
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 901 Session of
2021

INTRODUCED BY RABB, N. NELSON, HILL-EVANS, KRAJEWSKI, MALAGARI,
BURGOS, McNEILL, SANCHEZ, SCHLOSSBERG, KENYATTA, SIMS AND
OTTEN, JUNE 23, 2021

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JUNE 23, 2021

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 miscellaneous
13 provisions, providing for tenant protections.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

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

19 Section 2107.1. Tenant protections.

20 (a) Residential tenants.--

21 (1) No landlord may evict, threaten to evict or
22 otherwise discriminate against a residential tenant for the
23 lawful usage or possession of medical marijuana if the tenant

1 is certified to use medical marijuana.

2 (2) This subsection applies to a tenant who resides in
3 public housing or publicly subsidized housing and is
4 certified to use medical marijuana.

5 (b) Civil action.--

6 (1) A tenant who alleges a violation of subsection (a)
7 may bring a civil action in a court of competent jurisdiction
8 for appropriate injunctive relief or damages, or both, within
9 180 days after the occurrence of the alleged violation.

10 (2) It shall be a defense to an action under this
11 section if a landlord proves, by a preponderance of the
12 evidence, that the action by the landlord occurred for
13 separate and legitimate reasons which are not merely
14 pretextual.

15 (3) In rendering a judgment in an action brought under
16 this subsection, a court may order any relief the court
17 considers appropriate. The court may also award the tenant
18 all or a portion of the costs of litigation, including
19 reasonable attorney fees and witness fees, if the tenant
20 prevails in the civil action.

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