

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

AMENDMENTS TO HOUSE AMENDMENTS, APRIL 11, 2016

AN ACT

1 ~~Establishing a medical marijuana program; providing for patient <--~~
2 ~~and caregiver certification and for medical marijuana~~
3 ~~organization registration; imposing duties on the Department~~
4 ~~of Health; providing for a tax on medical marijuana~~
5 ~~organization gross receipts; establishing the Medical~~
6 ~~Marijuana Program Fund; establishing the Medical Marijuana~~
7 ~~Advisory Board; establishing a medical marijuana research~~
8 ~~program; imposing duties on the Department of Corrections,~~
9 ~~the Department of Education and the Department of Human~~
10 ~~Services; and providing for academic clinical research~~
11 ~~centers and for penalties and enforcement.~~

12 ~~TABLE OF CONTENTS~~

13 ~~Chapter 1. Preliminary Provisions~~

14 ~~Section 101. Short title.~~

15 ~~Section 102. Declaration of policy.~~

16 ~~Section 103. Definitions.~~

17 ~~Chapter 3. Program~~

18 ~~Section 301. Program established.~~

19 ~~Section 301.1. Confidentiality and public disclosure.~~

20 ~~Section 302. Practitioner registration.~~

1 ~~Section 303. Practitioner restrictions.~~
2 ~~Chapter 5. Patient and Caregiver Certification~~
3 ~~Section 501. Issuance of certification.~~
4 ~~Section 502. Certification form.~~
5 ~~Section 503. Lawful use of medical marijuana.~~
6 ~~Section 504. Unlawful use of medical marijuana.~~
7 ~~Section 505. Identification cards.~~
8 ~~Section 506. Process for obtaining or renewing an~~
9 ~~identification card.~~
10 ~~Section 507. Special conditions.~~
11 ~~Section 508. Minors.~~
12 ~~Section 509. Caregiver authorization and limitations.~~
13 ~~Section 510. Contents of identification card.~~
14 ~~Section 511. Suspension.~~
15 ~~Section 512. Use of prescription drug monitoring program.~~
16 ~~Section 513. Prohibitions.~~
17 ~~Chapter 7. Medical Marijuana Organizations~~
18 ~~Section 701. Medical marijuana organizations.~~
19 ~~Section 702. Laboratory.~~
20 ~~Section 703. Dispensing to patients and caregivers.~~
21 ~~Section 704. Pricing.~~
22 ~~Section 705. Facility requirements.~~
23 ~~Section 706. Registration.~~
24 ~~Section 707. Limitations on registrations.~~
25 ~~Section 708. Application and issuance of registration.~~
26 ~~Section 709. Registration renewals.~~
27 ~~Section 710. Suspension or revocation of registration.~~
28 ~~Section 711. Privilege not property right.~~
29 ~~Section 712. Diversity goals.~~
30 ~~Chapter 9. Tax on Medical Marijuana~~

~~1 Section 901. Excise tax on medical marijuana.~~
~~2 Section 902. Medical Marijuana Program Fund.~~
~~3 Chapter 11. Administration~~
~~4 Section 1101. Governing practice and procedure.~~
~~5 Section 1102. Reports by medical marijuana organizations.~~
~~6 Section 1103. Law enforcement notification.~~
~~7 Section 1104. Evaluation.~~
~~8 Section 1105. Report.~~
~~9 Section 1106. Advisory board.~~
~~10 Section 1107. Regulations.~~
~~11 Section 1108. Regulations based on recommendations of board.~~
~~12 Section 1109. Temporary regulations.~~
~~13 Chapter 13. Offenses Related to Medical Marijuana~~
~~14 Section 1301. Criminal diversion of medical marijuana by~~
~~15 practitioner.~~
~~16 Section 1302. Criminal diversion of medical marijuana by~~
~~17 medical marijuana organizations.~~
~~18 Section 1303. Criminal retention of medical marijuana.~~
~~19 Section 1304. Criminal diversion of medical marijuana by~~
~~20 patient or caregiver.~~
~~21 Section 1305. Falsification of identification cards.~~
~~22 Section 1306. Adulteration of medical marijuana.~~
~~23 Section 1307. Disclosure of information prohibited.~~
~~24 Section 1308. Additional penalties.~~
~~25 Section 1309. Other restrictions.~~
~~26 Chapter 19. Research Program~~
~~27 Section 1901. Definitions.~~
~~28 Section 1902. Establishment of medical marijuana research~~
~~29 program.~~
~~30 Section 1903. Medical marijuana research program~~

1 ~~administration.~~

2 ~~Section 1904. Approval.~~

3 ~~Section 1905. Requirements.~~

4 ~~Section 1906. Restrictions.~~

5 ~~Section 1907. Regulations.~~

6 ~~Section 1908. Nonentitlement.~~

7 ~~Chapter 20. Academic Clinical Research Centers~~

8 ~~Section 2001. Definitions.~~

9 ~~Section 2002. Registration as both grower/processor and~~
10 ~~dispensary collaborating with an academic clinical~~
11 ~~research center.~~

12 ~~Section 2003. Research study.~~

13 ~~Chapter 21. Miscellaneous Provisions~~

14 ~~Section 2101. Conflict.~~

15 ~~Section 2101.1. Financial and employment interests.~~

16 ~~Section 2102. Insurers.~~

17 ~~Section 2103. Protections for patients and caregivers.~~

18 ~~Section 2104. Schools.~~

19 ~~Section 2105. Day care centers.~~

20 ~~Section 2106. Medical marijuana from other states.~~

21 ~~Section 2107. Zoning.~~

22 ~~Section 2108. Notice.~~

23 ~~Section 2109. Applicability.~~

24 ~~Section 2110. Effective date.~~

25 ESTABLISHING A MEDICAL MARIJUANA PROGRAM; PROVIDING FOR PATIENT <--
26 AND CAREGIVER CERTIFICATION AND FOR MEDICAL MARIJUANA
27 ORGANIZATION REGISTRATION; IMPOSING DUTIES ON THE DEPARTMENT
28 OF HEALTH; PROVIDING FOR A TAX ON MEDICAL MARIJUANA
29 ORGANIZATION GROSS RECEIPTS; ESTABLISHING THE MEDICAL
30 MARIJUANA PROGRAM FUND; ESTABLISHING THE MEDICAL MARIJUANA
31 ADVISORY BOARD; ESTABLISHING A MEDICAL MARIJUANA RESEARCH
32 PROGRAM; IMPOSING DUTIES ON THE DEPARTMENT OF CORRECTIONS,
33 THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HUMAN
34 SERVICES; AND PROVIDING FOR ACADEMIC CLINICAL RESEARCH
35 CENTERS AND FOR PENALTIES AND ENFORCEMENT.

1 TABLE OF CONTENTS

2 CHAPTER 1. PRELIMINARY PROVISIONS

3 SECTION 101. SHORT TITLE.

4 SECTION 102. DECLARATION OF POLICY.

5 SECTION 103. DEFINITIONS.

6 CHAPTER 3. PROGRAM

7 SECTION 301. PROGRAM ESTABLISHED.

8 SECTION 302. CONFIDENTIALITY AND PUBLIC DISCLOSURE.

9 SECTION 303. LAWFUL USE OF MEDICAL MARIJUANA.

10 SECTION 304. UNLAWFUL USE OF MEDICAL MARIJUANA.

11 CHAPTER 4. PRACTITIONERS

12 SECTION 401. PRACTITIONER REGISTRATION.

13 SECTION 402. PRACTITIONER RESTRICTIONS.

14 SECTION 403. ISSUANCE OF CERTIFICATION.

15 SECTION 404. CERTIFICATION FORM.

16 SECTION 405. DURATION.

17 CHAPTER 5. PATIENTS

18 SECTION 501. IDENTIFICATION CARDS.

19 SECTION 502. CAREGIVERS.

20 SECTION 503. NOTICE.

21 SECTION 503.1. VERIFICATION.

22 SECTION 504. SPECIAL CONDITIONS.

23 SECTION 505. (RESERVED).

24 SECTION 506. MINORS.

25 SECTION 507. CAREGIVER AUTHORIZATION AND LIMITATIONS.

26 SECTION 508. CONTENTS OF IDENTIFICATION CARD.

27 SECTION 509. SUSPENSION.

28 SECTION 510. PROHIBITIONS.

29 CHAPTER 6. MEDICAL MARIJUANA ORGANIZATIONS

30 SECTION 601. MEDICAL MARIJUANA ORGANIZATIONS.

1 SECTION 602. PERMITS.
2 SECTION 603. GRANTING OF PERMIT.
3 SECTION 604. NOTICE.
4 SECTION 605. (RESERVED).
5 SECTION 606. APPLICATION AND ISSUANCE.
6 SECTION 607. FEES AND OTHER REQUIREMENTS.
7 SECTION 608. ISSUANCE.
8 SECTION 609. RELOCATION.
9 SECTION 610. TERMS OF PERMIT.
10 SECTION 611. (RESERVED).
11 SECTION 612. PERMIT RENEWALS.
12 SECTION 613. SUSPENSION OR REVOCATION.
13 SECTION 614. CONVICTIONS PROHIBITED.
14 SECTION 615. DIVERSITY GOALS.
15 SECTION 616. LIMITATIONS ON PERMITS.
16 CHAPTER 7. MEDICAL MARIJUANA CONTROLS
17 SECTION 701. ELECTRONIC TRACKING.
18 SECTION 702. GROWER/PROCESSORS.
19 SECTION 703. STORAGE AND TRANSPORTATION.
20 SECTION 704. LABORATORY.
21 SECTION 705. PRICES.
22 CHAPTER 8. DISPENSARIES
23 SECTION 801. DISPENSING TO PATIENTS AND CAREGIVERS.
24 SECTION 802. FACILITY REQUIREMENTS.
25 SECTION 803. POSTING.
26 CHAPTER 9. TAX ON MEDICAL MARIJUANA
27 SECTION 901. TAX ON MEDICAL MARIJUANA.
28 SECTION 902. MEDICAL MARIJUANA PROGRAM FUND.
29 CHAPTER 11. ADMINISTRATION
30 SECTION 1101. GOVERNING PRACTICE AND PROCEDURE.

1 SECTION 1102. REPORTS BY MEDICAL MARIJUANA ORGANIZATIONS.
2 SECTION 1103. LAW ENFORCEMENT NOTIFICATION.
3 SECTION 1104. EVALUATION.
4 SECTION 1105. REPORT.
5 SECTION 1106. (RESERVED).
6 SECTION 1107. TEMPORARY REGULATIONS.
7 CHAPTER 12. MEDICAL MARIJUANA ADVISORY BOARD
8 SECTION 1201. ADVISORY BOARD.
9 SECTION 1202. REGULATIONS BASED ON RECOMMENDATIONS OF ADVISORY
10 BOARD.
11 CHAPTER 13. OFFENSES RELATED TO MEDICAL MARIJUANA
12 SECTION 1301. CRIMINAL DIVERSION OF MEDICAL MARIJUANA BY
13 PRACTITIONERS.
14 SECTION 1302. CRIMINAL DIVERSION OF MEDICAL MARIJUANA BY
15 MEDICAL MARIJUANA ORGANIZATIONS.
16 SECTION 1303. CRIMINAL RETENTION OF MEDICAL MARIJUANA.
17 SECTION 1304. CRIMINAL DIVERSION OF MEDICAL MARIJUANA BY
18 PATIENT OR CAREGIVER.
19 SECTION 1305. FALSIFICATION OF IDENTIFICATION CARDS.
20 SECTION 1306. ADULTERATION OF MEDICAL MARIJUANA.
21 SECTION 1307. DISCLOSURE OF INFORMATION PROHIBITED.
22 SECTION 1308. ADDITIONAL PENALTIES.
23 SECTION 1309. OTHER RESTRICTIONS.
24 CHAPTER 19. RESEARCH PROGRAM
25 SECTION 1901. DEFINITIONS.
26 SECTION 1902. ESTABLISHMENT OF MEDICAL MARIJUANA RESEARCH
27 PROGRAM.
28 SECTION 1903. MEDICAL MARIJUANA RESEARCH PROGRAM
29 ADMINISTRATION.
30 SECTION 1904. APPROVAL.

1 SECTION 1905. REQUIREMENTS.
2 SECTION 1906. RESTRICTIONS.
3 SECTION 1907. REGULATIONS.
4 SECTION 1908. NONENTITLEMENT.
5 CHAPTER 20. ACADEMIC CLINICAL RESEARCH CENTERS
6 SECTION 2001. DEFINITIONS.
7 SECTION 2002. CLINICAL REGISTRANTS.
8 SECTION 2003. RESEARCH STUDY.
9 CHAPTER 21. MISCELLANEOUS PROVISIONS
10 SECTION 2101. CONFLICT.
11 SECTION 2101.1. FINANCIAL AND EMPLOYMENT INTERESTS.
12 SECTION 2102. INSURERS.
13 SECTION 2103. PROTECTIONS FOR PATIENTS AND CAREGIVERS.
14 SECTION 2104. SCHOOLS.
15 SECTION 2105. DAY-CARE CENTERS.
16 SECTION 2106. MEDICAL MARIJUANA FROM OTHER STATES.
17 SECTION 2107. ZONING.
18 SECTION 2108. NOTICE.
19 SECTION 2109. APPLICABILITY.
20 SECTION 2110. EFFECTIVE DATE.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 CHAPTER 1 <--

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 ~~tetrahydrocannabinis 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 ~~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 ~~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 ~~(c) 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 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 1201.

27 "CAREGIVER." THE INDIVIDUAL DESIGNATED BY A PATIENT OR, IF
28 THE PATIENT IS UNDER 18 YEARS OF AGE, AN INDIVIDUAL UNDER
29 SECTION 506(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 PERMITTEE 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) FOR A PUBLICLY TRADED ENTITY, VOTING RIGHTS THAT
21 ENTITLE A PERSON TO ELECT OR APPOINT ONE OR MORE OF THE
22 MEMBERS OF THE BOARD OF DIRECTORS OR OTHER GOVERNING BOARD OR
23 THE OWNERSHIP OR BENEFICIAL HOLDING OF 5% OR MORE OF THE
24 SECURITIES OF THE PUBLICLY TRADED ENTITY.

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

27 "DEPARTMENT." THE DEPARTMENT OF HEALTH OF THE COMMONWEALTH.

28 "DISPENSARY." A PERSON, INCLUDING A NATURAL PERSON,
29 CORPORATION, PARTNERSHIP, ASSOCIATION, TRUST OR OTHER ENTITY, OR
30 ANY COMBINATION THEREOF, WHICH HOLDS A PERMIT ISSUED BY THE

1 DEPARTMENT TO DISPENSE MEDICAL MARIJUANA. THE TERM DOES NOT
2 INCLUDE A HEALTH CARE MEDICAL MARIJUANA ORGANIZATION UNDER
3 CHAPTER 19.

4 "FAMILY OR HOUSEHOLD MEMBER." AS DEFINED IN 23 PA.C.S. §
5 6102 (RELATING TO DEFINITIONS).

6 "FINANCIAL BACKER." AN INVESTOR, MORTGAGEE, BONDHOLDER, NOTE
7 HOLDER OR OTHER SOURCE OF EQUITY, CAPITAL OR OTHER ASSETS, OTHER
8 THAN A FINANCIAL INSTITUTION.

9 "FINANCIAL INSTITUTION." A BANK, A NATIONAL BANKING
10 ASSOCIATION, A BANK AND TRUST COMPANY, A TRUST COMPANY, A
11 SAVINGS AND LOAN ASSOCIATION, A BUILDING AND LOAN ASSOCIATION, A
12 MUTUAL SAVINGS BANK, A CREDIT UNION OR A SAVINGS BANK.

13 "FORM OF MEDICAL MARIJUANA." THE CHARACTERISTICS OF THE
14 MEDICAL MARIJUANA RECOMMENDED OR LIMITED FOR A PARTICULAR
15 PATIENT, INCLUDING THE METHOD OF CONSUMPTION AND ANY PARTICULAR
16 DOSAGE, STRAIN, VARIETY AND QUANTITY OR PERCENTAGE OF MEDICAL
17 MARIJUANA OR PARTICULAR ACTIVE INGREDIENT.

18 "FUND." THE MEDICAL MARIJUANA PROGRAM FUND ESTABLISHED IN
19 SECTION 902.

20 "GROWER/PROCESSOR." A PERSON, INCLUDING A NATURAL PERSON,
21 CORPORATION, PARTNERSHIP, ASSOCIATION, TRUST OR OTHER ENTITY, OR
22 ANY COMBINATION THEREOF, WHICH HOLDS A PERMIT FROM THE
23 DEPARTMENT UNDER THIS ACT TO GROW AND PROCESS MEDICAL MARIJUANA.
24 THE TERM DOES NOT INCLUDE A HEALTH CARE MEDICAL MARIJUANA
25 ORGANIZATION UNDER CHAPTER 19.

26 "IDENTIFICATION CARD." A DOCUMENT ISSUED UNDER SECTION 501
27 THAT AUTHORIZES ACCESS TO MEDICAL MARIJUANA UNDER THIS ACT.

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

29 "MEDICAL MARIJUANA." MARIJUANA FOR CERTIFIED MEDICAL USE AS
30 SET FORTH IN THIS ACT.

1 "MEDICAL MARIJUANA ORGANIZATION." A DISPENSARY OR A
2 GROWER/PROCESSOR. THE TERM DOES NOT INCLUDE A HEALTH CARE
3 MEDICAL MARIJUANA ORGANIZATION UNDER CHAPTER 19.

4 "PATIENT." AN INDIVIDUAL WHO:

5 (1) HAS A SERIOUS MEDICAL CONDITION;

6 (2) HAS MET THE REQUIREMENTS FOR CERTIFICATION UNDER
7 THIS ACT; AND

8 (3) IS A RESIDENT OF THIS COMMONWEALTH.

9 "PERMIT." AN AUTHORIZATION ISSUED BY THE DEPARTMENT TO A
10 MEDICAL MARIJUANA ORGANIZATION TO CONDUCT ACTIVITIES UNDER THIS
11 ACT.

12 "PHYSICIAN ASSISTANT." AS DEFINED IN SECTION 2 OF THE ACT OF
13 DECEMBER 20, 1985 (P.L.457, NO.112), KNOWN AS THE MEDICAL
14 PRACTICE ACT OF 1985, AND SECTION 2 OF THE ACT OF OCTOBER 5,
15 1978 (P.L.1109, NO.261), KNOWN AS THE OSTEOPATHIC MEDICAL
16 PRACTICE ACT.

17 "PRACTITIONER." A PHYSICIAN WHO IS REGISTERED WITH THE
18 DEPARTMENT UNDER SECTION 401.

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

21 "PRINCIPAL." AN OFFICER, DIRECTOR OR PERSON WHO DIRECTLY
22 OWNS A BENEFICIAL INTEREST IN OR OWNERSHIP OF THE SECURITIES OF
23 AN APPLICANT OR PERMITTEE, A PERSON WHO HAS A CONTROLLING
24 INTEREST IN AN APPLICANT OR PERMITTEE OR WHO HAS THE ABILITY TO
25 ELECT THE MAJORITY OF THE BOARD OF DIRECTORS OF AN APPLICANT OR
26 PERMITTEE OR OTHERWISE CONTROL AN APPLICANT OR PERMITTEE, OTHER
27 THAN A FINANCIAL INSTITUTION.

28 "REGISTRY." THE REGISTRY ESTABLISHED BY THE DEPARTMENT FOR
29 PRACTITIONERS.

30 "SECRETARY." THE SECRETARY OF HEALTH OF THE COMMONWEALTH.

1 "SECURITY." AS DEFINED IN SECTION 102(T) OF THE ACT OF
2 DECEMBER 5, 1972 (P.L.1280, NO.284), KNOWN AS THE PENNSYLVANIA
3 SECURITIES ACT OF 1972.

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

5 (1) CANCER.

6 (2) POSITIVE STATUS FOR HUMAN IMMUNODEFICIENCY VIRUS OR
7 ACQUIRED IMMUNE DEFICIENCY SYNDROME.

8 (3) AMYOTROPHIC LATERAL SCLEROSIS.

9 (4) PARKINSON'S DISEASE.

10 (5) MULTIPLE SCLEROSIS.

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

13 (7) EPILEPSY.

14 (8) INFLAMMATORY BOWEL DISEASE.

15 (9) NEUROPATHIES.

16 (10) HUNTINGTON'S DISEASE.

17 (11) CROHN'S DISEASE.

18 (12) POST-TRAUMATIC STRESS DISORDER.

19 (13) INTRACTABLE SEIZURES.

20 (14) GLAUCOMA.

21 (15) SICKLE CELL ANEMIA.

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

26 (17) AUTISM.

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

30 CHAPTER 3

PROGRAM

SECTION 301. PROGRAM ESTABLISHED.

(A) ESTABLISHMENT.--A MEDICAL MARIJUANA PROGRAM FOR PATIENTS SUFFERING FROM SERIOUS MEDICAL CONDITIONS IS ESTABLISHED. THE PROGRAM SHALL BE IMPLEMENTED AND ADMINISTERED BY THE DEPARTMENT. THE DEPARTMENT SHALL:

(1) ISSUE PERMITS TO MEDICAL MARIJUANA ORGANIZATIONS TO AUTHORIZE THEM TO GROW, PROCESS OR DISPENSE MEDICAL MARIJUANA AND ENSURE THEIR COMPLIANCE WITH THIS ACT.

(2) REGISTER PRACTITIONERS AND ENSURE THEIR COMPLIANCE WITH THIS ACT.

(3) HAVE REGULATORY AND ENFORCEMENT AUTHORITY OVER THE GROWING, PROCESSING, SALE AND USE OF MEDICAL MARIJUANA IN THIS COMMONWEALTH.

(4) ESTABLISH AND MAINTAIN AN ELECTRONIC DATABASE TO INCLUDE ACTIVITIES AND INFORMATION RELATING TO MEDICAL MARIJUANA ORGANIZATIONS, CERTIFICATIONS AND IDENTIFICATION CARDS ISSUED, PRACTITIONER REGISTRATION AND ELECTRONIC TRACKING OF ALL MEDICAL MARIJUANA AS REQUIRED UNDER THIS ACT TO INCLUDE:

(I) ENSURANCE THAT MEDICAL MARIJUANA IS NOT DIVERTED OR OTHERWISE USED FOR UNLAWFUL PURPOSES BY A PRACTITIONER OR MEDICAL MARIJUANA ORGANIZATION.

(II) ABILITY TO ESTABLISH THE AUTHENTICITY OF IDENTIFICATION CARDS.

(III) RECORDING RECOMMENDED FORMS OF MEDICAL MARIJUANA PROVIDED IN A CERTIFICATION FILED BY THE PRACTITIONER.

(IV) MONITORING ALL GROWTH, TRANSFER, POSSESSION, PROCESSING, TESTING AND DISPENSING OF MEDICAL MARIJUANA

1 IN THIS COMMONWEALTH.

2 (V) THE TRACKING SYSTEM UNDER SECTION 701 THAT MUST
3 INCLUDE INFORMATION UNDER SECTION 801(A) AND ANY OTHER
4 INFORMATION REQUIRED BY THE DEPARTMENT TO BE USED BY THE
5 DEPARTMENT AND DISPENSARIES TO ENABLE A DISPENSARY TO
6 LAWFULLY PROVIDE MEDICAL MARIJUANA. THE TRACKING SYSTEM
7 AND DATABASE SHALL BE CAPABLE OF PROVIDING INFORMATION IN
8 REAL TIME. THE DATABASE SHALL BE CAPABLE OF RECEIVING
9 INFORMATION FROM A DISPENSARY REGARDING THE DISBURSEMENT
10 OF MEDICAL MARIJUANA TO PATIENTS AND CAREGIVERS. THIS
11 INFORMATION SHALL BE IMMEDIATELY ACCESSIBLE TO THE
12 DEPARTMENT AND OTHER DISPENSARIES TO INHIBIT DIVERSION
13 AND ENSURE COMPLIANCE WITH THIS ACT.

14 (5) MAINTAIN A DIRECTORY OF PATIENTS AND CAREGIVERS
15 APPROVED TO USE OR ASSIST IN THE ADMINISTRATION OF MEDICAL
16 MARIJUANA WITHIN THE DEPARTMENT'S DATABASE.

17 (6) DEVELOP A FOUR-HOUR TRAINING COURSE FOR PHYSICIANS,
18 PHARMACISTS, CERTIFIED REGISTERED NURSE PRACTITIONERS AND
19 PHYSICIAN ASSISTANTS REGARDING THE LATEST SCIENTIFIC RESEARCH
20 ON MEDICAL MARIJUANA, INCLUDING THE RISKS AND BENEFITS OF
21 MEDICAL MARIJUANA, AND OTHER INFORMATION DEEMED NECESSARY BY
22 THE DEPARTMENT. SUCCESSFUL COMPLETION OF THE COURSE SHALL BE
23 APPROVED AS CONTINUING EDUCATION CREDITS AS DETERMINED BY:

24 (I) THE STATE BOARD OF MEDICINE AND THE STATE BOARD
25 OF OSTEOPATHIC MEDICINE.

26 (II) THE STATE BOARD OF PHARMACY.

27 (III) THE STATE BOARD OF NURSING.

28 (7) DEVELOP A TWO-HOUR COURSE FOR THE PRINCIPALS AND
29 EMPLOYEES OF A MEDICAL MARIJUANA ORGANIZATION WHO EITHER HAVE
30 DIRECT CONTACT WITH PATIENTS OR CAREGIVERS OR WHO PHYSICALLY

1 HANDLE MEDICAL MARIJUANA. EMPLOYEES MUST SUCCESSFULLY
2 COMPLETE THE COURSE NO LATER THAN 90 DAYS AFTER COMMENCING
3 EMPLOYMENT. PRINCIPALS MUST SUCCESSFULLY COMPLETE THE COURSE
4 PRIOR TO COMMENCING INITIAL OPERATION OF THE MEDICAL
5 MARIJUANA ORGANIZATION. THE SUBJECT MATTER OF THE COURSE
6 SHALL INCLUDE THE FOLLOWING:

7 (I) METHODS TO RECOGNIZE AND REPORT UNAUTHORIZED
8 ACTIVITY, INCLUDING DIVERSION OF MEDICAL MARIJUANA FOR
9 UNLAWFUL PURPOSES AND FALSIFICATION OF IDENTIFICATION
10 CARDS.

11 (II) PROPER HANDLING OF MEDICAL MARIJUANA AND
12 RECORDKEEPING.

13 (III) ANY OTHER SUBJECT REQUIRED BY THE DEPARTMENT.

14 (8) DEVELOP ENFORCEMENT PROCEDURES, INCLUDING ANNOUNCED
15 AND UNANNOUNCED INSPECTIONS OF FACILITIES OF
16 GROWER/PROCESSORS AND DISPENSARIES AND ALL RECORDS OF THE
17 MEDICAL MARIJUANA ORGANIZATIONS.

18 (9) ESTABLISH A PROGRAM TO AUTHORIZE THE USE OF MEDICAL
19 MARIJUANA TO CONDUCT MEDICAL RESEARCH RELATING TO THE USE OF
20 MEDICAL MARIJUANA TO TREAT SERIOUS MEDICAL CONDITIONS,
21 INCLUDING THE COLLECTION OF DATA AND THE PROVISION OF
22 RESEARCH GRANTS.

23 (10) ESTABLISH AND MAINTAIN PUBLIC OUTREACH PROGRAMS
24 ABOUT THE MEDICAL MARIJUANA PROGRAM, INCLUDING:

25 (I) A DEDICATED TELEPHONE NUMBER FOR PATIENTS,
26 CAREGIVERS AND MEMBERS OF THE PUBLIC TO OBTAIN BASIC
27 INFORMATION ABOUT THE DISPENSING OF MEDICAL MARIJUANA
28 UNDER THIS ACT.

29 (II) A PUBLICLY ACCESSIBLE INTERNET WEBSITE WITH
30 SIMILAR INFORMATION.

1 (11) COLLABORATE AS NECESSARY WITH OTHER COMMONWEALTH
2 AGENCIES OR CONTRACT WITH THIRD PARTIES AS NECESSARY TO CARRY
3 OUT THE PROVISIONS OF THIS ACT.

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

7 (13) DEVELOP RECORDKEEPING REQUIREMENTS FOR ALL BOOKS,
8 PAPERS, ANY ELECTRONIC DATABASE OR TRACKING SYSTEM DATA AND
9 OTHER INFORMATION OF A MEDICAL MARIJUANA ORGANIZATION.
10 INFORMATION SHALL BE RETAINED FOR A MINIMUM PERIOD OF TWO
11 YEARS UNLESS OTHERWISE PROVIDED BY THE DEPARTMENT.

12 (14) RESTRICT THE ADVERTISING AND MARKETING OF MEDICAL
13 MARIJUANA, WHICH SHALL BE CONSISTENT WITH THE FEDERAL
14 REGULATIONS GOVERNING PRESCRIPTION DRUG ADVERTISING AND
15 MARKETING.

16 (B) REGULATIONS.--THE DEPARTMENT SHALL PROMULGATE ALL
17 REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT.
18 SECTION 302. CONFIDENTIALITY AND PUBLIC DISCLOSURE.

19 (A) PATIENT INFORMATION.--THE DEPARTMENT SHALL MAINTAIN A
20 CONFIDENTIAL LIST OF PATIENTS AND CAREGIVERS TO WHOM IT HAS
21 ISSUED IDENTIFICATION CARDS. ALL INFORMATION OBTAINED BY THE
22 DEPARTMENT RELATING TO PATIENTS, CAREGIVERS AND OTHER APPLICANTS
23 SHALL BE CONFIDENTIAL AND NOT SUBJECT TO PUBLIC DISCLOSURE,
24 INCLUDING DISCLOSURE UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6,
25 NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW, INCLUDING:

26 (1) INDIVIDUAL IDENTIFYING INFORMATION ABOUT PATIENTS
27 AND CAREGIVERS.

28 (2) CERTIFICATIONS ISSUED BY PRACTITIONERS.

29 (3) INFORMATION ON IDENTIFICATION CARDS.

30 (4) INFORMATION PROVIDED BY THE PENNSYLVANIA STATE

1 POLICE UNDER SECTION 502(B) .

2 (5) INFORMATION RELATING TO THE PATIENT'S SERIOUS
3 MEDICAL CONDITION.

4 (B) PUBLIC INFORMATION.--THE FOLLOWING RECORDS ARE PUBLIC
5 RECORDS AND SHALL BE SUBJECT TO THE RIGHT-TO-KNOW LAW:

6 (1) APPLICATIONS FOR PERMITS SUBMITTED BY MEDICAL
7 MARIJUANA ORGANIZATIONS.

8 (2) THE NAMES, BUSINESS ADDRESSES AND MEDICAL
9 CREDENTIALS OF PRACTITIONERS AUTHORIZED TO PROVIDE
10 CERTIFICATIONS TO PATIENTS TO ENABLE THEM TO OBTAIN AND USE
11 MEDICAL MARIJUANA IN THIS COMMONWEALTH. ALL OTHER
12 PRACTITIONER REGISTRATION INFORMATION SHALL BE CONFIDENTIAL
13 AND EXEMPT FROM PUBLIC DISCLOSURE UNDER THE RIGHT-TO-KNOW
14 LAW.

15 (3) INFORMATION RELATING TO PENALTIES OR OTHER
16 DISCIPLINARY ACTIONS TAKEN AGAINST A MEDICAL MARIJUANA
17 ORGANIZATION OR PRACTITIONER BY THE DEPARTMENT FOR VIOLATION
18 OF THIS ACT.

19 SECTION 303. LAWFUL USE OF MEDICAL MARIJUANA.

20 (A) GENERAL RULE.--NOTWITHSTANDING ANY PROVISION OF LAW TO
21 THE CONTRARY, USE OR POSSESSION OF MEDICAL MARIJUANA AS SET
22 FORTH IN THIS ACT IS LAWFUL WITHIN THIS COMMONWEALTH.

23 (B) REQUIREMENTS.--THE LAWFUL USE OF MEDICAL MARIJUANA IS
24 SUBJECT TO THE FOLLOWING:

25 (1) MEDICAL MARIJUANA MAY ONLY BE DISPENSED TO:

26 (I) A PATIENT WHO RECEIVES A CERTIFICATION FROM A
27 PRACTITIONER AND IS IN POSSESSION OF A VALID
28 IDENTIFICATION CARD ISSUED BY THE DEPARTMENT; AND

29 (II) A CAREGIVER WHO IS IN POSSESSION OF A VALID
30 IDENTIFICATION CARD ISSUED BY THE DEPARTMENT.

1 (2) SUBJECT TO REGULATIONS PROMULGATED UNDER THIS ACT,
2 MEDICAL MARIJUANA MAY ONLY BE DISPENSED TO A PATIENT OR
3 CAREGIVER IN THE FOLLOWING FORMS:

4 (I) PILL;

5 (II) OIL;

6 (III) TOPICAL FORMS, INCLUDING GEL, CREAMS OR
7 OINTMENTS;

8 (IV) A FORM MEDICALLY APPROPRIATE FOR ADMINISTRATION
9 BY VAPORIZATION OR NEBULIZATION, EXCLUDING DRY LEAF OR
10 PLANT FORM UNTIL DRY LEAF OR PLANT FORMS BECOME
11 ACCEPTABLE UNDER REGULATIONS ADOPTED UNDER SECTION 1202;

12 (V) TINCTURE; OR

13 (VI) LIQUID.

14 (3) UNLESS OTHERWISE PROVIDED IN REGULATIONS ADOPTED BY
15 THE DEPARTMENT UNDER SECTION 1202, MEDICAL MARIJUANA MAY NOT
16 BE DISPENSED TO A PATIENT OR A CAREGIVER IN DRY LEAF OR PLANT
17 FORM.

18 (4) AN INDIVIDUAL MAY NOT ACT AS A CAREGIVER FOR MORE
19 THAN FIVE PATIENTS.

20 (5) A PATIENT MAY DESIGNATE UP TO TWO CAREGIVERS AT ANY
21 ONE TIME.

22 (6) MEDICAL MARIJUANA THAT HAS NOT BEEN USED BY THE
23 PATIENT SHALL BE KEPT IN THE ORIGINAL PACKAGE IN WHICH IT WAS
24 DISPENSED.

25 (7) A PATIENT OR CAREGIVER SHALL POSSESS AN
26 IDENTIFICATION CARD WHENEVER THE PATIENT OR CAREGIVER IS IN
27 POSSESSION OF MEDICAL MARIJUANA.

28 (8) PRODUCTS PACKAGED BY A GROWER/PROCESSOR OR SOLD BY A
29 DISPENSARY SHALL ONLY BE IDENTIFIED BY THE NAME OF THE
30 GROWER/PROCESSOR, THE NAME OF THE DISPENSARY, THE FORM AND

1 SPECIES OF MEDICAL MARIJUANA, THE PERCENTAGE OF
2 TETRAHYDROCANNABINOL AND CANNABINOL CONTAINED IN THE PRODUCT
3 AND ANY OTHER LABELING REQUIRED BY THE DEPARTMENT.

4 SECTION 304. UNLAWFUL USE OF MEDICAL MARIJUANA.

5 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SECTION 303,
6 SECTION 704, CHAPTER 19 OR CHAPTER 20, THE USE OF MEDICAL
7 MARIJUANA IS UNLAWFUL AND SHALL, IN ADDITION TO ANY OTHER
8 PENALTY PROVIDED BY LAW, BE DEEMED A VIOLATION OF THE ACT OF
9 APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE CONTROLLED
10 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT.

11 (B) UNLAWFUL USE DESCRIBED.--IT IS UNLAWFUL TO:

12 (1) SMOKE MEDICAL MARIJUANA.

13 (2) EXCEPT AS PROVIDED UNDER SUBSECTION (C), INCORPORATE
14 MEDICAL MARIJUANA INTO EDIBLE FORM.

15 (3) GROW MEDICAL MARIJUANA UNLESS THE GROWER/PROCESSOR
16 HAS RECEIVED A PERMIT FROM THE DEPARTMENT UNDER THIS ACT.

17 (4) GROW OR DISPENSE MEDICAL MARIJUANA UNLESS AUTHORIZED
18 AS A HEALTH CARE MEDICAL MARIJUANA ORGANIZATION UNDER CHAPTER
19 19.

20 (5) DISPENSE MEDICAL MARIJUANA UNLESS THE DISPENSARY HAS
21 RECEIVED A PERMIT FROM THE DEPARTMENT UNDER THIS ACT.

22 (C) EDIBLE MEDICAL MARIJUANA.--NOTHING IN THIS ACT SHALL BE
23 CONSTRUED TO PRECLUDE THE INCORPORATION OF MEDICAL MARIJUANA
24 INTO EDIBLE FORM BY A PATIENT OR A CAREGIVER IN ORDER TO AID
25 INGESTION OF THE MEDICAL MARIJUANA BY THE PATIENT.

26 CHAPTER 4

27 PRACTITIONERS

28 SECTION 401. PRACTITIONER REGISTRATION.

29 (A) ELIGIBILITY.--A PHYSICIAN INCLUDED IN THE REGISTRY IS
30 AUTHORIZED TO ISSUE CERTIFICATIONS TO PATIENTS TO USE MEDICAL

1 MARIJUANA. TO BE ELIGIBLE FOR INCLUSION IN THE REGISTRY:

2 (1) A PHYSICIAN MUST APPLY FOR REGISTRATION IN THE FORM
3 AND MANNER REQUIRED BY THE DEPARTMENT.

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

9 (3) THE PHYSICIAN MUST HAVE SUCCESSFULLY COMPLETED THE
10 COURSE UNDER SECTION 301(A)(6).

11 (B) DEPARTMENT ACTION.--

12 (1) THE DEPARTMENT SHALL REVIEW AN APPLICATION SUBMITTED
13 BY A PHYSICIAN TO DETERMINE WHETHER TO INCLUDE THE PHYSICIAN
14 IN THE REGISTRY. THE REVIEW SHALL INCLUDE INFORMATION
15 MAINTAINED BY THE DEPARTMENT OF STATE REGARDING WHETHER THE
16 PHYSICIAN HAS A VALID, UNEXPIRED, UNREVOKED, UNSUSPENDED
17 PENNSYLVANIA LICENSE TO PRACTICE MEDICINE AND WHETHER THE
18 PHYSICIAN HAS BEEN SUBJECT TO DISCIPLINE.

19 (2) THE INCLUSION OF A PHYSICIAN IN THE REGISTRY SHALL
20 BE SUBJECT TO ANNUAL REVIEW TO DETERMINE IF THE PHYSICIAN'S
21 LICENSE IS NO LONGER VALID, HAS EXPIRED OR BEEN REVOKED OR
22 THE PHYSICIAN HAS BEEN SUBJECT TO DISCIPLINE. IF THE LICENSE
23 IS NO LONGER VALID, THE DEPARTMENT SHALL REMOVE THE PHYSICIAN
24 FROM THE REGISTRY UNTIL THE PHYSICIAN HOLDS A VALID,
25 UNEXPIRED, UNREVOKED, UNSUSPENDED PENNSYLVANIA LICENSE TO
26 PRACTICE MEDICINE.

27 (3) THE DEPARTMENT OF STATE SHALL REPORT TO THE
28 DEPARTMENT THE EXPIRATION, SUSPENSION OR REVOCATION OF A
29 PHYSICIAN'S LICENSE AND ANY DISCIPLINARY ACTIONS IN A TIMELY
30 FASHION.

1 (C) PRACTITIONER REQUIREMENTS.--A PRACTITIONER INCLUDED IN
2 THE REGISTRY SHALL HAVE AN ONGOING RESPONSIBILITY TO IMMEDIATELY
3 NOTIFY THE DEPARTMENT IN WRITING IF THE PRACTITIONER KNOWS OR
4 HAS REASON TO KNOW THAT ANY OF THE FOLLOWING IS TRUE WITH
5 RESPECT TO A PATIENT FOR WHOM THE PRACTITIONER HAS ISSUED A
6 CERTIFICATION:

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

9 (2) MEDICAL MARIJUANA WOULD NO LONGER BE THERAPEUTIC OR
10 PALLIATIVE.

11 (3) THE PATIENT HAS DIED.

12 SECTION 402. PRACTITIONER RESTRICTIONS.

13 (A) PRACTICES PROHIBITED.--THE FOLLOWING APPLY WITH RESPECT
14 TO PRACTITIONERS:

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

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

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

29 (B) UNPROFESSIONAL CONDUCT.--A PRACTITIONER WHO VIOLATES
30 SUBSECTION (A) SHALL NOT BE PERMITTED TO ISSUE CERTIFICATIONS TO

1 PATIENTS. THE PRACTITIONER SHALL BE REMOVED FROM THE REGISTRY.

2 (C) DISCIPLINE.--IN ADDITION TO ANY OTHER PENALTY THAT MAY
3 BE IMPOSED UNDER THIS ACT, A VIOLATION OF SUBSECTION (A) OR
4 SECTION 403(E) SHALL BE DEEMED UNPROFESSIONAL CONDUCT UNDER
5 SECTION 41(8) OF THE ACT OF DECEMBER 20, 1985 (P.L.457, NO.112),
6 KNOWN AS THE MEDICAL PRACTICE ACT OF 1985, OR SECTION 15(A) (8)
7 OF THE ACT OF OCTOBER 5, 1978 (P.L.1109, NO.261), KNOWN AS THE
8 OSTEOPATHIC MEDICAL PRACTICE ACT, AND SHALL SUBJECT THE
9 PRACTITIONER TO DISCIPLINE BY THE STATE BOARD OF MEDICINE OR THE
10 STATE BOARD OF OSTEOPATHIC MEDICINE, AS APPROPRIATE.

11 SECTION 403. ISSUANCE OF CERTIFICATION.

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

15 (1) THE PRACTITIONER HAS BEEN APPROVED BY THE DEPARTMENT
16 FOR INCLUSION IN THE REGISTRY.

17 (2) THE PRACTITIONER HAS DETERMINED THAT THE PATIENT HAS
18 A SERIOUS MEDICAL CONDITION AND HAS INCLUDED THE CONDITION IN
19 THE PATIENT'S HEALTH CARE RECORD.

20 (3) THE PATIENT IS UNDER THE PRACTITIONER'S CONTINUING
21 CARE FOR THE SERIOUS MEDICAL CONDITION.

22 (4) IN THE PRACTITIONER'S PROFESSIONAL OPINION AND
23 REVIEW OF PAST TREATMENTS, THE PRACTITIONER DETERMINES THE
24 PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE
25 BENEFIT FROM THE USE OF MEDICAL MARIJUANA.

26 (B) CONTENTS.--THE CERTIFICATION SHALL INCLUDE:

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

28 (2) THE SPECIFIC SERIOUS MEDICAL CONDITION OF THE
29 PATIENT.

30 (3) A STATEMENT BY THE PRACTITIONER THAT THE PATIENT HAS

1 A SERIOUS MEDICAL CONDITION AND THE PATIENT IS UNDER THE
2 PRACTITIONER'S CONTINUING CARE FOR THE SERIOUS MEDICAL
3 CONDITION.

4 (4) THE DATE OF ISSUANCE.

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

7 (6) ANY REQUIREMENT OR LIMITATION CONCERNING THE
8 APPROPRIATE FORM OF MEDICAL MARIJUANA AND LIMITATION ON THE
9 DURATION OF USE, IF APPLICABLE, INCLUDING WHETHER THE PATIENT
10 IS TERMINALLY ILL.

11 (C) CONSULTATION.--A PRACTITIONER SHALL REVIEW THE
12 PRESCRIPTION DRUG MONITORING PROGRAM PRIOR TO:

13 (1) ISSUING A CERTIFICATION TO DETERMINE THE CONTROLLED
14 SUBSTANCE HISTORY OF A PATIENT.

15 (2) RECOMMENDING A CHANGE OF AMOUNT OR FORM OF MEDICAL
16 MARIJUANA.

17 (C.1) OTHER ACCESS BY PRACTITIONER.--A PRACTITIONER MAY
18 ACCESS THE PRESCRIPTION DRUG MONITORING PROGRAM TO DO ANY OF THE
19 FOLLOWING:

20 (1) DETERMINE WHETHER A PATIENT MAY BE UNDER TREATMENT
21 WITH A CONTROLLED SUBSTANCE BY ANOTHER PHYSICIAN OR OTHER
22 PERSON.

23 (2) ALLOW THE PRACTITIONER TO REVIEW THE PATIENT'S
24 CONTROLLED SUBSTANCE HISTORY AS DEEMED NECESSARY BY THE
25 PRACTITIONER.

26 (3) PROVIDE TO THE PATIENT, OR CAREGIVER ON BEHALF OF
27 THE PATIENT IF AUTHORIZED BY THE PATIENT, A COPY OF THE
28 PATIENT'S CONTROLLED SUBSTANCE HISTORY.

29 (D) DUTIES OF PRACTITIONER.--THE PRACTITIONER SHALL:

30 (1) PROVIDE THE CERTIFICATION TO THE PATIENT.

1 CARD TO A PATIENT WHO HAS A CERTIFICATION APPROVED BY THE
2 DEPARTMENT AND TO A CAREGIVER DESIGNATED BY THE PATIENT. AN
3 IDENTIFICATION CARD ISSUED TO A PATIENT SHALL AUTHORIZE THE
4 PATIENT TO OBTAIN AND USE MEDICAL MARIJUANA AS AUTHORIZED BY
5 THIS ACT. AN IDENTIFICATION CARD ISSUED TO A CAREGIVER SHALL
6 AUTHORIZE THE CAREGIVER TO OBTAIN MEDICAL MARIJUANA ON BEHALF OF
7 THE PATIENT.

8 (B) PROCEDURE FOR ISSUANCE.--THE DEPARTMENT SHALL DEVELOP
9 AND IMPLEMENT PROCEDURES FOR:

10 (1) REVIEW AND APPROVAL OF APPLICATIONS FOR
11 IDENTIFICATION CARDS.

12 (2) ISSUANCE OF IDENTIFICATION CARDS TO PATIENTS AND
13 CAREGIVERS.

14 (3) REVIEW OF THE CERTIFICATION SUBMITTED BY THE
15 PRACTITIONER AND THE PATIENT.

16 (C) APPLICATION.--A PATIENT OR A CAREGIVER MAY APPLY, IN A
17 FORM AND MANNER PRESCRIBED BY THE DEPARTMENT, FOR ISSUANCE OR
18 RENEWAL OF AN IDENTIFICATION CARD. A CAREGIVER MUST SUBMIT A
19 SEPARATE APPLICATION FOR ISSUANCE OR RENEWAL. EACH APPLICATION
20 MUST INCLUDE:

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

22 (2) THE NAME, ADDRESS AND DATE OF BIRTH OF A CAREGIVER.

23 (3) THE CERTIFICATION ISSUED BY THE PRACTITIONER.

24 (4) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE
25 PRACTITIONER AND DOCUMENTATION FROM THE PRACTITIONER THAT ALL
26 OF THE REQUIREMENTS OF SECTION 403(A) HAVE BEEN MET.

27 (5) A \$50 PROCESSING FEE. THE DEPARTMENT MAY WAIVE OR
28 REDUCE THE FEE IF THE APPLICANT DEMONSTRATES FINANCIAL
29 HARDSHIP.

30 (6) THE SIGNATURE OF THE APPLICANT AND DATE SIGNED.

1 (7) OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

2 (D) FORMS.--APPLICATION AND RENEWAL FORMS SHALL BE AVAILABLE
3 ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

4 (E) EXPIRATION.--AN IDENTIFICATION CARD OF A PATIENT OR
5 CAREGIVER SHALL EXPIRE WITHIN ONE YEAR FROM THE DATE OF
6 ISSUANCE, UPON THE DEATH OF THE PATIENT, OR AS OTHERWISE
7 PROVIDED IN THIS SECTION.

8 (F) SEPARATE CARDS TO BE ISSUED.--THE DEPARTMENT SHALL ISSUE
9 SEPARATE IDENTIFICATION CARDS FOR PATIENTS AND CAREGIVERS AS
10 SOON AS REASONABLY PRACTICABLE AFTER RECEIVING COMPLETED
11 APPLICATIONS, UNLESS IT DETERMINES THAT AN APPLICATION IS
12 INCOMPLETE OR FACTUALLY INACCURATE, IN WHICH CASE IT SHALL
13 PROMPTLY NOTIFY THE APPLICANT.

14 (G) (RESERVED).

15 (H) CHANGE IN NAME OR ADDRESS.--A PATIENT OR CAREGIVER WHO
16 HAS BEEN ISSUED AN IDENTIFICATION CARD SHALL NOTIFY THE
17 DEPARTMENT WITHIN 10 DAYS OF ANY CHANGE OF NAME OR ADDRESS. IN
18 ADDITION, THE PATIENT SHALL NOTIFY THE DEPARTMENT WITHIN 10 DAYS
19 IF THE PATIENT NO LONGER HAS THE SERIOUS MEDICAL CONDITION NOTED
20 ON THE CERTIFICATION.

21 (I) LOST OR DEFACED CARD.--IN THE EVENT OF A LOST, STOLEN,
22 DESTROYED OR ILLEGIBLE IDENTIFICATION CARD, THE PATIENT OR
23 CAREGIVER SHALL APPLY TO THE DEPARTMENT WITHIN 10 BUSINESS DAYS
24 OF DISCOVERY OF THE LOSS OR DEFACEMENT OF THE CARD FOR A
25 REPLACEMENT CARD. THE APPLICATION FOR A REPLACEMENT CARD SHALL
26 BE ON A FORM FURNISHED BY THE DEPARTMENT AND ACCOMPANIED BY A
27 \$25 FEE. THE DEPARTMENT MAY ESTABLISH HIGHER FEES FOR ISSUANCE
28 OF SECOND AND SUBSEQUENT REPLACEMENT IDENTIFICATION CARDS. THE
29 DEPARTMENT MAY WAIVE OR REDUCE THE FEE IN CASES OF DEMONSTRATED
30 FINANCIAL HARDSHIP. THE DEPARTMENT SHALL ISSUE A REPLACEMENT

1 IDENTIFICATION CARD AS SOON AS PRACTICABLE. A PATIENT OR
2 CAREGIVER MAY NOT OBTAIN MEDICAL MARIJUANA UNTIL THE DEPARTMENT
3 ISSUES THE REPLACEMENT CARD.

4 SECTION 502. CAREGIVERS.

5 (A) REQUIREMENTS.--

6 (1) IF THE PATIENT DESIGNATES A CAREGIVER, THE
7 APPLICATION SHALL INCLUDE THE NAME, ADDRESS AND DATE OF
8 BIRTH OF THE CAREGIVER, AND OTHER INDIVIDUAL IDENTIFYING
9 INFORMATION REQUIRED BY THE DEPARTMENT

10 AND THE FOLLOWING:

11 (I) FEDERAL AND COMMONWEALTH CRIMINAL HISTORY RECORD
12 INFORMATION AS SET FORTH IN SUBSECTION (B).

13 (II) IF THE CAREGIVER HAS AN IDENTIFICATION CARD FOR
14 THE CAREGIVER OR ANOTHER PATIENT, THE EXPIRATION DATE OF
15 THE IDENTIFICATION CARD.

16 (III) OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

17 (2) 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 (3) THE DEPARTMENT MAY REQUIRE ADDITIONAL INFORMATION
21 FOR THE APPLICATION.

22 (4) THE APPLICATION SHALL BE SIGNED AND DATED BY THE
23 APPLICANT.

24 (B) CRIMINAL HISTORY.--A CAREGIVER SHALL SUBMIT FINGERPRINTS
25 FOR THE PURPOSE OF OBTAINING CRIMINAL HISTORY RECORD CHECKS AND
26 THE PENNSYLVANIA STATE POLICE OR ITS AUTHORIZED AGENT SHALL
27 SUBMIT THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION
28 FOR THE PURPOSE OF VERIFYING THE IDENTITY OF THE APPLICANT AND
29 OBTAINING A CURRENT RECORD OF ANY CRIMINAL ARRESTS AND
30 CONVICTIONS. ANY CRIMINAL HISTORY RECORD INFORMATION RELATING TO

1 A CAREGIVER OBTAINED UNDER THIS SECTION BY THE DEPARTMENT MAY BE
2 INTERPRETED AND USED BY THE DEPARTMENT ONLY TO DETERMINE THE
3 APPLICANT'S CHARACTER, FITNESS AND SUITABILITY TO SERVE AS A
4 CAREGIVER UNDER THIS ACT. THE DEPARTMENT SHALL ALSO REVIEW THE
5 PRESCRIPTION DRUG MONITORING PROGRAM RELATING TO THE CAREGIVER.
6 THE DEPARTMENT SHALL DENY THE APPLICATION OF A CAREGIVER WHO HAS
7 BEEN CONVICTED OF A CRIMINAL OFFENSE THAT OCCURRED WITHIN THE
8 PAST FIVE YEARS RELATING TO THE SALE OR POSSESSION OF DRUGS,
9 NARCOTICS OR CONTROLLED SUBSTANCES. THE DEPARTMENT MAY DENY AN
10 APPLICATION IF THE APPLICANT HAS A HISTORY OF DRUG ABUSE OR OF
11 DIVERTING CONTROLLED SUBSTANCES OR ILLEGAL DRUGS.

12 SECTION 503. NOTICE.

13 AN APPLICATION FOR AN IDENTIFICATION CARD SHALL INCLUDE
14 NOTICE THAT A FALSE STATEMENT MADE IN THE APPLICATION IS
15 PUNISHABLE UNDER THE APPLICABLE PROVISIONS OF 18 PA.C.S. CH. 49
16 (RELATING TO FALSIFICATION AND INTIMIDATION).

17 SECTION 503.1. VERIFICATION.

18 THE DEPARTMENT SHALL VERIFY THE INFORMATION IN A PATIENT OR
19 CAREGIVER'S APPLICATION AND ON ANY RENEWAL FORM.

20 SECTION 504. SPECIAL CONDITIONS.

21 THE FOLLOWING APPLY:

22 (1) IF THE PRACTITIONER STATES IN THE CERTIFICATION
23 THAT, IN THE PRACTITIONER'S PROFESSIONAL OPINION, THE PATIENT
24 WOULD BENEFIT FROM MEDICAL MARIJUANA ONLY UNTIL A SPECIFIED
25 EARLIER DATE, THEN THE IDENTIFICATION CARD SHALL EXPIRE ON
26 THAT DATE.

27 (2) IF THE CERTIFICATION SO PROVIDES, THE IDENTIFICATION
28 CARD SHALL STATE ANY REQUIREMENT OR LIMITATION BY THE
29 PRACTITIONER AS TO THE FORM OF MEDICAL MARIJUANA FOR THE
30 PATIENT.

1 SECTION 505. (RESERVED).

2 SECTION 506. MINORS.

3 IF A PATIENT IS UNDER 18 YEARS OF AGE, THE FOLLOWING APPLY:

4 (1) THE PATIENT SHALL HAVE A CAREGIVER.

5 (2) A CAREGIVER MUST BE ONE OF THE FOLLOWING:

6 (I) A PARENT OR LEGAL GUARDIAN OF THE PATIENT.

7 (II) AN INDIVIDUAL DESIGNATED BY A PARENT OR LEGAL
8 GUARDIAN.

9 (III) AN APPROPRIATE INDIVIDUAL APPROVED BY THE
10 DEPARTMENT UPON A SUFFICIENT SHOWING THAT NO PARENT OR
11 LEGAL GUARDIAN IS APPROPRIATE OR AVAILABLE.

12 SECTION 507. CAREGIVER AUTHORIZATION AND LIMITATIONS.

13 (A) AGE.--AN INDIVIDUAL WHO IS UNDER 21 YEARS OF AGE MAY NOT
14 BE A CAREGIVER UNLESS A SUFFICIENT SHOWING, AS DETERMINED BY THE
15 DEPARTMENT, IS MADE TO THE DEPARTMENT THAT THE INDIVIDUAL SHOULD
16 BE PERMITTED TO SERVE AS A CAREGIVER.

17 (B) CHANGING CAREGIVER.--IF A PATIENT WISHES TO CHANGE OR
18 TERMINATE THE DESIGNATION OF THE PATIENT'S CAREGIVER, FOR
19 WHATEVER REASON, THE PATIENT SHALL NOTIFY THE DEPARTMENT AS SOON
20 AS PRACTICABLE. THE DEPARTMENT SHALL ISSUE A NOTIFICATION TO THE
21 CAREGIVER THAT THE CAREGIVER'S IDENTIFICATION CARD IS INVALID
22 AND MUST BE PROMPTLY RETURNED TO THE DEPARTMENT.

23 (C) DENIAL IN PART.--IF AN APPLICATION OF A PATIENT
24 DESIGNATES AN INDIVIDUAL AS A CAREGIVER WHO IS NOT AUTHORIZED TO
25 BE A CAREGIVER, THAT PORTION OF THE APPLICATION SHALL BE DENIED
26 BY THE DEPARTMENT. THE DEPARTMENT SHALL REVIEW THE BALANCE OF
27 THE APPLICATION AND MAY APPROVE THAT PORTION OF IT.

28 SECTION 508. CONTENTS OF IDENTIFICATION CARD.

29 AN IDENTIFICATION CARD SHALL CONTAIN THE FOLLOWING:

30 (1) THE NAME OF THE CAREGIVER OR THE PATIENT, AS

1 APPROPRIATE. THE IDENTIFICATION CARD SHALL ALSO STATE WHETHER
2 THE INDIVIDUAL IS DESIGNATED AS A PATIENT OR AS A CAREGIVER.

3 (2) THE DATE OF ISSUANCE AND EXPIRATION DATE.

4 (3) AN IDENTIFICATION NUMBER FOR THE PATIENT OR
5 CAREGIVER, AS APPROPRIATE.

6 (4) A PHOTOGRAPH OF THE INDIVIDUAL TO WHOM THE
7 IDENTIFICATION CARD IS BEING ISSUED, WHETHER THE INDIVIDUAL
8 IS A PATIENT OR A CAREGIVER. THE METHOD OF OBTAINING THE
9 PHOTOGRAPH SHALL BE SPECIFIED BY THE DEPARTMENT BY
10 REGULATION. THE DEPARTMENT SHALL PROVIDE REASONABLE
11 ACCOMMODATION FOR A PATIENT WHO IS CONFINED TO THE PATIENT'S
12 HOME OR IS IN INPATIENT CARE.

13 (5) ANY REQUIREMENT OR LIMITATION SET BY THE
14 PRACTITIONER AS TO THE FORM OF MEDICAL MARIJUANA.

15 (6) ANY OTHER REQUIREMENTS DETERMINED BY THE DEPARTMENT,
16 EXCEPT THE DEPARTMENT MAY NOT REQUIRE THAT AN IDENTIFICATION
17 CARD DISCLOSE THE PATIENT'S SERIOUS MEDICAL CONDITION.

18 SECTION 509. SUSPENSION.

19 IF A PATIENT OR CAREGIVER INTENTIONALLY, KNOWINGLY OR
20 RECKLESSLY VIOLATES ANY PROVISION OF THIS ACT AS DETERMINED BY
21 THE DEPARTMENT, THE IDENTIFICATION CARD OF THE PATIENT OR
22 CAREGIVER MAY BE SUSPENDED OR REVOKED. THE SUSPENSION OR
23 REVOCATION SHALL BE IN ADDITION TO ANY CRIMINAL OR OTHER PENALTY
24 THAT MAY APPLY.

25 SECTION 510. PROHIBITIONS.

26 THE FOLLOWING PROHIBITIONS SHALL APPLY:

27 (1) A PATIENT MAY NOT OPERATE OR BE IN PHYSICAL CONTROL
28 OF ANY OF THE FOLLOWING WHILE UNDER THE INFLUENCE WITH A
29 BLOOD CONTENT OF MORE THAN 10 NANOGRAMS OF ACTIVE
30 TETRAHYDROCANNABIS PER MILLILITER OF BLOOD IN SERUM:

1 (I) CHEMICALS WHICH REQUIRE A PERMIT ISSUED BY THE
2 FEDERAL GOVERNMENT OR A STATE GOVERNMENT OR AN AGENCY OF
3 THE FEDERAL GOVERNMENT OR A STATE GOVERNMENT.

4 (II) HIGH-VOLTAGE ELECTRICITY OR ANY OTHER PUBLIC
5 UTILITY.

6 (2) A PATIENT MAY NOT PERFORM ANY EMPLOYMENT DUTIES AT
7 HEIGHTS OR IN CONFINED SPACES, INCLUDING, BUT NOT LIMITED TO,
8 MINING WHILE UNDER THE INFLUENCE OF MEDICAL MARIJUANA.

9 (3) A PATIENT MAY BE PROHIBITED BY AN EMPLOYER FROM
10 PERFORMING ANY TASK WHICH THE EMPLOYER DEEMS LIFE-
11 THREATENING, TO EITHER THE EMPLOYEE OR ANY OF THE EMPLOYEES
12 OF THE EMPLOYER, WHILE UNDER THE INFLUENCE OF MEDICAL
13 MARIJUANA. THE PROHIBITION SHALL NOT BE DEEMED AN ADVERSE
14 EMPLOYMENT DECISION EVEN IF THE PROHIBITION RESULTS IN
15 FINANCIAL HARM FOR THE PATIENT.

16 (4) A PATIENT MAY BE PROHIBITED BY AN EMPLOYER FROM
17 PERFORMING ANY DUTY WHICH COULD RESULT IN A PUBLIC HEALTH OR
18 SAFETY RISK WHILE UNDER THE INFLUENCE OF MEDICAL MARIJUANA.
19 THE PROHIBITION SHALL NOT BE DEEMED AN ADVERSE EMPLOYMENT
20 DECISION EVEN IF THE PROHIBITION RESULTS IN FINANCIAL HARM
21 FOR THE PATIENT.

22 CHAPTER 6

23 MEDICAL MARIJUANA ORGANIZATIONS

24 SECTION 601. MEDICAL MARIJUANA ORGANIZATIONS.

25 THE FOLLOWING ENTITIES SHALL BE AUTHORIZED TO RECEIVE A
26 PERMIT TO OPERATE AS A MEDICAL MARIJUANA ORGANIZATION TO GROW,
27 PROCESS OR DISPENSE MEDICAL MARIJUANA:

28 (1) GROWER/PROCESSORS.

29 (2) DISPENSARIES.

30 SECTION 602. PERMITS.

1 (A) APPLICATION.--AN APPLICATION FOR A GROWER/PROCESSOR OR
2 DISPENSARY PERMIT TO GROW, PROCESS OR DISPENSE MEDICAL MARIJUANA
3 SHALL BE IN A FORM AND MANNER PRESCRIBED BY THE DEPARTMENT AND
4 SHALL INCLUDE:

5 (1) VERIFICATION OF ALL PRINCIPALS, OPERATORS, FINANCIAL
6 BACKERS OR EMPLOYEES OF A MEDICAL MARIJUANA GROWER/PROCESSOR
7 OR DISPENSARY.

8 (2) A DESCRIPTION OF RESPONSIBILITIES AS A PRINCIPAL,
9 OPERATOR, FINANCIAL BACKER OR EMPLOYEE.

10 (3) ANY RELEASE NECESSARY TO OBTAIN INFORMATION FROM
11 GOVERNMENTAL AGENCIES, EMPLOYERS AND OTHER ORGANIZATIONS.

12 (4) A CRIMINAL HISTORY RECORD CHECK. MEDICAL MARIJUANA
13 ORGANIZATIONS APPLYING FOR A PERMIT SHALL SUBMIT FINGERPRINTS
14 OF PRINCIPALS, FINANCIAL BACKERS, OPERATORS AND EMPLOYEES TO
15 THE PENNSYLVANIA STATE POLICE FOR THE PURPOSE OF OBTAINING
16 CRIMINAL HISTORY RECORD CHECKS AND THE PENNSYLVANIA STATE
17 POLICE OR ITS AUTHORIZED AGENT SHALL SUBMIT THE FINGERPRINTS
18 TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF
19 VERIFYING THE IDENTITY OF THE PRINCIPALS, FINANCIAL BACKERS,
20 OPERATORS AND EMPLOYEES AND OBTAINING A CURRENT RECORD OF ANY
21 CRIMINAL ARRESTS AND CONVICTIONS. ANY CRIMINAL HISTORY RECORD
22 INFORMATION RELATING TO PRINCIPALS, FINANCIAL BACKERS,
23 OPERATORS AND EMPLOYEES OBTAINED UNDER THIS SECTION BY THE
24 DEPARTMENT MAY BE INTERPRETED AND USED BY THE DEPARTMENT ONLY
25 TO DETERMINE THE PRINCIPAL'S, FINANCIAL BACKER'S, OPERATOR'S
26 AND EMPLOYEE'S CHARACTER, FITNESS AND SUITABILITY TO SERVE AS
27 A PRINCIPAL, FINANCIAL BACKER, OPERATOR AND EMPLOYEE UNDER
28 THIS ACT. THIS PARAGRAPH SHALL NOT APPLY TO AN OWNER OF
29 SECURITIES IN A PUBLICLY TRADED CORPORATION IF THE DEPARTMENT
30 DETERMINES THAT THE OWNER OF THE SECURITIES IS NOT

1 SUBSTANTIALLY INVOLVED IN THE ACTIVITIES OF THE MEDICAL
2 MARIJUANA ORGANIZATION.

3 (5) DETAILS RELATING TO A SIMILAR LICENSE, PERMIT OR
4 OTHER AUTHORIZATION OBTAINED IN ANOTHER JURISDICTION,
5 INCLUDING ANY SUSPENSIONS, REVOCATIONS OR DISCIPLINE IN THAT
6 JURISDICTION.

7 (6) A DESCRIPTION OF THE BUSINESS ACTIVITIES IN WHICH IT
8 INTENDS TO ENGAGE AS A MEDICAL MARIJUANA ORGANIZATION.

9 (7) A STATEMENT THAT THE APPLICANT:

10 (I) IS OF GOOD MORAL CHARACTER. FOR PURPOSES OF THIS
11 SUBPARAGRAPH, AN APPLICANT SHALL INCLUDE EACH FINANCIAL
12 BACKER, OPERATOR, EMPLOYEE AND PRINCIPAL OF THE MEDICAL
13 MARIJUANA ORGANIZATION.

14 (II) POSSESSES THE ABILITY TO OBTAIN IN AN
15 EXPEDITIOUS MANNER THE RIGHT TO USE SUFFICIENT LAND,
16 BUILDINGS AND OTHER PREMISES AND EQUIPMENT TO PROPERLY
17 CARRY ON THE ACTIVITY DESCRIBED IN THE APPLICATION AND
18 ANY PROPOSED LOCATION FOR A FACILITY.

19 (III) IS ABLE TO MAINTAIN EFFECTIVE SECURITY AND
20 CONTROL TO PREVENT DIVERSION, ABUSE AND OTHER ILLEGAL
21 CONDUCT RELATING TO MEDICAL MARIJUANA.

22 (IV) IS ABLE TO COMPLY WITH ALL APPLICABLE
23 COMMONWEALTH LAWS AND REGULATIONS RELATING TO THE
24 ACTIVITIES IN WHICH IT INTENDS TO ENGAGE UNDER THIS ACT.

25 (8) THE NAME, RESIDENTIAL ADDRESS AND TITLE OF EACH
26 FINANCIAL BACKER AND PRINCIPAL OF THE APPLICANT. EACH
27 INDIVIDUAL, OR LAWFUL REPRESENTATIVE OF A LEGAL ENTITY, SHALL
28 SUBMIT AN AFFIDAVIT WITH THE APPLICATION SETTING FORTH:

29 (I) ANY POSITION OF MANAGEMENT OR OWNERSHIP DURING
30 THE PRECEDING 10 YEARS OF A CONTROLLING INTEREST IN ANY

1 OTHER BUSINESS, LOCATED INSIDE OR OUTSIDE THIS
2 COMMONWEALTH, MANUFACTURING OR DISTRIBUTING CONTROLLED
3 SUBSTANCES.

4 (II) WHETHER THE PERSON OR BUSINESS HAS BEEN
5 CONVICTED OF A CRIMINAL OFFENSE GRADED HIGHER THAN A
6 SUMMARY OFFENSE OR HAS HAD A PERMIT RELATING TO MEDICAL
7 MARIJUANA SUSPENDED OR REVOKED IN ANY ADMINISTRATIVE OR
8 JUDICIAL PROCEEDING.

9 (9) ANY OTHER INFORMATION THE DEPARTMENT MAY REQUIRE.

10 (B) NOTICE.--AN APPLICATION SHALL INCLUDE NOTICE THAT A
11 FALSE STATEMENT MADE IN THE APPLICATION IS PUNISHABLE UNDER THE
12 APPLICABLE PROVISIONS OF 18 PA.C.S. CH. 49 (RELATING TO
13 FALSIFICATION AND INTIMIDATION).
14 SECTION 603. GRANTING OF PERMIT.

15 (A) GENERAL RULE.--THE DEPARTMENT MAY GRANT OR DENY A PERMIT
16 TO A GROWER/PROCESSOR OR DISPENSARY.

17 (A.1) DETERMINATION.--IN MAKING A DECISION UNDER SUBSECTION
18 (A), THE DEPARTMENT SHALL DETERMINE THAT:

19 (1) THE APPLICANT WILL MAINTAIN EFFECTIVE CONTROL OF AND
20 PREVENT DIVERSION OF MEDICAL MARIJUANA.

21 (2) THE APPLICANT WILL COMPLY WITH ALL APPLICABLE LAWS
22 OF THIS COMMONWEALTH.

23 (3) THE APPLICANT IS READY, WILLING AND ABLE TO PROPERLY
24 CARRY ON THE ACTIVITY FOR WHICH A PERMIT IS SOUGHT.

25 (4) THE APPLICANT POSSESSES THE ABILITY TO OBTAIN IN AN
26 EXPEDITIOUS MANNER SUFFICIENT LAND, BUILDINGS AND EQUIPMENT
27 TO PROPERLY GROW, PROCESS OR DISPENSE MEDICAL MARIJUANA.

28 (5) IT IS IN THE PUBLIC INTEREST TO GRANT THE PERMIT.

29 (6) THE APPLICANT, INCLUDING THE FINANCIAL BACKER OR
30 PRINCIPAL, ARE OF GOOD MORAL CHARACTER AND HAVE THE FINANCIAL

1 FITNESS NECESSARY TO OPERATE.

2 (7) THE APPLICANT IS ABLE TO IMPLEMENT AND MAINTAIN
3 SECURITY, TRACKING, RECORDKEEPING AND SURVEILLANCE SYSTEMS
4 RELATING TO THE ACQUISITION, POSSESSION, GROWTH, MANUFACTURE,
5 SALE, DELIVERY, TRANSPORTATION, DISTRIBUTION OR THE
6 DISPENSING OF MEDICAL MARIJUANA AS REQUIRED BY THE
7 DEPARTMENT.

8 (8) THE APPLICANT SATISFIES ANY OTHER CONDITIONS AS
9 DETERMINED BY THE DEPARTMENT.

10 (B) NONTRANSFERABILITY.--A PERMIT ISSUED UNDER THIS CHAPTER
11 SHALL BE NONTRANSFERABLE.

12 (C) PRIVILEGE.--THE ISSUANCE OR RENEWAL OF A PERMIT SHALL BE
13 A REVOCABLE PRIVILEGE.

14 (D) REGIONS.--THE DEPARTMENT SHALL ESTABLISH A MINIMUM OF
15 THREE REGIONS WITHIN THIS COMMONWEALTH FOR THE PURPOSE OF
16 GRANTING PERMITS TO GROWER/PROCESSORS AND DISPENSARIES AND
17 ENFORCING THIS ACT. THE DEPARTMENT SHALL APPROVE PERMITS FOR
18 GROWER/PROCESSORS AND DISPENSARIES IN A MANNER WHICH WILL
19 PROVIDE AN ADEQUATE AMOUNT OF MEDICAL MARIJUANA TO PATIENTS AND
20 CAREGIVERS IN ALL AREAS OF THIS COMMONWEALTH. THE DEPARTMENT
21 SHALL CONSIDER THE FOLLOWING WHEN ISSUING A PERMIT:

22 (1) REGIONAL POPULATION.

23 (2) THE NUMBER OF PATIENTS SUFFERING FROM SERIOUS
24 MEDICAL CONDITIONS.

25 (3) THE TYPES OF SERIOUS MEDICAL CONDITIONS.

26 (4) ACCESS TO PUBLIC TRANSPORTATION.

27 (5) ANY OTHER FACTOR THE DEPARTMENT DEEMS RELEVANT.

28 SECTION 604. NOTICE.

29 WHEN THE BOUNDARIES UNDER SECTION 603(D) ARE ESTABLISHED, THE
30 DEPARTMENT SHALL PUBLISH NOTICE OF THE DETERMINATION IN THE

1 PENNSYLVANIA BULLETIN. THE DEPARTMENT MAY ADJUST THE BOUNDARIES
2 AS NECESSARY EVERY TWO YEARS. NOTICE OF ANY ADJUSTMENT TO THE
3 BOUNDARIES SHALL BE PUBLISHED IN THE PENNSYLVANIA BULLETIN.

4 SECTION 605. (RESERVED).

5 SECTION 606. APPLICATION AND ISSUANCE.

6 (A) DUTY TO REPORT.--AN APPLICANT TO BE A GROWER/PROCESSOR
7 OR TO OPERATE A DISPENSARY IS UNDER A CONTINUING DUTY TO:

8 (1) REPORT TO THE DEPARTMENT ANY CHANGE IN FACTS OR
9 CIRCUMSTANCES REFLECTED IN THE APPLICATION OR ANY NEWLY
10 DISCOVERED OR OCCURRING FACT OR CIRCUMSTANCE WHICH IS
11 REQUIRED TO BE INCLUDED IN THE APPLICATION, INCLUDING A
12 CHANGE IN CONTROL OF THE MEDICAL MARIJUANA ORGANIZATION.

13 (2) REPORT TO LAW ENFORCEMENT, WITHIN 24 HOURS, ANY LOSS
14 OR THEFT OF MEDICAL MARIJUANA.

15 (3) SUBMIT TO ANNOUNCED OR UNANNOUNCED INSPECTIONS BY
16 THE DEPARTMENT OF THE FACILITIES FOR GROWING, PROCESSING,
17 DISPENSING OR SELLING MEDICAL MARIJUANA, INCLUDING ALL
18 RECORDS OF THE ORGANIZATION.

19 (B) ADDITIONAL INFORMATION.--IF THE DEPARTMENT IS NOT
20 SATISFIED THAT THE APPLICANT SHOULD BE ISSUED A PERMIT, THE
21 DEPARTMENT SHALL NOTIFY THE APPLICANT IN WRITING OF THE FACTORS
22 FOR WHICH FURTHER DOCUMENTATION IS REQUIRED. WITHIN 30 DAYS OF
23 THE RECEIPT OF THE NOTIFICATION, THE APPLICANT MAY SUBMIT
24 ADDITIONAL MATERIAL TO THE DEPARTMENT.

25 SECTION 607. FEES AND OTHER REQUIREMENTS.

26 THE FOLLOWING APPLY:

27 (1) FOR A GROWER/PROCESSOR:

28 (I) AN INITIAL APPLICATION FEE IN THE AMOUNT OF
29 \$10,000 SHALL BE PAID. THE FEE IS NONREFUNDABLE.

30 (II) A FEE FOR A PERMIT AS A GROWER/PROCESSOR IN THE

1 AMOUNT OF \$200,000 SHALL BE PAID. THE PERMIT SHALL BE
2 VALID FOR ONE YEAR. APPLICANTS SHALL SUBMIT THE PERMIT
3 FEE AT THE TIME OF SUBMISSION OF THE APPLICATION. THE FEE
4 SHALL BE RETURNED IF THE PERMIT IS NOT GRANTED.

5 (III) A RENEWAL FEE FOR THE PERMIT AS A
6 GROWER/PROCESSOR IN THE AMOUNT OF \$10,000 SHALL BE PAID
7 AND SHALL COVER RENEWAL FOR ALL LOCATIONS. THE RENEWAL
8 FEE SHALL BE RETURNED IF THE RENEWAL IS NOT GRANTED.

9 (IV) AN APPLICATION TO RENEW A PERMIT MUST BE FILED
10 WITH THE DEPARTMENT NOT MORE THAN SIX MONTHS NOR LESS
11 THAN FOUR MONTHS PRIOR TO EXPIRATION.

12 (V) ALL FEES SHALL BE PAID BY CERTIFIED CHECK OR
13 MONEY ORDER.

14 (VI) BEFORE ISSUING AN INITIAL PERMIT UNDER THIS
15 PARAGRAPH, THE DEPARTMENT SHALL VERIFY THAT THE APPLICANT
16 HAS AT LEAST \$2,000,000 IN CAPITAL, \$500,000 OF WHICH
17 MUST BE ON DEPOSIT WITH A FINANCIAL INSTITUTION.

18 (2) FOR A DISPENSARY:

19 (I) AN INITIAL APPLICATION FEE IN THE AMOUNT OF
20 \$5,000 SHALL BE PAID. THE FEE IS NONREFUNDABLE.

21 (II) A PERMIT FEE FOR A DISPENSARY SHALL BE \$30,000
22 FOR EACH LOCATION. THE PERIOD OF THE PERMIT IS ONE YEAR.
23 AN APPLICANT SHALL SUBMIT THE PERMIT FEE AT THE TIME OF
24 SUBMISSION OF THE APPLICATION. THE FEE SHALL BE RETURNED
25 IF THE APPLICATION IS NOT GRANTED.

26 (III) A RENEWAL FEE FOR THE PERMIT AS A DISPENSARY
27 IN THE AMOUNT OF \$5,000 SHALL BE PAID. THE FEE SHALL BE
28 RETURNED IF THE RENEWAL IS NOT GRANTED AND SHALL COVER
29 RENEWAL FOR ALL LOCATIONS.

30 (IV) AN APPLICATION TO RENEW A PERMIT MUST BE FILED

1 WITH THE DEPARTMENT NOT MORE THAN SIX MONTHS NOR LESS
2 THAN FOUR MONTHS PRIOR TO EXPIRATION.

3 (V) ALL FEES SHALL BE PAID BY CERTIFIED CHECK OR
4 MONEY ORDER.

5 (VI) BEFORE ISSUING AN INITIAL PERMIT UNDER THIS
6 PARAGRAPH, THE DEPARTMENT SHALL VERIFY THAT THE APPLICANT
7 HAS AT LEAST \$150,000 IN CAPITAL, WHICH MUST BE ON
8 DEPOSIT WITH A FINANCIAL INSTITUTION.

9 (3) A FEE OF \$250 SHALL BE REQUIRED WHEN AMENDING THE
10 APPLICATION TO INDICATE RELOCATION WITHIN THIS COMMONWEALTH
11 OR THE ADDITION OR DELETION OF APPROVED ACTIVITIES BY THE
12 MEDICAL MARIJUANA ORGANIZATION.

13 (4) FEES PAYABLE UNDER THIS SECTION SHALL BE DEPOSITED
14 INTO THE FUND.

15 SECTION 608. ISSUANCE.

16 A PERMIT ISSUED BY THE DEPARTMENT TO A MEDICAL MARIJUANA
17 ORGANIZATION SHALL BE EFFECTIVE ONLY FOR THAT ORGANIZATION AND
18 SHALL SPECIFY THE FOLLOWING:

19 (1) THE NAME AND ADDRESS OF THE MEDICAL MARIJUANA
20 ORGANIZATION.

21 (2) THE ACTIVITIES OF THE MEDICAL MARIJUANA ORGANIZATION
22 PERMITTED UNDER THIS ACT.

23 (3) THE LAND, BUILDINGS, FACILITIES OR LOCATION TO BE
24 USED BY THE MEDICAL MARIJUANA ORGANIZATION.

25 (4) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

26 SECTION 609. RELOCATION.

27 THE DEPARTMENT MAY APPROVE AN APPLICATION FROM A MEDICAL
28 MARIJUANA ORGANIZATION TO RELOCATE WITHIN THIS COMMONWEALTH OR
29 TO ADD OR DELETE ACTIVITIES OR FACILITIES.

30 SECTION 610. TERMS OF PERMIT.

1 A PERMIT ISSUED BY THE DEPARTMENT SHALL BE VALID FOR ONE YEAR
2 FROM THE DATE OF ISSUANCE.

3 SECTION 611. (RESERVED).

4 SECTION 612. PERMIT RENEWALS.

5 (A) RENEWAL.--AN APPLICATION FOR RENEWAL SHALL INCLUDE THE
6 FOLLOWING INFORMATION:

7 (1) ANY MATERIAL CHANGE IN THE INFORMATION PROVIDED BY
8 THE MEDICAL MARIJUANA ORGANIZATION IN A PRIOR APPLICATION OR
9 RENEWAL OF A PERMIT.

10 (2) ANY CHARGE OR INITIATED, PENDING OR CONCLUDED
11 INVESTIGATION, DURING THE PERIOD OF THE PERMIT, BY ANY
12 GOVERNMENTAL OR ADMINISTRATIVE AGENCY WITH RESPECT TO:

13 (I) ANY INCIDENT INVOLVING THE THEFT, LOSS OR
14 POSSIBLE DIVERSION OF MEDICAL MARIJUANA GROWN, PROCESSED
15 OR DISPENSED BY THE APPLICANT; AND

16 (II) COMPLIANCE BY THE APPLICANT WITH THE LAWS OF
17 THIS COMMONWEALTH WITH RESPECT TO ANY SUBSTANCE LISTED IN
18 SECTION 4 OF THE ACT OF APRIL 14, 1972 (P.L.233, NO.64),
19 KNOWN AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND
20 COSMETIC ACT.

21 (B) APPROVAL.--THE DEPARTMENT SHALL RENEW A PERMIT UNLESS
22 THE DEPARTMENT DETERMINES THAT:

23 (1) THE APPLICANT IS UNLIKELY TO MAINTAIN OR BE ABLE TO
24 MAINTAIN EFFECTIVE CONTROL AGAINST DIVERSION OF MEDICAL
25 MARIJUANA.

26 (2) THE APPLICANT IS UNLIKELY TO COMPLY WITH ALL LAWS OF
27 THIS COMMONWEALTH APPLICABLE TO THE ACTIVITIES IN WHICH IT
28 MAY ENGAGE UNDER THE PERMIT.

29 (C) NONRENEWAL DECISION.--THE DENIAL OR NONRENEWAL SHALL
30 SPECIFY IN DETAIL HOW THE APPLICANT HAS NOT SATISFIED THE

1 DEPARTMENT'S REQUIREMENTS FOR RENEWAL. WITHIN 30 DAYS OF THE
2 DEPARTMENT'S DECISION, THE APPLICANT MAY SUBMIT ADDITIONAL
3 MATERIAL TO THE DEPARTMENT OR DEMAND A HEARING, OR BOTH. IF A
4 HEARING IS DEMANDED, THE DEPARTMENT SHALL FIX A DATE AS SOON AS
5 PRACTICABLE.

6 SECTION 613. SUSPENSION OR REVOCATION.

7 THE DEPARTMENT MAY SUSPEND OR REVOKE A MEDICAL MARIJUANA
8 ORGANIZATION PERMIT IF:

9 (1) THE DEPARTMENT HAS EVIDENCE THAT THE MEDICAL
10 MARIJUANA ORGANIZATION HAS FAILED TO MAINTAIN EFFECTIVE
11 CONTROL AGAINST DIVERSION OF MEDICAL MARIJUANA.

12 (2) THE ORGANIZATION VIOLATES ANY PROVISION OF THIS ACT
13 OR A REGULATION OF THE DEPARTMENT.

14 (3) THE ORGANIZATION HAS INTENTIONALLY, KNOWINGLY,
15 RECKLESSLY OR NEGLIGENTLY FAILED TO COMPLY WITH APPLICABLE
16 LAWS OF THIS COMMONWEALTH RELATING TO MEDICAL MARIJUANA.

17 SECTION 614. CONVICTIONS PROHIBITED.

18 THE FOLLOWING INDIVIDUALS MAY NOT HOLD VOLUNTEER POSITIONS OR
19 POSITIONS WITH REMUNERATION IN OR BE AFFILIATED WITH A MEDICAL
20 MARIJUANA ORGANIZATION, INCLUDING A CLINICAL REGISTRANT UNDER
21 CHAPTER 20, IN ANY WAY IF THE INDIVIDUAL HAS BEEN CONVICTED OF
22 ANY CRIMINAL OFFENSE RELATED TO THE SALE OR POSSESSION OF
23 ILLEGAL DRUGS, NARCOTICS OR CONTROLLED SUBSTANCES:

24 (1) FINANCIAL BACKERS.

25 (2) PRINCIPALS.

26 (3) EMPLOYEES.

27 SECTION 615. DIVERSITY GOALS.

28 (A) GOALS.--IT IS THE INTENT AND GOAL OF THE GENERAL
29 ASSEMBLY THAT THE DEPARTMENT PROMOTE DIVERSITY AND THE
30 PARTICIPATION BY DIVERSE GROUPS IN THE ACTIVITIES AUTHORIZED

1 UNDER THIS ACT. IN ORDER TO FURTHER THIS GOAL, THE DEPARTMENT
2 SHALL ADOPT AND IMPLEMENT POLICIES ENSURING THE FOLLOWING:

3 (1) THAT DIVERSE GROUPS ARE ACCORDED EQUAL OPPORTUNITY
4 IN THE PERMITTING PROCESS.

5 (2) THAT PERMITTEES PROMOTE THE PARTICIPATION OF DIVERSE
6 GROUPS IN THEIR OPERATIONS BY AFFORDING EQUAL ACCESS TO
7 EMPLOYMENT OPPORTUNITIES.

8 (B) DUTIES OF DEPARTMENT.--TO FACILITATE PARTICIPATION BY
9 DIVERSE GROUPS IN THE ACTIVITIES AUTHORIZED UNDER THIS ACT, THE
10 DEPARTMENT SHALL:

11 (1) CONDUCT NECESSARY AND APPROPRIATE OUTREACH
12 INCLUDING, IF NECESSARY, CONSULTING WITH OTHER COMMONWEALTH
13 AGENCIES TO IDENTIFY DIVERSE GROUPS WHO MAY QUALIFY FOR
14 PARTICIPATION IN ACTIVITIES UNDER THIS ACT.

15 (2) PROVIDE SUFFICIENT AND CONTINUOUS NOTICE OF THE
16 PARTICIPATION OPPORTUNITIES AFFORDED UNDER THIS ACT BY
17 PUBLISHING NOTICE ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE
18 INTERNET WEBSITE.

19 (3) INCLUDE IN THE APPLICATIONS FOR PERMIT UNDER THIS
20 ACT LANGUAGE TO ENCOURAGE APPLICANTS TO UTILIZE AND GIVE
21 CONSIDERATION TO DIVERSE GROUPS FOR CONTRACTING OR
22 PROFESSIONAL SERVICES OPPORTUNITIES.

23 (C) REPORTS.--NO LATER THAN MARCH 1, 2018, AND EACH MARCH 1
24 THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE
25 CHAIRPERSON AND MINORITY CHAIRPERSON OF THE PUBLIC HEALTH AND
26 WELFARE COMMITTEE OF THE SENATE AND THE CHAIRPERSON AND MINORITY
27 CHAIRPERSON OF THE HEALTH COMMITTEE OF THE HOUSE OF
28 REPRESENTATIVES SUMMARIZING THE PARTICIPATION AND UTILIZATION OF
29 DIVERSE GROUPS IN THE ACTIVITIES AUTHORIZED UNDER THIS ACT. THE
30 REPORT SHALL INCLUDE:

1 (1) THE PARTICIPATION LEVEL, BY PERCENTAGE, OF DIVERSE
2 GROUPS IN THE ACTIVITIES AUTHORIZED UNDER THIS ACT.

3 (2) A SUMMARY OF HOW DIVERSE GROUPS ARE UTILIZED BY
4 PERMITTEES, INCLUDING IN THE PROVISION OF GOODS OR SERVICES.

5 (3) ANY OTHER INFORMATION THE DEPARTMENT DEEMS
6 APPROPRIATE.

7 (D) DEFINITIONS.--THE FOLLOWING WORDS AND PHRASES WHEN USED
8 IN THIS SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
9 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

10 "DISADVANTAGED BUSINESS." AS DEFINED IN 74 PA.C.S. § 303(B)
11 (RELATING TO DIVERSE BUSINESS PARTICIPATION).

12 "DIVERSE GROUP." A DISADVANTAGED BUSINESS, MINORITY-OWNED
13 BUSINESS, WOMEN-OWNED BUSINESS, SERVICE-DISABLED VETERAN-OWNED
14 SMALL BUSINESS OR VETERAN-OWNED SMALL BUSINESS THAT HAS BEEN
15 CERTIFIED BY A THIRD-PARTY CERTIFYING ORGANIZATION.

16 "MINORITY-OWNED BUSINESS." AS DEFINED IN 74 PA.C.S. §
17 303(B).

18 "SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS." AS DEFINED
19 IN 51 PA.C.S. § 9601 (RELATING TO DEFINITIONS).

20 "THIRD-PARTY CERTIFYING ORGANIZATION." AS DEFINED IN 74
21 PA.C.S. § 303(B).

22 "VETERAN-OWNED SMALL BUSINESS." AS DEFINED IN 51 PA.C.S. §
23 9601.

24 "WOMEN-OWNED BUSINESS." AS DEFINED IN 74 PA.C.S. § 303(B).
25 SECTION 616. LIMITATIONS ON PERMITS.

26 THE FOLLOWING LIMITATIONS APPLY TO APPROVAL OF PERMITS FOR
27 GROWER/PROCESSORS AND DISPENSARIES:

28 (1) THE DEPARTMENT MAY NOT INITIALLY ISSUE PERMITS TO
29 MORE THAN 25 GROWERS/PROCESSORS.

30 (2) THE DEPARTMENT MAY NOT INITIALLY ISSUE PERMITS TO

1 MORE THAN 50 DISPENSARIES. EACH DISPENSARY MAY PROVIDE
2 MEDICAL MARIJUANA AT NO MORE THAN THREE SEPARATE LOCATIONS.

3 (3) THE DEPARTMENT MAY NOT ISSUE MORE THAN FIVE
4 INDIVIDUAL DISPENSARY PERMITS TO ONE PERSON.

5 (4) THE DEPARTMENT MAY NOT ISSUE MORE THAN ONE
6 INDIVIDUAL GROWER/PROCESSOR PERMIT TO ONE PERSON.

7 (5) NO MORE THAN FIVE GROWER/PROCESSORS MAY BE ISSUED
8 PERMITS AS DISPENSARIES. IF THE NUMBER OF GROWERS/PROCESSORS
9 IS INCREASED UNDER SECTION 1202, NO MORE THAN 20% OF THE
10 TOTAL NUMBER OF GROWERS/PROCESSORS MAY ALSO BE ISSUED PERMITS
11 AS DISPENSARIES.

12 (6) A DISPENSARY MAY ONLY OBTAIN MEDICAL MARIJUANA FROM
13 A GROWER/PROCESSOR HOLDING A VALID PERMIT UNDER THIS ACT.

14 (7) A GROWER/PROCESSOR MAY ONLY PROVIDE MEDICAL
15 MARIJUANA TO A DISPENSARY HOLDING A VALID PERMIT UNDER THIS
16 ACT.

17 CHAPTER 7

18 MEDICAL MARIJUANA CONTROLS

19 SECTION 701. ELECTRONIC TRACKING.

20 (A) REQUIREMENT.--A GROWER/PROCESSOR OR DISPENSARY MUST
21 IMPLEMENT AN ELECTRONIC INVENTORY TRACKING SYSTEM WHICH SHALL BE
22 DIRECTLY ACCESSIBLE TO THE DEPARTMENT THROUGH ITS ELECTRONIC
23 DATABASE THAT ELECTRONICALLY TRACKS ALL MEDICAL MARIJUANA ON A
24 DAILY BASIS. THE SYSTEM SHALL INCLUDE TRACKING OF ALL OF THE
25 FOLLOWING:

26 (1) FOR A GROWER/PROCESSOR, A SEED-TO-SALE TRACKING
27 SYSTEM THAT TRACKS THE MEDICAL MARIJUANA FROM SEED TO PLANT
28 UNTIL THE MEDICAL MARIJUANA IS SOLD TO A DISPENSARY.

29 (2) FOR A DISPENSARY, MEDICAL MARIJUANA FROM PURCHASE
30 FROM THE GROWER/PROCESSOR TO SALE TO A PATIENT OR CAREGIVER

1 AND THAT INCLUDES INFORMATION THAT VERIFIES THE VALIDITY OF
2 AN IDENTIFICATION CARD PRESENTED BY THE PATIENT OR CAREGIVER.

3 (3) FOR A GROWER/PROCESSOR AND A DISPENSARY, A DAILY LOG
4 OF EACH DAY'S BEGINNING INVENTORY, ACQUISITIONS, AMOUNTS
5 PURCHASED AND SOLD, DISBURSEMENTS, DISPOSALS AND ENDING
6 INVENTORY. THE TRACKING SYSTEM SHALL INCLUDE PRICES PAID AND
7 AMOUNTS COLLECTED FROM PATIENTS AND CAREGIVERS.

8 (4) FOR A GROWER/PROCESSOR AND A DISPENSARY, A SYSTEM
9 FOR RECALL OF DEFECTIVE MEDICAL MARIJUANA.

10 (5) FOR A GROWER/PROCESSOR AND A DISPENSARY, A SYSTEM
11 TO TRACK THE PLANT WASTE RESULTING FROM THE GROWTH OF MEDICAL
12 MARIJUANA OR OTHER DISPOSAL, INCLUDING THE NAME AND ADDRESS
13 OF ANY DISPOSAL SERVICE.

14 (B) ADDITIONAL REQUIREMENTS.--IN ADDITION TO THE INFORMATION
15 UNDER SUBSECTION (A), EACH MEDICAL MARIJUANA ORGANIZATION SHALL
16 TRACK THE FOLLOWING:

17 (1) SECURITY AND SURVEILLANCE.

18 (2) RECORDKEEPING AND RECORD RETENTION.

19 (3) THE ACQUISITION, POSSESSION, GROWING AND PROCESSING
20 OF MEDICAL MARIJUANA.

21 (4) DELIVERY AND TRANSPORTATION, INCLUDING AMOUNTS AND
22 METHOD OF DELIVERY.

23 (5) DISPENSING, INCLUDING AMOUNTS, PRICING AND AMOUNTS
24 COLLECTED FROM PATIENTS AND CAREGIVERS.

25 (C) ACCESS.--INFORMATION MAINTAINED IN ELECTRONIC TRACKING
26 SYSTEMS UNDER SUBSECTION (A) SHALL BE CONFIDENTIAL AND NOT
27 SUBJECT TO THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS
28 THE RIGHT-TO-KNOW LAW.

29 (D) REPORTS.--WITHIN ONE YEAR OF THE ISSUANCE OF THE FIRST
30 PERMIT TO A GROWER/PROCESSOR OR DISPENSARY, AND EVERY THREE

1 MONTHS THEREAFTER IN A FORM AND MANNER PRESCRIBED BY THE
2 DEPARTMENT, THE FOLLOWING INFORMATION SHALL BE PROVIDED TO THE
3 DEPARTMENT, WHICH SHALL COMPILE THE INFORMATION AND POST IT ON
4 THE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE:

5 (1) THE AMOUNT OF MEDICAL MARIJUANA SOLD BY A
6 GROWER/PROCESSOR DURING EACH THREE-MONTH PERIOD.

7 (2) THE PRICE OF AMOUNTS OF MEDICAL MARIJUANA SOLD BY
8 GROWER/PROCESSORS AS DETERMINED BY THE DEPARTMENT.

9 (3) THE AMOUNT OF MEDICAL MARIJUANA PURCHASED BY EACH
10 DISPENSARY IN THIS COMMONWEALTH.

11 (4) THE COST OF AMOUNTS OF MEDICAL MARIJUANA TO EACH
12 DISPENSARY IN AMOUNTS AS DETERMINED BY THE DEPARTMENT.

13 (5) THE TOTAL AMOUNT AND DOLLAR VALUE OF MEDICAL MARIJUANA
14 SOLD BY EACH DISPENSARY IN THE THREE-MONTH PERIOD.

15 SECTION 702. GROWER/PROCESSORS.

16 (A) AUTHORIZATION.--SUBJECT TO SUBSECTION (B), A
17 GROWER/PROCESSOR MAY DO ALL OF THE FOLLOWING IN ACCORDANCE WITH
18 DEPARTMENT REGULATIONS:

19 (1) OBTAIN SEED FROM OUTSIDE THIS COMMONWEALTH TO
20 INITIALLY GROW MEDICAL MARIJUANA.

21 (2) OBTAIN SEED AND PLANT MATERIAL FROM ANOTHER
22 GROWER/PROCESSOR WITHIN THIS COMMONWEALTH TO GROW MEDICAL
23 MARIJUANA.

24 (B) LIMITATIONS.--

25 (1) A GROWER/PROCESSOR MAY ONLY GROW, STORE, HARVEST OR
26 PROCESS MEDICAL MARIJUANA IN AN INDOOR, ENCLOSED, SECURE
27 FACILITY WHICH:

28 (I) INCLUDES ELECTRONIC LOCKING SYSTEMS, ELECTRONIC
29 SURVEILLANCE AND OTHER FEATURES REQUIRED BY THE
30 DEPARTMENT; AND

1 (II) IS LOCATED WITHIN THIS COMMONWEALTH.

2 (2) (RESERVED).

3 SECTION 703. STORAGE AND TRANSPORTATION.

4 THE DEPARTMENT SHALL DEVELOP REGULATIONS RELATING TO THE
5 STORAGE AND TRANSPORTATION OF MEDICAL MARIJUANA AMONG
6 GROWER/PROCESSORS, TESTING LABORATORIES AND DISPENSARIES WHICH
7 ENSURE ADEQUATE SECURITY TO GUARD AGAINST IN-TRANSIT LOSSES. THE
8 TRACKING SYSTEM DEVELOPED BY THE DEPARTMENT SHALL INCLUDE ALL
9 TRANSPORTATION AND STORAGE OF MEDICAL MARIJUANA. THE REGULATIONS
10 SHALL PROVIDE FOR THE FOLLOWING:

11 (1) REQUIREMENTS RELATING TO SHIPPING CONTAINERS AND
12 PACKAGING.

13 (2) THE MANNER IN WHICH TRUCKS, VANS, TRAILERS OR OTHER
14 CARRIERS WILL BE SECURED.

15 (3) SECURITY SYSTEMS THAT INCLUDE A NUMBERED SEAL ON THE
16 TRAILER.

17 (4) OBTAINING COPIES OF DRIVERS' LICENSES AND
18 REGISTRATIONS AND OTHER INFORMATION RELATED TO SECURITY AND
19 TRACKING.

20 (5) USE OF GPS SYSTEMS.

21 (6) NUMBER OF DRIVERS OR OTHER SECURITY REQUIRED TO
22 ENSURE AGAINST STORAGE OR IN-TRANSIT LOSSES.

23 (7) RECORDKEEPING FOR DELIVERY AND RECEIPT OF MEDICAL
24 MARIJUANA PRODUCTS.

25 (8) REQUIREMENTS TO UTILIZE ANY ELECTRONIC TRACKING
26 SYSTEM REQUIRED BY THE DEPARTMENT.

27 (9) TRANSPORTING MEDICAL MARIJUANA TO A
28 GROWER/PROCESSOR, APPROVED LABORATORY OR DISPENSARY.

29 SECTION 704. LABORATORY.

30 A GROWER/PROCESSOR SHALL CONTRACT WITH AN INDEPENDENT

1 LABORATORY TO TEST THE MEDICAL MARIJUANA PRODUCED BY THE
2 GROWER/PROCESSOR. THE DEPARTMENT SHALL APPROVE THE LABORATORY
3 AND REQUIRE THAT THE LABORATORY REPORT TESTING RESULTS IN A
4 MANNER AS THE DEPARTMENT SHALL DETERMINE, INCLUDING REQUIRING A
5 TEST AT HARVEST AND A TEST AT FINAL PROCESSING. THE POSSESSION
6 BY A LABORATORY OF MEDICAL MARIJUANA SHALL BE A LAWFUL USE.
7 SECTION 705. PRICES.

8 THE DEPARTMENT AND THE DEPARTMENT OF REVENUE SHALL MONITOR
9 THE PRICE OF MEDICAL MARIJUANA SOLD BY GROWER/PROCESSORS AND BY
10 DISPENSARIES, INCLUDING A PER-DOSE PRICE. IF THE DEPARTMENT AND
11 THE DEPARTMENT OF REVENUE DETERMINE THAT THE PRICES ARE
12 UNREASONABLE OR EXCESSIVE, THE DEPARTMENT MAY IMPLEMENT A CAP ON
13 THE PRICE OF MEDICAL MARIJUANA BEING SOLD FOR A PERIOD OF SIX
14 MONTHS. THE CAP MAY BE AMENDED DURING THE SIX-MONTH PERIOD. IF
15 THE DEPARTMENT AND THE DEPARTMENT OF REVENUE DETERMINE THAT THE
16 PRICES BECOME UNREASONABLE OR EXCESSIVE FOLLOWING THE EXPIRATION
17 OF A SIX-MONTH CAP, ADDITIONAL CAPS MAY BE IMPOSED FOR PERIODS
18 NOT TO EXCEED SIX MONTHS.

19 CHAPTER 8

20 DISPENSARIES

21 SECTION 801. DISPENSING TO PATIENTS AND CAREGIVERS.

22 (A) GENERAL RULE.--A DISPENSARY THAT HAS BEEN ISSUED A
23 PERMIT UNDER CHAPTER 6 MAY LAWFULLY DISPENSE MEDICAL MARIJUANA
24 TO A PATIENT OR CAREGIVER UPON PRESENTATION TO THE DISPENSARY OF
25 A VALID IDENTIFICATION CARD FOR THAT PATIENT OR CAREGIVER. THE
26 DISPENSARY SHALL PROVIDE TO THE PATIENT OR CAREGIVER A RECEIPT,
27 AS APPROPRIATE. THE RECEIPT SHALL INCLUDE ALL OF THE FOLLOWING:

28 (1) THE NAME, ADDRESS AND ANY IDENTIFICATION NUMBER
29 ASSIGNED TO THE DISPENSARY BY THE DEPARTMENT.

30 (2) THE NAME AND ADDRESS OF THE PATIENT AND CAREGIVER.

1 (3) THE DATE THE MEDICAL MARIJUANA WAS DISPENSED.

2 (4) ANY REQUIREMENT OR LIMITATION BY THE PRACTITIONER AS
3 TO THE FORM OF MEDICAL MARIJUANA FOR THE PATIENT.

4 (5) THE FORM AND THE QUANTITY OF MEDICAL MARIJUANA
5 DISPENSED.

6 (B) REQUIREMENTS.--A DISPENSARY SHALL HAVE A PHYSICIAN OR A
7 PHARMACIST ONSITE AT ALL TIMES DURING THE HOURS THE DISPENSARY
8 IS OPEN TO RECEIVE PATIENTS AND CAREGIVERS. IF A DISPENSARY HAS
9 MORE THAN ONE SEPARATE LOCATION, A PHYSICIAN ASSISTANT OR A
10 CERTIFIED REGISTERED NURSE PRACTITIONER MAY BE ONSITE AT EACH OF
11 THE OTHER LOCATIONS IN LIEU OF THE PHYSICIAN OR PHARMACIST. A
12 PHYSICIAN, A PHARMACIST, A PHYSICIAN ASSISTANT OR A CERTIFIED
13 REGISTERED NURSE PRACTITIONER SHALL, PRIOR TO ASSUMING DUTIES
14 UNDER THIS PARAGRAPH, SUCCESSFULLY COMPLETE THE COURSE
15 ESTABLISHED IN SECTION 301(A) (6). A PHYSICIAN MAY NOT ISSUE A
16 CERTIFICATION TO AUTHORIZE PATIENTS TO RECEIVE MEDICAL MARIJUANA
17 OR OTHERWISE TREAT PATIENTS AT THE DISPENSARY.

18 (C) FILING WITH DEPARTMENT.--PRIOR TO DISPENSING MEDICAL
19 MARIJUANA TO A PATIENT OR CAREGIVER, THE DISPENSARY SHALL FILE
20 THE RECEIPT INFORMATION WITH THE DEPARTMENT UTILIZING THE
21 ELECTRONIC TRACKING SYSTEM. WHEN FILING RECEIPTS UNDER THIS
22 SUBSECTION, THE DISPENSARY SHALL DISPOSE OF ANY ELECTRONICALLY
23 RECORDED CERTIFICATION INFORMATION AS PROVIDED BY REGULATION.

24 (D) LIMITATIONS.--NO DISPENSARY MAY DISPENSE TO A PATIENT OR
25 CAREGIVER:

26 (1) A QUANTITY OF MEDICAL MARIJUANA GREATER THAN THAT
27 WHICH THE PATIENT OR CAREGIVER IS PERMITTED TO POSSESS UNDER
28 THE CERTIFICATION; OR

29 (2) A FORM OF MEDICAL MARIJUANA PROHIBITED BY THIS ACT.

30 (E) SUPPLY.--WHEN DISPENSING MEDICAL MARIJUANA TO A PATIENT

1 OR CAREGIVER, THE DISPENSARY MAY NOT DISPENSE AN AMOUNT GREATER
2 THAN A 30-DAY SUPPLY UNTIL THE PATIENT HAS EXHAUSTED ALL BUT A
3 SEVEN-DAY SUPPLY PROVIDED PURSUANT TO A PREVIOUSLY ISSUED
4 CERTIFICATION UNTIL ADDITIONAL CERTIFICATION IS PRESENTED UNDER
5 SECTION 405.

6 (F) VERIFICATION.--PRIOR TO DISPENSING MEDICAL MARIJUANA TO
7 A PATIENT OR CAREGIVER, THE DISPENSARY SHALL VERIFY THE
8 INFORMATION IN SUBSECTIONS (E) AND (G) BY CONSULTING THE
9 ELECTRONIC TRACKING SYSTEM INCLUDED IN THE DEPARTMENT'S
10 ELECTRONIC DATABASE ESTABLISHED UNDER SECTION 301(A)(4)(V) AND
11 THE DISPENSARY TRACKING SYSTEM UNDER SECTION 701(A)(2).

12 (G) FORM OF MEDICAL MARIJUANA.--MEDICAL MARIJUANA DISPENSED
13 TO A PATIENT OR CAREGIVER BY A DISPENSARY SHALL CONFORM TO ANY
14 REQUIREMENT OR LIMITATION SET BY THE PRACTITIONER AS TO THE FORM
15 OF MEDICAL MARIJUANA FOR THE PATIENT.

16 (H) SAFETY INSERT.--WHEN A DISPENSARY DISPENSES MEDICAL
17 MARIJUANA TO A PATIENT OR CAREGIVER, THE DISPENSARY SHALL
18 PROVIDE TO THAT PATIENT OR CAREGIVER, AS APPROPRIATE, A SAFETY
19 INSERT. THE INSERT SHALL BE DEVELOPED AND APPROVED BY THE
20 DEPARTMENT. THE INSERT SHALL PROVIDE THE FOLLOWING INFORMATION:

21 (1) LAWFUL METHODS FOR ADMINISTERING MEDICAL MARIJUANA
22 IN INDIVIDUAL DOSES.

23 (2) ANY POTENTIAL DANGERS STEMMING FROM THE USE OF
24 MEDICAL MARIJUANA.

25 (3) HOW TO RECOGNIZE WHAT MAY BE PROBLEMATIC USAGE OF
26 MEDICAL MARIJUANA AND HOW TO OBTAIN APPROPRIATE SERVICES OR
27 TREATMENT FOR PROBLEMATIC USAGE.

28 (4) HOW TO PREVENT OR DETER THE MISUSE OF MEDICAL
29 MARIJUANA BY MINORS OR OTHERS.

30 (5) ANY OTHER INFORMATION AS DETERMINED BY THE

1 DEPARTMENT.

2 (I) SEALED AND LABELED PACKAGE.--MEDICAL MARIJUANA SHALL BE
3 DISPENSED BY A DISPENSARY TO A PATIENT OR CAREGIVER IN A SEALED
4 AND PROPERLY LABELED PACKAGE. THE LABELING SHALL CONTAIN THE
5 FOLLOWING:

6 (1) THE INFORMATION REQUIRED TO BE INCLUDED IN THE
7 RECEIPT PROVIDED TO THE PATIENT OR CAREGIVER, AS APPROPRIATE,
8 BY THE DISPENSARY.

9 (2) THE PACKAGING DATE.

10 (3) ANY APPLICABLE DATE BY WHICH THE MEDICAL MARIJUANA
11 SHOULD BE USED.

12 (4) A WARNING STATING:

13 "THIS PRODUCT IS FOR MEDICINAL USE ONLY. WOMEN SHOULD NOT
14 CONSUME DURING PREGNANCY OR WHILE BREASTFEEDING EXCEPT ON THE
15 ADVICE OF THE PRACTITIONER WHO ISSUED THE CERTIFICATION AND
16 IN THE CASE OF BREASTFEEDING, THE INFANT'S PEDIATRICIAN. THIS
17 PRODUCT MIGHT IMPAIR THE ABILITY TO DRIVE OR OPERATE HEAVY
18 MACHINERY. KEEP OUT OF REACH OF CHILDREN."

19 (5) THE AMOUNT OF INDIVIDUAL DOSES CONTAINED WITHIN THE
20 PACKAGE AND THE SPECIES AND PERCENTAGE OF
21 TETRAHYDROCANNABINOL AND CANNABIDIOL.

22 (6) A WARNING THAT THE MEDICAL MARIJUANA MUST BE KEPT IN
23 THE ORIGINAL CONTAINER IN WHICH IT WAS DISPENSED.

24 (7) A WARNING THAT UNAUTHORIZED USE IS UNLAWFUL AND WILL
25 SUBJECT THE PERSON TO CRIMINAL PENALTIES.

26 (8) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.
27 SECTION 802. FACILITY REQUIREMENTS.

28 (A) GENERAL RULE.--

29 (1) A DISPENSARY MAY ONLY DISPENSE MEDICAL MARIJUANA IN
30 AN INDOOR, ENCLOSED, SECURE FACILITY LOCATED WITHIN THIS

1 COMMONWEALTH, AS DETERMINED BY THE DEPARTMENT.

2 (2) A DISPENSARY MAY NOT OPERATE ON THE SAME SITE AS A
3 FACILITY USED FOR GROWING AND PROCESSING MEDICAL MARIJUANA.

4 (3) A DISPENSARY MAY NOT BE LOCATED WITHIN 1,000 FEET OF
5 THE PROPERTY LINE OF A PUBLIC, PRIVATE OR PAROCHIAL SCHOOL OR
6 A DAY-CARE CENTER.

7 (4) A DISPENSARY MAY SELL MEDICAL DEVICES AND
8 INSTRUMENTS WHICH ARE NEEDED TO ADMINISTER MEDICAL MARIJUANA
9 UNDER THIS ACT.

10 (5) A DISPENSARY MAY SELL SERVICES APPROVED BY THE
11 DEPARTMENT RELATED TO THE USE OF MEDICAL MARIJUANA.

12 (B) ADJUSTMENT OR WAIVER OF PROHIBITION.--THE DEPARTMENT
13 MAY AMEND A PROHIBITION UNDER SUBSECTION (A) (3) IF IT IS SHOWN
14 BY CLEAR AND CONVINCING EVIDENCE THAT THE AMENDMENT IS NECESSARY
15 TO PROVIDE ADEQUATE ACCESS TO PATIENTS. AN AMENDMENT MAY INCLUDE
16 ADDITIONAL SECURITY, PHYSICAL PLANT OF A FACILITY OR OTHER
17 CONDITIONS NECESSARY TO PROTECT CHILDREN.

18 SECTION 803. POSTING.

19 A DISPENSARY SHALL POST A COPY OF ITS PERMIT IN A LOCATION
20 WITHIN ITS FACILITY IN A MANNER THAT IS EASILY OBSERVABLE BY
21 PATIENTS, CAREGIVERS, LAW ENFORCEMENT OFFICERS AND AGENTS OF THE
22 DEPARTMENT.

23 CHAPTER 9

24 TAX ON MEDICAL MARIJUANA

25 SECTION 901. TAX ON MEDICAL MARIJUANA.

26 (A) TAX IMPOSED.--A TAX IS IMPOSED ON THE GROSS RECEIPTS OF
27 A GROWER/PROCESSOR RECEIVED FROM THE SALE OF MEDICAL MARIJUANA
28 BY A GROWER/PROCESSOR TO A DISPENSARY, TO BE PAID BY THE
29 GROWER/PROCESSOR, AT THE RATE OF 5%. THE TAX SHALL BE CHARGED
30 AGAINST AND BE PAID BY THE GROWER/PROCESSOR AND SHALL NOT BE

1 ADDED AS A SEPARATE CHARGE OR LINE ITEM ON ANY SALES SLIP,
2 INVOICE, RECEIPT OR OTHER STATEMENT OR MEMORANDUM OF THE PRICE
3 PAID BY A DISPENSARY, PATIENT OR CAREGIVER.

4 (B) PAYMENT OF TAX AND REPORTS.--THE TAX IMPOSED UNDER
5 SUBSECTION (A) SHALL BE ADMINISTERED IN THE SAME MANNER AS THE
6 TAX IMPOSED UNDER ARTICLE XI OF THE ACT OF MARCH 4, 1971 (P.L.6,
7 NO.2), KNOWN AS THE TAX REFORM CODE OF 1971, EXCEPT THAT
8 ESTIMATED TAX PAYMENTS UNDER SECTION 3003.2 OF THE TAX REFORM
9 CODE OF 1971 SHALL NOT BE REQUIRED. A GROWER/PROCESSOR SHALL
10 MAKE QUARTERLY PAYMENTS UNDER THIS SECTION FOR EACH CALENDAR
11 QUARTER AT THE RATE PRESCRIBED IN SUBSECTION (A) ON THE GROSS
12 RECEIPTS FOR THE CALENDAR QUARTER. THE TAX SHALL BE DUE AND
13 PAYABLE ON THE 20TH DAY OF JANUARY, APRIL, JULY AND OCTOBER FOR
14 THE PRECEDING CALENDAR QUARTER ON A FORM PRESCRIBED BY THE
15 DEPARTMENT OF REVENUE.

16 (C) (RESERVED).

17 (D) DEPOSIT OF PROCEEDS.--ALL MONEY RECEIVED FROM THE TAX
18 IMPOSED UNDER SUBSECTION (A) SHALL BE DEPOSITED IN THE FUND.

19 (E) EXEMPTION.--MEDICAL MARIJUANA SHALL NOT BE SUBJECT TO
20 THE TAX IMPOSED UNDER SECTION 202 OF THE TAX REFORM CODE OF
21 1971.

22 (F) INFORMATION.--A GROWER/PROCESSOR THAT SELLS MEDICAL
23 MARIJUANA SHALL PROVIDE TO THE DEPARTMENT OF REVENUE INFORMATION
24 REQUIRED BY THE DEPARTMENT.
25 SECTION 902. MEDICAL MARIJUANA PROGRAM FUND.

26 (A) FUND ESTABLISHED.--THE MEDICAL MARIJUANA PROGRAM FUND IS
27 ESTABLISHED AS A SPECIAL FUND IN THE STATE TREASURY. MONEY IN
28 THE FUND IS APPROPRIATED AS SET FORTH IN SUBSECTION (C). ANY
29 AMOUNT UNSPENT AT THE END OF A FISCAL YEAR SHALL BE APPROPRIATED
30 TO THE DEPARTMENT FOR ITS OPERATIONS.

1 (B) SOURCE OF FUNDS.--FEES AND TAXES PAYABLE UNDER THIS ACT
2 SHALL BE DEPOSITED INTO THE FUND. THE MONEY DEPOSITED INTO THE
3 FUND MAY ONLY BE USED FOR THE PURPOSES SET FORTH IN THIS
4 SECTION. ANY INTEREST ACCRUED SHALL BE DEPOSITED INTO THE FUND.

5 (C) USE OF PROCEEDS.--AFTER ANY REPAYMENT MADE UNDER
6 SUBSECTION (D), MONEY IN THE FUND IS APPROPRIATED IN ACCORDANCE
7 WITH THE FOLLOWING PERCENTAGES:

8 (1) TO THE DEPARTMENT, 55% OF THE REVENUE IN THE FUND.
9 FORTY PERCENT OF THE REVENUE IN THE FUND SHALL BE EXPENDED
10 FOR OPERATIONS OF THE DEPARTMENT, INCLUDING OUTREACH EFFORTS
11 AND OTHER PROJECTS, AS REQUIRED BY THIS ACT. FIFTEEN PERCENT
12 OF THE AMOUNT IN THE FUND SHALL BE USED BY THE DEPARTMENT TO
13 ESTABLISH THE FOLLOWING:

14 (I) A PROGRAM TO ASSIST PATIENTS WITH THE COST OF
15 PROVIDING MEDICAL MARIJUANA TO PATIENTS WHO DEMONSTRATE
16 FINANCIAL HARDSHIP OR NEED UNDER THIS ACT, AND THE
17 DEPARTMENT SHALL DEVELOP GUIDELINES AND PROCEDURES TO
18 ENSURE MAXIMUM AVAILABILITY TO INDIVIDUALS WITH FINANCIAL
19 NEED;

20 (II) A PROGRAM TO ASSIST PATIENTS AND CAREGIVERS
21 WITH THE COST ASSOCIATED WITH THE WAIVER OR REDUCTION OF
22 FEES FOR IDENTIFICATION CARDS UNDER SECTIONS 501(C)(5)
23 AND 502(A)(2); AND

24 (III) A PROGRAM TO REIMBURSE PATIENTS FOR THE COST
25 OF PROVIDING BACKGROUND CHECKS FOR CAREGIVERS.

26 (2) TO THE DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS, FOR
27 DRUG ABUSE PREVENTION AND COUNSELING AND TREATMENT SERVICES,
28 10% OF THE REVENUE IN THE FUND.

29 (3) TO THE DEPARTMENT, FOR FURTHER RESEARCH RELATED TO
30 THE USE OF MEDICAL MARIJUANA, INCLUDING THE RESEARCH PROGRAM

1 ESTABLISHED UNDER CHAPTER 19, 30% OF THE REVENUE IN THE FUND.
2 FUNDING SHALL BE PROVIDED FOR RESEARCH INTO THE TREATMENT OF
3 THOSE SERIOUS MEDICAL CONDITIONS FOR WHICH MEDICAL MARIJUANA
4 IS AVAILABLE FOR TREATMENT WITHIN THIS COMMONWEALTH AND FOR
5 RESEARCH INTO THE USE OF MEDICAL MARIJUANA TO TREAT OTHER
6 MEDICAL CONDITIONS FOR WHICH MEDICAL MARIJUANA MAY HAVE
7 LEGITIMATE MEDICINAL VALUE. MONEY SHALL BE USED TO SUBSIDIZE
8 THE COST OF, OR PROVIDE, MEDICAL MARIJUANA TO PATIENTS
9 PARTICIPATING IN THE PROGRAM. HOWEVER, MONEY IN THE FUND MAY
10 NOT BE EXPENDED ON ACTIVITY UNDER CHAPTER 20.

11 (4) TO THE PENNSYLVANIA COMMISSION ON CRIME AND
12 DELINQUENCY, FOR DISTRIBUTION TO LOCAL POLICE DEPARTMENTS
13 WHICH DEMONSTRATE A NEED RELATING TO THE ENFORCEMENT OF THIS
14 ACT, 5% OF THE REVENUE IN THE FUND.

15 (D) REPAYMENT OF INITIAL FUNDING.--THE DEPARTMENT SHALL
16 REPAY FROM THE FEES, TAXES AND INVESTMENT EARNINGS OF THE FUND
17 TO THE GENERAL FUND ANY MONEY APPROPRIATED FOR THE INITIAL
18 PLANNING, ORGANIZATION AND ADMINISTRATION BY THE DEPARTMENT WITH
19 RESPECT TO THE ESTABLISHMENT OF THE PROGRAM AT THE TIME OF THE
20 ORIGINAL ENACTMENT OF THIS ACT. REPAYMENT SHALL TAKE PLACE
21 WITHIN A 10-YEAR PERIOD COMMENCING ONE YEAR AFTER THE DATE OF
22 PUBLICATION IN THE PENNSYLVANIA BULLETIN OF THE FINAL
23 REGULATIONS.

24 CHAPTER 11

25 ADMINISTRATION

26 SECTION 1101. GOVERNING PRACTICE AND PROCEDURE.

27 THE PROVISIONS OF 2 PA.C.S. (RELATING TO ADMINISTRATIVE LAW
28 AND PROCEDURE) SHALL APPLY TO ALL ACTIONS OF THE DEPARTMENT
29 UNDER THIS ACT CONSTITUTING AN ADJUDICATION AS DEFINED IN 2
30 PA.C.S. § 101 (RELATING TO DEFINITIONS).

1 SECTION 1102. REPORTS BY MEDICAL MARIJUANA ORGANIZATIONS.

2 A MEDICAL MARIJUANA ORGANIZATION SHALL PERIODICALLY FILE
3 REPORTS RELATED TO ITS ACTIVITIES. THE DEPARTMENT SHALL
4 DETERMINE THE INFORMATION REQUIRED IN AND THE FREQUENCY OF
5 FILING THE REPORTS.

6 SECTION 1103. LAW ENFORCEMENT NOTIFICATION.

7 NOTWITHSTANDING ANY PROVISION OF THIS ACT OR ANY OTHER LAW TO
8 THE CONTRARY, THE DEPARTMENT MAY NOTIFY ANY APPROPRIATE LAW
9 ENFORCEMENT AGENCY OF INFORMATION RELATING TO ANY VIOLATION OR
10 SUSPECTED VIOLATION OF THIS ACT. IN ADDITION, THE DEPARTMENT
11 SHALL VERIFY TO LAW ENFORCEMENT PERSONNEL IN AN APPROPRIATE CASE
12 WHETHER A CERTIFICATION, PERMIT, REGISTRATION OR AN
13 IDENTIFICATION CARD IS VALID, INCLUDING RELEASE OF THE NAME OF
14 THE PATIENT.

15 SECTION 1104. EVALUATION.

16 THE DEPARTMENT MAY PROVIDE FOR AN ANALYSIS AND EVALUATION OF
17 THE IMPLEMENTATION AND EFFECTIVENESS OF THIS ACT, INCLUDING
18 WHETHER THE INTENT AND STATED POLICY OF THE GENERAL ASSEMBLY
19 HAVE BEEN ACHIEVED. THE DEPARTMENT MAY ENTER INTO AGREEMENTS
20 WITH ONE OR MORE PERSONS FOR THE PERFORMANCE OF AN EVALUATION OF
21 THE IMPLEMENTATION AND EFFECTIVENESS OF THIS ACT.

22 SECTION 1105. REPORT.

23 (A) REPORT REQUIRED.--THE DEPARTMENT SHALL SUBMIT A WRITTEN
24 REPORT UNDER SUBSECTION (B) EVERY TWO YEARS, BEGINNING TWO YEARS
25 AFTER THE EFFECTIVE DATE OF THIS SECTION, TO THE FOLLOWING:

26 (1) THE GOVERNOR.

27 (2) THE PRESIDENT PRO TEMPORE OF THE SENATE.

28 (3) THE MAJORITY LEADER AND THE MINORITY LEADER OF THE
29 SENATE.

30 (4) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

1 (5) THE MAJORITY LEADER AND THE MINORITY LEADER OF THE
2 HOUSE OF REPRESENTATIVES.

3 (6) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE JUDICIARY
4 COMMITTEE OF THE SENATE.

5 (7) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE PUBLIC
6 HEALTH AND WELFARE COMMITTEE OF THE SENATE.

7 (8) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE JUDICIARY
8 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

9 (9) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE HEALTH
10 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

11 (10) THE ATTORNEY GENERAL OF THE COMMONWEALTH.

12 (B) CONTENTS OF REPORT.--THE FOLLOWING INFORMATION SHALL BE
13 INCLUDED IN THE REPORT:

14 (1) AN ASSESSMENT OF THE USE OF MEDICAL MARIJUANA AS A
15 RESULT OF THE ENACTMENT OF THIS ACT.

16 (2) AN ASSESSMENT OF THE BENEFITS AND RISKS TO PATIENTS
17 USING MEDICAL MARIJUANA UNDER THIS ACT, INCLUDING ADVERSE
18 EVENTS.

19 (3) RECOMMENDATIONS FOR AMENDMENTS TO THIS ACT FOR
20 REASONS OF PATIENT SAFETY OR TO AID THE GENERAL WELFARE OF
21 THE CITIZENS OF THIS COMMONWEALTH.

22 SECTION 1106. (RESERVED).

23 SECTION 1107. TEMPORARY REGULATIONS.

24 (A) PROMULGATION.--IN ORDER TO FACILITATE THE PROMPT
25 IMPLEMENTATION OF THIS ACT, THE DEPARTMENT MAY PROMULGATE
26 TEMPORARY REGULATIONS THAT SHALL EXPIRE NOT LATER THAN TWO YEARS
27 FOLLOWING THE PUBLICATION OF THE TEMPORARY REGULATION. THE
28 DEPARTMENT MAY PROMULGATE TEMPORARY REGULATIONS NOT SUBJECT TO:

29 (1) SECTIONS 201, 202, 203, 204 AND 205 OF THE ACT OF
30 JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE

1 COMMONWEALTH DOCUMENTS LAW.

2 (2) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS
3 THE REGULATORY REVIEW ACT.

4 (3) SECTIONS 204(B) AND 301(10) OF THE ACT OF OCTOBER
5 15, 1980 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH
6 ATTORNEYS ACT.

7 (B) EXPIRATION.--THE DEPARTMENT'S AUTHORITY TO ADOPT
8 TEMPORARY REGULATIONS UNDER SUBSECTION (A) SHALL EXPIRE TWO
9 YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION. REGULATIONS
10 ADOPTED AFTER THIS PERIOD SHALL BE PROMULGATED AS PROVIDED BY
11 LAW.

12 (C) PUBLICATION.--THE DEPARTMENT SHALL BEGIN PUBLISHING
13 TEMPORARY REGULATIONS IN THE PENNSYLVANIA BULLETIN NO LATER THAN
14 SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION.

15 CHAPTER 12

16 MEDICAL MARIJUANA ADVISORY BOARD

17 SECTION 1201. ADVISORY BOARD.

18 (A) ESTABLISHMENT.--THE MEDICAL MARIJUANA ADVISORY BOARD IS
19 ESTABLISHED WITHIN THE DEPARTMENT. THE ADVISORY BOARD SHALL
20 CONSIST OF THE FOLLOWING MEMBERS:

21 (1) THE SECRETARY OR A DESIGNEE.

22 (2) THE COMMISSIONER OF THE PENNSYLVANIA STATE POLICE OR
23 A DESIGNEE.

24 (3) THE CHAIRMAN OF THE STATE BOARD OF PHARMACY OR A
25 DESIGNEE.

26 (4) THE COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL
27 AFFAIRS OR A DESIGNEE.

28 (5) THE PHYSICIAN GENERAL OR A DESIGNEE.

29 (6) THE PRESIDENT OF THE PENNSYLVANIA CHIEFS OF POLICE
30 ASSOCIATION OR A DESIGNEE.

1 (7) THE PRESIDENT OF THE PENNSYLVANIA DISTRICT ATTORNEYS
2 ASSOCIATION OR A DESIGNEE.

3 (8) ONE MEMBER TO BE APPOINTED BY EACH OF THE FOLLOWING,
4 WHICH MEMBERS SHALL BE KNOWLEDGEABLE AND EXPERIENCED IN
5 ISSUES RELATING TO CARE AND TREATMENT OF INDIVIDUALS WITH A
6 SERIOUS MEDICAL CONDITION, GERIATRIC OR PEDIATRIC MEDICINE OR
7 CLINICAL RESEARCH:

8 (I) THE GOVERNOR.

9 (II) THE PRESIDENT PRO TEMPORE OF THE SENATE.

10 (III) THE MAJORITY LEADER OF THE SENATE.

11 (IV) THE MINORITY LEADER OF THE SENATE.

12 (V) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

13 (VI) THE MAJORITY LEADER OF THE HOUSE OF
14 REPRESENTATIVES.

15 (VII) THE MINORITY LEADER OF THE HOUSE OF
16 REPRESENTATIVES.

17 (9) ONE MEMBER APPOINTED BY THE GOVERNOR, WHO SHALL BE A
18 PATIENT, A FAMILY OR HOUSEHOLD MEMBER OF A PATIENT OR A
19 PATIENT ADVOCATE.

20 (B) TERMS.--EXCEPT AS PROVIDED UNDER SUBSECTION (G), THE
21 MEMBERS APPOINTED UNDER SUBSECTION (A) (8) AND (9) SHALL SERVE A
22 TERM OF FOUR YEARS OR UNTIL A SUCCESSOR HAS BEEN APPOINTED AND
23 QUALIFIED, BUT NO LONGER THAN SIX MONTHS BEYOND THE FOUR-YEAR
24 PERIOD.

25 (C) CHAIR.--THE SECRETARY, OR A DESIGNEE, SHALL SERVE AS
26 CHAIR OF THE ADVISORY BOARD.

27 (D) VOTING; QUORUM.--THE MEMBERS UNDER SUBSECTION (A) (1),
28 (2), (3), (4), (5), (6) AND (7) SHALL SERVE EX OFFICIO AND SHALL
29 HAVE VOTING RIGHTS. A MAJORITY OF THE MEMBERS SHALL CONSTITUTE A
30 QUORUM FOR THE PURPOSE OF ORGANIZING THE ADVISORY BOARD,

1 CONDUCTING ITS BUSINESS AND FULFILLING ITS DUTIES. A VOTE OF THE
2 MAJORITY OF THE MEMBERS PRESENT SHALL BE SUFFICIENT FOR ALL
3 ACTIONS OF THE ADVISORY BOARD UNLESS THE BYLAWS REQUIRE A
4 GREATER NUMBER.

5 (E) ATTENDANCE.--A MEMBER OF THE ADVISORY BOARD APPOINTED
6 UNDER SUBSECTION (A) (8) OR (9) WHO FAILS TO ATTEND THREE
7 CONSECUTIVE MEETINGS SHALL FORFEIT HIS SEAT UNLESS THE
8 SECRETARY, UPON WRITTEN REQUEST FROM THE MEMBER, FINDS THAT THE
9 MEMBER SHOULD BE EXCUSED FROM A MEETING FOR GOOD CAUSE. A MEMBER
10 WHO CANNOT BE PHYSICALLY PRESENT MAY ATTEND MEETINGS VIA
11 ELECTRONIC MEANS, INCLUDING VIDEO CONFERENCE.

12 (F) GOVERNANCE.--THE ADVISORY BOARD SHALL HAVE THE POWER TO
13 PRESCRIBE, AMEND AND REPEAL BYLAWS, RULES AND REGULATIONS
14 GOVERNING THE MANNER IN WHICH THE BUSINESS OF THE ADVISORY BOARD
15 IS CONDUCTED AND THE MANNER IN WHICH THE DUTIES GRANTED TO IT
16 ARE FULFILLED. THE ADVISORY BOARD MAY DELEGATE SUPERVISION OF
17 THE ADMINISTRATION OF ADVISORY BOARD ACTIVITIES TO AN
18 ADMINISTRATIVE SECRETARY AND OTHER EMPLOYEES OF THE DEPARTMENT
19 AS THE SECRETARY SHALL APPOINT.

20 (G) INITIAL TERMS.--THE INITIAL TERMS OF MEMBERS APPOINTED
21 UNDER SUBSECTION (A) (8) AND (9) SHALL BE FOR TERMS OF ONE, TWO,
22 THREE OR FOUR YEARS, THE PARTICULAR TERM OF EACH MEMBER TO BE
23 DESIGNATED BY THE SECRETARY AT THE TIME OF APPOINTMENT. ALL
24 OTHER MEMBERS SHALL SERVE FOR A TERM OF FOUR YEARS.

25 (H) VACANCY.--IN THE EVENT THAT ANY MEMBER APPOINTED UNDER
26 SUBSECTION (A) (8) OR (9) SHALL DIE OR RESIGN OR OTHERWISE BECOME
27 DISQUALIFIED DURING THE MEMBER'S TERM OF OFFICE, A SUCCESSOR
28 SHALL BE APPOINTED IN THE SAME WAY AND WITH THE SAME
29 QUALIFICATIONS AS SET FORTH IN THIS SECTION AND SHALL HOLD
30 OFFICE FOR THE UNEXPIRED TERM. AN APPOINTED MEMBER OF THE

1 ADVISORY BOARD SHALL BE ELIGIBLE FOR REAPPOINTMENT.

2 (I) EXPENSES.--A MEMBER APPOINTED UNDER SUBSECTION (A) (8) OR
3 (9) SHALL RECEIVE THE AMOUNT OF REASONABLE TRAVEL, HOTEL AND
4 OTHER NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THE
5 DUTIES OF THE MEMBER IN ACCORDANCE WITH COMMONWEALTH
6 REGULATIONS, BUT SHALL RECEIVE NO OTHER COMPENSATION FOR THE
7 MEMBER'S SERVICE ON THE BOARD.

8 (J) DUTIES.--THE ADVISORY BOARD SHALL HAVE THE FOLLOWING
9 DUTIES:

10 (1) TO EXAMINE AND ANALYZE THE STATUTORY AND REGULATORY
11 LAW RELATING TO MEDICAL MARIJUANA WITHIN THIS COMMONWEALTH.

12 (2) TO EXAMINE AND ANALYZE THE LAW AND EVENTS IN OTHER
13 STATES AND THE NATION WITH RESPECT TO MEDICAL MARIJUANA.

14 (3) TO ACCEPT AND REVIEW WRITTEN COMMENTS FROM
15 INDIVIDUALS AND ORGANIZATIONS ABOUT MEDICAL MARIJUANA.

16 (4) TO ISSUE TWO YEARS AFTER THE EFFECTIVE DATE OF THIS
17 SECTION A WRITTEN REPORT TO THE GOVERNOR, THE SENATE AND THE
18 HOUSE OF REPRESENTATIVES.

19 (5) THE WRITTEN REPORT UNDER PARAGRAPH (4) SHALL INCLUDE
20 RECOMMENDATIONS AND FINDINGS AS TO THE FOLLOWING:

21 (I) WHETHER TO CHANGE THE TYPES OF MEDICAL
22 PROFESSIONALS WHO CAN ISSUE CERTIFICATIONS TO PATIENTS.

23 (II) WHETHER TO CHANGE, ADD OR REDUCE THE TYPES OF
24 MEDICAL CONDITIONS WHICH QUALIFY AS SERIOUS MEDICAL
25 CONDITIONS UNDER THIS ACT.

26 (III) WHETHER TO CHANGE THE FORM OF MEDICAL
27 MARIJUANA PERMITTED UNDER THIS ACT.

28 (IV) WHETHER TO CHANGE, ADD OR REDUCE THE NUMBER OF
29 GROWERS/PROCESSORS OR DISPENSARIES.

30 (V) HOW TO ENSURE AFFORDABLE PATIENT ACCESS TO

1 MEDICAL MARIJUANA.

2 (VI) WHETHER TO PERMIT MEDICAL MARIJUANA TO BE
3 DISPENSED IN DRY LEAF OR PLANT FORM, FOR ADMINISTRATION
4 BY VAPORIZATION.

5 (6) THE FINAL WRITTEN REPORT UNDER THIS SECTION SHALL BE
6 ADOPTED AT A PUBLIC MEETING. THE REPORT SHALL BE A PUBLIC
7 RECORD UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3),
8 KNOWN AS THE RIGHT-TO-KNOW LAW.

9 SECTION 1202. REGULATIONS BASED ON RECOMMENDATIONS OF ADVISORY
10 BOARD.

11 AFTER RECEIVING THE REPORT OF THE ADVISORY BOARD UNDER
12 SECTION 1201(J)(4), AT THE DISCRETION OF THE SECRETARY, THE
13 DEPARTMENT MAY PROMULGATE REGULATIONS TO EFFECTUATE
14 RECOMMENDATIONS MADE BY THE ADVISORY BOARD. THE SECRETARY SHALL
15 ISSUE NOTICE IN THE PENNSYLVANIA BULLETIN WITHIN 12 MONTHS OF
16 THE RECEIPT OF THE REPORT OF THE ADVISORY BOARD. THE NOTICE
17 SHALL INCLUDE THE RECOMMENDATIONS OF THE ADVISORY BOARD AND
18 SHALL STATE THE SPECIFIC REASONS FOR THE DECISION OF THE
19 SECRETARY ON WHETHER OR NOT TO EFFECTUATE EACH RECOMMENDATION.

20 CHAPTER 13

21 OFFENSES RELATED TO MEDICAL MARIJUANA

22 SECTION 1301. CRIMINAL DIVERSION OF MEDICAL MARIJUANA BY
23 PRACTITIONERS.

24 IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, A
25 PRACTITIONER COMMITS A MISDEMEANOR OF THE FIRST DEGREE IF THE
26 PRACTITIONER INTENTIONALLY, KNOWINGLY OR RECKLESSLY CERTIFIES A
27 PERSON AS BEING ABLE TO LAWFULLY RECEIVE MEDICAL MARIJUANA OR
28 OTHERWISE PROVIDES MEDICAL MARIJUANA TO A PERSON WHO IS NOT
29 LAWFULLY PERMITTED TO RECEIVE MEDICAL MARIJUANA.

30 SECTION 1302. CRIMINAL DIVERSION OF MEDICAL MARIJUANA BY

1 MEDICAL MARIJUANA ORGANIZATIONS.

2 IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, AN
3 EMPLOYEE, FINANCIAL BACKER, OPERATOR OR PRINCIPAL OF ANY OF THE
4 FOLLOWING COMMITS A MISDEMEANOR OF THE FIRST DEGREE IF THE
5 PERSON INTENTIONALLY, KNOWINGLY OR RECKLESSLY SELLS, DISPENSES,
6 TRADES, DELIVERS OR OTHERWISE PROVIDES MEDICAL MARIJUANA TO A
7 PERSON WHO IS NOT LAWFULLY PERMITTED TO RECEIVE MEDICAL
8 MARIJUANA:

9 (1) A MEDICAL MARIJUANA ORGANIZATION.

10 (2) A HEALTH CARE MEDICAL MARIJUANA ORGANIZATION OR
11 UNIVERSITY PARTICIPATING IN A RESEARCH STUDY UNDER CHAPTER
12 19.

13 (3) A CLINICAL REGISTRANT OR ACADEMIC CLINICAL RESEARCH
14 CENTER UNDER CHAPTER 20.

15 SECTION 1303. CRIMINAL RETENTION OF MEDICAL MARIJUANA.

16 IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, A PATIENT
17 OR CAREGIVER COMMITS A MISDEMEANOR OF THE THIRD DEGREE IF THE
18 PATIENT OR CAREGIVER INTENTIONALLY, KNOWINGLY OR RECKLESSLY
19 POSSESSES, STORES OR MAINTAINS AN AMOUNT OF MEDICAL MARIJUANA IN
20 EXCESS OF THE AMOUNT LEGALLY PERMITTED.

21 SECTION 1304. CRIMINAL DIVERSION OF MEDICAL MARIJUANA BY
22 PATIENT OR CAREGIVER.

23 (A) OFFENSE DEFINED.--IN ADDITION TO ANY OTHER PENALTY
24 PROVIDED BY LAW, A PATIENT OR CAREGIVER COMMITS AN OFFENSE IF
25 THE PATIENT OR CAREGIVER INTENTIONALLY, KNOWINGLY OR RECKLESSLY
26 PROVIDES MEDICAL MARIJUANA TO A PERSON WHO IS NOT LAWFULLY
27 PERMITTED TO RECEIVE 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 CONSTITUTES A MISDEMEANOR OF THE FIRST DEGREE.

1 SECTION 1305. FALSIFICATION OF IDENTIFICATION CARDS.

2 (A) OFFENSE DEFINED.--IN ADDITION TO ANY OTHER PENALTY
3 PROVIDED BY LAW, A PERSON COMMITS AN OFFENSE IF, KNOWING HE IS
4 NOT PRIVILEGED TO HOLD AN IDENTIFICATION CARD, THE PERSON:

5 (1) POSSESSES AN IDENTIFICATION CARD AND EITHER ATTEMPTS
6 TO USE THE CARD TO OBTAIN MEDICAL MARIJUANA OR OBTAINS
7 MEDICAL MARIJUANA;

8 (2) POSSESSES AN IDENTIFICATION CARD WHICH FALSELY
9 IDENTIFIES THE PERSON AS BEING LAWFULLY ENTITLED TO RECEIVE
10 MEDICAL MARIJUANA AND EITHER ATTEMPTS TO USE THE CARD TO
11 OBTAIN MEDICAL MARIJUANA OR OBTAINS MEDICAL MARIJUANA; OR

12 (3) POSSESSES AN IDENTIFICATION CARD WHICH CONTAINS ANY
13 FALSE INFORMATION ON THE CARD AND THE PERSON EITHER ATTEMPTS
14 TO USE THE CARD TO OBTAIN MEDICAL MARIJUANA OR OBTAINS
15 MEDICAL MARIJUANA.

16 (B) GRADING.--A FIRST OFFENSE UNDER THIS SECTION CONSTITUTES
17 A MISDEMEANOR OF THE SECOND DEGREE. A SECOND OR SUBSEQUENT
18 OFFENSE UNDER THIS SECTION CONSTITUTES A MISDEMEANOR OF THE
19 FIRST DEGREE.

20 SECTION 1306. ADULTERATION OF MEDICAL MARIJUANA.

21 (A) GENERAL RULE.--IN ADDITION TO ANY OTHER PENALTY PROVIDED
22 BY LAW, A PERSON COMMITS AN OFFENSE IF THE PERSON ADULTERATES,
23 FORTIFIES, CONTAMINATES OR CHANGES THE CHARACTER OR PURITY OF
24 MEDICAL MARIJUANA FROM THAT SET FORTH ON THE PATIENT'S OR
25 CAREGIVER'S IDENTIFICATION CARD.

26 (B) GRADING.--A FIRST OFFENSE UNDER THIS SECTION CONSTITUTES
27 A MISDEMEANOR OF THE SECOND DEGREE. A SECOND OR SUBSEQUENT
28 OFFENSE UNDER THIS SECTION CONSTITUTES A MISDEMEANOR OF THE
29 FIRST DEGREE.

30 SECTION 1307. DISCLOSURE OF INFORMATION PROHIBITED.

1 (A) OFFENSE DEFINED.--IN ADDITION TO ANY OTHER PENALTY
2 PROVIDED BY LAW, AN EMPLOYEE, FINANCIAL BACKER, OPERATOR OR
3 PRINCIPAL OF ANY OF THE FOLLOWING COMMITS A MISDEMEANOR OF THE
4 THIRD DEGREE IF THE PERSON DISCLOSES, EXCEPT TO AUTHORIZED
5 PERSONS FOR OFFICIAL GOVERNMENTAL OR HEALTH CARE PURPOSES, ANY
6 INFORMATION RELATED TO THE USE OF MEDICAL MARIJUANA:

7 (1) A MEDICAL MARIJUANA ORGANIZATION.

8 (2) A HEALTH CARE MEDICAL MARIJUANA ORGANIZATION OR
9 UNIVERSITY PARTICIPATING IN A RESEARCH STUDY UNDER CHAPTER
10 19.

11 (3) A CLINICAL REGISTRANT OR ACADEMIC CLINICAL RESEARCH
12 CENTER UNDER CHAPTER 20.

13 (4) AN EMPLOYEE OF THE DEPARTMENT.

14 (B) EXCEPTION.--SUBSECTION (A) SHALL NOT APPLY WHERE
15 DISCLOSURE IS PERMITTED OR REQUIRED BY LAW OR BY COURT ORDER.
16 SECTION 1308. ADDITIONAL PENALTIES.

17 (A) CRIMINAL PENALTIES.--IN ADDITION TO ANY OTHER PENALTY
18 PROVIDED BY LAW, A PRACTITIONER, CAREGIVER, PATIENT, EMPLOYEE,
19 FINANCIAL BACKER, OPERATOR OR PRINCIPAL OF ANY MEDICAL MARIJUANA
20 ORGANIZATION, HEALTH CARE MEDICAL ORGANIZATION OR UNIVERSITY
21 PARTICIPATING IN A RESEARCH STUDY UNDER CHAPTER 19, AND AN
22 EMPLOYEE, FINANCIAL BACKER, OPERATOR OR PRINCIPAL OF A CLINICAL
23 REGISTRANT OR ACADEMIC CLINICAL RESEARCH CENTER UNDER CHAPTER
24 20, WHO VIOLATES ANY OF THE PROVISIONS OF THIS ACT, OTHER THAN
25 THOSE SPECIFIED IN SECTION 1301, 1302, 1303, 1304, 1305, 1306 OR
26 1307, OR ANY REGULATION PROMULGATED UNDER THIS ACT:

27 (1) FOR A FIRST OFFENSE, COMMITS A MISDEMEANOR OF THE
28 THIRD DEGREE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY
29 A FINE OF NOT MORE THAN \$5,000, OR TO IMPRISONMENT FOR NOT
30 MORE THAN SIX MONTHS.

1 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, COMMITS A
2 MISDEMEANOR OF THE THIRD DEGREE AND SHALL, UPON CONVICTION,
3 BE SENTENCED TO PAY A FINE OF NOT MORE THAN \$10,000, OR TO
4 IMPRISONMENT FOR NOT LESS THAN SIX MONTHS OR MORE THAN ONE
5 YEAR, OR BOTH.

6 (B) CIVIL PENALTIES.--IN ADDITION TO ANY OTHER REMEDY
7 AVAILABLE TO THE DEPARTMENT, THE DEPARTMENT MAY ASSESS A CIVIL
8 PENALTY FOR A VIOLATION OF THIS ACT, A REGULATION PROMULGATED
9 UNDER THIS ACT OR AN ORDER ISSUED UNDER THIS ACT OR REGULATION
10 AS PROVIDED IN THIS SUBSECTION. THE FOLLOWING SHALL APPLY:

11 (1) THE DEPARTMENT MAY ASSESS A PENALTY OF NOT MORE THAN
12 \$10,000 FOR EACH VIOLATION AND AN ADDITIONAL PENALTY OF NOT
13 MORE THAN \$1,000 FOR EACH DAY OF A CONTINUING VIOLATION. IN
14 DETERMINING THE AMOUNT OF EACH PENALTY, THE DEPARTMENT SHALL
15 TAKE THE FOLLOWING FACTORS INTO CONSIDERATION:

16 (I) THE GRAVITY OF THE VIOLATION.

17 (II) THE POTENTIAL HARM RESULTING FROM THE VIOLATION
18 TO PATIENTS, CAREGIVERS OR THE GENERAL PUBLIC.

19 (III) THE WILLFULNESS OF THE VIOLATION.

20 (IV) PREVIOUS VIOLATIONS, IF ANY, BY THE PERSON
21 BEING ASSESSED.

22 (V) THE ECONOMIC BENEFIT TO THE PERSON BEING
23 ASSESSED FOR FAILING TO COMPLY WITH THE REQUIREMENTS OF
24 THIS ACT, A REGULATION PROMULGATED UNDER THIS ACT OR AN
25 ORDER ISSUED UNDER THIS ACT OR REGULATION.

26 (2) IF THE DEPARTMENT FINDS THAT THE VIOLATION DID NOT
27 THREATEN THE SAFETY OR HEALTH OF A PATIENT, CAREGIVER OR THE
28 GENERAL PUBLIC AND THE VIOLATOR TOOK IMMEDIATE ACTION TO
29 REMEDY THE VIOLATION UPON LEARNING OF IT, THE DEPARTMENT MAY
30 ISSUE A WRITTEN WARNING IN LIEU OF ASSESSING A CIVIL PENALTY.

1 (3) A PERSON WHO AIDS, ABETS, COUNSELS, INDUCES,
2 PROCURES OR CAUSES ANOTHER PERSON TO VIOLATE THIS ACT, A
3 REGULATION PROMULGATED UNDER THIS ACT OR AN ORDER ISSUED
4 UNDER THIS ACT OR REGULATION SHALL BE SUBJECT TO THE CIVIL
5 PENALTIES PROVIDED UNDER THIS SUBSECTION.

6 (C) SANCTIONS.--

7 (1) IN ADDITION TO THE PENALTIES PROVIDED IN SUBSECTION
8 (B) AND ANY OTHER PENALTY AUTHORIZED BY LAW, THE DEPARTMENT
9 MAY IMPOSE THE FOLLOWING SANCTIONS:

10 (I) REVOKE OR SUSPEND THE PERMIT OF A PERSON FOUND
11 TO BE IN VIOLATION OF THIS ACT, A REGULATION PROMULGATED
12 UNDER THIS ACT OR AN ORDER ISSUED UNDER THIS ACT OR
13 REGULATION.

14 (II) REVOKE OR SUSPEND THE PERMIT OF A PERSON FOR
15 CONDUCT OR ACTIVITY OR THE OCCURRENCE OF AN EVENT THAT
16 WOULD HAVE DISQUALIFIED THE PERSON FROM RECEIVING THE
17 PERMIT.

18 (III) REVOKE OR SUSPEND THE REGISTRATION OF A
19 PRACTITIONER FOR A VIOLATION OF THIS ACT OR A REGULATION
20 PROMULGATED OR AN ORDER ISSUED UNDER THIS ACT OR FOR
21 CONDUCT OR ACTIVITY WHICH WOULD HAVE DISQUALIFIED THE
22 PRACTITIONER FROM RECEIVING A REGISTRATION.

23 (IV) SUSPEND A PERMIT OR REGISTRATION OF A PERSON
24 PENDING THE OUTCOME OF A HEARING IN A CASE IN WHICH THE
25 PERMIT OR REGISTRATION COULD BE REVOKED.

26 (V) ORDER RESTITUTION OF FUNDS OR PROPERTY
27 UNLAWFULLY OBTAINED OR RETAINED BY A PERMITTEE OR
28 REGISTRANT.

29 (VI) ISSUE A CEASE AND DESIST ORDER.

30 (2) A PERSON WHO AIDS, ABETS, COUNSELS, INDUCES,

1 PROCURES OR CAUSES ANOTHER PERSON TO VIOLATE THIS ACT SHALL
2 BE SUBJECT TO THE SANCTIONS PROVIDED UNDER THIS SUBSECTION.

3 (D) COSTS OF ACTION.--THE DEPARTMENT MAY ASSESS AGAINST A
4 PERSON DETERMINED TO BE IN VIOLATION OF THIS ACT THE COSTS OF
5 INVESTIGATION OF THE VIOLATION.

6 (E) MINOR VIOLATIONS.--NOTHING IN THIS SECTION SHALL BE
7 CONSTRUED TO REQUIRE THE ASSESSMENT OF A CIVIL PENALTY OR THE
8 IMPOSITION OF A SANCTION FOR A MINOR VIOLATION OF THIS ACT IF
9 THE DEPARTMENT DETERMINES THAT THE PUBLIC INTEREST WILL BE
10 ADEQUATELY SERVED UNDER THE CIRCUMSTANCES BY THE ISSUANCE OF A
11 WRITTEN WARNING.

12 SECTION 1309. OTHER RESTRICTIONS.

13 THIS ACT DOES NOT PERMIT ANY PERSON TO ENGAGE IN AND DOES NOT
14 PREVENT THE IMPOSITION OF ANY CIVIL, CRIMINAL OR OTHER PENALTY
15 FOR THE FOLLOWING:

16 (1) UNDERTAKING ANY TASK UNDER THE INFLUENCE OF MEDICAL
17 MARIJUANA WHEN DOING SO WOULD CONSTITUTE NEGLIGENCE,
18 PROFESSIONAL MALPRACTICE OR PROFESSIONAL MISCONDUCT.

19 (2) POSSESSING OR USING MEDICAL MARIJUANA IN A STATE OR
20 COUNTY CORRECTIONAL FACILITY, INCLUDING A FACILITY OWNED OR
21 OPERATED OR UNDER CONTRACT WITH THE DEPARTMENT OF CORRECTIONS
22 OR THE COUNTY WHICH HOUSES INMATES SERVING A PORTION OF THEIR
23 SENTENCES ON PAROLE OR OTHER COMMUNITY CORRECTION PROGRAM.

24 NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO APPLY TO
25 EMPLOYEES OF THE FACILITIES SET FORTH IN THIS PARAGRAPH. THE
26 DEPARTMENT OF CORRECTIONS SHALL ADOPT A WRITTEN POLICY NO
27 LATER THAN 18 MONTHS FROM THE EFFECTIVE DATE OF THIS SECTION
28 REGARDING THE POSSESSION AND USE OF MEDICAL MARIJUANA BY
29 EMPLOYEES IN STATE CORRECTIONAL FACILITIES. THE GOVERNING
30 AUTHORITY OF A COUNTY MAY ADOPT A RESOLUTION NO LATER THAN 18

1 MONTHS FROM THE EFFECTIVE DATE OF THIS SECTION REGARDING THE
2 POSSESSION AND USE OF MEDICAL MARIJUANA BY EMPLOYEES IN A
3 COUNTY CORRECTIONAL FACILITY.

4 (3) POSSESSING OR USING MEDICAL MARIJUANA IN A YOUTH
5 DETENTION CENTER OR OTHER FACILITY WHICH HOUSES CHILDREN
6 ADJUDICATED DELINQUENT, INCLUDING THE SEPARATE, SECURE STATE-
7 OWNED FACILITY OR UNIT UTILIZED FOR SEXUALLY VIOLENT
8 DELINQUENT CHILDREN UNDER 42 PA.C.S. § 6404 (RELATING TO
9 DURATION OF INPATIENT COMMITMENT AND REVIEW). AS USED IN THIS
10 PARAGRAPH, THE TERM "SEXUALLY VIOLENT DELINQUENT CHILDREN"
11 SHALL HAVE THE MEANING GIVEN TO IT IN 42 PA.C.S. § 6402
12 (RELATING TO DEFINITIONS). NOTHING IN THIS PARAGRAPH SHALL BE
13 CONSTRUED TO APPLY TO EMPLOYEES OF THE FACILITIES SET FORTH
14 IN THIS PARAGRAPH.

15 CHAPTER 19

16 RESEARCH PROGRAM

17 SECTION 1901. DEFINITIONS.

18 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
19 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
20 CONTEXT CLEARLY INDICATES OTHERWISE:

21 "HEALTH CARE MEDICAL MARIJUANA ORGANIZATION." A VERTICALLY
22 INTEGRATED HEALTH SYSTEM APPROVED BY THE DEPARTMENT TO DISPENSE
23 MEDICAL MARIJUANA OR GROW AND PROCESS MEDICAL MARIJUANA, OR
24 BOTH, IN ACCORDANCE WITH A RESEARCH STUDY UNDER THIS CHAPTER.

25 "VERTICALLY INTEGRATED HEALTH SYSTEM." A HEALTH DELIVERY
26 SYSTEM LICENSED UNDER THE ACT OF JULY 19, 1979 (P.L.130, NO.48),
27 KNOWN AS THE HEALTH CARE FACILITIES ACT, IN WHICH THE COMPLETE
28 SPECTRUM OF CARE, INCLUDING PRIMARY AND SPECIALTY CARE,
29 HOSPITALIZATION AND PHARMACEUTICAL CARE, IS PROVIDED WITHIN A
30 SINGLE ORGANIZATION.

1 SECTION 1902. ESTABLISHMENT OF MEDICAL MARIJUANA RESEARCH
2 PROGRAM.

3 (A) PROGRAM TO BE ESTABLISHED.--THE DEPARTMENT SHALL
4 ESTABLISH AND DEVELOP A RESEARCH PROGRAM TO STUDY THE IMPACT OF
5 MEDICAL MARIJUANA ON THE TREATMENT AND SYMPTOM MANAGEMENT OF
6 SERIOUS MEDICAL CONDITIONS. THE PROGRAM SHALL NOT INCLUDE A
7 CLINICAL REGISTRANT OR ACADEMIC CLINICAL RESEARCH CENTER UNDER
8 CHAPTER 20.

9 (B) DEPARTMENT DUTIES.--THE DEPARTMENT SHALL:

10 (1) REVIEW ALL SERIOUS MEDICAL CONDITIONS WHICH ARE
11 CITED BY A PRACTITIONER UPON THE PRACTITIONER'S CERTIFICATION
12 THAT A PATIENT BE GRANTED AN IDENTIFICATION CARD.

13 (2) CREATE A DATABASE OF ALL SERIOUS MEDICAL CONDITIONS,
14 INCLUDING COMORBIDITIES, WHICH ARE CITED BY PRACTITIONERS IN
15 THE CERTIFICATIONS OF PATIENTS. THE DATABASE SHALL ALSO
16 INCLUDE THE FORM OF MEDICAL MARIJUANA CERTIFIED TO TREAT EACH
17 SERIOUS MEDICAL CONDITION.

18 (3) WHEN THE DATABASE CONTAINS 25 OR MORE PATIENTS WITH
19 THE SAME SERIOUS MEDICAL CONDITION, PETITION THE UNITED
20 STATES FOOD AND DRUG ADMINISTRATION AND THE UNITED STATES
21 DRUG ENFORCEMENT ADMINISTRATION FOR APPROVAL TO STUDY THE
22 CONDITION AND THE IMPACT OF MEDICAL MARIJUANA ON THE
23 CONDITION.

24 (4) CONCURRENT WITH THE REQUEST TO THE UNITED STATES
25 FOOD AND DRUG ADMINISTRATION AND UNITED STATES DRUG
26 ENFORCEMENT ADMINISTRATION, PUBLICLY ANNOUNCE THE FORMATION
27 OF A RESEARCH STUDY TO WHICH A VERTICALLY INTEGRATED HEALTH
28 SYSTEM AND A UNIVERSITY WITHIN THIS COMMONWEALTH MAY SUBMIT A
29 REQUEST TO PARTICIPATE.

30 (5) UPON APPROVAL OF A RESEARCH STUDY BY THE UNITED

1 STATES FOOD AND DRUG ADMINISTRATION AND THE UNITED STATES
2 DRUG ENFORCEMENT ADMINISTRATION, SELECT A VERTICALLY
3 INTEGRATED HEALTH SYSTEM OR SYSTEMS TO CONDUCT THE RESEARCH
4 STUDY AND DESIGNATE THE FORM OR FORMS OF MEDICAL MARIJUANA
5 WHICH WILL BE USED TO TREAT THE SERIOUS MEDICAL CONDITION.

6 (6) NOTIFY A PATIENT WHO HAS BEEN ISSUED AN
7 IDENTIFICATION CARD:

8 (I) THAT THE PATIENT HAS BEEN SELECTED TO
9 PARTICIPATE, AT THE PATIENT'S OPTION, IN A RESEARCH STUDY
10 TO STUDY MEDICAL MARIJUANA AS A TREATMENT; AND

11 (II) WHERE THE PATIENT MAY SECURE MEDICAL MARIJUANA
12 THROUGH A HEALTH CARE MEDICAL MARIJUANA ORGANIZATION AT
13 NO COST TO THE PATIENT IN ACCORDANCE WITH SUBSECTION (C).

14 (7) IF THE UNITED STATES FOOD AND DRUG ADMINISTRATION
15 AND THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION REJECT
16 THE PROPOSAL FOR THE RESEARCH STUDY, TAKE ALL REASONABLE
17 STEPS TO COLLECT AND COLLATE DATA ON THE SERIOUS MEDICAL
18 CONDITION AND THE USE OF MEDICAL MARIJUANA AS A TREATMENT FOR
19 THE SERIOUS MEDICAL CONDITION AND CONSIDER SUBMITTING AN
20 ADDITIONAL REQUEST TO THE UNITED STATES FOOD AND DRUG
21 ADMINISTRATION AND UNITED STATES DRUG ENFORCEMENT
22 ADMINISTRATION FOR A RESEARCH STUDY ON THE SAME CONDITION.

23 (C) COSTS.--THE COST OF THE MEDICAL MARIJUANA WHICH IS
24 DISPENSED TO PATIENTS IN ACCORDANCE WITH AN APPROVED RESEARCH
25 STUDY SHALL BE PAID FOR BY THE FUND.

26 (D) GEOGRAPHIC ACCESSIBILITY.--THE DEPARTMENT SHALL TAKE
27 INTO CONSIDERATION THE GEOGRAPHIC LOCATION OF THE HEALTH CARE
28 MEDICAL MARIJUANA ORGANIZATION WHEN ASSIGNING A PATIENT TO A
29 HEALTH CARE MEDICAL MARIJUANA ORGANIZATION. THE DEPARTMENT SHALL
30 MAKE AN EFFORT TO ASSIGN A PATIENT TO A HEALTH CARE MEDICAL

1 MARIJUANA ORGANIZATION THAT IS LOCATED WITHIN 50 MILES OF THE
2 PATIENT'S RESIDENCE.

3 (E) DATA.--DATA COLLECTED BY THE HEALTH CARE MEDICAL
4 MARIJUANA ORGANIZATION SHALL BE PROVIDED TO THE UNIVERSITY
5 PARTICIPATING IN THE RESEARCH STUDY FOR ANALYSIS.
6 SECTION 1903. MEDICAL MARIJUANA RESEARCH PROGRAM
7 ADMINISTRATION.

8 (A) GENERAL RULE.--THE DEPARTMENT SHALL ESTABLISH A RESEARCH
9 STUDY FOR EACH SERIOUS MEDICAL CONDITION. THE DEPARTMENT SHALL
10 ENGAGE UNIVERSITIES WITHIN THIS COMMONWEALTH TO PARTICIPATE IN
11 THE COLLECTION, COLLATION, ANALYSIS AND CONCLUSIVE FINDINGS OF
12 THE RESEARCH STUDIES. THE DEPARTMENT SHALL, BY REGULATION,
13 ESTABLISH THE PROCEDURE TO BE USED BY HEALTH CARE MEDICAL
14 MARIJUANA ORGANIZATIONS WITH RESPECT TO:

15 (1) REAL TIME INVENTORY TRACKING.

16 (2) REAL TIME TRACKING OF THE MEDICAL MARIJUANA
17 DISPENSED.

18 (3) RECALL OF DEFECTIVE MEDICAL MARIJUANA.

19 (B) REQUEST FOR DISTRIBUTIONS.--THE DEPARTMENT SHALL
20 ESTABLISH A FORM AND PROCEDURE FOR UNIVERSITIES SELECTED TO
21 PARTICIPATE IN A RESEARCH STUDY TO REQUEST DISTRIBUTIONS FROM
22 THE FUND TO CONDUCT RESEARCH ON MEDICAL MARIJUANA, INCLUDING
23 ADMINISTRATIVE COSTS. THESE DISTRIBUTIONS SHALL ALSO BE USED TO
24 PAY FOR THE COST OF THE MEDICAL MARIJUANA SO THAT IT IS NOT
25 BORNE BY THE PATIENT PARTICIPATING IN THE RESEARCH STUDY. THE
26 FORMS SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING:

27 (1) THE FORM OR FORMS OF MEDICAL MARIJUANA TO BE
28 STUDIED.

29 (2) THE SERIOUS MEDICAL CONDITION TO BE STUDIED.

30 (C) RESEARCH REPORTS.--

1 (1) A VERTICALLY INTEGRATED HEALTH SYSTEM SHALL REPORT
2 ON THE EFFECTIVENESS OF THE USE OF MEDICAL MARIJUANA FOR THE
3 TREATMENT OF THE SERIOUS MEDICAL CONDITION STUDIED AND ALL
4 COUNTERINDICATIONS AND NOTED SIDE EFFECTS.

5 (2) THE DEPARTMENT SHALL NOTIFY THE VERTICALLY
6 INTEGRATED HEALTH SYSTEM AND THE UNIVERSITY PARTICIPATING IN
7 THE RESEARCH STUDY OF THE DATA WHICH IS REQUIRED TO MEET THE
8 UNITED STATES FOOD AND DRUG ADMINISTRATION'S AND THE UNITED
9 STATES DRUG ENFORCEMENT ADMINISTRATION'S APPROVAL FOR THE
10 RESEARCH STUDY.

11 (3) THE FIRST REPORT, INCLUDING THE DATA REQUIRED UNDER
12 PARAGRAPH (2), SHALL BE SUBMITTED TO THE DEPARTMENT AND MADE
13 PUBLICLY AVAILABLE WITHIN 180 DAYS OF THE INITIATION OF A
14 RESEARCH STUDY FOR A SPECIFIC SERIOUS MEDICAL CONDITION.

15 (4) AN ANNUAL REPORT OF THE DATA REQUIRED UNDER
16 PARAGRAPH (2) SHALL BE SUBMITTED TO THE DEPARTMENT BEGINNING
17 ONE YEAR AFTER THE INITIATION OF A RESEARCH STUDY FOR A
18 SPECIFIC SERIOUS MEDICAL CONDITION AND EACH YEAR THEREAFTER.

19 SECTION 1904. APPROVAL.

20 A VERTICALLY INTEGRATED HEALTH SYSTEM LOCATED IN THIS
21 COMMONWEALTH MAY PETITION THE DEPARTMENT TO PARTICIPATE IN A
22 RESEARCH STUDY TO STUDY A SERIOUS MEDICAL CONDITION UNDER
23 SECTION 1903. APPROVAL OF THE VERTICALLY INTEGRATED HEALTH
24 SYSTEM AS A HEALTH CARE MEDICAL MARIJUANA ORGANIZATION BY THE
25 DEPARTMENT SHALL AUTHORIZE ACCESS WITHIN A REGION UNDER SECTION
26 603(D) TO MEDICAL MARIJUANA FOR ALL PATIENTS INCLUDED IN AN
27 APPROVED RESEARCH STUDY.

28 SECTION 1905. REQUIREMENTS.

29 (A) DISPENSING.--A HEALTH CARE MEDICAL MARIJUANA
30 ORGANIZATION THAT DISPENSES MEDICAL MARIJUANA SHALL:

1 (1) MAINTAIN LICENSURE WITH THE DEPARTMENT AS REQUIRED
2 UNDER THE ACT OF JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE
3 HEALTH CARE FACILITIES ACT.

4 (2) SECURE THE MEDICAL MARIJUANA WITHIN THE ASSOCIATED
5 PHARMACIES OF THE HEALTH CARE MEDICAL MARIJUANA ORGANIZATION
6 IN A MANNER AND METHOD PRESCRIBED BY THE DEPARTMENT.

7 (3) KEEP A DAILY LOG OF THE MEDICAL MARIJUANA DISPENSED
8 AND THE RESEARCH STUDY WITH WHICH THE PATIENT AND THE MEDICAL
9 MARIJUANA ARE ASSOCIATED. REPORTS SHALL BE DELIVERED TO THE
10 DEPARTMENT AND THE UNIVERSITY PARTICIPATING IN THE RESEARCH
11 STUDY ON A WEEKLY BASIS.

12 (4) REPORT TO THE PENNSYLVANIA HEALTH CARE COST
13 CONTAINMENT COUNCIL THE UTILIZATION RATES OF THOSE PATIENTS
14 PARTICIPATING IN THE RESEARCH OF MEDICAL MARIJUANA AND
15 TREATMENT OPTIONS.

16 (5) ONLY DISPENSE MEDICAL MARIJUANA RECEIVED FROM A
17 GROWER/PROCESSOR OR A HEALTH CARE MEDICAL MARIJUANA
18 ORGANIZATION THAT IS APPROVED TO GROW AND PROCESS MEDICAL
19 MARIJUANA.

20 (6) PROVIDE ALL PATIENTS OR CAREGIVERS WITH THE SAFETY
21 INSERT, PREPARED BY THE DEPARTMENT, WHICH INCLUDES POTENTIAL
22 DANGERS, RECOGNITION AND CORRECTION OF PROBLEMATIC DOSAGE AND
23 ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT OR WHICH THE
24 DEPARTMENT DEEMS RELEVANT FOR PATIENT SAFETY.

25 (B) GROWING AND PROCESSING.--A HEALTH CARE MEDICAL MARIJUANA
26 ORGANIZATION THAT GROWS AND PROCESSES MEDICAL MARIJUANA SHALL:

27 (1) MAINTAIN LICENSURE WITH THE DEPARTMENT AS REQUIRED
28 UNDER THE HEALTH CARE FACILITIES ACT.

29 (2) ONLY MAKE AVAILABLE MEDICAL MARIJUANA TO HEALTH CARE
30 MEDICAL MARIJUANA ORGANIZATIONS THAT DISPENSE MEDICAL

1 MARIJUANA.

2 (3) KEEP A DAILY LOG OF MEDICAL MARIJUANA INTENDED FOR
3 ULTIMATE USE BY PATIENTS PARTICIPATING IN A RESEARCH STUDY.
4 SECTION 1906. RESTRICTIONS.

5 A HEALTH CARE MEDICAL MARIJUANA ORGANIZATION MAY NOT
6 PARTICIPATE IN A RESEARCH STUDY OF ANY KIND, INCLUDING THE
7 PROGRAM ESTABLISHED UNDER THIS CHAPTER, OR DISPENSE OR GROW AND
8 PROCESS MEDICAL MARIJUANA IF IT HAS VIOLATED ITS LICENSURE
9 REQUIREMENTS UNDER THE HEALTH CARE FACILITIES ACT.
10 SECTION 1907. REGULATIONS.

11 THE DEPARTMENT SHALL, BY REGULATION, ESTABLISH THE PROCEDURE
12 TO BE USED BY A HEALTH CARE MEDICAL MARIJUANA ORGANIZATION THAT
13 GROWS AND PROCESSES MEDICAL MARIJUANA WITH RESPECT TO:

14 (1) REAL TIME INVENTORY TRACKING, INCLUDING A SEED-TO-
15 DISPENSING TRACKING SYSTEM THAT TRACKS MEDICAL MARIJUANA FROM
16 SEED OR IMMATURE PLANT STAGE UNTIL THE MEDICAL MARIJUANA IS
17 PROVIDED TO A PATIENT IN A RESEARCH STUDY.

18 (2) SECURITY, RECORDKEEPING, RECORD RETENTION AND
19 SURVEILLANCE SYSTEMS RELATING TO EVERY STAGE OF GROWING AND
20 PROCESSING MEDICAL MARIJUANA.

21 (3) A DAILY LOG OF EACH DAY'S BEGINNING INVENTORY,
22 ACQUISITIONS, DISBURSEMENTS, DISPOSALS AND ENDING INVENTORY.

23 (4) A SYSTEM TO RECALL DEFECTIVE MEDICAL MARIJUANA.

24 (5) A SYSTEM TO TRACK THE PLANT WASTE RESULTING FROM THE
25 GROWTH OF MEDICAL MARIJUANA.

26 (6) TESTING OF MEDICAL MARIJUANA BY AN INDEPENDENT
27 LABORATORY TO TEST THE MEDICAL MARIJUANA PRODUCED BY THE
28 HEALTH CARE MEDICAL MARIJUANA ORGANIZATION, INCLUDING
29 REQUIRING A TEST AT HARVEST AND A TEST AT FINAL PROCESSING.

30 (7) ANY OTHER PROCEDURE DEEMED NECESSARY BY THE

1 DEPARTMENT.

2 SECTION 1908. NONENTITLEMENT.

3 NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO CREATE AN
4 ENTITLEMENT OR RIGHT OF A PATIENT TO RECEIVE MEDICAL MARIJUANA
5 OR TO PARTICIPATE IN A RESEARCH STUDY.

6 CHAPTER 20

7 ACADEMIC CLINICAL RESEARCH CENTERS

8 SECTION 2001. DEFINITIONS.

9 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
10 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
11 CONTEXT CLEARLY INDICATES OTHERWISE:

12 "ACADEMIC CLINICAL RESEARCH CENTER." AN ACCREDITED MEDICAL
13 SCHOOL WITHIN THIS COMMONWEALTH THAT OPERATES OR PARTNERS WITH
14 AN ACUTE CARE HOSPITAL LICENSED WITHIN THIS COMMONWEALTH.

15 "CLINICAL REGISTRANT." AN ENTITY THAT:

16 (1) HOLDS A PERMIT AS BOTH A GROWER/PROCESSOR AND A
17 DISPENSARY; AND

18 (2) HAS A CONTRACTUAL RELATIONSHIP WITH AN ACADEMIC
19 CLINICAL RESEARCH CENTER UNDER WHICH THE ACADEMIC CLINICAL
20 RESEARCH CENTER OR ITS AFFILIATE PROVIDES ADVICE TO THE
21 ENTITY, REGARDING, AMONG OTHER AREAS, PATIENT HEALTH AND
22 SAFETY, MEDICAL APPLICATIONS AND DISPENSING AND MANAGEMENT OF
23 CONTROLLED SUBSTANCES.

24 SECTION 2002. CLINICAL REGISTRANTS.

25 NOTWITHSTANDING THE LIMITATIONS IN SECTION 616, THE
26 DEPARTMENT MAY REGISTER UP TO EIGHT CLINICAL REGISTRANTS. EACH
27 ENTITY MAY PROVIDE MEDICAL MARIJUANA AT NOT MORE THAN SIX
28 SEPARATE LOCATIONS. THE TOTAL NUMBER OF LOCATIONS AUTHORIZED TO
29 DISPENSE MEDICAL MARIJUANA UNDER THIS SECTION SHALL NOT EXCEED
30 48. THE FOLLOWING APPLY WITH RESPECT TO THIS CATEGORY OF

1 CLINICAL REGISTRANT:

2 (1) A CLINICAL REGISTRANT MUST PAY THE FEES AND MEET ALL
3 OTHER REQUIREMENTS UNDER THIS ACT FOR OBTAINING A PERMIT AS A
4 GROWER/PROCESSOR AND A DISPENSARY.

5 (2) THE CLINICAL REGISTRANT MUST HAVE A MINIMUM OF
6 \$15,000,000 IN CAPITAL. THE DEPARTMENT SHALL VERIFY THE
7 CAPITAL REQUIREMENT.

8 (3) THE CLINICAL REGISTRANT MUST COMPLY WITH ALL OTHER
9 REQUIREMENTS OF THIS ACT REGARDING GROWING, PROCESSING AND
10 DISPENSING MEDICAL MARIJUANA.

11 SECTION 2003. RESEARCH STUDY.

12 NOTWITHSTANDING ANY PROVISION OF THIS ACT TO THE CONTRARY,
13 THE DEPARTMENT MAY, UPON APPLICATION, APPROVE THE DISPENSING OF
14 MEDICAL MARIJUANA BY A CLINICAL REGISTRANT TO THE ACADEMIC
15 CLINICAL RESEARCH CENTER FOR THE PURPOSE OF CONDUCTING A
16 RESEARCH STUDY. THE DEPARTMENT SHALL DEVELOP THE APPLICATION AND
17 STANDARDS FOR APPROVAL OF SUCH DISPENSING BY THE CLINICAL
18 REGISTRANT. THE FOLLOWING APPLY TO THE RESEARCH STUDY:

19 (1) THE CLINICAL REGISTRANT SHALL DISCLOSE THE FOLLOWING
20 INFORMATION TO THE DEPARTMENT IN ITS APPLICATION:

21 (I) THE REASON FOR THE RESEARCH PROJECT, INCLUDING
22 THE REASON FOR THE TRIAL.

23 (II) THE STRAIN OF MEDICAL MARIJUANA TO BE USED AND
24 THE STRENGTH OF THE MEDICAL MARIJUANA TO BE USED IN THE
25 RESEARCH STUDY.

26 (III) THE ANTICIPATED DURATION OF THE STUDY.

27 (IV) EVIDENCE OF APPROVAL OF THE TRIAL BY AN
28 ACCREDITED INSTITUTIONAL REVIEW BOARD, INCLUDING ANY
29 OTHER REQUIRED REGULATORY APPROVALS.

30 (V) OTHER INFORMATION REQUIRED BY THE DEPARTMENT,

1 EXCEPT THAT THE DEPARTMENT MAY NOT REQUIRE DISCLOSURE OF
2 ANY INFORMATION THAT WOULD INFRINGE UPON THE ACADEMIC
3 CLINICAL RESEARCH CENTER'S EXCLUSIVE RIGHT TO
4 INTELLECTUAL PROPERTY OR LEGAL OBLIGATIONS FOR PATIENT
5 CONFIDENTIALITY.

6 (2) THE ACADEMIC CLINICAL RESEARCH CENTER SHALL PROVIDE
7 ITS FINDINGS TO THE DEPARTMENT WITHIN 365 DAYS OF THE
8 CONCLUSION OF THE RESEARCH STUDY OR WITHIN 365 DAYS OF
9 PUBLICATION OF THE RESULTS OF THE RESEARCH STUDY IN A PEER-
10 REVIEWED MEDICAL JOURNAL, WHICHEVER IS LATER.

11 (3) THE DEPARTMENT SHALL ALLOW THE EXCHANGE OF MEDICAL
12 MARIJUANA SEED BETWEEN CLINICAL REGISTRANTS FOR THE CONDUCT
13 OF RESEARCH.

14 CHAPTER 21

15 MISCELLANEOUS PROVISIONS

16 SECTION 2101. CONFLICT.

17 THE GROWTH, PROCESSING, MANUFACTURE, ACQUISITION,
18 TRANSPORTATION, SALE, DISPENSING, DISTRIBUTION, POSSESSION AND
19 CONSUMPTION OF MEDICAL MARIJUANA PERMITTED UNDER THIS ACT SHALL
20 NOT BE DEEMED TO BE A VIOLATION OF THE ACT OF APRIL 14, 1972
21 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG,
22 DEVICE AND COSMETIC ACT. IF A PROVISION OF THE CONTROLLED
23 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT RELATING TO MARIJUANA
24 CONFLICTS WITH A PROVISION OF THIS ACT, THIS ACT SHALL TAKE
25 PRECEDENCE.

26 SECTION 2101.1. FINANCIAL AND EMPLOYMENT INTERESTS.

27 (A) FINANCIAL INTERESTS.--EXCEPT AS MAY BE PROVIDED FOR THE
28 JUDICIARY BY RULE OR ORDER OF THE PENNSYLVANIA SUPREME COURT, AN
29 EXECUTIVE-LEVEL PUBLIC EMPLOYEE, PUBLIC OFFICIAL OR PARTY
30 OFFICER, OR AN IMMEDIATE FAMILY MEMBER THEREOF, SHALL NOT

1 INTENTIONALLY OR KNOWINGLY HOLD A FINANCIAL INTEREST IN A
2 MEDICAL MARIJUANA ORGANIZATION OR IN A HOLDING COMPANY,
3 AFFILIATE, INTERMEDIARY OR SUBSIDIARY THEREOF, WHILE THE
4 INDIVIDUAL IS AN EXECUTIVE-LEVEL PUBLIC EMPLOYEE, PUBLIC
5 OFFICIAL OR PARTY OFFICER AND FOR ONE YEAR FOLLOWING TERMINATION
6 OF THE INDIVIDUAL'S STATUS AS AN EXECUTIVE-LEVEL PUBLIC
7 EMPLOYEE, PUBLIC OFFICIAL OR PARTY OFFICER.

8 (B) EMPLOYMENT.--EXCEPT AS MAY BE PROVIDED BY RULE OR ORDER
9 OF THE PENNSYLVANIA SUPREME COURT, NO EXECUTIVE-LEVEL PUBLIC
10 EMPLOYEE, PUBLIC OFFICIAL OR PARTY OFFICER, OR AN IMMEDIATE
11 FAMILY MEMBER THEREOF, SHALL BE EMPLOYED BY A MEDICAL MARIJUANA
12 ORGANIZATION OR BY ANY HOLDING COMPANY, AFFILIATE, INTERMEDIARY
13 OR SUBSIDIARY THEREOF, WHILE THE INDIVIDUAL IS AN EXECUTIVE-
14 LEVEL PUBLIC EMPLOYEE, PUBLIC OFFICIAL OR PARTY OFFICER AND FOR
15 ONE YEAR FOLLOWING TERMINATION OF THE INDIVIDUAL'S STATUS AS AN
16 EXECUTIVE-LEVEL PUBLIC EMPLOYEE, PUBLIC OFFICIAL OR PARTY
17 OFFICER.

18 (C) GRADING.--AN INDIVIDUAL WHO VIOLATES THIS SECTION
19 COMMITS A MISDEMEANOR AND SHALL, UPON CONVICTION, BE SENTENCED
20 TO PAY A FINE OF NOT MORE THAN \$1,000 OR TO IMPRISONMENT FOR NOT
21 MORE THAN ONE YEAR, OR BOTH.

22 (D) STATE ETHICS COMMISSION.--THE STATE ETHICS COMMISSION
23 SHALL DO ALL OF THE FOLLOWING:

24 (1) ISSUE A WRITTEN DETERMINATION OF WHETHER A PERSON IS
25 SUBJECT TO SUBSECTIONS (A) OR (B) UPON THE WRITTEN REQUEST OF
26 THE PERSON OR ANY OTHER PERSON THAT MAY HAVE LIABILITY FOR AN
27 ACTION TAKEN WITH RESPECT TO SUCH PERSON. A PERSON THAT
28 RELIES IN GOOD FAITH ON A DETERMINATION MADE UNDER THIS
29 PARAGRAPH SHALL NOT BE SUBJECT TO ANY PENALTY FOR AN ACTION
30 TAKEN, PROVIDED THAT ALL MATERIAL FACTS SET FORTH IN THE

1 REQUEST FOR THE DETERMINATION ARE CORRECT.

2 (2) PUBLISH A LIST OF ALL STATE, COUNTY, MUNICIPAL AND
3 OTHER GOVERNMENT POSITIONS THAT MEET THE DEFINITIONS OF
4 "PUBLIC OFFICIAL" OR "EXECUTIVE-LEVEL PUBLIC EMPLOYEE" AS
5 DEFINED UNDER 4 PA.C.S. § 1512(B) (RELATING TO FINANCIAL AND
6 EMPLOYMENT INTERESTS). THE OFFICE OF ADMINISTRATION SHALL
7 ASSIST THE STATE ETHICS COMMISSION IN THE DEVELOPMENT OF THE
8 LIST, WHICH SHALL BE PUBLISHED BY THE STATE ETHICS COMMISSION
9 IN THE PENNSYLVANIA BULLETIN BIENNIALLY AND POSTED BY THE
10 DEPARTMENT ON THE DEPARTMENT'S INTERNET WEBSITE. UPON
11 REQUEST, EACH PUBLIC OFFICIAL SHALL HAVE A DUTY TO PROVIDE
12 THE STATE ETHICS COMMISSION WITH ADEQUATE INFORMATION TO
13 ACCURATELY DEVELOP AND MAINTAIN THE LIST. THE STATE ETHICS
14 COMMISSION MAY IMPOSE A CIVIL PENALTY UNDER 65 PA.C.S. §
15 1109(F) (RELATING TO PENALTIES) UPON ANY INDIVIDUAL,
16 INCLUDING ANY PUBLIC OFFICIAL OR EXECUTIVE-LEVEL PUBLIC
17 EMPLOYEE, WHO FAILS TO COOPERATE WITH THE STATE ETHICS
18 COMMISSION UNDER THIS SUBSECTION. A PERSON THAT RELIES IN
19 GOOD FAITH ON THE LIST PUBLISHED BY THE STATE ETHICS
20 COMMISSION SHALL NOT BE SUBJECT TO ANY PENALTY FOR A
21 VIOLATION OF THIS SECTION.

22 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
23 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
24 SUBSECTION:

25 "FINANCIAL INTEREST." AS DEFINED IN 4 PA.C.S. § 1512(B)
26 (RELATING TO FINANCIAL AND EMPLOYMENT INTERESTS).

27 "IMMEDIATE FAMILY." AS DEFINED IN 4 PA.C.S. § 1512(B).

28 "PARTY OFFICER." AS DEFINED IN 4 PA.C.S. § 1512(B).

29 "PUBLIC OFFICIAL." THE TERM SHALL INCLUDE THE FOLLOWING:

30 (1) THE GOVERNOR, LIEUTENANT GOVERNOR, A MEMBER OF THE

1 GOVERNOR'S CABINET, TREASURER, AUDITOR GENERAL AND ATTORNEY
2 GENERAL OF THE COMMONWEALTH.

3 (2) A MEMBER OF THE SENATE OR HOUSE OF REPRESENTATIVES
4 OF THE COMMONWEALTH.

5 (3) AN INDIVIDUAL ELECTED OR APPOINTED TO ANY OFFICE OF
6 A COUNTY OR MUNICIPALITY THAT DIRECTLY RECEIVES A
7 DISTRIBUTION OF REVENUE FROM THE FUND.

8 (4) AN INDIVIDUAL ELECTED OR APPOINTED TO A DEPARTMENT,
9 AGENCY, BOARD, COMMISSION, AUTHORITY OR OTHER GOVERNMENTAL
10 BODY NOT INCLUDED IN PARAGRAPH (1), (2) OR (3) THAT DIRECTLY
11 RECEIVES A DISTRIBUTION OF REVENUE FROM THE FUND.

12 (5) AN INDIVIDUAL ELECTED OR APPOINTED TO A DEPARTMENT,
13 AGENCY, BOARD, COMMISSION, AUTHORITY, COUNTY, MUNICIPALITY OR
14 OTHER GOVERNMENTAL BODY NOT INCLUDED IN PARAGRAPH (1), (2) OR
15 (3) WITH DISCRETIONARY POWER WHICH MAY INFLUENCE OR AFFECT
16 THE OUTCOME OF AN ACTION OR DECISION AND WHO IS INVOLVED IN
17 THE DEVELOPMENT OF REGULATION OR POLICY RELATING TO A MEDICAL
18 MARIJUANA ORGANIZATION OR WHO IS INVOLVED IN OTHER MATTERS
19 UNDER THIS ACT.

20 THE TERM DOES NOT INCLUDE A MEMBER OF A SCHOOL BOARD OR AN
21 INDIVIDUAL WHO HELD AN UNCOMPENSATED OFFICE WITH A GOVERNMENTAL
22 BODY PRIOR TO JANUARY 1, 2017, AND WHO NO LONGER HOLDS THE
23 OFFICE AS OF JANUARY 1, 2017.

24 SECTION 2102. INSURERS.

25 NOTHING IN THIS ACT SHALL BE CONSTRUED TO REQUIRE AN INSURER
26 OR A HEALTH PLAN, WHETHER PAID FOR BY COMMONWEALTH FUNDS OR
27 PRIVATE FUNDS, TO PROVIDE COVERAGE FOR MEDICAL MARIJUANA.

28 SECTION 2103. PROTECTIONS FOR PATIENTS AND CAREGIVERS.

29 (A) LICENSURE.--NONE OF THE FOLLOWING SHALL BE SUBJECT TO
30 ARREST, PROSECUTION OR PENALTY IN ANY MANNER, OR DENIED ANY

1 RIGHT OR PRIVILEGE, INCLUDING CIVIL PENALTY OR DISCIPLINARY
2 ACTION BY A COMMONWEALTH LICENSING BOARD OR COMMISSION, SOLELY
3 FOR LAWFUL USE OF MEDICAL MARIJUANA OR MANUFACTURE OR SALE OR
4 DISPENSING OF MEDICAL MARIJUANA, OR FOR ANY OTHER ACTION TAKEN
5 IN ACCORDANCE WITH THIS ACT:

6 (1) A PATIENT.

7 (2) A CAREGIVER.

8 (3) A PRACTITIONER.

9 (4) A MEDICAL MARIJUANA ORGANIZATION.

10 (5) A HEALTH CARE MEDICAL MARIJUANA ORGANIZATION OR
11 UNIVERSITY PARTICIPATING IN A RESEARCH STUDY UNDER CHAPTER
12 19.

13 (6) A CLINICAL REGISTRANT OR ACADEMIC CLINICAL RESEARCH
14 CENTER UNDER CHAPTER 20.

15 (7) AN EMPLOYEE, PRINCIPAL OR FINANCIAL BACKER OF A
16 MEDICAL MARIJUANA ORGANIZATION.

17 (8) AN EMPLOYEE OF A HEALTH CARE MEDICAL MARIJUANA
18 ORGANIZATION OR AN EMPLOYEE OF A UNIVERSITY PARTICIPATING IN
19 A RESEARCH STUDY UNDER CHAPTER 19.

20 (9) AN EMPLOYEE OF A CLINICAL REGISTRANT OR AN EMPLOYEE
21 OF AN ACADEMIC CLINICAL RESEARCH CENTER UNDER CHAPTER 20.

22 (10) A PHARMACIST, PHYSICIAN ASSISTANT OR CERTIFIED
23 REGISTERED NURSE PRACTITIONER UNDER SECTION 801(B).

24 (B) EMPLOYMENT.--

25 (1) NO EMPLOYER MAY DISCHARGE, THREATEN, REFUSE TO HIRE
26 OR OTHERWISE DISCRIMINATE OR RETALIATE AGAINST AN EMPLOYEE
27 REGARDING AN EMPLOYEE'S COMPENSATION, TERMS, CONDITIONS,
28 LOCATION OR PRIVILEGES SOLELY ON THE BASIS OF SUCH EMPLOYEE'S
29 STATUS AS AN INDIVIDUAL WHO IS CERTIFIED TO USE MEDICAL
30 MARIJUANA.

1 (2) NOTHING IN THIS ACT SHALL REQUIRE AN EMPLOYER TO
2 MAKE ANY ACCOMMODATION OF THE USE OF MEDICAL MARIJUANA ON THE
3 PROPERTY OR PREMISES OF ANY PLACE OF EMPLOYMENT. THIS ACT
4 SHALL IN NO WAY LIMIT AN EMPLOYER'S ABILITY TO DISCIPLINE AN
5 EMPLOYEE FOR BEING UNDER THE INFLUENCE OF MEDICAL MARIJUANA
6 IN THE WORKPLACE OR FOR WORKING WHILE UNDER THE INFLUENCE OF
7 MEDICAL MARIJUANA WHEN THE EMPLOYEE'S CONDUCT FALLS BELOW THE
8 STANDARD OF CARE NORMALLY ACCEPTED FOR THAT POSITION.

9 (3) NOTHING IN THIS ACT SHALL REQUIRE AN EMPLOYER TO
10 COMMIT ANY ACT THAT WOULD PUT THE EMPLOYER OR ANY PERSON
11 ACTING ON ITS BEHALF IN VIOLATION OF FEDERAL LAW.

12 (C) CUSTODY DETERMINATION.--THE FACT THAT AN INDIVIDUAL IS
13 CERTIFIED TO USE MEDICAL MARIJUANA AND ACTING IN ACCORDANCE WITH
14 THIS ACT SHALL NOT BY ITSELF BE CONSIDERED BY A COURT IN A
15 CUSTODY PROCEEDING. IN DETERMINING THE BEST INTEREST OF A CHILD
16 WITH RESPECT TO CUSTODY, THE PROVISIONS OF 23 PA.C.S. CH. 53
17 (RELATING TO CHILD CUSTODY) SHALL APPLY.

18 SECTION 2104. SCHOOLS.

19 THE DEPARTMENT OF EDUCATION SHALL PROMULGATE REGULATIONS
20 WITHIN 18 MONTHS OF THE EFFECTIVE DATE OF THIS SECTION REGARDING
21 THE FOLLOWING:

22 (1) POSSESSION AND USE OF MEDICAL MARIJUANA BY A STUDENT
23 ON THE GROUNDS OF A PRESCHOOL, PRIMARY SCHOOL AND A SECONDARY
24 SCHOOL.

25 (2) POSSESSION AND USE OF MEDICAL MARIJUANA BY AN
26 EMPLOYEE OF A PRESCHOOL, PRIMARY SCHOOL AND A SECONDARY
27 SCHOOL ON THE GROUNDS OF SUCH SCHOOL.

28 SECTION 2105. DAY-CARE CENTERS.

29 THE DEPARTMENT OF HUMAN SERVICES SHALL PROMULGATE REGULATIONS
30 WITHIN 18 MONTHS OF THE EFFECTIVE DATE OF THIS SECTION REGARDING

1 THE FOLLOWING:

2 (1) POSSESSION AND USE OF MEDICAL MARIJUANA BY A CHILD
3 UNDER THE CARE OF A CHILD-CARE OR SOCIAL SERVICE CENTER
4 LICENSED OR OPERATED BY THE DEPARTMENT OF HUMAN SERVICES.

5 (2) POSSESSION AND USE OF MEDICAL MARIJUANA BY AN
6 EMPLOYEE OF A CHILD-CARE OR SOCIAL SERVICE CENTER LICENSED OR
7 OPERATED BY THE DEPARTMENT OF HUMAN SERVICES.

8 (3) POSSESSION AND USE OF MEDICAL MARIJUANA BY EMPLOYEES
9 OF A YOUTH DEVELOPMENT CENTER OR OTHER FACILITY WHICH HOUSES
10 CHILDREN ADJUDICATED DELINQUENT, INCLUDING THE SEPARATE,
11 SECURE STATE-OWNED FACILITY OR UNIT FOR SEXUALLY VIOLENT
12 CHILDREN, AS SET FORTH IN SECTION 1309(3).

13 SECTION 2106. MEDICAL MARIJUANA FROM OTHER STATES.

14 (A) GENERAL RULE.--IT IS NOT A VIOLATION OF THIS ACT OR THE
15 ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE CONTROLLED
16 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, IF A PARENT OR
17 GUARDIAN OF A MINOR UNDER 18 YEARS OF AGE LAWFULLY OBTAINS
18 MEDICAL MARIJUANA FROM ANOTHER STATE, TERRITORY OF THE UNITED
19 STATES OR ANY OTHER COUNTRY TO BE ADMINISTERED TO THE MINOR.

20 (B) EXPIRATION.--THIS SECTION SHALL EXPIRE 730 DAYS AFTER
21 THE EFFECTIVE DATE OF THIS SECTION.

22 SECTION 2107. ZONING.

23 THE FOLLOWING APPLY:

24 (1) A GROWER/PROCESSOR SHALL MEET THE SAME MUNICIPAL
25 ZONING AND LAND USE REQUIREMENTS AS OTHER MANUFACTURING,
26 PROCESSING AND PRODUCTION FACILITIES THAT ARE LOCATED IN THE
27 SAME ZONING DISTRICT.

28 (2) A DISPENSARY SHALL MEET THE SAME MUNICIPAL ZONING
29 AND LAND USE REQUIREMENTS AS OTHER COMMERCIAL FACILITIES THAT
30 ARE LOCATED IN THE SAME ZONING DISTRICT.

1 SECTION 2108. NOTICE.

2 UPON AMENDMENT OF THE CONTROLLED SUBSTANCES ACT (PUBLIC LAW
3 91-513, 84 STAT. 1236) REMOVING MARIJUANA FROM SCHEDULE I OF THE
4 CONTROLLED SUBSTANCES ACT, THE DEPARTMENT SHALL PUBLISH NOTICE
5 OF THE EFFECTIVE DATE OF THE AMENDMENT IN THE PENNSYLVANIA
6 BULLETIN.

7 SECTION 2109. APPLICABILITY.

8 (A) DISPENSARIES.--THE PROVISIONS OF THIS ACT WITH RESPECT
9 TO DISPENSARIES SHALL NOT APPLY BEGINNING 1,095 DAYS FROM THE
10 EFFECTIVE DATE OF AN AMENDMENT TO THE CONTROLLED SUBSTANCES ACT
11 (PUBLIC LAW 91-513, 84 STAT. 1236) REMOVING MARIJUANA FROM
12 SCHEDULE I OF THE CONTROLLED SUBSTANCES ACT.

13 (B) ISSUANCE.--THE ISSUANCE OF PERMITS AND OTHER
14 AUTHORIZATIONS SHALL BEGIN UPON PUBLICATION OF A NOTICE BY THE
15 DEPARTMENT IN THE PENNSYLVANIA BULLETIN THAT ADEQUATE TEMPORARY
16 OR PERMANENT REGULATIONS HAVE BEEN ADOPTED TO INITIATE THE
17 PROGRAM UNDER THIS ACT.

18 SECTION 2110. EFFECTIVE DATE.

19 THIS ACT SHALL TAKE EFFECT IN 30 DAYS.