

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1182 Session of
2014

INTRODUCED BY FOLMER, LEACH, TEPLITZ, FERLO, FONTANA, FARNESE,
WILEY, BLAKE, WHITE, STACK, WILLIAMS, WOZNIAK, TARTAGLIONE,
SCHWANK, DINNIMAN, YUDICHAK AND SMITH, JANUARY 15, 2014

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,
SEPTEMBER 23, 2014

AN ACT

1 ~~Providing for the medical use of cannabis in the Commonwealth of <--~~
2 ~~Pennsylvania.~~
3 PROVIDING FOR THE MEDICAL USE OF CANNABIS IN THE COMMONWEALTH OF <--
4 PENNSYLVANIA.

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

30 ~~CHAPTER 1~~

<--

PRELIMINARY PROVISIONS

~~Section 101. Short title.~~

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

~~Section 102. 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:~~

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

~~"Board." The State Board of Medical Cannabis Licensing.~~

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

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

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

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

~~(1) A hospital, as defined under the act of July 19,~~

~~1979 (P.L.130, No.48), known as the Health Care Facilities Act.~~

~~(2) A clinic, treatment facility or physician's office operated by the hospital.~~

~~(3) An ambulatory or surgical facility.~~

~~(4) A long term care nursing facility.~~

~~(5) A cancer treatment center.~~

~~(6) A hospice care facility.~~

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

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

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

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

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

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

~~(ii) Is responsible for tracking the amount and~~

~~transportation of medical cannabis.~~

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

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

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

~~"Medical cannabis strains." The three types of pure cannabis utilized for medical purposes, cannabis sativa, cannabis indica and the combination of both cannabis sativa and cannabis indica, which create a cannabis hybrid.~~

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

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

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

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

~~(3) A person who has the ability to elect a majority of the board of directors of a licensee or to otherwise control a licensee.~~

~~"Occupation permit." A permit issued by the board authorizing an individual to be employed as a medical cannabis employee of a medical cannabis grower, processor or dispenser.~~

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

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

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

~~"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.~~

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

~~"Vaporizer." A medical device that enables the inhalation of medical cannabis as a method of ingestion, turning medical cannabis into vapor and where a nontoxic water vapor is the only~~

~~byproduct of using medical cannabis through vaporization.~~

~~CHAPTER 3~~

~~REGULATORY OVERSIGHT~~

~~Section 301. License.~~

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

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

~~Section 302. State Board of Medical Cannabis Licensing.~~

~~(a) Establishment. There is hereby established the State Board of Medical Cannabis Licensing within the department.~~

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

~~(1) The Secretary of Health.~~

~~(2) Two public members.~~

~~(3) One member representing hospitals.~~

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

~~(5) Two members who are registered nurses.~~

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

~~(7) The Secretary of Public Welfare or a designee from the Department of Public Welfare who shall be an ex officio member.~~

~~(8) Commissioner of the Bureau of Professional and~~

~~Occupational Affairs.~~

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

~~(1) Establish procedures to operate the board.~~

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

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

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

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

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

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

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

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

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

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

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

~~(f) Quorum. A majority of the members of the board shall constitute a quorum. Each member must be physically in attendance to be counted as part of a quorum or to vote on an~~

~~issue. A majority of the members present shall be necessary for a vote to be considered binding.~~

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

~~(h) Expenses. With the exception of the Commissioner of the Bureau of Professional and Occupational Affairs, the Secretary of Health, the Secretary of State or a designee from the department, the Secretary of Public Welfare or a designee from the Department of Public Welfare, each member of the board shall receive \$100 per diem when attending to the work of the board. A member shall also receive the amount of reasonable travel, hotel and other necessary expenses incurred in the performance of the member's duties in accordance with Commonwealth regulations.~~

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

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

~~Section 303. Powers and duties of the board.~~

~~The board shall have the following powers and duties:~~

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

~~(i) A medical cannabis grower as used in section~~

1 ~~501.~~

2 ~~(ii) A medical cannabis processor as used in section~~

3 ~~502.~~

4 ~~(iii) A medical cannabis dispenser as used in~~

5 ~~section 503.~~

6 ~~(2) To issue occupation permits to medical cannabis~~
7 ~~employees.~~

8 ~~(3) To issue certifications to testing laboratories as~~
9 ~~used in section 511.~~

10 ~~(4) To issue, deny, renew, reinstate or refuse to renew,~~
11 ~~suspend and to revoke licenses, certifications of testing~~
12 ~~laboratories and occupation permits in accordance with this~~
13 ~~act.~~

14 ~~(5) To administer and enforce the provisions of this~~
15 ~~act.~~

16 ~~(6) To investigate and conduct background checks for~~
17 ~~each application for a license or occupation permit to~~
18 ~~determine the fitness and eligibility of an individual~~
19 ~~applying for a license or occupation permit.~~

20 ~~(7) To establish fees for application and renewal of~~
21 ~~licenses and occupation permits and the due dates for all~~
22 ~~fees.~~

23 ~~(8) To promulgate and enforce regulations, not~~
24 ~~inconsistent with this act, necessary to carry out the~~
25 ~~provisions of this act. Except as provided for in section~~
26 ~~5101(b), regulations shall be adopted in conformity with all~~
27 ~~of the following:~~

28 ~~(i) The act of July 31, 1968 (P.L.769, No.240),~~
29 ~~referred to as the Commonwealth Documents Law.~~

30 ~~(ii) The act of June 25, 1982 (P.L.633, No.181),~~

~~known as the Regulatory Review Act.~~

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

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

~~(11) To promulgate regulations:~~

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

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

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

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

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

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

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

~~(15) To promulgate regulations within the Commonwealth, as to allow accredited research institutions, universities and colleges recognized by the Commonwealth to study and research the health benefits of medical cannabis.~~

~~(16) To promulgate regulations to prohibit the cost for~~

1 ~~medical cannabis from exceeding 110% of the average wholesale~~
2 ~~price of the product.~~

3 ~~(17) To promulgate and enforce regulations in~~
4 ~~consultation with Cannabis Inflorescence, Cannabis Spp.~~
5 ~~Standards of Identity, Analysis and Quality Control published~~
6 ~~by the American Herbal Pharmacopeia, not inconsistent with~~
7 ~~this act as necessary to carry out the provisions of this~~
8 ~~act.~~

9 ~~Section 304. Subpoena power.~~

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

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

19 ~~(2) The court may impose limitations on the scope of a~~
20 ~~subpoena as necessary to prevent unnecessary intrusion into~~
21 ~~patient confidential information.~~

22 ~~(3) The attorney representing the Commonwealth in a~~
23 ~~disciplinary matter before the board may apply to~~
24 ~~Commonwealth Court to enforce the subpoenas.~~

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

28 ~~Section 305. Hearing examiners.~~

29 ~~(a) Appointment. The Commissioner of the Bureau of~~
30 ~~Professional and Occupational Affairs, after consultation with~~

~~the board, shall appoint hearing examiners as necessary to
conduct hearings in disciplinary matters before the board.~~

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

~~(c) Powers. A hearing examiner shall have the following
powers:~~

~~(1) To conduct hearings.~~

~~(2) To issue subpoenas requiring:~~

~~(i) The attendance and testimony of individuals.~~

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

~~(3) To issue decisions.~~

~~Section 306. Civil penalties.~~

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

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

1 ~~(c) Board sanction.~~

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

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

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

12 ~~(iii) Revocation of an occupation permit of a person~~
13 ~~for willfully and knowingly violating or attempting to~~
14 ~~violate an order of the board directed to the person.~~

15 ~~(iv) Suspension of the license or occupation permit~~
16 ~~of a person pending the outcome of a hearing in a case in~~
17 ~~which a license, occupation permit or certification~~
18 ~~revocation could result.~~

19 ~~(v) Suspension of the license of a licensed grower,~~
20 ~~processor or dispenser for a violation or attempt to~~
21 ~~violate any provisions of this act.~~

22 ~~(vi) Assessment of an administrative penalty as~~
23 ~~necessary to address misconduct and deter future~~
24 ~~violations.~~

25 ~~(vii) Ordering of restitution of funds or property~~
26 ~~unlawfully obtained or retained by a licensee.~~

27 ~~(viii) Entrance of a cease and desist order which~~
28 ~~specifies the conduct which is to be discontinued,~~
29 ~~altered or implemented by the licensee.~~

30 ~~(ix) Issuance of a letter of reprimand or censure,~~

1 ~~which shall be made a permanent part of the file of each~~
2 ~~licensee or occupation permit holder.~~

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

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

17 ~~(d) Additional powers. In addition to the penalties under~~
18 ~~subsections (b) and (c), the board shall have the power to do~~
19 ~~the following:~~

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

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

28 ~~(3) Assess against a respondent determined to be in~~
29 ~~violation of this act the costs of investigation underlying~~
30 ~~that disciplinary action. The cost of investigation shall not~~

~~include costs incurred by the board after the filing of formal actions or disciplinary charges against a respondent.~~

~~(e) Judgment. A civil penalty imposed under this section shall be a judgment in favor of the board upon the person or property of the person upon whom the civil penalty is imposed. The Attorney General shall be responsible for enforcing the judgments in courts of competent jurisdiction in accordance with the provisions of 42 Pa.C.S. (relating to judiciary and judicial procedure).~~

~~Section 307. Confidentiality.~~

~~(a) General rule. Investigative records of the board, including prosecutorial memos and transcripts of deposition on behalf of the board or concerning a licensure related complaint filed with the department, shall be confidential and privileged. The following shall apply:~~

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

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

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

~~(b) Disclosure permitted. Except as provided in subsection~~

~~(a), this section shall not prevent disclosure of documents, materials or information pertaining to the status of a license or occupation permit or the sharing of information with law enforcement officials or similar regulatory boards in other jurisdictions. A violation of this section shall subject an employee or agent of the board to administrative discipline, including discharge, suspension or other formal or appropriate disciplinary action.~~

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

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

~~CHAPTER 5~~

~~LICENSING~~

~~Section 501. Medical cannabis growers.~~

~~(a) Licensing. The board shall license medical cannabis growers to supply medical cannabis for distribution to medical cannabis processors and medical cannabis dispensers under this act.~~

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

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

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

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

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

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

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

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

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

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

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

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

~~Section 502. Medical cannabis processors.~~

~~(a) Licensing. The board shall license medical cannabis processors to process medical cannabis into oil based medical cannabis products.~~

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

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

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

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

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

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

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

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

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

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

~~Section 503. Medical cannabis dispensers.~~

~~(a) Licensing. The board shall license medical cannabis dispensers to accept medical cannabis access cards and dispense medical cannabis to a patient with a qualifying medical condition in accordance with a health care practitioner's instructions.~~

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

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

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

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

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

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

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

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

~~(ii) The amount of medical cannabis dispensed.~~

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

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

1 ~~(4) Maintain a physical premises that meets the~~
2 ~~regulations of the board. Medical cannabis may not be visible~~
3 ~~from the entry way to an individual who is not an occupation~~
4 ~~permitted employee, owner or operator of the licensed~~
5 ~~premises.~~

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

7 ~~(6) Adopt accountability measures relating to the~~
8 ~~request of medical cannabis from a medical cannabis grower or~~
9 ~~processor.~~

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

12 ~~(8) Display appropriate signage as required by the~~
13 ~~board.~~

14 ~~Section 504. Applications.~~

15 ~~(a) Application. An application for a grower, processor or~~
16 ~~dispenser license must be submitted on a form and in a manner as~~
17 ~~required by the board. In reviewing an application, the board~~
18 ~~shall confirm that all applicable fees have been paid.~~

19 ~~(b) Information. An applicant for a grower, processor or~~
20 ~~dispenser license under this act must do all of the following:~~

21 ~~(1) Disclose the following information:~~

22 ~~(i) Each arrest and citation for a nontraffic~~
23 ~~summary offense of the applicant.~~

24 ~~(ii) The name, address and photograph of the~~
25 ~~applicant and each principal and the principal's position~~
26 ~~within the corporation or organization.~~

27 ~~(iii) Any financial information required by the~~
28 ~~board.~~

29 ~~(iv) The proposed location of the growing,~~
30 ~~processing or dispensing operation.~~

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

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

~~(2) Consent to the conduct of a background investigation by the board, the scope of which shall be determined by the board consistent with this act. Consent shall include a release signed by each person subject to the investigation of information required to complete the investigation.~~

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

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

~~Section 505. Location.~~

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

~~(b) Zoning. The following shall apply:~~

~~(1) The growing of medical cannabis shall be classified as a normal agricultural operation as defined under section 2 of the act of June 10, 1982 (P.L.454, No.133), referred to as~~

1 ~~the Right to Farm Law.~~

2 ~~(2) Facilities for the manufacturing, preparation and~~
3 ~~production of medical cannabis shall meet the same municipal~~
4 ~~zoning and land use requirements as other manufacturing,~~
5 ~~preparation and production facilities.~~

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

9 ~~(c) Petition. An applicant or holder of a license under~~
10 ~~this act may petition the board to relocate its facility. In~~
11 ~~determining whether to grant a petition to relocate, the board~~
12 ~~shall do all of the following:~~

13 ~~(1) Evaluate the proposed new location and the reason~~
14 ~~for relocation.~~

15 ~~(2) Evaluate community support and compliance with local~~
16 ~~ordinances.~~

17 ~~(3) Consider any other information submitted by the~~
18 ~~petitioner or required by the board.~~

19 ~~Section 506. Change in ownership.~~

20 ~~The following apply to notification and approval:~~

21 ~~(1) A medical cannabis grower, processor or dispenser~~
22 ~~must notify the board upon becoming aware of a proposed or~~
23 ~~contemplated change of ownership or control of the licensee.~~
24 ~~The new owner must pay a licensing fee as determined by the~~
25 ~~board.~~

26 ~~(2) The purchaser of the assets of a medical cannabis~~
27 ~~grower, processor or dispenser must independently qualify for~~
28 ~~a license in accordance with this act and must pay the~~
29 ~~license fee required under this chapter.~~

30 ~~(3) If the ownership of the operation of a licensed~~

~~grower, processor or dispenser or its affiliate is changed, the new owner must pay the annual renewal fee for each applicable license.~~

~~Section 507. Licensing of owner or operator.~~

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

~~(b) Application. A owner or operator license application shall be in a form prescribed by the board and shall include the following:~~

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

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

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

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

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

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

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

~~(c) Issuance. Following review of the application and the background investigation, the board may issue an owner or operator license if the applicant has proven by clear and convincing evidence that the applicant is a person of good~~

~~character, honesty and integrity and is eligible and suitable to
be licensed as an owner or operator.~~

~~(d) Nontransferability. A license issued under this section
shall be nontransferable.~~

~~(e) Owner or operator. An individual who receives an owner
or operator license need not obtain an occupation permit.~~

~~Section 508. Occupation permit for medical cannabis employees
and certain authorized providers.~~

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

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

~~(1) Verification of one of the following:~~

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

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

~~(2) A description of employment responsibilities.~~

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

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

1 ~~occupation permit.~~

2 ~~(5) A photograph that meets the standards of the~~
3 ~~Commonwealth Photo Imaging Network.~~

4 ~~(6) Details relating to a similar license, permit or~~
5 ~~other authorization obtained in another jurisdiction.~~

6 ~~(7) Any additional information required by the board.~~

7 ~~(c) Issuance. Following review of the application and the~~
8 ~~background investigation, the board may issue an occupation~~
9 ~~permit if the applicant has proven by clear and convincing~~
10 ~~evidence that the applicant is a person of good character,~~
11 ~~honesty and integrity and is eligible and suitable to be an~~
12 ~~occupation permit holder.~~

13 ~~(d) Nontransferability. An occupation permit issued under~~
14 ~~this section shall be nontransferable.~~

15 ~~Section 509. Storage and transportation.~~

16 ~~The board shall develop regulations relating to the storage~~
17 ~~and transportation of medical cannabis between growers,~~
18 ~~processors, testing laboratories and medical cannabis dispensers~~
19 ~~which ensure adequate security to guard against in transit~~
20 ~~losses. The regulations shall provide for the following:~~

21 ~~(1) Requirements relating to shipping containers and~~
22 ~~packaging.~~

23 ~~(2) The manner in which trailers or carriers will be~~
24 ~~secured.~~

25 ~~(3) Security systems that include a numbered seal on the~~
26 ~~trailer.~~

27 ~~(4) Obtaining copies of driver's licenses and~~
28 ~~registrations.~~

29 ~~(5) Use of GPS systems.~~

30 ~~(6) Number of drivers or other security required to~~

~~ensure against storage or in transit losses.~~

~~(7) Record keeping for delivery and receipt of medical
cannabis products.~~

~~Section 510. Disposal and donation.~~

~~(a) Disposal. The board shall promulgate regulations
relating to disposal of medical cannabis by medical cannabis
growers, processors, dispensers and law enforcement.~~

~~(b) Donation. A medical cannabis dispenser, grower and
processor may donate medical cannabis that has been purchased or
produced and tested in this Commonwealth in accordance with this
act and is in new and unopened condition and can only be donated
for researching purposes to an accredited research institution,
university or college within this Commonwealth and recognized by
the Commonwealth.~~

~~Section 511. Testing laboratories.~~

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

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

~~Section 512. Medical cannabis access card.~~

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

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

~~(c) Certification. Applications and renewals must include written certification from a health care practitioner that the applicant has a qualified medical condition.~~

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

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

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

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

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

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

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

1 ~~provider's employment.~~

2 ~~(k) Right to Know Law.~~

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

11 ~~(i) Authorized employees of the board as necessary~~
12 ~~to perform official duties of the board and Department of~~
13 ~~Health.~~

14 ~~(ii) Authorized employees of the board and~~
15 ~~Department of Health, only as necessary to verify that a~~
16 ~~person who is engaged in the suspected or alleged medical~~
17 ~~use of cannabis is lawfully in possession of a medical~~
18 ~~cannabis access card.~~

19 ~~(2) This section shall apply to the Department of Health~~
20 ~~and the board.~~

21 ~~Section 513. Prohibitions and use.~~

22 ~~(a) Prohibitions.~~

23 ~~(1) No individual shall smoke medical cannabis in the~~
24 ~~public domain.~~

25 ~~(2) No individual may operate, drive, navigate or be in~~
26 ~~physical control of any of the following while under the~~
27 ~~influence with a blood content of more than 10 nanograms of~~
28 ~~tetrahydrocannabinis of medical cannabis:~~

29 ~~(i) A motor vehicle.~~

30 ~~(ii) An aircraft.~~

~~(iii) A motor boat.~~

~~(iv) Heavy machinery.~~

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

~~(3) An individual with a valid medical cannabis access card shall not be determined to be under the influence of medical cannabis solely for having medical cannabis in the individual's system.~~

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

~~(i) Public transportation.~~

~~(ii) On school grounds in accordance with the Department of Education regulations regarding medication on school grounds.~~

~~(iii) In a correctional facility in accordance with the Department of Corrections regulations regarding medications in correctional facilities.~~

~~(iv) At a public park or public beach.~~

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

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

~~Section 514. Unlawful activities.~~

~~(a) Licensing. It shall be a criminal offense to~~

~~intentionally or knowingly do any of the following:~~

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

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

~~(3) Participate in the growing, processing or dispensing of medical cannabis in violation of this act.~~

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

~~(5) Violate any regulation of the board.~~

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

~~Section 515. Criminal penalties and fines.~~

~~(a) Offense. Except as provided under subsections (b) and (c), a violation of the act shall be graded as a misdemeanor of the second degree.~~

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

~~(c) Individual. An individual who falsifies an application or certification under section 511 commits a misdemeanor of the first degree.~~

~~(d) Other violations. A person that is convicted of a second or subsequent violation of this act commits a felony of~~

1 ~~the third degree.~~

2 CHAPTER ~~7~~

3 MEDICAL CANNABIS

4 ~~Section 701. Medical use permitted.~~

5 ~~(a) Freedom from arrest, prosecution or penalty.—~~

6 ~~(1) An individual who possesses a valid medical cannabis~~
7 ~~access card shall not be subject to arrest, prosecution,~~
8 ~~penalty, denial of a right or privilege, civil penalty or~~
9 ~~disciplinary action by a professional licensing board due to~~
10 ~~the use of medical cannabis in accordance with this act. Law~~
11 ~~enforcement personnel may not unreasonably detain, question~~
12 ~~or arrest a patient with a valid medical cannabis access~~
13 ~~card.~~

14 ~~(2) There shall exist a rebuttable presumption that an~~
15 ~~individual is using medical cannabis if the individual~~
16 ~~possesses a valid medical cannabis access card. The~~
17 ~~presumption may be rebutted by evidence that conduct related~~
18 ~~to medical cannabis was not related to a patient's qualified~~
19 ~~medical condition.~~

20 ~~(3) An individual may assert the use of medical cannabis~~
21 ~~as an affirmative defense to a prosecution involving medical~~
22 ~~cannabis unless the individual was in violation of this act~~
23 ~~when the events giving rise to the prosecution occurred. The~~
24 ~~defense shall be presumed valid if the evidence shows one of~~
25 ~~the following:~~

26 ~~(i) Medical records and current medical condition~~
27 ~~made in the course of a practitioner patient relationship~~
28 ~~indicate the potential benefits of medical cannabis would~~
29 ~~likely outweigh health risks.~~

30 ~~(ii) A health care practitioner affirmed that in the~~

1 ~~health care practitioner's opinion, after full assessment~~
2 ~~of the patient's medical history and current medical~~
3 ~~condition, the potential benefits of medical cannabis~~
4 ~~would outweigh the health risks.~~

5 ~~(4) Possession of or application for a medical cannabis~~
6 ~~access card may not alone constitute probable cause to search~~
7 ~~a person, the person's property or otherwise subject the~~
8 ~~person or property to inspection by a governmental agency.~~

9 ~~(5) Law enforcement officials may not destroy, damage or~~
10 ~~alter an individual's supply of medical cannabis if the~~
11 ~~individual is in possession of a valid medical cannabis~~
12 ~~access card.~~

13 ~~(b) Patients under 18 years of age. Subsection (a) does not~~
14 ~~apply to a patient under 18 years of age unless all of the~~
15 ~~following have occurred:~~

16 ~~(1) The minor's health care practitioner has explained~~
17 ~~to the minor and the minor's custodial parent, guardian or~~
18 ~~person having legal custody the potential risks and benefits~~
19 ~~of medical cannabis.~~

20 ~~(2) The custodial parent, guardian or person having~~
21 ~~legal custody consents in writing to:~~

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

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

24 ~~(iii) Control the acquisition, dosage and frequency~~
25 ~~of the minor's use of medical cannabis.~~

26 ~~(c) Immunity of authorized provider.~~

27 ~~(1) An authorized provider who has possession of a valid~~
28 ~~medical cannabis access card shall not be subject to~~
29 ~~detrimental action including arrest, prosecution, penalty,~~
30 ~~denial of a right or privilege, civil penalty or disciplinary~~

1 ~~action by a professional licensing board for assisting a~~
2 ~~patient to whom the authorized provider is connected through~~
3 ~~the board's registration process with medical cannabis. Law~~
4 ~~enforcement personnel may not unreasonably detain, question~~
5 ~~or arrest or repeatedly detain, question or arrest an~~
6 ~~authorized provider for assisting the patient.~~

7 ~~(2) There shall exist a rebuttable presumption that an~~
8 ~~authorized provider is engaged in medical cannabis use if the~~
9 ~~authorized provider possesses a valid medical cannabis access~~
10 ~~card. The presumption may be rebutted by evidence that~~
11 ~~conduct related to cannabis was not for the purpose of~~
12 ~~alleviating the symptoms or effects of a patient's qualified~~
13 ~~medical condition.~~

14 ~~(3) An authorized provider may assert the medical use of~~
15 ~~cannabis as an affirmative defense to a prosecution involving~~
16 ~~medical cannabis unless the authorized provider was in~~
17 ~~violation of this section when the events giving rise to the~~
18 ~~prosecution occurred. The defense shall be presumed valid if~~
19 ~~the evidence shows either of the following at the time of the~~
20 ~~events giving rise to the prosecution:~~

21 ~~(i) The patient's medical records and current~~
22 ~~medical condition made in the course of a practitioner~~
23 ~~patient relationship indicate the potential benefits of~~
24 ~~medical cannabis would outweigh the health risks for the~~
25 ~~patient.~~

26 ~~(ii) A health care practitioner stated that in the~~
27 ~~health care practitioner's opinion, after completing a~~
28 ~~full assessment of the patient's medical history and~~
29 ~~current medical condition, potential benefits of medical~~
30 ~~cannabis would likely outweigh the health risks for the~~

1 patient.

2 ~~(4) Possession of or application for a medical cannabis~~
3 ~~access card shall not alone constitute probable cause to~~
4 ~~search a person, property of a person possessing or applying~~
5 ~~for the medical cannabis access card or otherwise subject the~~
6 ~~person or the person's property to inspection by a~~
7 ~~governmental agency.~~

8 ~~(5) Law enforcement officials may not intentionally~~
9 ~~destroy, damage or alter a patient's supply of medical~~
10 ~~cannabis which is in the possession of the authorized~~
11 ~~provider if the authorized provider is in possession of a~~
12 ~~medical cannabis access card.~~

13 ~~(d) Immunity of a health care practitioner and registered~~
14 ~~nurse. A health care practitioner or registered nurse shall not~~
15 ~~be subject to detrimental action including arrest, prosecution,~~
16 ~~penalty, denial of a right or privilege, civil penalty or~~
17 ~~disciplinary action by the health care practitioner's or~~
18 ~~registered nurse's licensing board for providing written~~
19 ~~certification for the medical use of cannabis to a patient in~~
20 ~~accordance with this act.~~

21 ~~(e) Registered nurse immunity. A registered nurse shall not~~
22 ~~be subject to detrimental action, including arrest, prosecution,~~
23 ~~penalty, denial of a right or privilege, civil penalty or~~
24 ~~disciplinary action by the registered nurse's licensing board~~
25 ~~for dispensing medical cannabis to a patient in accordance with~~
26 ~~this act.~~

27 ~~(f) Personal proximity. An individual shall not be subject~~
28 ~~to arrest or prosecution for constructive possession, conspiracy~~
29 ~~or another offense for being in the presence or vicinity of~~
30 ~~medical cannabis as permitted under this act.~~

1 ~~(g) Restriction. An individual who has been sentenced for a~~
2 ~~criminal act shall not be disqualified from obtaining or~~
3 ~~possessing a valid medical cannabis access card on the basis of~~
4 ~~the offense.~~

5 CHAPTER 9

6 PROTECTION, PROHIBITIONS AND ENFORCEMENT

7 ~~Section 901. Civil discrimination protection.~~

8 ~~The following shall apply:~~

9 ~~(1) For the purposes of medical care, including organ~~
10 ~~transplant, a patient's authorized use of medical cannabis~~
11 ~~under this act shall be considered the equivalent of the use~~
12 ~~of other medication under the direction of a health care~~
13 ~~practitioner. Medical cannabis, when used in accordance with~~
14 ~~this act, may not be considered an illicit substance or~~
15 ~~otherwise disqualify a patient from medical care.~~

16 ~~(2) An individual may not be penalized in any of the~~
17 ~~following ways due to the individual's use of medical~~
18 ~~cannabis under this act:~~

19 ~~(i) Denied custody, visitation or parenting time~~
20 ~~with a minor child.~~

21 ~~(ii) Presumed to neglect or endanger a minor child~~
22 ~~unless the individual's behavior creates an unreasonable~~
23 ~~danger to the safety of the minor by clear and convincing~~
24 ~~evidence.~~

25 ~~(3) A landlord may not refuse to lease or otherwise~~
26 ~~penalize a patient solely for having a medical cannabis~~
27 ~~access card or using medical cannabis in accordance with this~~
28 ~~act unless the landlord would lose a monetary or licensing~~
29 ~~related benefit under Federal law or regulation.~~

30 ~~(4) A school may not refuse to enroll or otherwise~~

1 ~~penalize a patient solely for having a medical cannabis-~~
2 ~~access card or using medical cannabis in accordance with this-~~
3 ~~act unless the school would lose a monetary or licensing-~~
4 ~~related benefit under Federal law or regulation.~~

5 ~~(5) An employer may not discriminate against an-~~
6 ~~individual in the hiring, termination of benefits or-~~
7 ~~otherwise penalize the individual for being a medical-~~
8 ~~cannabis access cardholder. The following shall apply:~~

9 ~~(i) The employer may take an individual's status as-~~
10 ~~a cardholder into account only if the employer can prove-~~
11 ~~the employee is abusing or misusing the employee's-~~
12 ~~medical cannabis on the premises of the place of-~~
13 ~~employment during ordinary hours of employment or if-~~
14 ~~failure to do so would cause an employer to lose-~~
15 ~~licensing benefit under Federal law or regulation.~~

16 ~~(ii) A individual's positive drug test for cannabis-~~
17 ~~components or metabolites may not be considered by an-~~
18 ~~employer unless the individual unlawfully used, possessed-~~
19 ~~or was impaired by the medical cannabis while on the-~~
20 ~~premises of the place of employment or during the hours-~~
21 ~~of employment.~~

22 ~~Section 902. Prohibitions.~~

23 ~~(a) Inspection. A licensee may not refuse to allow an-~~
24 ~~authorized employee of the department to inspect a licensed-~~
25 ~~premises at any time.~~

26 ~~(b) Other prohibitions. A licensee may be cited under this-~~
27 ~~act for:~~

28 ~~(1) An unlawful act prohibited by State law which occurs-~~
29 ~~on the licensed premises.~~

30 ~~(2) An unlawful act which involves a licensee or the-~~

~~licensee's agent or employee.~~

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

~~Section 903. Enforcement.~~

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

~~(1) 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 distribution, sale or transfer 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.~~

~~(2) Arrest on view, except in private homes or with a warrant, a person whom the officer, 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).~~

1 ~~(3) Search, seize and dispose of seized property in~~
2 ~~accordance with the following:~~

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

6 ~~(A) Medical cannabis unlawfully possessed,~~
7 ~~manufactured, sold, imported or transported.~~

8 ~~(B) Equipment, materials, utensils, vehicles,~~
9 ~~boats, vessels or aircraft which are or have been~~
10 ~~used in the unlawful manufacture, sale, importation~~
11 ~~or transportation of medical cannabis.~~

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

16 ~~(4) Arrest a person who engages in the following~~
17 ~~offenses when the offenses are committed against the officer~~
18 ~~while the officer is performing assigned duties under this~~
19 ~~act and the regulations promulgated under this act:~~

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

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

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

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

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

28 ~~(vi) 18 Pa.C.S. § 5104 (relating to resisting arrest~~
29 ~~or other law enforcement).~~

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

1 ~~(5) Serve and execute warrants issued by the proper~~
2 ~~authorities for offenses under this subsection and to serve~~
3 ~~subpoenas.~~

4 ~~(6) Arrange for the administration of chemical tests of~~
5 ~~blood or urine to a person for the purpose of determining the~~
6 ~~tetrahydrocannabinol content of blood or the presence of a~~
7 ~~controlled substance by qualified personnel of a State or~~
8 ~~local police department or qualified personnel of a clinical~~
9 ~~laboratory licensed and approved by the department.~~

10 ~~(7) To investigate and issue citations for the~~
11 ~~following:~~

12 ~~(i) A violation of this act.~~

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

14 ~~(iii) A violation of another law of this~~

15 ~~Commonwealth.~~

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

20 CHAPTER 51

21 MISCELLANEOUS PROVISIONS

22 ~~Section 5101. Regulations.~~

23 ~~(a) Requirement. The board shall promulgate regulations as~~
24 ~~necessary to implement this act.~~

25 ~~(b) Temporary regulations. In order to facilitate the~~
26 ~~implementation of this act, regulations promulgated by the board~~
27 ~~shall be deemed temporary regulations which shall expire not~~
28 ~~later than two years following the publication of the temporary~~
29 ~~regulation. Temporary regulations shall not be subject to:~~

30 ~~(1) Sections 201, 202, 203, 204 and 205 of act of July~~

~~31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law.~~

~~(2) The act of June 25, 1982 (P.L. 633, No. 181), known as the Regulatory Review Act.~~

~~(3) Section 204(b) and 301(10) of the act of October 15, 1980 (P.L. 950, No. 164), known as the Commonwealth Attorneys Act.~~

~~(c) Expiration. The board's authority to adopt temporary regulations under subsection (b) shall expire two years after the effective date of this section. Regulations adopted after this period shall be promulgated as provided by law.~~

~~(d) Publication. The board shall begin publishing temporary regulations in the Pennsylvania Bulletin no later than six months following the effective date of this section.~~

~~Section 5102. Applicability of other statutes.~~

~~The following acts shall apply to the board:~~

~~(1) The act of February 14, 2008 (P.L. 6, No. 3), known as the Right to Know Law.~~

~~(2) The act of July 19, 1957 (P.L. 1017, No. 451), known as the State Adverse Interest Act.~~

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

~~Section 5103. Repeals.~~

~~The following shall apply:~~

~~(1) Sections 4 and 13 of the 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 5104. Sovereign Immunity.~~

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

~~Section 5105. 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 5106. Effective date.~~

~~This act shall take effect in 60 days.~~

CHAPTER 1

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PRELIMINARY PROVISIONS

SECTION 101. SHORT TITLE.

THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE MEDICAL CANNABIS ACT.

SECTION 102. 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:

"ACCOUNT." THE PROFESSIONAL LICENSURE AUGMENTATION ACCOUNT ESTABLISHED UNDER AND USED IN ACCORDANCE WITH THE ACT OF JULY 1, 1978 (P.L.700, NO.124), KNOWN AS THE BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS FEE ACT.

"BOARD." THE STATE BOARD OF MEDICAL CANNABIS LICENSING.

"CHANGE IN CONTROL." THE ACQUISITION BY A PERSON OR GROUP OF PERSONS ACTING IN CONCERT OF AT LEAST 20% OF AN INTEREST IN A LICENSED ENTITY.

"DEPARTMENT." THE DEPARTMENT OF STATE OF THE COMMONWEALTH.

1 "HEALTH CARE FACILITY." A FACILITY THAT PROVIDES HEALTH CARE
2 TO PATIENTS. THE TERM INCLUDES:

3 (1) A HOSPITAL, AS DEFINED UNDER THE ACT OF JULY 19,
4 1979 (P.L.130, NO.48), KNOWN AS THE HEALTH CARE FACILITIES
5 ACT.

6 (2) A CLINIC OPERATED BY THE HOSPITAL.

7 (3) AN AMBULATORY OR SURGICAL FACILITY.

8 (4) A LONG-TERM CARE NURSING FACILITY.

9 (5) A CANCER TREATMENT CENTER.

10 (6) A HOSPICE CARE FACILITY.

11 "HEALTH CARE PRACTITIONER." AN INDIVIDUAL AS DEFINED UNDER
12 SECTION 2 OF THE ACT OF DECEMBER 20, 1985 (P.L.457, NO.112),
13 KNOWN AS THE MEDICAL PRACTICE ACT OF 1985, WHO IS AUTHORIZED TO
14 PRESCRIBE SCHEDULE III DRUGS UNDER THE ACT OF APRIL 14, 1972
15 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG,
16 DEVICE AND COSMETIC ACT. THE TERM SHALL NOT INCLUDE AN
17 INDIVIDUAL LICENSED UNDER THE ACT OF MAY 1, 1933 (P.L.216,
18 NO.76), KNOWN AS THE DENTAL LAW.

19 "MEDICAL CANNABIS." PLANTS CONTAINING CANNABIDIOL,
20 TETRAHYDROCANNABINOL OR DELTA-9-TETRAHYDROCANNABINOL ACID OR ANY
21 PART OF A CANNABIS PLANT, INCLUDING CANNABIS PROCESSED BY
22 EXTRACTING OIL FROM THE PLANT, INTENDED FOR MEDICAL PURPOSES.
23 THE TERM INCLUDES EXTRACTED OIL, EDIBLE PRODUCTS, OINTMENTS AND
24 TINCTURES.

25 "MEDICAL CANNABIS ACCESS CARD." A DOCUMENT ISSUED BY THE
26 DEPARTMENT OF HEALTH TO AUTHORIZE A PATIENT OR PATIENT
27 REPRESENTATIVE TO PURCHASE AND POSSESS MEDICAL CANNABIS IN THIS
28 COMMONWEALTH.

29 "MEDICAL CANNABIS DISPENSER." A FOR-PROFIT OR NONPROFIT
30 ENTITY LICENSED UNDER SECTION 503 TO DISPENSE MEDICAL CANNABIS.

1 "MEDICAL CANNABIS EMPLOYEE." AN INDIVIDUAL WHO IS ELIGIBLE
2 TO RECEIVE AN OCCUPATION PERMIT BY MEETING ONE OF THE FOLLOWING:

3 (1) AN INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING:

4 (I) IS EMPLOYED BY A MEDICAL CANNABIS GROWER,
5 MEDICAL CANNABIS PROCESSOR, MEDICAL CANNABIS DISPENSER OR
6 CERTIFIED LABORATORY WITH THE AUTHORITY TO MAKE A
7 DISCRETIONARY DECISION RELATING TO THE GROWING,
8 PROCESSING, DISPENSING OR TESTING OF MEDICAL CANNABIS,
9 INCLUDING A MANAGER, SUPERVISOR OR AN INDIVIDUAL WHO
10 DIRECTLY HANDLES OR CONTROLS CANNABIS.

11 (II) IS RESPONSIBLE FOR TRACKING THE AMOUNT AND
12 TRANSPORTATION OF MEDICAL CANNABIS.

13 (2) ANY OTHER EMPLOYEE POSITION DESIGNATED BY THE BOARD.

14 "MEDICAL CANNABIS GROWER." A FOR-PROFIT OR NONPROFIT ENTITY
15 LICENSED UNDER SECTION 501 THAT GROWS OR CULTIVATES CANNABIS FOR
16 DISTRIBUTION TO AUTHORIZED MEDICAL CANNABIS PROCESSORS AND
17 MEDICAL CANNABIS DISPENSERS IN ACCORDANCE WITH THIS ACT.

18 "MEDICAL CANNABIS PROCESSOR." A FOR-PROFIT OR NONPROFIT
19 ENTITY LICENSED UNDER SECTION 502 AUTHORIZED TO PURCHASE MEDICAL
20 CANNABIS FROM A MEDICAL CANNABIS GROWER FOR THE PURPOSE OF
21 PROCESSING THE MEDICAL CANNABIS FOR DISTRIBUTION TO A MEDICAL
22 CANNABIS DISPENSER IN ACCORDANCE WITH THIS ACT.

23 "MEDICAL CANNABIS STRAINS." THE THREE TYPES OF PURE CANNABIS
24 UTILIZED FOR MEDICAL PURPOSES. THE TERM INCLUDES CANNABIS
25 SATIVA, CANNABIS INDICA AND THE HYBRID CREATED BY THE
26 COMBINATION OF BOTH CANNABIS SATIVA AND CANNABIS INDICA.

27 "MEDICAL USE." THE ACQUISITION, POSSESSION OR USE OF MEDICAL
28 CANNABIS BY A REGISTERED PATIENT OR PATIENT REPRESENTATIVE. THE
29 TERM DOES NOT INCLUDE THE SMOKING OR VAPORIZATION OF CANNABIS.

30 "OCCUPATION PERMIT." A PERMIT ISSUED BY THE BOARD

1 AUTHORIZING AN INDIVIDUAL TO BE EMPLOYED AS A MEDICAL CANNABIS
2 EMPLOYEE.

3 "OWNER OR OPERATOR." ANY OF THE FOLLOWING:

4 (1) AN OFFICER OR DIRECTOR OF THE MEDICAL CANNABIS
5 GROWER, PROCESSOR OR DISPENSER LICENSED UNDER SECTION 505.

6 (2) A PERSON WHO DIRECTLY HOLDS A BENEFICIAL INTEREST IN
7 OR HAS A CONTROLLING INTEREST IN AN APPLICANT OR LICENSEE.

8 (3) A PERSON WHO HAS THE ABILITY TO ELECT A MAJORITY OF
9 THE BOARD OF DIRECTORS OF A LICENSEE OR TO OTHERWISE CONTROL
10 A LICENSEE.

11 "PATIENT." AN INDIVIDUAL WHO HAS AN ESTABLISHED
12 PRACTITIONER-PATIENT RELATIONSHIP AND HAS BEEN DIAGNOSED WITH A
13 QUALIFIED MEDICAL CONDITION.

14 "PATIENT REPRESENTATIVE." ANY OF THE FOLLOWING:

15 (1) A PARENT OR GUARDIAN OF A REGISTERED PATIENT.

16 (2) AN INDIVIDUAL WHO:

17 (I) IS AT LEAST 18 YEARS OF AGE; AND

18 (II) RECEIVES A MEDICAL CANNABIS ACCESS CARD WHICH
19 AUTHORIZES:

20 (A) PURCHASE, POSSESSION, TRANSPORT AND TRANSFER
21 OF MEDICAL CANNABIS FROM A MEDICAL CANNABIS
22 DISPENSER; AND

23 (B) PROPER ADMINISTRATION OF THE MEDICAL
24 CANNABIS TO A REGISTERED PATIENT IN ACCORDANCE WITH
25 THE RECOMMENDATION OF THE REGISTERED PATIENT'S HEALTH
26 CARE PRACTITIONER.

27 "PRACTITIONER-PATIENT RELATIONSHIP." THE RELATIONSHIP
28 ESTABLISHED BETWEEN A PATIENT AND HEALTH CARE PRACTITIONER
29 FOLLOWING AN ASSESSMENT OF THE PATIENT'S MEDICAL HISTORY AND
30 CURRENT CONDITION AND THE CONDUCT OF A PERSONAL EXAMINATION.

1 "QUALIFIED MEDICAL CONDITION." ANY OF THE FOLLOWING,
2 INCLUDING TREATMENT:
3 (1) CANCER.
4 (2) EPILEPSY AND SEIZURES.
5 (3) AMYOTROPHIC LATERAL SCLEROSIS.
6 (4) CACHEXIA/WASTING SYNDROME.
7 (5) PARKINSON'S DISEASE.
8 (6) TRAUMATIC BRAIN INJURY AND POSTCONCUSSION SYNDROME.
9 (7) MULTIPLE SCLEROSIS.
10 (8) SPINOCEREBELLARA ATAXIA (SCA).
11 (9) POSTTRAUMATIC STRESS DISORDER.
12 (10) SEVERE FIBROMYALGIA.
13 (11) A CONDITION AUTHORIZED BY THE DEPARTMENT UNDER
14 SECTION 702.

15 "TESTING LABORATORY." A CLINICAL LABORATORY OR TESTING
16 FACILITY LOCATED WITHIN THIS COMMONWEALTH, CERTIFIED BY THE
17 BOARD UNDER SECTION 511.

18 CHAPTER 3

19 STATE BOARD OF MEDICAL CANNABIS

20 LICENSING AND ADMINISTRATIVE PROCEDURE

21 SECTION 301. LICENSE.

22 (A) MEDICAL CANNABIS.--A PERSON MAY NOT CONDUCT AN ACTIVITY
23 RELATED TO THE GROWING, PROCESSING OR DISPENSING OF MEDICAL
24 CANNABIS OR OPERATING A TESTING LABORATORY UNLESS THE PERSON IS
25 LICENSED OR CERTIFIED BY THE BOARD UNDER THIS ACT.

26 (B) EMPLOYEE.--A LICENSED MEDICAL CANNABIS GROWER, MEDICAL
27 CANNABIS PROCESSOR OR A MEDICAL CANNABIS DISPENSER MAY NOT
28 EMPLOY AN INDIVIDUAL TO DIRECTLY PARTICIPATE IN THE GROWING,
29 PROCESSING, DELIVERY OR DISPENSING OF MEDICAL CANNABIS UNLESS
30 THE INDIVIDUAL RECEIVES AN OCCUPATION PERMIT FROM THE BOARD

1 UNDER THIS ACT.

2 SECTION 302. STATE BOARD OF MEDICAL CANNABIS LICENSING.

3 (A) ESTABLISHMENT.--THERE IS HEREBY ESTABLISHED THE STATE
4 BOARD OF MEDICAL CANNABIS LICENSING WITHIN THE DEPARTMENT.

5 (B) COMPOSITION.--THE BOARD SHALL CONSIST OF THE FOLLOWING:

6 (1) THE SECRETARY OF HEALTH OR A DESIGNEE WHO IS AN
7 EMPLOYEE OF THE DEPARTMENT OF HEALTH.

8 (2) COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL
9 AFFAIRS OR A DESIGNEE WHO IS AN EMPLOYEE OF THE BUREAU OF
10 PROFESSIONAL AND OCCUPATIONAL AFFAIRS.

11 (3) THE SECRETARY OF PUBLIC WELFARE OR A DESIGNEE WHO IS
12 AN EMPLOYEE OF THE DEPARTMENT OF PUBLIC WELFARE.

13 (4) TWO PUBLIC MEMBERS.

14 (5) ONE MEMBER REPRESENTING HOSPITALS.

15 (6) TWO MEMBERS WHO ARE MEDICAL DOCTORS REPRESENTING
16 SPECIALTIES WHICH UTILIZE MEDICAL CANNABIS TO TREAT PATIENTS.

17 (7) TWO MEMBERS WHO ARE REGISTERED NURSES.

18 (8) A LICENSED PHARMACIST.

19 (C) MEETINGS.--THE BOARD SHALL MEET WITHIN 30 DAYS OF
20 CONFIRMATION OF THE MEMBERS AND SHALL:

21 (1) ESTABLISH PROCEDURES TO OPERATE THE BOARD.

22 (2) DEVELOP APPLICATIONS AND OTHER FORMS FOR LICENSURE
23 AND OCCUPATION PERMITS AND ENFORCEMENT OF THIS ACT AND
24 CERTIFICATIONS FOR TESTING LABORATORIES.

25 (3) PROMULGATE REGULATIONS, AS NECESSARY, TO IMPLEMENT
26 AND ENFORCE THIS ACT.

27 (D) APPOINTMENT AND QUALIFICATIONS.--EACH PROFESSIONAL AND
28 PUBLIC MEMBER SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE
29 AND CONSENT OF A MAJORITY OF THE SENATE. EACH MEMBER MUST COMPLY
30 WITH ALL OF THE FOLLOWING:

1 (1) BE A CITIZEN OF THE UNITED STATES AND A RESIDENT OF
2 THIS COMMONWEALTH.

3 (2) NOT HOLD ANY OTHER PUBLIC OFFICE DURING THE TERM ON
4 THE BOARD.

5 (E) TERMS.--

6 (1) A MEMBER UNDER SUBSECTION (B)(1), (2) OR (3) SHALL
7 SERVE EX OFFICIO.

8 (2) FOR A MEMBER UNDER SUBSECTION (B)(4) THROUGH (8),
9 THE FOLLOWING APPLY:

10 (I) INITIAL APPOINTMENTS SHALL BE AS FOLLOWS:

11 (A) THREE MEMBERS SHALL SERVE FOR A TERM OF FOUR
12 YEARS.

13 (B) THREE MEMBERS SHALL SERVE FOR A TERM OF
14 THREE YEARS.

15 (C) TWO MEMBERS SHALL SERVE FOR A TERM OF TWO
16 YEARS.

17 (II) EACH SUBSEQUENT TERM SHALL BE FOR FOUR YEARS OR
18 UNTIL A SUCCESSOR HAS BEEN APPOINTED AND QUALIFIED, WHICH
19 MAY NOT BE LONGER THAN SIX MONTHS BEYOND THE FOUR-YEAR
20 PERIOD.

21 (III) A MEMBER MAY NOT SERVE MORE THAN TWO
22 CONSECUTIVE TERMS.

23 (F) QUORUM.--A MAJORITY OF THE MEMBERS OF THE BOARD SHALL
24 CONSTITUTE A QUORUM. EACH MEMBER MUST BE PHYSICALLY IN
25 ATTENDANCE TO BE COUNTED AS PART OF A QUORUM OR TO VOTE ON AN
26 ISSUE. A MAJORITY OF THE MEMBERS PRESENT SHALL BE NECESSARY FOR
27 A VOTE TO BE CONSIDERED BINDING.

28 (G) CHAIRPERSON.--THE BOARD SHALL ANNUALLY SELECT A
29 CHAIRPERSON FROM THE MEMBERS OF THE BOARD.

30 (H) EXPENSES.--WITH THE EXCEPTION OF EX OFFICIO MEMBERS,

1 EACH MEMBER OF THE BOARD SHALL RECEIVE \$100 PER DIEM WHEN
2 ATTENDING TO THE WORK OF THE BOARD. A MEMBER SHALL ALSO RECEIVE
3 THE AMOUNT OF REASONABLE TRAVEL, HOTEL AND OTHER NECESSARY
4 EXPENSES INCURRED IN THE PERFORMANCE OF THE MEMBER'S DUTIES IN
5 ACCORDANCE WITH COMMONWEALTH REGULATIONS.

6 (I) FORFEITURE.--A MEMBER WHO FAILS TO ATTEND THREE
7 CONSECUTIVE MEETINGS SHALL FORFEIT THE MEMBER'S SEAT UNLESS THE
8 CHAIRMAN, UPON WRITTEN REQUEST FROM THE MEMBER, FINDS THAT THE
9 MEMBER SHOULD BE EXCUSED BECAUSE OF ILLNESS OR DEATH OF A FAMILY
10 MEMBER.

11 (J) FREQUENCY OF MEETINGS.--THE BOARD SHALL MEET AT LEAST
12 ONCE PER MONTH FOR THE FIRST 12 MONTHS, INCLUDING AND AFTER THE
13 INITIAL MEETING REQUIRED BY SECTION 302(C). AFTER THE FIRST 12
14 MONTHS FOLLOWING THE ESTABLISHMENT OF THE BOARD, THE BOARD SHALL
15 MEET AT LEAST SIX TIMES A YEAR AND MAY MEET AT ADDITIONAL TIMES
16 AS NECESSARY TO CONDUCT THE BUSINESS OF THE BOARD.

17 SECTION 303. POWERS AND DUTIES OF BOARD.

18 THE BOARD SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

19 (1) TO PROVIDE FOR AND REGULATE THE LICENSING OF THE
20 FOLLOWING:

21 (I) A MEDICAL CANNABIS GROWER UNDER SECTION 501.

22 (II) A MEDICAL CANNABIS PROCESSOR UNDER SECTION 502.

23 (III) A MEDICAL CANNABIS DISPENSER UNDER SECTION
24 503.

25 (2) TO ISSUE OCCUPATION PERMITS TO MEDICAL CANNABIS
26 EMPLOYEES.

27 (3) TO ISSUE CERTIFICATIONS TO TESTING LABORATORIES
28 UNDER SECTION 511.

29 (4) TO ISSUE, DENY, RENEW, REINSTATE OR REFUSE TO RENEW,
30 SUSPEND AND REVOKE LICENSES, CERTIFICATIONS OF TESTING

1 LABORATORIES AND OCCUPATION PERMITS IN ACCORDANCE WITH THIS
2 ACT.

3 (5) TO IMPLEMENT PROCEDURES TO ALLOW THE EXPANSION OF
4 QUALIFIED MEDICAL CONDITIONS FOR WHICH A PATIENT MAY OBTAIN
5 MEDICAL CANNABIS UNDER SECTION 702.

6 (6) TO ADMINISTER AND ENFORCE THE PROVISIONS OF THIS
7 ACT.

8 (7) TO INVESTIGATE AND CONDUCT BACKGROUND CHECKS FOR
9 EACH APPLICATION FOR A LICENSE OR OCCUPATION PERMIT TO
10 DETERMINE THE FITNESS AND ELIGIBILITY OF A PERSON APPLYING
11 FOR A LICENSE OR OCCUPATION PERMIT.

12 (8) TO ESTABLISH FEES FOR APPLICATION AND RENEWAL OF
13 LICENSES AND OCCUPATION PERMITS AND THE DUE DATES FOR ALL
14 FEES.

15 (9) TO CHARGE FOR SERVICES RELATED TO THE INSPECTION AND
16 OVERSIGHT OF THIS ACT. BILLINGS SHALL BE SUBMITTED AT LEAST
17 QUARTERLY AND ALL CHARGES SHALL BE ITEMIZED.

18 (10) TO KEEP MINUTES AND RECORDS OF EACH TRANSACTION AND
19 PROCEEDING.

20 (11) TO PROVIDE STANDARDS FOR THE APPEARANCE OF
21 DISPENSERS TO ENSURE A PROFESSIONAL ATMOSPHERE.

22 (12) TO REQUIRE UTILIZATION OF ANY PRESCRIPTION
23 MONITORING PROGRAM ESTABLISHED BY THE COMMONWEALTH BY A
24 HEALTH CARE PRACTITIONER TO REVIEW A PATIENT'S PHARMACEUTICAL
25 HISTORY.

26 (13) TO DEVELOP A SYSTEM TO ENSURE MEDICAL CANNABIS
27 DISPENSERS ARE ABLE TO VERIFY MEDICAL CANNABIS ACCESS CARDS.

28 (14) TO ESTABLISH A MEDICAL CANNABIS REGISTRY TO ENSURE
29 ADEQUATE AVAILABILITY OF DIFFERENT STRAINS AND CONCENTRATIONS
30 OF MEDICAL CANNABIS.

1 (15) TO DEVELOP REGULAR INSPECTION SCHEDULES,
2 UNANNOUNCED INSPECTIONS, PROCEDURES AND OTHER ENFORCEMENT
3 MEASURES TO REGULATE ALL MEDICAL CANNABIS GROWERS, PROCESSORS
4 AND DISPENSERS.

5 (16) TO INSPECT, AT ANY TIME, PREMISES OCCUPIED OR USED
6 FOR THE PRODUCTION, PREPARATION, TESTING, PACKAGING,
7 PROCESSING, STORAGE, SALE, DISTRIBUTION AND TRANSPORT OF
8 MEDICAL CANNABIS.

9 (17) TO DEVELOP STANDARDS AND REQUIREMENTS FOR THE
10 IMPLEMENTATION, USE AND MAINTENANCE OF SECURITY SYSTEMS.

11 (18) TO SUBMIT ANNUALLY TO THE DEPARTMENT AN ESTIMATE OF
12 FINANCIAL REQUIREMENTS OF THE BOARD, INCLUDING
13 ADMINISTRATIVE, LEGAL AND OTHER EXPENSES.

14 (19) TO DEVELOP A SYSTEM FOR MANDATORY AND VOLUNTARY
15 RECALL OF DEFECTIVE PRODUCTS OR MEDICAL CANNABIS.

16 (20) TO DEVELOP AN INVENTORY TRACKING SYSTEM TO BE USED
17 BY ALL LICENSEES AND CERTIFIED LABORATORIES.

18 (21) TO PROMULGATE REGULATIONS TO IMPLEMENT THIS ACT,
19 INCLUDING:

20 (I) THE RECEIPT OF MEDICAL CANNABIS FOR STUDY AND
21 RESEARCH OF THE HEALTH BENEFITS OF MEDICAL CANNABIS BY
22 ACCREDITED RESEARCH INSTITUTIONS, UNIVERSITIES AND
23 COLLEGES IN THIS COMMONWEALTH.

24 (II) DETERMINATION OF REQUIRED QUALITY AND SAFE
25 CLINICAL STRENGTH OF MEDICAL CANNABIS.

26 (III) PRINT ADVERTISING AND MARKETING OF MEDICAL
27 CANNABIS.

28 (IV) CONTAINERS, TRACKING AND TESTING.

29 (V) PACKAGING AND LABELING BY LICENSED GROWERS,
30 LICENSED PROCESSORS AND LICENSED DISPENSERS. REGULATIONS

1 UNDER THIS SUBPARAGRAPH SHALL REQUIRE LABELING TO
2 SPECIFY:

3 (A) DATE OF PACKAGING;

4 (B) USE-BY DATE;

5 (C) INSTRUCTIONS TO KEEP THE PRODUCT IN THE
6 PACKAGE;

7 (D) WARNINGS RELATED TO USE, INCLUDING PREGNANCY
8 AND MEDICAL CONDITIONS;

9 (E) WARNINGS TO KEEP MEDICAL CANNABIS OUT OF
10 CHILDREN'S REACH;

11 (F) OTHER WARNINGS DEEMED APPROPRIATE BY THE
12 BOARD;

13 (G) RECOMMENDED DOSAGES;

14 (H) APPROPRIATE METHODS TO ADMINISTER MEDICAL
15 CANNABIS FOR AUTHORIZED DISEASES; AND

16 (22) TO PROVIDE FOR THE FORM AND CONTENT OF THE
17 AUTHORITY GIVEN TO A REGISTERED PATIENT BY A HEALTH CARE
18 PROVIDER TO OBTAIN MEDICAL CANNABIS.

19 (23) TO CONSULT INFORMATION PUBLISHED BY THE AMERICAN
20 HERBAL PHARMACOPEIA, IN THE PROMULGATION OF REGULATIONS.

21 (24) TO ENFORCE REGULATIONS UNDER THIS ACT.

22 (25) TO SUBMIT AN ANNUAL REPORT TO THE SECRETARY OF THE
23 SENATE AND THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES.

24 SECTION 304. SUBPOENA POWER.

25 THE GENERAL COUNSEL OF THE COMMONWEALTH, OR THE GENERAL
26 COUNSEL'S DESIGNEE, SHALL HAVE THE POWER TO ISSUE A SUBPOENA ON
27 BEHALF OF THE BOARD IN DISCIPLINARY AND LICENSING MATTERS BEFORE
28 THE BOARD IN ORDER TO INVESTIGATE AN ALLEGED VIOLATION IN
29 ACCORDANCE WITH THE FOLLOWING:

30 (1) THE POWER SHALL NOT APPLY TO PATIENT RECORDS WITHOUT

1 ORDER OF A COURT OF COMPETENT JURISDICTION SHOWING THAT THE
2 RECORDS ARE REASONABLY NECESSARY FOR THE CONDUCT OF AN
3 INVESTIGATION.

4 (2) THE COURT MAY IMPOSE LIMITATIONS ON THE SCOPE OF A
5 SUBPOENA AS NECESSARY TO PREVENT UNNECESSARY INTRUSION INTO
6 PATIENT CONFIDENTIAL INFORMATION.

7 (3) THE ATTORNEY REPRESENTING THE COMMONWEALTH IN A
8 DISCIPLINARY MATTER BEFORE THE BOARD MAY APPLY TO
9 COMMONWEALTH COURT TO ENFORCE THE SUBPOENAS.

10 (4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO EXCUSE
11 A PERSON FROM PRODUCING DOCUMENTS AND RECORDS AS REQUESTED BY
12 THE BOARD UNDER ANY OTHER PROVISION OF LAW.

13 SECTION 305. HEARING EXAMINERS.

14 (A) APPOINTMENT.--THE COMMISSIONER OF PROFESSIONAL AND
15 OCCUPATIONAL AFFAIRS, AFTER CONSULTATION WITH THE BOARD, SHALL
16 APPOINT HEARING EXAMINERS AS NECESSARY TO CONDUCT HEARINGS IN
17 DISCIPLINARY MATTERS BEFORE THE BOARD.

18 (B) REGULATION.--REGULATIONS PROMULGATED BY THE BOARD SHALL
19 INCLUDE THE PROCEDURAL RULES TO BE FOLLOWED BY HEARING EXAMINERS
20 UNDER THIS ACT. EACH PROCEEDING SHALL BE CONDUCTED IN ACCORDANCE
21 WITH 2 PA.C.S. (RELATING TO ADMINISTRATIVE LAW AND PROCEDURE).

22 (C) POWERS.--A HEARING EXAMINER SHALL HAVE THE FOLLOWING
23 POWERS:

24 (1) TO CONDUCT HEARINGS.

25 (2) TO ISSUE SUBPOENAS REQUIRING:

26 (I) THE ATTENDANCE AND TESTIMONY OF INDIVIDUALS.

27 (II) THE PRODUCTION OF PERTINENT RECORDS OR OTHER
28 PAPERS BY PERSONS WHOM THE EXAMINER BELIEVES HAVE
29 INFORMATION RELEVANT TO MATTERS PENDING BEFORE THE
30 EXAMINER.

1 (3) TO ISSUE DECISIONS.

2 SECTION 306. CIVIL PENALTIES.

3 (A) AUTHORIZATION.--THE BOARD SHALL ADOPT A SCHEDULE OF
4 CIVIL PENALTIES FOR OPERATING WITHOUT A CURRENT, REGISTERED,
5 UNSUSPENDED AND UNREVOKED LICENSE, CERTIFICATE OR OCCUPATION
6 PERMIT AND FOR VIOLATIONS OF THIS ACT. THE SCHEDULE SHALL BE
7 PUBLISHED IN THE PENNSYLVANIA BULLETIN.

8 (B) IMPOSITION.--AN AGENT OF THE BOARD MAY ISSUE CITATIONS
9 AND IMPOSE PENALTIES FOR A VIOLATION OF THIS CHAPTER. A PENALTY
10 MAY BE APPEALED TO A HEARING EXAMINER OR THE BOARD PURSUANT TO
11 REGULATIONS PROMULGATED BY THE BOARD. IF THE MATTER IS INITIALLY
12 REFERRED TO A HEARING EXAMINER, THE BOARD SHALL RENDER A
13 DECISION ON AN EXCEPTION TO THE DECISION OF THE HEARING EXAMINER
14 OR ON ANY APPLICATIONS FOR REVIEW UNDER 2 PA.C.S. (RELATING TO
15 ADMINISTRATIVE LAW AND PROCEDURE).

16 (C) BOARD SANCTION.--

17 (1) IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW,
18 THE BOARD MAY IMPOSE THE FOLLOWING SANCTIONS:

19 (I) REVOCATION OF THE LICENSE, PERMIT OR CERTIFICATE
20 OF A PERSON CONVICTED OF A CRIMINAL OFFENSE OR VIOLATION
21 OF THIS ACT OR REGULATIONS OF THE BOARD WHICH WOULD
22 DISQUALIFY THE HOLDER FROM GROWING, PROCESSING OR
23 DISPENSING MEDICAL CANNABIS.

24 (II) REVOCATION OF THE LICENSE OF A PERSON FOR
25 WILLFULLY AND KNOWINGLY VIOLATING OR ATTEMPTING TO
26 VIOLATE AN ORDER OF THE BOARD DIRECTED TO THE PERSON.

27 (III) REVOCATION OF AN OCCUPATION PERMIT OR
28 CERTIFICATE OF A PERSON FOR WILLFULLY AND KNOWINGLY
29 VIOLATING OR ATTEMPTING TO VIOLATE AN ORDER OF THE BOARD
30 DIRECTED TO THE PERSON.

1 (IV) SUSPENSION OF THE LICENSE, PERMIT OR
2 CERTIFICATE OF A PERSON PENDING THE OUTCOME OF A HEARING
3 IN A CASE IN WHICH A LICENSE, OCCUPATION PERMIT OR
4 CERTIFICATION REVOCATION COULD RESULT.

5 (V) SUSPENSION OF THE LICENSE OF A LICENSED GROWER,
6 PROCESSOR OR DISPENSER FOR A VIOLATION OR ATTEMPT TO
7 VIOLATE ANY PROVISIONS OF THIS ACT.

8 (VI) ASSESSMENT OF AN ADMINISTRATIVE PENALTY AS
9 NECESSARY TO ADDRESS MISCONDUCT AND DETER FUTURE
10 VIOLATIONS.

11 (VII) ORDERING OF RESTITUTION OF FUNDS OR PROPERTY
12 UNLAWFULLY OBTAINED OR RETAINED BY A LICENSEE.

13 (VIII) ENTRANCE OF A CEASE AND DESIST ORDER WHICH
14 SPECIFIES THE CONDUCT WHICH IS TO BE DISCONTINUED,
15 ALTERED OR IMPLEMENTED BY THE LICENSEE.

16 (2) IF THE BOARD REFUSES TO ISSUE OR RENEW A LICENSE,
17 CERTIFICATE OR OCCUPATION PERMIT OR IMPOSES A PENALTY UNDER
18 PARAGRAPH (1), THE BOARD SHALL PROVIDE THE APPLICANT,
19 LICENSEE, CERTIFICATE HOLDER OR PERMIT HOLDER WITH WRITTEN
20 NOTIFICATION OF THE DECISION, INCLUDING A STATEMENT OF THE
21 REASONS FOR THE DECISION BY CERTIFIED MAIL WITHIN FIVE
22 BUSINESS DAYS OF THE DECISION OF THE BOARD. THE APPLICANT,
23 LICENSEE, CERTIFICATE HOLDER OR PERMITTEE SHALL HAVE THE
24 RIGHT TO APPEAL THE DECISION IN ACCORDANCE WITH 2 PA.C.S.
25 CHS. 5 (RELATING TO PRACTICE AND PROCEDURE) AND 7 (RELATING
26 TO JUDICIAL REVIEW).

27 (3) A PERSON WHO AIDS, ABETS, COUNSELS, INDUCES,
28 PROCURES OR CAUSES ANOTHER PERSON TO VIOLATE THIS ACT SHALL
29 BE SUBJECT TO ALL SANCTIONS AND PENALTIES PROVIDED UNDER THIS
30 SUBSECTION.

1 (D) ADDITIONAL POWERS.--IN ADDITION TO THE PENALTIES UNDER
2 SUBSECTIONS (B) AND (C), THE BOARD SHALL HAVE THE POWER TO DO
3 THE FOLLOWING:

4 (1) LEVY A CIVIL PENALTY OF NOT MORE THAN \$25,000 FOR A
5 VIOLATION OF THIS ACT.

6 (2) IMPOSE A CIVIL PENALTY OF UP TO \$15,000 PER
7 VIOLATION IF A PERSON AIDS AND ABETS THE UNLICENSED GROWING,
8 PROCESSING, DISTRIBUTION OR DISPENSING OF MEDICAL CANNABIS.
9 THE PENALTY MAY NOT BE LEVIED AGAINST A PERSON SOLELY AS A
10 CONSEQUENCE OF THAT PERSON BEING A REGISTERED PATIENT OF THE
11 UNLICENSED PERSON.

12 (3) ASSESS AGAINST A RESPONDENT DETERMINED TO BE IN
13 VIOLATION OF THIS ACT THE COSTS OF INVESTIGATION UNDERLYING
14 THAT DISCIPLINARY ACTION. THE COST OF INVESTIGATION SHALL NOT
15 INCLUDE COSTS INCURRED BY THE BOARD AFTER THE FILING OF
16 FORMAL ACTIONS OR DISCIPLINARY CHARGES AGAINST A RESPONDENT.

17 (E) JUDGMENT.--A CIVIL PENALTY IMPOSED UNDER THIS SECTION
18 SHALL BE A JUDGMENT IN FAVOR OF THE BOARD UPON THE PERSON OR
19 PROPERTY OF THE PERSON UPON WHOM THE CIVIL PENALTY IS IMPOSED.
20 THE ATTORNEY GENERAL SHALL BE RESPONSIBLE FOR ENFORCING THE
21 JUDGMENTS IN COURTS OF COMPETENT JURISDICTION IN ACCORDANCE WITH
22 THE PROVISIONS OF 42 PA.C.S. (RELATING TO JUDICIARY AND JUDICIAL
23 PROCEDURE).

24 SECTION 307. CONFIDENTIALITY.

25 (A) GENERAL RULE.--INVESTIGATIVE RECORDS OF THE BOARD,
26 INCLUDING PROSECUTORIAL MEMOS AND TRANSCRIPTS OF DEPOSITION ON
27 BEHALF OF THE BOARD OR CONCERNING A LICENSURE-RELATED COMPLAINT
28 FILED WITH THE DEPARTMENT, SHALL BE CONFIDENTIAL AND PRIVILEGED.
29 THE FOLLOWING SHALL APPLY:

30 (1) NO PERSON WHO HAS INVESTIGATED OR HAS ACCESS TO OR

1 CUSTODY OF DOCUMENTS, MATERIALS OR INFORMATION WHICH IS
2 CONFIDENTIAL AND PRIVILEGED UNDER THIS SECTION MAY BE
3 REQUIRED TO TESTIFY IN A JUDICIAL OR ADMINISTRATIVE
4 PROCEEDING WITHOUT THE WRITTEN CONSENT OF THE BOARD UNLESS
5 DIRECTED TO DO SO BY A COURT OF COMPETENT JURISDICTION.

6 (2) THIS SUBSECTION SHALL NOT PRECLUDE OR LIMIT
7 INTRODUCTION OF THE CONTENTS OF AN INVESTIGATIVE FILE OR
8 RELATED WITNESS TESTIMONY IN A HEARING OR PROCEEDING BEFORE
9 THE BOARD.

10 (3) THIS SECTION SHALL NOT APPLY TO A LETTER OR OTHER
11 DOCUMENT TO A LICENSEE, OCCUPATION PERMITTEE OR CERTIFICATE
12 HOLDER THAT DISCLOSES THE FINAL OUTCOME OF AN INVESTIGATION
13 OR TO A FINAL ADJUDICATION OR ORDER OF THE BOARD.

14 (B) DISCLOSURE PERMITTED.--EXCEPT AS PROVIDED IN SUBSECTION
15 (A), THIS SECTION SHALL NOT PREVENT DISCLOSURE OF DOCUMENTS,
16 MATERIALS OR INFORMATION PERTAINING TO THE STATUS OF A LICENSE,
17 CERTIFICATE OR OCCUPATION PERMIT OR THE SHARING OF INFORMATION
18 WITH LAW ENFORCEMENT OFFICIALS OR SIMILAR REGULATORY BOARDS IN
19 OTHER JURISDICTIONS. A VIOLATION OF THIS SECTION SHALL SUBJECT
20 AN EMPLOYEE OR AGENT OF THE BOARD TO ADMINISTRATIVE DISCIPLINE,
21 INCLUDING DISCHARGE, SUSPENSION OR OTHER FORMAL OR APPROPRIATE
22 DISCIPLINARY ACTION.

23 (C) AFFIDAVIT.--EACH EMPLOYEE OR AGENT OF THE BOARD MUST
24 EXECUTE A CONFIDENTIALITY AFFIDAVIT WHICH PROVIDES THAT
25 DOCUMENTS, MATERIALS OR INFORMATION IN SUBSECTION (A) OBTAINED
26 BY THE EMPLOYEE OR AGENT SHALL BE CONSIDERED CONFIDENTIAL AND
27 MAY BE DISCLOSED ONLY AS PERMITTED UNDER THIS SECTION.

28 (D) WAIVER.--THE BOARD MAY NOT REQUIRE AN APPLICANT TO WAIVE
29 ANY CONFIDENTIALITY UNDER THIS SECTION AS A CONDITION FOR THE
30 APPROVAL OF A LICENSE OR OTHER ACTION OF THE BOARD.

1 SECTION 308. FINANCING.

2 (A) SETTING OF FEES.--BEGINNING TWO YEARS AFTER THE
3 EFFECTIVE DATE OF THIS SUBSECTION, ALL FEES REQUIRED UNDER THIS
4 ACT SHALL BE FIXED BY THE BOARD BY REGULATION. IF REVENUE RAISED
5 BY FEES, FINES AND CIVIL PENALTIES IMPOSED UNDER THIS ACT ARE
6 NOT SUFFICIENT TO MEET EXPENDITURES OVER A TWO-YEAR PERIOD, THE
7 BOARD SHALL INCREASE THOSE FEES BY REGULATION UNDER SECTION
8 303(21) SO THAT THE PROJECTED REVENUES WILL MEET OR EXCEED
9 PROJECTED EXPENDITURES.

10 (B) RENEWAL FEES.--BEGINNING TWO YEARS AFTER THE EFFECTIVE
11 DATE OF THIS SUBSECTION, ALL RENEWAL FEES SHALL BE DEPOSITED
12 INTO THE ACCOUNT.

13 (C) INADEQUATE FEES.--IF THE BUREAU OF PROFESSIONAL AND
14 OCCUPATIONAL AFFAIRS DETERMINES THAT THE FEES ESTABLISHED BY THE
15 BOARD UNDER SUBSECTION (A) ARE INADEQUATE TO MEET THE MINIMUM
16 ENFORCEMENT EFFORTS REQUIRED BY THIS ACT, THEN THE BUREAU, AFTER
17 CONSULTATION WITH THE BOARD, SHALL INCREASE THE FEES BY
18 REGULATION UNDER SECTION 303(21) IN AN AMOUNT THAT ADEQUATE
19 REVENUES ARE RAISED TO MEET THE REQUIRED ENFORCEMENT EFFORT.

20 (D) DISPOSITION.--FEES, FINES AND CIVIL PENALTIES IMPOSED
21 AND COLLECTED UNDER THIS ACT SHALL BE FOR THE EXCLUSIVE USE OF
22 THE BOARD IN CARRYING OUT THIS ACT AND SHALL BE ANNUALLY
23 APPROPRIATED FROM THE ACCOUNT FOR THAT PURPOSE. THIS SUBSECTION
24 SHALL NOT APPLY TO AN INITIAL LICENSE FEE.

25 (E) CHARGING OF FEES.--THE BOARD MAY CHARGE A REASONABLE
26 FEE, AS SET BY THE BOARD BY REGULATION UNDER SECTION 303(21),
27 FOR ALL EXAMINATIONS, REGISTRATIONS, CERTIFICATES, LICENSURES OR
28 APPLICATIONS PERMITTED BY THIS ACT OR A REGULATION UNDER THIS
29 ACT.

30 (F) CIVIL PENALTIES.--ALL CIVIL PENALTIES SHALL BE DEPOSITED

1 INTO THE ACCOUNT.

2 (G) REPORTS TO DEPARTMENT.--THE BOARD SHALL SUBMIT ANNUALLY
3 TO THE DEPARTMENT AN ESTIMATE OF THE FINANCIAL REQUIREMENTS OF
4 THE BOARD FOR ITS ADMINISTRATIVE, INVESTIGATIVE, LEGAL AND
5 MISCELLANEOUS EXPENSES.

6 (H) REPORTS TO THE APPROPRIATIONS COMMITTEE OF THE SENATE
7 AND THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF
8 REPRESENTATIVES.--THE BOARD SHALL SUBMIT ANNUALLY TO THE
9 APPROPRIATIONS COMMITTEE OF THE SENATE AND THE APPROPRIATIONS
10 COMMITTEE OF THE HOUSE OF REPRESENTATIVES, 15 DAYS AFTER THE
11 GOVERNOR HAS SUBMITTED HIS BUDGET TO THE GENERAL ASSEMBLY, A
12 COPY OF THE BUDGET REQUEST FOR THE UPCOMING FISCAL YEAR WHICH
13 THE BOARD PREVIOUSLY SUBMITTED TO THE DEPARTMENT.

14 (I) REPORTS TO OTHER LEGISLATIVE COMMITTEES.--THE BOARD
15 SHALL SUBMIT ANNUALLY A REPORT TO THE CONSUMER PROTECTION AND
16 PROFESSIONAL LICENSURE COMMITTEE OF THE SENATE AND TO THE
17 PROFESSIONAL LICENSURE COMMITTEE OF THE HOUSE OF REPRESENTATIVES
18 CONTAINING A DESCRIPTION OF THE TYPES OF COMPLAINTS RECEIVED,
19 STATUS OF CASES, BOARD ACTION WHICH HAS BEEN TAKEN AND THE
20 LENGTH OF TIME FROM THE INITIAL COMPLAINT TO FINAL BOARD
21 RESOLUTION. THE REPORT SHALL ALSO INCLUDE A STATEMENT OF THE
22 NUMBERS AND TYPES OF LICENSES GRANTED.

23 CHAPTER 5

24 LICENSING

25 SECTION 501. MEDICAL CANNABIS GROWERS.

26 (A) LICENSING.--THE BOARD SHALL LICENSE NOT MORE THAN 65
27 MEDICAL CANNABIS GROWERS TO SUPPLY MEDICAL CANNABIS FOR
28 DISTRIBUTION TO MEDICAL CANNABIS PROCESSORS AND MEDICAL CANNABIS
29 DISPENSERS UNDER THIS ACT.

30 (B) IMPOSITION.--AT THE TIME OF LICENSE ISSUANCE, THE BOARD

1 SHALL IMPOSE A LICENSING FEE IN THE AMOUNT OF \$50,000. THE BOARD
2 SHALL IMPOSE AN INITIAL \$5,000 ANNUAL RENEWAL FEE FOR EACH YEAR
3 IMMEDIATELY FOLLOWING THE YEAR THE LICENSE WAS ISSUED. RENEWAL
4 FEES SHALL THEREAFTER BE SUBJECT TO ADJUSTMENT UNDER SECTION
5 308.

6 (C) TERM.--UPON PAYMENT OF THE FEE UNDER SUBSECTION (B), A
7 GROWER'S LICENSE SHALL BE IN EFFECT UNLESS SUSPENDED, REVOKED OR
8 NOT RENEWED BY THE BOARD FOR GOOD CAUSE.

9 (D) UPDATE.--A LICENSEE UNDER THIS SECTION MUST NOTIFY THE
10 BOARD OF A CHANGE RELATING TO THE STATUS OF ITS LICENSE OR OTHER
11 INFORMATION CONTAINED IN ITS APPLICATION AND OTHER INFORMATION
12 FILED WITH THE BOARD.

13 (E) DEPOSIT.--THE LICENSURE FEE UNDER SUBSECTION (B) SHALL
14 BE DEPOSITED INTO THE GENERAL FUND. RENEWAL FEES UNDER
15 SUBSECTION (B) SHALL BE DEPOSITED INTO THE ACCOUNT.

16 (F) RESTRICTION.--THERE SHALL BE NO RESTRICTION ON SPECIFIC
17 STRAINS OF MEDICAL CANNABIS THAT MAY BE GROWN UNDER THIS ACT.
18 USE OF GENETICALLY MODIFIED ORGANISMS OR AN ORGANISM WHOSE
19 GENETIC MATERIAL HAS BEEN ALTERED USING GENETIC ENGINEERING MAY
20 NOT BE USED IN THE CULTIVATION OF MEDICAL CANNABIS.

21 (G) REQUIREMENTS.--A MEDICAL CANNABIS GROWER SHALL:

22 (1) ONLY GROW MEDICAL CANNABIS USING CONVENTIONAL
23 GROWING METHODS APPROVED BY THE BOARD IN CONSULTATION WITH
24 THE DEPARTMENT OF AGRICULTURE.

25 (2) SUBMIT TO PREOPERATIONAL AND POSTOPERATIONAL
26 ANNOUNCED AND UNANNOUNCED INSPECTIONS BY THE BOARD OR THE
27 DEPARTMENT.

28 (3) GROW CANNABIS ONLY IN AN INDOOR, ENCLOSED, SECURE
29 FACILITY.

30 (4) CONDUCT QUALITY TESTING UTILIZING A TESTING

1 LABORATORY CERTIFIED BY THE BOARD PRIOR TO THE SALE OF
2 MEDICAL CANNABIS AND SUBMIT TO RANDOM TESTING OF MEDICAL
3 CANNABIS CONDUCTED BY THE BOARD.

4 (5) PACKAGE AND LABEL MEDICAL CANNABIS PRODUCTS IN
5 ACCORDANCE WITH REGULATIONS OF THE BOARD.

6 (6) ONLY SELL, TRANSPORT OR DELIVER MEDICAL CANNABIS TO
7 A MEDICAL CANNABIS PROCESSOR, CERTIFIED LABORATORY OR MEDICAL
8 CANNABIS DISPENSER.

9 (7) PROVIDE INFORMATION RELATING TO THE ENCLOSED, SECURE
10 FACILITY WHERE MEDICAL CANNABIS WILL BE GROWN, HARVESTED OR
11 STORED, INCLUDING ELECTRONIC LOCKING SYSTEMS, LIMITED ACCESS
12 AREAS, SECURE STORAGE AND DISPOSAL PROCEDURES, ELECTRONIC
13 SURVEILLANCE AND OTHER FEATURES REQUIRED BY THE BOARD.

14 (8) PROVIDE A CULTIVATION, INVENTORY AND PACKAGING PLAN
15 AND PROCEDURES FOR THE OVERSIGHT OF THE CULTIVATION AREA,
16 INCLUDING A PLANT MONITORING SYSTEM, CONTAINER TRACKING
17 SYSTEM AND STAFFING PLAN.

18 (9) MAINTAIN DAILY RECORDS OF PLANTS, SALES AND OTHER
19 ACTIVITIES, AS REQUIRED BY THE BOARD.

20 (10) PERFORM A WEEKLY PHYSICAL INVENTORY OF ALL PLANTS
21 AND CONTAINERS.

22 (11) NOTIFY LAW ENFORCEMENT WITHIN 24 HOURS OF ANY LOSS
23 OR THEFT OF MEDICAL CANNABIS.

24 (H) PROHIBITIONS.--A MEDICAL CANNABIS GROWER MAY NOT DO ANY
25 OF THE FOLLOWING:

26 (1) BE LOCATED WITHIN 1,000 FEET OF THE PROPERTY LINE OF
27 A PUBLIC, PRIVATE OR PAROCHIAL SCHOOL OR A DAY-CARE CENTER.

28 (2) BE LOCATED IN A RESIDENTIAL DWELLING OR AN AREA
29 ZONED FOR RESIDENTIAL USE.

30 (3) ACQUIRE CANNABIS FROM OUTSIDE THIS COMMONWEALTH OR

1 OTHERWISE IN VIOLATION OF REGULATIONS OF THE BOARD.

2 (4) PERMIT AN INDIVIDUAL TO CONSUME CANNABIS ON ITS
3 PROPERTY.

4 (5) ADVERTISE MEDICAL CANNABIS ON RADIO OR TELEVISION.

5 (I) EXCHANGE.--THE BOARD SHALL PROMULGATE REGULATIONS FOR
6 THE EXCHANGE OF MEDICAL CANNABIS SEED AND PLANT MATERIALS
7 BETWEEN GROWERS.

8 SECTION 502. MEDICAL CANNABIS PROCESSORS.

9 (A) LICENSING.--THE BOARD SHALL LICENSE NOT MORE THAN 65
10 MEDICAL CANNABIS PROCESSORS TO PROCESS MEDICAL CANNABIS INTO
11 OIL-BASED MEDICAL CANNABIS PRODUCTS, INCLUDING OIL, EDIBLE
12 PRODUCTS, OINTMENTS AND TINCTURES. THE LICENSEES SHALL BE
13 GEOGRAPHICALLY DISPERSED THROUGHOUT THIS COMMONWEALTH TO ALLOW
14 ACCESS TO PROCESSED MEDICAL CANNABIS BY MEDICAL CANNABIS
15 DISPENSERS.

16 (B) IMPOSITION.--AT THE TIME OF LICENSE ISSUANCE, THE BOARD
17 SHALL IMPOSE A LICENSING FEE IN THE AMOUNT OF \$50,000. THE BOARD
18 SHALL IMPOSE AN INITIAL \$5,000 ANNUAL RENEWAL FEE FOR EACH YEAR
19 IMMEDIATELY FOLLOWING THE YEAR THE LICENSE WAS ISSUED. RENEWAL
20 FEES SHALL BE SUBJECT TO ADJUSTMENT AND DEPOSIT UNDER SECTION
21 308.

22 (C) TERM.--UPON PAYMENT OF THE FEE UNDER SUBSECTION (B), A
23 PROCESSOR'S LICENSE SHALL BE IN EFFECT UNLESS SUSPENDED, REVOKED
24 OR NOT RENEWED BY THE BOARD FOR GOOD CAUSE.

25 (D) UPDATE.--A LICENSEE UNDER THIS SECTION MUST NOTIFY THE
26 BOARD OF A CHANGE RELATING TO THE STATUS OF ITS LICENSE OR OTHER
27 INFORMATION CONTAINED IN ITS APPLICATION AND OTHER INFORMATION
28 FILED WITH THE BOARD.

29 (E) DEPOSIT.--THE LICENSE FEE UNDER SUBSECTION (B) SHALL BE
30 DEPOSITED INTO THE GENERAL FUND. RENEWAL FEES SHALL BE DEPOSITED

1 INTO THE ACCOUNT.

2 (F) REQUIREMENTS.--A MEDICAL CANNABIS PROCESSOR SHALL DO ALL
3 OF THE FOLLOWING:

4 (1) ONLY USE EXTRACTION AND PROCESSING METHODS APPROVED
5 BY THE BOARD.

6 (2) SUBMIT TO PREOPERATIONAL AND POSTOPERATIONAL
7 ANNOUNCED AND UNANNOUNCED INSPECTIONS BY THE BOARD AND THE
8 DEPARTMENT.

9 (3) CONDUCT QUALITY TESTING UTILIZING A CERTIFIED
10 TESTING LABORATORY APPROVED BY THE BOARD PRIOR TO DELIVERY TO
11 A DISPENSER AND SUBMIT TO RANDOM TESTING CONDUCTED BY THE
12 BOARD.

13 (4) ONLY SELL, TRANSPORT OR DELIVER MEDICAL CANNABIS TO
14 A TESTING LABORATORY OR TO A MEDICAL CANNABIS DISPENSER.

15 (5) CONDUCT PROCESSING ACTIVITY IN A BOARD-APPROVED
16 FACILITY THAT IS INDOOR, ENCLOSED AND SECURE, AND INCLUDES AN
17 ELECTRONIC LOCKING SYSTEM, A LIMITED ACCESS AREA, SECURE
18 STORAGE AND DISPOSAL PROCEDURES, ELECTRONIC SURVEILLANCE AND
19 OTHER FEATURES REQUIRED BY THE BOARD.

20 (6) PROVIDE INFORMATION RELATING TO THE FACILITY AND
21 FEATURES UNDER PARAGRAPH (5).

22 (7) PROVIDE A PROCESSING, INVENTORY AND PACKAGING PLAN
23 AND PROCEDURES FOR THE OVERSIGHT OF THE PROCESSING FACILITY,
24 INCLUDING A PLANT AND PRODUCT MONITORING SYSTEM, CONTAINER
25 TRACKING SYSTEM AND STAFFING PLAN.

26 (8) PERFORM A WEEKLY PHYSICAL INVENTORY OF ALL PLANTS,
27 CONTAINERS AND PROCESSING MATERIALS.

28 (9) MAINTAIN A DAILY LOG OF ACCESS TO MEDICAL CANNABIS
29 RECEIVED AND PRODUCTS SHIPPED.

30 (10) ONLY SELL MEDICAL CANNABIS APPROVED BY A CERTIFIED

1 LABORATORY TO A LICENSED MEDICAL CANNABIS DISPENSER.

2 (11) NOTIFY LAW ENFORCEMENT WITHIN 24 HOURS OF A LOSS OR
3 THEFT OF MEDICAL CANNABIS.

4 (12) MAINTAIN DAILY RECORDS OF ALL SALES AND OTHER
5 ACTIVITIES AS REQUIRED BY THE BOARD.

6 (13) COMPLY WITH THE REGULATIONS OF THE DEPARTMENT OF
7 AGRICULTURE RELATING TO FOOD SAFETY WHEN MANUFACTURING EDIBLE
8 PRODUCTS.

9 (G) PROHIBITIONS.--A MEDICAL CANNABIS PROCESSOR MAY NOT DO
10 ANY OF THE FOLLOWING:

11 (1) BE LOCATED WITHIN 1,000 FEET OF THE PROPERTY LINE OF
12 A PUBLIC, PRIVATE OR PAROCHIAL SCHOOL OR A DAY-CARE CENTER.

13 (2) BE LOCATED IN A RESIDENTIAL DWELLING OR AN AREA
14 ZONED FOR RESIDENTIAL USE.

15 (3) ACQUIRE CANNABIS FROM ANYONE OTHER THAN A LICENSED
16 MEDICAL CANNABIS GROWER.

17 (4) OBTAIN CANNABIS FROM OUTSIDE THIS COMMONWEALTH.

18 (5) PROCESS CANNABIS FOR ANY PURPOSE EXCEPT TO PROVIDE
19 MEDICAL CANNABIS TO A LICENSED MEDICAL CANNABIS DISPENSER.

20 (6) ADVERTISE MEDICAL CANNABIS ON RADIO OR TELEVISION.

21 SECTION 503. MEDICAL CANNABIS DISPENSERS.

22 (A) LICENSING.--THE BOARD SHALL LICENSE NOT MORE THAN 130
23 MEDICAL CANNABIS DISPENSERS TO ACCEPT MEDICAL CANNABIS ACCESS
24 CARDS AND DISPENSE MEDICAL CANNABIS TO A REGISTERED PATIENT OR
25 PATIENT REPRESENTATIVE IN ACCORDANCE WITH THE INSTRUCTIONS OF A
26 HEALTH CARE PRACTITIONER. THE LICENSEES SHALL BE GEOGRAPHICALLY
27 DISPERSED THROUGHOUT THIS COMMONWEALTH TO ALLOW ALL REGISTERED
28 PATIENTS REASONABLE PROXIMITY AND ACCESS TO MEDICAL CANNABIS BY
29 A MEDICAL CANNABIS DISPENSER.

30 (B) IMPOSITION.--AT THE TIME OF LICENSE ISSUANCE, THE BOARD

1 SHALL IMPOSE A LICENSING FEE IN THE AMOUNT OF \$50,000. THE BOARD
2 SHALL IMPOSE AN INITIAL \$5,000 ANNUAL RENEWAL FEE FOR EACH YEAR
3 IMMEDIATELY FOLLOWING THE YEAR THE LICENSE WAS ISSUED. RENEWAL
4 FEES SHALL BE SUBJECT TO ADJUSTMENT UNDER SECTION 308.

5 (C) TERM.--UPON PAYMENT OF THE FEE UNDER SUBSECTION (B), A
6 DISPENSER'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,
10 OPERATION OR OTHER INFORMATION CONTAINED IN ITS APPLICATION AND
11 OTHER INFORMATION FILED WITH THE BOARD.

12 (E) DEPOSIT.--THE LICENSE FEE UNDER SUBSECTION (B) SHALL BE
13 DEPOSITED INTO THE GENERAL FUND. RENEWAL FEES SHALL BE DEPOSITED
14 INTO THE ACCOUNT.

15 (F) REQUIREMENTS.--A MEDICAL CANNABIS DISPENSER SHALL DO ALL
16 OF THE FOLLOWING:

17 (1) MAINTAIN A SYSTEM TO VERIFY MEDICAL CANNABIS ACCESS
18 CARDS.

19 (2) SUBMIT TO PREOPERATIONAL AND POSTOPERATIONAL
20 ANNOUNCED AND UNANNOUNCED INSPECTIONS BY THE BOARD AND THE
21 DEPARTMENT.

22 (3) MAINTAIN A DAILY LOG OF ALL MEDICAL CANNABIS
23 PURCHASED AND DISPENSED. THE LOG SHALL INCLUDE:

24 (I) THE NAME OF THE REGISTERED PATIENT OR A PATIENT
25 REPRESENTATIVE THAT HOLDS THE MEDICAL CANNABIS ACCESS
26 CARD.

27 (II) THE AMOUNT OF MEDICAL CANNABIS DISPENSED.

28 (III) THE DATE OF EACH DISPENSING TO THE CARDHOLDER.

29 (4) PROVIDE REPORTS AS REQUIRED BY THE BOARD RELATING TO
30 AMOUNTS DISPENSED.

1 (5) MAINTAIN AN ENCLOSED, SECURE PHYSICAL PREMISES THAT
2 MEETS THE REGULATIONS OF THE BOARD. MEDICAL CANNABIS MAY NOT
3 BE VISIBLE FROM THE ENTRYWAY TO AN INDIVIDUAL WHO IS NOT AN
4 OCCUPATION-PERMITTED EMPLOYEE, OWNER OR OPERATOR OF THE
5 LICENSED PREMISES.

6 (6) DISPENSE NO MORE THAN A 30-DAY SUPPLY OF THE DOSAGE
7 RECOMMENDED BY THE HEALTH CARE PRACTITIONER UNLESS THE
8 REGISTERED PATIENT RECEIVES A WAIVER FROM THE DEPARTMENT
9 AUTHORIZING A LARGER AMOUNT. A NEW 30-DAY SUPPLY MAY BE
10 DISPENSED DURING THE SEVEN DAYS PRIOR TO THE END OF THE 30-
11 DAY PERIOD UNDER THIS PARAGRAPH.

12 (7) ONLY ACCEPT AUTHORIZATIONS FROM A HEALTH CARE
13 PRACTITIONER FOR NO MORE THAN THE 30-DAY SUPPLY PERIODS.
14 THEREAFTER, A NEW AUTHORIZATION FROM THE HEALTH CARE
15 PRACTITIONER SHALL BE REQUIRED.

16 (8) COMPLY WITH RECOMMENDATIONS OF THE HEALTH CARE
17 PRACTITIONER AS TO STRAIN, DOSAGE AND AMOUNT OF MEDICAL
18 CANNABIS DISPENSED.

19 (9) PROVIDE ALL REGISTERED PATIENTS AND PATIENT
20 REPRESENTATIVES WITH A SAFETY INSERT DEVELOPED BY THE
21 DEPARTMENT OF HEALTH WHICH INCLUDES:

22 (I) METHODS FOR ADMINISTERING MEDICAL CANNABIS.

23 (II) POTENTIAL DANGERS.

24 (III) RECOGNITION AND CORRECTION OF PROBLEMATIC
25 DOSAGE.

26 (IV) OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

27 (10) SELL ONLY MEDICAL CANNABIS THAT HAS RECEIVED
28 APPROVAL FROM THE CERTIFIED LABORATORY.

29 (11) MAINTAIN AN ELECTRONIC SECURITY SYSTEM, INCLUDING
30 ALL OF THE FOLLOWING:

1 (I) ELECTRONIC SURVEILLANCE.

2 (II) AN ELECTRONIC LOCKING SYSTEM.

3 (III) A LOCKED DOOR OR BARRIER BETWEEN THE ENTRY AND
4 A LIMITED ACCESS AREA FOR PATIENTS, STORAGE, DISPOSAL AND
5 OTHER PROCESSES.

6 (12) PROVIDE FOR THE SUPERVISION OF THE DISPENSING OF
7 MEDICAL CANNABIS AT ALL TIMES BY AN INDIVIDUAL WITH
8 QUALIFICATIONS REQUIRED BY THE BOARD.

9 (13) DISPLAY APPROPRIATE SIGNAGE AS REQUIRED BY THE
10 BOARD.

11 (14) PROVIDE THE PROPOSED ADDRESS OF THE ENCLOSED,
12 SECURE FACILITY WHERE MEDICAL CANNABIS WILL BE DISPENSED.

13 (15) PROVIDE AN INVENTORY AND PACKAGING PLAN AND
14 PROCEDURES FOR THE OVERSIGHT OF THE DISPENSING FACILITY,
15 INCLUDING A PLANT AND PRODUCT MONITORING SYSTEM, CONTAINER
16 TRACKING SYSTEM, STAFFING PLAN AND SECURITY PLAN.

17 (16) PERFORM A WEEKLY PHYSICAL INVENTORY OF ALL MEDICAL
18 CANNABIS AND MEDICAL CANNABIS PRODUCTS.

19 (17) OBTAIN MEDICAL CANNABIS ONLY FROM A MEDICAL
20 CANNABIS PROCESSOR.

21 (18) NOTIFY LAW ENFORCEMENT WITHIN 24 HOURS OF A LOSS OR
22 THEFT OF MEDICAL CANNABIS.

23 (G) PROHIBITIONS.--A MEDICAL CANNABIS DISPENSER MAY NOT DO
24 ANY OF THE FOLLOWING:

25 (1) BE LOCATED WITHIN 1,000 FEET OF THE PROPERTY LINE OF
26 A PUBLIC, PRIVATE OR PAROCHIAL SCHOOL OR A DAY-CARE CENTER.

27 (2) BE LOCATED IN A RESIDENTIAL DWELLING OR AN AREA
28 ZONED FOR RESIDENTIAL USE.

29 (3) OBTAIN CANNABIS FROM OUTSIDE THIS COMMONWEALTH.

30 (4) SELL MEDICAL CANNABIS FOR ANY PURPOSE EXCEPT TO A

1 REGISTERED PATIENT OR A PATIENT REPRESENTATIVE.

2 (5) PERMIT AN INDIVIDUAL TO CONSUME CANNABIS ON ITS
3 PROPERTY.

4 (6) SELL PRODUCTS WHICH CONTAIN NICOTINE OR ALCOHOL.

5 (7) SELL MEDICAL CANNABIS OVER THE INTERNET OR TO A
6 PERSON NOT PHYSICALLY PRESENT AT ITS LOCATION.

7 (8) ADVERTISE MEDICAL CANNABIS ON RADIO OR TELEVISION.

8 SECTION 504. APPLICATIONS.

9 (A) APPLICATION.--AN APPLICATION FOR A GROWER, PROCESSOR OR
10 DISPENSER LICENSE MUST BE SUBMITTED ON A FORM AND IN A MANNER AS
11 REQUIRED BY THE BOARD. IN REVIEWING AN APPLICATION, THE BOARD
12 SHALL CONFIRM THAT ALL APPLICABLE FEES HAVE BEEN PAID.

13 (B) INFORMATION.--AN APPLICANT FOR A GROWER, PROCESSOR OR
14 DISPENSER LICENSE UNDER THIS ACT MUST DO ALL OF THE FOLLOWING:

15 (1) DISCLOSE THE FOLLOWING INFORMATION:

16 (I) EACH ARREST AND CITATION FOR A NONTRAFFIC
17 SUMMARY OFFENSE OF THE APPLICANT.

18 (II) THE NAME, ADDRESS AND PHOTOGRAPH OF THE
19 APPLICANT AND EACH PRINCIPAL AND THE PRINCIPAL'S POSITION
20 WITHIN THE CORPORATION OR ORGANIZATION.

21 (III) ANY FINANCIAL INFORMATION REQUIRED BY THE
22 BOARD.

23 (IV) THE PROPOSED LOCATION OF THE GROWING,
24 PROCESSING OR DISPENSING OPERATION.

25 (V) THE DETAILS OF EACH LOAN OBTAINED TO FINANCE THE
26 GROWING, PROCESSING OR DISPENSING OPERATION.

27 (VI) THE DETAILS OF ANY CIVIL JUDGMENT AGAINST THE
28 APPLICANT OR THE APPLICANT'S OWNERS OR OPERATORS RELATING
29 TO:

30 (A) SECURITY REGULATION LAWS OF THE FEDERAL

1 GOVERNMENT;

2 (B) LAWS RELATING TO THE REGULATION OF
3 PHARMACEUTICALS; OR

4 (C) LAWS UNDER 15 PA.C.S. (RELATING TO
5 CORPORATIONS AND UNINCORPORATED ASSOCIATIONS).

6 (VII) ANY OTHER INFORMATION REQUIRED BY THE BOARD.

7 (2) CONSENT TO THE CONDUCT OF A BACKGROUND INVESTIGATION
8 BY THE BOARD, THE SCOPE OF WHICH SHALL BE DETERMINED BY THE
9 BOARD CONSISTENT WITH THIS ACT. CONSENT SHALL INCLUDE A
10 RELEASE SIGNED BY EACH PERSON SUBJECT TO THE INVESTIGATION OF
11 INFORMATION REQUIRED TO COMPLETE THE INVESTIGATION.

12 (C) REFUSAL.--A REFUSAL TO PROVIDE THE INFORMATION REQUIRED
13 UNDER THIS SECTION OR TO CONSENT TO A BACKGROUND INVESTIGATION
14 SHALL RESULT IN THE IMMEDIATE DENIAL OF A LICENSE.

15 (D) CHARACTER REQUIREMENTS.--EACH APPLICATION FOR A GROWER,
16 PROCESSOR OR DISPENSER LICENSE SHALL INCLUDE INFORMATION,
17 DOCUMENTATION AND ASSURANCE REQUIRED TO ESTABLISH BY CLEAR AND
18 CONVINCING EVIDENCE THAT THE APPLICANT IS A PERSON OF GOOD
19 CHARACTER, HONESTY AND INTEGRITY, HAS APPROPRIATE FINANCIAL
20 SUITABILITY AND IS ELIGIBLE AND SUITABLE TO BE AN OWNER OR
21 OPERATOR. INFORMATION SHALL INCLUDE INFORMATION PERTAINING TO
22 ASSOCIATES DURING THE TEN-YEAR PERIOD IMMEDIATELY PRECEDING THE
23 FILING DATE OF THE APPLICATION.

24 (E) PRIVILEGE.--THE ISSUANCE OR RENEWAL OF A LICENSE UNDER
25 THIS SECTION SHALL BE A REVOCABLE PRIVILEGE.

26 SECTION 505. LICENSING OF OWNER OR OPERATOR.

27 (A) LICENSE REQUIRED.--EACH OWNER OR OPERATOR OF AN
28 APPLICANT FOR LICENSURE UNDER THIS ACT MUST OBTAIN AN OWNER OR
29 OPERATOR LICENSE FROM THE BOARD. AN OWNER OR OPERATOR MAY ONLY
30 HAVE AN INTEREST IN THE ACTIVITY UNDER THIS ACT FOR WHICH

1 LICENSURE IS SOUGHT.

2 (B) APPLICATION.--AN OWNER OR OPERATOR LICENSE APPLICATION
3 SHALL BE IN A FORM PRESCRIBED BY THE BOARD AND SHALL INCLUDE THE
4 FOLLOWING:

5 (1) VERIFICATION OF STATUS AS AN OWNER OR OPERATOR FROM
6 A MEDICAL CANNABIS DISPENSER, GROWER OR PROCESSOR.

7 (2) A DESCRIPTION OF RESPONSIBILITIES AS AN OWNER OR
8 OPERATOR.

9 (3) EACH RELEASE NECESSARY TO OBTAIN INFORMATION FROM
10 GOVERNMENTAL AGENCIES, EMPLOYERS AND OTHER ORGANIZATIONS.

11 (4) FINGERPRINTS, WHICH SHALL BE SUBMITTED TO THE
12 PENNSYLVANIA STATE POLICE. THE PENNSYLVANIA STATE POLICE
13 SHALL SUBMIT FINGERPRINT DATA TO AND RECEIVE NATIONAL
14 CRIMINAL HISTORY RECORD INFORMATION FROM THE FEDERAL BUREAU
15 OF INVESTIGATION FOR USE IN INVESTIGATING AN APPLICANT FOR AN
16 OWNER OR OPERATOR LICENSE.

17 (5) A PHOTOGRAPH THAT MEETS THE STANDARDS OF THE
18 COMMONWEALTH PHOTO IMAGING NETWORK.

19 (6) DETAILS RELATING TO A SIMILAR LICENSE, PERMIT OR
20 OTHER AUTHORIZATION OBTAINED IN ANOTHER JURISDICTION.

21 (7) ANY ADDITIONAL INFORMATION REQUIRED BY THE BOARD.

22 (C) ISSUANCE.--FOLLOWING REVIEW OF THE APPLICATION AND THE
23 BACKGROUND INVESTIGATION, THE BOARD MAY ISSUE AN OWNER OR
24 OPERATOR LICENSE IF THE APPLICANT HAS PROVEN BY CLEAR AND
25 CONVINCING EVIDENCE THAT THE APPLICANT IS A PERSON OF GOOD
26 CHARACTER, HONESTY AND INTEGRITY AND IS ELIGIBLE AND SUITABLE TO
27 BE LICENSED AS AN OWNER OR OPERATOR.

28 (D) NONTRANSFERABILITY.--A LICENSE ISSUED UNDER THIS SECTION
29 SHALL BE NONTRANSFERABLE.

30 (E) OWNER OR OPERATOR.--AN INDIVIDUAL WHO RECEIVES AN OWNER

1 OR OPERATOR LICENSE NEED NOT OBTAIN AN OCCUPATION PERMIT.

2 (F) WAIVER.--THE BOARD MAY WAIVE LICENSURE REQUIREMENTS FOR
3 AN OWNER OF SECURITIES IN A PUBLICLY TRADED CORPORATION IF THE
4 BOARD DETERMINES THAT THE HOLDER OF THE SECURITIES IS NOT
5 SIGNIFICANTLY INVOLVED IN THE ACTIVITIES OF THE APPLICANT.

6 SECTION 506. OCCUPATION PERMIT FOR MEDICAL CANNABIS EMPLOYEES
7 AND CERTAIN PATIENT REPRESENTATIVES.

8 (A) PERMIT REQUIRED.--EACH MEDICAL CANNABIS EMPLOYEE, AND
9 EACH PATIENT REPRESENTATIVE WHO IS NOT A PARENT OR GUARDIAN OF A
10 PATIENT, SHALL OBTAIN AN OCCUPATION PERMIT FROM THE BOARD.

11 (B) APPLICATION.--AN OCCUPATION PERMIT APPLICATION SHALL BE
12 IN A FORM PRESCRIBED BY THE BOARD AND SHALL INCLUDE THE
13 FOLLOWING:

14 (1) VERIFICATION OF ONE OF THE FOLLOWING:

15 (I) THE STATUS AS A MEDICAL CANNABIS EMPLOYEE OR
16 POTENTIAL MEDICAL CANNABIS EMPLOYER FROM A MEDICAL
17 CANNABIS GROWER, PROCESSOR OR DISPENSER.

18 (II) FROM A HEALTH CARE FACILITY THAT THE PATIENT
19 REPRESENTATIVE IS AN EMPLOYEE DESIGNATED TO PURCHASE,
20 POSSESS, TRANSPORT, DELIVER AND PROPERLY ADMINISTER
21 MEDICAL CANNABIS TO A PATIENT WITH A MEDICAL CANNABIS
22 ACCESS CARD WHO IS UNABLE TO OBTAIN THE MEDICAL CANNABIS.

23 (2) A DESCRIPTION OF EMPLOYMENT RESPONSIBILITIES.

24 (3) EACH RELEASE NECESSARY TO OBTAIN INFORMATION FROM
25 GOVERNMENTAL AGENCIES, EMPLOYERS AND OTHER ORGANIZATIONS.

26 (4) FINGERPRINTS, WHICH SHALL BE SUBMITTED TO THE
27 PENNSYLVANIA STATE POLICE. THE PENNSYLVANIA STATE POLICE
28 SHALL SUBMIT FINGERPRINT DATA TO AND RECEIVE NATIONAL
29 CRIMINAL HISTORY RECORD INFORMATION FROM THE FEDERAL BUREAU
30 OF INVESTIGATION FOR USE IN INVESTIGATING AN APPLICANT FOR AN

OCCUPATION PERMIT.

(5) A PHOTOGRAPH THAT MEETS THE STANDARDS OF THE
COMMONWEALTH PHOTO IMAGING NETWORK.

(6) DETAILS RELATING TO A SIMILAR LICENSE, PERMIT OR
OTHER AUTHORIZATION OBTAINED IN ANOTHER JURISDICTION.

(7) ANY ADDITIONAL INFORMATION REQUIRED BY THE BOARD.

(C) ISSUANCE.--FOLLOWING REVIEW OF THE APPLICATION AND THE
BACKGROUND INVESTIGATION, THE BOARD MAY ISSUE AN OCCUPATION
PERMIT IF THE APPLICANT HAS PROVEN BY CLEAR AND CONVINCING
EVIDENCE THAT THE APPLICANT IS A PERSON OF GOOD CHARACTER,
HONESTY AND INTEGRITY AND IS ELIGIBLE AND SUITABLE TO BE AN
OCCUPATION PERMIT HOLDER.

(D) NONTRANSFERABILITY.--AN OCCUPATION PERMIT ISSUED UNDER
THIS SECTION SHALL BE NONTRANSFERABLE.

(E) PRIVILEGE.--THE ISSUANCE OR RENEWAL OF A PERMIT UNDER
THIS SECTION SHALL BE A REVOCABLE PRIVILEGE.
SECTION 507. CHANGE IN OWNERSHIP.

THE FOLLOWING APPLY TO NOTIFICATION AND APPROVAL:

(1) A MEDICAL CANNABIS GROWER, PROCESSOR OR DISPENSER
MUST NOTIFY THE BOARD UPON BECOMING AWARE OF A PROPOSED OR
CONTEMPLATED CHANGE OF OWNERSHIP OR CONTROL OF THE LICENSEE.
THE NEW OWNER MUST PAY THE LICENSING FEE REQUIRED UNDER THIS
CHAPTER.

(2) THE PURCHASER OF THE ASSETS OF A MEDICAL CANNABIS
GROWER, PROCESSOR OR DISPENSER MUST INDEPENDENTLY QUALIFY FOR
A LICENSE IN ACCORDANCE WITH THIS ACT AND MUST PAY THE
LICENSE FEE REQUIRED UNDER THIS CHAPTER.

(3) IF THE OWNERSHIP OF THE OPERATION OF A LICENSED
GROWER, PROCESSOR OR DISPENSER OR ITS AFFILIATE IS CHANGED,
THE NEW OWNER MUST PAY THE ANNUAL RENEWAL FEE FOR EACH

1 APPLICABLE LICENSE.

2 SECTION 508. LOCATION.

3 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED UNDER THIS
4 ACT, EACH GROWER, PROCESSOR AND DISPENSER LICENSE SHALL BE VALID
5 FOR THE SPECIFIC PHYSICAL LOCATION WITHIN THE MUNICIPALITY AND
6 COUNTY FOR WHICH IT WAS ORIGINALLY GRANTED. A PERSON MAY NOT
7 DISTRIBUTE MEDICAL CANNABIS FROM A LOCATION OTHER THAN A
8 LICENSED FACILITY.

9 (B) ZONING.--THE FOLLOWING SHALL APPLY:

10 (1) THE GROWING OF MEDICAL CANNABIS SHALL BE CLASSIFIED
11 AS A NORMAL AGRICULTURAL OPERATION AS DEFINED UNDER SECTION 2
12 OF THE ACT OF JUNE 10, 1982 (P.L.454, NO.133), REFERRED TO AS
13 THE RIGHT-TO-FARM LAW.

14 (2) FACILITIES FOR THE MANUFACTURING, PREPARATION AND
15 PRODUCTION OF MEDICAL CANNABIS SHALL MEET THE SAME MUNICIPAL
16 ZONING AND LAND USE REQUIREMENTS AS OTHER MANUFACTURING,
17 PREPARATION AND PRODUCTION FACILITIES.

18 (3) FACILITIES FOR THE DISPENSING OF MEDICAL CANNABIS
19 SHALL MEET THE SAME MUNICIPAL ZONING AND LAND USE
20 REQUIREMENTS AS OTHER COMMERCIAL FACILITIES.

21 (C) PETITION.--AN APPLICANT OR HOLDER OF A LICENSE UNDER
22 THIS ACT MAY PETITION THE BOARD TO RELOCATE ITS FACILITY. IN
23 DETERMINING WHETHER TO GRANT A PETITION TO RELOCATE, THE BOARD
24 SHALL DO ALL OF THE FOLLOWING:

25 (1) EVALUATE THE PROPOSED NEW LOCATION AND THE REASON
26 FOR RELOCATION.

27 (2) EVALUATE COMMUNITY SUPPORT AND COMPLIANCE WITH LOCAL
28 ORDINANCES.

29 (3) CONSIDER ANY OTHER INFORMATION SUBMITTED BY THE
30 PETITIONER OR REQUIRED BY THE BOARD.

1 SECTION 509. STORAGE AND TRANSPORTATION.

2 THE BOARD SHALL DEVELOP REGULATIONS RELATING TO THE STORAGE
3 AND TRANSPORTATION OF MEDICAL CANNABIS AMONG GROWERS,
4 PROCESSORS, TESTING LABORATORIES AND MEDICAL CANNABIS DISPENSERS
5 WHICH ENSURE ADEQUATE SECURITY TO GUARD AGAINST IN-TRANSIT
6 LOSSES. THE TRACKING SYSTEM DEVELOPED BY THE BOARD SHALL INCLUDE
7 ALL TRANSPORTATION AND STORAGE OF MEDICAL CANNABIS. THE
8 REGULATIONS SHALL PROVIDE FOR THE FOLLOWING:

9 (1) REQUIREMENTS RELATING TO SHIPPING CONTAINERS AND
10 PACKAGING.

11 (2) THE MANNER IN WHICH TRUCKS, VANS, TRAILERS OR OTHER
12 CARRIERS WILL BE SECURED.

13 (3) SECURITY SYSTEMS THAT INCLUDE A NUMBERED SEAL ON THE
14 TRAILER.

15 (4) OBTAINING COPIES OF DRIVER'S LICENSES AND
16 REGISTRATIONS AND OTHER INFORMATION RELATED TO SECURITY AND
17 TRACKING.

18 (5) USE OF GPS SYSTEMS.

19 (6) NUMBER OF DRIVERS OR OTHER SECURITY REQUIRED TO
20 ENSURE AGAINST STORAGE OR IN-TRANSIT LOSSES.

21 (7) RECORDKEEPING FOR DELIVERY AND RECEIPT OF MEDICAL
22 CANNABIS PRODUCTS.

23 SECTION 510. DISPOSAL AND DONATION.

24 (A) DISPOSAL.--THE BOARD SHALL PROMULGATE REGULATIONS
25 RELATING TO DISPOSAL OF MEDICAL CANNABIS BY MEDICAL CANNABIS
26 GROWERS, PROCESSORS, DISPENSERS AND LAW ENFORCEMENT.

27 (B) DONATION.--A MEDICAL CANNABIS DISPENSER, GROWER AND
28 PROCESSOR MAY DONATE MEDICAL CANNABIS THAT HAS BEEN PURCHASED OR
29 PRODUCED AND TESTED IN THIS COMMONWEALTH IN ACCORDANCE WITH THIS
30 ACT AND IS IN NEW AND UNOPENED CONDITION AND CAN ONLY BE DONATED

FOR RESEARCH PURPOSES TO AN ACCREDITED RESEARCH INSTITUTION,
UNIVERSITY OR COLLEGE WITHIN THIS COMMONWEALTH AND RECOGNIZED BY
THE COMMONWEALTH.

SECTION 511. TESTING LABORATORIES.

(A) CERTIFICATION.--THE BOARD SHALL CERTIFY ACCREDITED
LABORATORIES TO TEST MEDICAL CANNABIS IN ACCORDANCE WITH
REGULATIONS OF THE BOARD.

(B) REQUIREMENT.--A MEDICAL CANNABIS GROWER AND A MEDICAL
CANNABIS PROCESSOR MUST UTILIZE A CERTIFIED LABORATORY TO TEST
THE QUALITY OF MEDICAL CANNABIS BEFORE THE SALE OR TRANSPORT OF
MEDICAL CANNABIS IS MADE AS REQUIRED BY THE BOARD.

(C) DUTY OF BOARD.--THE BOARD SHALL DETERMINE THE SCOPE AND
CONTENT OF INFORMATION REQUIRED TO CERTIFY LABORATORIES,
INCLUDING SECURITY REQUIREMENTS.

SECTION 512. LICENSEE PROHIBITIONS.

(A) INSPECTION.--A LICENSEE OR CERTIFIED LABORATORY MAY NOT
REFUSE TO ALLOW AN AUTHORIZED EMPLOYEE OF THE DEPARTMENT TO
INSPECT A LICENSED PREMISES AT ANY TIME.

(B) OTHER PROHIBITIONS.--A LICENSEE OR CERTIFIED LABORATORY
MAY BE CITED UNDER THIS ACT FOR:

(1) AN UNLAWFUL ACT PROHIBITED BY STATE LAW WHICH OCCURS
ON THE LICENSED PREMISES.

(2) AN UNLAWFUL ACT WHICH INVOLVES A LICENSEE OR THE
LICENSEE'S AGENT OR EMPLOYEE.

(3) THE SALE OR PURCHASE OF AN ILLEGAL DRUG BY THE
LICENSEE OR BY THE LICENSEE'S AGENT OR EMPLOYEE.

CHAPTER 7

MEDICAL CANNABIS ACCESS

SECTION 701. MEDICAL CANNABIS ACCESS CARD.

(A) DEPARTMENT OF HEALTH.--A PATIENT WITH A QUALIFIED

MEDICAL CONDITION MAY REGISTER WITH THE DEPARTMENT OF HEALTH AND
BE ISSUED A MEDICAL CANNABIS ACCESS CARD.

(B) ENFORCEMENT.--THE DEPARTMENT SHALL DEVELOP REGULATIONS
TO ENFORCE THE PROVISIONS OF THIS CHAPTER, INCLUDING REVOCATION
OR SUSPENSION OF AN ACCESS CARD FOR VIOLATIONS OF THIS ACT.

(C) APPLICATION.--AN APPLICATION FOR A MEDICAL CANNABIS
ACCESS CARD SHALL BE DEVELOPED BY THE DEPARTMENT OF HEALTH.
APPLICATIONS FOR RENEWAL SHALL BE REQUIRED ON AN ANNUAL BASIS. A
PATIENT REPRESENTATIVE MAY OBTAIN A MEDICAL CANNABIS ACCESS CARD
ON BEHALF OF A REGISTERED PATIENT.

(D) CERTIFICATION.--APPLICATIONS AND RENEWALS MUST INCLUDE
WRITTEN CERTIFICATION FROM A HEALTH CARE PRACTITIONER UNDER
SUBSECTION (L) THAT THE APPLICANT HAS A QUALIFIED MEDICAL
CONDITION.

(E) VERIFICATION.--THE DEPARTMENT OF HEALTH SHALL VERIFY THE
INFORMATION IN THE APPLICATION AND RENEWAL FORM. VERIFICATION
SHALL INCLUDE VERIFICATION OF THE CERTIFICATION UNDER SUBSECTION
(D).

(F) TIME.--THE DEPARTMENT OF HEALTH MUST APPROVE OR DENY AN
APPLICATION WITHIN 90 BUSINESS DAYS.

(G) FEE.--THE DEPARTMENT OF HEALTH SHALL CHARGE AN
APPLICATION FEE OF NOT MORE THAN \$100 AND AN ANNUAL RENEWAL FEE
OF NOT MORE THAN \$50.

(H) RESIDENCY.--EXCEPT AS PROVIDED IN SUBSECTION (I), A
PATIENT MUST RESIDE IN THIS COMMONWEALTH TO RECEIVE A MEDICAL
CANNABIS ACCESS CARD.

(I) RECIPROCITY.--A PATIENT REGISTERED IN ANOTHER STATE THAT
AUTHORIZES MEDICAL CANNABIS AND RECOGNIZES MEDICAL CANNABIS
ACCESS CARDS FROM PATIENTS WHO ARE RESIDENTS OF THIS
COMMONWEALTH MAY SUBMIT TO THE DEPARTMENT OF HEALTH THE

PATIENT'S CREDENTIALS TO UTILIZE MEDICAL CANNABIS. THE
DEPARTMENT SHALL DEVELOP A SYSTEM FOR CONFIRMING AN OUT-OF-STATE
PATIENT'S STATUS AS A MEDICAL CANNABIS USER IN EACH STATE WITH
LEGALIZED MEDICAL CANNABIS AND ONLY GRANT A MEDICAL CANNABIS
ACCESS CARD TO A PERSON WITH A QUALIFIED MEDICAL CONDITION.
AFTER THE DEPARTMENT OF HEALTH INVESTIGATES AND APPROVES THE
PATIENT'S CREDENTIALS, THE DEPARTMENT OF HEALTH SHALL ISSUE THE
PATIENT A MEDICAL CANNABIS ACCESS CARD ALLOWING THE PATIENT TO
UTILIZE MEDICAL CANNABIS IN THIS COMMONWEALTH.

(J) PATIENT REPRESENTATIVE.--

(1) A PATIENT REPRESENTATIVE MUST BE:

(I) AT LEAST 18 YEARS OF AGE; AND

(II) A RESIDENT OF THIS COMMONWEALTH.

(2) A PATIENT REPRESENTATIVE SHALL DO ALL OF THE

FOLLOWING:

(I) REGISTER WITH THE DEPARTMENT IN A MANNER
PRESCRIBED BY THE DEPARTMENT.

(II) PRESENT, FROM THE REGISTERED PATIENT'S HEALTH
CARE PRACTITIONER WHO PRESCRIBED THE MEDICAL CANNABIS,
CERTIFICATION THAT THE PATIENT IS UNABLE TO OBTAIN OR
ADMINISTER MEDICAL CANNABIS FOR A GOOD FAITH MEDICAL OR
PHYSICAL REASON.

(III) NOTIFY THE DEPARTMENT WITHIN TEN BUSINESS DAYS
AFTER:

(A) A CHANGE TO THE INFORMATION THAT THE
PROVIDER, REGISTERED PATIENT OR PATIENT
REPRESENTATIVE WAS REQUIRED TO SUBMIT TO THE
DEPARTMENT; AND

(B) THE PATIENT REPRESENTATIVE DISCOVERS THAT
THE REGISTRY IDENTIFICATION HAS BEEN LOST OR STOLEN.

1 (IV) NOTIFY THE DEPARTMENT BY TELEPHONE AND IN
2 WRITING WITHIN TEN DAYS FOLLOWING THE DEATH OF THE
3 PATIENT REPRESENTATIVE'S REGISTERED PATIENT. THE
4 DEPARTMENT SHALL PROVIDE INSTRUCTION TO THE PATIENT
5 REPRESENTATIVE REGARDING THE DUTY TO DISPOSE OF AND MEANS
6 BY WHICH THE REMAINING MEDICAL CANNABIS MAY BE DISPOSED.

7 (3) A PATIENT REPRESENTATIVE MAY DO ANY OF THE
8 FOLLOWING:

9 (I) TRANSPORT A REGISTERED PATIENT TO AND FROM A
10 LICENSED MEDICAL CANNABIS DISPENSER.

11 (II) OBTAIN AND TRANSPORT AN ADEQUATE SUPPLY OF
12 MEDICAL CANNABIS FROM A MEDICAL CANNABIS DISPENSER ON
13 BEHALF OF A REGISTERED PATIENT.

14 (III) PREPARE MEDICAL CANNABIS FOR CONSUMPTION BY A
15 REGISTERED PATIENT.

16 (IV) ADMINISTER MEDICAL CANNABIS TO A REGISTERED
17 PATIENT AS RECOMMENDED BY THE REGISTERED PATIENT'S HEALTH
18 CARE PRACTITIONER.

19 (4) A PATIENT REPRESENTATIVE MAY NOT DO ANY OF THE
20 FOLLOWING:

21 (I) RECEIVE PAYMENT OR OTHER COMPENSATION FOR
22 SERVICES PROVIDED AS A PATIENT REPRESENTATIVE OTHER THAN
23 REIMBURSEMENT FOR REASONABLE EXPENSES INCURRED IN THE
24 PROVISION OF SERVICES AS A PATIENT REPRESENTATIVE. IN THE
25 CASE OF AN EMPLOYEE OF A HEALTH CARE FACILITY SERVING AS
26 A PATIENT REPRESENTATIVE, THE INDIVIDUAL MAY NOT RECEIVE
27 PAYMENT OR COMPENSATION ABOVE OR BEYOND THE INDIVIDUAL'S
28 REGULAR WAGES.

29 (II) CONSUME MEDICAL CANNABIS WHICH HAS BEEN
30 DISPENSED ON BEHALF OF A REGISTERED PATIENT.

1 (III) SELL, PROVIDE OR OTHERWISE DIVERT MEDICAL
2 CANNABIS WHICH HAS BEEN DISPENSED TO A REGISTERED
3 PATIENT.

4 (IV) GROW OR CULTIVATE MEDICAL CANNABIS ON BEHALF OF
5 ANY INDIVIDUAL.

6 (V) PURCHASE MEDICAL CANNABIS FROM AN UNLICENSED
7 SOURCE.

8 (VI) OBTAIN MEDICAL CANNABIS FROM A REGISTERED
9 PATIENT OR A PATIENT REPRESENTATIVE.

10 (5) IF A PATIENT REPRESENTATIVE PREVIOUSLY EMPLOYED BY A
11 HEALTH CARE FACILITY IS NO LONGER EMPLOYED BY THE HEALTH CARE
12 FACILITY, THE AUTHORITY TO OBTAIN MEDICAL CANNABIS USING A
13 MEDICAL CANNABIS ACCESS CARD OR OTHER FORM OF AUTHORIZATION
14 ISSUED BY THE DEPARTMENT SHALL BE VOID. A HEALTH CARE
15 FACILITY THAT EMPLOYS A PATIENT REPRESENTATIVE TO PICK UP,
16 DELIVER OR ADMINISTER MEDICAL CANNABIS TO REGISTERED PATIENTS
17 SHALL NOTIFY THE DEPARTMENT IMMEDIATELY UPON TERMINATION OF
18 THE PATIENT REPRESENTATIVE'S EMPLOYMENT.

19 (6) THE DEPARTMENT SHALL PROMULGATE REGULATIONS RELATING
20 TO PATIENT REPRESENTATIVES, INCLUDING THE FORM OF
21 AUTHORIZATION TO BE UTILIZED.

22 (K) CONFIDENTIALITY.--THE DEPARTMENT OF HEALTH SHALL
23 MAINTAIN A CONFIDENTIAL LIST OF EACH INDIVIDUAL WHO HAS BEEN
24 ISSUED A MEDICAL CANNABIS ACCESS CARD OR AUTHORIZED TO ACT AS A
25 PATIENT REPRESENTATIVE. OTHER IDENTIFYING INFORMATION ON THE
26 LIST SHALL BE CONFIDENTIAL AND SHALL NOT BE CONSIDERED A PUBLIC
27 RECORD UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN
28 AS THE RIGHT-TO-KNOW LAW. THE LIST MAY NOT BE DISCLOSED EXCEPT
29 TO ANY OF THE FOLLOWING:

30 (1) AUTHORIZED EMPLOYEES OF THE BOARD AND THE DEPARTMENT

1 OF HEALTH AS NECESSARY TO PERFORM OFFICIAL DUTIES OF THE
2 BOARD AND THE DEPARTMENT OF HEALTH.

3 (2) AUTHORIZED EMPLOYEES OF THE BOARD AND THE DEPARTMENT
4 OF HEALTH, AS NECESSARY TO VERIFY THAT A PERSON WHO IS
5 ENGAGED IN THE SUSPECTED OR ALLEGED MEDICAL USE OF CANNABIS
6 IS LAWFULLY IN POSSESSION OF A MEDICAL CANNABIS ACCESS CARD.

7 (L) HEALTH CARE PRACTITIONERS.--

8 (1) A HEALTH CARE PRACTITIONER MAY RECOMMEND THE USE OF
9 MEDICAL CANNABIS TO A PATIENT IF THE HEALTH CARE PRACTITIONER
10 COMPLIES WITH ALL OF THE FOLLOWING:

11 (I) HAS A GOOD FAITH PRACTITIONER-PATIENT
12 RELATIONSHIP WITH THE PATIENT, NOT LIMITED TO A
13 CERTIFICATION FOR THE PATIENT TO USE MEDICAL CANNABIS OR
14 A CONSULTATION SIMPLY FOR THAT PURPOSE.

15 (II) PRACTICES WITHIN THIS COMMONWEALTH AT AN
16 ESTABLISHED PLACE OF PRACTICE.

17 (III) REGISTERS WITH THE DEPARTMENT IF REQUIRED BY
18 DEPARTMENT REGULATION.

19 (IV) HAS RESPONSIBILITY FOR THE ONGOING CARE AND
20 TREATMENT OF THE PATIENT AS LONG AS THE ONGOING CARE
21 TREATMENT IS NOT LIMITED TO OR FOR THE PRIMARY PURPOSE OF
22 CERTIFYING A QUALIFYING MEDICAL CONDITION.

23 (V) HAS COMPLETED AND DOCUMENTED AN IN-PERSON FULL
24 ASSESSMENT OF THE PATIENT'S MEDICAL HISTORY AND CURRENT
25 MEDICAL CONDITION NOT MORE THAN 90 DAYS PRIOR TO MAKING
26 THE CERTIFICATION FOR MEDICAL CANNABIS. THE ASSESSMENT
27 SHALL INCLUDE A REVIEW OF MEDICAL RECORDS FROM OTHER
28 TREATING HEALTH CARE PRACTITIONERS FROM THE PREVIOUS 12
29 MONTHS.

30 (VI) CERTIFIES THAT THE PATIENT IS UNDER THE

1 PHYSICIAN'S CARE FOR, AND THAT THE PHYSICIAN HAS
2 EXPERTISE IN, THE PATIENT'S QUALIFYING MEDICAL CONDITION.

3 (VII) CERTIFIES THAT IN THE PHYSICIAN'S PROFESSIONAL
4 OPINION, THE PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR
5 PALLIATIVE BENEFIT FROM THE MEDICAL USE OF CANNABIS TO
6 TREAT OR ALLEVIATE THE PATIENT'S QUALIFYING MEDICAL
7 CONDITION OR SYMPTOMS ASSOCIATED WITH THE CONDITION.

8 (VIII) BASES EACH AUTHORIZATION TO RECEIVE MEDICAL
9 CANNABIS ON GENERALLY ACCEPTED STANDARDS OF MEDICAL
10 PRACTICE.

11 (IX) HAS ADOPTED A RECORDKEEPING SYSTEM FOR ALL
12 PATIENTS FOR WHOM THE PHYSICIAN HAS RECOMMENDED THE USE
13 OF MEDICAL CANNABIS.

14 (2) A HEALTH CARE PRACTITIONER MAY NOT DO ANY OF THE
15 FOLLOWING:

16 (I) ACCEPT, SOLICIT OR OFFER A FORM OF REMUNERATION
17 FROM OR TO:

18 (A) A PATIENT, EXCEPT NORMAL MEDICAL EXAMINATION
19 COSTS, PATIENT REPRESENTATIVE, LICENSED GROWER,
20 LICENSED PROCESSOR OR LICENSED DISPENSER; OR

21 (B) ANY PRINCIPAL OFFICER, EMPLOYEE OR AGENT OF
22 A PERSON LISTED IN CLAUSE (A) .

23 (II) OFFER A DISCOUNT OR AN ITEM OF VALUE TO A
24 PATIENT WHO USES OR AGREES TO USE A PARTICULAR PATIENT
25 REPRESENTATIVE OR MEDICAL CANNABIS DISPENSER TO OBTAIN
26 MEDICAL CANNABIS.

27 (III) CONDUCT AN EXAMINATION OF A PATIENT FOR
28 PURPOSES OF DIAGNOSING A QUALIFYING MEDICAL CONDITION AT
29 A LOCATION WHERE MEDICAL CANNABIS IS SOLD OR DISTRIBUTED.

30 (IV) HOLD A DIRECT OR INDIRECT ECONOMIC INTEREST IN,

1 OR SERVE ON THE BOARD OF, A LICENSED MEDICAL CANNABIS
2 GROWER, LICENSED MEDICAL CANNABIS PROCESSOR OR LICENSED
3 MEDICAL CANNABIS DISPENSER.

4 (V) REFER A PATIENT TO A PARTICULAR LICENSED MEDICAL
5 CANNABIS GROWER, LICENSED MEDICAL CANNABIS PROCESSOR OR
6 LICENSED MEDICAL CANNABIS DISPENSER.

7 (VI) ADVERTISE IN A FACILITY OF A LICENSED MEDICAL
8 CANNABIS GROWER, LICENSED MEDICAL CANNABIS PROCESSOR OR
9 LICENSED MEDICAL CANNABIS DISPENSER.

10 (VII) ISSUE AN AUTHORIZATION TO RECEIVE MEDICAL
11 CANNABIS TO A MEMBER OF THE HEALTH CARE PRACTITIONER'S
12 FAMILY.

13 SECTION 702. EXPANSION OF MEDICAL CONDITIONS.

14 (A) PETITION.--BEGINNING IN 2015, THE BOARD MAY ACCEPT
15 PETITIONS FROM A RESIDENT OF THIS COMMONWEALTH TO ADD ADDITIONAL
16 QUALIFIED MEDICAL CONDITIONS TO THOSE CONDITIONS FOR WHICH A
17 PATIENT MAY RECEIVE MEDICAL CANNABIS.

18 (B) REQUIREMENTS.--A PETITION UNDER SUBSECTION (A) :

19 (1) MUST BE LIMITED TO A SINGLE PROPOSED QUALIFIED
20 MEDICAL CONDITION;

21 (2) MUST BE IN A FORM PRESCRIBED BY THE BOARD;

22 (3) MUST INCLUDE A DESCRIPTION OF THE SPECIFIC MEDICAL
23 CONDITION WHICH IS THE SUBJECT OF THE PETITION; AND

24 (4) MUST NOT REQUEST APPROVAL FOR BROAD CATEGORIES OF
25 ILLNESSES.

26 (C) REVIEW.--UPON RECEIPT OF A PETITION UNDER SUBSECTION
27 (A), THE BOARD SHALL DO ALL OF THE FOLLOWING:

28 (1) REVIEW THE PETITION RECEIVED FOR THE ADDITION OF A
29 QUALIFIED MEDICAL CONDITION WHICH WOULD BENEFIT FROM THE USE
30 OF MEDICAL CANNABIS. THE BOARD MAY CONSOLIDATE PETITIONS FOR

1 THE SAME OR SIMILAR CONDITION.

2 (2) REVIEW NEW OR CURRENT MEDICAL AND SCIENTIFIC
3 EVIDENCE PERTAINING TO CURRENTLY APPROVED CONDITIONS.

4 (3) CONSULT MEDICAL AND SCIENTIFIC EXPERTS AS NECESSARY
5 TO ADEQUATELY REVIEW THE PETITION.

6 (4) ANALYZE THE FOLLOWING:

7 (I) INFORMATION ABOUT WHY CONVENTIONAL MEDICAL
8 THERAPIES ARE NOT SUFFICIENT TO TREAT OR ALLEVIATE THE
9 IMPACT OF THE CONDITION OR DISEASE.

10 (II) THE PROPOSED BENEFITS FROM THE USE OF MEDICAL
11 CANNABIS.

12 (III) EVIDENCE FROM THE MEDICAL COMMUNITY AND OTHER
13 EXPERTS SUPPORTING THE USE OF MEDICAL CANNABIS TO
14 ALLEVIATE SUFFERING CAUSED BY THE CONDITION OR DISEASE OR
15 ITS TREATMENT.

16 (IV) LETTERS OF SUPPORT FROM LICENSED HEALTH CARE
17 PROVIDERS KNOWLEDGEABLE ABOUT THE CONDITION OR DISEASE,
18 INCLUDING LETTERS FROM PHYSICIANS WITH WHOM THE
19 PETITIONER HAS A PHYSICIAN-PATIENT RELATIONSHIP.

20 (V) MEDICAL OR SCIENTIFIC DOCUMENTATION.

21 (D) ACTION.--THE BOARD SHALL APPROVE OR DENY A PETITION IN
22 ACCORDANCE WITH REGULATIONS PROMULGATED BY THE BOARD.
23 SECTION 703. MEDICAL USE PERMITTED.

24 (A) GENERAL RULE.--THE CULTIVATION, POSSESSION, ACQUISITION,
25 USE, DELIVERY, PROCESSING, DISPENSING OR TRANSPORTATION OF
26 MEDICAL CANNABIS BY A PERSON WHO, AT THE TIME THE CULTIVATION,
27 POSSESSION, ACQUISITION, USE, DELIVERY, PROCESSING, DISPENSING
28 OR TRANSPORTATION OCCURS, POSSESSES A VALID LICENSE,
29 OCCUPATIONAL PERMIT, CERTIFICATE OR MEDICAL CANNABIS ACCESS CARD
30 UNDER THIS ACT AND IS IN COMPLIANCE WITH ALL APPLICABLE TERMS

1 UNDER THIS ACT SHALL NOT BE UNLAWFUL UNDER ANY PROVISION OF LAW.

2 (B) ACCESS CARD.--

3 (1) POSSESSION OF OR APPLICATION FOR A MEDICAL CANNABIS
4 ACCESS CARD MAY NOT ALONE CONSTITUTE PROBABLE CAUSE TO SEARCH
5 A PERSON, THE PERSON'S PROPERTY OR OTHERWISE SUBJECT THE
6 PERSON OR PROPERTY TO INSPECTION BY A GOVERNMENTAL AGENCY.

7 (2) PARAGRAPH (1) DOES NOT APPLY TO A PATIENT UNDER 18
8 YEARS OF AGE UNLESS ALL OF THE FOLLOWING HAVE OCCURRED:

9 (I) THE MINOR'S HEALTH CARE PRACTITIONER HAS
10 EXPLAINED TO THE MINOR AND THE MINOR'S CUSTODIAL PARENT,
11 GUARDIAN OR PERSON HAVING LEGAL CUSTODY THE POTENTIAL
12 RISKS AND BENEFITS OF MEDICAL CANNABIS.

13 (II) THE CUSTODIAL PARENT, GUARDIAN OR PERSON HAVING
14 LEGAL CUSTODY CONSENTS IN WRITING TO:

15 (A) ALLOW THE MINOR'S USE OF MEDICAL CANNABIS.

16 (B) SERVE AS THE MINOR'S PATIENT REPRESENTATIVE.

17 (C) CONTROL THE ACQUISITION, DOSAGE AND
18 FREQUENCY OF THE MINOR'S USE OF MEDICAL CANNABIS.

19 (C) RESTRICTION.--AN INDIVIDUAL WHO HAS BEEN CONVICTED,
20 ADJUDICATED DELINQUENT OR GRANTED ACCELERATED REHABILITATIVE
21 DISPOSITION OR WHO PLEADS GUILTY OR NOLO CONTENDERE FOR ANY
22 OFFENSE SHALL NOT BE DISQUALIFIED FROM OBTAINING OR POSSESSING A
23 VALID MEDICAL CANNABIS ACCESS CARD ON THE BASIS OF THE OFFENSE.

24 SECTION 704. HEALTH INSURANCE.

25 NOTHING IN THIS ACT SHALL BE CONSTRUED TO REQUIRE A STATE
26 GOVERNMENT MEDICAL ASSISTANCE PROGRAM OR PRIVATE HEALTH INSURER
27 TO REIMBURSE A PERSON FOR COSTS ASSOCIATED WITH THE MEDICAL USE
28 OF CANNABIS OR AN EMPLOYER TO ACCOMMODATE THE MEDICAL USE OF
29 CANNABIS IN A WORKPLACE.

30 SECTION 705. SOVEREIGN IMMUNITY.

1 THE COMMONWEALTH MAY NOT BE HELD LIABLE FOR ANY DELETERIOUS
2 OUTCOMES RESULTING FROM THE MEDICAL USE OF CANNABIS BY A
3 REGISTERED PATIENT.

4 CHAPTER 9

5 PROTECTION, PROHIBITIONS,
6 ENFORCEMENT AND PENALTIES

7 SECTION 901. CIVIL DISCRIMINATION PROTECTION.

8 THE FOLLOWING SHALL APPLY:

9 (1) FOR THE PURPOSES OF MEDICAL CARE, A PATIENT'S
10 AUTHORIZED USE OF MEDICAL CANNABIS UNDER THIS ACT SHALL BE
11 CONSIDERED THE EQUIVALENT OF THE USE OF OTHER MEDICATION
12 UNDER THE DIRECTION OF A HEALTH CARE PRACTITIONER. MEDICAL
13 CANNABIS, WHEN USED IN ACCORDANCE WITH THIS ACT, MAY NOT BE
14 CONSIDERED AN ILLICIT SUBSTANCE OR OTHERWISE DISQUALIFY A
15 PATIENT FROM MEDICAL CARE.

16 (2) AN INDIVIDUAL MAY NOT BE PENALIZED IN ANY OF THE
17 FOLLOWING WAYS DUE TO THE INDIVIDUAL'S USE OF MEDICAL
18 CANNABIS UNDER THIS ACT:

19 (I) DENIED CUSTODY, VISITATION OR PARENTING TIME
20 WITH A MINOR CHILD.

21 (II) PRESUMED TO NEGLECT OR ENDANGER A MINOR CHILD
22 UNLESS THE INDIVIDUAL'S BEHAVIOR CREATES AN UNREASONABLE
23 DANGER TO THE SAFETY OF THE MINOR BY CLEAR AND CONVINCING
24 EVIDENCE.

25 (3) A LANDLORD MAY NOT REFUSE TO LEASE OR OTHERWISE
26 PENALIZE A PATIENT SOLELY FOR HAVING A MEDICAL CANNABIS
27 ACCESS CARD OR USING MEDICAL CANNABIS IN ACCORDANCE WITH THIS
28 ACT UNLESS THE LANDLORD WOULD LOSE A MONETARY OR LICENSING-
29 RELATED BENEFIT UNDER FEDERAL LAW OR REGULATION.

30 (4) A SCHOOL MAY NOT REFUSE TO ENROLL OR OTHERWISE

PENALIZE A PATIENT SOLELY FOR HAVING A MEDICAL CANNABIS
ACCESS CARD OR USING MEDICAL CANNABIS IN ACCORDANCE WITH THIS
ACT UNLESS THE SCHOOL WOULD LOSE A MONETARY OR LICENSING-
RELATED BENEFIT UNDER FEDERAL LAW OR REGULATION.

(5) AN EMPLOYER MAY NOT DISCRIMINATE AGAINST AN
INDIVIDUAL IN THE HIRING OR TERMINATION OF BENEFITS OR
OTHERWISE PENALIZE THE INDIVIDUAL FOR BEING A MEDICAL
CANNABIS ACCESS CARDHOLDER. THE FOLLOWING SHALL APPLY:

(I) THE EMPLOYER MAY TAKE AN INDIVIDUAL'S STATUS AS
A CARDHOLDER INTO ACCOUNT ONLY IF THE EMPLOYER CAN PROVE
THE EMPLOYEE IS ABUSING OR MISUSING THE EMPLOYEE'S
MEDICAL CANNABIS ON THE PREMISES OF THE PLACE OF
EMPLOYMENT DURING ORDINARY HOURS OF EMPLOYMENT OR IF
FAILURE TO DO SO WOULD CAUSE AN EMPLOYER TO LOSE A
LICENSING BENEFIT UNDER FEDERAL LAW OR REGULATION.

(II) AN INDIVIDUAL'S POSITIVE DRUG TEST FOR CANNABIS
COMPONENTS OR METABOLITES MAY NOT BE CONSIDERED BY AN
EMPLOYER UNLESS THE INDIVIDUAL UNLAWFULLY USED, POSSESSED
OR WAS IMPAIRED BY THE MEDICAL CANNABIS WHILE ON THE
PREMISES OF THE PLACE OF EMPLOYMENT OR DURING THE HOURS
OF EMPLOYMENT.

SECTION 902. PROHIBITIONS AND USE.

(A) PROHIBITIONS.--

(1) A REGISTERED PATIENT MAY NOT OPERATE OR BE IN
PHYSICAL CONTROL OF ANY OF THE FOLLOWING WHILE UNDER THE
INFLUENCE WITH A BLOOD CONTENT OF MORE THAN TEN NANOGRAMS OF
ACTIVE TETRAHYDROCANNABIS PER MILLILITER OF BLOOD IN SERUM:

(I) A MOTOR VEHICLE.

(II) AN AIRCRAFT.

(III) A MOTOR BOAT.

1 (IV) HEAVY MACHINERY.

2 (V) A MODE OF TRANSPORTATION IN A MANNER THAT WOULD
3 CONSTITUTE AN OFFENSE UNDER 75 PA.C.S. CH. 38 (RELATING
4 TO DRIVING AFTER IMBIBING ALCOHOL OR UTILIZING DRUGS).

5 (2) A REGISTERED PATIENT MAY NOT UNDERTAKE ANY TASK
6 UNDER THE INFLUENCE OF CANNABIS WHEN DOING SO WOULD
7 CONSTITUTE NEGLIGENCE OR PROFESSIONAL MALPRACTICE.

8 (3) A PERSON MAY NOT ALLOW CANNABIS OBTAINED BY A
9 REGISTERED PATIENT TO BE USED BY AN INDIVIDUAL WHO IS NOT
10 AUTHORIZED TO USE MEDICAL CANNABIS UNDER THIS ACT.

11 (4) AN INDIVIDUAL MAY NOT SMOKE CANNABIS OR UTILIZE A
12 VAPORIZER TO INGEST OR INHALE CANNABIS.

13 (B) USE.--EXCEPT AS PROVIDED UNDER SUBSECTION (A), A
14 REGISTERED PATIENT MAY UTILIZE MEDICAL CANNABIS IN ANY PUBLIC
15 PLACE, INCLUDING THE FOLLOWING:

16 (I) PUBLIC TRANSPORTATION.

17 (II) ON SCHOOL GROUNDS IF THE REGISTERED PATIENT IS
18 A STUDENT OR AN EMPLOYEE OF THE SCHOOL IN ACCORDANCE WITH
19 THE DEPARTMENT OF EDUCATION REGULATIONS REGARDING
20 MEDICATION ON SCHOOL GROUNDS.

21 (III) IN A CORRECTIONAL FACILITY IN ACCORDANCE WITH
22 DEPARTMENT OF CORRECTIONS REGULATIONS REGARDING
23 MEDICATIONS IN CORRECTIONAL FACILITIES.

24 (IV) AT A PUBLIC PARK OR PUBLIC BEACH.

25 (C) ADULTERATION.--WITH THE EXCEPTION OF EXTRACTION METHODS
26 AND PROCESSING OPERATIONS APPROVED BY THE BOARD, A PERSON MAY
27 NOT ADULTERATE, FORTIFY, CONTAMINATE OR CHANGE THE CHARACTER OR
28 PURITY OF MEDICAL CANNABIS FROM THE ORIGINAL SOLD BY A LICENSED
29 MEDICAL CANNABIS GROWER, PROCESSOR OR DISPENSER.

30 SECTION 903. UNLAWFUL ACTIVITIES.

1 IN ADDITION TO ANY OTHER APPLICABLE PROVISION OF LAW, IT
2 SHALL BE A CRIMINAL OFFENSE TO INTENTIONALLY OR KNOWINGLY DO ANY
3 OF THE FOLLOWING:

4 (1) GROW, PROCESS OR DISPENSE MEDICAL CANNABIS WITHOUT A
5 LICENSE UNDER THIS ACT.

6 (2) TRANSPORT MEDICAL CANNABIS FROM OR BETWEEN AN
7 UNLICENSED GROWER, PROCESSOR OR DISPENSER.

8 (3) PARTICIPATE IN THE GROWING, PROCESSING, TESTING OR
9 DISPENSING OF MEDICAL CANNABIS IN VIOLATION OF THIS ACT.

10 (4) FAIL TO REPORT, PAY OR TRUTHFULLY ACCOUNT FOR AND
11 PAY ANY LICENSE FEE, AUTHORIZATION FEE OR AN ASSESSMENT
12 IMPOSED UNDER THIS ACT.

13 (5) VIOLATE ANY REGULATION OF THE BOARD.

14 SECTION 904. CRIMINAL PENALTIES AND FINES.

15 (A) OFFENSE.--EXCEPT AS PROVIDED UNDER SUBSECTIONS (B) AND
16 (C), A VIOLATION OF THE ACT SHALL BE GRADED AS A MISDEMEANOR OF
17 THE SECOND DEGREE.

18 (B) UNAUTHORIZED ACTIONS.--A MEDICAL CANNABIS GROWER,
19 PROCESSOR OR DISPENSER THAT DISTRIBUTES, GIVES, SELLS OR
20 PROVIDES MEDICAL CANNABIS TO A PERSON OTHER THAN A PERSON
21 AUTHORIZED UNDER THIS ACT COMMITS A FELONY OF THE THIRD DEGREE.

22 (C) INDIVIDUAL.--AN INDIVIDUAL WHO FALSIFIES AN APPLICATION
23 OR CERTIFICATION UNDER SECTION 511 COMMITS A MISDEMEANOR OF THE
24 FIRST DEGREE.

25 (D) OTHER VIOLATIONS.--A PERSON THAT IS CONVICTED OF A
26 SECOND OR SUBSEQUENT VIOLATION OF THIS ACT COMMITS A FELONY OF
27 THE THIRD DEGREE.

28 CHAPTER 11

29 MEDICAL CANNABIS SURCHARGE

30 SECTION 1101. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
CONTEXT CLEARLY INDICATES OTHERWISE:

"DEPARTMENT." THE DEPARTMENT OF REVENUE OF THE COMMONWEALTH.

"MEDICAL CANNABIS." PLANTS CONTAINING CANNABIDIOL,
TETRAHYDROCANNABINOL OR DELTA-9-TETRAHYDROCANNABINOL ACID OR ANY
PART OF A CANNABIS PLANT, INCLUDING CANNABIS PROCESSED BY
EXTRACTING OIL FROM THE PLANT, INTENDED FOR MEDICAL PURPOSES.
THE TERM INCLUDES EXTRACTED OIL, EDIBLE PRODUCTS, OINTMENTS AND
TINCTURES.

"MEDICAL CANNABIS PURVEYOR." A MEDICAL CANNABIS DISPENSER,
MEDICAL CANNABIS GROWER, MEDICAL CANNABIS PROCESSOR OR ANY OTHER
PERSON LICENSED UNDER THIS CHAPTER WHO, IN THE USUAL COURSE OF
BUSINESS, SELLS MEDICAL CANNABIS TO A MEDICAL CANNABIS
DISPENSER.

"PERSON." AN INDIVIDUAL, UNINCORPORATED ASSOCIATION,
CORPORATION, LIMITED LIABILITY CORPORATION, JOINT STOCK COMPANY,
GROUP, COMMITTEE, AGENCY, SYNDICATE, TRUST OR TRUSTEE, RECEIVER,
FIDUCIARY, PARTNERSHIP OR CONSERVATOR. WHENEVER USED IN THIS
CHAPTER TO ESTABLISH OR IMPOSE PENALTIES, THE TERM "PERSON" WHEN
APPLIED TO A PARTNERSHIP, UNINCORPORATED ASSOCIATION OR OTHER
JOINT VENTURE MEANS THE PARTNERS OR MEMBERS THEREOF AND WHEN
APPLIED TO A CORPORATION MEANS ALL OFFICERS AND DIRECTORS
THEREOF.

"PURCHASE PRICE." THE TOTAL VALUE OF ANYTHING PAID OR
DELIVERED, OR PROMISED TO BE PAID OR DELIVERED, WHETHER IT BE
MONEY OR OTHERWISE, IN COMPLETE PERFORMANCE OF A SALE OR
PURCHASE, WITHOUT A DEDUCTION ON ACCOUNT OF THE COST OR VALUE OF
THE PROPERTY SOLD, COST OR VALUE OF TRANSPORTATION, COST OR
VALUE OF LABOR OR SERVICE, INTEREST OR DISCOUNT PAID OR ALLOWED

1 AFTER THE SALE IS CONSUMMATED, OTHER TAXES OR SURCHARGES IMPOSED
2 BY THE COMMONWEALTH OR OTHER EXPENSE.

3 "SALE." A TRANSFER OF OWNERSHIP, CUSTODY OR POSSESSION OF
4 MEDICAL CANNABIS FOR CONSIDERATION; AN EXCHANGE, BARTER OR GIFT;
5 OR AN OFFER TO SELL OR TRANSFER THE OWNERSHIP, CUSTODY OR
6 POSSESSION OF MEDICAL CANNABIS FOR CONSIDERATION.

7 "SURCHARGE PAYER." A PERSON SUBJECT TO THE SURCHARGE UNDER
8 THIS CHAPTER.

9 "UNCLASSIFIED IMPORTER." A PERSON IN THIS COMMONWEALTH THAT
10 ACQUIRES MEDICAL CANNABIS FROM A SOURCE ON WHICH THE SURCHARGE
11 IMPOSED BY THIS CHAPTER WAS NOT PAID AND THAT IS NOT A PERSON
12 OTHERWISE REQUIRED TO BE LICENSED UNDER THE PROVISIONS OF THIS
13 CHAPTER. THE TERM INCLUDES A PATIENT WHO PURCHASES MEDICAL
14 CANNABIS OUTSIDE THIS COMMONWEALTH FOR PERSONAL POSSESSION OR
15 USE IN THIS COMMONWEALTH.

16 SECTION 1102. INCIDENCE AND RATE OF SURCHARGE.

17 (A) IMPOSITION.--A MEDICAL CANNABIS SURCHARGE IS IMPOSED ON
18 A MEDICAL CANNABIS PURVEYOR OR OTHER PERSON AT THE TIME THE
19 MEDICAL CANNABIS IS FIRST SOLD TO A MEDICAL CANNABIS DISPENSER
20 IN THIS COMMONWEALTH AT THE RATE OF 6% ON THE PURCHASE PRICE
21 CHARGED TO THE MEDICAL CANNABIS DISPENSER FOR THE PURCHASE OF
22 MEDICAL CANNABIS. THE SURCHARGE SHALL BE COLLECTED FROM THE
23 MEDICAL CANNABIS DISPENSER BY THE SELLER OF THE MEDICAL CANNABIS
24 TO THE MEDICAL CANNABIS DISPENSER AND REMITTED TO THE
25 DEPARTMENT. A PERSON REQUIRED TO COLLECT THIS SURCHARGE SHALL
26 SEPARATELY STATE THE AMOUNT OF SURCHARGE ON AN INVOICE OR OTHER
27 SALES DOCUMENT.

28 (B) MEDICAL CANNABIS DISPENSER.--IF THE SURCHARGE IS NOT
29 COLLECTED BY THE SELLER FROM THE MEDICAL CANNABIS DISPENSER, THE
30 SURCHARGE IS IMPOSED ON THE MEDICAL CANNABIS DISPENSER AT THE

1 TIME OF PURCHASE AT THE SAME RATE AS IN SUBSECTION (A) BASED ON
2 THE MEDICAL CANNABIS DISPENSER'S PURCHASE PRICE OF THE MEDICAL
3 CANNABIS. THE MEDICAL CANNABIS DISPENSER SHALL REMIT THE
4 SURCHARGE TO THE DEPARTMENT.

5 (C) UNCLASSIFIED IMPORTER.--THE SURCHARGE IS IMPOSED ON AN
6 UNCLASSIFIED IMPORTER AT THE TIME OF PURCHASE AT THE SAME RATE
7 AS IN SUBSECTION (A) BASED ON THE UNCLASSIFIED IMPORTER'S
8 PURCHASE PRICE OF THE MEDICAL CANNABIS. THE UNCLASSIFIED
9 IMPORTER SHALL REMIT THE SURCHARGE TO THE DEPARTMENT.

10 (D) EXCEPTIONS.--THE SURCHARGE SHALL NOT BE IMPOSED ON
11 MEDICAL CANNABIS THAT:

- 12 (1) IS EXPORTED FOR SALE OUTSIDE THIS COMMONWEALTH; OR
13 (2) IS NOT SUBJECT TO SURCHARGE OR TAXATION BY THE
14 COMMONWEALTH PURSUANT TO ANY LAWS OF THE UNITED STATES.

15 (E) ARTICLE II.--UNLESS OTHERWISE SPECIFICALLY NOTED, THE
16 PROVISIONS OF ARTICLE II OF THE ACT OF MARCH 4, 1971 (P.L.6,
17 NO.2), KNOWN AS THE TAX REFORM CODE OF 1971, SHALL APPLY TO THE
18 RETURNS, PAYMENT, PENALTIES, ENFORCEMENT, COLLECTIONS AND
19 APPEALS OF THE SURCHARGE IMPOSED ON MEDICAL CANNABIS.

20 SECTION 1103. LIMITATION OF SURCHARGE.

21 ONLY ONE SALE SHALL BE SURCHARGED AND USED IN COMPUTING THE
22 AMOUNT OF SURCHARGE DUE UNDER THIS CHAPTER.

23 SECTION 1104. REMITTANCE OF SURCHARGE TO DEPARTMENT.

24 MEDICAL CANNABIS PURVEYORS AND UNCLASSIFIED IMPORTERS SHALL
25 FILE MONTHLY REPORTS ON A FORM PRESCRIBED BY THE DEPARTMENT BY
26 THE 20TH DAY OF THE MONTH FOLLOWING THE SALE OR PURCHASE OF
27 MEDICAL CANNABIS FROM ANOTHER SOURCE ON WHICH THE SURCHARGE
28 LEVIED BY THIS CHAPTER HAS NOT BEEN PAID. THE SURCHARGE IS DUE
29 AT THE TIME THE REPORT IS DUE. THE DEPARTMENT MAY REQUIRE THE
30 FILING OF REPORTS AND PAYMENTS OF SURCHARGES ON A LESS FREQUENT

1 BASIS AT ITS DISCRETION.

2 SECTION 1105. PROCEDURES FOR CLAIMING REFUND.

3 A CLAIM FOR A REFUND OF THE SURCHARGE IMPOSED BY THIS CHAPTER
4 SHALL BE IN ACCORDANCE WITH SECTION 3003.1 AND ARTICLE XXVII OF
5 THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM
6 CODE OF 1971, AND SHALL BE IN THE FORM AND CONTAIN THE
7 INFORMATION PRESCRIBED BY THE DEPARTMENT BY REGULATION.

8 SECTION 1106. SALES OR POSSESSION OF MEDICAL CANNABIS WHEN
9 SURCHARGE NOT PAID.

10 (A) SALES OR POSSESSION.--A PERSON WHO SELLS OR POSSESSES
11 MEDICAL CANNABIS FOR WHICH THE PROPER SURCHARGE HAS NOT BEEN
12 PAID COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE
13 SENTENCED TO PAY COSTS OF PROSECUTION AND A FINE OF NOT LESS
14 THAN \$100 NOR MORE THAN \$1,000 OR TO IMPRISONMENT FOR NOT MORE
15 THAN 60 DAYS, OR BOTH, AT THE DISCRETION OF THE COURT. MEDICAL
16 CANNABIS PURCHASED FROM A MEDICAL CANNABIS PURVEYOR PROPERLY
17 LICENSED UNDER THIS CHAPTER SHALL BE PRESUMED TO HAVE THE PROPER
18 SURCHARGES PAID.

19 (B) SURCHARGE EVASION.--A PERSON THAT FALSELY OR
20 FRAUDULENTLY, MALICIOUSLY, INTENTIONALLY OR WILLFULLY, WITH
21 INTENT TO EVADE THE PAYMENT OF THE SURCHARGE IMPOSED BY THIS
22 CHAPTER, SELLS OR POSSESSES MEDICAL CANNABIS FOR WHICH THE
23 PROPER SURCHARGE HAS NOT BEEN PAID COMMITS A MISDEMEANOR OF THE
24 THIRD DEGREE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY
25 COSTS OF PROSECUTION AND A FINE OF NOT MORE THAN \$5,000 OR TO
26 IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH, AT THE
27 DISCRETION OF THE COURT.

28 SECTION 1107. ASSESSMENT.

29 THE DEPARTMENT IS AUTHORIZED TO MAKE THE INQUIRIES,
30 DETERMINATIONS AND ASSESSMENTS OF THE SURCHARGE, INCLUDING

1 INTEREST, ADDITIONS AND PENALTIES, IMPOSED BY THIS CHAPTER.

2 SECTION 1108. FAILURE TO FILE RETURN.

3 WHERE NO RETURN IS FILED, THE AMOUNT OF THE SURCHARGE DUE MAY
4 BE ASSESSED AND COLLECTED AT ANY TIME AS TO CHARGEABLE
5 TRANSACTIONS NOT REPORTED.

6 SECTION 1109. FALSE OR FRAUDULENT RETURN.

7 WHERE THE SURCHARGE PAYER WILLFULLY FILES A FALSE OR
8 FRAUDULENT RETURN WITH INTENT TO EVADE THE SURCHARGE IMPOSED BY
9 THIS CHAPTER, THE AMOUNT OF SURCHARGE DUE MAY BE ASSESSED AND
10 COLLECTED AT ANY TIME.

11 SECTION 1110. EXTENSION OF LIMITATION PERIOD.

12 NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, WHERE,
13 BEFORE THE EXPIRATION OF THE PERIOD PRESCRIBED FOR THE
14 ASSESSMENT OF A SURCHARGE, A SURCHARGE PAYER HAS CONSENTED, IN
15 WRITING, THAT THE PERIOD BE EXTENDED, THE AMOUNT OF SURCHARGE
16 DUE MAY BE ASSESSED AT ANY TIME WITHIN THE EXTENDED PERIOD. THE
17 PERIOD SO EXTENDED MAY BE EXTENDED FURTHER BY SUBSEQUENT
18 CONSENTS, IN WRITING, MADE BEFORE THE EXPIRATION OF THE EXTENDED
19 PERIOD.

20 SECTION 1111. FAILURE TO FURNISH INFORMATION, RETURNING FALSE
21 INFORMATION OR FAILURE TO PERMIT INSPECTION.

22 (A) PENALTY.--A SURCHARGE PAYER WHO FAILS TO KEEP OR MAKE A
23 RECORD, RETURN, REPORT, INVENTORY OR STATEMENT, OR KEEPS OR
24 MAKES A FALSE OR FRAUDULENT RECORD, RETURN, REPORT, INVENTORY OR
25 STATEMENT REQUIRED BY THIS CHAPTER, COMMITS A MISDEMEANOR AND
26 SHALL, UPON CONVICTION, BE SENTENCED TO PAY COSTS OF PROSECUTION
27 AND A FINE OF \$500 AND TO IMPRISONMENT FOR NOT MORE THAN ONE
28 YEAR, OR BOTH, AT THE DISCRETION OF THE COURT.

29 (B) EXAMINATION.--THE DEPARTMENT IS AUTHORIZED TO EXAMINE
30 THE BOOKS AND RECORDS, THE STOCK OF MEDICAL CANNABIS AND THE

1 PREMISES AND EQUIPMENT OF A SURCHARGE PAYER IN ORDER TO VERIFY
2 THE ACCURACY OF THE PAYMENT OF THE SURCHARGE IMPOSED BY THIS
3 CHAPTER. THE PERSON SUBJECT TO AN EXAMINATION SHALL GIVE TO THE
4 DEPARTMENT OR ITS DULY AUTHORIZED REPRESENTATIVE THE MEANS,
5 FACILITIES AND OPPORTUNITY FOR THE EXAMINATION. WILLFUL REFUSAL
6 TO COOPERATE WITH OR PERMIT AN EXAMINATION TO THE SATISFACTION
7 OF THE DEPARTMENT SHALL BE SUFFICIENT GROUNDS FOR SUSPENSION OR
8 REVOCATION OF A SURCHARGE PAYER'S LICENSE ISSUED UNDER THIS
9 CHAPTER.

10 (C) RECORDS.--A MEDICAL CANNABIS PURVEYOR SHALL KEEP AND
11 MAINTAIN FOR A PERIOD OF FOUR YEARS RECORDS IN THE FORM
12 PRESCRIBED BY THE DEPARTMENT. THE RECORDS SHALL BE MAINTAINED AT
13 THE LOCATION FOR WHICH THE LICENSE UNDER THIS CHAPTER IS ISSUED.

14 (D) REPORTS.--A MEDICAL CANNABIS PURVEYOR SHALL FILE REPORTS
15 AT TIMES AND IN THE FORM PRESCRIBED BY THE DEPARTMENT.

16 (E) MEDICAL CANNABIS PURVEYOR.--A MEDICAL CANNABIS PURVEYOR
17 LOCATED OR DOING BUSINESS IN THIS COMMONWEALTH WHO SELLS MEDICAL
18 CANNABIS IN THIS COMMONWEALTH SHALL KEEP RECORDS SHOWING:

19 (1) THE AMOUNT AND KIND OF MEDICAL CANNABIS SOLD.

20 (2) THE DATE THE MEDICAL CANNABIS WAS SOLD.

21 (3) THE NAME AND LICENSE NUMBER ISSUED UNDER CHAPTER 5
22 OF THE MEDICAL CANNABIS DISPENSER TO WHICH THE MEDICAL
23 CANNABIS WAS SOLD.

24 (4) THE TOTAL PRICE OF THE MEDICAL CANNABIS SOLD TO THE
25 MEDICAL CANNABIS DISPENSER.

26 (5) THE PLACE WHERE THE MEDICAL CANNABIS WAS SHIPPED.

27 (6) THE NAME OF THE COMMON CARRIER.

28 (F) MEDICAL CANNABIS PURVEYOR.--A MEDICAL CANNABIS PURVEYOR
29 SHALL FILE WITH THE DEPARTMENT, ON OR BEFORE THE 20TH DAY OF
30 EACH MONTH, A REPORT SHOWING THE INFORMATION LISTED IN

1 SUBSECTION (E) FOR THE PREVIOUS MONTH.

2 SECTION 1112. RECORDS OF SHIPMENTS AND RECEIPTS OF MEDICAL
3 CANNABIS REQUIRED.

4 THE DEPARTMENT MAY, IN ITS DISCRETION, REQUIRE REPORTS FROM A
5 COMMON OR CONTRACT CARRIER WHO TRANSPORTS MEDICAL CANNABIS TO
6 ANY POINT OR POINTS WITHIN THIS COMMONWEALTH, AND FROM A BONDED
7 WAREHOUSEMAN OR BAILEE WHO HAS IN THE POSSESSION OF THE
8 WAREHOUSEMAN OR BAILEE ANY MEDICAL CANNABIS. THE REPORTS SHALL
9 CONTAIN THE INFORMATION CONCERNING SHIPMENTS OF MEDICAL CANNABIS
10 THAT THE DEPARTMENT DETERMINES TO BE NECESSARY FOR THE
11 ADMINISTRATION OF THIS CHAPTER. ALL COMMON AND CONTRACT
12 CARRIERS, BAILEES AND WAREHOUSEMEN SHALL PERMIT THE EXAMINATION
13 BY THE DEPARTMENT OR ITS AUTHORIZED AGENTS OF RECORDS RELATING
14 TO THE SHIPMENT OR RECEIPT OF MEDICAL CANNABIS.

15 SECTION 1113. LICENSING OF MEDICAL CANNABIS PURVEYORS.

16 (A) PROHIBITION.--NO PERSON, UNLESS ALL SALES OF MEDICAL
17 CANNABIS ARE EXEMPT FROM THE MEDICAL CANNABIS SURCHARGE IN THIS
18 COMMONWEALTH, SHALL SELL, TRANSFER OR DELIVER MEDICAL CANNABIS
19 IN THIS COMMONWEALTH WITHOUT FIRST OBTAINING THE PROPER LICENSE
20 PROVIDED FOR IN THIS CHAPTER.

21 (B) APPLICATION.--AN APPLICANT FOR A MEDICAL CANNABIS
22 PURVEYOR'S LICENSE SHALL COMPLETE AND FILE AN APPLICATION WITH
23 THE DEPARTMENT. THE APPLICATION SHALL BE IN THE FORM AND CONTAIN
24 INFORMATION PRESCRIBED BY THE DEPARTMENT AND SHALL SET FORTH
25 TRUTHFULLY AND ACCURATELY THE INFORMATION REQUIRED BY THE
26 DEPARTMENT. IF THE APPLICATION IS APPROVED, THE DEPARTMENT SHALL
27 LICENSE THE MEDICAL CANNABIS PURVEYOR FOR A PERIOD OF ONE YEAR
28 AND THE LICENSE MAY BE RENEWED ANNUALLY THEREAFTER.

29 (C) REQUIREMENTS.--APPLICANTS FOR A MEDICAL CANNABIS
30 PURVEYOR'S LICENSE OR RENEWAL OF THAT LICENSE SHALL MEET THE

1 FOLLOWING REQUIREMENTS:

2 (1) THE PREMISES ON WHICH THE APPLICANT PROPOSES TO
3 CONDUCT BUSINESS ARE ADEQUATE TO PROTECT THE REVENUE.

4 (2) THE APPLICANT IS A PERSON OF REASONABLE FINANCIAL
5 STABILITY AND REASONABLE BUSINESS EXPERIENCE.

6 (3) THE APPLICANT, OR A SHAREHOLDER CONTROLLING MORE
7 THAN 10% OF THE STOCK IF THE APPLICANT IS A CORPORATION OR AN
8 OFFICER OR DIRECTOR IF THE APPLICANT IS A CORPORATION, SHALL
9 NOT HAVE BEEN CONVICTED OF A CRIME INVOLVING MORAL TURPITUDE.

10 (4) THE APPLICANT SHALL NOT HAVE FAILED TO DISCLOSE
11 MATERIAL INFORMATION REQUIRED BY THE DEPARTMENT, INCLUDING
12 INFORMATION THAT THE APPLICANT HAS COMPLIED WITH THIS CHAPTER
13 BY PROVIDING A SIGNED STATEMENT UNDER PENALTY OF PERJURY.

14 (5) THE APPLICANT SHALL NOT HAVE MADE ANY MATERIAL FALSE
15 STATEMENT IN THE APPLICATION.

16 (6) THE APPLICANT SHALL NOT HAVE VIOLATED A PROVISION OF
17 THIS CHAPTER.

18 (7) THE APPLICANT SHALL HAVE FILED ALL REQUIRED STATE
19 TAX REPORTS AND PAID STATE TAXES NOT SUBJECT TO A TIMELY
20 PERFECTED ADMINISTRATIVE OR JUDICIAL APPEAL OR SUBJECT TO A
21 DULY AUTHORIZED DEFERRED PAYMENT PLAN.

22 (D) MULTIPLE LOCATIONS.--THE MEDICAL CANNABIS PURVEYOR'S
23 LICENSE SHALL BE VALID FOR ONE SPECIFIC LOCATION ONLY. MEDICAL
24 CANNABIS PURVEYORS WITH MORE THAN ONE LOCATION SHALL OBTAIN A
25 LICENSE FOR EACH LOCATION.

26 SECTION 1114. LICENSE FEES AND ISSUANCE AND DISPLAY OF LICENSE.

27 (A) FEES.--AT THE TIME OF MAKING AN APPLICATION OR LICENSE
28 RENEWAL APPLICATION, AN APPLICANT FOR A MEDICAL CANNABIS
29 PURVEYOR'S LICENSE SHALL PAY THE DEPARTMENT A LICENSE FEE OF
30 \$75.

(B) PRORATION.--FEES SHALL NOT BE PRORATED.

(C) ISSUANCE AND DISPLAY.--ON APPROVAL OF THE APPLICATION AND PAYMENT OF THE FEES, THE DEPARTMENT SHALL ISSUE THE PROPER LICENSE WHICH MUST BE CONSPICUOUSLY DISPLAYED AT THE LOCATION FOR WHICH IT HAS BEEN ISSUED.

SECTION 1115. ELECTRONIC FILING.

THE DEPARTMENT MAY, AT ITS DISCRETION, REQUIRE THAT ANY OR ALL RETURNS, REPORTS OR REGISTRATIONS THAT ARE REQUIRED TO BE FILED UNDER THIS CHAPTER BE FILED ELECTRONICALLY.

SECTION 1116. EXPIRATION OF LICENSE.

(A) EXPIRATION.--A LICENSE SHALL EXPIRE ON THE LAST DAY OF JUNE NEXT SUCCEEDING THE DATE UPON WHICH IT WAS ISSUED UNLESS THE DEPARTMENT AT AN EARLIER DATE SUSPENDS, SURRENDERS OR REVOKES THE LICENSE.

(B) VIOLATION.--AFTER THE EXPIRATION DATE OF THE LICENSE OR SOONER IF THE LICENSE IS SUSPENDED, SURRENDERED OR REVOKED, IT SHALL BE ILLEGAL FOR A MEDICAL CANNABIS PURVEYOR TO ENGAGE DIRECTLY OR INDIRECTLY IN THE BUSINESS CONDUCTED BY THE MEDICAL CANNABIS PURVEYOR FOR WHICH THE LICENSE WAS ISSUED. A LICENSEE WHO SHALL, AFTER THE EXPIRATION DATE OF THE LICENSE, ENGAGE IN THE BUSINESS CONDUCTED BY THE LICENSEE EITHER BY WAY OF PURCHASE, SALE, DISTRIBUTION OR IN ANY OTHER MANNER DIRECTLY OR INDIRECTLY ENGAGED IN THE BUSINESS OF DEALING WITH MEDICAL CANNABIS SHALL BE IN VIOLATION OF THIS CHAPTER AND BE SUBJECT TO THE PENALTIES PROVIDED IN THIS CHAPTER.

SECTION 1117. ADMINISTRATION POWERS AND DUTIES.

(A) DEPARTMENT.--THE ADMINISTRATION OF THIS CHAPTER IS VESTED IN THE DEPARTMENT. THE DEPARTMENT SHALL ADOPT RULES AND REGULATIONS FOR THE ENFORCEMENT OF THIS CHAPTER.

(B) JOINT ADMINISTRATION.--THE DEPARTMENT IS AUTHORIZED TO

1 JOINTLY ADMINISTER THIS CHAPTER WITH OTHER PROVISIONS OF THE ACT
2 OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF
3 1971, INCLUDING JOINT REPORTING OF INFORMATION, FORMS, RETURNS,
4 STATEMENTS, DOCUMENTS OR OTHER INFORMATION SUBMITTED TO THE
5 DEPARTMENT.

6 SECTION 1118. SALES WITHOUT LICENSE.

7 (A) PENALTY.--A PERSON WHO SHALL, WITHOUT BEING THE HOLDER
8 OF A PROPER UNEXPIRED MEDICAL CANNABIS PURVEYOR'S LICENSE,
9 ENGAGE IN PURCHASING, SELLING, DISTRIBUTING OR IN ANOTHER MANNER
10 DIRECTLY OR INDIRECTLY ENGAGE IN THE BUSINESS OF DEALING WITH
11 MEDICAL CANNABIS COMMITS A SUMMARY OFFENSE AND SHALL, UPON
12 CONVICTION, BE SENTENCED TO PAY COSTS OF PROSECUTION AND A FINE
13 OF NOT LESS THAN \$250 NOR MORE THAN \$1,000, OR TO IMPRISONMENT
14 FOR NOT MORE THAN 30 DAYS, OR BOTH, AT THE DISCRETION OF THE
15 COURT.

16 (B) PRIMA FACIE EVIDENCE.--OPEN DISPLAY OF MEDICAL CANNABIS
17 IN ANY MANNER SHALL BE PRIMA FACIE EVIDENCE THAT THE PERSON
18 DISPLAYING SUCH MEDICAL CANNABIS IS DIRECTLY OR INDIRECTLY
19 ENGAGING IN THE BUSINESS OF DEALING MEDICAL CANNABIS.

20 SECTION 1119. VIOLATIONS AND PENALTIES.

21 (A) SUSPENSION.--THE LICENSE OF A PERSON WHO VIOLATES THIS
22 CHAPTER MAY BE SUSPENDED AFTER DUE NOTICE AND OPPORTUNITY FOR A
23 HEARING FOR A PERIOD OF NOT LESS THAN FIVE DAYS NOR MORE THAN 30
24 DAYS FOR A FIRST VIOLATION AND SHALL BE REVOKED OR SUSPENDED FOR
25 ANY SUBSEQUENT VIOLATION.

26 (B) FINE.--IN ADDITION TO THE PROVISIONS OF SUBSECTION (A),
27 UPON ADJUDICATION OF A FIRST VIOLATION, THE PERSON SHALL BE
28 FINED NOT LESS THAN \$2,500 NOR MORE THAN \$5,000. FOR SUBSEQUENT
29 VIOLATIONS, THE PERSON SHALL, UPON ADJUDICATION, BE FINED NOT
30 LESS THAN \$5,000 NOR MORE THAN \$15,000.

1 SECTION 1120. PROPERTY RIGHTS.

2 (A) INCORPORATION.--SUBJECT TO SUBSECTION (B), SECTION 1285
3 OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX
4 REFORM CODE OF 1971, IS INCORPORATED BY REFERENCE INTO AND SHALL
5 APPLY TO THIS CHAPTER.

6 (B) ALTERATIONS.--

7 (1) REFERENCES TO CIGARETTES IN SECTION 1285 OF THE TAX
8 REFORM CODE OF 1971 SHALL APPLY TO MEDICAL CANNABIS IN THIS
9 CHAPTER.

10 (2) REFERENCES TO 2,000 OR MORE UNSTAMPED CIGARETTES IN
11 SECTION 1285 OF THE TAX REFORM CODE OF 1971 SHALL APPLY TO
12 MEDICAL CANNABIS WORTH AT LEAST \$1,000 IN THIS CHAPTER.

13 (3) REFERENCES TO MORE THAN 200 UNSTAMPED CIGARETTES IN
14 SECTION 1285 OF THE TAX REFORM CODE OF 1971 SHALL APPLY TO
15 MEDICAL CANNABIS WORTH AT LEAST \$100 IN THIS CHAPTER.

16 SECTION 1121. INFORMATION EXCHANGE.

17 THE DEPARTMENT IS AUTHORIZED TO EXCHANGE INFORMATION WITH ANY
18 OTHER FEDERAL, STATE OR LOCAL ENFORCEMENT AGENCY FOR PURPOSES OF
19 ENFORCING THIS CHAPTER.

20 CHAPTER 51

21 MISCELLANEOUS PROVISIONS

22 SECTION 5101. REGULATIONS.

23 (A) REQUIREMENT.--THE BOARD SHALL PROMULGATE REGULATIONS AS
24 NECESSARY TO IMPLEMENT THIS ACT.

25 (B) TEMPORARY REGULATIONS.--IN ORDER TO FACILITATE THE
26 IMPLEMENTATION OF THIS ACT, REGULATIONS PROMULGATED BY THE BOARD
27 SHALL BE DEEMED TEMPORARY REGULATIONS WHICH SHALL EXPIRE NOT
28 LATER THAN TWO YEARS FOLLOWING THE PUBLICATION OF THE TEMPORARY
29 REGULATION. TEMPORARY REGULATIONS SHALL NOT BE SUBJECT TO:

30 (1) SECTIONS 201, 202, 203, 204 AND 205 OF THE ACT OF

JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE
COMMONWEALTH DOCUMENTS LAW.

(2) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS
THE REGULATORY REVIEW ACT.

(3) SECTIONS 204(B) AND 301(10) OF THE ACT OF OCTOBER
15, 1980 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH
ATTORNEYS ACT.

(C) EXPIRATION.--THE BOARD'S AUTHORITY TO ADOPT TEMPORARY
REGULATIONS UNDER SUBSECTION (B) SHALL EXPIRE TWO YEARS AFTER
THE EFFECTIVE DATE OF THIS SECTION. REGULATIONS ADOPTED AFTER
THIS PERIOD SHALL BE PROMULGATED AS PROVIDED BY LAW.

(D) PUBLICATION.--THE BOARD SHALL BEGIN PUBLISHING TEMPORARY
REGULATIONS IN THE PENNSYLVANIA BULLETIN NO LATER THAN SIX
MONTHS FOLLOWING THE EFFECTIVE DATE OF THIS SECTION.

SECTION 5102. APPROPRIATION.

THE SUM OF \$1.3 MILLION OR AS MUCH THEREOF AS MAY BE
NECESSARY IS APPROPRIATED FROM THE GENERAL FUND TO THE BUREAU OF
PROFESSIONAL AND OCCUPATIONAL AFFAIRS WITHIN THE DEPARTMENT OF
STATE FOR THE START-UP AND INITIAL OPERATION OF THE STATE BOARD
OF MEDICAL CANNABIS LICENSING.

SECTION 5103. APPLICABILITY OF OTHER STATUTES.

THE FOLLOWING ACTS SHALL APPLY TO THE BOARD:

(1) THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS
THE RIGHT-TO-KNOW LAW.

(2) THE ACT OF JULY 19, 1957 (P.L.1017, NO.451), KNOWN
AS THE STATE ADVERSE INTEREST ACT.

(3) 65 PA.C.S. CHS. 7 (RELATING TO OPEN MEETINGS) AND 11
(RELATING TO ETHICS STANDARDS AND FINANCIAL DISCLOSURE).

SECTION 5104. REPEALS.

THE FOLLOWING SHALL APPLY:

1 (1) SECTIONS 4 AND 13 OF THE ACT OF APRIL 14, 1972
2 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG,
3 DEVICE AND COSMETIC ACT, ARE REPEALED INsofar AS THEY ARE
4 INCONSISTENT WITH THIS ACT.

5 (2) ALL ACTS AND PARTS OF ACTS ARE REPEALED INsofar AS
6 THEY ARE INCONSISTENT WITH THIS ACT.

7 SECTION 5105. EFFECTIVE DATE.

8 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.