIATION, A
16 MUTUAL SAVINGS BANK, A CREDIT UNION OR A SAVINGS BANK.

17 "FORM OF MEDICAL MARIJUANA." THE CHARACTERISTICS OF THE
18 MEDICAL MARIJUANA RECOMMENDED OR LIMITED FOR A PARTICULAR
19 PATIENT, INCLUDING THE METHOD OF CONSUMPTION AND ANY PARTICULAR
20 DOSAGE, STRAIN, VARIETY AND QUANTITY OR PERCENTAGE OF MEDICAL
21 MARIJUANA OR PARTICULAR ACTIVE INGREDIENT.

22 "FUND." THE MEDICAL MARIJUANA PROGRAM FUND ESTABLISHED IN
23 SECTION 902.

24 "GROWER/PROCESSOR." A PERSON, INCLUDING A NATURAL PERSON,
25 CORPORATION, PARTNERSHIP, ASSOCIATION, TRUST OR OTHER ENTITY, OR
26 ANY COMBINATION THEREOF, WHICH IS REGISTERED BY THE DEPARTMENT
27 UNDER THIS ACT TO GROW AND PROCESS MEDICAL MARIJUANA. THE TERM
28 DOES NOT INCLUDE A HEALTH CARE MEDICAL MARIJUANA ORGANIZATION
29 UNDER CHAPTER 19.

30 "IDENTIFICATION CARD." A DOCUMENT ISSUED UNDER SECTION 505

1 THAT PERMITS ACCESS TO MEDICAL MARIJUANA UNDER THIS ACT.

2 "INDIVIDUAL DOSE." A SINGLE MEASURE OF MEDICAL MARIJUANA.

3 "KEYSTONE OPPORTUNITY ZONE." AS DEFINED IN SECTION 103 OF
4 THE ACT OF OCTOBER 6, 1998 (P.L.705, NO.92), KNOWN AS THE
5 KEYSTONE OPPORTUNITY ZONE, KEYSTONE OPPORTUNITY EXPANSION ZONE
6 AND KEYSTONE OPPORTUNITY IMPROVEMENT ZONE ACT.

7 "MEDICAL MARIJUANA." MARIJUANA FOR MEDICAL USE AS SET FORTH
8 IN THIS ACT.

9 "MEDICAL MARIJUANA ORGANIZATION." A DISPENSARY OR A
10 GROWER/PROCESSOR. THE TERM DOES NOT INCLUDE A HEALTH CARE
11 MEDICAL MARIJUANA ORGANIZATION UNDER CHAPTER 19.

12 "PATIENT." AN INDIVIDUAL WHO:

13 (1) HAS A SERIOUS MEDICAL CONDITION;

14 (2) HAS MET THE REQUIREMENTS FOR CERTIFICATION UNDER
15 THIS ACT; AND

16 (3) IS A RESIDENT OF THIS COMMONWEALTH.

17 "PHYSICIAN ASSISTANT." AS DEFINED IN SECTION 2 OF THE ACT OF
18 DECEMBER 20, 1985 (P.L.457, NO.112), KNOWN AS THE MEDICAL
19 PRACTICE ACT OF 1985, AND SECTION 2 OF THE ACT OF OCTOBER 5,
20 1978 (P.L.1109, NO.261), KNOWN AS THE OSTEOPATHIC MEDICAL
21 PRACTICE ACT.

22 "PRACTITIONER." A PHYSICIAN WHO IS REGISTERED WITH THE
23 DEPARTMENT UNDER SECTION 302.

24 "PRESCRIPTION DRUG MONITORING PROGRAM." THE ACHIEVING BETTER
25 CARE BY MONITORING ALL PRESCRIPTIONS PROGRAM (ABC-MAP).

26 "PRINCIPAL." AN OFFICER, DIRECTOR OR PERSON WHO DIRECTLY
27 OWNS A BENEFICIAL INTEREST IN OR OWNERSHIP OF THE SECURITIES OF
28 AN APPLICANT OR REGISTRANT, A PERSON WHO HAS A CONTROLLING
29 INTEREST IN AN APPLICANT OR REGISTRANT OR WHO HAS THE ABILITY TO
30 ELECT THE MAJORITY OF THE BOARD OF DIRECTORS OF AN APPLICANT OR

1 REGISTRANT OR OTHERWISE CONTROL AN APPLICANT OR REGISTRANT,
2 OTHER THAN A FINANCIAL INSTITUTION.

3 "REGISTRY." THE REGISTRY ESTABLISHED BY THE DEPARTMENT UNDER
4 SECTION 301(1).

5 "SECRETARY." THE SECRETARY OF HEALTH OF THE COMMONWEALTH.

6 "SERIOUS MEDICAL CONDITION." ANY OF THE FOLLOWING:

7 (1) CANCER.

8 (2) POSITIVE STATUS FOR HUMAN IMMUNODEFICIENCY VIRUS OR
9 ACQUIRED IMMUNE DEFICIENCY SYNDROME.

10 (3) AMYOTROPHIC LATERAL SCLEROSIS.

11 (4) PARKINSON'S DISEASE.

12 (5) MULTIPLE SCLEROSIS.

13 (6) DAMAGE TO THE NERVOUS TISSUE OF THE SPINAL CORD WITH
14 OBJECTIVE NEUROLOGICAL INDICATION OF INTRACTABLE SPASTICITY.

15 (7) EPILEPSY.

16 (8) INFLAMMATORY BOWEL DISEASE.

17 (9) NEUROPATHIES.

18 (10) HUNTINGTON'S DISEASE.

19 (11) CROHN'S DISEASE.

20 (12) POST-TRAUMATIC STRESS DISORDER.

21 (13) INTRACTABLE SEIZURES.

22 (14) GLAUCOMA.

23 (15) SICKLE CELL ANEMIA.

24 (16) SEVERE CHRONIC OR INTRACTABLE PAIN OF NEUROPATHIC
25 ORIGIN OR SEVERE CHRONIC OR INTRACTABLE PAIN IN WHICH
26 CONVENTIONAL THERAPEUTIC INTERVENTION AND OPIATE THERAPY IS
27 CONTRAINDICATED OR INEFFECTIVE.

28 (17) AUTISM.

29 "TERMINALLY ILL." A MEDICAL PROGNOSIS OF LIFE EXPECTANCY OF
30 APPROXIMATELY ONE YEAR OR LESS IF THE ILLNESS RUNS ITS NORMAL

1 COURSE.

2 CHAPTER 3
3 PROGRAM

4 SECTION 301. PROGRAM ESTABLISHED.

5 A MEDICAL MARIJUANA PROGRAM FOR PATIENTS SUFFERING FROM
6 SERIOUS MEDICAL CONDITIONS IS ESTABLISHED. THE PROGRAM SHALL BE
7 ADMINISTERED BY THE DEPARTMENT. THE DEPARTMENT SHALL HAVE THE
8 AUTHORITY TO DO ALL THINGS NECESSARY TO FULFILL ITS
9 RESPONSIBILITIES IN IMPLEMENTING THIS ACT. AT MINIMUM, THE
10 DEPARTMENT SHALL:

11 (1) ESTABLISH AND MAINTAIN A COMPUTERIZED REGISTRY
12 CONTAINING INFORMATION SET FORTH IN THIS ACT RELATING TO
13 PATIENTS CERTIFIED TO USE MEDICAL MARIJUANA, CAREGIVERS,
14 PRACTITIONERS AND MEDICAL MARIJUANA ORGANIZATIONS, WHICH
15 SHALL INCLUDE IDENTIFICATION NUMBERS FOR PATIENTS AND
16 CAREGIVERS AND THE CERTIFICATION INFORMATION REQUIRED TO BE
17 SUBMITTED TO THE DEPARTMENT UNDER SECTION 501(E)(2).

18 (1.1) ESTABLISH WITHIN THE COMPUTERIZED REGISTRY A
19 SEPARATE, ELECTRONIC DATABASE TO BE USED BY THE DEPARTMENT
20 AND DISPENSARIES AND WHICH CONTAINS THE INFORMATION SET FORTH
21 IN SECTION 703(A)(1), (2), (3), (4) AND (5) AND SUCH
22 ADDITIONAL INFORMATION THAT THE DEPARTMENT MAY REQUIRE BY
23 REGULATION. THE REGISTRY AND DATABASE SHALL BE CAPABLE OF
24 PROVIDING INFORMATION IN REAL TIME. THE DATABASE SHALL BE
25 CAPABLE OF RECEIVING INFORMATION FROM A DISPENSARY REGARDING
26 THE DISBURSEMENT OF MEDICAL MARIJUANA TO PATIENTS AND
27 CAREGIVERS AND VERIFICATION OF THE FORM OF MEDICAL MARIJUANA.
28 DISPENSARIES SHALL HAVE REAL-TIME ACCESS TO INFORMATION IN
29 THE DATABASE:

30 (I) TO ENSURE THAT MEDICAL MARIJUANA IS NOT DIVERTED

1 OR OTHERWISE USED FOR UNLAWFUL PURPOSES.

2 (II) TO ESTABLISH THE AUTHENTICITY OF IDENTIFICATION
3 CARDS.

4 (III) TO PROVIDE THE FORM OF MEDICAL MARIJUANA
5 PROVIDED IN THE CERTIFICATION BY THE PRACTITIONER.

6 (2) DEVELOP AND IMPLEMENT PROCEDURES FOR:

7 (I) ISSUANCE OF IDENTIFICATION CARDS TO PATIENTS AND
8 CAREGIVERS.

9 (II) REVIEW AND APPROVAL OF CERTIFICATIONS SUBMITTED
10 BY PRACTITIONERS.

11 (III) REVIEW OF THE CREDENTIALS OF PRACTITIONERS WHO
12 SUBMIT CERTIFICATIONS.

13 (IV) REVIEW AND APPROVAL OF APPLICATIONS FOR
14 IDENTIFICATION CARDS.

15 (V) REVIEW AND APPROVAL OF APPLICATIONS TO BECOME
16 REGISTERED WITH THE DEPARTMENT AS A MEDICAL MARIJUANA
17 ORGANIZATION.

18 (VI) REVIEW AND APPROVAL OF APPLICATIONS OF
19 PHYSICIANS TO BECOME REGISTERED WITH THE DEPARTMENT AS
20 PRACTITIONERS.

21 (3) DEVELOP A FOUR-HOUR COURSE FOR PHYSICIANS REGARDING
22 THE LATEST SCIENTIFIC RESEARCH ON MEDICAL MARIJUANA,
23 INCLUDING THE RISKS AND BENEFITS OF MEDICAL MARIJUANA, AND
24 ANY OTHER SUBJECTS DEEMED NECESSARY BY THE DEPARTMENT. THE
25 STATE BOARD OF MEDICINE AND THE STATE BOARD OF OSTEOPATHIC
26 MEDICINE SHALL APPROVE CONTINUING EDUCATION CREDIT FOR ANY
27 PHYSICIAN WHO SUCCESSFULLY COMPLETES THE COURSE. THE STATE
28 BOARD OF PHARMACY SHALL APPROVE CONTINUING EDUCATION CREDIT
29 FOR ANY PHARMACIST WHO SUCCESSFULLY COMPLETES THE COURSE
30 PURSUANT TO THE REQUIREMENT IN SECTION 707(9). THE STATE

1 BOARD OF NURSING SHALL APPROVE CONTINUING EDUCATION CREDIT
2 FOR A CERTIFIED REGISTERED NURSE PRACTITIONER WHO
3 SUCCESSFULLY COMPLETES THE COURSE PURSUANT TO THE REQUIREMENT
4 IN SECTION 707(9). THE STATE BOARD OF MEDICINE AND THE STATE
5 BOARD OF OSTEOPATHIC MEDICINE SHALL APPROVE CONTINUING
6 EDUCATION CREDIT FOR A PHYSICIAN ASSISTANT WHO SUCCESSFULLY
7 COMPLETES THE COURSE PURSUANT TO THE REQUIREMENT IN SECTION
8 707(9).

9 (4) DEVELOP A TWO-HOUR COURSE FOR THE PRINCIPALS AND
10 EMPLOYEES OF A MEDICAL MARIJUANA ORGANIZATION WHO EITHER COME
11 INTO CONTACT WITH PATIENTS OR CAREGIVERS OR WHO PHYSICALLY
12 HANDLE MEDICAL MARIJUANA. EMPLOYEES MUST SUCCESSFULLY
13 COMPLETE THE COURSE NO LATER THAN 90 DAYS AFTER COMMENCING
14 EMPLOYMENT. PRINCIPALS MUST SUCCESSFULLY COMPLETE THE COURSE
15 PRIOR TO COMMENCING INITIAL OPERATION OF THE MEDICAL
16 MARIJUANA ORGANIZATION. THE SUBJECT MATTER OF THE COURSE
17 SHALL ENCOMPASS THE FOLLOWING:

18 (I) RECOGNIZING UNAUTHORIZED SUSPECTED ACTIVITY
19 UNDER THIS ACT AND THE REGULATIONS PROMULGATED BY THE
20 DEPARTMENT, INCLUDING CRIMINAL DIVERSION OF MEDICAL
21 MARIJUANA AND FALSIFICATION OF IDENTIFICATION CARDS.

22 (II) PROPER HANDLING OF MEDICAL MARIJUANA AND
23 RECORDKEEPING.

24 (III) PROPER REPORTING OF SUSPECTED UNAUTHORIZED
25 ACTIVITY, INCLUDING ACTIVITIES UNDER SUBPARAGRAPH (I), TO
26 LAW ENFORCEMENT.

27 (IV) ANY OTHER SUBJECT NECESSARY TO ENSURE
28 COMPLIANCE WITH THIS ACT AND REGULATIONS PROMULGATED
29 UNDER THIS ACT, AS DETERMINED BY THE DEPARTMENT.

30 (5) DEVELOP A PROCEDURE FOR ANNOUNCED AND UNANNOUNCED

1 INSPECTIONS BY THE DEPARTMENT OF THE FACILITIES FOR GROWING,
2 PROCESSING OR DISPENSING OR SELLING MEDICAL MARIJUANA, AND OF
3 THE BOOKS, PAPERS AND TRACKING AND OTHER SYSTEMS UTILIZED BY
4 MEDICAL MARIJUANA ORGANIZATIONS REQUIRED BY THIS ACT.

5 (6) ESTABLISH A MANNER AND METHOD TO ADMINISTER RESEARCH
6 STUDIES TO BE OPERATED BY VERTICALLY INTEGRATED HEALTH
7 SYSTEMS IN ORDER TO COLLECT RESEARCH DATA ON THE USE OF
8 MEDICAL MARIJUANA TO TREAT SERIOUS MEDICAL CONDITIONS IN
9 ACCORDANCE WITH CHAPTER 19.

10 (7) ESTABLISH AND MAINTAIN PUBLIC OUTREACH EFFORTS ABOUT
11 THIS ACT. THE EFFORTS SHALL INCLUDE:

12 (I) A DEDICATED TELEPHONE NUMBER REGARDING MEDICAL
13 MARIJUANA SO THAT PATIENTS, CAREGIVERS AND MEMBERS OF THE
14 PUBLIC MAY CALL TO OBTAIN BASIC INFORMATION ABOUT THE
15 DISPENSING OF MEDICAL MARIJUANA UNDER THIS ACT.

16 (II) A PUBLICLY ACCESSIBLE INTERNET WEBSITE WHICH
17 PROVIDES INFORMATION ABOUT THE MEDICAL MARIJUANA PROGRAM.
18 AT A MINIMUM, THE WEBSITE SHALL CONTAIN:

19 (A) BASIC INFORMATION DESIGNED TO EDUCATE THE
20 PUBLIC REGARDING THE MEDICAL MARIJUANA PROGRAM.

21 (B) THE INFORMATION SET FORTH IN SECTION
22 301.1 (B) .

23 (C) THE DEDICATED TELEPHONE NUMBER.

24 (D) THE INFORMATION PROVIDED TO THE DEPARTMENT
25 UNDER SECTION 1102 (A) (2) BY MEDICAL MARIJUANA
26 ORGANIZATIONS. THIS INFORMATION SHALL BE POSTED ON
27 THE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE
28 AS SOON AS IS PRACTICABLE AFTER RECEIPT OF THE
29 INFORMATION FROM THE MEDICAL MARIJUANA ORGANIZATIONS.

30 (8) COLLABORATE AS NECESSARY, AS DETERMINED BY THE

1 SECRETARY, WITH OTHER COMMONWEALTH AGENCIES OR TO CONTRACT
2 WITH THIRD PARTIES TO ASSIST THE DEPARTMENT IN FULFILLING ITS
3 RESPONSIBILITIES UNDER THIS ACT.

4 (9) DETERMINE THE MINIMUM NUMBER AND TYPE OF MEDICAL
5 MARIJUANA TO BE PRODUCED BY A GROWER/PROCESSOR AND DISPENSED
6 BY A DISPENSARY.

7 SECTION 301.1. CONFIDENTIALITY AND PUBLIC DISCLOSURE.

8 (A) PATIENT INFORMATION.--THE DEPARTMENT SHALL MAINTAIN A
9 CONFIDENTIAL LIST OF PATIENTS AND CAREGIVERS TO WHOM IT HAS
10 ISSUED IDENTIFICATION CARDS. INDIVIDUAL IDENTIFYING INFORMATION
11 ABOUT PATIENTS AND CAREGIVERS OBTAINED BY THE DEPARTMENT,
12 INCLUDING CERTIFICATIONS ISSUED BY PRACTITIONERS, THE
13 INFORMATION ON IDENTIFICATION CARDS AND INFORMATION PROVIDED BY
14 THE PENNSYLVANIA STATE POLICE PURSUANT TO SECTION 506(B) SHALL
15 BE CONFIDENTIAL AND EXEMPT FROM PUBLIC DISCLOSURE, INCLUDING
16 DISCLOSURE UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3),
17 KNOWN AS THE RIGHT-TO-KNOW LAW.

18 (B) MEDICAL MARIJUANA ORGANIZATIONS AND PRACTITIONERS.--THE
19 FOLLOWING ARE PUBLIC RECORDS UNDER THE RIGHT-TO-KNOW LAW:

20 (1) AN APPLICATION FOR REGISTRATION AS A MEDICAL
21 MARIJUANA ORGANIZATION. THE DEPARTMENT SHALL MAINTAIN A
22 SEPARATE LIST OF NAMES, ADDRESSES AND TELEPHONE NUMBERS OF
23 MEDICAL MARIJUANA ORGANIZATIONS.

24 (2) THE NAMES, BUSINESS ADDRESSES AND MEDICAL
25 CREDENTIALS OF PRACTITIONERS. ALL OTHER PRACTITIONER
26 REGISTRATION INFORMATION SHALL BE CONFIDENTIAL AND EXEMPT
27 FROM PUBLIC DISCLOSURE UNDER THE RIGHT-TO-KNOW LAW.

28 (3) INFORMATION RELATING TO PENALTIES ASSESSED AGAINST
29 MEDICAL MARIJUANA ORGANIZATIONS AND PRACTITIONERS BY THE
30 DEPARTMENT FOR VIOLATION OF THIS ACT.

1 SECTION 302. PRACTITIONER REGISTRATION.

2 (A) ELIGIBILITY.--A PHYSICIAN WHO SATISFIES THE FOLLOWING IS
3 ELIGIBLE FOR INCLUSION IN THE REGISTRY:

4 (1) THE PHYSICIAN APPLIES FOR REGISTRATION IN THE FORM
5 AND MANNER REQUIRED BY THE DEPARTMENT.

6 (2) THE DEPARTMENT DETERMINES THAT THE PHYSICIAN IS, BY
7 TRAINING OR EXPERIENCE, QUALIFIED TO TREAT A SERIOUS MEDICAL
8 CONDITION. THE PHYSICIAN SHALL PROVIDE DOCUMENTATION OF
9 REQUIRED CREDENTIALS, TRAINING OR EXPERIENCE AS REQUIRED BY
10 THE DEPARTMENT.

11 (3) THE PHYSICIAN HAS SUCCESSFULLY COMPLETED THE COURSE
12 UNDER SECTION 301(3).

13 (B) DEPARTMENT ACTION.--THE DEPARTMENT SHALL REVIEW AN
14 APPLICATION SUBMITTED BY A PHYSICIAN TO DETERMINE WHETHER TO
15 INCLUDE THE PHYSICIAN IN THE REGISTRY. THE REVIEW SHALL INCLUDE
16 INFORMATION MAINTAINED BY THE DEPARTMENT OF STATE REGARDING
17 WHETHER THE PHYSICIAN HAS A VALID, UNEXPIRED, UNREVOKED,
18 UNSUSPENDED PENNSYLVANIA LICENSE TO PRACTICE MEDICINE AND
19 WHETHER THE PHYSICIAN HAS BEEN SUBJECT TO DISCIPLINE. THE REVIEW
20 SHALL BE CONDUCTED EACH TIME THE DEPARTMENT REVIEWS
21 CERTIFICATIONS UNDER SECTION 501. IF THE PHYSICIAN IS NOT THE
22 HOLDER OF A VALID, UNEXPIRED, UNREVOKED, UNSUSPENDED
23 PENNSYLVANIA LICENSE TO PRACTICE MEDICINE, THEN THE DEPARTMENT
24 SHALL DENY THE CERTIFICATION AND SHALL REMOVE THE PHYSICIAN FROM
25 THE REGISTRY UNTIL SUCH TIME AS THE PHYSICIAN HOLDS A VALID,
26 UNEXPIRED, UNREVOKED, UNSUSPENDED PENNSYLVANIA LICENSE TO
27 PRACTICE MEDICINE. A PHYSICIAN WHO IS LISTED IN THE REGISTRY IS
28 AUTHORIZED TO ISSUE A CERTIFICATION TO USE MEDICAL MARIJUANA.

29 (C) PRACTITIONER REQUIREMENTS.--A PRACTITIONER SHALL HAVE AN
30 ONGOING RESPONSIBILITY, SO LONG AS THE PRACTITIONER REMAINS IN

1 THE REGISTRY, TO IMMEDIATELY NOTIFY THE DEPARTMENT IN WRITING IF
2 THE PRACTITIONER KNOWS OR HAS REASON TO KNOW THAT ANY OF THE
3 FOLLOWING IS TRUE WITH RESPECT TO A PATIENT FOR WHOM THE
4 PRACTITIONER HAS ISSUED A CERTIFICATION UNDER THIS ACT:

5 (1) THE PATIENT NO LONGER HAS THE SERIOUS MEDICAL
6 CONDITION FOR WHICH THE CERTIFICATION WAS ISSUED.

7 (2) MEDICAL MARIJUANA WOULD NO LONGER BE THERAPEUTIC OR
8 PALLIATIVE.

9 (3) THE PATIENT HAS DIED.

10 SECTION 303. PRACTITIONER RESTRICTIONS.

11 (A) PRACTICES PROHIBITED.--THE FOLLOWING APPLY WITH RESPECT
12 TO PRACTITIONERS:

13 (1) A PRACTITIONER MAY NOT ACCEPT, SOLICIT OR OFFER ANY
14 FORM OF REMUNERATION FROM OR TO A PROSPECTIVE PATIENT,
15 PATIENT, PROSPECTIVE CAREGIVER, CAREGIVER OR MEDICAL
16 MARIJUANA ORGANIZATION, INCLUDING AN EMPLOYEE, FINANCIAL
17 BACKER OR PRINCIPAL, TO CERTIFY A PATIENT, OTHER THAN
18 ACCEPTING A FEE FOR SERVICE WITH RESPECT TO THE EXAMINATION
19 OF THE PROSPECTIVE PATIENT TO DETERMINE IF THE PROSPECTIVE
20 PATIENT SHOULD BE ISSUED A CERTIFICATION TO USE MEDICAL
21 MARIJUANA.

22 (2) A PRACTITIONER MAY NOT HOLD A DIRECT OR ECONOMIC
23 INTEREST IN A MEDICAL MARIJUANA ORGANIZATION.

24 (3) A PRACTITIONER MAY NOT ADVERTISE THE PRACTITIONER'S
25 SERVICES AS A PRACTITIONER WHO CAN CERTIFY A PATIENT TO
26 RECEIVE MEDICAL MARIJUANA.

27 (B) UNPROFESSIONAL CONDUCT.--A PRACTITIONER WHO VIOLATES
28 SUBSECTION (A) (1), (2) OR (3) OR SECTION 501(F) SHALL NOT BE
29 PERMITTED TO ISSUE CERTIFICATIONS TO PATIENTS. THE PRACTITIONER
30 SHALL BE REMOVED FROM THE REGISTRY.

1 (C) DISCIPLINE.--IN ADDITION TO ANY OTHER PENALTY THAT MAY
2 BE IMPOSED UNDER THIS ACT, A VIOLATION OF SUBSECTION (A) (1), (2)
3 OR (3) OR SECTION 501(F) SHALL BE DEEMED UNPROFESSIONAL CONDUCT
4 UNDER SECTION 41(8) OF THE ACT OF DECEMBER 20, 1985 (P.L.457,
5 NO.112), KNOWN AS THE MEDICAL PRACTICE ACT OF 1985, OR SECTION
6 15(A) (8) OF THE ACT OF OCTOBER 5, 1978 (P.L.1109, NO.261), KNOWN
7 AS THE OSTEOPATHIC MEDICAL PRACTICE ACT, AND SHALL SUBJECT THE
8 PRACTITIONER TO DISCIPLINE BY THE STATE BOARD OF MEDICINE OR THE
9 STATE BOARD OF OSTEOPATHIC MEDICINE, AS APPROPRIATE.

10 CHAPTER 5

11 PATIENT AND CAREGIVER CERTIFICATION

12 SECTION 501. ISSUANCE OF CERTIFICATION.

13 (A) CONDITIONS FOR ISSUANCE.--A CERTIFICATION TO USE MEDICAL
14 MARIJUANA MAY BE ISSUED BY A PRACTITIONER TO A PATIENT IF ALL OF
15 THE FOLLOWING REQUIREMENTS ARE MET:

16 (1) THE PRACTITIONER IS AUTHORIZED, AS EVIDENCED BY THE
17 PRACTITIONER'S INCLUSION IN THE REGISTRY, TO ISSUE A
18 CERTIFICATION.

19 (2) THE PATIENT HAS A SERIOUS MEDICAL CONDITION, WHICH
20 IS SPECIFIED IN THE PATIENT'S HEALTH CARE RECORD.

21 (3) THE PRACTITIONER BY TRAINING OR EXPERIENCE IS
22 QUALIFIED TO TREAT THE PATIENT'S SERIOUS MEDICAL CONDITION.

23 (4) THE PATIENT IS UNDER THE PRACTITIONER'S CONTINUING
24 CARE FOR THE SERIOUS MEDICAL CONDITION.

25 (5) IN THE PRACTITIONER'S PROFESSIONAL OPINION AND
26 REVIEW OF PAST TREATMENTS, THE PRACTITIONER DETERMINES THE
27 PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE
28 BENEFIT FROM THE USE OF MEDICAL MARIJUANA.

29 (B) CONTENTS.--IN ADDITION TO THE INFORMATION SET FORTH IN
30 SUBSECTION (A), THE CERTIFICATION SHALL INCLUDE:

1 (1) THE NAME, DATE OF BIRTH AND ADDRESS OF THE PATIENT.

2 (2) THE SPECIFIC SERIOUS MEDICAL CONDITION OF THE
3 PATIENT.

4 (3) A STATEMENT BY THE PRACTITIONER THAT THE PATIENT HAS
5 A SERIOUS MEDICAL CONDITION AND THE PATIENT IS UNDER THE
6 PRACTITIONER'S CONTINUING CARE FOR THE SERIOUS MEDICAL
7 CONDITION.

8 (4) THE DATE OF ISSUANCE.

9 (5) THE NAME, ADDRESS, TELEPHONE NUMBER AND SIGNATURE OF
10 THE PRACTITIONER.

11 (6) ANY REQUIREMENT OR LIMITATION CONCERNING THE
12 APPROPRIATE FORM OF MEDICAL MARIJUANA.

13 (7) INFORMATION NEEDED FOR THE RESEARCH PROGRAM DATABASE
14 UNDER SECTION 1902(B)(2) AS DETERMINED BY THE DEPARTMENT.

15 (C) OPTIONAL INFORMATION.--THE PRACTITIONER MAY STATE IN THE
16 CERTIFICATION THAT, IN THE PRACTITIONER'S PROFESSIONAL OPINION:

17 (1) THE PATIENT WOULD BENEFIT FROM MEDICAL MARIJUANA
18 ONLY UNTIL A SPECIFIED DATE.

19 (2) THE PATIENT IS TERMINALLY ILL.

20 (D) CONSULTATION.--A PRACTITIONER SHALL CONSULT THE
21 PRESCRIPTION DRUG MONITORING PROGRAM PRIOR TO ISSUING OR
22 MODIFYING A CERTIFICATION FOR THE PURPOSE OF REVIEWING THE
23 CONTROLLED SUBSTANCE HISTORY OF A PATIENT.

24 (E) DUTIES OF PRACTITIONER.--THE PRACTITIONER SHALL:

25 (1) PROVIDE THE CERTIFICATION TO THE PATIENT.

26 (2) PROVIDE A COPY OF THE CERTIFICATION TO THE
27 DEPARTMENT, WHICH SHALL PLACE THE INFORMATION IN THE
28 REGISTRY. THE DEPARTMENT SHALL PERMIT ELECTRONIC SUBMISSION
29 OF THE CERTIFICATION.

30 (3) FILE A COPY OF THE CERTIFICATION IN THE PATIENT'S

1 HEALTH CARE RECORD.

2 (F) PROHIBITION.--A PRACTITIONER MAY NOT ISSUE A
3 CERTIFICATION FOR THE PRACTITIONER'S OWN USE OR FOR THE USE OF A
4 FAMILY OR HOUSEHOLD MEMBER.

5 SECTION 502. CERTIFICATION FORM.

6 THE DEPARTMENT SHALL DEVELOP A STANDARD CERTIFICATION FORM,
7 WHICH SHALL BE AVAILABLE UPON REQUEST. IN ADDITION, THE FORM
8 SHALL BE AVAILABLE TO PRACTITIONERS ELECTRONICALLY. THE FORM
9 SHALL INCLUDE A STATEMENT THAT A FALSE STATEMENT MADE BY A
10 PRACTITIONER IS PUNISHABLE UNDER THE APPLICABLE PROVISIONS OF 18
11 PA.C.S. CH. 49 (RELATING TO FALSIFICATION AND INTIMIDATION).

12 SECTION 503. LAWFUL USE OF MEDICAL MARIJUANA.

13 (A) GENERAL RULE.--NOTWITHSTANDING ANY PROVISION OF LAW TO
14 THE CONTRARY, CERTIFIED MEDICAL USE OF MEDICAL MARIJUANA AS SET
15 FORTH IN THIS ACT AND REGULATIONS PROMULGATED UNDER THIS ACT IS
16 LAWFUL WITHIN THIS COMMONWEALTH.

17 (B) LIMITATIONS.--THE LAWFUL USE OF MEDICAL MARIJUANA IS
18 SUBJECT TO THE FOLLOWING LIMITATIONS:

19 (1) MEDICAL MARIJUANA MAY ONLY BE ADMINISTERED TO A
20 PATIENT WHO IS CERTIFIED BY A PRACTITIONER.

21 (2) SUBJECT TO REGULATIONS PROMULGATED UNDER SECTION
22 1108(3), MEDICAL MARIJUANA MAY ONLY BE DISPENSED TO A PATIENT
23 OR CAREGIVER IN THE FOLLOWING FORMS:

24 (I) PILL;

25 (II) OIL;

26 (III) TOPICAL FORMS, INCLUDING GEL, CREAMS OR
27 OINTMENTS;

28 (IV) A FORM MEDICALLY APPROPRIATE FOR ADMINISTRATION
29 BY VAPORIZATION OR NEBULIZATION.

30 (V) TINCTURE; OR

1 (VI) LIQUID.

2 (3) IN ACCORDANCE WITH SECTION 1108, MEDICAL MARIJUANA
3 MAY BE DISPENSED TO A PATIENT OR A CAREGIVER IN DRY LEAF OR
4 PLANT FORM.

5 (4) (RESERVED).

6 (5) FOR EACH PATIENT, POSSESSION OF MEDICAL MARIJUANA BY
7 A PATIENT AND A CAREGIVER MAY NOT EXCEED A 30-DAY SUPPLY OF
8 INDIVIDUAL DOSES, CONSISTENT WITH ANY REGULATIONS OF THE
9 DEPARTMENT, EXCEPT THAT, DURING THE LAST SEVEN DAYS OF ANY
10 30-DAY PERIOD, A PATIENT MAY ALSO POSSESS A 30-DAY SUPPLY FOR
11 THE SUBSEQUENT 30-DAY PERIOD.

12 (6) AN INDIVIDUAL MAY NOT ACT AS A CAREGIVER FOR MORE
13 THAN FIVE PATIENTS.

14 (7) A PATIENT MAY DESIGNATE UP TO TWO CAREGIVERS AT ANY
15 ONE TIME.

16 (8) THE FORM OF MEDICAL MARIJUANA THAT MAY BE POSSESSED
17 BY A PATIENT OR CAREGIVER UNDER A CERTIFICATION SHALL BE IN
18 COMPLIANCE WITH ANY REQUIREMENT OR LIMITATION OF THE
19 PRACTITIONER.

20 (9) THE MEDICAL MARIJUANA SHALL BE KEPT IN THE ORIGINAL
21 PACKAGE IN WHICH IT WAS DISPENSED, EXCEPT FOR THE PORTION
22 REMOVED FOR IMMEDIATE USE BY THE PATIENT.

23 (10) A PATIENT OR CAREGIVER SHALL POSSESS AN
24 IDENTIFICATION CARD WHENEVER THE PATIENT OR CAREGIVER IS IN
25 IMMEDIATE POSSESSION OF MEDICAL MARIJUANA.

26 (11) WITH RESPECT TO THE PACKAGING OF MEDICAL MARIJUANA
27 BY GROWERS/PROCESSORS AND DISPENSING OF MEDICAL MARIJUANA BY
28 DISPENSARIES, THE MEDICAL MARIJUANA SHALL ONLY BE IDENTIFIED
29 BY THE NAME OF THE GROWER/PROCESSOR, THE NAME OF THE
30 DISPENSARY, THE SPECIES AND THE PERCENTAGE OF

1 TETRAHYDROCANNABINOL AND CANNABIDIOL.

2 (12) AN INDIVIDUAL MAY NOT CLAIM INTOXICATION DUE TO
3 MEDICAL MARIJUANA AS A DEFENSE IN AN IMPAIRMENT OF CONTRACTS
4 CAUSE OF ACTION.

5 SECTION 504. UNLAWFUL USE OF MEDICAL MARIJUANA.

6 (A) GENERAL RULE.--NOTWITHSTANDING SECTION 503, THE USE OF
7 MEDICAL MARIJUANA AS SET FORTH IN THIS SECTION IS UNLAWFUL AND
8 SHALL, IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, BE
9 DEEMED A VIOLATION OF THE ACT OF APRIL 14, 1972 (P.L.233,
10 NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND
11 COSMETIC ACT.

12 (B) UNLAWFUL USE DESCRIBED.--REGARDLESS OF THE FORM OF
13 MEDICAL MARIJUANA STATED IN THE PATIENT'S CERTIFICATION, IT IS
14 UNLAWFUL TO:

15 (1) SMOKE MEDICAL MARIJUANA.

16 (2) INCORPORATE MEDICAL MARIJUANA INTO EDIBLE FORM.

17 NOTHING IN THIS ACT SHALL BE CONSTRUED TO PRECLUDE THE
18 INCORPORATION OF MEDICAL MARIJUANA INTO EDIBLE FORM BY A
19 PATIENT OR A CAREGIVER IN ORDER TO AID INGESTION OF THE
20 MEDICAL MARIJUANA BY THE PATIENT.

21 (3) GROW MEDICAL MARIJUANA UNLESS REGISTERED AS A
22 GROWER/PROCESSOR OR HEALTH CARE MEDICAL MARIJUANA
23 ORGANIZATION UNDER CHAPTER 19 AND ACTING IN COMPLIANCE WITH
24 THIS ACT.

25 SECTION 505. IDENTIFICATION CARDS.

26 (A) ISSUANCE.--UPON REVIEW AND APPROVAL OF THE CERTIFICATION
27 ISSUED TO A PATIENT BY A PRACTITIONER, SATISFACTORY REVIEW OF A
28 PRACTITIONER'S MEDICAL CREDENTIALS, SATISFACTORY REVIEW OF THE
29 PRESCRIPTION DRUG MONITORING PROGRAM IN THE CASE OF A CAREGIVER
30 AND SATISFACTORY REVIEW OF THE FEDERAL AND COMMONWEALTH CRIMINAL

1 HISTORY RECORD INFORMATION IN THE CASE OF A CAREGIVER, THE
2 DEPARTMENT SHALL ISSUE AN IDENTIFICATION CARD TO A PATIENT OR
3 CAREGIVER. THE IDENTIFICATION CARD SHALL PERMIT A PATIENT OR
4 CAREGIVER TO ACCESS MEDICAL MARIJUANA IN ACCORDANCE WITH THIS
5 ACT.

6 (B) EXPIRATION.--AN IDENTIFICATION CARD SHALL EXPIRE WITHIN
7 ONE YEAR FROM THE DATE OF ISSUANCE, UPON THE DEATH OF THE
8 PATIENT, OR AS OTHERWISE PROVIDED IN THIS SECTION. THE
9 DEPARTMENT SHALL SPECIFY THE FORM OF APPLICATION FOR AN
10 IDENTIFICATION CARD. THE DEPARTMENT SHALL PROVIDE THE FORM UPON
11 REQUEST, AND THE FORM SHALL BE AVAILABLE ELECTRONICALLY VIA THE
12 DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

13 (C) SEPARATE CARDS TO BE ISSUED.--THE DEPARTMENT SHALL ISSUE
14 SEPARATE IDENTIFICATION CARDS FOR PATIENTS AND CAREGIVERS AS
15 SOON AS REASONABLY PRACTICABLE AFTER RECEIVING A COMPLETED
16 APPLICATION, UNLESS IT DETERMINES THAT THE APPLICATION IS
17 INCOMPLETE OR FACTUALLY INACCURATE, IN WHICH CASE IT SHALL
18 PROMPTLY NOTIFY THE APPLICANT.

19 (D) CHANGE IN NAME OR ADDRESS.--A PATIENT OR CAREGIVER WHO
20 HAS BEEN ISSUED AN IDENTIFICATION CARD SHALL NOTIFY THE
21 DEPARTMENT WITHIN 10 DAYS OF ANY CHANGE OF NAME OR ADDRESS. IN
22 ADDITION, WITH RESPECT TO THE PATIENT, THE PATIENT SHALL NOTIFY
23 THE DEPARTMENT WITHIN 10 DAYS IF THE PATIENT NO LONGER HAS THE
24 SERIOUS MEDICAL CONDITION NOTED ON THE CERTIFICATION.

25 (E) LOST OR DEFACED CARD.--IN THE EVENT OF A LOST, STOLEN,
26 DESTROYED OR ILLEGIBLE IDENTIFICATION CARD, THE PATIENT OR
27 CAREGIVER SHALL APPLY TO THE DEPARTMENT WITHIN 10 BUSINESS DAYS
28 OF DISCOVERY OF THE LOSS OR DEFACEMENT OF THE CARD FOR A
29 REPLACEMENT CARD. THE APPLICATION FOR A REPLACEMENT CARD SHALL
30 BE ON A FORM FURNISHED BY THE DEPARTMENT AND ACCOMPANIED BY A

1 \$25 FEE. THE DEPARTMENT MAY ESTABLISH HIGHER FEES FOR ISSUANCE
2 OF SECOND AND SUBSEQUENT REPLACEMENT IDENTIFICATION CARDS. THE
3 DEPARTMENT MAY WAIVE OR REDUCE THE FEE IN CASES OF DEMONSTRATED
4 FINANCIAL HARDSHIP. THE DEPARTMENT SHALL ISSUE A REPLACEMENT
5 IDENTIFICATION CARD AS SOON AS PRACTICABLE. THE CARD MAY CONTAIN
6 A DIFFERENT IDENTIFICATION NUMBER. A PATIENT OR CAREGIVER MAY
7 NOT OBTAIN MEDICAL MARIJUANA UNTIL THE PATIENT RECEIVES THE
8 REPLACEMENT CARD.

9 SECTION 506. PROCESS FOR OBTAINING OR RENEWING AN
10 IDENTIFICATION CARD.

11 (A) REQUIREMENTS.--THE FOLLOWING APPLY:

12 (1) TO OBTAIN, AMEND OR RENEW AN IDENTIFICATION CARD, A
13 PATIENT OR CAREGIVER SHALL FILE AN APPLICATION WITH THE
14 DEPARTMENT.

15 (2) IN THE CASE OF A PATIENT, THE APPLICATION SHALL
16 INCLUDE THE FOLLOWING:

17 (I) THE PATIENT'S CERTIFICATION. A NEW CERTIFICATION
18 MUST BE PROVIDED WITH A RENEWAL APPLICATION.

19 (II) THE NAME, ADDRESS AND DATE OF BIRTH OF THE
20 PATIENT.

21 (III) THE DATE OF THE CERTIFICATION.

22 (IV) IF THE PATIENT HAS AN IDENTIFICATION CARD BASED
23 ON A CURRENT VALID CERTIFICATION, THE IDENTIFICATION
24 NUMBER AND EXPIRATION DATE OF THAT IDENTIFICATION CARD.

25 (V) THE SPECIFIED DATE UNTIL WHICH THE PATIENT WOULD
26 BENEFIT FROM MEDICAL MARIJUANA, IF THE CERTIFICATION
27 STATES SUCH A DATE.

28 (VI) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE
29 CERTIFYING PRACTITIONER.

30 (VII) OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

1 (3) IF THE PATIENT DESIGNATES A CAREGIVER, THE
2 APPLICATION SHALL INCLUDE THE NAME, ADDRESS AND DATE OF BIRTH
3 OF THE CAREGIVER, AND OTHER INDIVIDUAL IDENTIFYING
4 INFORMATION REQUIRED BY THE DEPARTMENT.

5 (4) IN THE CASE OF A CAREGIVER, THE APPLICATION SHALL
6 INCLUDE THE FOLLOWING:

7 (I) FEDERAL AND COMMONWEALTH CRIMINAL HISTORY RECORD
8 INFORMATION AS SET FORTH IN SUBSECTION (B).

9 (II) THE NAME, ADDRESS AND DATE OF BIRTH OF THE
10 CAREGIVER.

11 (III) IF THE CAREGIVER HAS AN IDENTIFICATION CARD,
12 THE IDENTIFICATION NUMBER AND EXPIRATION DATE OF THE
13 IDENTIFICATION CARD.

14 (IV) OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

15 (5) THE APPLICATION SHALL BE SIGNED AND DATED BY THE
16 PATIENT OR CAREGIVER, AS APPROPRIATE.

17 (6) THE APPLICATION SHALL BE ACCOMPANIED BY A FEE OF
18 \$50. THE DEPARTMENT MAY WAIVE OR REDUCE THE FEE IN CASES OF
19 DEMONSTRATED FINANCIAL HARDSHIP.

20 (7) THE DEPARTMENT MAY PRESCRIBE ANY OTHER REQUIREMENTS
21 FOR THE APPLICATION.

22 (B) REQUIREMENT.--THE FOLLOWING APPLY:

23 (1) IN EACH CASE BEFORE APPROVING THE APPLICATION TO BE
24 A CAREGIVER, THE DEPARTMENT SHALL REVIEW THE APPLICANT'S
25 FEDERAL AND COMMONWEALTH CRIMINAL HISTORY RECORD INFORMATION
26 AND THE PRESCRIPTION DRUG MONITORING PROGRAM WITH RESPECT TO
27 THE CAREGIVER TO DETERMINE IF THE CAREGIVER HAS A HISTORY OF
28 DRUG ABUSE OR A HISTORY OF DIVERSION OF CONTROLLED SUBSTANCES
29 OR ILLEGAL DRUGS. THE DEPARTMENT MAY, WITHIN ITS DISCRETION,
30 DENY AN APPLICATION TO BECOME A CAREGIVER IF THE APPLICANT

1 HAS A HISTORY OF DRUG ABUSE OR A HISTORY OF DIVERTING
2 CONTROLLED SUBSTANCES OR ILLEGAL DRUGS. THE DEPARTMENT SHALL
3 DENY THE APPLICATION TO BE A CAREGIVER IF THE APPLICANT HAS
4 BEEN CONVICTED OF ANY CRIMINAL OFFENSE RELATED TO SALE OR
5 POSSESSION OF DRUGS, NARCOTICS OR OTHER CONTROLLED SUBSTANCES
6 WITHIN THE LAST FIVE YEARS.

7 (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY
8 AND IN ORDER TO FULFILL THE REQUIREMENTS OF THIS SUBSECTION,
9 THE PENNSYLVANIA STATE POLICE SHALL, AT THE REQUEST OF THE
10 DEPARTMENT, PROVIDE CRIMINAL HISTORY BACKGROUND
11 INVESTIGATIONS, WHICH SHALL INCLUDE RECORDS OF CRIMINAL
12 ARRESTS AND CONVICTIONS, NO MATTER WHERE OCCURRING, INCLUDING
13 FEDERAL CRIMINAL HISTORY RECORD INFORMATION, ON APPLICANTS
14 FOR THE POSITION OF CAREGIVER. FOR PURPOSES OF APPROVING
15 APPLICANTS TO BECOME CAREGIVERS, THE DEPARTMENT SHALL REQUEST
16 THE INFORMATION SET FORTH IN THIS PARAGRAPH FOR EACH
17 APPLICANT WHO SEEKS TO BECOME A CAREGIVER. THE DEPARTMENT MAY
18 RECEIVE AND RETAIN INFORMATION OTHERWISE PROTECTED BY 18
19 PA.C.S. CH. 91 (RELATING TO CRIMINAL HISTORY RECORD
20 INFORMATION).

21 (C) NOTICE.--AN APPLICATION FOR AN IDENTIFICATION CARD SHALL
22 INCLUDE NOTICE THAT A FALSE STATEMENT MADE IN THE APPLICATION IS
23 PUNISHABLE UNDER THE APPLICABLE PROVISIONS OF 18 PA.C.S. CH. 49
24 (RELATING TO FALSIFICATION AND INTIMIDATION).
25 SECTION 507. SPECIAL CONDITIONS.

26 THE FOLLOWING APPLY:

27 (1) IF THE PRACTITIONER STATES IN THE CERTIFICATION
28 THAT, IN THE PRACTITIONER'S PROFESSIONAL OPINION, THE PATIENT
29 WOULD BENEFIT FROM MEDICAL MARIJUANA ONLY UNTIL A SPECIFIED
30 EARLIER DATE, THEN THE IDENTIFICATION CARD SHALL EXPIRE ON

1 THAT DATE.

2 (2) IF THE PRACTITIONER REISSUES A CERTIFICATION WHICH
3 TERMINATES A CERTIFICATION ON AN EARLIER DATE, THEN A
4 REPLACEMENT IDENTIFICATION CARD SHALL BE ISSUED WITH THE
5 EARLIER EXPIRATION DATE. THE ORIGINAL IDENTIFICATION CARD
6 SHALL BE PROMPTLY RETURNED BY THE PATIENT TO THE DEPARTMENT.

7 (3) IF THE CERTIFICATION SO PROVIDES, THE IDENTIFICATION
8 CARD SHALL STATE ANY REQUIREMENT OR LIMITATION BY THE
9 PRACTITIONER AS TO THE FORM OF MEDICAL MARIJUANA FOR THE
10 PATIENT.

11 SECTION 508. MINORS.

12 IF A PATIENT IS UNDER 18 YEARS OF AGE, THE FOLLOWING APPLY:

13 (1) THE PATIENT SHALL HAVE A CAREGIVER.

14 (2) A CAREGIVER MUST BE ONE OF THE FOLLOWING:

15 (I) A PARENT OR LEGAL GUARDIAN OF THE PATIENT.

16 (II) AN INDIVIDUAL DESIGNATED BY A PARENT OR LEGAL
17 GUARDIAN.

18 (III) AN APPROPRIATE INDIVIDUAL APPROVED BY THE
19 DEPARTMENT UPON A SUFFICIENT SHOWING THAT NO PARENT OR
20 LEGAL GUARDIAN IS APPROPRIATE OR AVAILABLE.

21 SECTION 509. CAREGIVER AUTHORIZATION AND LIMITATIONS.

22 (A) AGE.--AN INDIVIDUAL WHO IS UNDER 21 YEARS OF AGE MAY NOT
23 BE A CAREGIVER UNLESS A SUFFICIENT SHOWING, AS DETERMINED BY THE
24 DEPARTMENT, IS MADE TO THE DEPARTMENT THAT THE INDIVIDUAL SHOULD
25 BE PERMITTED TO SERVE AS A CAREGIVER.

26 (B) CHANGING CAREGIVER.--IF A PATIENT WISHES TO CHANGE OR
27 TERMINATE THE DESIGNATION OF THE PATIENT'S CAREGIVER, FOR
28 WHATEVER REASON, THE PATIENT SHALL NOTIFY THE DEPARTMENT AS SOON
29 AS PRACTICABLE. THE DEPARTMENT SHALL ISSUE A NOTIFICATION TO THE
30 CAREGIVER THAT THE CAREGIVER'S IDENTIFICATION CARD IS INVALID

1 AND MUST BE PROMPTLY RETURNED TO THE DEPARTMENT.

2 (C) DENIAL IN PART.--IF AN APPLICATION OF A PATIENT
3 DESIGNATES AN INDIVIDUAL AS A CAREGIVER WHO IS NOT AUTHORIZED TO
4 BE A CAREGIVER, THAT PORTION OF THE APPLICATION SHALL BE DENIED
5 BY THE DEPARTMENT. THE DEPARTMENT SHALL REVIEW THE BALANCE OF
6 THE APPLICATION AND MAY APPROVE THAT PORTION OF IT.

7 SECTION 510. CONTENTS OF IDENTIFICATION CARD.

8 AN IDENTIFICATION CARD SHALL CONTAIN THE FOLLOWING:

9 (1) THE NAME OF THE PATIENT AND THE CAREGIVER, AS
10 APPROPRIATE. THE IDENTIFICATION CARD SHALL ALSO STATE WHETHER
11 THE INDIVIDUAL IS DESIGNATED AS A PATIENT OR AS A CAREGIVER.

12 (2) THE DATE OF ISSUANCE AND EXPIRATION DATE.

13 (3) AN IDENTIFICATION NUMBER FOR THE PATIENT AND
14 CAREGIVER, AS APPROPRIATE.

15 (4) A PHOTOGRAPH OF THE INDIVIDUAL TO WHOM THE
16 IDENTIFICATION CARD IS BEING ISSUED, WHETHER THE INDIVIDUAL
17 IS A PATIENT OR A CAREGIVER. THE METHOD OF OBTAINING THE
18 PHOTOGRAPH SHALL BE SPECIFIED BY THE DEPARTMENT BY
19 REGULATION. THE DEPARTMENT SHALL PROVIDE REASONABLE
20 ACCOMMODATION FOR A PATIENT WHO IS CONFINED TO THE PATIENT'S
21 HOME OR IS IN INPATIENT CARE DUE TO A SERIOUS MEDICAL
22 CONDITION.

23 (5) ANY REQUIREMENT OR LIMITATION SET BY THE
24 PRACTITIONER AS TO THE FORM OF MEDICAL MARIJUANA.

25 (6) ANY OTHER REQUIREMENTS DETERMINED BY THE DEPARTMENT,
26 EXCEPT THE DEPARTMENT MAY NOT REQUIRE THAT AN IDENTIFICATION
27 CARD DISCLOSE THE PATIENT'S SERIOUS MEDICAL CONDITION.

28 SECTION 511. SUSPENSION.

29 IF A PATIENT OR CAREGIVER INTENTIONALLY, KNOWINGLY OR
30 RECKLESSLY VIOLATES ANY PROVISION OF THIS ACT AS DETERMINED BY

1 THE DEPARTMENT, THE IDENTIFICATION CARD OF THE PATIENT OR
2 CAREGIVER MAY BE SUSPENDED OR REVOKED. THE SUSPENSION OR
3 REVOCATION SHALL BE IN ADDITION TO ANY CRIMINAL OR OTHER PENALTY
4 THAT MAY APPLY.

5 SECTION 512. USE OF PRESCRIPTION DRUG MONITORING PROGRAM.

6 (A) REQUIREMENT.--A PRACTITIONER SHALL CONSULT THE
7 PRESCRIPTION DRUG MONITORING PROGRAM EACH TIME PRIOR TO
8 AUTHORIZING THE USE OF MEDICAL MARIJUANA FOR A PATIENT AND EACH
9 TIME PRIOR TO CHANGING THE FORM OF MEDICAL MARIJUANA FOR A
10 PATIENT.

11 (B) OTHER ACCESS BY PRACTITIONER.--A PRACTITIONER MAY ACCESS
12 THE PRESCRIPTION DRUG MONITORING PROGRAM TO:

13 (1) DETERMINE WHETHER A PATIENT MAY BE UNDER TREATMENT
14 WITH A CONTROLLED SUBSTANCE BY ANOTHER PHYSICIAN OR OTHER
15 PERSON.

16 (2) ALLOW THE PRACTITIONER TO REVIEW THE PATIENT'S
17 CONTROLLED SUBSTANCE HISTORY AS DEEMED NECESSARY BY THE
18 PRACTITIONER.

19 (3) PROVIDE TO THE PATIENT, OR CAREGIVER ON BEHALF OF
20 THE PATIENT IF AUTHORIZED BY THE PATIENT, A COPY OF THE
21 PATIENT'S CONTROLLED SUBSTANCE HISTORY.

22 SECTION 513. PROHIBITIONS.

23 THE FOLLOWING PROHIBITIONS SHALL APPLY:

24 (1) A PATIENT MAY NOT OPERATE OR BE IN PHYSICAL CONTROL
25 OF ANY OF THE FOLLOWING WHILE UNDER THE INFLUENCE WITH A
26 BLOOD CONTENT OF MORE THAN 10 NANOGRAMS OF ACTIVE
27 TETRAHYDROCANNABIS PER MILLILITER OF BLOOD IN SERUM:

28 (I) CHEMICALS WHICH REQUIRE A PERMIT ISSUED BY THE
29 FEDERAL GOVERNMENT OR A STATE GOVERNMENT OR AN AGENCY OF
30 THE FEDERAL GOVERNMENT OR A STATE GOVERNMENT.

1 (II) HIGH-VOLTAGE ELECTRICITY OR ANY OTHER PUBLIC
2 UTILITY.

3 (2) A PATIENT MAY NOT PERFORM ANY EMPLOYMENT DUTIES AT
4 HEIGHTS OR IN CONFINED SPACES, INCLUDING, BUT NOT LIMITED TO,
5 MINING WHILE UNDER THE INFLUENCE OF MEDICAL MARIJUANA.

6 (3) A PATIENT MAY BE PROHIBITED BY AN EMPLOYER FROM
7 PERFORMING ANY TASK WHICH THE EMPLOYER DEEMS LIFE-
8 THREATENING, TO EITHER THE EMPLOYEE OR ANY OF THE EMPLOYEES
9 OF THE EMPLOYER, WHILE UNDER THE INFLUENCE OF MEDICAL
10 MARIJUANA. THE PROHIBITION SHALL NOT BE DEEMED AN ADVERSE
11 EMPLOYMENT DECISION EVEN IF THE PROHIBITION RESULTS IN
12 FINANCIAL HARM FOR THE PATIENT.

13 (4) A PATIENT MAY BE PROHIBITED BY AN EMPLOYER FROM
14 PERFORMING ANY DUTY WHICH COULD RESULT IN A PUBLIC HEALTH OR
15 SAFETY RISK WHILE UNDER THE INFLUENCE OF MEDICAL MARIJUANA.
16 THE PROHIBITION SHALL NOT BE DEEMED AN ADVERSE EMPLOYMENT
17 DECISION EVEN IF THE PROHIBITION RESULTS IN FINANCIAL HARM
18 FOR THE PATIENT.

19 CHAPTER 7

20 MEDICAL MARIJUANA ORGANIZATIONS

21 SECTION 701. MEDICAL MARIJUANA ORGANIZATIONS.

22 THE GROWING, ACQUIRING, POSSESSING, MANUFACTURING, SELLING,
23 DELIVERING, TRANSPORTING, DISTRIBUTING OR DISPENSING OF MEDICAL
24 MARIJUANA BY A MEDICAL MARIJUANA ORGANIZATION, INCLUDING A
25 CLINICAL REGISTRANT UNDER CHAPTER 20, UNDER THIS ACT AND IN
26 ACCORDANCE WITH REGULATIONS PROMULGATED BY THE DEPARTMENT UNDER
27 THIS ACT SHALL BE LAWFUL.

28 SECTION 702. LABORATORY.

29 A GROWER/PROCESSOR SHALL CONTRACT WITH AN INDEPENDENT
30 LABORATORY TO TEST THE MEDICAL MARIJUANA PRODUCED BY THE

1 GROWER/PROCESSOR. THE DEPARTMENT SHALL APPROVE THE LABORATORY
2 AND REQUIRE THAT THE LABORATORY REPORT TESTING RESULTS IN A
3 MANNER AS THE DEPARTMENT SHALL DETERMINE, INCLUDING REQUIRING A
4 TEST AT HARVEST AND A TEST AT FINAL PROCESSING.

5 SECTION 703. DISPENSING TO PATIENTS AND CAREGIVERS.

6 (A) GENERAL RULE.--A DISPENSARY MAY DISPENSE MEDICAL
7 MARIJUANA TO A PATIENT OR CAREGIVER UPON PRESENTATION TO THE
8 DISPENSARY OF A VALID IDENTIFICATION CARD FOR THAT PATIENT OR
9 CAREGIVER. THE DISPENSARY SHALL PROVIDE TO THE PATIENT OR
10 CAREGIVER A RECEIPT, AS APPROPRIATE. THE RECEIPT SHALL INCLUDE
11 ALL OF THE FOLLOWING:

12 (1) THE NAME, ADDRESS AND IDENTIFICATION NUMBER OF THE
13 DISPENSARY.

14 (2) THE NAME AND IDENTIFICATION NUMBER OF THE PATIENT
15 AND CAREGIVER.

16 (3) THE DATE THE MEDICAL MARIJUANA WAS DISPENSED.

17 (4) ANY REQUIREMENT OR LIMITATION BY THE PRACTITIONER AS
18 TO THE FORM OF MEDICAL MARIJUANA FOR THE PATIENT.

19 (5) THE FORM AND THE QUANTITY OF MEDICAL MARIJUANA
20 DISPENSED.

21 (B) RECORD RETENTION.--THE DISPENSARY SHALL RETAIN THE
22 FOLLOWING FOR SIX YEARS:

23 (1) A COPY OF THE PATIENT'S OR CAREGIVER'S
24 IDENTIFICATION CARD, AS APPROPRIATE.

25 (2) THE RECEIPT, WHICH MAY BE RETAINED IN ELECTRONIC
26 FORM.

27 (C) FILING WITH DEPARTMENT.--PRIOR TO DISPENSING MEDICAL
28 MARIJUANA TO A PATIENT OR CAREGIVER, THE DISPENSARY SHALL FILE
29 THE RECEIPT INFORMATION WITH THE DEPARTMENT BY ELECTRONIC MEANS
30 ON A REAL-TIME BASIS AS THE DEPARTMENT SHALL REQUIRE. THE

1 DEPARTMENT SHALL IMMEDIATELY ENTER THE INFORMATION INTO THE
2 SEPARATE, ELECTRONIC DATABASE ESTABLISHED UNDER SECTION 301(1.1)
3 FOR USE BY THE DEPARTMENT AND DISPENSARIES TO INHIBIT DIVERSION
4 AND OTHER UNLAWFUL USE OF MEDICAL MARIJUANA. WHEN FILING RECEIPT
5 AND CERTIFICATION INFORMATION ELECTRONICALLY UNDER THIS
6 SUBSECTION, THE DISPENSARY SHALL DISPOSE OF ANY ELECTRONICALLY
7 RECORDED PRESCRIPTION CERTIFICATION INFORMATION AS PROVIDED BY
8 REGULATION.

9 (D) LIMITATIONS.--NO DISPENSARY MAY DISPENSE TO A PATIENT OR
10 CAREGIVER:

11 (1) A QUANTITY OF MEDICAL MARIJUANA GREATER THAN THAT
12 WHICH THE PATIENT OR CAREGIVER IS PERMITTED TO POSSESS UNDER
13 THE CERTIFICATION; OR

14 (2) A FORM OF MEDICAL MARIJUANA PROHIBITED BY THIS ACT.

15 (E) SUPPLY.--WHEN DISPENSING MEDICAL MARIJUANA TO A PATIENT
16 OR CAREGIVER, THE DISPENSARY MAY NOT DISPENSE AN AMOUNT GREATER
17 THAN A 30-DAY SUPPLY UNTIL THE PATIENT HAS EXHAUSTED ALL BUT A
18 SEVEN-DAY SUPPLY PROVIDED PURSUANT TO A PREVIOUSLY ISSUED
19 CERTIFICATION.

20 (F) VERIFICATION.--PRIOR TO DISPENSING MEDICAL MARIJUANA TO
21 A PATIENT OR CAREGIVER, THE DISPENSARY SHALL VERIFY THE
22 INFORMATION IN SUBSECTIONS (E) AND (G) BY CONSULTING THE
23 DATABASE ESTABLISHED UNDER SECTION 301(1.1).

24 (G) FORM OF MEDICAL MARIJUANA.--MEDICAL MARIJUANA DISPENSED
25 TO A PATIENT OR CAREGIVER BY A DISPENSARY SHALL CONFORM TO ANY
26 REQUIREMENT OR LIMITATION SET BY THE PRACTITIONER AS TO THE FORM
27 OF MEDICAL MARIJUANA FOR THE PATIENT.

28 (H) SAFETY INSERT.--WHEN A DISPENSARY DISPENSES MEDICAL
29 MARIJUANA TO A PATIENT OR CAREGIVER, THE ORGANIZATION SHALL
30 PROVIDE TO THAT PATIENT OR CAREGIVER, AS APPROPRIATE, A SAFETY

1 INSERT. THE INSERT SHALL BE DEVELOPED AND APPROVED BY THE
2 DEPARTMENT. THE INSERT SHALL PROVIDE THE FOLLOWING INFORMATION:

3 (1) LAWFUL METHODS FOR ADMINISTERING MEDICAL MARIJUANA
4 IN INDIVIDUAL DOSES.

5 (2) ANY POTENTIAL DANGERS STEMMING FROM THE USE OF
6 MEDICAL MARIJUANA.

7 (3) HOW TO RECOGNIZE WHAT MAY BE PROBLEMATIC USAGE OF
8 MEDICAL MARIJUANA AND HOW TO OBTAIN APPROPRIATE SERVICES OR
9 TREATMENT FOR PROBLEMATIC USAGE.

10 (4) HOW TO PREVENT OR DETER THE MISUSE OF MEDICAL
11 MARIJUANA BY MINORS OR OTHERS.

12 (5) ANY OTHER INFORMATION AS DETERMINED BY THE
13 DEPARTMENT.

14 (I) SEALED AND LABELED PACKAGE.--MEDICAL MARIJUANA SHALL BE
15 DISPENSED BY A DISPENSARY TO A PATIENT OR CAREGIVER IN A SEALED
16 AND PROPERLY LABELED PACKAGE. THE LABELING SHALL CONTAIN THE
17 FOLLOWING:

18 (1) THE INFORMATION REQUIRED TO BE INCLUDED IN THE
19 RECEIPT PROVIDED TO THE PATIENT OR CAREGIVER, AS APPROPRIATE,
20 BY THE DISPENSARY.

21 (2) THE PACKAGING DATE.

22 (3) ANY APPLICABLE DATE BY WHICH THE MEDICAL MARIJUANA
23 SHOULD BE USED.

24 (4) A WARNING STATING:

25 "THIS PRODUCT IS FOR MEDICINAL USE ONLY. WOMEN SHOULD NOT
26 CONSUME DURING PREGNANCY OR WHILE BREASTFEEDING EXCEPT ON THE
27 ADVICE OF THE PRACTITIONER WHO ISSUED THE CERTIFICATION AND
28 IN THE CASE OF BREASTFEEDING, THE INFANT'S PEDIATRICIAN. THIS
29 PRODUCT MIGHT IMPAIR THE ABILITY TO DRIVE OR OPERATE HEAVY
30 MACHINERY. KEEP OUT OF REACH OF CHILDREN."

1 (5) THE AMOUNT OF INDIVIDUAL DOSES CONTAINED WITHIN THE
2 PACKAGE AND THE SPECIES AND PERCENTAGE OF
3 TETRAHYDROCANNABINOL AND CANNABIDIOL.

4 (6) A WARNING THAT THE MEDICAL MARIJUANA MUST BE KEPT IN
5 THE ORIGINAL CONTAINER IN WHICH IT WAS DISPENSED.

6 (7) A WARNING THAT UNAUTHORIZED USE IS UNLAWFUL AND WILL
7 SUBJECT THE PERSON TO CRIMINAL PENALTIES.

8 (8) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

9 (J) CONVICTIONS PROHIBITED.--THE FOLLOWING INDIVIDUALS MAY
10 NOT HOLD VOLUNTEER POSITIONS OR POSITIONS WITH REMUNERATION IN
11 OR BE AFFILIATED WITH A MEDICAL MARIJUANA ORGANIZATION,
12 INCLUDING A CLINICAL REGISTRANT UNDER CHAPTER 20, IN ANY WAY IF
13 THE INDIVIDUAL HAS BEEN CONVICTED OF ANY CRIMINAL OFFENSE
14 RELATED TO THE SALE OR POSSESSION OF ILLEGAL DRUGS, NARCOTICS OR
15 CONTROLLED SUBSTANCES:

16 (1) FINANCIAL BACKERS.

17 (2) PRINCIPALS.

18 (3) EMPLOYEES.

19 SECTION 704. PRICING.

20 THE FOLLOWING APPLY:

21 (1) EACH SALE OF MEDICAL MARIJUANA BY A DISPENSARY SHALL
22 NOT EXCEED THE MAXIMUM PRICE DETERMINED BY THE DEPARTMENT
23 THROUGH REGULATION. A CHARGE MADE OR DEMANDED FOR MEDICAL
24 MARIJUANA BY A DISPENSARY WHICH EXCEEDS THE MAXIMUM PRICE
25 DETERMINED BY THE DEPARTMENT IS DEEMED TO BE A VIOLATION OF
26 THE ACT OF DECEMBER 17, 1968 (P.L.1224, NO.387), KNOWN AS THE
27 UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION LAW.

28 (2) THE DEPARTMENT SHALL SET THE MAXIMUM PER-DOSE PRICE
29 OF EACH FORM OF MEDICAL MARIJUANA DISPENSED BY A DISPENSARY.
30 IN SETTING THE MAXIMUM PER-DOSE PRICE, THE DEPARTMENT SHALL

1 CONSIDER THE FIXED AND VARIABLE COSTS OF PRODUCING THE FORM
2 OF MEDICAL MARIJUANA AND ANY OTHER FACTOR THE DEPARTMENT
3 DEEMS RELEVANT TO DETERMINE THE MAXIMUM PER-DOSE PRICE.

4 (3) THE DEPARTMENT MAY SET THE MAXIMUM PER-DOSE PRICE OF
5 EACH FORM OF MEDICAL MARIJUANA SOLD BY A GROWER/PROCESSOR TO
6 A DISPENSARY.

7 (4) A GROWER/PROCESSOR SHALL MAKE MEDICAL MARIJUANA
8 AVAILABLE FOR SALE TO ALL DISPENSARIES AT THE SAME PER-DOSE
9 PRICE.

10 (5) IF A GROWER/PROCESSOR CHANGES THE PER-DOSE PRICE ON
11 ANY SALE OF ANY FORM OF MEDICAL MARIJUANA TO A DISPENSARY,
12 THE GROWER/PROCESSOR SHALL CHANGE THE PER-DOSE PRICE FOR THAT
13 FORM OF MEDICAL MARIJUANA FOR ALL OTHER DISPENSARIES BY THE
14 SAME AMOUNT.

15 SECTION 705. FACILITY REQUIREMENTS.

16 (A) GENERAL RULE.--THE FOLLOWING APPLY:

17 (1) A GROWER/PROCESSOR MAY ONLY GROW OR PROCESS MEDICAL
18 MARIJUANA IN AN INDOOR, ENCLOSED, SECURE FACILITY LOCATED
19 WITHIN THIS COMMONWEALTH, AS DETERMINED BY THE DEPARTMENT.
20 THE FACILITY MAY INCLUDE A GREENHOUSE.

21 (2) A DISPENSARY MAY ONLY DISPENSE MEDICAL MARIJUANA IN
22 AN INDOOR, ENCLOSED, SECURE FACILITY LOCATED WITHIN THIS
23 COMMONWEALTH, AS DETERMINED BY THE DEPARTMENT.

24 (3) A DISPENSARY MAY NOT OPERATE ON THE SAME SITE AS A
25 FACILITY USED FOR GROWING AND PROCESSING MEDICAL MARIJUANA.

26 (4) A GROWER/PROCESSOR MAY NOT BE LOCATED WITHIN 1,000
27 FEET OF THE PROPERTY LINE OF A PUBLIC, PRIVATE OR PAROCHIAL
28 SCHOOL OR A DAY-CARE CENTER, UNLESS THE GROWER/PROCESSOR IS
29 LOCATED WITHIN A KEYSTONE OPPORTUNITY ZONE.

30 (5) A DISPENSARY MAY NOT BE LOCATED WITHIN 1,000 FEET OF

1 THE PROPERTY LINE OF A PUBLIC, PRIVATE OR PAROCHIAL SCHOOL OR
2 A DAY-CARE CENTER, UNLESS THE DISPENSARY IS LOCATED WITHIN A
3 KEYSTONE OPPORTUNITY ZONE.

4 (B) DETERMINATION.--A GROWER/PROCESSOR SHALL PROVIDE
5 DOCUMENTATION OF THE QUALITY AND SAFETY OF THE MEDICAL MARIJUANA
6 PRODUCED BY THE GROWER/PROCESSOR TO THE DEPARTMENT AND TO ANY
7 PATIENT OR CAREGIVER TO WHICH THE MEDICAL MARIJUANA IS
8 DISPENSED. THE DOCUMENTATION SHALL INCLUDE THE TEST RESULTS
9 UNDER SECTION 702.

10 SECTION 706. REGISTRATION.

11 (A) REGISTRATION REQUIRED.--UPON APPLICATION, THE DEPARTMENT
12 MAY REGISTER THE PERSON AS:

13 (1) BOTH A GROWER/PROCESSOR AND A DISPENSARY OR SOLELY
14 AS A GROWER/PROCESSOR.

15 (2) BOTH A DISPENSARY AND A GROWER/PROCESSOR OR SOLELY
16 AS A DISPENSARY.

17 (B) SEPARATE REGISTRATION.--SEPARATE REGISTRATION IS
18 REQUIRED FOR A GROWER/PROCESSOR AND FOR A DISPENSARY, INCLUDING
19 WHEN:

20 (1) A DISPENSARY IS REGISTERED AS A GROWER/PROCESSOR.

21 (2) A GROWER/PROCESSOR IS REGISTERED AS A DISPENSARY.

22 (C) RECORDS.--A GROWER/PROCESSOR WHICH IS ALSO REGISTERED AS
23 A DISPENSARY SHALL KEEP SEPARATE BOOKS AND RECORDS.

24 (D) DEPARTMENT TO ESTABLISH REGIONS.--THE DEPARTMENT SHALL
25 ESTABLISH NO FEWER THAN THREE REGIONS WITHIN THIS COMMONWEALTH
26 FOR THE PURPOSE OF REGISTERING GROWERS/PROCESSORS AND
27 DISPENSARIES AND PROVIDING FOR THEIR LOCATIONS. THE DEPARTMENT
28 SHALL IMPLEMENT THIS SUBSECTION IN A MANNER WHICH WILL SUPPLY AN
29 ADEQUATE AMOUNT OF MEDICAL MARIJUANA TO PATIENTS AND CAREGIVERS
30 IN EACH REGION. IN DETERMINING THE GEOGRAPHIC BOUNDARIES OF THE

1 REGIONS, THE DEPARTMENT SHALL CONSIDER THE FOLLOWING:

2 (1) POPULATION.

3 (2) THE NUMBER OF PATIENTS SUFFERING FROM SERIOUS
4 MEDICAL CONDITIONS.

5 (3) THE TYPES OF SERIOUS MEDICAL CONDITIONS.

6 (4) ACCESS TO PUBLIC TRANSPORTATION.

7 (5) ANY OTHER FACTOR THE DEPARTMENT DEEMS RELEVANT.

8 (E) NOTICE.--WHEN THE BOUNDARIES ARE ESTABLISHED, THE
9 DEPARTMENT SHALL PUBLISH NOTICE OF THE DETERMINATION IN THE
10 PENNSYLVANIA BULLETIN. THE DEPARTMENT MAY ADJUST THE BOUNDARIES
11 AS NECESSARY EVERY TWO YEARS. NOTICE OF ANY ADJUSTMENT TO THE
12 BOUNDARIES SHALL BE PUBLISHED IN THE PENNSYLVANIA BULLETIN.

13 SECTION 707. LIMITATIONS ON REGISTRATIONS.

14 THE FOLLOWING LIMITATIONS APPLY TO REGISTRATION OF
15 GROWER/PROCESSORS AND DISPENSARIES:

16 (1) THE DEPARTMENT MAY NOT INITIALLY REGISTER MORE THAN
17 25 GROWERS/PROCESSORS.

18 (2) THE DEPARTMENT MAY NOT INITIALLY REGISTER MORE THAN
19 50 DISPENSARIES. EACH DISPENSARY MAY PROVIDE MEDICAL
20 MARIJUANA AT NO MORE THAN THREE SEPARATE LOCATIONS.

21 (3) THE DEPARTMENT MAY NOT PERMIT A SINGLE PERSON TO
22 HOLD MORE THAN FIVE INDIVIDUAL DISPENSARY REGISTRATIONS.

23 (4) THE DEPARTMENT MAY NOT PERMIT A SINGLE PERSON TO
24 HOLD MORE THAN ONE GROWER/PROCESSOR REGISTRATION.

25 (5) NO MORE THAN FIVE GROWER/PROCESSORS MAY BE
26 REGISTERED AS DISPENSARIES. IF THE NUMBER OF
27 GROWERS/PROCESSORS IS INCREASED PURSUANT TO SECTION 1108(4),
28 NO MORE THAN 20% OF THE TOTAL NUMBER OF GROWERS/PROCESSORS
29 MAY ALSO BE REGISTERED AS DISPENSARIES.

30 (6) A DISPENSARY MAY ONLY OBTAIN MEDICAL MARIJUANA FROM

1 A GROWER/PROCESSOR HOLDING A VALID REGISTRATION UNDER THIS
2 ACT.

3 (7) A GROWER/PROCESSOR MAY ONLY PROVIDE MEDICAL
4 MARIJUANA TO A DISPENSARY HOLDING A VALID REGISTRATION UNDER
5 THIS ACT.

6 (8) NO MEDICAL MARIJUANA MAY BE DISPENSED FROM, OBTAINED
7 FROM OR TRANSFERRED TO A LOCATION OUTSIDE OF THIS
8 COMMONWEALTH.

9 (8.1) IN ACCORDANCE WITH REGULATIONS PROMULGATED BY THE
10 DEPARTMENT:

11 (I) TO INITIALLY GROW MEDICAL MARIJUANA, A
12 GROWER/PROCESSOR MAY OBTAIN SEED FROM OUTSIDE THIS
13 COMMONWEALTH.

14 (II) TO GROW MEDICAL MARIJUANA, A GROWER/PROCESSOR
15 MAY OBTAIN SEED AND PLANT MATERIAL FROM ANOTHER
16 GROWER/PROCESSOR WITHIN THIS COMMONWEALTH.

17 (9) A DISPENSARY SHALL HAVE A PHYSICIAN OR A PHARMACIST
18 ONSITE AT ALL TIMES DURING THE HOURS THE DISPENSARY IS OPEN
19 TO RECEIVE PATIENTS AND CAREGIVERS, EXCEPT THAT IF A
20 DISPENSARY HAS MORE THAN ONE SEPARATE LOCATION, A PHYSICIAN
21 ASSISTANT OR A CERTIFIED REGISTERED NURSE PRACTITIONER MAY BE
22 ONSITE AT THE OTHER LOCATION. A PHYSICIAN, A PHARMACIST, A
23 PHYSICIAN ASSISTANT OR A CERTIFIED REGISTERED NURSE
24 PRACTITIONER SHALL, PRIOR TO ASSUMING DUTIES UNDER THIS
25 PARAGRAPH, SUCCESSFULLY COMPLETE THE COURSE ESTABLISHED IN
26 SECTION 301(3). A PHYSICIAN MAY NOT CERTIFY PATIENTS TO
27 RECEIVE MEDICAL MARIJUANA OR OTHERWISE TREAT PATIENTS AT THE
28 DISPENSARY.

29 (10) A DISPENSARY MAY SELL MEDICAL DEVICES AND
30 INSTRUMENTS WHICH ARE NEEDED TO ADMINISTER MEDICAL MARIJUANA

1 UNDER THIS ACT.

2 (11) A DISPENSARY MAY SELL SERVICES APPROVED BY THE
3 DEPARTMENT RELATED TO THE USE OF MEDICAL MARIJUANA.
4 SECTION 708. APPLICATION AND ISSUANCE OF REGISTRATION.

5 (A) APPLICATION FOR INITIAL REGISTRATION.--THE DEPARTMENT IS
6 AUTHORIZED TO REGISTER ELIGIBLE APPLICANTS TO GROW AND PROCESS
7 OR DISPENSE MEDICAL MARIJUANA. THE DEPARTMENT SHALL DEVELOP A
8 STANDARD APPLICATION FORM, WHICH SHALL BE AVAILABLE UPON
9 REQUEST. THE DEPARTMENT SHALL PROVIDE THE APPLICATION IN
10 ELECTRONIC FORM, WHICH SHALL BE AVAILABLE ON THE DEPARTMENT'S
11 PUBLICLY ACCESSIBLE INTERNET WEBSITE.

12 (B) CONTENTS OF APPLICATION.--AN APPLICANT SHALL PROVIDE THE
13 FOLLOWING INFORMATION:

14 (1) A DESCRIPTION OF THE BUSINESS ACTIVITIES IN WHICH
15 THE APPLICANT INTENDS TO ENGAGE AS A MEDICAL MARIJUANA
16 ORGANIZATION.

17 (2) A STATEMENT THAT THE APPLICANT:

18 (I) IS OF GOOD MORAL CHARACTER. THE APPLICANT SHALL
19 SUBMIT FEDERAL AND COMMONWEALTH CRIMINAL HISTORY RECORD
20 INFORMATION IN ORDER TO SUPPORT THE ASSERTION OF GOOD
21 MORAL CHARACTER. FOR PURPOSES OF THIS SUBPARAGRAPH AN
22 APPLICANT SHALL INCLUDE EACH FINANCIAL BACKER AND
23 PRINCIPAL OF THE MEDICAL MARIJUANA ORGANIZATION.

24 (II) POSSESSES OR HAS THE RIGHT TO USE SUFFICIENT
25 LAND, BUILDINGS AND OTHER PREMISES AND EQUIPMENT TO
26 PROPERLY CARRY ON THE ACTIVITY DESCRIBED IN THE
27 APPLICATION. THE INFORMATION SHALL BE SPECIFIED IN THE
28 APPLICATION IN SUFFICIENT DETAIL TO ALLOW THE DEPARTMENT
29 TO VERIFY THE INFORMATION.

30 (III) IS ABLE TO MAINTAIN EFFECTIVE SECURITY AND

1 CONTROL TO PREVENT DIVERSION, ABUSE AND OTHER ILLEGAL
2 CONDUCT RELATING TO MEDICAL MARIJUANA. THE STATEMENT
3 SHALL INCLUDE A PROVISION WHICH STATES THAT IN THE EVENT
4 OF ANY LOSS OR THEFT OF MEDICAL MARIJUANA THE MEDICAL
5 MARIJUANA ORGANIZATION SHALL NOTIFY THE PENNSYLVANIA
6 STATE POLICE WITHIN 24 HOURS.

7 (IV) IS ABLE TO COMPLY WITH ALL APPLICABLE
8 COMMONWEALTH LAWS AND REGULATIONS RELATING TO THE
9 ACTIVITIES IN WHICH IT INTENDS TO ENGAGE UNDER THE
10 REGISTRATION.

11 (3) THE NAME, ADDRESS AND TITLE OF EACH FINANCIAL BACKER
12 AND PRINCIPAL OF THE APPLICANT. RESIDENTIAL ADDRESSES SHALL
13 BE INCLUDED FOR INDIVIDUALS. EACH INDIVIDUAL OR
14 REPRESENTATIVE OF AN ENTITY SHALL SUBMIT AN AFFIDAVIT WITH
15 THE APPLICATION SETTING FORTH:

16 (I) ANY POSITION OF MANAGEMENT OR OWNERSHIP DURING
17 THE PRECEDING 10 YEARS OF A CONTROLLING INTEREST IN ANY
18 OTHER BUSINESS, LOCATED INSIDE OR OUTSIDE THIS
19 COMMONWEALTH, MANUFACTURING OR DISTRIBUTING CONTROLLED
20 SUBSTANCES.

21 (II) WHETHER THE INDIVIDUAL OR ENTITY HAS BEEN
22 CONVICTED OF A CRIMINAL OFFENSE GRADED HIGHER THAN A
23 SUMMARY OFFENSE.

24 (III) WHETHER THE INDIVIDUAL OR ENTITY HAS HAD A
25 REGISTRATION OR LICENSE SUSPENDED OR REVOKED IN ANY
26 ADMINISTRATIVE OR JUDICIAL PROCEEDING.

27 (IV) ANY OTHER INFORMATION THE DEPARTMENT MAY
28 REQUIRE.

29 (C) NOTICE.--THE APPLICATION SHALL INCLUDE NOTICE THAT A
30 FALSE STATEMENT MADE IN THE APPLICATION IS PUNISHABLE UNDER THE

1 APPLICABLE PROVISIONS OF 18 PA.C.S. CH. 49 (RELATING TO
2 FALSIFICATION AND INTIMIDATION).

3 (D) DUTY TO REPORT.--THE APPLICANT IS UNDER A CONTINUING
4 DUTY TO:

5 (1) REPORT TO THE DEPARTMENT ANY CHANGE IN FACTS OR
6 CIRCUMSTANCES REFLECTED IN THE APPLICATION OR ANY NEWLY
7 DISCOVERED OR OCCURRING FACT OR CIRCUMSTANCE WHICH IS
8 REQUIRED TO BE INCLUDED IN THE APPLICATION, INCLUDING A
9 CHANGE IN CONTROL OF THE MEDICAL MARIJUANA ORGANIZATION.

10 (2) REPORT TO THE PENNSYLVANIA STATE POLICE, WITHIN 24
11 HOURS, ANY LOSS OR THEFT OF MEDICAL MARIJUANA FROM THE
12 FACILITY THE APPLICANT IS OPERATING.

13 (3) SUBMIT TO INSPECTIONS, WHETHER ANNOUNCED OR
14 UNANNOUNCED, BY THE DEPARTMENT OF THE FACILITIES FOR GROWING,
15 PROCESSING, DISPENSING OR SELLING MEDICAL MARIJUANA, OR OF
16 THE BOOKS, PAPERS AND TRACKING OR OTHER SYSTEMS REQUIRED BY
17 THIS ACT.

18 (E) GRANTING OF REGISTRATION.--THE DEPARTMENT SHALL GRANT A
19 REGISTRATION OR AMENDMENT TO A REGISTRATION UNDER THIS SECTION
20 IF THE DEPARTMENT IS SATISFIED THAT:

21 (1) THE APPLICANT WILL BE ABLE TO MAINTAIN EFFECTIVE
22 CONTROL AGAINST DIVERSION OF MEDICAL MARIJUANA.

23 (2) THE APPLICANT WILL BE ABLE TO COMPLY WITH ALL
24 APPLICABLE LAWS AND REGULATIONS OF THIS COMMONWEALTH RELATING
25 TO THE ACTIVITIES IN WHICH IT INTENDS TO ENGAGE UNDER THE
26 REGISTRATION.

27 (3) THE APPLICANT IS READY, WILLING AND ABLE TO PROPERLY
28 CARRY ON THE ACTIVITY FOR WHICH A REGISTRATION IS SOUGHT.

29 (4) THE APPLICANT POSSESSES OR HAS THE RIGHT TO USE
30 SUFFICIENT LAND, BUILDINGS AND EQUIPMENT TO PROPERLY CARRY ON

1 THE ACTIVITY DESCRIBED IN THE APPLICATION.

2 (5) IT IS IN THE PUBLIC INTEREST THAT THE REGISTRATION
3 BE GRANTED. IN DETERMINING WHETHER THE GRANTING OF
4 REGISTRATION IS IN THE PUBLIC INTEREST, THE DEPARTMENT SHALL
5 CONSIDER WHETHER THE NUMBER OF MEDICAL MARIJUANA
6 ORGANIZATIONS IN AN AREA WILL BE ADEQUATE OR EXCESSIVE.

7 (6) THE APPLICANT AND ITS PRINCIPALS AND FINANCIAL
8 BACKERS ARE OF GOOD MORAL CHARACTER.

9 (7) THE APPLICANT SATISFIES ANY OTHER CONDITIONS AS
10 DETERMINED BY THE DEPARTMENT.

11 (F) ADDITIONAL INFORMATION.--IF THE DEPARTMENT IS NOT
12 SATISFIED THAT THE APPLICANT SHOULD BE ISSUED A REGISTRATION,
13 THE DEPARTMENT SHALL NOTIFY THE APPLICANT IN WRITING OF THE
14 FACTORS FOR WHICH FURTHER DOCUMENTATION IS REQUIRED. WITHIN 30
15 DAYS OF THE RECEIPT OF THE NOTIFICATION, THE APPLICANT MAY
16 SUBMIT ADDITIONAL MATERIAL TO THE DEPARTMENT FOR CONSIDERATION.

17 (G) FEES.--THE FOLLOWING APPLY:

18 (1) FOR A GROWER/PROCESSOR:

19 (I) AN INITIAL APPLICATION FEE IN THE AMOUNT OF
20 \$10,000 SHALL BE PAID. THE FEE IS NONREFUNDABLE.

21 (II) A FEE FOR REGISTRATION AS A GROWER/PROCESSOR IN
22 THE AMOUNT OF \$200,000 SHALL BE PAID. THE PERIOD OF
23 REGISTRATION IS ONE YEAR. APPLICANTS SHALL SUBMIT THE
24 REGISTRATION FEE AT THE TIME OF SUBMISSION OF THE
25 APPLICATION. THE FEE SHALL BE RETURNED IF THE
26 REGISTRATION IS NOT GRANTED.

27 (III) A RENEWAL FEE FOR REGISTRATION AS A
28 GROWER/PROCESSOR IN THE AMOUNT OF \$10,000 SHALL BE PAID.
29 THE RENEWAL FEE SHALL BE RETURNED IF THE RENEWAL IS NOT
30 GRANTED.

1 (IV) BEFORE THE GRANTING OF THE INITIAL
2 REGISTRATION, THE DEPARTMENT SHALL VERIFY THAT THE
3 APPLICANT HAS \$2,000,000 IN CAPITAL, \$500,000 OF WHICH
4 MUST BE ON DEPOSIT WITH A FINANCIAL INSTITUTION.

5 (V) AN APPLICATION TO RENEW REGISTRATION SHALL BE
6 FILED WITH THE DEPARTMENT NOT MORE THAN SIX MONTHS NOR
7 LESS THAN FOUR MONTHS PRIOR TO EXPIRATION.

8 (VI) ALL FEES SHALL BE PAID BY CERTIFIED CHECK OR
9 MONEY ORDER.

10 (2) FOR A DISPENSARY:

11 (I) AN INITIAL APPLICATION FEE IN THE AMOUNT OF
12 \$5,000 SHALL BE PAID. THE FEE IS NONREFUNDABLE.

13 (II) A FEE FOR REGISTRATION AS A DISPENSARY IN THE
14 AMOUNT OF \$30,000 SHALL BE PAID. THE PERIOD OF
15 REGISTRATION IS ONE YEAR. AN APPLICANT SHALL SUBMIT THE
16 REGISTRATION FEE AT THE TIME OF SUBMISSION OF THE
17 APPLICATION. THE FEE SHALL BE RETURNED IF THE APPLICATION
18 IS NOT GRANTED.

19 (III) A RENEWAL FEE FOR REGISTRATION AS A DISPENSARY
20 IN THE AMOUNT OF \$5,000 SHALL BE PAID. THE FEE SHALL BE
21 RETURNED IF THE RENEWAL IS NOT GRANTED.

22 (IV) THERE SHALL BE NO ADDITIONAL FEE FOR OPERATING
23 MORE THAN ONE LOCATION.

24 (V) BEFORE THE GRANTING OF THE INITIAL REGISTRATION,
25 THE DEPARTMENT SHALL VERIFY THAT THE APPLICANT HAS
26 \$150,000 IN CAPITAL, WHICH MUST BE ON DEPOSIT WITH A
27 FINANCIAL INSTITUTION.

28 (VI) AN APPLICATION TO RENEW REGISTRATION SHALL BE
29 FILED WITH THE DEPARTMENT NOT MORE THAN SIX MONTHS NOR
30 LESS THAN FOUR MONTHS PRIOR TO EXPIRATION.

1 (VII) ALL FEES SHALL BE PAID BY CERTIFIED CHECK OR
2 MONEY ORDER.

3 (3) A FEE OF \$250 SHALL BE REQUIRED WHEN AMENDING THE
4 APPLICATION TO INDICATE RELOCATION WITHIN THIS COMMONWEALTH
5 OR THE ADDITION OR DELETION OF APPROVED ACTIVITIES BY THE
6 MEDICAL MARIJUANA ORGANIZATION.

7 (4) FEES PAYABLE UNDER THIS SECTION SHALL BE DEPOSITED
8 INTO THE FUND.

9 (H) ISSUANCE.--A REGISTRATION ISSUED BY THE DEPARTMENT TO A
10 MEDICAL MARIJUANA ORGANIZATION SHALL BE EFFECTIVE ONLY FOR THAT
11 ORGANIZATION AND SHALL SPECIFY THE FOLLOWING:

12 (1) THE NAME AND ADDRESS OF THE MEDICAL MARIJUANA
13 ORGANIZATION.

14 (2) THE LAND, BUILDINGS AND FACILITIES THAT MAY BE USED
15 BY THE MEDICAL MARIJUANA ORGANIZATION.

16 (3) ANY OTHER INFORMATION THE DEPARTMENT REQUIRES TO
17 ASSURE COMPLIANCE WITH THIS ACT.

18 (I) RELOCATION.--THE DEPARTMENT MAY APPROVE AN APPLICATION
19 FROM A MEDICAL MARIJUANA ORGANIZATION TO RELOCATE WITHIN THIS
20 COMMONWEALTH OR TO ADD OR DELETE ACTIVITIES OR FACILITIES. THE
21 MEDICAL MARIJUANA ORGANIZATION MAY NOT RELOCATE OR ADD OR DELETE
22 ACTIVITIES OR FACILITIES UNLESS APPROVED BY THE DEPARTMENT.

23 (J) LENGTH OF REGISTRATION.--A REGISTRATION ISSUED BY THE
24 DEPARTMENT SHALL BE VALID FOR ONE YEAR FROM THE DATE OF
25 ISSUANCE, EXCEPT THAT IN ORDER TO FACILITATE REGISTRATION
26 RENEWALS, THE DEPARTMENT MAY, UPON AN INITIAL APPLICATION FOR
27 REGISTRATION, ISSUE REGISTRATIONS THAT ARE VALID FOR NOT MORE
28 THAN ONE YEAR AND ELEVEN MONTHS.

29 (K) POSTING.--A DISPENSARY SHALL POST A COPY OF ITS
30 REGISTRATION IN A LOCATION WITHIN ITS FACILITY SUCH THAT IT IS

1 EASILY OBSERVABLE BY PATIENTS, CAREGIVERS, LAW ENFORCEMENT
2 OFFICERS AND AGENTS OF THE DEPARTMENT.
3 SECTION 709. REGISTRATION RENEWALS.

4 (A) THE FOLLOWING APPLY TO A RENEWAL OF REGISTRATION:

5 (1) AN APPLICANT IS UNDER A CONTINUING DUTY TO REPORT TO
6 THE DEPARTMENT ANY CHANGE IN FACTS OR CIRCUMSTANCES REFLECTED
7 IN THE APPLICATION OR ANY NEWLY DISCOVERED OR OCCURRING FACT
8 OR CIRCUMSTANCE WHICH IS REQUIRED TO BE INCLUDED IN THE
9 APPLICATION.

10 (2) THE APPLICATION SHALL INCLUDE THE FOLLOWING
11 INFORMATION, PREPARED IN THE MANNER AND DETAIL AS THE
12 DEPARTMENT MAY REQUIRE:

13 (I) ANY MATERIAL CHANGE IN THE INFORMATION PROVIDED
14 BY THE MEDICAL MARIJUANA ORGANIZATION IN AN APPLICATION
15 OR RENEWAL OF REGISTRATION.

16 (II) EVERY KNOWN CHARGE OR INITIATED INVESTIGATION,
17 PENDING OR CONCLUDED DURING THE PERIOD OF THE
18 REGISTRATION, BY ANY GOVERNMENTAL OR ADMINISTRATIVE
19 AGENCY WITH RESPECT TO:

20 (A) EACH INCIDENT OR ALLEGED INCIDENT INVOLVING
21 THE THEFT, LOSS OR POSSIBLE DIVERSION OF MEDICAL
22 MARIJUANA GROWN, PROCESSED OR DISPENSED BY THE
23 APPLICANT; AND

24 (B) COMPLIANCE BY THE APPLICANT WITH THE LAWS OF
25 THIS COMMONWEALTH WITH RESPECT TO ANY SUBSTANCE
26 LISTED IN SECTION 4 OF THE ACT OF APRIL 14, 1972
27 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE,
28 DRUG, DEVICE AND COSMETIC ACT.

29 (B) GRANTING OF RENEWAL.--THE DEPARTMENT SHALL RENEW A
30 REGISTRATION UNLESS THE DEPARTMENT DETERMINES THAT:

1 (1) THE APPLICANT IS UNLIKELY TO MAINTAIN OR BE ABLE TO
2 MAINTAIN EFFECTIVE CONTROL AGAINST DIVERSION OF MEDICAL
3 MARIJUANA.

4 (2) THE APPLICANT IS UNLIKELY TO COMPLY WITH ALL LAWS OF
5 THIS COMMONWEALTH APPLICABLE TO THE ACTIVITIES IN WHICH IT
6 MAY ENGAGE UNDER THE REGISTRATION.

7 (C) NONRENEWAL DECISION.--IF THE DEPARTMENT IS NOT SATISFIED
8 THAT THE APPLICANT IS ENTITLED TO A RENEWAL OF THE REGISTRATION,
9 THE DEPARTMENT SHALL WITHIN A REASONABLE TIME SERVE UPON THE
10 APPLICANT OR THE APPLICANT'S ATTORNEY OF RECORD BY REGISTERED OR
11 CERTIFIED MAIL AN ORDER DIRECTING THE APPLICANT TO SHOW CAUSE
12 WHY THE APPLICATION FOR RENEWAL SHOULD NOT BE DENIED. THE ORDER
13 SHALL SPECIFY IN DETAIL THE WAY IN WHICH THE APPLICANT HAS NOT
14 SATISFIED THE DEPARTMENT'S REQUIREMENT FOR RENEWAL. WITHIN 30
15 DAYS OF THE ORDER, THE APPLICANT MAY SUBMIT ADDITIONAL MATERIAL
16 TO THE DEPARTMENT OR DEMAND A HEARING, OR BOTH. IF A HEARING IS
17 DEMANDED, THE DEPARTMENT SHALL FIX A DATE AS SOON AS
18 PRACTICABLE.

19 SECTION 710. SUSPENSION OR REVOCATION OF REGISTRATION.

20 THE DEPARTMENT MAY SUSPEND OR REVOKE REGISTRATION AS A
21 MEDICAL MARIJUANA ORGANIZATION, INCLUDING REGISTRATION UNDER
22 CHAPTER 20, IF:

23 (1) THE DEPARTMENT HAS EVIDENCE THAT A MEDICAL MARIJUANA
24 ORGANIZATION HAS FAILED TO MAINTAIN EFFECTIVE CONTROL AGAINST
25 DIVERSION OF MEDICAL MARIJUANA.

26 (2) THE MEDICAL MARIJUANA ORGANIZATION VIOLATES ANY
27 PROVISION OF THIS ACT OR A REGULATION OF THE DEPARTMENT.

28 (3) THE MEDICAL MARIJUANA ORGANIZATION HAS
29 INTENTIONALLY, KNOWINGLY, RECKLESSLY OR NEGLIGENTLY FAILED TO
30 COMPLY WITH APPLICABLE LAWS OF THIS COMMONWEALTH RELATING TO

1 THE ACTIVITIES IN WHICH IT ENGAGES UNDER THE REGISTRATION.
2 SECTION 711. PRIVILEGE NOT PROPERTY RIGHT.

3 REGISTRATION OF A MEDICAL MARIJUANA ORGANIZATION, INCLUDING
4 REGISTRATION UNDER CHAPTER 20, GIVES A MEDICAL MARIJUANA
5 ORGANIZATION A PRIVILEGE TO ENGAGE IN THE SPECIFIED ACTIVITY,
6 BUT REGISTRATION DOES NOT GIVE A PROPERTY RIGHT.
7 SECTION 712. DIVERSITY GOALS.

8 (A) GOALS.--IT IS THE INTENT AND GOAL OF THE GENERAL
9 ASSEMBLY THAT THE DEPARTMENT PROMOTE AND ENSURE DIVERSITY AND
10 THE PARTICIPATION BY DIVERSE GROUPS IN THE ACTIVITIES AUTHORIZED
11 UNDER THIS ACT. IN ORDER TO FURTHER THIS GOAL, THE DEPARTMENT
12 SHALL ADOPT AND IMPLEMENT POLICIES OR GUIDELINES ENSURING THE
13 FOLLOWING:

14 (1) THAT DIVERSE GROUPS ARE ACCORDED EQUAL OPPORTUNITY
15 IN THE REGISTRATION PROCESS, EITHER DIRECTLY AS APPLICANTS OR
16 REGISTRANTS OR THROUGH OWNERSHIP INTERESTS IN APPLICANTS OR
17 REGISTRANTS.

18 (2) THAT REGISTRANTS PROMOTE THE PARTICIPATION OF
19 DIVERSE GROUPS IN THE REGISTRANTS' OPERATIONS BY AFFORDING
20 EQUAL ACCESS TO EMPLOYMENT OPPORTUNITIES.

21 (B) DUTIES OF DEPARTMENT.--TO FACILITATE PARTICIPATION BY
22 DIVERSE GROUPS IN THE ACTIVITIES AUTHORIZED UNDER THIS ACT, THE
23 DEPARTMENT SHALL:

24 (1) CONDUCT THE NECESSARY AND APPROPRIATE OUTREACH,
25 INCLUDING, IF DETERMINED APPROPRIATE, CONSULTING WITH OTHER
26 STATE AGENCIES, BOARDS AND COMMISSIONS, INCLUDING THE
27 DEPARTMENT OF GENERAL SERVICES AND THE DEPARTMENT OF STATE,
28 FOR THE PURPOSE OF IDENTIFYING DIVERSE GROUPS CAPABLE OF
29 PARTICIPATING IN THE ACTIVITIES UNDER THIS ACT.

30 (2) PROVIDE SUFFICIENT AND CONTINUOUS NOTICE OF THE

1 PARTICIPATION OPPORTUNITIES AFFORDED UNDER THIS ACT BY
2 PUBLISHING NOTICE IN THE PENNSYLVANIA BULLETIN AND ON THE
3 DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

4 (3) INCLUDE IN THE APPLICATIONS FOR REGISTRATION UNDER
5 THIS ACT LANGUAGE TO ENCOURAGE APPLICANTS TO UTILIZE AND GIVE
6 CONSIDERATION TO DIVERSE GROUPS FOR CONTRACTING OR
7 PROFESSIONAL SERVICES OPPORTUNITIES.

8 (4) DESIGNATE AN EMPLOYEE TO OVERSEE THE EFFORTS ADOPTED
9 BY REGISTRANTS TO PROMOTE THE PARTICIPATION OF DIVERSE GROUPS
10 IN THE ACTIVITIES AUTHORIZED UNDER THIS ACT AND COMPLY WITH
11 THE DIVERSITY GOALS OF THIS SECTION.

12 (C) REPORTS.--NO LATER THAN MARCH 1, 2018, AND EACH MARCH 1
13 THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE
14 CHAIRPERSON AND MINORITY CHAIRPERSON OF THE PUBLIC HEALTH AND
15 WELFARE COMMITTEE OF THE SENATE AND THE CHAIRPERSON AND MINORITY
16 CHAIRPERSON OF THE HEALTH COMMITTEE OF THE HOUSE OF
17 REPRESENTATIVES SUMMARIZING THE PARTICIPATION AND UTILIZATION OF
18 DIVERSE GROUPS IN THE ACTIVITIES AUTHORIZED UNDER THIS ACT. THE
19 REPORT SHALL INCLUDE:

20 (1) THE PARTICIPATION LEVEL, BY PERCENTAGE, OF DIVERSE
21 GROUPS IN THE ACTIVITIES AUTHORIZED UNDER THIS ACT.

22 (2) A SUMMARY OF HOW DIVERSE GROUPS ARE UTILIZED BY
23 REGISTRANTS, INCLUDING IN THE PROVISION OF GOODS OR SERVICES.

24 (3) ANY OTHER INFORMATION THE DEPARTMENT DEEMS
25 APPROPRIATE.

26 (D) DEFINITIONS.--THE FOLLOWING WORDS AND PHRASES WHEN USED
27 IN THIS SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
28 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

29 "DISADVANTAGED BUSINESS." AS DEFINED IN 74 PA.C.S. § 303(B)
30 (RELATING TO DIVERSE BUSINESS PARTICIPATION).

1 "DIVERSE GROUP." A DISADVANTAGED BUSINESS, MINORITY-OWNED
2 BUSINESS, WOMEN-OWNED BUSINESS, SERVICE-DISABLED VETERAN-OWNED
3 SMALL BUSINESS OR VETERAN-OWNED SMALL BUSINESS THAT HAS BEEN
4 CERTIFIED BY A THIRD-PARTY CERTIFYING ORGANIZATION.

5 "MINORITY-OWNED BUSINESS." AS DEFINED IN 74 PA.C.S. §
6 303(B).

7 "SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS." AS DEFINED
8 IN 51 PA.C.S. § 9601 (RELATING TO DEFINITIONS).

9 "THIRD-PARTY CERTIFYING ORGANIZATION." AS DEFINED IN 74
10 PA.C.S. § 303(B).

11 "VETERAN-OWNED SMALL BUSINESS." AS DEFINED IN 51 PA.C.S. §
12 9601.

13 "WOMEN-OWNED BUSINESS." AS DEFINED IN 74 PA.C.S. § 303(B).

14 CHAPTER 9

15 TAX ON MEDICAL MARIJUANA

16 SECTION 901. TAX ON MEDICAL MARIJUANA.

17 (A) TAX IMPOSED.--A TAX IS IMPOSED ON THE GROSS RECEIPTS OF
18 A GROWER/PROCESSOR RECEIVED FROM THE SALE OF MEDICAL MARIJUANA
19 BY A GROWER/PROCESSOR TO A DISPENSARY, TO BE PAID BY THE
20 GROWER/PROCESSOR, AT THE RATE OF 5%. THE TAX SHALL BE CHARGED
21 AGAINST AND BE PAID BY THE GROWER/PROCESSOR AND SHALL NOT BE
22 ADDED AS A SEPARATE CHARGE OR LINE ITEM ON ANY SALES SLIP,
23 INVOICE, RECEIPT OR OTHER STATEMENT OR MEMORANDUM OF THE PRICE
24 PAID BY A DISPENSARY, PATIENT OR CAREGIVER.

25 (B) PAYMENT OF TAX AND REPORTS.--THE TAX IMPOSED UNDER
26 SUBSECTION (A) SHALL BE ADMINISTERED IN THE SAME MANNER AS THE
27 TAX IMPOSED UNDER ARTICLE XI OF THE ACT OF MARCH 4, 1971 (P.L.6,
28 NO.2), KNOWN AS THE TAX REFORM CODE OF 1971, EXCEPT THAT
29 ESTIMATED TAX PAYMENTS UNDER SECTION 3003.2 OF THE TAX REFORM
30 CODE OF 1971 SHALL NOT BE REQUIRED. A GROWER/PROCESSOR SHALL

1 MAKE QUARTERLY PAYMENTS UNDER THIS SECTION FOR EACH CALENDAR
2 QUARTER AT THE RATE PRESCRIBED IN SUBSECTION (A) ON THE GROSS
3 RECEIPTS FOR THE CALENDAR QUARTER. THE TAX SHALL BE DUE AND
4 PAYABLE ON THE 20TH DAY OF JANUARY, APRIL, JULY AND OCTOBER FOR
5 THE PRECEDING CALENDAR QUARTER ON A FORM PRESCRIBED BY THE
6 DEPARTMENT OF REVENUE.

7 (C) (RESERVED).

8 (D) DEPOSIT OF PROCEEDS.--ALL MONEY RECEIVED FROM THE TAX
9 IMPOSED UNDER SUBSECTION (A) SHALL BE DEPOSITED IN THE FUND.

10 (E) EXEMPTION.--MEDICAL MARIJUANA SHALL NOT BE SUBJECT TO
11 THE TAX IMPOSED UNDER SECTION 202 OF THE TAX REFORM CODE OF
12 1971.

13 (F) INFORMATION.--A GROWER/PROCESSOR THAT SELLS MEDICAL
14 MARIJUANA SHALL PROVIDE TO THE DEPARTMENT OF REVENUE INFORMATION
15 REQUIRED BY THE DEPARTMENT.

16 SECTION 902. MEDICAL MARIJUANA PROGRAM FUND.

17 (A) FUND ESTABLISHED.--THE MEDICAL MARIJUANA PROGRAM FUND IS
18 ESTABLISHED AS A SPECIAL FUND IN THE STATE TREASURY. MONEY IN
19 THE FUND IS APPROPRIATED AS SET FORTH IN SUBSECTION (C). ANY
20 AMOUNT UNSPENT AT THE END OF A FISCAL YEAR SHALL BE APPROPRIATED
21 TO THE DEPARTMENT FOR ITS OPERATIONS.

22 (B) SOURCE OF FUNDS.--FEES AND TAXES PAYABLE UNDER THIS ACT
23 SHALL BE DEPOSITED INTO THE FUND. THE MONEY DEPOSITED INTO THE
24 FUND MAY ONLY BE USED FOR THE PURPOSES SET FORTH IN THIS
25 SECTION. ANY INTEREST ACCRUED SHALL BE DEPOSITED INTO THE FUND.

26 (C) USE OF PROCEEDS.--AFTER ANY REPAYMENT MADE UNDER
27 SUBSECTION (D), MONEY IN THE FUND IS APPROPRIATED IN ACCORDANCE
28 WITH THE FOLLOWING PERCENTAGES:

29 (1) TO THE DEPARTMENT, FOR OPERATIONS OF THE DEPARTMENT,
30 INCLUDING OUTREACH EFFORTS UNDER SECTION 301(7), AS REQUIRED

1 BY THIS ACT, 45% OF THE REVENUE IN THE FUND. FIFTEEN PERCENT
2 OF THE AMOUNT UNDER THIS PARAGRAPH SHALL BE EXPENDED FOR:

3 (I) THE COST OF PROVIDING MEDICAL MARIJUANA TO
4 PATIENTS PARTICIPATING IN THE RESEARCH PROGRAM UNDER
5 CHAPTER 19;

6 (II) THE COST OF PROVIDING MEDICAL MARIJUANA TO
7 PATIENTS WHO DEMONSTRATE FINANCIAL HARDSHIP UNDER THIS
8 ACT; AND

9 (III) THE COST ASSOCIATED WITH THE WAIVER OF FEES
10 FOR IDENTIFICATION CARDS UNDER SECTIONS 505(E) AND 506(A)
11 (6).

12 (2) TO THE DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS, FOR
13 DRUG ABUSE PREVENTION AND COUNSELING AND TREATMENT SERVICES,
14 10% OF THE REVENUE IN THE FUND.

15 (3) TO THE DEPARTMENT, FOR FURTHER RESEARCH RELATED TO
16 THE SAFETY AND USE OF MEDICAL MARIJUANA, INCLUDING THE
17 RESEARCH PROGRAM ESTABLISHED UNDER CHAPTER 19, 30% OF THE
18 REVENUE IN THE FUND. FUNDING SHALL BE PROVIDED FOR RESEARCH
19 INTO THE TREATMENT OF THOSE SERIOUS MEDICAL CONDITIONS FOR
20 WHICH MEDICAL MARIJUANA IS AVAILABLE FOR TREATMENT WITHIN
21 THIS COMMONWEALTH AND FOR RESEARCH INTO THE USE OF MEDICAL
22 MARIJUANA TO TREAT OTHER MEDICAL CONDITIONS FOR WHICH MEDICAL
23 MARIJUANA MAY HAVE LEGITIMATE MEDICINAL VALUE. HOWEVER, MONEY
24 IN THE FUND MAY NOT BE EXPENDED ON ACTIVITY UNDER CHAPTER 20.

25 (4) TO THE PENNSYLVANIA COMMISSION ON CRIME AND
26 DELINQUENCY, FOR DISTRIBUTION TO LOCAL POLICE DEPARTMENTS
27 WHICH DEMONSTRATE A NEED RELATING TO THE ENFORCEMENT OF THIS
28 ACT, AS DETERMINED BY THE PENNSYLVANIA COMMISSION ON CRIME
29 AND DELINQUENCY, 10% OF THE REVENUE IN THE FUND.

30 (5) TO THE PENNSYLVANIA STATE POLICE TO FULFILL ITS

1 DUTIES UNDER THIS ACT, 5% OF THE REVENUE IN THE FUND.

2 (D) REPAYMENT OF INITIAL APPROPRIATION.--THE DEPARTMENT
3 SHALL REPAY FROM THE FEES, TAXES AND INVESTMENT EARNINGS OF THE
4 FUND TO THE GENERAL FUND ANY MONEY APPROPRIATED FOR THE INITIAL
5 PLANNING, ORGANIZATION AND ADMINISTRATION BY THE DEPARTMENT WITH
6 RESPECT TO THE ESTABLISHMENT OF THE PROGRAM AT THE TIME OF THE
7 ORIGINAL ENACTMENT OF THIS ACT. REPAYMENT SHALL TAKE PLACE
8 WITHIN A 10-YEAR PERIOD COMMENCING ONE YEAR AFTER THE DATE OF
9 PUBLICATION IN THE PENNSYLVANIA BULLETIN OF THE FINAL
10 REGULATIONS DESCRIBED UNDER SECTION 1107.

11 CHAPTER 11

12 ADMINISTRATION

13 SECTION 1101. GOVERNING PRACTICE AND PROCEDURE.

14 THE DEPARTMENT'S CONSIDERATION AND RESOLUTION OF ALL
15 APPLICATIONS FOR REGISTRATION UNDER CHAPTERS 7 AND 20, THE
16 RESOLUTION OF APPLICATIONS FOR IDENTIFICATION CARDS, THE FINDING
17 OF VIOLATIONS BY THE DEPARTMENT AND THE IMPOSITION OF CIVIL
18 PENALTIES AND SANCTIONS SHALL BE CONDUCTED IN ACCORDANCE WITH 2
19 PA.C.S. (RELATING TO ADMINISTRATIVE LAW AND PROCEDURE).

20 SECTION 1102. REPORTS BY MEDICAL MARIJUANA ORGANIZATIONS.

21 (A) REPORTS REQUIRED.--A MEDICAL MARIJUANA ORGANIZATION
22 SHALL REPORT TO THE DEPARTMENT AS FOLLOWS:

23 (1) A MEDICAL MARIJUANA ORGANIZATION SHALL PERIODICALLY
24 FILE REPORTS RELATED TO ITS ACTIVITIES. THE DEPARTMENT SHALL
25 DETERMINE THE INFORMATION REQUIRED IN AND THE FREQUENCY OF
26 FILING THE REPORTS.

27 (2) A MEDICAL MARIJUANA ORGANIZATION SHALL REPORT THE
28 FOLLOWING TO THE DEPARTMENT EVERY 60 DAYS:

29 (I) THE AMOUNT OF MEDICAL MARIJUANA SOLD.

30 (II) THE TOTAL DOLLAR VALUE OF MEDICAL MARIJUANA

1 DISPENSED TO PATIENTS AND CAREGIVERS.

2 (III) THE AMOUNT OF MEDICAL MARIJUANA PURCHASED.

3 (IV) THE COST OF MEDICAL MARIJUANA TO EACH
4 DISPENSARY.

5 (B) TRACKING SYSTEMS.--EACH MEDICAL MARIJUANA ORGANIZATION
6 SHALL ADOPT AND MAINTAIN A 24-HOUR SECURITY, TRACKING,
7 RECORDKEEPING, RECORD RETENTION AND SURVEILLANCE SYSTEM RELATING
8 TO EVERY STAGE OF ACQUIRING, POSSESSING, GROWING, MANUFACTURING,
9 SELLING, DELIVERING, TRANSPORTING, DISTRIBUTING OR DISPENSING
10 MEDICAL MARIJUANA. THE DEPARTMENT SHALL SPECIFY THE TYPE AND
11 MANNER OF 24-HOUR SECURITY, TRACKING, RECORDKEEPING, RECORD
12 RETENTION AND SURVEILLANCE SYSTEM REQUIRED THROUGH REGULATION.

13 (C) ADDITIONAL TRACKING AND RECALL SYSTEMS.--IN ADDITION TO
14 OTHER SYSTEMS REQUIRED BY SUBSECTION (B), THE DEPARTMENT SHALL
15 REQUIRE THAT A GROWER/PROCESSOR OR DISPENSER IMPLEMENT THE
16 FOLLOWING:

17 (1) FOR A GROWER/PROCESSOR AND A DISPENSARY, REAL TIME
18 INVENTORY TRACKING.

19 (2) FOR A GROWER/PROCESSOR, A SEED-TO-SALE TRACKING
20 SYSTEM THAT TRACKS MEDICAL MARIJUANA FROM SEED OR IMMATURE
21 PLANT STAGE UNTIL THE MEDICAL MARIJUANA IS SOLD TO A
22 DISPENSARY.

23 (3) FOR A DISPENSARY, A SYSTEM THAT TRACKS MEDICAL
24 MARIJUANA FROM PURCHASE FROM THE GROWER/PROCESSOR UNTIL THE
25 MEDICAL MARIJUANA IS DISPENSED TO A PATIENT OR CAREGIVER.

26 (4) FOR A GROWER/PROCESSOR AND A DISPENSARY, A DAILY LOG
27 OF EACH DAY'S BEGINNING INVENTORY, ACQUISITIONS, SALES,
28 DISBURSEMENTS, DISPOSALS AND ENDING INVENTORY.

29 (5) FOR A GROWER/PROCESSOR AND A DISPENSARY, A SYSTEM
30 FOR RECALL OF DEFECTIVE MEDICAL MARIJUANA.

1 (6) FOR A GROWER/PROCESSOR, A SYSTEM TO TRACK THE PLANT
2 WASTE RESULTING FROM THE GROWTH OR PROCESSING OF MEDICAL
3 MARIJUANA.

4 SECTION 1103. LAW ENFORCEMENT NOTIFICATION.

5 NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE DEPARTMENT MAY
6 NOTIFY ANY APPROPRIATE LAW ENFORCEMENT AGENCY OF INFORMATION
7 RELATING TO ANY VIOLATION OR SUSPECTED VIOLATION OF THIS ACT.
8 IN ADDITION, THE DEPARTMENT SHALL VERIFY TO LAW ENFORCEMENT
9 PERSONNEL IN AN APPROPRIATE CASE WHETHER A CERTIFICATION,
10 REGISTRATION OR AN IDENTIFICATION CARD IS VALID.

11 SECTION 1104. EVALUATION.

12 THE DEPARTMENT MAY PROVIDE FOR AN ANALYSIS AND EVALUATION OF
13 THE IMPLEMENTATION AND EFFECTIVENESS OF THIS ACT, INCLUDING
14 WHETHER THE INTENT AND STATED POLICY OF THE GENERAL ASSEMBLY
15 HAVE BEEN ACHIEVED. THE DEPARTMENT MAY ENTER INTO AGREEMENTS
16 WITH ONE OR MORE PERSONS FOR THE PERFORMANCE OF AN EVALUATION OF
17 THE IMPLEMENTATION AND EFFECTIVENESS OF THIS ACT.

18 SECTION 1105. REPORT.

19 (A) REPORT REQUIRED.--THE DEPARTMENT SHALL SUBMIT A WRITTEN
20 REPORT UNDER SUBSECTION (B) EVERY TWO YEARS, BEGINNING TWO YEARS
21 AFTER THE EFFECTIVE DATE OF THIS SECTION, TO THE FOLLOWING:

22 (1) THE GOVERNOR.

23 (2) THE PRESIDENT PRO TEMPORE OF THE SENATE.

24 (3) THE MAJORITY LEADER AND THE MINORITY LEADER OF THE
25 SENATE.

26 (4) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

27 (5) THE MAJORITY LEADER AND THE MINORITY LEADER OF THE
28 HOUSE OF REPRESENTATIVES.

29 (6) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE JUDICIARY
30 COMMITTEE OF THE SENATE.

1 (7) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE PUBLIC
2 HEALTH AND WELFARE COMMITTEE OF THE SENATE.

3 (8) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE JUDICIARY
4 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

5 (9) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE HEALTH
6 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

7 (10) THE ATTORNEY GENERAL OF THE COMMONWEALTH.

8 (B) CONTENTS OF REPORT.--THE FOLLOWING INFORMATION SHALL BE
9 INCLUDED IN THE REPORT:

10 (1) AN ASSESSMENT OF THE USE OF MEDICAL MARIJUANA AS A
11 RESULT OF THE ENACTMENT OF THIS ACT.

12 (2) AN ASSESSMENT OF THE BENEFITS AND RISKS TO PATIENTS
13 USING MEDICAL MARIJUANA UNDER THIS ACT, INCLUDING ADVERSE
14 EVENTS.

15 (3) RECOMMENDATIONS FOR AMENDMENTS TO THIS ACT FOR
16 REASONS OF PATIENT SAFETY OR TO AID THE GENERAL WELFARE OF
17 THE CITIZENS OF THIS COMMONWEALTH.

18 SECTION 1106. ADVISORY BOARD.

19 (A) ESTABLISHMENT.--THE MEDICAL MARIJUANA ADVISORY BOARD IS
20 ESTABLISHED WITHIN THE DEPARTMENT. THE ADVISORY BOARD SHALL
21 CONSIST OF THE FOLLOWING MEMBERS:

22 (1) THE SECRETARY OR A DESIGNEE.

23 (2) THE COMMISSIONER OF THE PENNSYLVANIA STATE POLICE OR
24 A DESIGNEE.

25 (3) THE CHAIRMAN OF THE STATE BOARD OF PHARMACY OR A
26 DESIGNEE.

27 (4) THE COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL
28 AFFAIRS OR A DESIGNEE.

29 (5) THE PHYSICIAN GENERAL OR A DESIGNEE.

30 (6) THE PRESIDENT OF THE PENNSYLVANIA CHIEFS OF POLICE

1 ASSOCIATION OR A DESIGNEE.

2 (7) THE PRESIDENT OF THE PENNSYLVANIA DISTRICT ATTORNEYS
3 ASSOCIATION OR A DESIGNEE.

4 (8) ONE MEMBER TO BE APPOINTED BY EACH OF THE FOLLOWING,
5 WHICH MEMBERS SHALL BE KNOWLEDGEABLE AND EXPERIENCED IN
6 ISSUES RELATING TO CARE AND TREATMENT OF INDIVIDUALS WITH A
7 SERIOUS MEDICAL CONDITION, GERIATRIC OR PEDIATRIC MEDICINE OR
8 CLINICAL RESEARCH:

9 (I) THE GOVERNOR.

10 (II) THE PRESIDENT PRO TEMPORE OF THE SENATE.

11 (III) THE MAJORITY LEADER OF THE SENATE.

12 (IV) THE MINORITY LEADER OF THE SENATE.

13 (V) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

14 (VI) THE MAJORITY LEADER OF THE HOUSE OF
15 REPRESENTATIVES.

16 (VII) THE MINORITY LEADER OF THE HOUSE OF
17 REPRESENTATIVES.

18 (9) ONE MEMBER APPOINTED BY THE GOVERNOR, WHO SHALL BE A
19 PATIENT, A FAMILY OR HOUSEHOLD MEMBER OF A PATIENT OR A
20 PATIENT ADVOCATE.

21 (B) TERMS.--EXCEPT AS PROVIDED UNDER SUBSECTION (G), THE
22 MEMBERS APPOINTED UNDER SUBSECTION (A) (8) AND (9) SHALL SERVE A
23 TERM OF FOUR YEARS OR UNTIL A SUCCESSOR HAS BEEN APPOINTED AND
24 QUALIFIED, BUT NO LONGER THAN SIX MONTHS BEYOND THE FOUR-YEAR
25 PERIOD.

26 (C) CHAIR.--THE SECRETARY, OR A DESIGNEE, SHALL SERVE AS
27 CHAIR OF THE ADVISORY BOARD.

28 (D) VOTING; QUORUM.--THE MEMBERS UNDER SUBSECTIONS (1), (2),
29 (3), (4), (5), (6) AND (7) SHALL SERVE EX OFFICIO AND SHALL HAVE
30 VOTING RIGHTS. A MAJORITY OF THE MEMBERS SHALL CONSTITUTE A

1 QUORUM FOR THE PURPOSE OF ORGANIZING THE ADVISORY BOARD,
2 CONDUCTING ITS BUSINESS AND FULFILLING ITS DUTIES. A VOTE OF THE
3 MAJORITY OF THE MEMBERS PRESENT SHALL BE SUFFICIENT FOR ALL
4 ACTIONS OF THE ADVISORY BOARD UNLESS THE BYLAWS REQUIRE A
5 GREATER NUMBER.

6 (E) ATTENDANCE.--A MEMBER OF THE ADVISORY BOARD APPOINTED
7 UNDER SUBSECTION (A) (8) OR (9) WHO FAILS TO ATTEND THREE
8 CONSECUTIVE MEETINGS SHALL FORFEIT HIS SEAT UNLESS THE
9 SECRETARY, UPON WRITTEN REQUEST FROM THE MEMBER, FINDS THAT THE
10 MEMBER SHOULD BE EXCUSED FROM A MEETING FOR GOOD CAUSE. A MEMBER
11 WHO CANNOT BE PHYSICALLY PRESENT MAY ATTEND MEETINGS VIA
12 ELECTRONIC MEANS, INCLUDING VIDEO CONFERENCE.

13 (F) GOVERNANCE.--THE ADVISORY BOARD SHALL HAVE THE POWER TO
14 PRESCRIBE, AMEND AND REPEAL BYLAWS, RULES AND REGULATIONS
15 GOVERNING THE MANNER IN WHICH THE BUSINESS OF THE ADVISORY BOARD
16 IS CONDUCTED AND THE MANNER IN WHICH THE DUTIES GRANTED TO IT
17 ARE FULFILLED. THE ADVISORY BOARD MAY DELEGATE SUPERVISION OF
18 THE ADMINISTRATION OF ADVISORY BOARD ACTIVITIES TO AN
19 ADMINISTRATIVE SECRETARY AND OTHER EMPLOYEES OF THE DEPARTMENT
20 AS THE SECRETARY SHALL APPOINT.

21 (G) INITIAL TERMS.--THE INITIAL TERMS OF MEMBERS APPOINTED
22 UNDER SUBSECTION (A) (8) AND (9) SHALL BE FOR TERMS OF ONE, TWO,
23 THREE OR FOUR YEARS, THE PARTICULAR TERM OF EACH MEMBER TO BE
24 DESIGNATED BY THE SECRETARY AT THE TIME OF APPOINTMENT. ALL
25 OTHER MEMBERS SHALL SERVE FOR A TERM OF FOUR YEARS.

26 (H) VACANCY.--IN THE EVENT THAT ANY MEMBER APPOINTED UNDER
27 SUBSECTION (A) (8) OR (9) SHALL DIE OR RESIGN OR OTHERWISE BECOME
28 DISQUALIFIED DURING THE MEMBER'S TERM OF OFFICE, A SUCCESSOR
29 SHALL BE APPOINTED IN THE SAME WAY AND WITH THE SAME
30 QUALIFICATIONS AS SET FORTH IN THIS SECTION AND SHALL HOLD

1 OFFICE FOR THE UNEXPIRED TERM. AN APPOINTED MEMBER OF THE
2 ADVISORY BOARD SHALL BE ELIGIBLE FOR REAPPOINTMENT.

3 (I) EXPENSES.--A MEMBER APPOINTED UNDER SUBSECTION (A) (8) OR
4 (9) SHALL RECEIVE THE AMOUNT OF REASONABLE TRAVEL, HOTEL AND
5 OTHER NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THE
6 DUTIES OF THE MEMBER IN ACCORDANCE WITH COMMONWEALTH
7 REGULATIONS, BUT SHALL RECEIVE NO OTHER COMPENSATION FOR THE
8 MEMBER'S SERVICE ON THE BOARD.

9 (J) DUTIES.--THE ADVISORY BOARD SHALL HAVE THE FOLLOWING
10 DUTIES:

11 (1) TO EXAMINE AND ANALYZE THE STATUTORY AND REGULATORY
12 LAW RELATING TO MEDICAL MARIJUANA WITHIN THIS COMMONWEALTH.

13 (2) TO EXAMINE AND ANALYZE THE LAW AND EVENTS IN OTHER
14 STATES AND THE NATION WITH RESPECT TO MEDICAL MARIJUANA.

15 (3) TO ACCEPT AND REVIEW WRITTEN COMMENTS FROM
16 INDIVIDUALS AND ORGANIZATIONS ABOUT MEDICAL MARIJUANA.

17 (4) TO ISSUE TWO YEARS AFTER THE EFFECTIVE DATE OF THIS
18 SECTION A WRITTEN REPORT TO THE GOVERNOR, THE SENATE AND THE
19 HOUSE OF REPRESENTATIVES.

20 (5) THE WRITTEN REPORT UNDER PARAGRAPH (4) SHALL INCLUDE
21 RECOMMENDATIONS AND FINDINGS AS TO THE FOLLOWING:

22 (I) WHETHER TO CHANGE THE TYPES OF MEDICAL
23 PROFESSIONALS WHO CAN ISSUE CERTIFICATIONS TO PATIENTS.

24 (II) WHETHER TO CHANGE, ADD OR REDUCE THE TYPES OF
25 MEDICAL CONDITIONS WHICH QUALIFY AS SERIOUS MEDICAL
26 CONDITIONS UNDER THIS ACT.

27 (III) WHETHER TO CHANGE, ADD OR REDUCE THE FORM AND
28 MANNER OF CONSUMPTION OF MEDICAL MARIJUANA PERMITTED
29 UNDER THIS ACT.

30 (IV) WHETHER TO CHANGE, ADD OR REDUCE THE NUMBER OF

1 GROWERS/PROCESSORS OR DISPENSARIES.

2 (V) HOW TO ENSURE AFFORDABLE PATIENT ACCESS TO
3 MEDICAL MARIJUANA, INCLUDING WHETHER THE DEPARTMENT
4 SHOULD SET A MAXIMUM PER-DOSE PRICE FOR MEDICAL
5 MARIJUANA.

6 (VI) WHETHER TO PERMIT MEDICAL MARIJUANA TO BE
7 DISPENSED IN DRY LEAF OR PLANT FORM, FOR ADMINISTRATION
8 BY VAPORIZATION.

9 (6) THE FINAL WRITTEN REPORT UNDER THIS SECTION SHALL BE
10 ADOPTED AT A PUBLIC MEETING. THE REPORT SHALL BE A PUBLIC
11 RECORD UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3),
12 KNOWN AS THE RIGHT-TO-KNOW LAW.

13 SECTION 1107. REGULATIONS.

14 IN ORDER TO IMPLEMENT THE PROVISIONS OF THIS ACT, THE
15 DEPARTMENT SHALL PROMULGATE REGULATIONS WITHIN 18 MONTHS OF THE
16 EFFECTIVE DATE OF THIS SECTION. THE REGULATIONS SHALL PROVIDE
17 FOR THE FOLLOWING:

18 (1) RESTRICTING THE ADVERTISING AND MARKETING OF MEDICAL
19 MARIJUANA, WHICH SHALL BE CONSISTENT WITH THE FEDERAL
20 REGULATIONS GOVERNING PRESCRIPTION DRUG ADVERTISING AND
21 MARKETING.

22 (2) GROWING OF MEDICAL MARIJUANA BY GROWER/PROCESSORS IN
23 AN INDOOR, ENCLOSED FACILITY. THE REGULATIONS SHALL ALSO
24 SPECIFY THE MANNER AND METHOD OF GROWING MEDICAL MARIJUANA.

25 (3) THE PROCEDURE FOR CERTIFICATION OF PATIENTS.

26 (4) A PROCEDURE FOR REVIEW AND APPROVAL OF
27 CERTIFICATIONS SUBMITTED BY PRACTITIONERS.

28 (5) A PROCEDURE TO REVIEW THE CREDENTIALS OF
29 PRACTITIONERS WHO SUBMIT CERTIFICATIONS.

30 (6) A PROCEDURE TO REVIEW AND APPROVE APPLICATIONS FOR

1 IDENTIFICATION CARDS.

2 (7) A PROCEDURE TO REVIEW AND APPROVE APPLICATIONS TO
3 BECOME REGISTERED WITH THE DEPARTMENT AS A MEDICAL MARIJUANA
4 ORGANIZATION.

5 (8) A PROCEDURE TO RENEW THE REGISTRATION OF A MEDICAL
6 MARIJUANA ORGANIZATION.

7 (9) THE SETTING OF A MAXIMUM PER-DOSE PRICE FOR MEDICAL
8 MARIJUANA BY A DISPENSARY.

9 (10) ADDITIONAL INFORMATION REQUIRED BY THE DEPARTMENT
10 FOR CERTIFICATION OF PATIENTS AND APPLICATIONS TO BECOME
11 REGISTERED AS A MEDICAL MARIJUANA ORGANIZATION.

12 (11) THE PROCEDURE FOR WAIVING OR REDUCING APPLICATION
13 FEES TO BE PAID BY PATIENTS AND CAREGIVERS IN THE CASE OF
14 FINANCIAL HARDSHIP.

15 (12) ADDITIONAL REQUIREMENTS OF IDENTIFICATION CARDS FOR
16 PATIENTS OR CAREGIVERS.

17 (13) THE METHOD OF TRANSPORTING, DELIVERING, GROWING,
18 PROCESSING AND SELLING MEDICAL MARIJUANA BY A
19 GROWER/PROCESSOR AND THE METHOD OF DISPENSING OF MEDICAL
20 MARIJUANA BY A DISPENSARY, INCLUDING THE TYPES OF MEDICAL
21 DEVICES, INSTRUMENTS AND SERVICES, WHICH MAY BE SOLD BY A
22 DISPENSARY.

23 (14) THE METHOD FOR MAINTAINING EFFECTIVE SECURITY AND
24 CONTROL TO PREVENT DIVERSION AND ABUSE OF MEDICAL MARIJUANA
25 BY A MEDICAL MARIJUANA ORGANIZATION, INCLUDING SPECIFYING THE
26 REQUIREMENTS OF THE TRACKING SYSTEM REQUIRED BY SECTION
27 1102(B) AND (C).

28 (15) THE CONTENTS AND TIMING OF REPORTS WHICH MUST BE
29 FILED WITH THE DEPARTMENT BY MEDICAL MARIJUANA ORGANIZATIONS.

30 (16) THE PROPER DISPOSAL OF ELECTRONIC INFORMATION BY

1 MEDICAL MARIJUANA ORGANIZATIONS.

2 (17) INFORMATION REQUIRED FOR LABELING OF MEDICAL
3 MARIJUANA BY MEDICAL MARIJUANA ORGANIZATIONS.

4 (18) THE PROCEDURE FOR PRACTITIONERS REGISTERING WITH
5 THE DEPARTMENT.

6 (19) THE FREQUENCY OF FILING REPORTS BY MEDICAL
7 MARIJUANA ORGANIZATIONS.

8 (20) THE CRITERIA FOR DESIGNATING AN APPROPRIATE
9 INDIVIDUAL TO BE A CAREGIVER FOR A PATIENT UNDER 18 YEARS OF
10 AGE.

11 (21) THE PROCEDURE FOR OBTAINING PHOTOGRAPHS FOR
12 IDENTIFICATION CARDS.

13 (22) THE PROCEDURE FOR REPORTING RESULTS OF LABORATORY
14 TESTING OF MEDICAL MARIJUANA.

15 (23) THE PROCEDURE FOR APPROVING LABORATORIES THAT SEEK
16 TO TEST MEDICAL MARIJUANA.

17 (24) THE CONTENTS OF THE SAFETY INSERT.

18 (25) THE PROCEDURE FOR FILING RECEIPTS GENERATED BY
19 DISPENSARIES WITH THE DEPARTMENT.

20 (26) A SCHEDULE FOR INSPECTIONS BY THE DEPARTMENT OF THE
21 FACILITIES FOR GROWING, PROCESSING, DISPENSING OR SELLING
22 MEDICAL MARIJUANA, OR OF THE BOOKS, PAPERS AND TRACKING
23 SYSTEMS OF MEDICAL MARIJUANA ORGANIZATIONS REQUIRED BY THIS
24 ACT.

25 (27) REGULATIONS THAT THE DEPARTMENT MUST PROMULGATE
26 UNDER SECTION 1903(A), A PROCEDURE TO SELECT PATIENTS FOR THE
27 RESEARCH STUDY AND ANY OTHER REGULATION THE DEPARTMENT DEEMS
28 NECESSARY TO IMPLEMENT THE RESEARCH PROGRAM UNDER CHAPTER 19.

29 (28) REGULATIONS WHICH ENSURE A GROWER/PROCESSOR ONLY
30 PROVIDES MEDICAL MARIJUANA TO A DISPENSARY HOLDING A VALID

1 REGISTRATION AND WHICH ENSURE THAT A DISPENSARY ONLY PROCURES
2 MEDICAL MARIJUANA FROM A GROWER/PROCESSOR HOLDING A VALID
3 REGISTRATION, AS SET FORTH IN SECTION 707(6) AND (7).

4 (29) THE DETERMINATION OF THE MINIMUM NUMBER AND THE
5 TYPES OF MEDICAL MARIJUANA TO BE PRODUCED BY A
6 GROWER/PROCESSOR AND DISPENSED BY A DISPENSARY.

7 (30) REGULATIONS WHICH SET FORTH THE PROCEDURE FOR A
8 GROWER/PROCESSOR TO OBTAIN SEED FROM OUTSIDE THIS
9 COMMONWEALTH TO INITIALLY GROW MEDICAL MARIJUANA.

10 (31) REGULATIONS WHICH SET FORTH THE PROCEDURE FOR A
11 GROWER/PROCESSOR TO OBTAIN SEED AND PLANT MATERIAL FROM
12 ANOTHER GROWER/PROCESSOR WITHIN THIS COMMONWEALTH TO GROW
13 MEDICAL MARIJUANA.

14 (32) REGULATIONS NECESSARY TO IMPLEMENT CHAPTER 20.

15 (33) ANY OTHER REGULATION NECESSARY TO IMPLEMENT THIS
16 ACT, AS DETERMINED BY THE DEPARTMENT.

17 SECTION 1108. REGULATIONS BASED ON RECOMMENDATIONS OF ADVISORY
18 BOARD.

19 (A) RECOMMENDATIONS.--AFTER RECEIVING THE REPORT OF THE
20 ADVISORY BOARD UNDER SECTION 1106(J)(4), AT THE DISCRETION OF
21 THE SECRETARY, THE DEPARTMENT MAY PROMULGATE REGULATIONS TO
22 EFFECTUATE RECOMMENDATIONS MADE BY THE ADVISORY BOARD. THE
23 SECRETARY SHALL ISSUE NOTICE IN THE PENNSYLVANIA BULLETIN WITHIN
24 12 MONTHS OF THE RECEIPT OF THE REPORT OF THE ADVISORY BOARD.
25 THE NOTICE SHALL INCLUDE THE RECOMMENDATIONS OF THE ADVISORY
26 BOARD AND SHALL STATE THE SPECIFIC REASONS FOR THE DECISION OF
27 THE SECRETARY ON WHETHER OR NOT TO EFFECTUATE EACH
28 RECOMMENDATION. THE SECRETARY SHALL CONSIDER WHETHER TO
29 PROMULGATE REGULATIONS WITH RESPECT TO:

30 (1) WHETHER TO CHANGE THE TYPES OF MEDICAL PROFESSIONALS

1 WHO CAN ISSUE CERTIFICATIONS TO PATIENTS WITH RESPECT TO THE
2 USE OF MEDICAL MARIJUANA UNDER THIS ACT.

3 (2) WHETHER TO CHANGE, ADD OR REDUCE THE TYPES OF
4 MEDICAL CONDITIONS WHICH QUALIFY AS SERIOUS MEDICAL
5 CONDITIONS UNDER THIS ACT.

6 (3) WHETHER TO CHANGE, ADD OR REDUCE THE FORM AND MANNER
7 OF CONSUMPTION OF MEDICAL MARIJUANA PERMITTED UNDER THIS ACT.

8 (4) WHETHER TO CHANGE, ADD OR REDUCE THE NUMBER OF
9 GROWERS/PROCESSORS OR DISPENSARIES.

10 (5) WHETHER TO PERMIT MEDICAL MARIJUANA TO BE DISPENSED
11 IN DRY LEAF OR PLANT FORM FOR ADMINISTRATION BY VAPORIZATION.

12 (B) TIMING.--ANY REGULATIONS PROMULGATED UNDER THIS SECTION
13 SHALL BE PROMULGATED WITHIN 12 MONTHS OF THE RECEIPT OF THE
14 REPORT OF THE ADVISORY BOARD.

15 SECTION 1109. TEMPORARY REGULATIONS.

16 (A) PROMULGATION.--IN ORDER TO FACILITATE THE PROMPT
17 IMPLEMENTATION OF THIS ACT, REGULATIONS PROMULGATED BY THE
18 DEPARTMENT SHALL BE DEEMED TEMPORARY REGULATIONS WHICH SHALL
19 EXPIRE NOT LATER THAN 18 MONTHS FOLLOWING THE PUBLICATION OF THE
20 TEMPORARY REGULATION. THE DEPARTMENT MAY PROMULGATE TEMPORARY
21 REGULATIONS NOT SUBJECT TO:

22 (1) SECTIONS 201, 202, 203, 204 AND 205 OF THE ACT OF
23 JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE
24 COMMONWEALTH DOCUMENTS LAW.

25 (2) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS
26 THE REGULATORY REVIEW ACT.

27 (3) SECTIONS 204(B) AND 301(10) OF THE ACT OF OCTOBER
28 15, 1980 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH
29 ATTORNEYS ACT.

30 (B) EXPIRATION.--THE DEPARTMENT'S AUTHORITY TO ADOPT

1 TEMPORARY REGULATIONS UNDER SUBSECTION (A) SHALL EXPIRE 18
2 MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION. REGULATIONS
3 ADOPTED AFTER THIS PERIOD SHALL BE PROMULGATED AS PROVIDED BY
4 LAW.

5 (C) TEMPORARY REGULATIONS.--THE DEPARTMENT SHALL BEGIN
6 PUBLISHING TEMPORARY REGULATIONS IN THE PENNSYLVANIA BULLETIN NO
7 LATER THAN SIX MONTHS FROM THE EFFECTIVE DATE OF THIS SECTION.

8 CHAPTER 13

9 OFFENSES RELATED TO MEDICAL MARIJUANA

10 SECTION 1301. CRIMINAL DIVERSION OF MEDICAL MARIJUANA BY
11 PRACTITIONERS.

12 IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, A
13 PRACTITIONER COMMITS A MISDEMEANOR OF THE FIRST DEGREE IF THE
14 PRACTITIONER INTENTIONALLY, KNOWINGLY OR RECKLESSLY CERTIFIES A
15 PERSON AS BEING ABLE TO LAWFULLY RECEIVE MEDICAL MARIJUANA OR
16 OTHERWISE PROVIDES MEDICAL MARIJUANA TO A PERSON WHO IS NOT
17 LAWFULLY PERMITTED TO RECEIVE MEDICAL MARIJUANA.

18 SECTION 1302. CRIMINAL DIVERSION OF MEDICAL MARIJUANA BY
19 MEDICAL MARIJUANA ORGANIZATIONS.

20 IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, AN EMPLOYEE
21 OR PRINCIPAL OF A MEDICAL MARIJUANA ORGANIZATION, INCLUDING AN
22 EMPLOYEE OR PRINCIPAL OF A CLINICAL REGISTRANT UNDER CHAPTER 20,
23 COMMITS A MISDEMEANOR OF THE FIRST DEGREE IF THE PERSON
24 INTENTIONALLY, KNOWINGLY OR RECKLESSLY SELLS, DISPENSES, TRADES,
25 DELIVERS OR OTHERWISE PROVIDES MEDICAL MARIJUANA TO A PERSON WHO
26 IS NOT LAWFULLY PERMITTED TO RECEIVE MEDICAL MARIJUANA.

27 SECTION 1303. CRIMINAL RETENTION OF MEDICAL MARIJUANA.

28 IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, A PATIENT
29 OR CAREGIVER COMMITS A MISDEMEANOR OF THE THIRD DEGREE IF THE
30 PATIENT OR CAREGIVER INTENTIONALLY, KNOWINGLY OR RECKLESSLY

1 POSSESSES, STORES OR MAINTAINS AN AMOUNT OF MEDICAL MARIJUANA IN
2 EXCESS OF THE AMOUNT LEGALLY PERMITTED.

3 SECTION 1304. CRIMINAL DIVERSION OF MEDICAL MARIJUANA BY
4 PATIENT OR CAREGIVER.

5 (A) OFFENSE DEFINED.--IN ADDITION TO ANY OTHER PENALTY
6 PROVIDED BY LAW, A PATIENT OR CAREGIVER COMMITS AN OFFENSE IF
7 THE PATIENT OR CAREGIVER INTENTIONALLY, KNOWINGLY OR RECKLESSLY
8 PROVIDES MEDICAL MARIJUANA TO A PERSON WHO IS NOT LAWFULLY
9 PERMITTED TO RECEIVE MEDICAL MARIJUANA.

10 (B) GRADING.--A FIRST OFFENSE UNDER THIS SECTION CONSTITUTES
11 A MISDEMEANOR OF THE SECOND DEGREE. A SECOND OR SUBSEQUENT
12 OFFENSE CONSTITUTES A MISDEMEANOR OF THE FIRST DEGREE.

13 SECTION 1305. FALSIFICATION OF IDENTIFICATION CARDS.

14 (A) OFFENSE DEFINED.--IN ADDITION TO ANY OTHER PENALTY
15 PROVIDED BY LAW, A PERSON COMMITS AN OFFENSE IF, KNOWING HE IS
16 NOT PRIVILEGED TO HOLD AN IDENTIFICATION CARD, THE PERSON:

17 (1) POSSESSES AN IDENTIFICATION CARD AND EITHER ATTEMPTS
18 TO USE THE CARD TO OBTAIN MEDICAL MARIJUANA OR OBTAINS
19 MEDICAL MARIJUANA;

20 (2) POSSESSES AN IDENTIFICATION CARD WHICH FALSELY
21 IDENTIFIES THE PERSON AS BEING LAWFULLY ENTITLED TO RECEIVE
22 MEDICAL MARIJUANA AND EITHER ATTEMPTS TO USE THE CARD TO
23 OBTAIN MEDICAL MARIJUANA OR OBTAINS MEDICAL MARIJUANA; OR

24 (3) POSSESSES AN IDENTIFICATION CARD WHICH CONTAINS ANY
25 FALSE INFORMATION ON THE CARD AND THE PERSON EITHER ATTEMPTS
26 TO USE THE CARD TO OBTAIN MEDICAL MARIJUANA OR OBTAINS
27 MEDICAL MARIJUANA.

28 (B) GRADING.--A FIRST OFFENSE UNDER THIS SECTION CONSTITUTES
29 A MISDEMEANOR OF THE SECOND DEGREE. A SECOND OR SUBSEQUENT
30 OFFENSE UNDER THIS SECTION CONSTITUTES A MISDEMEANOR OF THE

1 FIRST DEGREE.

2 SECTION 1306. ADULTERATION OF MEDICAL MARIJUANA.

3 (A) GENERAL RULE.--IN ADDITION TO ANY OTHER PENALTY PROVIDED
4 BY LAW, A PERSON COMMITS AN OFFENSE IF THE PERSON ADULTERATES,
5 FORTIFIES, CONTAMINATES OR CHANGES THE CHARACTER OR PURITY OF
6 MEDICAL MARIJUANA FROM THAT SET FORTH ON THE PATIENT'S OR
7 CAREGIVER'S IDENTIFICATION CARD.

8 (B) GRADING.--A FIRST OFFENSE UNDER THIS SECTION CONSTITUTES
9 A MISDEMEANOR OF THE SECOND DEGREE. A SECOND OR SUBSEQUENT
10 OFFENSE UNDER THIS SECTION CONSTITUTES A MISDEMEANOR OF THE
11 FIRST DEGREE.

12 SECTION 1307. DISCLOSURE OF INFORMATION PROHIBITED.

13 (A) OFFENSE DEFINED.--IN ADDITION TO ANY OTHER PENALTY
14 PROVIDED BY LAW, AN EMPLOYEE OR PRINCIPAL OF A MEDICAL MARIJUANA
15 ORGANIZATION, INCLUDING AN EMPLOYEE OR PRINCIPAL OF A CLINICAL
16 REGISTRANT UNDER CHAPTER 20, OR AN EMPLOYEE OF THE DEPARTMENT
17 COMMITS A MISDEMEANOR OF THE THIRD DEGREE IF THE PERSON
18 DISCLOSES, EXCEPT TO AUTHORIZED PERSONS FOR OFFICIAL
19 GOVERNMENTAL OR HEALTH CARE PURPOSES, ANY INFORMATION RELATED TO
20 THE USE OF MEDICAL MARIJUANA.

21 (B) EXCEPTION.--SUBSECTION (A) SHALL NOT APPLY WHERE
22 DISCLOSURE IS PERMITTED OR REQUIRED BY LAW OR BY COURT ORDER.

23 SECTION 1308. ADDITIONAL PENALTIES.

24 (A) CRIMINAL PENALTIES.--IN ADDITION TO ANY OTHER PENALTY
25 PROVIDED BY LAW, A PRACTITIONER, CAREGIVER, PATIENT OR EMPLOYEE
26 OR PRINCIPAL OF ANY MEDICAL MARIJUANA ORGANIZATION, INCLUDING AN
27 EMPLOYEE OR PRINCIPAL OF A CLINICAL REGISTRANT UNDER CHAPTER 20,
28 WHO VIOLATES ANY OF THE PROVISIONS OF THIS ACT, OTHER THAN THOSE
29 SPECIFIED IN SECTION 1301, 1302, 1303, 1304, 1305, 1306 OR 1307,
30 OR ANY REGULATION PROMULGATED UNDER THIS ACT:

1 (1) FOR A FIRST OFFENSE, COMMITS A MISDEMEANOR OF THE
2 THIRD DEGREE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY
3 A FINE OF NOT MORE THAN \$5,000, OR TO IMPRISONMENT FOR NOT
4 MORE THAN SIX MONTHS.

5 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, COMMITS A
6 MISDEMEANOR OF THE THIRD DEGREE AND SHALL, UPON CONVICTION,
7 BE SENTENCED TO PAY A FINE OF NOT MORE THAN \$10,000, OR TO
8 IMPRISONMENT FOR NOT LESS THAN SIX MONTHS OR MORE THAN ONE
9 YEAR, OR BOTH.

10 (B) CIVIL PENALTIES.--IN ADDITION TO ANY OTHER REMEDY
11 AVAILABLE TO THE DEPARTMENT, THE DEPARTMENT MAY ASSESS A CIVIL
12 PENALTY FOR A VIOLATION OF THIS ACT, A REGULATION PROMULGATED
13 UNDER THIS ACT OR AN ORDER ISSUED UNDER THIS ACT OR REGULATION
14 AS PROVIDED IN THIS SUBSECTION. THE FOLLOWING SHALL APPLY:

15 (1) THE DEPARTMENT MAY ASSESS A PENALTY OF NOT MORE THAN
16 \$10,000 FOR EACH VIOLATION AND AN ADDITIONAL PENALTY OF NOT
17 MORE THAN \$1,000 FOR EACH DAY OF A CONTINUING VIOLATION. IN
18 DETERMINING THE AMOUNT OF EACH PENALTY, THE DEPARTMENT SHALL
19 TAKE THE FOLLOWING FACTORS INTO CONSIDERATION:

20 (I) THE GRAVITY OF THE VIOLATION.

21 (II) THE POTENTIAL HARM RESULTING FROM THE VIOLATION TO
22 PATIENTS, CAREGIVERS OR THE GENERAL PUBLIC.

23 (III) THE WILLFULNESS OF THE VIOLATION.

24 (IV) PREVIOUS VIOLATIONS, IF ANY, BY THE PERSON BEING
25 ASSESSED.

26 (V) THE ECONOMIC BENEFIT TO THE PERSON BEING ASSESSED
27 FOR FAILING TO COMPLY WITH THE REQUIREMENTS OF THIS ACT, A
28 REGULATION PROMULGATED UNDER THIS ACT OR AN ORDER ISSUED
29 UNDER THIS ACT OR REGULATION.

30 (2) IF THE DEPARTMENT FINDS THAT THE VIOLATION DID NOT

1 THREATEN THE SAFETY OR HEALTH OF A PATIENT, CAREGIVER OR THE
2 GENERAL PUBLIC AND THE VIOLATOR TOOK IMMEDIATE ACTION TO
3 REMEDY THE VIOLATION UPON LEARNING OF IT, THE DEPARTMENT MAY
4 ISSUE A WRITTEN WARNING IN LIEU OF ASSESSING A CIVIL PENALTY.

5 (3) A PERSON WHO AIDS, ABETS, COUNSELS, INDUCES,
6 PROCURES OR CAUSES ANOTHER PERSON TO VIOLATE THIS ACT, A
7 REGULATION PROMULGATED UNDER THIS ACT OR AN ORDER ISSUED
8 UNDER THIS ACT OR REGULATION SHALL BE SUBJECT TO THE CIVIL
9 PENALTIES PROVIDED UNDER THIS SUBSECTION.

10 (C) SANCTIONS.--

11 (1) IN ADDITION TO THE PENALTIES PROVIDED IN SUBSECTION
12 (B) AND ANY OTHER PENALTY AUTHORIZED BY LAW, THE DEPARTMENT
13 MAY IMPOSE THE FOLLOWING SANCTIONS:

14 (I) REVOKE OR SUSPEND THE REGISTRATION OF A PERSON
15 FOUND TO BE IN VIOLATION OF THIS ACT, A REGULATION
16 PROMULGATED UNDER THIS ACT OR AN ORDER ISSUED UNDER THIS
17 ACT OR REGULATION.

18 (II) REVOKE OR SUSPEND THE REGISTRATION OF A PERSON
19 FOR CONDUCT, ACTIVITY OR THE OCCURRENCE OF AN EVENT THAT
20 WOULD HAVE DISQUALIFIED THE PERSON FROM RECEIVING THE
21 REGISTRATION.

22 (III) REVOKE OR SUSPEND THE REGISTRATION OF A PERSON
23 FOR WILLFULLY AND KNOWINGLY VIOLATING OR ATTEMPTING TO
24 VIOLATE AN ORDER OF THE DEPARTMENT DIRECTED TO THE
25 PERSON.

26 (IV) SUSPEND A REGISTRATION OF A PERSON PENDING THE
27 OUTCOME OF A HEARING IN A CASE IN WHICH THE REGISTRATION
28 COULD BE REVOKED.

29 (V) ORDER RESTITUTION OF FUNDS OR PROPERTY
30 UNLAWFULLY OBTAINED OR RETAINED BY A REGISTRANT.

1 (VI) ISSUE A CEASE AND DESIST ORDER.

2 (2) A PERSON WHO AIDS, ABETS, COUNSELS, INDUCES,
3 PROCURES OR CAUSES ANOTHER PERSON TO VIOLATE THIS ACT SHALL
4 BE SUBJECT TO THE SANCTIONS PROVIDED UNDER THIS SUBSECTION.

5 (D) COSTS OF ACTION.--THE DEPARTMENT MAY ASSESS AGAINST A
6 PERSON DETERMINED TO BE IN VIOLATION OF THIS ACT THE COSTS OF
7 INVESTIGATION OF THE VIOLATION.

8 (E) MINOR VIOLATIONS.--NOTHING IN THIS SECTION SHALL BE
9 CONSTRUED TO REQUIRE THE ASSESSMENT OF A CIVIL PENALTY OR THE
10 IMPOSITION OF A SANCTION FOR A MINOR VIOLATION OF THIS ACT IF
11 THE DEPARTMENT DETERMINES THAT THE PUBLIC INTEREST WILL BE
12 ADEQUATELY SERVED UNDER THE CIRCUMSTANCES BY THE ISSUANCE OF A
13 WRITTEN WARNING.

14 SECTION 1309. OTHER RESTRICTIONS.

15 THIS ACT DOES NOT PERMIT ANY PERSON TO ENGAGE IN AND DOES NOT
16 PREVENT THE IMPOSITION OF ANY CIVIL, CRIMINAL OR OTHER PENALTY
17 FOR THE FOLLOWING:

18 (1) UNDERTAKING ANY TASK UNDER THE INFLUENCE OF MEDICAL
19 MARIJUANA WHEN DOING SO WOULD CONSTITUTE NEGLIGENCE,
20 PROFESSIONAL MALPRACTICE OR PROFESSIONAL MISCONDUCT.

21 (2) POSSESSING OR USING MEDICAL MARIJUANA IN A STATE OR
22 COUNTY CORRECTIONAL FACILITY, INCLUDING A FACILITY OWNED OR
23 OPERATED OR UNDER CONTRACT WITH THE DEPARTMENT OF CORRECTIONS
24 OR THE COUNTY WHICH HOUSES INMATES SERVING A PORTION OF THEIR
25 SENTENCES ON PAROLE OR OTHER COMMUNITY CORRECTION PROGRAM.

26 NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO APPLY TO
27 EMPLOYEES OF THE FACILITIES SET FORTH IN THIS PARAGRAPH. THE
28 DEPARTMENT OF CORRECTIONS SHALL ADOPT A WRITTEN POLICY NO
29 LATER THAN 18 MONTHS FROM THE EFFECTIVE DATE OF THIS SECTION
30 REGARDING THE POSSESSION AND USE OF MEDICAL MARIJUANA BY

1 EMPLOYEES IN STATE CORRECTIONAL FACILITIES. THE GOVERNING
2 AUTHORITY OF A COUNTY MAY ADOPT A RESOLUTION NO LATER THAN 18
3 MONTHS FROM THE EFFECTIVE DATE OF THIS SECTION REGARDING THE
4 POSSESSION AND USE OF MEDICAL MARIJUANA BY EMPLOYEES IN A
5 COUNTY CORRECTIONAL FACILITY.

6 (3) POSSESSING OR USING MEDICAL MARIJUANA IN A YOUTH
7 DETENTION CENTER OR OTHER FACILITY WHICH HOUSES CHILDREN
8 ADJUDICATED DELINQUENT, INCLUDING THE SEPARATE, SECURE STATE-
9 OWNED FACILITY OR UNIT UTILIZED FOR SEXUALLY VIOLENT
10 DELINQUENT CHILDREN UNDER 42 PA.C.S. § 6404 (RELATING TO
11 DURATION OF INPATIENT COMMITMENT AND REVIEW). AS USED IN THIS
12 PARAGRAPH, THE TERM "SEXUALLY VIOLENT DELINQUENT CHILDREN"
13 SHALL HAVE THE MEANING GIVEN TO IT IN 42 PA.C.S. § 6402
14 (RELATING TO DEFINITIONS). NOTHING IN THIS PARAGRAPH SHALL BE
15 CONSTRUED TO APPLY TO EMPLOYEES OF THE FACILITIES SET FORTH
16 IN THIS PARAGRAPH.

17 CHAPTER 19

18 RESEARCH PROGRAM

19 SECTION 1901. DEFINITIONS.

20 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
21 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
22 CONTEXT CLEARLY INDICATES OTHERWISE:

23 "HEALTH CARE MEDICAL MARIJUANA ORGANIZATION." A VERTICALLY
24 INTEGRATED HEALTH SYSTEM APPROVED BY THE DEPARTMENT TO DISPENSE
25 MEDICAL MARIJUANA OR GROW AND PROCESS MEDICAL MARIJUANA, OR
26 BOTH, IN ACCORDANCE WITH A RESEARCH STUDY UNDER THIS CHAPTER.

27 "VERTICALLY INTEGRATED HEALTH SYSTEM." A HEALTH DELIVERY
28 SYSTEM LICENSED UNDER THE ACT OF JULY 19, 1979 (P.L.130, NO.48),
29 KNOWN AS THE HEALTH CARE FACILITIES ACT, IN WHICH THE COMPLETE
30 SPECTRUM OF CARE, INCLUDING PRIMARY AND SPECIALTY CARE,

1 HOSPITALIZATION AND PHARMACEUTICAL CARE, IS PROVIDED WITHIN A
2 SINGLE ORGANIZATION.

3 SECTION 1902. ESTABLISHMENT OF MEDICAL MARIJUANA RESEARCH
4 PROGRAM.

5 (A) PROGRAM TO BE ESTABLISHED.--THE DEPARTMENT SHALL
6 ESTABLISH AND DEVELOP A RESEARCH PROGRAM TO STUDY THE IMPACT OF
7 MEDICAL MARIJUANA ON THE TREATMENT AND SYMPTOM MANAGEMENT OF
8 SERIOUS MEDICAL CONDITIONS. THE PROGRAM SHALL NOT INCLUDE A
9 CLINICAL REGISTRANT OR ACADEMIC CLINICAL RESEARCH CENTER UNDER
10 CHAPTER 20.

11 (B) DEPARTMENT DUTIES.--THE DEPARTMENT SHALL:

12 (1) REVIEW ALL SERIOUS MEDICAL CONDITIONS WHICH ARE
13 CITED BY A PRACTITIONER UPON THE PRACTITIONER'S CERTIFICATION
14 THAT A PATIENT BE GRANTED AN IDENTIFICATION CARD.

15 (2) CREATE A DATABASE OF ALL SERIOUS MEDICAL CONDITIONS,
16 INCLUDING COMORBIDITIES, WHICH ARE CITED BY PRACTITIONERS IN
17 THE CERTIFICATIONS OF PATIENTS. THE DATABASE SHALL ALSO
18 INCLUDE THE FORM OF MEDICAL MARIJUANA CERTIFIED TO TREAT EACH
19 SERIOUS MEDICAL CONDITION.

20 (3) WHEN THE DATABASE CONTAINS 25 OR MORE PATIENTS WITH
21 THE SAME SERIOUS MEDICAL CONDITION, PETITION THE UNITED
22 STATES FOOD AND DRUG ADMINISTRATION AND THE UNITED STATES
23 DRUG ENFORCEMENT ADMINISTRATION FOR APPROVAL TO STUDY THE
24 CONDITION AND THE IMPACT OF MEDICAL MARIJUANA ON THE
25 CONDITION.

26 (4) CONCURRENT WITH THE REQUEST TO THE UNITED STATES
27 FOOD AND DRUG ADMINISTRATION AND UNITED STATES DRUG
28 ENFORCEMENT ADMINISTRATION, PUBLICLY ANNOUNCE THE FORMATION
29 OF A RESEARCH STUDY TO WHICH A VERTICALLY INTEGRATED HEALTH
30 SYSTEM AND A UNIVERSITY WITHIN THIS COMMONWEALTH MAY SUBMIT A

1 REQUEST TO PARTICIPATE.

2 (5) UPON APPROVAL OF A RESEARCH STUDY BY THE UNITED
3 STATES FOOD AND DRUG ADMINISTRATION AND THE UNITED STATES
4 DRUG ENFORCEMENT ADMINISTRATION, SELECT A VERTICALLY
5 INTEGRATED HEALTH SYSTEM OR SYSTEMS TO CONDUCT THE RESEARCH
6 STUDY AND DESIGNATE THE FORM OR FORMS OF MEDICAL MARIJUANA
7 WHICH WILL BE USED TO TREAT THE SERIOUS MEDICAL CONDITION.

8 (6) NOTIFY A PATIENT WHO HAS BEEN ISSUED AN
9 IDENTIFICATION CARD:

10 (I) THAT THE PATIENT HAS BEEN SELECTED TO
11 PARTICIPATE, AT THE PATIENT'S OPTION, IN A RESEARCH STUDY
12 TO STUDY MEDICAL MARIJUANA AS A TREATMENT; AND

13 (II) WHERE THE PATIENT MAY SECURE MEDICAL MARIJUANA
14 THROUGH A HEALTH CARE MEDICAL MARIJUANA ORGANIZATION AT
15 NO COST TO THE PATIENT IN ACCORDANCE WITH SUBSECTION (C).

16 (7) IF THE UNITED STATES FOOD AND DRUG ADMINISTRATION
17 AND THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION REJECT
18 THE PROPOSAL FOR THE RESEARCH STUDY, TAKE ALL REASONABLE
19 STEPS TO COLLECT AND COLLATE DATA ON THE SERIOUS MEDICAL
20 CONDITION AND THE USE OF MEDICAL MARIJUANA AS A TREATMENT FOR
21 THE SERIOUS MEDICAL CONDITION AND CONSIDER SUBMITTING AN
22 ADDITIONAL REQUEST TO THE UNITED STATES FOOD AND DRUG
23 ADMINISTRATION AND UNITED STATES DRUG ENFORCEMENT
24 ADMINISTRATION FOR A RESEARCH STUDY ON THE SAME CONDITION.

25 (C) COSTS.--THE COST OF THE MEDICAL MARIJUANA WHICH IS
26 DISPENSED TO PATIENTS IN ACCORDANCE WITH AN APPROVED RESEARCH
27 STUDY SHALL BE PAID FOR BY THE FUND.

28 (D) GEOGRAPHIC ACCESSIBILITY.--THE DEPARTMENT SHALL TAKE
29 INTO CONSIDERATION THE GEOGRAPHIC LOCATION OF THE HEALTH CARE
30 MEDICAL MARIJUANA ORGANIZATION WHEN ASSIGNING A PATIENT TO A

1 HEALTH CARE MEDICAL MARIJUANA ORGANIZATION. THE DEPARTMENT SHALL
2 MAKE AN EFFORT TO ASSIGN A PATIENT TO A HEALTH CARE MEDICAL
3 MARIJUANA ORGANIZATION THAT IS LOCATED WITHIN 50 MILES OF THE
4 PATIENT'S RESIDENCE.

5 (E) DATA.--DATA COLLECTED BY THE HEALTH CARE MEDICAL
6 MARIJUANA ORGANIZATION SHALL BE PROVIDED TO THE UNIVERSITY
7 PARTICIPATING IN THE RESEARCH STUDY FOR ANALYSIS.

8 SECTION 1903. MEDICAL MARIJUANA RESEARCH PROGRAM
9 ADMINISTRATION.

10 (A) GENERAL RULE.--THE DEPARTMENT SHALL ESTABLISH A RESEARCH
11 STUDY FOR EACH SERIOUS MEDICAL CONDITION. THE DEPARTMENT SHALL
12 ENGAGE UNIVERSITIES WITHIN THIS COMMONWEALTH TO PARTICIPATE IN
13 THE COLLECTION, COLLATION, ANALYSIS AND CONCLUSIVE FINDINGS OF
14 THE RESEARCH STUDIES. THE DEPARTMENT SHALL, BY REGULATION,
15 ESTABLISH THE PROCEDURE TO BE USED BY HEALTH CARE MEDICAL
16 MARIJUANA ORGANIZATIONS WITH RESPECT TO:

17 (1) REAL TIME INVENTORY TRACKING.

18 (2) REAL TIME TRACKING OF THE MEDICAL MARIJUANA
19 DISPENSED.

20 (3) RECALL OF DEFECTIVE MEDICAL MARIJUANA.

21 (B) REQUEST FOR DISTRIBUTIONS.--THE DEPARTMENT SHALL
22 ESTABLISH A FORM AND PROCEDURE FOR UNIVERSITIES SELECTED TO
23 PARTICIPATE IN A RESEARCH STUDY TO REQUEST DISTRIBUTIONS FROM
24 THE FUND TO CONDUCT RESEARCH ON MEDICAL MARIJUANA, INCLUDING
25 ADMINISTRATIVE COSTS. THESE DISTRIBUTIONS SHALL ALSO BE USED TO
26 PAY FOR THE COST OF THE MEDICAL MARIJUANA SO THAT IT IS NOT
27 BORNE BY THE PATIENT PARTICIPATING IN THE RESEARCH STUDY. THE
28 FORMS SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING:

29 (1) THE FORM OR FORMS OF MEDICAL MARIJUANA TO BE
30 STUDIED.

1 (2) THE SERIOUS MEDICAL CONDITION TO BE STUDIED.

2 (C) RESEARCH REPORTS.--

3 (1) A VERTICALLY INTEGRATED HEALTH SYSTEM SHALL REPORT
4 ON THE EFFECTIVENESS OF THE USE OF MEDICAL MARIJUANA FOR THE
5 TREATMENT OF THE SERIOUS MEDICAL CONDITION STUDIED AND ALL
6 COUNTERINDICATIONS AND NOTED SIDE EFFECTS.

7 (2) THE DEPARTMENT SHALL NOTIFY THE VERTICALLY
8 INTEGRATED HEALTH SYSTEM AND THE UNIVERSITY PARTICIPATING IN
9 THE RESEARCH STUDY OF THE DATA WHICH IS REQUIRED TO MEET THE
10 UNITED STATES FOOD AND DRUG ADMINISTRATION'S AND THE UNITED
11 STATES DRUG ENFORCEMENT ADMINISTRATION'S APPROVAL FOR THE
12 RESEARCH STUDY.

13 (3) THE FIRST REPORT, INCLUDING THE DATA REQUIRED UNDER
14 PARAGRAPH (2), SHALL BE SUBMITTED TO THE DEPARTMENT AND MADE
15 PUBLICLY AVAILABLE WITHIN 180 DAYS OF THE INITIATION OF A
16 RESEARCH STUDY FOR A SPECIFIC SERIOUS MEDICAL CONDITION.

17 (4) AN ANNUAL REPORT OF THE DATA REQUIRED UNDER
18 PARAGRAPH (2) SHALL BE SUBMITTED TO THE DEPARTMENT BEGINNING
19 ONE YEAR AFTER THE INITIATION OF A RESEARCH STUDY FOR A
20 SPECIFIC SERIOUS MEDICAL CONDITION AND EACH YEAR THEREAFTER.

21 SECTION 1904. APPROVAL.

22 A VERTICALLY INTEGRATED HEALTH SYSTEM LOCATED IN THIS
23 COMMONWEALTH MAY PETITION THE DEPARTMENT TO PARTICIPATE IN A
24 RESEARCH STUDY TO STUDY A SERIOUS MEDICAL CONDITION UNDER
25 SECTION 1902. APPROVAL OF THE VERTICALLY INTEGRATED HEALTH
26 SYSTEM AS A HEALTH CARE MEDICAL MARIJUANA ORGANIZATION BY THE
27 DEPARTMENT SHALL AUTHORIZE ACCESS WITHIN A REGION UNDER SECTION
28 706(D) TO MEDICAL MARIJUANA FOR ALL PATIENTS INCLUDED IN AN
29 APPROVED RESEARCH STUDY.

30 SECTION 1905. REQUIREMENTS.

1 (A) DISPENSING.--A HEALTH CARE MEDICAL MARIJUANA
2 ORGANIZATION THAT DISPENSES MEDICAL MARIJUANA SHALL:

3 (1) MAINTAIN LICENSURE WITH THE DEPARTMENT AS REQUIRED
4 UNDER THE ACT OF JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE
5 HEALTH CARE FACILITIES ACT.

6 (2) SECURE THE MEDICAL MARIJUANA WITHIN THE ASSOCIATED
7 PHARMACIES OF THE HEALTH CARE MEDICAL MARIJUANA ORGANIZATION
8 IN A MANNER AND METHOD PRESCRIBED BY THE DEPARTMENT.

9 (3) KEEP A DAILY LOG OF THE MEDICAL MARIJUANA DISPENSED
10 AND THE RESEARCH STUDY WITH WHICH THE PATIENT AND THE MEDICAL
11 MARIJUANA ARE ASSOCIATED. REPORTS SHALL BE DELIVERED TO THE
12 DEPARTMENT AND THE UNIVERSITY PARTICIPATING IN THE RESEARCH
13 STUDY ON A WEEKLY BASIS.

14 (4) REPORT TO THE PENNSYLVANIA HEALTH CARE COST
15 CONTAINMENT COUNCIL THE UTILIZATION RATES OF THOSE PATIENTS
16 PARTICIPATING IN THE RESEARCH OF MEDICAL MARIJUANA AND
17 TREATMENT OPTIONS.

18 (5) ONLY DISPENSE MEDICAL MARIJUANA RECEIVED FROM A
19 GROWER/PROCESSOR OR A HEALTH CARE MEDICAL MARIJUANA
20 ORGANIZATION THAT IS APPROVED TO GROW AND PROCESS MEDICAL
21 MARIJUANA.

22 (6) PROVIDE ALL PATIENTS OR CAREGIVERS WITH THE SAFETY
23 INSERT, PREPARED BY THE DEPARTMENT, WHICH INCLUDES POTENTIAL
24 DANGERS, RECOGNITION AND CORRECTION OF PROBLEMATIC DOSAGE AND
25 ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT OR WHICH THE
26 DEPARTMENT DEEMS RELEVANT FOR PATIENT SAFETY.

27 (B) GROWING AND PROCESSING.--A HEALTH CARE MEDICAL MARIJUANA
28 ORGANIZATION THAT GROWS AND PROCESSES MEDICAL MARIJUANA SHALL:

29 (1) MAINTAIN LICENSURE WITH THE DEPARTMENT AS REQUIRED
30 UNDER THE HEALTH CARE FACILITIES ACT.

1 (2) ONLY MAKE AVAILABLE MEDICAL MARIJUANA TO HEALTH CARE
2 MEDICAL MARIJUANA ORGANIZATIONS THAT DISPENSE MEDICAL
3 MARIJUANA.

4 (3) KEEP A DAILY LOG OF MEDICAL MARIJUANA INTENDED FOR
5 ULTIMATE USE BY PATIENTS PARTICIPATING IN A RESEARCH STUDY.
6 SECTION 1906. RESTRICTIONS.

7 A HEALTH CARE MEDICAL MARIJUANA ORGANIZATION MAY NOT
8 PARTICIPATE IN A RESEARCH STUDY OF ANY KIND, INCLUDING THE
9 PROGRAM ESTABLISHED UNDER THIS CHAPTER, OR DISPENSE OR GROW AND
10 PROCESS MEDICAL MARIJUANA IF IT HAS VIOLATED ITS LICENSURE
11 REQUIREMENTS UNDER THE HEALTH CARE FACILITIES ACT.
12 SECTION 1907. REGULATIONS.

13 THE DEPARTMENT SHALL, BY REGULATION, ESTABLISH THE PROCEDURE
14 TO BE USED BY A HEALTH CARE MEDICAL MARIJUANA ORGANIZATION THAT
15 GROWS AND PROCESSES MEDICAL MARIJUANA WITH RESPECT TO:

16 (1) REAL TIME INVENTORY TRACKING, INCLUDING A SEED-TO-
17 DISPENSING TRACKING SYSTEM THAT TRACKS MEDICAL MARIJUANA FROM
18 SEED OR IMMATURE PLANT STAGE UNTIL THE MEDICAL MARIJUANA IS
19 PROVIDED TO A PATIENT IN A RESEARCH STUDY.

20 (2) SECURITY, RECORDKEEPING, RECORD RETENTION AND
21 SURVEILLANCE SYSTEMS RELATING TO EVERY STAGE OF GROWING AND
22 PROCESSING MEDICAL MARIJUANA.

23 (3) A DAILY LOG OF EACH DAY'S BEGINNING INVENTORY,
24 ACQUISITIONS, DISBURSEMENTS, DISPOSALS AND ENDING INVENTORY.

25 (4) A SYSTEM TO RECALL DEFECTIVE MEDICAL MARIJUANA.

26 (5) A SYSTEM TO TRACK THE PLANT WASTE RESULTING FROM THE
27 GROWTH OF MEDICAL MARIJUANA.

28 (6) TESTING OF MEDICAL MARIJUANA BY AN INDEPENDENT
29 LABORATORY TO TEST THE MEDICAL MARIJUANA PRODUCED BY THE
30 HEALTH CARE MEDICAL MARIJUANA ORGANIZATION, INCLUDING

1 REQUIRING A TEST AT HARVEST AND A TEST AT FINAL PROCESSING.

2 (7) ANY OTHER PROCEDURE DEEMED NECESSARY BY THE
3 DEPARTMENT.

4 SECTION 1908. NONENTITLEMENT.

5 NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO CREATE AN
6 ENTITLEMENT OR RIGHT OF A PATIENT TO RECEIVE MEDICAL MARIJUANA
7 OR TO PARTICIPATE IN A RESEARCH STUDY.

8 CHAPTER 20

9 ACADEMIC CLINICAL RESEARCH CENTERS

10 SECTION 2001. DEFINITIONS.

11 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
12 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
13 CONTEXT CLEARLY INDICATES OTHERWISE:

14 "ACADEMIC CLINICAL RESEARCH CENTER." AN ACCREDITED MEDICAL
15 SCHOOL WITHIN THIS COMMONWEALTH THAT OPERATES OR PARTNERS WITH
16 AN ACUTE CARE HOSPITAL LICENSED WITHIN THIS COMMONWEALTH.

17 "CLINICAL REGISTRANT." AN ENTITY REGISTERED AS BOTH A
18 GROWER/PROCESSOR AND A DISPENSARY WHICH HAS A CONTRACTUAL
19 RELATIONSHIP WITH AN ACADEMIC CLINICAL RESEARCH CENTER AS SET
20 FORTH UNDER SECTION 2002.

21 SECTION 2002. REGISTRATION AS BOTH GROWER/PROCESSOR AND
22 DISPENSARY COLLABORATING WITH AN ACADEMIC CLINICAL
23 RESEARCH CENTER.

24 NOTWITHSTANDING THE LIMITATIONS IN SECTIONS 706 AND 707, THE
25 DEPARTMENT MAY REGISTER UP TO EIGHT ENTITIES WHICH ARE
26 REGISTERED AS BOTH A GROWER/PROCESSOR AND A DISPENSARY THAT HAVE
27 A CONTRACTUAL RELATIONSHIP WITH AN ACADEMIC CLINICAL RESEARCH
28 CENTER UNDER WHICH THE ACADEMIC CLINICAL RESEARCH CENTER OR ITS
29 AFFILIATE PROVIDES ADVICE TO THE ENTITIES REGISTERED AS BOTH A
30 GROWER/PROCESSOR AND A DISPENSARY REGARDING, AMONG OTHER AREAS,

1 PATIENT HEALTH AND SAFETY, MEDICAL APPLICATIONS AND DISPENSING
2 AND MANAGEMENT OF CONTROLLED SUBSTANCES. EACH ENTITY MAY PROVIDE
3 MEDICAL MARIJUANA AT NOT MORE THAN SIX SEPARATE LOCATIONS. THE
4 TOTAL NUMBER OF LOCATIONS AUTHORIZED TO DISPENSE MEDICAL
5 MARIJUANA UNDER THIS SECTION SHALL NOT EXCEED 48. THE FOLLOWING
6 APPLY WITH RESPECT TO THIS CATEGORY OF CLINICAL REGISTRANT:

7 (1) A CLINICAL REGISTRANT MUST BE REGISTERED AS BOTH A
8 GROWER/PROCESSOR AND A DISPENSARY.

9 (2) A CLINICAL REGISTRANT MUST PAY THE FEES AND MEET ALL
10 OTHER REQUIREMENTS UNDER THIS ACT FOR REGISTRATION, EXCEPT AS
11 PROVIDED IN SECTION 708(G) (1) (IV) AND (2) (V), AS A
12 GROWER/PROCESSOR AND A DISPENSARY.

13 (3) THE CLINICAL REGISTRANT MUST HAVE A MINIMUM OF
14 \$15,000,000 IN CAPITAL. THE DEPARTMENT SHALL VERIFY THE
15 CAPITAL REQUIREMENT.

16 (4) THE CLINICAL REGISTRANT MUST COMPLY WITH ALL OTHER
17 REQUIREMENTS OF THIS ACT REGARDING GROWING, PROCESSING AND
18 DISPENSING MEDICAL MARIJUANA.

19 SECTION 2003. RESEARCH STUDY.

20 NOTWITHSTANDING ANY PROVISION OF THIS ACT TO THE CONTRARY,
21 THE DEPARTMENT MAY, UPON APPLICATION, APPROVE THE DISPENSING OF
22 MEDICAL MARIJUANA BY A CLINICAL REGISTRANT TO THE ACADEMIC
23 CLINICAL RESEARCH CENTER FOR THE PURPOSE OF CONDUCTING A
24 RESEARCH STUDY. THE DEPARTMENT SHALL DEVELOP THE APPLICATION AND
25 STANDARDS FOR APPROVAL OF SUCH DISPENSING BY THE CLINICAL
26 REGISTRANT. THE FOLLOWING APPLY TO THE RESEARCH STUDY:

27 (1) THE CLINICAL REGISTRANT SHALL DISCLOSE THE FOLLOWING
28 INFORMATION TO THE DEPARTMENT IN ITS APPLICATION:

29 (I) THE REASON FOR THE RESEARCH PROJECT, INCLUDING
30 THE REASON FOR THE TRIAL.

1 (II) THE STRAIN OF MEDICAL MARIJUANA TO BE USED AND
2 THE STRENGTH OF THE MEDICAL MARIJUANA TO BE USED IN THE
3 RESEARCH STUDY.

4 (III) THE ANTICIPATED DURATION OF THE STUDY.

5 (IV) EVIDENCE OF APPROVAL OF THE TRIAL BY ACCREDITED
6 INSTITUTIONAL REVIEW BOARD, INCLUDING ANY OTHER REQUIRED
7 REGULATORY APPROVALS.

8 (V) OTHER INFORMATION REQUIRED BY THE DEPARTMENT,
9 EXCEPT THAT THE DEPARTMENT MAY NOT REQUIRE DISCLOSURE OF
10 ANY INFORMATION THAT WOULD INFRINGE UPON THE ACADEMIC
11 CLINICAL RESEARCH CENTER'S EXCLUSIVE RIGHT TO
12 INTELLECTUAL PROPERTY OR LEGAL OBLIGATIONS FOR PATIENT
13 CONFIDENTIALITY.

14 (2) THE ACADEMIC CLINICAL RESEARCH CENTER SHALL PROVIDE
15 ITS FINDINGS TO THE DEPARTMENT WITHIN 365 DAYS OF THE
16 CONCLUSION OF THE RESEARCH STUDY OR WITHIN 365 DAYS OF
17 PUBLICATION OF THE RESULTS OF THE RESEARCH STUDY IN A PEER-
18 REVIEWED MEDICAL JOURNAL, WHICHEVER IS LATER.

19 (3) THE DEPARTMENT SHALL ALLOW THE EXCHANGE OF MEDICAL
20 MARIJUANA SEED BETWEEN CLINICAL REGISTRANTS FOR THE CONDUCT
21 OF RESEARCH.

22 CHAPTER 21

23 MISCELLANEOUS PROVISIONS

24 SECTION 2101. CONFLICT.

25 THE GROWTH, PROCESSING, MANUFACTURE, ACQUISITION,
26 TRANSPORTATION, SALE, DISPENSING, DISTRIBUTION, POSSESSION AND
27 CONSUMPTION OF MEDICAL MARIJUANA PERMITTED UNDER THIS ACT SHALL
28 NOT BE DEEMED TO BE A VIOLATION OF THE ACT OF APRIL 14, 1972
29 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG,
30 DEVICE AND COSMETIC ACT. IF A PROVISION OF THE CONTROLLED

1 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT RELATING TO MARIJUANA
2 CONFLICTS WITH A PROVISION OF THIS ACT, THIS ACT SHALL TAKE
3 PRECEDENCE.

4 SECTION 2101.1. FINANCIAL AND EMPLOYMENT INTERESTS.

5 (A) FINANCIAL INTERESTS.--EXCEPT AS MAY BE PROVIDED FOR THE
6 JUDICIARY BY RULE OR ORDER OF THE PENNSYLVANIA SUPREME COURT, AN
7 EXECUTIVE-LEVEL PUBLIC EMPLOYEE, PUBLIC OFFICIAL OR PARTY
8 OFFICER, OR AN IMMEDIATE FAMILY MEMBER THEREOF, SHALL NOT
9 INTENTIONALLY OR KNOWINGLY HOLD A FINANCIAL INTEREST IN A
10 MEDICAL MARIJUANA ORGANIZATION OR IN A HOLDING COMPANY,
11 AFFILIATE, INTERMEDIARY OR SUBSIDIARY THEREOF, WHILE THE
12 INDIVIDUAL IS AN EXECUTIVE-LEVEL PUBLIC EMPLOYEE, PUBLIC
13 OFFICIAL OR PARTY OFFICER AND FOR ONE YEAR FOLLOWING TERMINATION
14 OF THE INDIVIDUAL'S STATUS AS AN EXECUTIVE-LEVEL PUBLIC
15 EMPLOYEE, PUBLIC OFFICIAL OR PARTY OFFICER.

16 (B) EMPLOYMENT.--EXCEPT AS MAY BE PROVIDED BY RULE OR ORDER
17 OF THE PENNSYLVANIA SUPREME COURT, NO EXECUTIVE-LEVEL PUBLIC
18 EMPLOYEE, PUBLIC OFFICIAL OR PARTY OFFICER, OR AN IMMEDIATE
19 FAMILY MEMBER THEREOF, SHALL BE EMPLOYED BY A MEDICAL MARIJUANA
20 ORGANIZATION OR BY ANY HOLDING COMPANY, AFFILIATE, INTERMEDIARY
21 OR SUBSIDIARY THEREOF, WHILE THE INDIVIDUAL IS AN EXECUTIVE-
22 LEVEL PUBLIC EMPLOYEE, PUBLIC OFFICIAL OR PARTY OFFICER AND FOR
23 ONE YEAR FOLLOWING TERMINATION OF THE INDIVIDUAL'S STATUS AS AN
24 EXECUTIVE-LEVEL PUBLIC EMPLOYEE, PUBLIC OFFICIAL OR PARTY
25 OFFICER.

26 (C) GRADING.--AN INDIVIDUAL WHO VIOLATES THIS SECTION
27 COMMITS A MISDEMEANOR AND SHALL, UPON CONVICTION, BE SENTENCED
28 TO PAY A FINE OF NOT MORE THAN \$1,000 OR TO IMPRISONMENT FOR NOT
29 MORE THAN ONE YEAR, OR BOTH.

30 (D) STATE ETHICS COMMISSION.--THE STATE ETHICS COMMISSION

1 SHALL DO ALL OF THE FOLLOWING:

2 (1) ISSUE A WRITTEN DETERMINATION OF WHETHER A PERSON IS
3 SUBJECT TO SUBSECTIONS (A) OR (B) UPON THE WRITTEN REQUEST OF
4 THE PERSON OR ANY OTHER PERSON THAT MAY HAVE LIABILITY FOR AN
5 ACTION TAKEN WITH RESPECT TO SUCH PERSON. A PERSON THAT
6 RELIES IN GOOD FAITH ON A DETERMINATION MADE UNDER THIS
7 PARAGRAPH SHALL NOT BE SUBJECT TO ANY PENALTY FOR AN ACTION
8 TAKEN, PROVIDED THAT ALL MATERIAL FACTS SET FORTH IN THE
9 REQUEST FOR THE DETERMINATION ARE CORRECT.

10 (2) PUBLISH A LIST OF ALL STATE, COUNTY, MUNICIPAL AND
11 OTHER GOVERNMENT POSITIONS THAT MEET THE DEFINITIONS OF
12 "PUBLIC OFFICIAL" AS DEFINED UNDER SUBSECTION (B) OR
13 "EXECUTIVE-LEVEL PUBLIC EMPLOYEE." THE OFFICE OF
14 ADMINISTRATION SHALL ASSIST THE STATE ETHICS COMMISSION IN
15 THE DEVELOPMENT OF THE LIST, WHICH SHALL BE PUBLISHED BY THE
16 STATE ETHICS COMMISSION IN THE PENNSYLVANIA BULLETIN
17 BIENNIALLY AND POSTED BY THE BOARD ON THE BOARD'S INTERNET
18 WEBSITE. UPON REQUEST, EACH PUBLIC OFFICIAL SHALL HAVE A DUTY
19 TO PROVIDE THE STATE ETHICS COMMISSION WITH ADEQUATE
20 INFORMATION TO ACCURATELY DEVELOP AND MAINTAIN THE LIST. THE
21 STATE ETHICS COMMISSION MAY IMPOSE A CIVIL PENALTY UNDER 65
22 PA.C.S. § 1109(F) (RELATING TO PENALTIES) UPON ANY
23 INDIVIDUAL, INCLUDING ANY PUBLIC OFFICIAL OR EXECUTIVE-LEVEL
24 PUBLIC EMPLOYEE, WHO FAILS TO COOPERATE WITH THE STATE ETHICS
25 COMMISSION UNDER THIS SUBSECTION. A PERSON THAT RELIES IN
26 GOOD FAITH ON THE LIST PUBLISHED BY THE STATE ETHICS
27 COMMISSION SHALL NOT BE SUBJECT TO ANY PENALTY FOR A
28 VIOLATION OF THIS SECTION.

29 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
30 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS

1 SUBSECTION:

2 "FINANCIAL INTEREST." AS DEFINED IN 4 PA.C.S. § 1512(B)
3 (RELATING TO FINANCIAL AND EMPLOYMENT INTERESTS).

4 "IMMEDIATE FAMILY." AS DEFINED IN 4 PA.C.S. § 1512(B).

5 "PARTY OFFICER." AS DEFINED IN 4 PA.C.S. § 1512(B).

6 "PUBLIC OFFICIAL." THE TERM SHALL INCLUDE THE FOLLOWING:

7 (1) THE GOVERNOR, LIEUTENANT GOVERNOR, A MEMBER OF THE
8 GOVERNOR'S CABINET, TREASURER, AUDITOR GENERAL AND ATTORNEY
9 GENERAL OF THE COMMONWEALTH.

10 (2) A MEMBER OF THE SENATE OR HOUSE OF REPRESENTATIVES
11 OF THE COMMONWEALTH.

12 (3) AN INDIVIDUAL ELECTED OR APPOINTED TO ANY OFFICE OF
13 A COUNTY OR MUNICIPALITY THAT DIRECTLY RECEIVES A
14 DISTRIBUTION OF REVENUE UNDER THIS PART.

15 (4) AN INDIVIDUAL ELECTED OR APPOINTED TO A DEPARTMENT,
16 AGENCY, BOARD, COMMISSION, AUTHORITY OR OTHER GOVERNMENTAL
17 BODY NOT INCLUDED IN PARAGRAPH (1), (2) OR (3) THAT DIRECTLY
18 RECEIVES A DISTRIBUTION OF REVENUE UNDER THIS PART.

19 (5) AN INDIVIDUAL ELECTED OR APPOINTED TO A DEPARTMENT,
20 AGENCY, BOARD, COMMISSION, AUTHORITY, COUNTY, MUNICIPALITY OR
21 OTHER GOVERNMENTAL BODY NOT INCLUDED IN PARAGRAPH (1), (2) OR
22 (3) WITH DISCRETIONARY POWER WHICH MAY INFLUENCE OR AFFECT
23 THE OUTCOME OF AN ACTION OR DECISION AND WHO IS INVOLVED IN
24 THE DEVELOPMENT OF REGULATION OR POLICY RELATING TO A
25 LICENSED ENTITY OR WHO IS INVOLVED IN OTHER MATTERS UNDER
26 THIS PART.

27 THE TERM DOES NOT INCLUDE A MEMBER OF A SCHOOL BOARD OR AN
28 INDIVIDUAL WHO HELD AN UNCOMPENSATED OFFICE WITH A GOVERNMENTAL
29 BODY PRIOR TO JANUARY 1, 2017, AND WHO NO LONGER HOLDS THE
30 OFFICE AS OF JANUARY 1, 2017. THE TERM INCLUDES A MEMBER OF AN

1 ADVISORY BOARD OR COMMISSION.

2 SECTION 2102. INSURERS.

3 NOTHING IN THIS ACT SHALL BE CONSTRUED TO REQUIRE AN INSURER
4 OR A HEALTH PLAN, WHETHER PAID FOR BY COMMONWEALTH FUNDS OR
5 PRIVATE FUNDS, TO PROVIDE COVERAGE FOR MEDICAL MARIJUANA.

6 SECTION 2103. PROTECTIONS FOR PATIENTS AND CAREGIVERS.

7 (A) LICENSURE.--NONE OF THE FOLLOWING SHALL BE SUBJECT TO
8 ARREST, PROSECUTION OR PENALTY IN ANY MANNER, OR DENIED ANY
9 RIGHT OR PRIVILEGE, INCLUDING CIVIL PENALTY OR DISCIPLINARY
10 ACTION BY A COMMONWEALTH LICENSING BOARD OR COMMISSION, SOLELY
11 FOR LAWFUL USE OF MEDICAL MARIJUANA OR MANUFACTURE OR SALE OR
12 DISPENSING OF MEDICAL MARIJUANA, OR FOR ANY OTHER ACTION TAKEN
13 IN ACCORDANCE WITH THIS ACT:

14 (1) A PATIENT.

15 (2) A CAREGIVER.

16 (3) A PRACTITIONER.

17 (4) A MEDICAL MARIJUANA ORGANIZATION.

18 (5) A HEALTH CARE MEDICAL MARIJUANA ORGANIZATION OR
19 UNIVERSITY PARTICIPATING IN A RESEARCH STUDY UNDER CHAPTER
20 19.

21 (6) A CLINICAL REGISTRANT OR ACADEMIC CLINICAL RESEARCH
22 CENTER UNDER CHAPTER 20.

23 (7) AN EMPLOYEE, PRINCIPAL OR FINANCIAL BACKER OF A
24 MEDICAL MARIJUANA ORGANIZATION.

25 (8) AN EMPLOYEE OF A HEALTH CARE MEDICAL MARIJUANA
26 ORGANIZATION OR AN EMPLOYEE OF A UNIVERSITY PARTICIPATING IN
27 A RESEARCH STUDY UNDER CHAPTER 19.

28 (9) AN EMPLOYEE OF A CLINICAL REGISTRANT OR AN EMPLOYEE
29 OF AN ACADEMIC CLINICAL RESEARCH CENTER UNDER CHAPTER 20.

30 (10) A PHARMACIST OR CERTIFIED REGISTERED NURSE

1 PRACTITIONER UNDER SECTION 707(9).

2 (B) EMPLOYMENT.--

3 (1) NO EMPLOYER MAY DISCHARGE, THREATEN, REFUSE TO HIRE
4 OR OTHERWISE DISCRIMINATE OR RETALIATE AGAINST AN EMPLOYEE
5 REGARDING AN EMPLOYEE'S COMPENSATION, TERMS, CONDITIONS,
6 LOCATION OR PRIVILEGES SOLELY ON THE BASIS OF SUCH EMPLOYEE'S
7 STATUS AS AN INDIVIDUAL WHO IS CERTIFIED TO USE MEDICAL
8 MARIJUANA.

9 (2) NOTHING IN THIS ACT SHALL REQUIRE AN EMPLOYER TO
10 MAKE ANY ACCOMMODATION OF THE USE OF MEDICAL MARIJUANA ON THE
11 PROPERTY OR PREMISES OF ANY PLACE OF EMPLOYMENT. THIS ACT
12 SHALL IN NO WAY LIMIT AN EMPLOYER'S ABILITY TO DISCIPLINE AN
13 EMPLOYEE FOR BEING UNDER THE INFLUENCE OF MEDICAL MARIJUANA
14 IN THE WORKPLACE OR FOR WORKING WHILE UNDER THE INFLUENCE OF
15 MEDICAL MARIJUANA WHEN THE EMPLOYEE'S CONDUCT FALLS BELOW THE
16 STANDARD OF CARE NORMALLY ACCEPTED FOR THAT POSITION.

17 (3) NOTHING IN THIS ACT SHALL REQUIRE AN EMPLOYER TO
18 COMMIT ANY ACT THAT WOULD PUT THE EMPLOYER OR ANY PERSON
19 ACTING ON ITS BEHALF IN VIOLATION OF FEDERAL LAW.

20 (C) CUSTODY DETERMINATION.--THE FACT THAT AN INDIVIDUAL IS
21 CERTIFIED TO USE MEDICAL MARIJUANA AND ACTING IN ACCORDANCE WITH
22 THIS ACT SHALL NOT BY ITSELF BE CONSIDERED BY A COURT IN A
23 CUSTODY PROCEEDING. IN DETERMINING THE BEST INTEREST OF A CHILD
24 WITH RESPECT TO CUSTODY, THE PROVISIONS OF 23 PA.C.S. CH. 53
25 (RELATING TO CHILD CUSTODY) SHALL APPLY.
26 SECTION 2104. SCHOOLS.

27 THE DEPARTMENT OF EDUCATION SHALL PROMULGATE REGULATIONS
28 WITHIN 18 MONTHS OF THE EFFECTIVE DATE OF THIS SECTION REGARDING
29 THE FOLLOWING:

30 (1) POSSESSION AND USE OF MEDICAL MARIJUANA BY A STUDENT

1 ON THE GROUNDS OF A PRESCHOOL, PRIMARY SCHOOL AND A SECONDARY
2 SCHOOL.

3 (2) POSSESSION AND USE OF MEDICAL MARIJUANA BY AN
4 EMPLOYEE OF A PRESCHOOL, PRIMARY SCHOOL AND A SECONDARY
5 SCHOOL ON THE GROUNDS OF SUCH SCHOOL.

6 SECTION 2105. DAY-CARE CENTERS.

7 THE DEPARTMENT OF HUMAN SERVICES SHALL PROMULGATE REGULATIONS
8 WITHIN 18 MONTHS OF THE EFFECTIVE DATE OF THIS SECTION REGARDING
9 THE FOLLOWING:

10 (1) POSSESSION AND USE OF MEDICAL MARIJUANA BY A CHILD
11 UNDER THE CARE OF A CHILD-CARE OR SOCIAL SERVICE CENTER
12 LICENSED OR OPERATED BY THE DEPARTMENT OF HUMAN SERVICES.

13 (2) POSSESSION AND USE OF MEDICAL MARIJUANA BY AN
14 EMPLOYEE OF A CHILD-CARE OR SOCIAL SERVICE CENTER LICENSED OR
15 OPERATED BY THE DEPARTMENT OF HUMAN SERVICES.

16 (3) POSSESSION AND USE OF MEDICAL MARIJUANA BY EMPLOYEES
17 OF A YOUTH DEVELOPMENT CENTER OR OTHER FACILITY WHICH HOUSES
18 CHILDREN ADJUDICATED DELINQUENT, INCLUDING THE SEPARATE,
19 SECURE STATE-OWNED FACILITY OR UNIT FOR SEXUALLY VIOLENT
20 CHILDREN, AS SET FORTH IN SECTION 1309(3).

21 SECTION 2106. MEDICAL MARIJUANA FROM OTHER STATES.

22 (A) GENERAL RULE.--IT IS NOT A VIOLATION OF THIS ACT OR THE
23 ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE CONTROLLED
24 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, IF A PARENT OR
25 GUARDIAN OF A MINOR UNDER 18 YEARS OF AGE LAWFULLY OBTAINS
26 MEDICAL MARIJUANA FROM ANOTHER STATE, TERRITORY OF THE UNITED
27 STATES OR ANY OTHER COUNTRY TO BE ADMINISTERED TO THE MINOR.

28 (B) EXPIRATION.--THIS SECTION SHALL EXPIRE 730 DAYS AFTER
29 THE EFFECTIVE DATE OF THIS SECTION.

30 SECTION 2107. ZONING.

1 THE FOLLOWING APPLY:

2 (1) A GROWER/PROCESSOR SHALL MEET THE SAME MUNICIPAL
3 ZONING AND LAND USE REQUIREMENTS AS OTHER MANUFACTURING,
4 PROCESSING AND PRODUCTION FACILITIES THAT ARE LOCATED IN THE
5 SAME ZONING DISTRICT.

6 (2) A DISPENSARY SHALL MEET THE SAME MUNICIPAL ZONING
7 AND LAND USE REQUIREMENTS AS OTHER COMMERCIAL FACILITIES THAT
8 ARE LOCATED IN THE SAME ZONING DISTRICT.

9 SECTION 2108. NOTICE.

10 UPON AMENDMENT OF THE CONTROLLED SUBSTANCES ACT (PUBLIC LAW
11 91-513, 84 STAT. 1236) REMOVING MARIJUANA FROM SCHEDULE I OF THE
12 CONTROLLED SUBSTANCES ACT, THE DEPARTMENT SHALL PUBLISH NOTICE
13 OF THE EFFECTIVE DATE OF THE AMENDMENT IN THE PENNSYLVANIA
14 BULLETIN.

15 SECTION 2109. APPLICABILITY.

16 THE PROVISIONS OF THIS ACT WITH RESPECT TO DISPENSARIES SHALL
17 NOT APPLY BEGINNING 1,095 DAYS FROM THE EFFECTIVE DATE OF AN
18 AMENDMENT TO THE CONTROLLED SUBSTANCES ACT (PUBLIC LAW 91-513,
19 84 STAT. 1236) REMOVING MARIJUANA FROM SCHEDULE I OF THE
20 CONTROLLED SUBSTANCES ACT.

21 SECTION 2110. EFFECTIVE DATE.

22 THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

23 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
24 IMMEDIATELY:

25 (I) THIS SECTION.

26 (II) CHAPTER 1.

27 (III) CHAPTER 3.

28 (IV) SECTION 704.

29 (V) SECTION 711.

30 (VI) CHAPTER 9.

- 1 (VII) SECTION 1101.
- 2 (VIII) SECTION 1104.
- 3 (IX) SECTION 1105.
- 4 (X) SECTION 1106.
- 5 (XI) SECTION 1107.
- 6 (XII) SECTION 1108.
- 7 (XIII) SECTION 1109.
- 8 (XIV) SECTION 1309.
- 9 (XV) CHAPTER 19.
- 10 (XVI) CHAPTER 20.
- 11 (XVII) SECTION 2101.
- 12 (XVIII) SECTION 2102.
- 13 (XIX) SECTION 2103.
- 14 (XX) SECTION 2104.
- 15 (XXI) SECTION 2105.
- 16 (XXII) SECTION 2106.
- 17 (XXIII) SECTION 2108.
- 18 (XXIV) SECTION 2109.

19 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT UPON THE
20 ISSUANCE OF TEMPORARY REGULATIONS BY THE DEPARTMENT UNDER
21 SECTION 1109(A) OR 18 MONTHS FROM THE EFFECTIVE DATE OF THIS
22 SECTION, WHICHEVER IS SOONER.