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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 193 Session of  
2015

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INTRODUCED BY COHEN, BOYLE, BROWNLEE, CALTAGIRONE, CONKLIN,  
DIAMOND, GAINNEY, J. HARRIS, McNEILL, MULLERY, O'BRIEN,  
READSHAW, SABATINA, SCHLOSSBERG, VITALI AND FRANKEL,  
FEBRUARY 2, 2015

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REFERRED TO COMMITTEE ON HEALTH, FEBRUARY 2, 2015

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AN ACT

1 Providing for the medical use of cannabis; establishing the  
2 State Board of Medical Cannabis Licensing and providing for  
3 its powers and duties; imposing duties on the Department of  
4 Health and the Department of State; regulating the growing,  
5 processing and dispensing of medical cannabis; imposing civil  
6 and criminal penalties; and making inconsistent repeals.

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

1 CHAPTER 1

2 PRELIMINARY PROVISIONS

3 Section 101. Short title.

4 This act shall be known and may be cited as the Medical  
5 Cannabis Act.

6 Section 102. Definitions.

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

10 "Authorized provider." A parent or guardian of a patient  
11 with a valid medical cannabis access card or an individual  
12 employed by a health care facility and who is authorized by the  
13 board to purchase, possess, transport and transfer medical  
14 cannabis from a medical cannabis dispenser and properly  
15 administer the medical cannabis to the patient in accordance  
16 with the recommendation of the patient's health care  
17 practitioner.

18 "Board." The State Board of Medical Cannabis Licensing  
19 established under section 302.

20 "Change in control." The acquisition by a person or group of  
21 persons acting in concert of more than 20% of the license.

22 "Department." The Department of State of the Commonwealth.

23 "Health care facility." A facility that provides health care  
24 to patients and does not receive Federal funding. The term  
25 includes:

26 (1) A hospital, as defined under the act of July 19,  
27 1979 (P.L.130, No.48), known as the Health Care Facilities  
28 Act.

29 (2) A clinic, treatment facility or physician's office  
30 operated by a hospital.

1 (3) An ambulatory or surgical facility.

2 (4) A long-term care nursing facility.

3 (5) A cancer treatment center.

4 (6) A hospice care facility.

5 "Health care practitioner." An individual as defined under  
6 section 2 of the act of December 20, 1985 (P.L.457, No.112),  
7 known as the Medical Practice Act of 1985, who is authorized to  
8 prescribe Schedule III drugs under the act of April 14, 1972  
9 (P.L.233, No.64), known as The Controlled Substance, Drug,  
10 Device and Cosmetic Act.

11 "Medical cannabis." Plants containing cannabidiol,  
12 tetrahydrocannabinol or delta-9-tetrahydrocannabinol acid used  
13 for medical purposes or any part of a cannabis plant, including  
14 cannabis processed by extracting oil from the plant. The term  
15 includes the delivery of extracted oil, edible products,  
16 ointments, tinctures and vaporization or any other medical  
17 device used to administer medical cannabis to a patient.

18 "Medical cannabis access card." A document issued by the  
19 Department of Health to authorize a patient or authorized  
20 provider to purchase and possess medical cannabis from a  
21 licensed medical cannabis dispenser.

22 "Medical cannabis dispenser." A for-profit or nonprofit  
23 entity licensed under section 503 to dispense medical cannabis.

24 "Medical cannabis employee." An individual who is eligible  
25 to receive an occupation permit by meeting one of the following:

26 (1) An individual who meets all of the following:

27 (i) Is employed with the authority to make a  
28 discretionary decision relating to the growing,  
29 processing or dispensing of medical cannabis, including a  
30 manager, supervisor or an individual who directly handles

1 cannabis.

2 (ii) Is responsible for tracking the amount and  
3 transportation of medical cannabis.

4 (2) Any other employee position designated by the board.

5 "Medical cannabis grower." A for-profit or nonprofit entity  
6 licensed under section 501 who grows or cultivates medical  
7 cannabis for distribution to authorized medical cannabis  
8 processors and medical cannabis dispensers in accordance with  
9 this act.

10 "Medical cannabis processor." A for-profit or nonprofit  
11 entity licensed under section 502 who can purchase medical  
12 cannabis from a medical cannabis grower for the purpose of  
13 processing the medical cannabis and who can distribute medical  
14 cannabis to a medical cannabis dispenser as authorized under  
15 this act.

16 "Medical cannabis strains." The three types of pure cannabis  
17 utilized for medical purposes, cannabis sativa, cannabis indica  
18 and the combination of both cannabis sativa and cannabis indica,  
19 which creates a cannabis hybrid.

20 "Medical use." The acquisition, possession or use of medical  
21 cannabis by a patient, including the use of vaporization in the  
22 public domain or the acquisition, possession and delivery of  
23 medical cannabis by an authorized provider.

24 "Owner or operator." Any of the following:

25 (1) An officer, principal, owner or director of the  
26 medical cannabis grower, processor or dispenser licensed  
27 under section 507.

28 (2) A person who directly holds a beneficial interest in  
29 or has a controlling interest in an applicant or licensee.

30 (3) A person who has the ability to elect a majority of

1 the board of directors of a licensee or to otherwise control  
2 a licensee.

3 "Occupation permit." A permit issued by the board  
4 authorizing an individual to be employed by a medical cannabis  
5 grower, processor or dispenser.

6 "Patient." An individual who has an established  
7 practitioner-patient relationship and has been diagnosed by a  
8 health care practitioner as having a qualified medical  
9 condition.

10 "Practitioner-patient relationship." The relationship  
11 established between a patient and health care practitioner  
12 following an assessment of the patient's medical history and  
13 current condition and the conduct of a personal examination.

14 "Qualified medical condition." A medical condition or its  
15 treatment that is recognized by a licensed health care  
16 practitioner attending to a patient as being treatable with  
17 medical cannabis in a manner that is recommended by and under  
18 the supervision of a health care practitioner who has  
19 established a practitioner-patient relationship with the patient  
20 and has provided written certification in order to notify the  
21 Department of Health that the patient is to be issued a medical  
22 cannabis access card after authorization of the certification in  
23 accordance with section 512.

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

27 "Testing laboratory." An accredited clinical laboratory or  
28 testing facility located within this Commonwealth, certified by  
29 the board under section 511.

30 "Vaporizer." A medical device that enables the inhalation of

1 medical cannabis as a method of ingestion, turning medical  
2 cannabis into vapor and where a nontoxic water vapor is the only  
3 byproduct of using medical cannabis through vaporization.

4 CHAPTER 3

5 REGULATORY OVERSIGHT

6 Section 301. License.

7 (a) Medical cannabis.--A person may not conduct an activity  
8 related to the growing, processing or dispensing of medical  
9 cannabis unless the person is licensed by the board under this  
10 act.

11 (b) Employee.--A licensed medical cannabis grower, medical  
12 cannabis processor or medical cannabis dispenser may not employ  
13 an individual to directly participate in the growing,  
14 processing, delivery or dispensing of authorized medical  
15 cannabis unless the individual receives an occupation permit  
16 from the board under this act.

17 Section 302. State Board of Medical Cannabis Licensing.

18 (a) Establishment.--The State Board of Medical Cannabis  
19 Licensing is established within the department.

20 (b) Composition.--The board shall consist of the following:

21 (1) The Secretary of Health.

22 (2) Two public members.

23 (3) One member representing hospitals.

24 (4) Two members who are medical doctors representing  
25 specialties which utilize medical cannabis to treat patients.

26 (5) Two members who are registered nurses.

27 (6) The Secretary of State or a designee from the  
28 department who shall be an ex officio member.

29 (7) The Secretary of Human Services or a designee from  
30 the Department of Human Services who shall be an ex officio

1 member.

2 (8) The Commissioner of the Bureau of Professional and  
3 Occupational Affairs.

4 (c) Meetings.--The board shall meet within 30 days of the  
5 confirmation of the initial member and shall:

6 (1) Establish procedures to operate the board.

7 (2) Develop applications and other forms for licensure  
8 and occupation permits and enforcement of this act and  
9 certifications for testing laboratories.

10 (3) Promulgate regulations, as necessary, to implement  
11 and enforce this act.

12 (d) Term.--Each professional and public member shall be  
13 appointed by the Governor with the advice and consent of a  
14 majority of the Senate. Each member shall:

15 (1) Be a citizen of the United States and a resident of  
16 this Commonwealth.

17 (2) Except as provided in subsection (e), serve a term  
18 of four years or until a successor has been appointed and  
19 qualified, which may not be longer than six months beyond the  
20 four-year period.

21 (3) Not be eligible to serve more than two consecutive  
22 terms.

23 (4) Not hold any other public office during their term  
24 on the board.

25 (e) Initial appointments.--For each member initially  
26 appointed to the board, the term of office shall be as follows:

27 (1) Three members shall serve for a term of four years.

28 (2) Two members shall serve for a term of three years.

29 (3) Two members shall serve for a term of two years.

30 (f) Quorum.--A majority of the members of the board shall



1 constitute a quorum. Each member must be physically in  
2 attendance to be counted as part of a quorum or to vote on an  
3 issue. A majority of the members present shall be necessary for  
4 a vote to be considered binding.

5 (g) Chairperson.--The board shall annually select a  
6 chairperson from the members of the board.

7 (h) Expenses.--With the exception of the Commissioner of the  
8 Bureau of Professional and Occupational Affairs, the Secretary  
9 of Health, the Secretary of State or a designee from the  
10 department, the Secretary of Human Services or a designee from  
11 the Department of Human Services, each member of the board shall  
12 receive \$100 per diem when attending to the work of the board. A  
13 member shall also receive the amount of reasonable travel, hotel  
14 and other necessary expenses incurred in the performance of the  
15 member's duties in accordance with Commonwealth regulations.

16 (i) Forfeiture.--A member who fails to attend three  
17 consecutive meetings shall forfeit the member's seat unless the  
18 chairperson, upon written request from the member, finds that  
19 the member should be excused because of illness or death of a  
20 family member.

21 (j) Frequency of meetings.--The board shall meet at least  
22 once per month for the first 12 months, including and after the  
23 initial meeting required by section 302(c). After the first 12  
24 months following the establishment of the board, the board shall  
25 meet at least six times a year and may meet at additional times  
26 as necessary to conduct the business of the board.

27 Section 303. Powers and duties of board.

28 The board shall have the following powers and duties:

29 (1) To provide for and regulate the licensing of the  
30 following:

- 1 (i) A medical cannabis grower.
- 2 (ii) A medical cannabis processor.
- 3 (iii) A medical cannabis dispenser.
- 4 (2) To issue occupation permits to medical cannabis  
5 employees.
- 6 (3) To issue certifications to testing laboratories.
- 7 (4) To issue, deny, renew, reinstate or refuse to renew,  
8 suspend and to revoke licenses, certifications of testing  
9 laboratories and occupation permits in accordance with this  
10 act.
- 11 (5) To administer and enforce the provisions of this  
12 act.
- 13 (6) To investigate and conduct background checks for  
14 each application for a license or occupation permit to  
15 determine the fitness and eligibility of an individual  
16 applying for a license or occupation permit.
- 17 (7) To establish fees for application and renewal of  
18 licenses and occupation permits and the due dates for all  
19 fees.
- 20 (8) To promulgate and enforce regulations, not  
21 inconsistent with this act, necessary to carry out the  
22 provisions of this act as follows:
- 23 (i) Regulations shall provide for accredited  
24 research institutions, universities and colleges  
25 recognized by the Commonwealth to study and research the  
26 health benefits of medical cannabis.
- 27 (ii) Regulations shall prohibit the cost for medical  
28 cannabis from exceeding 110% of the average wholesale  
29 price of the product.
- 30 (iii) Regulations shall be developed in consultation

1 with Cannabis Inflorescence, Cannabis Spp. Standards of  
2 Identity, Analysis and Quality Control published by the  
3 American Herbal Pharmacopeia, not inconsistent with this  
4 act.

5 (iv) Except as provided for in section 5101(a),  
6 regulations shall be adopted in conformity with all of  
7 the following:

8 (A) The act of June 25, 1982 (P.L.633, No.181),  
9 known as the Regulatory Review Act.

10 (B) The act of July 31, 1968 (P.L.769, No.240),  
11 referred to as the Commonwealth Documents Law.

12 (9) To keep minutes and records of each transaction and  
13 proceeding.

14 (10) To provide standards for the appearance of  
15 dispensers to ensure a professional atmosphere.

16 (11) To promulgate regulations:

17 (i) In regards to childproof containers, packaging,  
18 tracking, labeling and testing.

19 (ii) Providing for the development of a system to  
20 ensure a medical cannabis dispenser can authorize a  
21 patient's medical cannabis access card.

22 (iii) Prohibiting the board from limiting, changing  
23 or restricting the definition of a qualified medical  
24 condition.

25 (iv) Ensuring the diversity of medical cannabis  
26 through establishing a medical cannabis strain and brand  
27 registry.

28 (12) To develop regular inspection schedules, including  
29 unannounced inspection, of all medical cannabis growers,  
30 processors and dispensers.

1           (13) To submit annually to the department an estimate of  
2 financial requirements of the board for the board's  
3 administrative, legal and other expenses.

4           (14) To submit an annual report to the Senate and the  
5 House of Representatives regarding the activity of the board.

6 Section 304. Subpoena power.

7           The General Counsel of the Commonwealth, or the General  
8 Counsel's designee, shall have the power to issue a subpoena on  
9 behalf of the board in disciplinary and licensing matters before  
10 the board in order to investigate an alleged violation in  
11 accordance with the following:

12           (1) The power shall not apply to patient records without  
13 order of a court of competent jurisdiction showing that the  
14 records are reasonably necessary for the conduct of an  
15 investigation.

16           (2) The court may impose limitations on the scope of a  
17 subpoena as necessary to prevent unnecessary intrusion into  
18 patient confidential information.

19           (3) The attorney representing the Commonwealth in a  
20 disciplinary matter before the board may apply to  
21 Commonwealth Court to enforce the subpoenas.

22           (4) Nothing in this section shall be construed to excuse  
23 a person from producing documents and records as requested by  
24 the board under any other provision of law.

25 Section 305. Hearing examiners.

26           (a) Appointment.--The Commissioner of the Bureau of  
27 Professional and Occupational Affairs, after consultation with  
28 the board, shall appoint hearing examiners as necessary to  
29 conduct hearings in disciplinary matters before the board.

30           (b) Regulation.--Regulations promulgated by the board shall

1 include the procedural rules to be followed by hearing examiners  
2 under this act. Each proceeding shall be conducted in accordance  
3 with 2 Pa.C.S. (relating to administrative law and procedure).

4 (c) Powers.--A hearing examiner shall have the following  
5 powers:

6 (1) To conduct hearings.

7 (2) To issue subpoenas requiring:

8 (i) The attendance and testimony of individuals.

9 (ii) The production of pertinent records or other  
10 papers by persons whom the examiner believes have  
11 information relevant to matters pending before the  
12 examiner.

13 (3) To issue decisions.

14 Section 306. Civil penalties.

15 (a) Authorization.--The board shall adopt a schedule of  
16 civil penalties for operating without a current, registered,  
17 unsuspended and unrevoked license or occupation permit and for  
18 violations of this act. The schedule shall be published in the  
19 Pennsylvania Bulletin.

20 (b) Imposition.--An agent of the board may issue citations  
21 and impose penalties for a violation of this chapter. A penalty  
22 may be appealed to a hearing examiner or the board pursuant to  
23 regulations promulgated by the board. If the matter is initially  
24 referred to a hearing examiner, the board shall render a  
25 decision on an exception to the decision of the hearing examiner  
26 or on any applications for review under 2 Pa.C.S. (relating to  
27 administrative law and procedure).

28 (c) Board sanction.--

29 (1) In addition to any other penalty authorized by law,  
30 the board may impose the following sanctions on a licensee:

1           (i) Revocation of the license of a person convicted  
2 of a criminal offense or violation of this act or  
3 regulations of the board which would disqualify the  
4 holder from growing, processing or dispensing medical  
5 cannabis.

6           (ii) Revocation of the license of a person for  
7 willfully and knowingly violating or attempting to  
8 violate an order of the board directed to the person.

9           (iii) Revocation of an occupation permit of a person  
10 for willfully and knowingly violating or attempting to  
11 violate an order of the board directed to the person.

12           (iv) Suspension of the license or occupation permit  
13 of a person pending the outcome of a hearing in a case in  
14 which a license, occupation permit or certification  
15 revocation could result.

16           (v) Suspension of the license of a licensed grower,  
17 processor or dispenser for a violation or attempt to  
18 violate any provision of this act.

19           (vi) Assessment of an administrative penalty as  
20 necessary to address misconduct and deter future  
21 violations.

22           (vii) Ordering of restitution of funds or property  
23 unlawfully obtained or retained by a licensee.

24           (viii) Entrance of a cease and desist order which  
25 specifies the conduct which is to be discontinued,  
26 altered or implemented by the licensee.

27           (ix) Issuance of a letter of reprimand or censure,  
28 which shall be made a permanent part of the file of each  
29 licensee or occupation permit holder.

30           (2) If the board refuses to issue or renew a license or

1 occupation permit or imposes a penalty under paragraph (1),  
2 the board shall provide the applicant, licensee or permit  
3 holder with written notification of the decision, including a  
4 statement of the reasons for the decision by certified mail  
5 within five business days of the decision of the board. The  
6 applicant, licensee or permittee shall have the right to  
7 appeal the decision in accordance with 2 Pa.C.S. Chs. 5  
8 (relating to practice and procedure) and 7 (relating to  
9 judicial review).

10 (3) A person who aids, abets, counsels, induces,  
11 procures or causes another person to violate this act shall  
12 be subject to all sanctions and penalties provided under this  
13 subsection.

14 (d) Additional powers.--In addition to the penalties under  
15 subsections (b) and (c), the board shall have the power to do  
16 the following:

17 (1) Levy a civil penalty of not more than \$25,000 for a  
18 violation of this act.

19 (2) Impose a civil penalty of up to \$15,000 per  
20 violation if a person aids and abets the unlicensed growing,  
21 processing, distribution or dispensing of medical cannabis.  
22 The penalty may not be levied against a person solely as a  
23 consequence of that person being a patient of the unlicensed  
24 person.

25 (3) Assess against a respondent determined to be in  
26 violation of this act the costs of investigation underlying  
27 that disciplinary action. The cost of investigation shall not  
28 include costs incurred by the board after the filing of  
29 formal actions or disciplinary charges against a respondent.

30 (e) Judgment.--A civil penalty imposed under this section

1 shall be a judgment in favor of the board upon the person or  
2 property of the person upon whom the civil penalty is imposed.  
3 The Attorney General shall be responsible for enforcing the  
4 judgments in courts of competent jurisdiction in accordance with  
5 the provisions of 42 Pa.C.S. (relating to judiciary and judicial  
6 procedure).

7 Section 307. Confidentiality.

8 (a) General rule.--Investigative records of the board,  
9 including prosecutorial memos and transcripts of depositions on  
10 behalf of the board or concerning a licensure-related complaint  
11 filed with the department, shall be confidential and privileged.  
12 The following shall apply:

13 (1) No person who has investigated or has access to or  
14 custody of documents, materials or information which is  
15 confidential and privileged under this section may be  
16 required to testify in a judicial or administrative  
17 proceeding without the written consent of the board unless  
18 directed to do so by a court of competent jurisdiction.

19 (2) This subsection shall not preclude or limit  
20 introduction of the contents of an investigative file or  
21 related witness testimony in a hearing or proceeding before  
22 the board.

23 (3) This section shall not apply to a letter or other  
24 document to a licensee or occupation permit holder that  
25 discloses the final outcome of an investigation or to a final  
26 adjudication or order of the board.

27 (b) Disclosure permitted.--Except as provided in subsection  
28 (a), this section shall not prevent disclosure of documents,  
29 materials or information pertaining to the status of a license  
30 or occupation permit or the sharing of information with law



1 enforcement officials or similar regulatory boards in other  
2 jurisdictions. A violation of this section shall subject an  
3 employee or agent of the board to administrative discipline,  
4 including discharge, suspension or other formal or appropriate  
5 disciplinary action.

6 (c) Affidavit.--Each employee or agent of the board must  
7 execute a confidentiality affidavit which provides that  
8 documents, materials or information in subsection (a) obtained  
9 by the employee or agent shall be considered confidential and  
10 may be disclosed only as permitted under this section.

11 (d) Waiver.--The board may not require an applicant to waive  
12 any confidentiality under this section as a condition for the  
13 approval of a license or other action of the board.

14 CHAPTER 5

15 LICENSING

16 Section 501. Medical cannabis growers.

17 (a) Licensing.--The board shall license medical cannabis  
18 growers to supply medical cannabis for distribution to medical  
19 cannabis processors and medical cannabis dispensers under this  
20 act.

21 (b) Imposition.--At the time of license issuance, the board  
22 shall impose a licensing fee in the amount of \$5,000. The board  
23 shall impose a \$2,500 annual renewal fee for each year following  
24 the year the license was issued.

25 (c) Term.--Upon payment of the fee under subsection (b), a  
26 grower's license shall be in effect unless suspended, revoked or  
27 not renewed by the board for good cause.

28 (d) Update.--A licensee under this section must notify the  
29 board of a change relating to the status of its license or other  
30 information contained in its application and other information

1 filed with the board.

2 (e) Deposit.--The fee under subsection (b) shall be  
3 deposited into the General Fund.

4 (f) Restriction.--There shall be no restriction on specific  
5 strains of medical cannabis that may be grown under this act.  
6 There shall be no use of genetically modified organisms or an  
7 organism whose genetic material has been altered using genetic  
8 engineering involved in the cultivation of medical cannabis.

9 (g) Requirements.--A medical cannabis grower shall do all of  
10 the following:

11 (1) Only grow medical cannabis using conventional  
12 growing methods on land or in a facility approved by the  
13 board.

14 (2) Conduct quality testing utilizing a testing  
15 laboratory certified by the board and submit to random  
16 testing of medical cannabis conducted by the board.

17 (3) Package and label medical cannabis products in  
18 accordance with 3 Pa.C.S. Ch. 57 (relating to food  
19 protection) and regulations of the board.

20 (4) Only transport, sell or deliver medical cannabis to  
21 a medical cannabis processor, a testing laboratory or to a  
22 medical cannabis dispenser.

23 (5) Maintain records of all sales and other activities  
24 as required by the board.

25 (h) Exchange.--The board shall promulgate regulations for  
26 the exchange of seed and plant materials with growers.

27 Section 502. Medical cannabis processors.

28 (a) Licensing.--The board shall license medical cannabis  
29 processors to process medical cannabis into oil-based medical  
30 cannabis products.

1 (b) Imposition.--At the time of license issuance, the board  
2 shall impose a licensing fee in the amount of \$10,000. The board  
3 shall impose a \$5,000 annual renewal fee for each year following  
4 the year the license was issued.

5 (c) Term.--Upon payment of the fee under subsection (b), a  
6 processor's license shall be in effect unless suspended, revoked  
7 or not renewed by the board for good cause.

8 (d) Update.--A licensee under this section must notify the  
9 board of a change relating to the status of its license or other  
10 information contained in its application and other information  
11 filed with the board.

12 (e) Deposit.--The fee under subsection (b) shall be  
13 deposited into the General Fund.

14 (f) Requirements.--A medical cannabis processor shall do all  
15 of the following:

16 (1) Only use extraction and processing methods approved  
17 by the board.

18 (2) Conduct quality testing utilizing an accredited  
19 testing laboratory approved by the board and submit to random  
20 testing conducted by the board.

21 (3) Only sell, transport or deliver medical cannabis to  
22 a testing laboratory or to a medical cannabis dispenser.

23 (4) Conduct processing activities in facilities approved  
24 by the board.

25 (5) Maintain records of all sales and other activities  
26 as required by the board.

27 Section 503. Medical cannabis dispensers.

28 (a) Licensing.--The board shall license medical cannabis  
29 dispensers to accept medical cannabis access cards and dispense  
30 medical cannabis to a patient with a qualifying medical

1 condition in accordance with a health care practitioner's  
2 instructions.

3 (b) Imposition.--At the time of license issuance, the board  
4 shall impose a licensing fee in the amount of \$15,000. The board  
5 shall impose a \$7,500 annual renewal fee for each year following  
6 the year the license was issued.

7 (c) Term.--Upon payment of the fee under subsection (b), a  
8 dispenser's license shall be in effect unless suspended, revoked  
9 or not renewed by the board for good cause.

10 (d) Update.--A licensee under this section must notify the  
11 board of a change relating to the status of its license or other  
12 information contained in its application and other information  
13 filed with the board.

14 (e) Deposit.--The fee under subsection (b) shall be  
15 deposited into the General Fund.

16 (f) Requirements.--A medical cannabis dispenser shall do all  
17 of the following:

18 (1) Maintain a system to verify medical cannabis access  
19 cards.

20 (2) Maintain a record of all medical cannabis dispensed.  
21 Each record shall include:

22 (i) The name of the holder of the medical cannabis  
23 access card.

24 (ii) The amount of medical cannabis dispensed.

25 (iii) The date of each dispensing to the cardholder.

26 (3) Provide reports as required by the board relating to  
27 amounts dispensed.

28 (4) Maintain a physical premises that meets the  
29 regulations of the board. Medical cannabis may not be visible  
30 from the entryway to an individual who is not an occupation-

1 permitted employee, owner or operator of the premises.

2 (5) Maintain a security system as required by the board.

3 (6) Adopt accountability measures relating to the  
4 request of medical cannabis from a medical cannabis grower or  
5 processor.

6 (7) Provide for the supervision of the dispensing of  
7 medical cannabis at all times by a registered nurse.

8 (8) Display appropriate signage as required by the  
9 board.

10 Section 504. Applications.

11 (a) Application.--An application for a grower, processor or  
12 dispenser license must be submitted on a form and in a manner as  
13 required by the board. In reviewing an application, the board  
14 shall confirm that all applicable fees have been paid.

15 (b) Information.--An applicant for a grower, processor or  
16 dispenser license must do all of the following:

17 (1) Disclose the following information:

18 (i) Each arrest and citation for a nontraffic  
19 summary offense of the applicant.

20 (ii) The name, address and photograph of the  
21 applicant and each principal and the principal's position  
22 within the corporation or organization.

23 (iii) Any financial information required by the  
24 board.

25 (iv) The proposed location of the growing,  
26 processing or dispensing operation.

27 (v) The details of each loan obtained to finance the  
28 growing, processing or dispensing operation.

29 (vi) Any other information required by the board.

30 (2) Consent to the conduct of a background investigation

1 by the board, the scope of which shall be determined by the  
2 board consistent with this act. Consent shall include a  
3 release signed by each person subject to the investigation of  
4 information required to complete the investigation.

5 (c) Refusal.--A refusal to provide the information required  
6 under this section or to consent to a background investigation  
7 shall result in the immediate denial of a license.

8 (d) Character requirements.--Each application for a grower,  
9 processor or dispenser license shall include information,  
10 documentation and assurance required to establish by clear and  
11 convincing evidence that the applicant is a person of good  
12 character, honesty and integrity and is eligible and suitable to  
13 be an owner or operator. Information shall include information  
14 pertaining to associates during the 10-year period immediately  
15 preceding the filing date of the application.

16 Section 505. Location.

17 (a) General rule.--Except as otherwise provided under this  
18 act, each grower, processor and dispenser license shall be valid  
19 for the specific physical location within the municipality and  
20 county for which it was originally granted. A person may not  
21 distribute medical cannabis from a location other than the  
22 facility originally authorized.

23 (b) Zoning.--The following shall apply:

24 (1) The growing of medical cannabis shall be classified  
25 as a normal agricultural operation as defined under section 2  
26 of the act of June 10, 1982 (P.L.454, No.133), referred to as  
27 the Right-to-Farm Law.

28 (2) Facilities for the manufacturing, preparation and  
29 production of medical cannabis shall meet the same municipal  
30 zoning and land use requirements as other manufacturing,

1 preparation and production facilities.

2 (3) Facilities for the dispensing of medical cannabis  
3 shall meet the same municipal zoning and land use  
4 requirements as other commercial facilities.

5 (c) Petition.--An applicant or holder of a license under  
6 this act may petition the board to relocate its facility. In  
7 determining whether to grant a petition to relocate, the board  
8 shall do all of the following:

9 (1) Evaluate the proposed new location and the reason  
10 for relocation.

11 (2) Evaluate community support and compliance with local  
12 ordinances.

13 (3) Consider any other information submitted by the  
14 petitioner or required by the board.

15 Section 506. Change in ownership or control.

16 The following apply to notification and approval:

17 (1) A medical cannabis grower, processor or dispenser  
18 must notify the board upon becoming aware of a proposed or  
19 contemplated change of ownership or control of the licensee.  
20 A new owner must pay a licensing fee as determined by the  
21 board.

22 (2) The purchaser of the assets of a medical cannabis  
23 grower, processor or dispenser must independently qualify for  
24 a license in accordance with this act and must pay the  
25 license fee required under this chapter.

26 (3) If the ownership of the operation of a licensed  
27 grower, processor or dispenser or its affiliate changes, the  
28 new owner must pay the annual renewal fee for each applicable  
29 license.

30 Section 507. Licensing of owner or operator.

1 (a) License required.--Each owner or operator shall obtain  
2 an owner or operator license from the board.

3 (b) Application.--An owner or operator license application  
4 shall be in a form prescribed by the board and shall include the  
5 following:

6 (1) Verification of status as an owner or operator from  
7 a medical cannabis dispenser, grower or processor.

8 (2) A description of responsibilities as an owner or  
9 operator.

10 (3) Each release necessary to obtain information from  
11 governmental agencies, employers and other organizations.

12 (4) Fingerprints, which shall be submitted to the  
13 Pennsylvania State Police. The Pennsylvania State Police  
14 shall submit fingerprint data to and receive national  
15 criminal history record information from the Federal Bureau  
16 of Investigation for use in investigating an applicant for an  
17 owner or operator license.

18 (5) A photograph that meets the standards of the  
19 Commonwealth Photo Imaging Network.

20 (6) Details relating to a similar license, permit or  
21 other authorization obtained in another jurisdiction.

22 (7) Any additional information required by the board.

23 (c) Issuance.--Following review of the application and the  
24 background investigation, the board may issue an owner or  
25 operator license if the applicant has proven by clear and  
26 convincing evidence that the applicant is a person of good  
27 character, honesty and integrity and is eligible and suitable to  
28 be licensed as an owner or operator.

29 (d) Nontransferability.--A license issued under this section  
30 shall be nontransferable.



1 (e) Owner or operator.--An individual who receives an owner  
2 or operator license need not obtain an occupation permit.  
3 Section 508. Occupation permits.

4 (a) Permit required.--Each medical cannabis employee, and  
5 each authorized provider who is not a parent or guardian of a  
6 patient, shall obtain an occupation permit from the board.

7 (b) Application.--An occupation permit application shall be  
8 in a form prescribed by the board and shall include the  
9 following:

10 (1) Verification of one of the following:

11 (i) The status as an occupation permit holder from a  
12 medical cannabis grower, processor or dispenser.

13 (ii) From a health care facility that the authorized  
14 provider is an employee designated to purchase, possess,  
15 transport, deliver and properly administer medical  
16 cannabis to a patient with a medical cannabis access card  
17 who is unable to obtain the medical cannabis.

18 (2) A description of employment responsibilities.

19 (3) Each release necessary to obtain information from  
20 governmental agencies, employers and other organizations.

21 (4) Fingerprints, which shall be submitted to the  
22 Pennsylvania State Police. The Pennsylvania State Police  
23 shall submit fingerprint data to and receive national  
24 criminal history record information from the Federal Bureau  
25 of Investigation for use in investigating an applicant for an  
26 occupation permit.

27 (5) A photograph that meets the standards of the  
28 Commonwealth Photo Imaging Network.

29 (6) Details relating to a similar license, permit or  
30 other authorization obtained in another jurisdiction.

1 (7) Any additional information required by the board.

2 (c) Issuance.--Following review of the application and the  
3 background investigation, the board may issue an occupation  
4 permit if the applicant has proven by clear and convincing  
5 evidence that the applicant is a person of good character,  
6 honesty and integrity and is eligible and suitable to be an  
7 occupation permit holder.

8 (d) Nontransferability.--An occupation permit issued under  
9 this section shall be nontransferable.

10 Section 509. Storage and transportation.

11 The board shall develop regulations relating to the storage  
12 and transportation of medical cannabis between growers,  
13 processors, testing laboratories and medical cannabis dispensers  
14 which ensure adequate security to guard against in-transit  
15 losses. The regulations shall provide for the following:

16 (1) Requirements relating to shipping containers and  
17 packaging.

18 (2) The manner in which trailers or carriers must be  
19 secured.

20 (3) Security systems that include a numbered seal on the  
21 trailer.

22 (4) Obtaining copies of driver's licenses and  
23 registrations.

24 (5) Use of GPS systems.

25 (6) Number of drivers or other security required to  
26 ensure against storage or in-transit losses.

27 (7) Recordkeeping for delivery and receipt of medical  
28 cannabis products.

29 Section 510. Disposal and donation.

30 (a) Disposal.--The board shall promulgate regulations

1 relating to disposal of medical cannabis by medical cannabis  
2 growers, processors, dispensers and law enforcement.

3 (b) Donation.--A medical cannabis dispenser, grower and  
4 processor may donate medical cannabis that has been purchased or  
5 produced and tested in this Commonwealth in accordance with this  
6 act, subject to the following:

7 (1) The medical cannabis is unused and in an unopened  
8 container.

9 (2) The medical cannabis may only be donated for  
10 research purposes to an accredited research institution,  
11 university or college within this Commonwealth that is  
12 recognized by the Commonwealth.

13 Section 511. Testing laboratories.

14 (a) Certification.--The board may certify an accredited  
15 laboratory to test medical cannabis as required by the board.

16 (b) Requirement.--A medical cannabis grower and a medical  
17 cannabis processor must utilize a certified laboratory to test  
18 the quality of medical cannabis before the sale or transaction  
19 of medical cannabis is made as required by the board.

20 Section 512. Medical cannabis access card.

21 (a) Department of Health.--A patient with a qualified  
22 medical condition may apply to the Department of Health for a  
23 medical cannabis access card.

24 (b) Application.--An application for a medical cannabis  
25 access card shall be developed by the Department of Health.  
26 Applications for renewal shall be required on an annual basis.  
27 An authorized provider may obtain a medical cannabis access card  
28 on behalf of a patient.

29 (c) Certification.--Applications and renewals must include  
30 written certification from a health care practitioner that the

1 applicant has a qualified medical condition.

2 (d) Verification.--The Department of Health shall verify the  
3 information in the application and renewal form. Verification  
4 shall include verification of the certification under subsection  
5 (c).

6 (e) Time.--The department must approve or deny an  
7 application within 30 business days.

8 (f) Denial.--A denial must state the reason for the denial.  
9 A denial shall be considered a final agency decision subject to  
10 review under 2 Pa.C.S. (relating to administrative law and  
11 procedure).

12 (g) Fee.--The department shall charge an application fee of  
13 not more than \$100.

14 (h) Residency.--A patient must reside in this Commonwealth  
15 to receive a medical cannabis access card.

16 (i) Reciprocity.--A patient registered in another medical  
17 cannabis state may submit to the department the patient's  
18 credentials to utilize medical cannabis. After the department  
19 authorizes the patient's credentials, the department shall issue  
20 the patient a medical cannabis access card allowing the patient  
21 to utilize medical cannabis in this Commonwealth.

22 (j) Issuance to authorized provider.--If an authorized  
23 provider is no longer employed with a health care facility, the  
24 authorized provider's medical cannabis access card shall be made  
25 immediately null and void. A health care facility that employs  
26 an authorized provider to pick up and administer medical  
27 cannabis to its patients shall notify the Department of Health  
28 immediately upon the termination of the authorized provider's  
29 employment.

30 (k) Right-to-Know Law.--The Department of Health shall

1 maintain a confidential list of each individual identified by  
2 the individual's medical cannabis access card who has been  
3 issued a medical cannabis access card. Other identifying  
4 information on the list shall be confidential and shall not be  
5 considered a public record under the act of February 14, 2008  
6 (P.L.6, No.3), known as the Right-to-Know Law. The list may not  
7 be disclosed except to any of the following:

8 (1) Authorized employees of the board as necessary to  
9 perform official duties of the board and Department of  
10 Health.

11 (2) Authorized employees of the board and Department of  
12 Health, only as necessary to verify that a person who is  
13 engaged in the suspected or alleged medical use of cannabis  
14 is lawfully in possession of a medical cannabis access card.  
15 Section 513. Prohibitions and use.

16 (a) Prohibitions.--

17 (1) No individual shall smoke medical cannabis in the  
18 public domain.

19 (2) No individual may operate, drive, navigate or be in  
20 physical control of any of the following while under the  
21 influence with a blood content of more than 10 nanograms of  
22 tetrahydrocannabinol of medical cannabis:

23 (i) A motor vehicle.

24 (ii) An aircraft.

25 (iii) A motor boat.

26 (iv) Heavy machinery.

27 (v) A mode of transportation in a manner that would  
28 constitute an offense under 75 Pa.C.S. Ch. 38 (relating  
29 to driving after imbibing alcohol or utilizing drugs).

30 (3) An individual with a valid medical cannabis access

1 card shall not be determined to be under the influence of  
2 medical cannabis solely for having medical cannabis in the  
3 individual's system.

4 (b) Use.--Except as provided under subsections (a) and (c),  
5 an individual with a valid medical cannabis access card may  
6 utilize medical cannabis in any public place, including the  
7 following:

8 (1) Public transportation.

9 (2) On school grounds in accordance with the Department  
10 of Education regulations regarding medication on school  
11 grounds.

12 (3) In a correctional facility in accordance with the  
13 Department of Corrections regulations regarding medications  
14 in correctional facilities.

15 (4) At a public park or public beach.

16 (c) Vaporization.--Combusting and inhaling medical cannabis  
17 by means of vaporization is permitted in the public domain.

18 (d) Adulteration.--With the exception of extraction methods  
19 and processing operations approved by the board, a person may  
20 not adulterate, fortify, contaminate or change the character or  
21 purity of medical cannabis from the original sold by a licensed  
22 medical cannabis grower, processor or dispenser.

23 Section 514. Unlawful activities.

24 (a) Licensing.--It shall be a criminal offense to knowingly  
25 do any of the following:

26 (1) Grow, process or dispense medical cannabis without a  
27 license under this act.

28 (2) Transport medical cannabis from or between an  
29 unlicensed grower, processor or dispenser.

30 (3) Participate in the growing, processing or dispensing

1 of medical cannabis in violation of this act.

2 (4) Fail to report, pay or truthfully account for and  
3 pay any license fee, authorization fee or an assessment  
4 imposed under this act.

5 (5) Violate any regulation of the board.

6 (b) False swearing.--The provisions of 18 Pa.C.S. § 4902  
7 (relating to perjury), 4903 (relating to false swearing) or 4904  
8 (relating to unsworn falsification to authorities) shall apply  
9 to a person providing information or making an oral or written  
10 statement to the board, a Commonwealth agency or to law  
11 enforcement in relation to the enforcement of this act.

12 Section 515. Criminal penalties.

13 (a) Violation.--Except as provided under subsections (b),  
14 (c) and (d), a violation of this act is a misdemeanor of the  
15 second degree.

16 (b) Unauthorized actions.--A medical cannabis grower,  
17 processor or dispenser that distributes, gives, sells or  
18 provides medical cannabis to a person other than a person  
19 authorized under this act commits a felony of the third degree.

20 (c) Falsification of application or certification.--An  
21 individual who falsifies an application or certification under  
22 section 511 commits a misdemeanor of the first degree.

23 (d) Subsequent violation.--A person that is convicted of a  
24 second or subsequent violation of this act commits a felony of  
25 the third degree.

26 CHAPTER 7

27 MEDICAL CANNABIS

28 Section 701. Medical use permitted.

29 (a) Patient.--

30 (1) A patient who possesses a valid medical cannabis

1 access card shall not be subject to arrest, prosecution,  
2 penalty, denial of a right or privilege, civil penalty or  
3 disciplinary action by a professional licensing board due to  
4 the use of medical cannabis in accordance with this act. Law  
5 enforcement personnel may not unreasonably detain, question  
6 or arrest a patient with a valid medical cannabis access  
7 card.

8 (2) There shall exist a rebuttable presumption that a  
9 patient is using medical cannabis if the patient possesses a  
10 valid medical cannabis access card. The presumption may be  
11 rebutted by evidence that conduct related to medical cannabis  
12 use is not related to a patient's qualified medical  
13 condition.

14 (3) A patient may assert the use of medical cannabis as  
15 an affirmative defense to a prosecution involving medical  
16 cannabis unless the individual is in violation of this act  
17 when the events giving rise to the prosecution occurred. The  
18 defense shall be presumed valid if the evidence shows one of  
19 the following:

20 (i) Medical records and current medical condition  
21 made in the course of a practitioner-patient relationship  
22 indicate the potential benefits of medical cannabis  
23 likely outweigh health risks.

24 (ii) A health care practitioner affirms that in the  
25 health care practitioner's opinion, after full assessment  
26 of the patient's medical history and current medical  
27 condition, the potential benefits of medical cannabis  
28 outweigh the health risks.

29 (4) Possession of or application for a medical cannabis  
30 access card may not alone constitute probable cause to search



1 a person, the person's property or otherwise subject the  
2 person or property to inspection by a governmental agency.

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

6 (b) Patients under 18 years of age.--Subsection (a) does not  
7 apply to a patient under 18 years of age unless all of the  
8 following have occurred:

9 (1) The minor's health care practitioner has explained  
10 to the minor and the minor's custodial parent, guardian or  
11 person having legal custody the potential risks and benefits  
12 of medical cannabis.

13 (2) The custodial parent, guardian or person having  
14 legal custody consents in writing to:

15 (i) Allow the minor's use of medical cannabis.

16 (ii) Serve as the minor's authorized provider.

17 (iii) Control the acquisition, dosage and frequency  
18 of the minor's use of medical cannabis.

19 (c) Authorized provider.--

20 (1) An authorized provider who has possession of a valid  
21 medical cannabis access card shall not be subject to  
22 detrimental action, including arrest, prosecution, penalty,  
23 denial of a right or privilege, civil penalty or disciplinary  
24 action, by a professional licensing board for assisting a  
25 patient to whom the authorized provider is connected through  
26 the board's registration process with medical cannabis. Law  
27 enforcement personnel may not unreasonably detain, question  
28 or arrest or repeatedly detain, question or arrest an  
29 authorized provider for assisting the patient.

30 (2) There shall exist a rebuttable presumption that an

1 authorized provider is engaged in medical cannabis use if the  
2 authorized provider possesses a valid medical cannabis access  
3 card. The presumption may be rebutted by evidence that  
4 conduct related to medical cannabis use is not for the  
5 purpose of alleviating the symptoms or effects of a patient's  
6 qualified medical condition.

7 (3) An authorized provider may assert the medical use of  
8 cannabis as an affirmative defense to a prosecution involving  
9 medical cannabis unless the authorized provider is in  
10 violation of this act when the events giving rise to the  
11 prosecution occurred. The defense shall be presumed valid if  
12 the evidence shows either of the following at the time of the  
13 events giving rise to the prosecution:

14 (i) The patient's medical records and current  
15 medical condition made in the course of a practitioner-  
16 patient relationship indicate the potential benefits of  
17 medical cannabis outweigh the health risks for the  
18 patient.

19 (ii) A health care practitioner states that in the  
20 health care practitioner's opinion, after completing a  
21 full assessment of the patient's medical history and  
22 current medical condition, potential benefits of medical  
23 cannabis likely outweigh the health risks for the  
24 patient.

25 (4) Possession of or application for a medical cannabis  
26 access card shall not alone constitute probable cause to  
27 search a person, property of a person possessing or applying  
28 for the medical cannabis access card or otherwise subject the  
29 person or the person's property to inspection by a  
30 governmental agency.

1 (5) Law enforcement officials may not intentionally  
2 destroy, damage or alter a patient's supply of medical  
3 cannabis which is in the possession of the authorized  
4 provider if the authorized provider is in possession of a  
5 medical cannabis access card.

6 (d) Health care practitioner and registered nurse.--A health  
7 care practitioner or registered nurse shall not be subject to  
8 detrimental action, including arrest, prosecution, penalty,  
9 denial of a right or privilege, civil penalty or disciplinary  
10 action, by the health care practitioner's or registered nurse's  
11 licensing board for providing written certification for the  
12 medical use of cannabis to a patient in accordance with this  
13 act.

14 (e) Registered nurse.--A registered nurse shall not be  
15 subject to detrimental action, including arrest, prosecution,  
16 penalty, denial of a right or privilege, civil penalty or  
17 disciplinary action, by the registered nurse's licensing board  
18 for dispensing medical cannabis to a patient in accordance with  
19 this act.

20 (f) Personal proximity.--An individual shall not be subject  
21 to arrest or prosecution for constructive possession, conspiracy  
22 or another offense for being in the presence or vicinity of  
23 medical cannabis as permitted under this act.

24 (g) Restriction.--An individual who has been sentenced for a  
25 criminal act shall not be disqualified from obtaining or  
26 possessing a valid medical cannabis access card on the basis of  
27 the offense.

28 CHAPTER 9

29 PROTECTION, PROHIBITIONS AND ENFORCEMENT

30 Section 901. Civil discrimination protection.

1 The following shall apply:

2 (1) For the purposes of medical care, including organ  
3 transplant, a patient's authorized use of medical cannabis  
4 under this act shall be considered the equivalent of the use  
5 of other medication under the direction of a health care  
6 practitioner. Medical cannabis, when used in accordance with  
7 this act, may not be considered an illicit substance or  
8 otherwise disqualify a patient from medical care.

9 (2) An individual may not be penalized in any of the  
10 following ways due to the individual's use of medical  
11 cannabis under this act:

12 (i) Denied custody, visitation or parenting time  
13 with a minor child.

14 (ii) Presumed to neglect or endanger a minor child  
15 unless the individual's behavior creates an unreasonable  
16 danger to the safety of the minor by clear and convincing  
17 evidence.

18 (3) A landlord may not refuse to lease or otherwise  
19 penalize a patient solely for having a medical cannabis  
20 access card or using medical cannabis in accordance with this  
21 act unless the landlord would forfeit a monetary or  
22 licensing-related benefit under Federal law or regulation.

23 (4) A school may not refuse to enroll or otherwise  
24 penalize a patient solely for having a medical cannabis  
25 access card or using medical cannabis in accordance with this  
26 act unless the school would forfeit a monetary or licensing-  
27 related benefit under Federal law or regulation.

28 (5) An employer may not discriminate against an  
29 individual in the hiring, termination of benefits or  
30 otherwise penalize the individual for being a medical

1 cannabis access cardholder. The following shall apply:

2 (i) The employer may take an individual's status as  
3 a cardholder into account only if the employer proves the  
4 employee is abusing or misusing the employee's medical  
5 cannabis on the premises of the place of employment  
6 during ordinary hours of employment or if failure to do  
7 so would cause an employer to forfeit a licensing benefit  
8 under Federal law or regulation.

9 (ii) A individual's positive drug test for cannabis  
10 components or metabolites may not be considered by an  
11 employer unless the individual unlawfully used, possessed  
12 or was impaired by the medical cannabis while on the  
13 premises of the place of employment or during the hours  
14 of employment.

15 Section 902. Prohibitions.

16 (a) Inspection.--A licensee may not refuse to allow an  
17 authorized employee of the department to inspect the licensee's  
18 premises at any time.

19 (b) Other prohibitions.--A licensee may be cited under this  
20 act for:

21 (1) An unlawful act prohibited by State law which occurs  
22 on the licensee's premises.

23 (2) An unlawful act which involves a licensee or the  
24 licensee's agent or employee.

25 (3) The sale or purchase of an illegal drug by the  
26 licensee or by the licensee's agent or employee.

27 Section 903. Enforcement.

28 (a) Officers.--To enforce the provisions of this act,  
29 uniformed law enforcement officers may:

30 (1) Arrest on view, except in private homes, or with a

1 warrant a person engaged in any of the following activities  
2 contrary to this act or another law of this Commonwealth:

3 (i) Unlawful distribution, sale or transfer of  
4 medical cannabis.

5 (ii) Unlawful importation of medical cannabis.

6 (iii) Unlawful manufacture of medical cannabis.

7 (iv) Unlawful transportation of medical cannabis.

8 (v) Unlawful possession of medical cannabis.

9 (vi) Unlawful growing of medical cannabis.

10 (2) Arrest on view, except in private homes or with a  
11 warrant, a person whom the officer, while in the performance  
12 of assigned duties under this act and regulations promulgated  
13 under this act, observes to be in violation of any of the  
14 following:

15 (i) 18 Pa.C.S. § 3302 (relating to causing or  
16 risking catastrophe).

17 (ii) 18 Pa.C.S. § 3304 (relating to criminal  
18 mischief).

19 (iii) 18 Pa.C.S. § 4101 (relating to forgery).

20 (iv) 18 Pa.C.S. § 5503 (relating to disorderly  
21 conduct).

22 (v) 18 Pa.C.S. § 6310.3 (relating to carrying a  
23 false identification card).

24 (3) Search, seize and dispose of seized property in  
25 accordance with the following:

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

29 (A) Medical cannabis unlawfully possessed,  
30 manufactured, sold, imported or transported.

1           (B) Equipment, materials, utensils, vehicles,  
2           boats, vessels or aircraft which are or have been  
3           used in the unlawful manufacture, sale, importation  
4           or transportation of medical cannabis.

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

9           (4) Arrest a person who engages in the following  
10          offenses when the offenses are committed against the officer  
11          while the officer is performing assigned duties under this  
12          act and the regulations promulgated under this act:

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

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

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

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

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

21           (vi) 18 Pa.C.S. § 5104 (relating to resisting arrest  
22          or other law enforcement).

23           (vii) 18 Pa.C.S. § 5501 (relating to riot).

24          (5) Serve and execute warrants issued by the proper  
25          authorities for offenses under this subsection and to serve  
26          subpoenas.

27          (6) Arrange for the administration of chemical tests of  
28          blood or urine to a person for the purpose of determining the  
29          tetrahydrocannabinol content of blood or the presence of a  
30          controlled substance by qualified personnel of a State or

1 local police department or qualified personnel of a clinical  
2 laboratory licensed and approved by the department.

3 (7) To investigate and issue citations for the  
4 following:

5 (i) A violation of this act.

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

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

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

#### 13 CHAPTER 51

#### 14 MISCELLANEOUS PROVISIONS

15 Section 5101. Temporary regulations.

16 (a) Temporary regulations.--In order to facilitate the  
17 implementation of this act, regulations promulgated by the board  
18 shall be deemed temporary regulations which shall expire not  
19 later than two years following the publication of the temporary  
20 regulation. Temporary regulations shall not be subject to:

21 (1) Sections 201, 202, 203, 204 and 205 of act of July  
22 31, 1968 (P.L.769, No.240), referred to as the Commonwealth  
23 Documents Law.

24 (2) Sections 204(b) and 301(10) of the act of October  
25 15, 1980 (P.L.950, No.164), known as the Commonwealth  
26 Attorneys Act.

27 (3) The act of June 25, 1982 (P.L.633, No.181), known as  
28 the Regulatory Review Act.

29 (b) Expiration.--The board's authority to adopt temporary  
30 regulations under subsection (a) shall expire two years after



1 the effective date of this section. Regulations adopted after  
2 this period shall be promulgated as provided by law.

3 (c) Publication.--The board shall begin publishing temporary  
4 regulations in the Pennsylvania Bulletin no later than six  
5 months following the effective date of this section.

6 Section 5102. Applicability of other statutes.

7 The following acts shall apply to the board:

8 (1) The act of July 19, 1957 (P.L.1017, No.451), known  
9 as the State Adverse Interest Act.

10 (2) The act of February 14, 2008 (P.L.6, No.3), known as  
11 the Right-to-Know Law.

12 (3) 65 Pa.C.S. Chs. 7 (relating to open meetings) and 11  
13 (relating to ethics standards and financial disclosure).

14 Section 5103. Repeals.

15 The following shall apply:

16 (1) Sections 4 and 13 of the act of April 14, 1972  
17 (P.L.233, No.64), known as The Controlled Substance, Drug,  
18 Device and Cosmetic Act, are repealed insofar as they are  
19 inconsistent with this act.

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

22 Section 5104. Sovereign immunity.

23 The Commonwealth may not be held liable for any deleterious  
24 outcomes resulting from the medical use of cannabis by a  
25 patient.

26 Section 5105. Health insurance.

27 Nothing in this act shall be construed to require a State  
28 government medical assistance program or private health insurer  
29 to reimburse a person for costs associated with the medical use  
30 of cannabis or an employer to accommodate the medical use of

- 1 cannabis in a workplace.
- 2 Section 5106. Effective date.
- 3 This act shall take effect in 60 days.