
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1948 Session of
2021

INTRODUCED BY KENYATTA, KINSEY, HOHENSTEIN, HILL-EVANS, MADDEN,
SIMS, SANCHEZ AND ROWE, OCTOBER 4, 2021

REFERRED TO COMMITTEE ON HEALTH, OCTOBER 4, 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 preliminary
13 provisions, further providing for definitions; and, in
14 patients, further providing for caregivers and for minors.

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

17 Section 1. Section 103 of the act of April 17, 2016 (P.L.84,
18 No.16), known as the Medical Marijuana Act, is amended by adding
19 definitions to read:

20 Section 103. Definitions.

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

24 * * *

1 "Charter school." An independent public school established
2 and operated under a charter from a local board of school
3 directors and in which students are enrolled or attend, which
4 conforms to the requirements of Article XVII-A of the act of
5 March 10, 1949 (P.L.30, No.14), known as the Public School Code
6 of 1949.

7 * * *

8 "School nurse." A licensed registered nurse properly
9 certificated by the Secretary of Education as a school nurse who
10 is employed by a school district, charter school or joint school
11 board as a school nurse or is employed in providing school nurse
12 services to children of school age by a county health unit or a
13 department or board of health of any municipality with which a
14 school district or joint school board has contracted for school
15 health services under section 1411 of the Public School Code of
16 1949.

17 * * *

18 Section 2. Sections 502(a)(2) and 506 of the act are amended
19 to read:

20 Section 502. Caregivers.

21 (a) Requirements.--

22 * * *

23 (2) The application shall be accompanied by a fee of
24 \$50. The department may waive or reduce the fee in cases of
25 demonstrated financial hardship. The fee may not apply for a
26 school nurse acting as a caregiver under section 506(3).

27 * * *

28 Section 506. Minors.

29 If a patient is under 18 years of age, the following shall
30 apply:

- 1 (1) The patient shall have a primary caregiver.
- 2 (2) A primary caregiver must be one of the following:
- 3 (i) A parent or legal guardian of the patient.
- 4 (ii) An individual designated by a parent or legal
- 5 guardian.
- 6 (iii) An appropriate individual approved by the
- 7 department upon a sufficient showing that no parent or
- 8 legal guardian is appropriate or available.

9 (3) In addition to the primary caregiver, a patient may

10 also have as a caregiver a school nurse for the purposes of

11 administering medical marijuana to the patient while the

12 patient attends school at a school district or charter

13 school.

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