
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2945 Session of
2020

INTRODUCED BY SCHEMEL, TOOHL, MILLARD, MOUL, KAUFER, THOMAS,
POLINCHOCK, FRANKEL, INNAMORATO, WHEATLEY, MULLERY AND
SCHLOSSBERG, OCTOBER 19, 2020

REFERRED TO COMMITTEE ON HEALTH, OCTOBER 19, 2020

AN ACT

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

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

24 Section 1. The definitions of "caregiver" and "continuing
25 care" in section 103 of the act of April 17, 2016 (P.L.84,
26 No.16), known as the Medical Marijuana Act, are amended and the
27 section is amended by adding a definition to read:

1 Section 103. Definitions.

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

5 * * *

6 "Caregiver." The [individual] person designated by a patient
7 or, if the patient is under 18 years of age, an individual under
8 section 506(2), to deliver medical marijuana.

9 * * *

10 "Continuing care." Treating a patient, in the course of
11 which the practitioner has completed a full assessment of the
12 patient's medical history and current medical condition,
13 including [an in-person] a consultation with the patient.

14 * * *

15 "Person." Any natural person, corporation, foundation,
16 organization, business trust, estate, limited liability company,
17 licensed corporation, trust, partnership, limited liability
18 partnership, association or other form of legal business entity.

19 * * *

20 Section 2. Sections 303(b)(4), 405, 502(b), 602(a)(4),
21 801(e), 802(a)(1) and 2109(a) of the act are amended to read:
22 Section 303. Lawful use of medical marijuana.

23 * * *

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

26 * * *

27 [(4) An individual may not act as a caregiver for more
28 than five patients.]

29 * * *

30 Section 405. Duration.

1 Receipt of medical marijuana by a patient or caregiver from a
2 dispensary may not exceed a [30-day] 90-day supply of individual
3 doses. During the last seven days of any 30-day period during
4 the term of the identification card, a patient may obtain and
5 possess a [30-day] 90-day supply for the subsequent 30-day
6 period. Additional [30-day] 90-day supplies may be provided in
7 accordance with this section for the duration of the authorized
8 period of the identification card unless a shorter period is
9 indicated on the certification.

10 Section 502. Caregivers.

11 * * *

12 (b) Criminal history.--A caregiver who has not been
13 previously approved by the department under this section shall
14 submit fingerprints for the purpose of obtaining criminal
15 history record checks, and the Pennsylvania State Police or its
16 authorized agent shall submit the fingerprints to the Federal
17 Bureau of Investigation for the purpose of verifying the
18 identity of the applicant and obtaining a current record of any
19 criminal arrests and convictions. Any criminal history record
20 information relating to a caregiver obtained under this section
21 by the department may be interpreted and used by the department
22 only to determine the applicant's character, fitness and
23 suitability to serve as a caregiver under this act. The criminal
24 history record information provided under this subsection shall
25 not be subject to the limitations under 18 Pa.C.S. § 9121(b)(2)
26 (relating to general regulations). The department shall also
27 review the prescription drug monitoring program relating to the
28 caregiver. The department shall deny the application of a
29 caregiver who has been convicted of a criminal offense that
30 occurred within the past five years relating to the sale or

1 possession of drugs, narcotics or controlled substances. The
2 department may deny an application if the applicant has a
3 history of drug abuse or of diverting controlled substances or
4 illegal drugs.

5 Section 602. Permits.

6 (a) Application.--An application for a grower/processor or
7 dispensary permit to grow, process or dispense medical marijuana
8 shall be in a form and manner prescribed by the department and
9 shall include:

10 * * *

11 (4) A criminal history record check. Medical marijuana
12 organizations applying for a permit shall submit fingerprints
13 of principals, financial backers, operators and employees to
14 the Pennsylvania State Police for the purpose of obtaining
15 criminal history record checks and the Pennsylvania State
16 Police or its authorized agent shall submit the fingerprints
17 to the Federal Bureau of Investigation for the purpose of
18 verifying the identity of the principals, financial backers,
19 operators and employees and obtaining a current record of any
20 criminal arrests and convictions. Any criminal history record
21 information relating to principals, financial backers,
22 operators and employees obtained under this section by the
23 department may be interpreted and used by the department only
24 to determine the principal's, financial backer's, operator's
25 and employee's character, fitness and suitability to serve as
26 a principal, financial backer, operator and employee under
27 this act. The criminal history record information provided
28 under this subsection shall not be subject to the limitations
29 under 18 Pa.C.S. § 9121(b) (2) (relating to general
30 regulations). This paragraph shall not apply to an owner of

1 securities in a publicly traded corporation if the department
2 determines that the owner of the securities is not
3 substantially involved in the activities of the medical
4 marijuana organization.

5 * * *

6 Section 801. Dispensing to patients and caregivers.

7 * * *

8 (e) Supply.--When dispensing medical marijuana to a patient
9 or caregiver, the dispensary may not dispense an amount greater
10 than a [30-day] 90-day supply until the patient has exhausted
11 all but a seven-day supply provided pursuant to a previously
12 issued certification until additional certification is presented
13 under section 405.

14 * * *

15 Section 802. Facility requirements.

16 (a) General rule.--

17 (1) A dispensary may [only] dispense medical marijuana
18 in an indoor, enclosed, secure facility located within this
19 Commonwealth[,] or in accordance with a curbside delivery
20 protocol as determined by the department.

21 * * *

22 Section 2109. Applicability.

23 [(a) Dispensaries.--The provisions of this act with respect
24 to dispensaries shall not apply beginning 1,095 days from the
25 effective date of an amendment to the Controlled Substances Act
26 (Public Law 91-513, 84 Stat. 1236) removing marijuana from
27 Schedule I of the Controlled Substances Act.]

28 * * *

29 Section 3. This act shall take effect in 60 days.