AN ACT

Providing for the medical use of cannabis in the Commonwealth of Pennsylvania.

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

Section 1. Short title.

This act shall be known and may be cited as the Governor Raymond Shafer Compassionate Use of Medical Cannabis Act.

Section 2. Definitions.

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

"Board." The Medical Cannabis Board.

"Bona fide medical professional-patient relationship." A physician, registered nurse practitioner, dentist or psychiatrist who has completed a full assessment of the patient's medical history and current medical condition, including a personal examination.

"Bureau." The Bureau of Medical Cannabis Control
"Cannabidiol" or "CBD." A main cannabinoid present in the naturally growing populations and in the industrially cultivated varieties of Cannabis sativa L which is not psychoactive and has several pharmacological properties, including acting as a powerful anti-inflammatory, neuroprotective and antioxidant compound.

"Cannabis concentrate." Extracted oil from the usable cannabis flower.

"Cannabis flower." Dried leaves, flowers and seeds of cannabis and any portion or preparation of cannabis.

"Caregiver." A person who is:

1. At least 18 years of age.
2. Has agreed to assist with a patient's medical use of cannabis.
3. Has been designated as caregiver on the patient's application or renewal for a medical cannabis identification card or in other written notification to the board.
4. Only has one patient at a time, unless the caregiver has more than one dependent under the caregiver's care or the caregiver is a recognized hospice practitioner.
5. Is not the patient's physician.

"Commercial medical cannabis farm." A nonprofit location or facility that produces and supplies medical cannabis to compassionate care centers and commercial medical cannabis manufacturers.

"Commercial medical cannabis manufacturer." A nonprofit facility that does all of the following:

1. Turns usable cannabis flowers into usable cannabis concentrate.
(2) Distributes its products to compassionate care centers.

"Compassionate care center." A nonprofit facility where cannabis in any form, including dried cannabis flowers, cannabis concentrate and cannabis-infused products, may be stored and dispensed, under the supervision of a registered nurse, for medical use to registered patients or caregivers.


"Debilitating medical condition." Any of the following:

(1) Cancer or the treatment of cancer.

(2) Glaucoma or the treatment of glaucoma.

(3) Post-traumatic stress disorder or the treatment of post-traumatic stress disorder.

(4) Positive status for human immunodeficiency virus, acquired immune deficiency syndrome or the treatment of either human immunodeficiency virus or acquired immune deficiency syndrome.

(5) A chronic or attenuating disease or medical condition or its treatment that produces one or more of the following:

   (i) Cachexia or wasting syndrome.

   (ii) Severe or chronic pain.

   (iii) Severe nausea.

   (iv) Seizures, including seizures characteristic of epilepsy.

   (v) Severe and persistent muscle spasms, including spasms characteristic of multiple sclerosis or Crohn's disease.
(vi) Intractable pain.

(6) Any other medical condition or its treatment that is recognized by licensed medical authorities attending to a patient as being treatable with cannabis in a manner that is superior to treatment without cannabis.

"Dentist." An individual licensed to practice dentistry under the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, who can prescribe medicine to a dental patient.

"Medical cannabis identification card." A document issued by the board that identifies a person as a patient or caregiver. The term includes a medical cannabis identification card or its equivalent issued by another state to permit the medical use of cannabis by a patient or to permit a person to assist with a patient's medical use of cannabis.

"Medical professional." A physician, registered nurse practitioner, dentist, physician assistant, nurse midwife, psychiatrist or other professional who is licensed under the laws of this Commonwealth and is permitted to prescribe Schedule III medication under the Controlled Substance, Drug Device and Cosmetic Act.

"Medical use." The acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of cannabis or paraphernalia relating to a patient's consumption or production of cannabis to alleviate the symptoms or effects of the patient's debilitating medical condition.


"Organic chemist." A college or university graduate who has achieved a bachelor's degree or higher in the study of organic
chemistry or chemical engineering.

"Patient." A person who has been diagnosed by a physician as having a debilitating medical condition.


"Psychiatrist." A person licensed to practice psychiatry under the act of March 23, 1972 (P.L.136, No.52), known as the Professional Psychologists Practice Act.

"Registered nurse." A person licensed to practice professional nursing under the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law.

"Registered nurse practitioner." A person certified to be a nurse practitioner under the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law.

"Tetrahydrocannabinol." A compound that is an active component in cannabis.

"Written certification." A patient's medical records, or a statement signed by a medical professional licensed in accordance with the laws of this Commonwealth with whom the patient has a bona fide medical professional-patient relationship, stating that in a medical professional's opinion,
after having completed a full assessment of the patient's medical history and current medical condition, the patient has a debilitating medical condition for which the potential benefits of the medical use of cannabis would most likely be superior to treatment without the medical use of cannabis.

Section 3. Board and bureau.

(a) Establishment.--

(1) The Pennsylvania Medical Cannabis Board is created as an independent administrative board.

(2) The Bureau of Medical Cannabis Control Enforcement is created within the Pennsylvania State Police and shall be responsible for enforcing this act and regulations promulgated under this act.

(b) Advisory council.--The board shall consult with an advisory council as necessary, and the council shall perform an oversight role for the board by performing tasks that include reviewing written certifications. The advisory council shall consist of the following members:

(1) The Secretary of Health of the Commonwealth.

(2) The Secretary of Agriculture of the Commonwealth.

(3) The Secretary of Drug and Alcohol Programs of the Commonwealth.

(4) The head of the bureau.

(5) The chairman of the board.

(6) The solicitor for the board.

(7) A member of the Pennsylvania Medical Association.

(8) A member of the Pennsylvania State Nurses Association.

(9) A member of the Pennsylvania Dental Association.

(10) A member of the Pennsylvania Pharmaceutical
(11) A member of the Pennsylvania Psychiatric Society.

(c) Bureau of Consumer Relations.--The board shall establish the Bureau of Consumer Relations which shall be responsible for handling all consumer complaints and suggestions. The Bureau of Consumer Relations shall develop a systemwide program for investigating all complaints and suggestions and implementing improvements. The management of the Bureau of Consumer Relations shall be vested in a director who shall be assisted by other personnel as the board deems necessary.

(d) Administrative code.--Except as otherwise provided by law, the board, bureau and other divisions created under this act shall be subject to the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, which apply generally to independent administrative boards and commissions.

(1) The board, the members, the bureau and all employees of the board and bureau shall be subject to the act of July 19, 1957 (P.L.1017, No.451), known as the State Adverse Interest Act and the act of October 4, 1978 (P.L.883, No.170), referred to as the Public Official and Employee Ethics Law.

(2) Membership on the board and employment or continued employment as an employee of the board, the bureau or another division shall be conditioned upon compliance with the provisions of the acts in paragraph (1). Acceptance or retention of employment shall be deemed as voluntary consent to submit to the financial reporting requirements of the Public Official and Employee Ethics Law as a condition of employment. Failure to timely comply with the requirements shall result in immediate termination of employment. The
Section 4. Members of the board.

(a) Appointment, terms and salaries.--

(1) The board shall consist of three members appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate. Not more than two of the members shall be from the same political party as the Governor.

(2) Of the members first appointed after the effective date of this section, one member shall serve a term of three years, one member shall serve a term of four years and one member shall serve a term of five years. Subsequent terms shall be for four years, ending on the third Tuesday in May.

(3) A member may continue to hold office beyond the expiration of that member's term if a successor to that member has not been duly appointed and qualified according to law.

(4) Each member shall receive an annual salary as provided under the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law.

(b) Qualifications.--

(1) Each member of the board at the time of appointment and qualification must:

(i) Be a citizen of the United States for at least the previous three years.

(ii) Be a resident of the Commonwealth of Pennsylvania for at least the previous three years.

(iii) Have been a qualified elector in this Commonwealth for a period of at least one year preceding the date of the appointment.
the appointment.

(iv) Be not less than 21 years of age.

(2) No member of the board during the member's period of service with the board shall hold another office under the laws of this Commonwealth or of the United States.

(3) A board member must devote full time to the member's official duties. A board member may not hold an office or position if the duties of the office or position are incompatible with the member's board duties.

(c) Chair of board.--

(1) The Governor shall designate one of the board members as chair, and the chair shall serve at the pleasure of the Governor. When present, the chair shall preside at all meetings. In the chair's absence, a member designated by the chair shall preside.

(2) Two members of the board shall constitute a quorum, and an action or order of the board shall require the approval of at least two members.

(d) Secretary of board.--The board may appoint a secretary to hold office at the board's pleasure. If appointed, the secretary shall have powers and shall perform duties not contrary to law as the board shall prescribe. The secretary shall receive compensation as the board determines with the approval of the Governor. The secretary shall have power and authority to designate one of the clerks appointed by the board to perform the duties of the secretary during the secretary's absence. The appointed clerk shall exercise the powers of the secretary of the board for the time designated.

Section 5. Powers and duties.

(a) General powers.--Notwithstanding subsection (b), the
board shall have the following powers and duties:

(1) To establish, oversee and provide structure and
guidance to the medical cannabis industry within this
Commonwealth.

(2) To ensure safe and regular distribution of medical
cannabis.

(3) To establish an application process for commercial
medical cannabis farms, commercial medical cannabis
manufacturers, compassionate care centers, medical cannabis
identification cards and transportation licenses.

(4) To issue, transfer or extend licenses for commercial
medical cannabis farms, commercial medical cannabis
manufacturers, transportation and compassionate care centers.

(5) To issue medical cannabis identification cards.

(6) To issue transportation licenses for the
transportation of medical cannabis.

(7) To inspect and investigate all commercial medical
cannabis farms, commercial medical cannabis manufacturers and
compassionate care centers licensed by the board.

(8) To determine the number of commercial medical
cannabis farms, commercial medical cannabis manufacturers and
compassionate care centers within a municipality.

(9) To determine licensing districts, periods and
hearings.

(10) To grant, issue, suspend and revoke all licenses
the board is authorized to issue under this act.

(11) To issue penalties and fines.

(12) Through the Department of General Services as
agent, to lease and furnish and equip buildings, rooms and
other accommodations as required for the operation of this
To appoint, fix the compensation of and define the powers and duties of managers, officers, inspectors, examiners, clerks and other employees as required for the operation of this act, subject to act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929 and the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act.

To determine the nature, form and capacity of all packages and original containers to be used for containing medical cannabis.

To perform acts necessary or advisable for the purpose of carrying out the provisions of this act and the regulations promulgated under this act.

To promulgate regulations not inconsistent with this act for the efficient administration of this act.

By regulation, to provide for the use of a computerized referral system to assist patients and caregivers in locating special items at compassionate care centers.

To issue grants to various entities for medical cannabis study, research and clinical testing.

(b) Specific subjects.—Except as otherwise provided under this act, the board may make regulations regarding:

(1) Cultivation of medical cannabis within this Commonwealth.

(2) Manufacturing of medical cannabis within this Commonwealth.

(3) Sale of medical cannabis within this Commonwealth.

(4) Distribution of medical cannabis within this Commonwealth.
Commonwealth.

(5) Qualifications for licenses, fees and duration.

(6) Number and kinds of licenses allowed for each licensee.

(7) Registration of brands.

(8) Price changes for medicinal cannabis.

(9) Transportation of medical cannabis within this Commonwealth.

(10) The identification of classes, varieties and brands of medical cannabis deemed acceptable by the board.

(11) The labeling of medical cannabis.

(12) Purchasing and importing hemp products related to medical cannabis.

(13) Another process, procedure or aspect related to medical cannabis or the medical cannabis industry as may be necessary to carry out the provisions of this act.

(14) Limitations in the public interest on a debilitating medical condition or treatment not specifically included in this act which may be recognized by licensed medical authorities as being treatable with cannabis in a manner that is superior to treatment without cannabis.

(15) The reasonable and related impact an applicant's criminal background will have on the approval or denial of a license issued under this act.

(c) Restrictions.--

(1) A member or employee of the board, immediate family member of a member or employee of the board, employee of the Commonwealth or employee of the bureau may not solicit or receive, directly or indirectly, a commission, remuneration or gift for personal use from a person having sold, selling
or offering medical cannabis for sale.

(2) A person who obtains financial gain as a result of violating a provision of this subsection, in addition to any other penalty provided by law, shall pay to the board a civil penalty equal to three times the financial gain resulting from the violation.

(3) A person who violates this subsection shall be barred for a period of five years from engaging in business or contracting with the board.

(d) Investigative unit.--

(1) The board shall establish an investigative unit that shall be responsible for implementing and monitoring compliance with the provisions of and regulations made under this act relating to medical cannabis and the medical cannabis industry.

(2) The duties of the investigative unit shall include:

(i) Handling notifications concerning price introductions and changes.

(ii) Receiving and making recommendations to the board concerning applications to rescind price discounts.

(iii) Providing assistance to the board concerning reports and investigations the board deems necessary or is required to provide.

(iv) Handling applications for brand registration.

(v) Handling copies of franchise or territorial agreements submitted by importing distributors.

(3) Management of the investigation unit shall be vested in a director who shall be assisted by other personnel as determined by the board. The director shall report to the board secretary.
(4) The investigation unit shall not have any power to arrest individuals. The investigatory powers of the unit shall be limited to compliance with this act.

(e) Legal opinions.--Upon written request by a licensee, the board or the board's counsel shall issue a legal opinion regarding subject matter relating to this act or a regulation promulgated under this act. The legal opinion shall be binding on the bureau.

(f) Reports.--The board and bureau must report twice a year to the President pro tempore of the Senate and the Speaker of the House of Representatives. The report shall provide information that includes the following:

   (1) The number of people within this Commonwealth who are registered to legally consume medical cannabis.

   (2) The amount of cannabis cultivated, manufactured and sold within this Commonwealth.

   (3) The number of licenses sold to individuals within this Commonwealth.

Section 6. Enforcement.

(a) Bureau.--Officers and investigators assigned to the bureau shall have the following powers and duties:

   (1) To initiate an investigation if reasonable grounds exist to believe medical cannabis is being sold on unlicensed premises. If the investigation produces evidence of the unlawful sale of medical cannabis or another violation of this act, the officer involved in the investigation shall institute criminal proceedings against the person believed to have been criminally liable.

   (2) For uniformed law enforcement officers to arrest on view, except in private homes, or with a warrant a person
engaged in any of the following activities contrary to this act or another law of this Commonwealth:

(i) Unlawful sale of medical cannabis.
(ii) Unlawful importation of medical cannabis.
(iii) Unlawful manufacture of medical cannabis.
(iv) Unlawful transportation of medical cannabis.
(v) Unlawful possession of medical cannabis.
(vi) Unlawful growing of medical cannabis.

(3) For uniformed law enforcement officers to arrest on view, except in private homes, or with a warrant a person whom the officer or investigator, while in the performance of assigned duties under this act and regulations promulgated under this act, observes to be in violation of any of the following:

(i) 18 Pa.C.S. § 3302 (relating to causing or risking catastrophe).
(ii) 18 Pa.C.S. § 3304 (relating to criminal mischief).
(iii) 18 Pa.C.S. § 4101 (relating to forgery).
(iv) 18 Pa.C.S. § 5503 (relating to disorderly conduct).
(v) 18 Pa.C.S. § 6310.3 (relating to carrying a false identification card).

(4) To search, seize and dispose of seized property in accordance with the following:

(i) Upon reasonable and probable cause with a warrant, except in private homes, to search and seize the following:

(A) Medical cannabis unlawfully possessed, manufactured, sold, imported or transported.
(B) Equipment, materials, utensils, vehicles, boats, vessels or aircraft which are or have been used in the unlawful manufacture, sale, importation or transportation of medical cannabis.

(ii) Medical cannabis equipment, materials, utensils, vehicles, boats, vessels or aircraft that have been seized shall be disposed of as provided in this act and in regulations promulgated under this act.

(5) To investigate and issue citations for the following:

(i) A violation of this act.

(ii) A violation of a regulation of the board.

(iii) A violation of another law of this Commonwealth.

(6) For uniformed law enforcement officers to arrest a person who engages in the following offenses when the offenses are committed against the investigator or a person accompanying and assisting the investigator while the investigator is performing assigned duties under this act and the regulations promulgated under this act:

(i) 18 Pa.C.S. § 2701 (relating to simple assault).

(ii) 18 Pa.C.S. § 2702 (relating to aggravated assault).

(iii) 18 Pa.C.S. § 2705 (relating to recklessly endangering another person).

(iv) 18 Pa.C.S. § 2706 (relating to terroristic threats).

(v) 18 Pa.C.S. § 2709 (relating to harassment).

(vi) 18 Pa.C.S. § 5104 (relating to resisting arrest or other law enforcement).
(vii) 18 Pa.C.S. § 5501 (relating to riot).

(7) To serve and execute warrants issued by the proper authorities for offenses under this subsection and to serve subpoenas.

(8) To arrange for the administration of chemical tests of blood or urine to a person for the purpose of determining the tetrahydrocannabinol content of blood or the presence of a controlled substance by qualified personnel of a State or local police department or qualified personnel of a clinical laboratory licensed and approved by the Department of Health.

(b) Confiscation.--Equipment or appurtenance actually used in the commission of the unlawful acts may be confiscated. The confiscation shall not divest or impair the rights or interest of a bona fide lien holder in the equipment or appurtenance.

(c) Officer.--The Commissioner of Pennsylvania State Police shall assign Pennsylvania State Police officers to supervisory, training and other capacities in the bureau as the Commissioner deems necessary. All other personnel of the bureau shall be nonlaw enforcement personnel. Only law enforcement officers shall have the authority to make an arrest under this act.

(d) Representation.--The Office of Chief Counsel for the Pennsylvania State Police shall represent the bureau in all enforcement proceedings brought before the office of administrative law judge or other adjudicatory body.

(e) Nonlaw enforcement agent.--Nothing under this act shall be construed to change the status of a nonlaw enforcement personnel member who is an enforcement agent for the purposes of the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act or cause nonlaw enforcement agents to be considered policemen for the purposes of the act of June 24,

(f) Information.--The Pennsylvania State Police shall provide the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives:

   (1) Other information as requested.

   (2) The following:

      (i) A copy of the most recently completed audit of expenditures of the bureau.

      (ii) A report detailing the demographic characteristics of the bureau's complement of civilian officers. The report shall include information relating to workplace diversity.

Section 7. Office of administrative law judge.

(a) Establishment.--There is established within the board an autonomous office to be known as the office of administrative law judge.

(b) Judges.--The Governor shall appoint from a list of qualified candidates submitted by the Civil Service Commission after appropriate examination under the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, as many administrative law judges as the board, with the approval of the Governor, deems necessary for the holding of hearings required or permitted under this act. The Governor shall designate one of the civil service appointees as the chief administrative law judge.

(c) Authority.--An administrative law judge shall preside at all citation and other enforcement hearings required or permitted under this act.
(d) Qualifications.--An administrative law judge appointed under this section shall be an attorney in good standing before the Pennsylvania Supreme Court in the law and shall be a member in good standing of the bar of the Pennsylvania Supreme Court.

(e) Salary.--Compensation for an administrative law judge shall be established by the board.

(f) Limitations.--An administrative law judge shall devote full time to the judge's official duties and may not perform a duty inconsistent with the judge's duties and responsibilities as administrative law judge.

(g) Employment security.--An administrative law judge appointed under this section shall be afforded employment security as provided by the Civil Service Act.

(h) Hearings.--The board shall employ a complement of five administrative law judges who have been appointed by the Governor. An appointed judge who has been selected by the board shall conduct a licensing hearing as required by this act.

(i) Construction.--Nothing in this section or this act shall be construed or intended to change the terms and conditions of employment of the five hearing examiners selected by the board under subsection (h).

Section 8. Medical use permitted.

(a) Freedom from arrest, prosecution or penalty.--

(1) A patient who possesses a valid medical cannabis identification card shall not be subject to detrimental action including arrest, prosecution, penalty, denial of a right or privilege, civil penalty or disciplinary action by a professional licensing board for the medical use of cannabis. Law enforcement personnel may not unreasonably detain, question or arrest or repeatedly detain, question or arrest a
(2) There shall exist a rebuttable presumption that a patient is engaged in the medical use of cannabis if the patient possesses a valid medical cannabis identification card. The presumption may be rebutted by evidence that conduct related to cannabis was not for the purpose of alleviating the symptoms or effects of a patient's debilitating medical condition.

(3) A patient may assert the medical use of cannabis as an affirmative defense to a prosecution involving cannabis unless the patient was in violation of this section when the events giving rise to the prosecution occurred. The defense shall be presumed valid if the evidence shows both of the following:

(i) Either:

(A) the patient's medical records and current medical condition made in the course of a bona fide medical professional-patient relationship indicate the potential benefits of the medical use of cannabis would likely outweigh the health risks for the patient; or

(B) a medical professional stated that in the medical professional's opinion, after completing a full assessment of the patient's medical history and current medical condition, the potential benefits of the medical use of cannabis would likely outweigh the health risks for the patient; and

(ii) the patient and the patient's caregiver were collectively in possession of no more than one ounce of usable cannabis flower or three ounces of usable cannabis
concentrate.
(4) Possession of or application for a medical cannabis
identification card may not alone constitute probable cause
to search a person, the property of the person possessing or
applying for the medical cannabis identification card or
otherwise subject the person or his property to inspection by
a governmental agency.
(5) Law enforcement officials may not destroy, damage or
alter a patient's supply of medical cannabis if the patient
is in possession of a valid medical cannabis identification
card.
(b) Patients under 18 years of age.--Subsection (a) does not
apply to a patient under 18 years of age unless all of the
following have occurred:
(1) The patient's medical professional has explained to
the patient and the patient's custodial parent, guardian or
person having legal custody the potential risks and benefits
of the medical use of cannabis.
(2) The custodial parent, guardian or person having
legal custody consents in writing to:
   (i) Allow the patient's medical use of cannabis.
   (ii) Serve as the patient's caregiver.
   (iii) Control the acquisition, dosage and frequency
       of the medical use of cannabis by the patient.
(c) Immunity of caregiver.--
(1) A caregiver who has possession of a valid medical
cannabis identification card shall not be subject to
detrimental action including arrest, prosecution, penalty,
denial of a right or privilege, civil penalty or disciplinary
action by a professional licensing board for assisting a
patient to whom the caregiver is connected through the board's registration process with the medical use of cannabis. Law enforcement personnel may not unreasonably detain, question or arrest or repeatedly detain, question or arrest a caregiver for assisting the patient.

(2) There shall exist a rebuttable presumption that a caregiver is engaged in the medical use of cannabis if the caregiver possesses a valid medical cannabis identification card. The presumption may be rebutted by evidence that conduct related to cannabis was not for the purpose of alleviating the symptoms or effects of a patient's debilitating medical condition.

(3) A caregiver may assert the medical use of cannabis as an affirmative defense to a prosecution involving cannabis unless the caregiver was in violation of this section when the events giving rise to the prosecution occurred. The defense shall be presumed valid if the evidence shows either of the following at the time of the events giving rise to the prosecution:

   (i) The patient's medical records and current medical condition made in the course of a bona fide medical professional-patient relationship indicate the potential benefits of the medical use of cannabis would likely outweigh the health risks for the patient.

   (ii) A medical professional stated that in the medical professional's opinion, after completing a full assessment of the patient's medical history and current medical condition, the potential benefits of the medical use of cannabis would likely outweigh the health risks for the patient.
(4) Possession of or application for a medical cannabis identification card shall not alone constitute probable cause to search a person, property of a person possessing or applying for the medical cannabis identification card or otherwise subject the person or the person's property to inspection by a governmental agency.

(5) Law enforcement officials may not destroy, damage or alter a patient's supply of medical cannabis which is in the possession of the caregiver if the caregiver is in possession of a medical cannabis identification card.

(d) Immunity of a medical professional.--A physician, psychiatrist, registered nurse practitioner or dentist shall not be subject to detrimental action including arrest, prosecution, penalty, denial of a right or privilege, civil penalty or disciplinary action by the State Board of Medicine for providing written certification for the medical use of cannabis to a patient in accordance with this act.

(e) Personal proximity.--A person shall not be subject to arrest or prosecution for constructive possession, conspiracy or another offense for being in the presence or vicinity of the medical use of cannabis as permitted under this act.

(f) Restriction.--An individual who has been sentenced for a violation of 75 Pa.C.S. § 3550 (relating to pedestrians under influence of alcohol or controlled substance) or 3802 (relating to driving under the influence of alcohol or controlled substance) shall not be disqualified from obtaining or possessing a valid medical cannabis identification card on the basis of the offense.

Section 9. Medical cannabis identification card.

(a) Registry.--The board shall establish a registry and
issue a registry identification card, known as a medical
cannabis identification card, to a patient who submits all of
the following in accordance with the board's regulations:

(1) Written certification that the person is a patient.
(2) An application or renewal fee of not less than $50
and not more than $100, which may be based on a sliding fee
scale as determined by the board.
(3) The name, address and date of birth of the patient.
(4) The name, address and telephone number of the
patient's physician.
(5) Name, address and date of birth of the patient's
caregiver, if any.

(b) Issuance to qualified patient.--Before issuing a medical
cannabis identification card, the board shall verify the
information contained in the application or renewal form
submitted under this section. The board shall approve or deny an
application or renewal in accordance with the following:

(1) The approval or denial shall be no later than 15
days from receipt of the application or renewal.
(2) The board shall issue a medical cannabis
identification card no later than five days from approving
the application or renewal.
(3) The board may deny an application or renewal only if
the applicant fails to provide the information required under
this section or if the board determines that the information
was falsified.
(4) An applicant must be provided with the reason for
and all information relative to the denial of a medical
cannabis card and given an established procedure for
resubmission of an application.
(5) Denial of an application shall be considered a final agency decision, subject to review by an administrative law judge.

(c) Issuance to caregiver.--The board shall issue a medical cannabis identification card to the caregiver named in a patient's approved application if the caregiver signs a statement agreeing to provide cannabis only to the patient who has named him or her as caregiver.

(d) Contents.--A medical cannabis identification card shall contain the following information:

(1) The name, address and date of birth of the patient.

(2) The name, address and date of birth of the patient's caregiver, if any.

(3) The date of issuance and expiration date of the medical cannabis identification card.

(4) Photo identification of the cardholder.

(5) Other information that the board may specify in regulations.

(e) Changes in listed information.--A patient who has been issued a medical cannabis identification card must notify the board of a change in the patient's name, address, medical professional, caregiver or change in status of the patient's debilitating medical condition no later than ten days from change or the medical cannabis identification card shall be deemed null and void.

(f) Right-to-Know Law.--The board shall maintain a confidential list of each person who has been issued a medical cannabis identification card. Individual names and other identifying information on the list shall be confidential and shall not be considered a public record under the act of 20140SB1182PN1701.
February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

The list may not be disclosed except to any of the following:

(1) Authorized employees of the board as necessary to perform official duties of the board.

(2) Authorized employees of board or bureau, only as necessary to verify that a person who is engaged in the suspected or alleged medical use of cannabis is lawfully in possession of a medical cannabis identification card.

Section 10. Compassionate care center.

(a) Licensing.--The board shall license privately owned nonprofit compassionate care centers. The board shall license a registered nurse to operate and own a compassionate care center.

(b) Processing or distribution.--A compassionate care center shall maintain records of all cannabis the center processes or distributes for medical treatment and shall make the records available for inspection by the board.

(c) Report.--Each month, a compassionate care center shall submit to the board a report which details the amount and what types of cannabis the center has distributed during the past month.

(d) Professional setting.--A compassionate care center must be similar in appearance and function as a doctor's office that dispenses pharmaceuticals. The appearance and function must conform with regulations promulgated by the board. No medical cannabis products shall be visible from the exterior or the entryway of the compassionate care center.

(e) Donation.--A compassionate care center may donate usable medical cannabis concentrate for study and research to a postsecondary institution.

(f) Background check.--
The board shall require a prospective licensee to submit with the application, under 18 Pa.C.S. Ch. 91 (relating to criminal history record information), a report of criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police that the State Police central repository contains no information relating to the prospective licensee.

(2) The report of criminal history record information shall be less than one year old.

(3) A violation of the Controlled Substance, Drug, Device and Cosmetic Act or 18 Pa.C.S. (relating to crimes and offenses) relating to marijuana or cannabis may not negatively impact the board's decision regarding the approval of an applicant.

Section 11. Commercial medical cannabis farm.

(a) License.--The board shall license a farmer to own a commercial medical cannabis farm for the purpose of supplying to licensed commercial medical cannabis manufacturers and compassionate care centers.

(b) Growing and cultivating cannabis for medical treatment.--A commercial medical cannabis farmer must have a contract with a compassionate care center and a commercial medical cannabis manufacturer to supply medical cannabis.

(c) Records.--A commercial medical cannabis farmer must keep detailed records of the medical cannabis the farmer sells to compassionate care centers and shall make the records available for inspection by the board.

(d) Report.--Each month, a commercial medical cannabis farmer shall submit to the board a report which details how much and what types of cannabis the farmer has distributed during the
past month.

(e) Donation.--A commercial medical cannabis farmer may donate usable medical cannabis to a postsecondary institution for study and research.

(f) Background check.--

(1) The board shall require a prospective licensee to submit with the application, under 18 Pa.C.S. Ch. 91 (relating to criminal history record information), a report of criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police that the State Police central repository contains no information relating to the prospective licensee.

(2) The report of criminal history record information shall be less than one year old.

(3) A violation of the Controlled Substance, Drug, Device and Cosmetic Act or 18 Pa.C.S. (relating to crimes and offenses) relating to marijuana or cannabis may not negatively impact the board's decision regarding the approval of an applicant.

(g) Personal use.--A commercial medical cannabis farmer who has a valid medical cannabis identification card may retain up to 25% of the annual yield for personal use.

Section 12. Commercial medical cannabis manufacturer.

(a) License.--The board shall license an organic chemist to own a commercial medical cannabis manufacturing facility for the purpose of supplying a compassionate care center with useable medical cannabis concentrate.

(b) Extraction method.--A commercial medical cannabis manufacturer may only use the extraction method described under section 14.
(c) Report.—Each month, a commercial medical cannabis manufacturer shall submit to the board a report which details the amount and what types of cannabis the manufacturer has distributed during the past month.

(d) Donation.—A commercial medical cannabis manufacturer may donate medical cannabis transportation services to a postsecondary institution for study and research.

(e) Background check.—

(1) The board shall require a prospective licensee to submit with the application, under 18 Pa.C.S. Ch. 91 (relating to criminal history record information), a report of criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police that the State Police central repository contains no information relating to the prospective licensee.

(2) The report of criminal history record information shall be less than one year old.

(3) A violation of the Controlled Substance, Drug, Device and Cosmetic Act or 18 Pa.C.S. (relating to crimes and offenses) relating to marijuana or cannabis may not negatively impact the board's decision regarding the approval of an applicant.

Section 13. Commercial medical cannabis transporter.

(a) License.—The board shall license a transportation company with a commercial medical cannabis transportation license for the purpose of transporting useable medical cannabis concentrate.

(b) Requirements.—A commercial medical cannabis transporter shall meet the following requirements to the satisfaction of the board:
(1) Each transportation vehicle shall be unmarked and may not directly or indirectly indicate what is being transported.

(2) Each transportation vehicle and all equipment used in the process of transportation shall be in compliance with this act.

(c) Report.--Each month, a commercial medical cannabis transporter shall submit to the board a report which details the amount and what types of cannabis the transporter has transported during the past month.

(d) Donation.--A commercial medical cannabis transporter may donate medical cannabis transportation services to a postsecondary institution for study and research.

(e) Background check.--

(1) The board shall require a prospective licensee to submit with the application, under 18 Pa.C.S. Ch. 91 (relating to criminal history record information), a report of criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police that the State Police central repository contains no information relating to the prospective licensee.

(2) The report of criminal history record information shall be less than one year old.

(3) A violation of the Controlled Substance, Drug, Device and Cosmetic Act or 18 Pa.C.S. (relating to crimes and offenses) relating to marijuana or cannabis may not negatively impact the board's decision regarding the approval of an applicant.

Section 14. Variety allowed, extraction method and inspection.

(a) General rule.--There shall be no restriction on specific
strains of cannabis that can be used for medical purposes under this act.

(b) Extraction method.--A food-grade, ethanol-based formula method and water methods shall be the only acceptable methods of cannabis extraction in this Commonwealth, unless another method is deemed safer and approved by the board.

(c) Inspection.--The board shall conduct monthly inspections of commercial medical cannabis farms, commercial medical cannabis manufacturers and compassionate care centers to ensure compliance with this act. If a facility is not in compliance with this act, the facility owners shall be fined as determined by the board. A fine may not exceed $5,000.

Section 15. Operation of motor vehicles.

(a) Prohibited operation.--A person may not operate, drive navigate or be in actual physical control of the following while under the influence of tetrahydrocannabinol:

(1) A vehicle.
(2) An aircraft.
(3) A motorboat.
(4) Heavy machinery
(5) Another mode of transportation that would constitute an offense under 75 Pa.C.S. Ch.38 (relating to drinking after imbibing alcohol or utilizing drugs).

(b) Prohibited location.--No person may smoke cannabis in any of the following locations:

(1) A school bus or other form of public transportation.
(2) On school grounds.
(3) In a correctional facility.
(4) At a public park or beach.
(5) At a recreation center.
(6) At a place where cigarette smoking is prohibited by law or by organizational policy.
(c) Vaporization.--Smoking cannabis by means of vaporization is permitted in the public domain.
(d) Violation.--A person who commits an act prohibited in this section shall be subject to penalties as provided by law.

Section 16. Misrepresentation prohibited.
It shall be a violation of 18 Pa.C.S. § 5503 (relating to disorderly conduct) for a person to fabricate or misrepresent a registry identification card to a law enforcement official.

Section 17. Funding.
(a) Board.--For fiscal year 2014-2015 and 2015-2016, the Pennsylvania Liquor Control Board shall transfer $3,000,000 to the board. The board shall promulgate regulations on the spending and accounting method to be used by the board.
(b) Bureau.--Beginning in fiscal year 2014-2015 and continuing each year thereafter, the Pennsylvania State Police shall allocate $2,000,000 to the bureau.
(c) Other funding.--The board may accept, from a governmental department or agency, public or private body or another source, a grant or contribution to be used to effectuate the purposes of this act.

Section 18. Reports by board.
The chair of the board shall report annually to the Governor and the General Assembly as follows:
(1) The report may not contain any identifying information of patients, caregivers or medical professionals.
(2) The report shall include all of the following information:
   (i) The number of applications for medical cannabis
identification cards.
(ii) The number of patients and caregivers approved.
(iii) The categories of the debilitating medical conditions of the patients.
(iv) The number of registry identification cards revoked.
(v) The number of physicians providing written certifications for patients.

Section 19. Health insurance.
Nothing in this act shall be construed to require a State government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of cannabis or an employer to accommodate the medical use of cannabis in a workplace.

Section 20. Sovereign immunity.
The Commonwealth may not be held liable for any deleterious outcomes resulting from the medical use of cannabis by a patient.

The Pennsylvania State Police shall advise the board, bureau and caregivers on effective security measures for the possession and transportation of medical cannabis and shall inspect sites if requested.

Section 22. Repeals.
The following shall apply:
(1) Sections 4 and 13 of act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, are repealed insofar as they are inconsistent with this act.

(2) All acts and parts of acts are repealed insofar as
they are inconsistent with this act.

Section 23. Effective date.

This act shall take effect in 90 days.