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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 985 Session of  
2023

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INTRODUCED BY RABB, KENYATTA, MADDEN, SANCHEZ, HILL-EVANS,  
HOHENSTEIN, PARKER, FLEMING, KRAJEWSKI AND GREEN,  
JUNE 12, 2023

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REFERRED TO COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT,  
JUNE 12, 2023

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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

1 lawful usage or possession of medical marijuana if the tenant  
2 is certified to use medical marijuana.

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

6 (b) Civil action.--

7 (1) A tenant who alleges a violation of subsection (a)  
8 may bring a civil action in a court of competent jurisdiction  
9 for appropriate injunctive relief or damages, or both, within  
10 180 days after the occurrence of the alleged violation.

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

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

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