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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 352 Session of 2021

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INTRODUCED BY KEARNEY, CAPPELLETTI, COSTA, FONTANA, SCHWANK,  
STREET AND TARTAGLIONE, MARCH 12, 2021

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REFERRED TO JUDICIARY, MARCH 12, 2021

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AN ACT

1 Amending the act of April 14, 1972 (P.L.233, No.64), entitled  
2 "An act relating to the manufacture, sale and possession of  
3 controlled substances, other drugs, devices and cosmetics;  
4 conferring powers on the courts and the secretary and  
5 Department of Health, and a newly created Pennsylvania Drug,  
6 Device and Cosmetic Board; establishing schedules of  
7 controlled substances; providing penalties; requiring  
8 registration of persons engaged in the drug trade and for the  
9 revocation or suspension of certain licenses and  
10 registrations; and repealing an act," further providing for  
11 definitions.

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

14 Section 1. The definition of "marihuana" in section 2(b) of  
15 the act of April 14, 1972 (P.L.233, No.64), known as The  
16 Controlled Substance, Drug, Device and Cosmetic Act, is amended  
17 to read:

18 Section 2. Definitions.--\* \* \*

19 (b) As used in this act:

20 \* \* \*

21 "Marihuana" [consists of all forms, species and/or varieties  
22 of the genus Cannabis sativa L., whether growing or not; the

1 seeds thereof; the resin extracted from any part of such plant;  
2 and every compound, manufacture, salt, derivative, mixture, or  
3 preparation of such plant, its seeds or resin; but shall not  
4 include tetrahydrocannabinols, the mature stalks of such plant,  
5 fiber produced from such stalks, oil or cake made from the seeds  
6 of such plant, any other compound, manufacture, salt,  
7 derivative, mixture, or preparation of such mature stalks  
8 (except the resin extracted therefrom), fiber, oil, cake, or the  
9 sterilized seed of such plant which is incapable of  
10 germination.] means all parts of the plant Cannabis sativa L.,

11 whether growing or not; the seeds thereof; the resin extracted  
12 from any part of such plant; and every compound, manufacture,  
13 salt, derivative, mixture or preparation of such plant, its  
14 seeds or resin. The term does not include:

15 (1) industrial hemp, as defined in 3 Pa.C.S. § 702 (relating  
16 to definitions); or

17 (2) the mature stalks of an industrial hemp plant, fiber  
18 produced from such stalks, oil or cake made from the seeds of  
19 such plant, any other compound, manufacture, salt, derivative,  
20 mixture or preparation of such mature stalks, except the resin  
21 extracted therefrom, fiber, oil or cake or the sterilized seed  
22 of such plant which is incapable of germination.

23 \* \* \*

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