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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 846 Session of  
2023

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INTRODUCED BY LAUGHLIN, STREET, KEARNEY, FONTANA AND KANE,  
JULY 6, 2023

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REFERRED TO LAW AND JUSTICE, JULY 6, 2023

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AN ACT

1 Amending Titles 35 (Health and Safety) and 75 (Vehicles) of the  
2 Pennsylvania Consolidated Statutes, providing for adult use  
3 cannabis; regulating the personal use and possession of  
4 cannabis; establishing the Cannabis Regulatory Control Board;  
5 providing for powers and duties of the Cannabis Regulatory  
6 Control Board; establishing the Cannabis Business Development  
7 Fund; providing for social and economic equity, for  
8 regulation of cannabis business establishments, for  
9 enforcement and immunities, for laboratory testing, for  
10 advertising, marketing, packaging and labeling and for  
11 preparation, destruction and regulation of cannabis and  
12 cannabis-infused edible and nonedible products; imposing a  
13 sales tax and excise tax on cannabis and cannabis-infused  
14 edible and nonedible products; establishing the Cannabis  
15 Regulation Fund; providing for cannabis clean slate and for  
16 miscellaneous provisions; imposing penalties; consolidating  
17 provisions relating to medical marijuana; transferring  
18 certain powers and duties of the Department of Health to the  
19 Cannabis Regulatory Control Board; in driving after imbibing  
20 alcohol or utilizing drugs, further providing for driving  
21 under influence of alcohol or controlled substance and for  
22 authorized use not a defense; and making repeals.

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

25 Section 1. Title 35 of the Pennsylvania Consolidated  
26 Statutes is amended by adding a part to read:

27 PART VII

28 CANNABIS

1 Chapter

2 91. Adult Use of Cannabis

3 93. Medical Marijuana

4 CHAPTER 91

5 ADULT USE OF CANNABIS

6 Subchapter

7 A. Preliminary Provisions

8 B. Lawful Use and Authority

9 C. Personal Use of Cannabis

10 D. Cannabis Regulatory Control Board

11 E. Social and Economic Equity

12 F. Regulation of Cannabis Business Establishments

13 G. Enforcement and Immunities

14 H. Laboratory Testing

15 I. Advertising, Marketing, Packaging and Labeling

16 J. Preparation, Destruction and Regulation of Cannabis and

17 Cannabis-Infused Edible and Nonedible Products

18 K. Taxes

19 L. Cannabis Clean Slate

20 M. Miscellaneous Provisions

21 SUBCHAPTER A

22 PRELIMINARY PROVISIONS

23 Sec.

24 9101. Scope of chapter.

25 9102. Definitions.

26 § 9101. Scope of chapter.

27 This chapter relates to the adult use of marijuana in this

28 Commonwealth.

29 § 9102. Definitions.

30 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "Adult use." Cannabis that can be purchased and consumed by  
4 an individual 21 years of age and older.

5 "Adult use cultivation center." A facility operated by an  
6 organization or business that is permitted by the board to  
7 cultivate, process, transport and perform other necessary  
8 activities to provide cannabis and cannabis-infused edible and  
9 nonedible products to cannabis business establishments.

10 "Adult use cultivation center permit." A permit issued by  
11 the board that permits an entity to act as a cultivation and  
12 processing center under this chapter or any regulation  
13 promulgated in accordance with this chapter and permits the  
14 entity to offer home delivery services where cannabis and  
15 cannabis-infused edible and nonedible products, as approved by  
16 the board, are delivered directly to a purchaser or patient.

17 "Advertise." To engage in promotional activities, including  
18 through newspaper, radio, Internet and electronic media and  
19 television advertising. The term includes the distribution of  
20 fliers and circulars, billboard advertising and the display of  
21 window signs. The term does not include interior dispensary  
22 signage or exterior signage displaying the name of the permitted  
23 cannabis business establishment.

24 "Agent" or "cannabis business establishment agent." A  
25 principal officer, board member, employee or other agent of a  
26 cannabis business establishment who is 21 years of age or older.

27 "Applicant." An individual or entity applying for a permit  
28 under this chapter.

29 "Board." The Cannabis Regulatory Control Board established  
30 under Subchapter D (relating to Cannabis Regulatory Control

1 Board).

2 "Cannabis." As follows:

3 (1) Any of the following:

4 (i) Marijuana, hashish or other substances that are  
5 identified as including any parts of the plant Cannabis  
6 sativa and including derivatives or subspecies, such as  
7 indica, of all strains of cannabis, whether growing or  
8 not, including the seeds, resin extracted from any part  
9 of the plant and any compound, manufacture, salt,  
10 derivative, mixture or preparation of the plant. The term  
11 includes THC and all other naturally produced cannabinol  
12 derivatives, whether produced directly or indirectly by  
13 extraction, including, delta-7 THC, delta-8 THC, delta-9  
14 THC or any structural, optical or geometric isomers of  
15 tetrahydrocannabinol, cannabis flower, concentrate and  
16 cannabis-infused edible and nonedible products.

17 (ii) A product intended for human consumption with a  
18 THC concentration, however derived, greater than the  
19 allowable THC limit specified in this part.

20 (2) The term does not include the mature stalks of the  
21 plant, fiber produced from the stalks, oil or cake made from  
22 the seeds of the plant or any other compound, manufacture,  
23 salt, derivative, mixture or preparation of the mature  
24 stalks, the sterilized seed of the plant that is incapable of  
25 germination or industrial hemp as defined in 3 Pa.C.S. § 702  
26 (relating to definitions).

27 "Cannabis business establishment." An individual or entity  
28 holding a permit issued by the board to cultivate, process,  
29 dispense, infuse or transport cannabis, including a dispensing  
30 organization, adult use cultivation center, social and economic

1 equity dispensing organization charter permit holder or micro  
2 cultivation center.

3 "Cannabis business establishment agent identification card"  
4 or "agent identification card." An identification card held by  
5 an authorized agent of a dispensing organization, social and  
6 economic equity dispensing organization charter permit holder,  
7 micro cultivation center or adult use cultivation center.

8 "Cannabis concentrate." A product derived from cannabis that  
9 is produced by extracting cannabinoids, including THC, with the  
10 intended use of smoking, vaping or making a cannabis-infused  
11 edible and nonedible product. The term includes a product  
12 derived from cannabis that is produced by means of heat and  
13 pressure or mechanical separations.

14 "Cannabis flower." Marijuana, hashish or other substances  
15 identified as including any parts of the plant Cannabis sativa  
16 and including derivatives or subspecies, such as indica, of all  
17 strains of cannabis, including raw kief, leaves and buds. The  
18 term does not include resin that has been extracted from any  
19 part of the plant or any compound, manufacture, salt,  
20 derivative, mixture or preparation of the plant, the plant's  
21 seeds or resin.

22 "Cannabis-infused edible product." A product meant to be  
23 chewed, dissolved, taken sublingually or swallowed. The term  
24 includes liquids, including beverages, food, oil, tincture,  
25 capsule, tablet, gummies or other ingestible forms containing  
26 cannabis or cannabis concentrate that are not intended to be  
27 smoked or otherwise inhaled.

28 "Cannabis-infused nonedible product." A product meant to be  
29 used topically or otherwise not intended to be ingested. The  
30 term includes gels, creams, patches or ointments containing

1 cannabis or cannabis concentrate.

2 "Cannabis paraphernalia." Any equipment, product or material  
3 of any kind which is primarily intended or designed for any of  
4 the following:

5 (1) Use in vaporizing, ingesting, inhaling or otherwise  
6 introducing a cannabis-infused edible and nonedible product  
7 into the human body.

8 (2) Preparing, storing or containing cannabis.

9 "Cannabis seed-to-sale tracking system" or "seed-to-sale  
10 tracking system." A system designated by the board as the  
11 system of record or a secondary electronic tracking system used  
12 by a cannabis business establishment or testing laboratory that  
13 meets all of the following criteria:

14 (1) The system captures everything that happens to a  
15 cannabis plant from seed and cultivation through the growth,  
16 harvest and manufacturing of cannabis and cannabis-infused  
17 edible and nonedible products, including testing and  
18 transportation, to final sale.

19 (2) The system uses unique-plant identification and  
20 unique-batch identification.

21 (3) The system has the ability to track the involvement  
22 of an agent or permittee with cannabis and cannabis-infused  
23 edible and nonedible products.

24 (4) The system is integrated with a secondary system  
25 used by a cannabis business establishment or a cannabis  
26 testing facility, if applicable, in a form and manner  
27 determined by the board.

28 (5) The system allows for two-way communication,  
29 automation and a secure application-programming interface  
30 with a cannabis business establishment's enterprise resource

1 planning, inventory, accounting and point-of-sale software.

2 (6) The system includes a secure application program  
3 interface capable of accessing all data required to be  
4 transmitted to the board to ensure compliance with the  
5 operational reporting requirements specified under this  
6 chapter or Chapter 93 (relating to medical marijuana) and any  
7 regulations promulgated by the board.

8 "Cannabis testing facility." An entity registered by the  
9 board to test cannabis for potency and contaminants.

10 "Charter agreement." An agreement between a social and  
11 economic equity applicant and a dispensing organization in which  
12 the dispensing organization agrees to provide financial,  
13 mentorship, training, operational and other support to the  
14 social and economic equity applicant.

15 "Clone." A plant section from a female cannabis plant not  
16 yet root-bound, growing in a water solution or other propagation  
17 matrix, that can develop into a new plant.

18 "Curbside." The transfer or dispensing of cannabis or a  
19 cannabis-infused edible and nonedible product by an employee of  
20 a cannabis business establishment to a vehicle located in the  
21 parking area or to an individual at the entrance of the  
22 facility.

23 "Dispensing organization" or "adult use dispensing  
24 organization." An organization, including a person, that meets  
25 all of the following criteria:

26 (1) The organization is permitted by the board to  
27 acquire cannabis from an adult use cultivation center or  
28 micro cultivation center or other dispensary for the purpose  
29 of selling or dispensing cannabis, cannabis concentrates,  
30 cannabis-infused edible and nonedible products, cannabis

1 seeds, paraphernalia or related supplies to purchasers under  
2 this chapter or to patients and caregivers under Chapter 93.

3 (2) The organization is a dual-use dispensary and  
4 authorized or permitted by the board to dispense medical  
5 marijuana under Chapter 93.

6 (3) The organization complies with provisions of Chapter  
7 93.

8 "Dispensing organization permit." A permit issued by the  
9 board that allows a person to act as a dispensing organization  
10 under this chapter or any regulation promulgated in accordance  
11 with this chapter and Chapter 93.

12 "Disproportionately impacted area." A census tract that  
13 satisfies the criteria determined by the board and that meets at  
14 least one of the following criteria:

15 (1) The area has a poverty rate of at least 20%  
16 according to the most recent Federal decennial census.

17 (2) Seventy-five percent or more of the children in the  
18 area participate in the National School Lunch Program  
19 according to reported statistics from the State Board of  
20 Education.

21 (3) At least 20% of the households in the area receive  
22 assistance under the Supplemental Nutrition Assistance  
23 Program.

24 (4) The area has an average unemployment rate, as  
25 determined by the Department of Labor and Industry, that is  
26 more than 120% of the national unemployment average as  
27 determined by the United States Department of Labor for a  
28 period of at least 12 consecutive calendar months preceding  
29 the date of the application for a permit under this chapter  
30 and has a high rate of arrest, conviction and incarceration

1 related to the sale, possession, use, cultivation,  
2 manufacture or transport of cannabis.

3 "Enclosed, locked facility." A room, greenhouse, building or  
4 other enclosed area equipped with locks or other security  
5 devices that permit access only to cannabis business  
6 establishment agents working for the permitted cannabis business  
7 establishment or acting under this chapter to cultivate,  
8 process, store or distribute cannabis.

9 "Enclosed, locked space." Space within a facility, building  
10 or other enclosed area equipped with locks or other security  
11 devices that permit access only to authorized individuals under  
12 this chapter.

13 "Financial institution." As defined in section 3003.22(r) of  
14 the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform  
15 Code of 1971.

16 "Flowering stage." The stage of cultivation where and when a  
17 cannabis plant is cultivated to produce plant material for a  
18 cannabis-infused edible and nonedible product. The term includes  
19 mature plants if any of the following apply:

20 (1) More than two stigmas are visible at each internode  
21 of the plant.

22 (2) The cannabis plant is in an area that has been  
23 intentionally deprived of light for a period of time intended  
24 to produce flower buds and induce maturation, from the moment  
25 the light deprivation began through the remainder of the  
26 cannabis plant growth cycle.

27 "Limited access area." A room or other area under the  
28 control of a dispensing organization where cannabis sales occur  
29 with access limited to individuals who are 21 years of age or  
30 older and qualified patients and caregivers or other individuals

1 as determined by the board's regulations.

2 "Medical marijuana grower/processor." The term shall have  
3 the same meaning as grower/processor as defined in section 9303  
4 (relating to definitions).

5 "Medical marijuana organization." As defined in section  
6 9303.

7 "Member of an impacted family." An individual who has a  
8 parent, legal guardian, child, spouse or dependent or was a  
9 dependent of an individual who, prior to the effective date of  
10 this definition, was arrested for, convicted of or adjudicated  
11 delinquent for any offense that is eligible for expungement  
12 under section 9199.11(b) (relating to cannabis clean slate).

13 "Micro cultivation center." A facility operated by an  
14 individual or entity that is permitted to cultivate, dry, cure  
15 and package cannabis and perform other necessary activities to  
16 make cannabis available for sale at a dispensing organization.

17 "Micro cultivation center permit." An authorization issued  
18 by the board to an individual or entity to conduct activities  
19 of a micro cultivation center under this chapter.

20 "Minority-owned business." As defined in 74 Pa.C.S. § 303(b)  
21 (relating to diverse business participation).

22 "Nonvertically integrated medical marijuana  
23 grower/processor." A permitted medical marijuana  
24 grower/processor in good-standing under Chapter 93 that is not  
25 affiliated with another entity permitted under Chapter 93 and  
26 for which there is no common or shared ownership with a medical  
27 marijuana dispensary permitted under the laws of this  
28 Commonwealth. For the purpose of this definition, common or  
29 shared ownership is a direct or indirect financial, managerial  
30 or other interest in a medical marijuana dispensary.

1 "Ordinary public view." Within the sight line of a normal  
2 visual range of an individual, unassisted by visual aids, from a  
3 public street or sidewalk adjacent to real property or from  
4 within an adjacent property.

5 "Ownership and control." Ownership of at least 51% of a  
6 business, including corporate stock if a corporation, and  
7 control over the management and day-to-day operations of the  
8 business and an interest in the capital, assets, profits and  
9 losses of the business proportionate to the percentage of  
10 ownership.

11 "Patient." As defined in section 9303.

12 "Permit." An authorization issued by the board to a cannabis  
13 business establishment to conduct activities under this chapter.

14 "Permittee." An individual or entity granted a permit under  
15 this chapter.

16 "Person." An individual, firm, partnership, association,  
17 joint stock company, joint venture, public or private  
18 corporation, limited liability company or a receiver, executor,  
19 trustee, guardian or other representative appointed by order of  
20 a court.

21 "Possession limit." The amount of adult use cannabis that  
22 may be possessed at any one time by an individual 21 years of  
23 age or older, not including an individual who is a patient or  
24 caregiver under Chapter 93.

25 "Principal officer." Any of the following:

26 (1) An officer, director or person who directly owns  
27 more than a 1% beneficial interest or ownership of the  
28 securities of a cannabis business establishment applicant or  
29 permittee or more than a 10% beneficial interest or ownership  
30 of the securities of a cannabis business establishment

1 applicant or permittee that is a publicly traded company.

2 (2) A person who has a controlling interest in a  
3 cannabis business establishment applicant or permittee or who  
4 has the ability to elect the majority of the board of  
5 directors of a cannabis business establishment applicant or  
6 permittee.

7 (3) A person who otherwise controls a cannabis business  
8 establishment applicant or permittee, not including a  
9 financial institution.

10 "Purchaser." An individual 21 years of age or older who  
11 acquires cannabis for consideration. The term does not include a  
12 cannabis business establishment agent identification card holder  
13 as used in accordance with Chapter 93.

14 "Remediation." The reprocessing of a manufactured cannabis-  
15 infused product batch that has failed laboratory testing  
16 conducted by a cannabis testing facility or the processing of a  
17 harvest batch that has failed laboratory testing conducted by a  
18 cannabis testing facility.

19 "Restricted access area." An area of a permitted cannabis  
20 business establishment where only cannabis business  
21 establishment agents are allowed, with limited exceptions.

22 "Smoking." The inhalation of smoke caused by the combustion  
23 of cannabis. The smoking of cannabis shall be permitted anywhere  
24 cigarette smoking is permitted. Nothing in this chapter may be  
25 construed to require a person or establishment in lawful  
26 possession of property to allow a guest, client, lessee,  
27 purchaser or visitor to use cannabis on or in that property,  
28 including on land owned in whole or in part or managed in whole  
29 or in part by the Commonwealth.

30 "Social and economic equity applicant." An applicant that

1 does not generate an annual income of more than \$75,000 or have  
2 financial assets exceeding \$250,000 and meets any of the  
3 following criteria:

4 (1) Is comprised of at least 75% ownership and control  
5 by one or more individuals who have resided for at least five  
6 of the preceding 10 years in a disproportionately impacted  
7 area in this Commonwealth.

8 (2) Is comprised of at least 75% ownership and control  
9 by one or more individuals who are residents of this  
10 Commonwealth and:

11 (i) have been arrested for, convicted of or  
12 adjudicated delinquent for an offense that is eligible  
13 for expungement under this chapter; or

14 (ii) are members of an impacted family.

15 "Social and economic equity dispensing organization charter  
16 permit." A dispensing organization permit issued to a social  
17 and economic equity applicant that has entered into a charter  
18 agreement with a dispensing organization to provide financial,  
19 mentorship, training and other support to the social and  
20 economic equity applicant.

21 "THC." A delta-9 tetrahydrocannabinol and any structural,  
22 optical or geometric isomers of tetrahydrocannabinol, including  
23 delta-7, delta-8 and delta-10 tetrahydrocannabinol,  
24 tetrahydrocannabinolic acid, tetrahydrocannabiphorol,  
25 hexaydrocannabinol and any other substance, however derived,  
26 that has similar effects on the mind or body as determined by  
27 the board.

28 "Tincture." A cannabis-infused solution, typically comprised  
29 of alcohol, glycerin or vegetable oils derived either directly  
30 from the cannabis plant or from a processed cannabis extract.

1 The term does not include an alcoholic liquor as used in the act  
2 of April 12, 1951 (P.L.90, No.21), known as the Liquor Code. The  
3 term shall include a calibrated dropper or other similar device  
4 capable of accurately measuring servings.

5 "Veteran-owned small business." As defined in 51 Pa.C.S. §  
6 9601 (relating to definitions).

7 "Women-owned business." As defined in 74 Pa.C.S. § 303(b).

8 SUBCHAPTER B

9 LAWFUL USE AND AUTHORITY

10 Sec.

11 9110. Lawful use.

12 9111. Sharing of authority.

13 9112. Background checks.

14 § 9110. Lawful use.

15 Notwithstanding any other provision of law, use or possession  
16 of cannabis as specified under this chapter shall be lawful in  
17 this Commonwealth.

18 § 9111. Sharing of authority.

19 Notwithstanding any other provision of law, an authority  
20 granted to a Commonwealth agency or Commonwealth employee or  
21 appointee under Chapter 93 (relating to medical marijuana) shall  
22 be shared by the Commonwealth agency or employee or appointee  
23 to permit, discipline, revoke, regulate or make regulations  
24 under this chapter.

25 § 9112. Background checks.

26 (a) Criminal history record check.--The board shall, through  
27 the Pennsylvania State Police, conduct a criminal history record  
28 check of each prospective principal officer, board member and  
29 agent of a cannabis business establishment applying for a permit  
30 or agent identification card under this chapter. The

1 Pennsylvania State Police shall furnish, pursuant to a positive  
2 identification, all Pennsylvania conviction information and  
3 shall forward the national criminal history record information  
4 to the board. After the effective date of this subsection, a  
5 principal officer, board member or agent of a cannabis business  
6 establishment who is convicted of diverting cannabis or  
7 cannabis-infused edible or nonedible products or who  
8 intentionally dispenses cannabis or cannabis-infused edible or  
9 nonedible products in a manner not consistent with this chapter  
10 shall be deemed to have failed the criminal history record check  
11 under this subsection and may not be permitted or otherwise be  
12 employed by a cannabis business establishment in this  
13 Commonwealth.

14 (b) Fingerprinting.--Each cannabis business establishment  
15 prospective principal officer, board member or agent shall  
16 submit fingerprints to the Pennsylvania State Police in the form  
17 and manner prescribed by the Pennsylvania State Police. Unless  
18 otherwise provided by Federal or State law, the fingerprints  
19 under this subsection shall be transmitted through a live scan  
20 fingerprint vendor and checked against the fingerprint records  
21 filed in the Pennsylvania State Police and Federal Bureau of  
22 Investigation criminal history records databases.

23 (c) Fee.--The Pennsylvania State Police shall charge a fee  
24 for conducting the criminal history record check, which shall  
25 not exceed the actual cost of the Commonwealth and national  
26 criminal history record check.

27 (d) Submission and initial employment.--When applying for  
28 the initial permit or identification card, the background checks  
29 for each prospective principal officer, board member and agent  
30 of a cannabis business establishment may be completed concurrent

1 with submitting the application to the board. An agent may begin  
2 working at a cannabis business establishment while waiting for  
3 the result of a background check. Nothing in this chapter shall  
4 be construed to prevent or otherwise inhibit the ability of an  
5 otherwise qualified individual from serving as a principal  
6 officer, board member or agent of a cannabis business  
7 establishment on the sole basis of a nonviolent criminal  
8 conviction related to cannabis.

9 SUBCHAPTER C

10 PERSONAL USE OF CANNABIS

11 Sec.

12 9121. Personal use of cannabis, restrictions on cultivation and  
13 penalties.

14 9122. Possession limits.

15 9123. Individuals younger than 21 years of age.

16 9124. Identification, false identification and penalty.

17 9125. Immunities and presumptions related to the use of  
18 cannabis by purchasers.

19 9126. Discrimination prohibited.

20 9127. Limitations and penalties.

21 9128. Employment and employer liability.

22 § 9121. Personal use of cannabis, restrictions on cultivation  
23 and penalties.

24 Beginning 180 days after the effective date of this  
25 subsection, notwithstanding any other provision of law and  
26 except as otherwise specified under this chapter, the following  
27 acts shall not be a violation of this chapter and shall not be a  
28 criminal or civil offense under State law or an ordinance of a  
29 local government unit of this Commonwealth or be a basis for  
30 seizure or forfeiture of assets under State law for an

1 individual other than an individual younger than 21 years of  
2 age, unless that individual, and the individual's caregiver, if  
3 applicable, is authorized under Chapter 93 (relating to  
4 medical marijuana) to:

5 (1) possess, consume, use, purchase, obtain or transport  
6 cannabis in an amount for personal use that does not exceed  
7 the possession limit or requirements of this chapter;

8 (2) possess, use, obtain or transport cannabis  
9 paraphernalia;

10 (3) transfer without remuneration, within lawful  
11 possession limits, to an individual 21 years of age or older;

12 (4) cultivate cannabis for personal use by patients  
13 under Chapter 93 in accordance with the requirements of this  
14 chapter;

15 (5) control property if actions that are authorized by  
16 this chapter occur on the property in accordance with this  
17 chapter; and

18 (6) smoke or vaporize cannabis concentrate anywhere  
19 smoking is permitted.

20 § 9122. Possession limits.

21 (a) Limits.--Except as otherwise authorized under this  
22 chapter, for an individual who is 21 years of age or older who  
23 is not a patient, the possession limits for cannabis shall be as  
24 follows and cumulative:

25 (1) Thirty grams of cannabis flower.

26 (2) No more than 1,000 milligrams of THC contained in  
27 cannabis-infused edible or nonedible products.

28 (3) Five grams of cannabis concentrate.

29 (b) Excess prohibited.--A person may not knowingly obtain,  
30 seek to obtain or possess an amount of cannabis from a

1 dispensing organization that would exceed the possession limit  
2 under this section, including cannabis that is cultivated by a  
3 person under this chapter.

4 (c) Exception.--Cannabis and cannabis-derived substances  
5 regulated under 3 Pa.C.S. Chs. 7 (relating to industrial hemp  
6 research) and 15 (relating to controlled plants and noxious  
7 weeds) and the Agriculture Improvement Act of 2018 (Public Law  
8 115-334, 132 Stat. 4490) shall not apply to this section.

9 § 9123. Individuals younger than 21 years of age.

10 (a) Prohibition.--An individual younger than 21 years of age  
11 may not purchase, possess, use, process, transport, grow or  
12 consume cannabis except as authorized under Chapter 93 (relating  
13 to medical marijuana).

14 (b) Penalties for underage cannabis offenses.--

15 (1) An individual who violates subsection (a) commits a  
16 summary offense and shall receive a written warning for the  
17 first offense by a court of competent jurisdiction and may be  
18 subject to a fine of not more than \$250 for a second offense  
19 and not more than \$500 for a third and each subsequent  
20 offense.

21 (2) A State or local law enforcement agency shall keep a  
22 record of a violation of subsection (a) in a repository or  
23 database separate from a repository or database with other  
24 law enforcement records. A record of a violation of  
25 subsection (a) shall only be used to determine if an  
26 individual committed a subsequent violation of subsection  
27 (a). A State or local law enforcement agency shall destroy a  
28 record of a violation of subsection (a) when the individual  
29 who committed the offense attains 21 years of age.

30 (3) A State or local law enforcement agency responsible

1 for enforcing a violation of subsection (a) shall notify the  
2 parent or guardian of the individual who committed the  
3 offense if the individual is younger than 18 years of age.

4 (4) When an individual is charged for violating  
5 subsection (a), the magisterial district judge may admit the  
6 offender to the adjudication alternative as authorized under  
7 42 Pa.C.S. § 1520 (relating to adjudication alternative  
8 program) or any other preadjudication disposition if the  
9 individual has not previously received a preadjudication  
10 disposition for violating subsection (a).

11 (c) Intentional transfer or possession to underage  
12 individual.--An individual 21 years of age or older who  
13 intentionally transfers cannabis, with or without remuneration,  
14 to an individual younger than 21 years of age, except as  
15 authorized under Chapter 93, or intentionally allows an  
16 individual younger than 21 years of age to purchase, possess,  
17 use, process, transport, grow or consume cannabis, except as  
18 authorized under Chapter 93, may be disqualified from purchasing  
19 adult use cannabis as authorized under this chapter in addition  
20 to being subject to additional criminal or civil penalties under  
21 State law. The board shall promulgate regulations to implement  
22 this subsection for the purpose of notifying dispensaries of a  
23 disqualification under this subsection and the penalties that  
24 may be imposed against a cannabis business establishment or  
25 agent for intentionally transferring cannabis to an individual  
26 younger than 21 years of age, except as authorized under Chapter  
27 93.

28 § 9124. Identification, false identification and penalty.

29 (a) No personal information required.--To protect personal  
30 privacy, the board may not require a purchaser to provide a

1 dispensing organization with personal information other than for  
2 the purpose of verifying the purchaser's age by means of a  
3 government-issued identification. An adult use dispensing  
4 organization may not obtain or record personal information about  
5 a purchaser without the purchaser's consent.

6 (b) Scanning identification.--A dispensing organization  
7 shall use an electronic reader or electronic scanning device to  
8 scan a purchaser's government-issued identification to determine  
9 the purchaser's age and the validity of the identification. A  
10 cannabis business establishment may operate for temporary  
11 periods without an operational electronic reader or electronic  
12 scanning device if a process is implemented to determine the  
13 purchaser's age and the validity of identification.

14 § 9125. Immunities and presumptions related to the use of  
15 cannabis by purchasers.

16 (a) Penalty applicability.--A purchaser who is 21 years of  
17 age or older shall not be subject to arrest, prosecution, denial  
18 of a right or privilege or other punishment, including, a civil  
19 penalty or disciplinary action taken by an occupational or  
20 professional licensing or permitting board based solely on any  
21 of the following:

22 (1) The use or possession of cannabis, if:

23 (i) the purchaser possesses an amount of cannabis  
24 that does not exceed the possession limit under this  
25 chapter; and

26 (ii) the use of cannabis does not impair the  
27 purchaser when engaged in the practice of the profession  
28 for which the purchaser is licensed, permitted, certified  
29 or registered.

30 (2) Selling cannabis paraphernalia if employed and

1 authorized as an agent by a permitted dispensing  
2 organization.

3 (3) Being in the presence or vicinity of the use of  
4 cannabis or cannabis paraphernalia as authorized under this  
5 chapter.

6 (4) Possessing cannabis paraphernalia.

7 (b) Determination of probable cause.--

8 (1) Mere possession of or application for authorization  
9 to work as a cannabis business establishment agent or the  
10 agent identification card shall not:

11 (i) constitute probable cause or reasonable  
12 suspicion to believe that a crime has been committed; or

13 (ii) be used as the sole basis to support the search  
14 of the person, property or residence of the individual  
15 authorized to work as a cannabis business establishment  
16 agent, possessing an agent identification card or  
17 applying for authorization to work as an agent.

18 (2) The possession of or application for authorization  
19 to work as a cannabis business establishment agent or  
20 possession of an agent identification card shall not preclude  
21 the existence of probable cause if probable cause exists  
22 based on other grounds.

23 (c) Reliance.--An individual employed by the Commonwealth or  
24 a local government unit shall not be subject to criminal or  
25 civil penalties for taking an action in good faith in reliance  
26 on the provisions of this chapter when acting within the scope  
27 of employment.

28 (d) Law enforcement liability.--A law enforcement or  
29 correctional agency, or an employee of a law enforcement or  
30 correctional agency, shall not be subject to criminal or civil

1 liability, except for willful and wanton misconduct, as a result  
2 of taking an action within the scope of the official duties of  
3 the law enforcement or correctional agency or employee to  
4 prohibit or prevent the possession or use of cannabis by any of  
5 the following:

6 (1) An individual incarcerated at a correctional  
7 institution, county jail or other facility under the  
8 supervision of the Department of Corrections.

9 (2) An individual on parole or mandatory supervised  
10 release or otherwise under the lawful jurisdiction of the law  
11 enforcement or correctional agency or employee.

12 (e) Medical care.--For the purpose of receiving medical  
13 care, including an organ transplant, an individual's use of  
14 cannabis under this chapter shall not constitute the use of an  
15 illicit substance or otherwise disqualify an individual from  
16 medical care.

17 (f) Firearms possession.--A lawful purchaser or possessor of  
18 cannabis under this chapter or a patient may not be prohibited  
19 or otherwise restricted from lawful firearm ownership. The  
20 Pennsylvania State Police, a county sheriff's office or another  
21 law enforcement agency shall take measures to revise firearms  
22 applications or take other necessary actions to ensure  
23 compliance with this chapter.

24 (g) Child custody.--The purchase or possession of cannabis  
25 shall not be a determining factor in a child custody matter. The  
26 record of a legal purchase of cannabis shall not be subject to  
27 disclosure solely due to a custody action.

28 § 9126. Discrimination prohibited.

29 (a) Child welfare.--The presence of cannabinoid component or  
30 metabolites in an individual's bodily fluids, possession of

1 cannabis-related paraphernalia, conduct related to the use of  
2 cannabis or the participation in cannabis-related activities  
3 authorized under this chapter by a custodial or noncustodial  
4 parent, grandparent, legal guardian, foster parent or other  
5 individual charged with the well-being of a child, may not form  
6 the sole, primary basis or supporting basis for an action or  
7 proceeding by a child welfare agency or family or juvenile  
8 court. Unless the individual's actions in relation to cannabis  
9 create an unreasonable danger to the safety of the child or  
10 otherwise show the individual is not competent as established by  
11 clear and convincing evidence, the prohibition under this  
12 subsection shall include any of the following:

13       (1) An adverse finding, evidence or restriction of a  
14 right or privilege in a proceeding related to the adoption of  
15 a child.

16       (2) A fitness determination or a determination related  
17 to a foster parent, guardianship, conservatorship or  
18 trusteeship.

19       (3) The execution of a will or the management of an  
20 estate.

21       (b) Landlords.--A landlord may not be penalized or denied a  
22 benefit of leasing to an individual who uses cannabis under this  
23 chapter.

24       (c) Use in private area.--Nothing in this chapter may be  
25 construed to require a person or establishment in lawful  
26 possession of property to allow a guest, client, lessee,  
27 purchaser or visitor to use cannabis on or in that property,  
28 including on land owned in whole or in part or managed in whole  
29 or in part by the Commonwealth.

30 § 9127. Limitations and penalties.

1 (a) General limitations.--This chapter shall not permit an  
2 individual to engage in and shall not prevent the imposition of  
3 a civil, criminal or other penalty for engaging in any of the  
4 following:

5 (1) Undertaking a task under the influence of cannabis  
6 when doing so would constitute negligence, professional  
7 malpractice or professional misconduct.

8 (2) Possessing cannabis:

9 (i) in a school bus, unless permitted for a patient  
10 or caregiver under Chapter 93 (relating to medical  
11 marijuana);

12 (ii) on the grounds of a preschool or primary or  
13 secondary school, unless permitted for a patient or  
14 caregiver under Chapter 93;

15 (iii) in an correctional institution;

16 (iv) in a vehicle not open to the public unless the  
17 cannabis is in a cannabis container and reasonably  
18 inaccessible while the vehicle is moving; or

19 (v) in a private residence that is used at any time  
20 to provide permitted childcare or other similar social  
21 service care on the premises.

22 (3) Using cannabis:

23 (i) in a school bus, unless permitted for a patient;

24 (ii) on the grounds of a preschool or primary or  
25 secondary school, unless permitted for a patient;

26 (iii) in a correctional institution;

27 (iv) in a motor vehicle;

28 (v) in a private residence that is used at any time  
29 to provide permitted child care or other similar social  
30 service care on the premises; or

1           (vi) knowingly in close physical proximity to an  
2           individual younger than 21 years of age.

3           (4) Operating, navigating or being in actual physical  
4           control of any motor vehicle, aircraft, watercraft or  
5           snowmobile while using or under the influence of cannabis.

6           (5) Facilitating the use of cannabis by an individual  
7           who is not authorized to use cannabis under this chapter or  
8           Chapter 93.

9           (6) Transferring cannabis to an individual in violation  
10          of this chapter or Chapter 93.

11          (7) The use of cannabis by a law enforcement officer,  
12          constable, corrections officer, probation officer or  
13          firefighter while on duty.

14          (8) The use of cannabis by an individual who has a  
15          commercial driver's license while on duty.

16          (b) Business restriction.--Nothing in this chapter shall  
17          prevent a private business from restricting or prohibiting the  
18          use of cannabis on business property, including areas where  
19          motor vehicles are parked.

20          (c) Supremacy implication.--Nothing in this chapter shall  
21          authorize or otherwise require an individual or business entity  
22          to violate Federal law, including the ability to consume  
23          cannabis in public housing or on college or university campuses.

24          (d) THC limitations.--A person may not sell, dispense,  
25          process, manufacture or distribute cannabis or a product  
26          intended for consumption or inhalation.

27          (e) Cannabinoid product limitations.--A person may not sell,  
28          dispense, process, manufacture or distribute a cannabinoid  
29          product that is not derived from naturally occurring  
30          biologically active chemical constituents.

1 (f) Penalties.--A person who violates subsection (d) or (e)  
2 is guilty of a misdemeanor of the third degree. Upon conviction,  
3 the court may sentence the person to a pay a fine not to exceed  
4 \$10,000 for each offense under subsection (d) or (e).

5 § 9128. Employment and employer liability.

6 (a) Workplace policies.--Nothing in this chapter shall  
7 prohibit an employer from adopting reasonable zero-tolerance  
8 policies, drug-free workplace policies or employment policies  
9 concerning testing, smoking, consuming, storing or using  
10 cannabis in the workplace or while on call, provided that the  
11 policies are applied in a nondiscriminatory manner. Nothing in  
12 this chapter shall require an employer to permit an employee to  
13 be under the influence of or use cannabis in the employer's  
14 workplace or while performing the employee's job duties or while  
15 on call.

16 (b) Violations of employer policies.--Nothing in this  
17 chapter shall limit or prevent an employer from disciplining an  
18 employee or terminating employment of an employee for violating  
19 an employer's employment policies or workplace drug policy.  
20 Nothing in this chapter shall be construed to interfere with any  
21 Federal, State or local restrictions on employment.

22 SUBCHAPTER D

23 CANNABIS REGULATORY CONTROL BOARD

24 Sec.

25 9131. Establishment of board.

26 9132. Applicability of other statutes.

27 9133. Board procedures.

28 9134. Powers and duties of board.

29 9135. Regulations.

30 9136. Temporary regulations.

1 9137. Confidentiality and public disclosure.

2 9138. Unlicensed activities and civil penalties.

3 9139. Cannabis Business Development Fund.

4 § 9131. Establishment of board.

5 (a) Board established.--The Cannabis Regulatory Control  
6 Board is established as an independent board. The board shall  
7 implement, direct and oversee this chapter.

8 (b) Transfer.--The Department of Health's oversight of the  
9 medical marijuana program established under Chapter 93 (relating  
10 to medical marijuana) shall be transferred to the board within  
11 180 days of the effective date of this subsection. All  
12 authority, information, documents, databases and necessary  
13 information of the medical marijuana program shall be  
14 transferred to the board within 180 days of the effective date  
15 of this subsection. The failure of the Department of Health to  
16 timely transfer its authority, information, documents, databases  
17 and necessary information of the medical marijuana program to  
18 the board shall not delay or inhibit the ability of a current  
19 medical marijuana organization on the effective date of this  
20 subsection from commencing adult use operations.

21 (c) Membership and term.--The board shall consist of the  
22 following members:

23 (1) Two members appointed by the Governor for a seven-  
24 year term, one of whom shall be a representative of the  
25 cannabis industry.

26 (2) One member appointed by each of the following:

27 (i) The President pro tempore of the Senate for a  
28 six-year term.

29 (ii) The Minority Leader of the Senate for a five-  
30 year term.

1           (iii) The Speaker of the House of Representatives  
2           for a six-year term.

3           (iv) The Minority Leader of the House of  
4           Representatives for a five-year term.

5           (3) One member appointed for a two-year term who  
6           possesses substantial and demonstrable experience in one of  
7           the following areas, who shall be a public member appointed  
8           by the Governor:

9           (i) community organizing in a disproportionately  
10          impacted area;

11          (ii) work experience for an offender reentry  
12          program;

13          (iii) workforce development work; or

14          (iv) work experience or advocacy in communities  
15          negatively affected by Federal and State drug regulation  
16          and enforcement.

17          (d) Chairperson and operations.--The Governor shall  
18          designate the chairperson of the board who shall serve as  
19          chairperson during the term of appointment and until a successor  
20          shall be appointed. The board shall be operated from funds  
21          deposited in the Cannabis Regulation Fund. If, in any year,  
22          appropriations for the administration of this chapter are not  
23          enacted by June 30, any funds appropriated for the  
24          administration of this part which are unexpended, uncommitted  
25          and unencumbered at the end of a fiscal year may not lapse and  
26          shall remain available for expenditure by the board or other  
27          agency to which they were appropriated until the enactment of  
28          appropriation for the ensuing fiscal year.

29          (e) Board staff.--The board shall employ and maintain a  
30          staff as necessary to effectuate its purposes, including

1 employees responsible for administrative tasks and facilitating  
2 communication between the board and other Commonwealth agencies  
3 or departments.

4 (f) Chief medical officer.--The board shall hire a salaried  
5 chief medical officer to administer the medical marijuana  
6 program under Chapter 93. The chief medical officer shall meet  
7 all of the following criteria:

8 (1) Be licensed as a healthcare practitioner by the  
9 Commonwealth.

10 (2) Have the necessary cannabis experience to perform  
11 the required duties.

12 (3) Report to the executive director.

13 (g) Residency requirement and elected status.--Each board  
14 member shall be a resident of this Commonwealth while serving on  
15 the board and may not hold, or be a candidate for, Federal,  
16 State or local elected office or serve as an official in a  
17 political party.

18 (h) Term.--Except as initially appointed under subsection  
19 (c), each board member shall serve for a term of four years and  
20 shall be eligible for reappointment for a period of no longer  
21 than an aggregate total of 12 years. An individual appointed to  
22 fill a vacancy in the office of a board member shall be  
23 appointed by the appointing authority under subsection (c) and  
24 shall only serve for the unexpired term of that board member.

25 (i) Removal.--A board member may be removed by the petition  
26 of five members of the board.

27 (j) Compensation.--Board members shall receive salaries.  
28 Board members shall be considered full-time employees and may  
29 not maintain other employment that is in direct conflict with  
30 their duties as board members or creates a conflict of interest

1 with the cannabis industry, other than the member who is a  
2 representative of the cannabis industry. The following shall  
3 apply:

4 (1) The Executive Board established under section 204 of  
5 the act of April 9, 1929 (P.L.177, No.175), known as The  
6 Administrative Code of 1929, shall establish the compensation  
7 of the board members.

8 (2) Board members shall be reimbursed for all necessary  
9 and actual expenses.

10 (3) Board members shall be eligible for retirement under  
11 71 Pa.C.S. Pt. XXV (relating to retirement for State  
12 employees and officers).

13 (k) Appointments.--The appointing authorities under this  
14 section shall make initial appointments within 90 days of the  
15 effective date of this subsection. An appointment may not be  
16 final until receipt by the appointing authority of the required  
17 background investigation of the appointee by the Pennsylvania  
18 State Police, which shall be completed within 30 days of receipt  
19 of the required background investigation. An individual who has  
20 been convicted in any domestic or foreign jurisdiction of a  
21 felony, other than a cannabis-related conviction, may not serve  
22 on the board. If there is a delay in the appointing authorities  
23 making their initial appointments to the board or in the  
24 completion of the background investigation under this  
25 subsection, there shall be no delay or inhibition of the ability  
26 of a current medical marijuana organization on the effective  
27 date of this subsection from commencing adult use operations.

28 § 9132. Applicability of other statutes.

29 (a) General rule.--The board shall be subject to the  
30 following acts:

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

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

5       (3) The provisions of 65 Pa.C.S. Chs. 7 (relating to  
6 open meetings) and 11 (relating to ethics standards and  
7 financial disclosure).

8       (b) Status of board.--

9       (1) The board shall be considered an independent agency  
10 for the purposes of the following:

11       (i) The act of October 15, 1980 (P.L.950, No.164),  
12 known as the Commonwealth Attorneys Act.

13       (ii) 62 Pa.C.S. Pt. I (relating to Commonwealth  
14 Procurement Code). The expediting of the payment of  
15 revenue to the Commonwealth shall not be grounds for an  
16 emergency procurement by the board.

17       (2) The board shall be considered an agency for the  
18 purposes of the following:

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

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

23 § 9133. Board procedures.

24       (a) Quorum and notice.--A majority of the board members,  
25 attending in person, shall constitute a quorum and the  
26 affirmative vote of a majority of the board members shall be  
27 required for an action of the board. The chairperson or a  
28 majority of the members of the board may call a meeting if  
29 notice of a meeting is provided to each member of the board and  
30 to other persons who request notice. The board shall adopt

1 regulations establishing procedures, which may include  
2 electronic communications, by which a request to receive notice  
3 shall be made and the method by which timely notice may be  
4 given.

5 (b) Duties of chairperson.--The chairperson shall have and  
6 exercise supervision and control over all the affairs of the  
7 board and preside at all hearings where the chairperson is  
8 present. The chairperson shall designate a board member to act  
9 as chairperson if the chairperson will be absent at a board  
10 meeting.

11 § 9134. Powers and duties of board.

12 (a) Authority.--The board shall have general and sole  
13 regulatory authority over the conduct of cannabis or related  
14 activities as described in this chapter. The board shall have  
15 all the powers necessary or convenient to carry out and  
16 effectuate its purposes in administering adult use cannabis and  
17 medical marijuana programs.

18 (b) Staffing.--The board shall employ individuals as  
19 necessary to implement this chapter, who shall serve at the  
20 pleasure of the board. An employee of the board shall be  
21 considered a State employee for purposes of 71 Pa.C.S. Pt. XXV  
22 (relating to retirement for State employees and officers). For  
23 the purposes of this subsection, the board shall not be  
24 considered an executive agency or independent agency under the  
25 act of October 15, 1980 (P.L.950, No.164), known as the  
26 Commonwealth Attorneys Act.

27 (c) Additional employees.--In addition to employees  
28 authorized by the board, each member of the board may employ one  
29 special assistant whose classification and compensation shall be  
30 established by the board and subject to subsection (b).

1 (d) Executive director.--The board shall hire an executive  
2 director as a salaried position.

3 (e) Classification.--The board shall establish a system of  
4 employee classification and compensation and shall not be  
5 subject to the provisions of the act of April 9, 1929 (P.L.177,  
6 No.175), known as The Administrative Code of 1929, as to  
7 classification and compensation for its employees and conduct  
8 its activities consistent with the practices and procedures of  
9 Commonwealth agencies.

10 (f) Publication.--Within 60 days of the establishment of the  
11 board, the board shall publish the employee classification  
12 system under subsection (e) on the publicly accessible Internet  
13 website of the board and transmit notice of the employee  
14 classification system to the Legislative Reference Bureau for  
15 publication in the next available issue of the Pennsylvania  
16 Bulletin.

17 (g) Board duties.--The board shall:

18 (1) Schedule and initiate a process to promulgate new  
19 regulations or modify existing regulations.

20 (2) Hold public hearings on proposed regulations.

21 (3) Issue permits to cannabis business establishments to  
22 authorize the cannabis business establishments to cultivate,  
23 process, transport and dispense cannabis and ensure  
24 compliance with this chapter and Chapter 93 (relating to  
25 medical marijuana).

26 (4) Register cannabis business establishment agents and  
27 ensure compliance with this chapter and Chapter 93.

28 (5) Have regulatory and enforcement authority over the  
29 cultivating, processing, transporting, dispensing and using  
30 of cannabis in this Commonwealth.

1       (6) Designate a seed-to-sale tracking system to include  
2 activities and information relating to cannabis business  
3 establishments and electronic tracking of all cannabis under  
4 this chapter and Chapter 93.

5       (7) Develop recordkeeping requirements for all books and  
6 papers, any seed-to-sale tracking system data and other  
7 information of a cannabis business establishment for a period  
8 of four years unless otherwise provided by the board.

9       (8) Develop enforcement procedures, including announced  
10 and unannounced inspections of facilities and records of a  
11 cannabis business establishment.

12       (9) Oversee enforcement actions, including holding  
13 hearings of appeals within 90 days of the filing of an  
14 appeal.

15       (10) Develop and implement a comprehensive social equity  
16 and economic development program in partnership with the  
17 Commonwealth Financing Authority, which shall have the duty  
18 of conducting oversight of grants and loans under this  
19 chapter.

20       (11) Approve the budget of the board related to actions  
21 performed under this chapter and Chapter 93.

22       (12) Set research agenda related to Chapter 93.

23       (13) Convene working groups.

24       (14) Establish and maintain public outreach programs  
25 about the adult use cannabis and medical marijuana programs.

26       (15) Collaborate as necessary with other Commonwealth  
27 agencies or contract with third parties as necessary to carry  
28 out the provisions of this chapter and Chapter 93.

29       (16) Develop strategies and procedures to prohibit the  
30 illicit cannabis market.

1 § 9135. Regulations.

2 (a) Promulgation.--The board shall promulgate regulations,  
3 with input from industry stakeholders, to implement the  
4 provisions of this chapter and Chapter 93 (relating to medical  
5 marijuana), including all of the following:

6 (1) The types of permits issued under this chapter,  
7 including the following types of permits:

8 (i) Cultivation/processing.

9 (ii) Micro cultivation.

10 (iii) Dispensing.

11 (iv) Testing.

12 (2) The methods and forms of permit applications,  
13 including timeline, fees and minimum requirements.

14 (3) The policies and procedures to prioritize, promote  
15 and encourage diversity and full participation by individuals  
16 from communities that have been disproportionately harmed by  
17 cannabis prohibition and cannabis enforcement prohibition.

18 (4) Procedures to process and competitively score permit  
19 applications.

20 (5) Procedures to process administrative requests,  
21 including changes of ownership and location.

22 (6) Security procedures for cannabis business  
23 establishments consistent with the procedures implemented  
24 under Chapter 93.

25 (7) Enforcement procedures, including fines, suspensions  
26 and revocations.

27 (8) Ownership and financial disclosure procedures and  
28 requirements for cannabis business establishments, including  
29 record keeping requirements.

30 (9) Procedures and requirements concerning the

1 divestiture of a beneficial ownership interest by a person  
2 found unqualified.

3 (10) Procedures, processes and requirements for  
4 transfers of ownership, including the involvement of a  
5 publicly traded corporation.

6 (11) Combining the medical program under Chapter 93 and  
7 adult use program under this chapter.

8 (12) Seed-to-sale tracking system procedures.

9 (13) Procedures and requirements for curbside pickup  
10 services offered by dispensing organizations.

11 (14) Transportation requirements, including:

12 (i) Establishing procedures and requirements for  
13 home delivery services by dispensing organizations and  
14 micro cultivation centers.

15 (ii) A requirement that transportation between  
16 cannabis business establishments occurs in secured  
17 vehicles but allowing for transportation in vehicles  
18 other than those owned and operated by cannabis business  
19 establishments for purchasers to transport cannabis.

20 (iii) Details required on transportation manifests.

21 (iv) Policies encouraging bulk shipment where  
22 appropriate.

23 (15) Labeling requirements.

24 (16) Cannabis-infused edible product requirements,  
25 including the following:

26 (i) Ensuring that products are not likely to appeal  
27 to minors.

28 (ii) Product safety regulations, including the  
29 requiring of best manufacturing practices and appropriate  
30 testing.

1           (iii) Standards for creating clearly delineated  
2           individual servings.

3           (17) Advertising and marketing regulations that balance  
4           the ability of a cannabis business establishment to engage in  
5           reasonable marketing and promotional activities while:

6           (i) Ensuring advertising and marketing does not  
7           target minors.

8           (ii) Reasonably restricting access to minors by  
9           taking steps to ensure the audience will be predominantly  
10           over 21 years of age for advertising and marketing.

11           (18) Product safety regulations, including:

12           (i) Regulations consistent with best practices for  
13           food products, except where necessary modifications are  
14           required due to the active compounds in the cannabis  
15           plant.

16           (ii) Standards for packaging to address freshness,  
17           tamper evidence and limiting access to children.

18           (iii) Standard symbols and warnings where the board  
19           shall review symbols and warnings from other  
20           jurisdictions where adult use cannabis sales are  
21           permitted.

22           (iv) A prohibition on packaging that is likely to  
23           appeal to minors.

24           (19) Requirements that a cannabis business establishment  
25           use standards and practices that align with United States  
26           Department of Agriculture and Food and Drug Administration  
27           standards, when appropriate for the purposes of this chapter  
28           and Chapter 93.

29           (20) Procedures for the investigation and enforcement of  
30           unregulated and unlicensed cultivation, processing,

1 manufacturing, sale, dispensing or distribution of cannabis,  
2 cannabis-infused edible or nonedible products or products  
3 intended for consumption or inhalation in violation of  
4 section 9127 (relating to limitations and penalties).

5 (b) Compliance deadline.--A permittee shall have 180 days  
6 from the effective date of a new regulation promulgated by the  
7 board under this section to comply with the new regulation.

8 § 9136. Temporary regulations.

9 (a) Promulgation.--The board shall promulgate temporary  
10 regulations no later than 180 days from the effective date of  
11 this subsection. If the board fails to promulgate temporary  
12 regulations under this subsection, the failure shall not delay  
13 or inhibit the ability of a current medical marijuana  
14 organization on the effective date of this subsection from  
15 commencing adult use operations. The temporary regulations under  
16 this subsection shall expire not later than three years after  
17 the effective date of this subsection and shall not be subject  
18 to any of the following:

19 (1) Section 612 of the act of April 9, 1929 (P.L.177,  
20 No.175), known as The Administrative Code of 1929.

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

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

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

29 (b) Compliance deadline.--A current medical marijuana  
30 organization on the effective date of this subsection that is

1 authorized to cultivate, process, dispense or transport adult  
2 use cannabis under this chapter shall have 180 days from the  
3 effective date of a new temporary regulation promulgated by the  
4 board under subsection (a) to comply with the temporary  
5 regulation.

6 § 9137. Confidentiality and public disclosure.

7 (a) Exempt from access.--All personal information obtained by  
8 the board relating to agents, patients or purchasers shall be  
9 exempt from access under the act of February 14, 2008 (P.L.6,  
10 No.3), known as the Right-to-Know Law.

11 (b) Public records.--The following records are public  
12 records and shall be accessible for inspection and duplication  
13 in accordance with the Right-to-Know Law:

14 (1) With exceptions for private, security-related and  
15 trade secret information, applications for permits submitted  
16 by a cannabis business establishment.

17 (2) Information relating to penalties or other  
18 disciplinary actions taken against a cannabis business  
19 establishment or agent by the board for violation of this  
20 chapter.

21 § 9138. Unlicensed activities and civil penalties.

22 (a) Unlicensed activities.--In addition to any other penalty  
23 provided by Federal or State law, a person who cultivates,  
24 processes, distributes, sells or offers for sale cannabis,  
25 cannabis-infused edible or nonedible products, cannabis  
26 concentrates, cannabis flower or any product intended for  
27 consumption or inhalation in violation of section 9127 (relating  
28 to limitations and penalties) without a license issued by the  
29 board shall be subject to a civil penalty not to exceed \$10,000  
30 for each offense. Each day a person engages in unlicensed

1 activity under this subsection shall constitute a separate  
2 offense.

3 (b) Enforcement.--The Attorney General, the board, a State  
4 or local law enforcement agency or a local government unit may  
5 investigate an unlicensed activity under subsection (a) and  
6 engage in enforcement measures, including entering into an  
7 intergovernmental agreement to prevent the conduct of an  
8 unlicensed activity under subsection (a).

9 (c) Suspension or revocation.--In addition to any other  
10 penalty provided by Federal or State law, upon the conduct of a  
11 third or subsequent unlicensed activity under subsection (a), a  
12 local government unit may suspend or revoke the business license  
13 of the person who engaged in the unlicensed activity.

14 § 9139. Cannabis Business Development Fund.

15 (a) Establishment.--The Cannabis Business Development Fund  
16 is established in the State Treasury. Money in the Cannabis  
17 Business Development Fund is appropriated on a continuing basis  
18 for the purposes specified under this section and shall not  
19 lapse.

20 (b) Deposits.--Certain fees payable under this chapter shall  
21 be deposited into the Cannabis Business Development Fund as  
22 specified under this chapter. In addition, \$3,000,000 of gross  
23 receipts of revenue deposited into the Cannabis Regulation Fund  
24 shall be transferred to the Cannabis Business Development Fund.  
25 The money deposited into the Cannabis Business Development Fund  
26 may only be used for the purposes specified under this chapter.  
27 Any interest accrued shall be deposited into the Cannabis  
28 Business Development Fund.

29 (c) Investment.--The Department of Community and Economic  
30 Development shall direct the investment of the Cannabis Business

1 Development Fund. The State Treasurer shall credit to the  
2 Cannabis Business Development Fund interest and earnings from  
3 Cannabis Business Development Fund investment.

4 (d) Administrator.--The Department of Community and Economic  
5 Development shall be the administrator of the Cannabis Business  
6 Development Fund for auditing purposes.

7 (e) Purposes.--Money in the Cannabis Business Development  
8 Fund shall be used for any of the following purposes:

9 (1) Providing low-interest-rate or zero-interest-rate  
10 loans to qualified social and economic equity applicants to  
11 pay for ordinary and necessary expenses to start and operate  
12 a cannabis business establishment.

13 (2) Providing grants to qualified social and economic  
14 equity applicants to pay for ordinary and necessary expenses  
15 to start and operate a cannabis business establishment.

16 (3) Providing low-interest-rate loans to social and  
17 economic equity dispensing organization charter permittees  
18 and applicants to pay for legal expenses related to the  
19 development and execution of charter agreements.

20 (4) Providing grants to social and economic equity  
21 dispensing organization charter permittees and applicants to  
22 pay for legal expenses related to the development and  
23 execution of charter agreements.

24 (5) Reimbursing the Department of Community and Economic  
25 Development for costs related to the provision of low-  
26 interest-rate loans and grants to qualified social and  
27 economic equity applicants.

28 (6) Paying for outreach that may be provided or targeted  
29 to attract and support social and economic equity applicants.

30 (7) Conducting study or research concerning the

1 participation of minorities, women, veterans or individuals  
2 with disabilities in the cannabis industry, including  
3 barriers to individuals entering the industry as equity  
4 owners of a cannabis business establishment.

5 (8) Assisting with job training and technical assistance  
6 for residents of this Commonwealth in disproportionately  
7 impacted areas.

8 (9) Assisting community organizations, offender reentry  
9 programs, workforce development programs and other community  
10 or advocacy programs in disproportionately impacted areas or  
11 other communities negatively affected by Federal and State  
12 drug regulation and enforcement.

13 (10) Any other purpose specified under Subchapter H of  
14 Chapter 93 (relating to tax on medical marijuana).

15 (f) Additional deposits.--All money collected for the  
16 approval of a dispensing organization and adult use cultivation  
17 center permit for current medical marijuana operators issued  
18 before January 1, 2024, and remunerations made as a result of  
19 transfers of permits awarded to qualified social and economic  
20 equity applicants shall be deposited into the Cannabis Business  
21 Development Fund.

22 (g) Transfers.--As soon as practical after the effective  
23 date of this subsection, the State Treasurer shall transfer the  
24 balance of the Medical Marijuana Program Fund into the Cannabis  
25 Business Development Fund.

26 (h) Prohibition.--Notwithstanding any other provision of  
27 law, the Cannabis Business Development Fund shall not be subject  
28 to sweeps, administrative charge-backs or any other fiscal or  
29 budgetary maneuver that would transfer money from the Cannabis  
30 Business Development Fund into any other fund of the

1 Commonwealth.

2 SUBCHAPTER E

3 SOCIAL AND ECONOMIC EQUITY

4 Sec.

5 9141. Social and economic equity.

6 9142. Loans and grants to social and economic equity  
7 applicants.

8 9143. Fee waivers.

9 9144. Transfer of permit awarded to qualified social and  
10 economic equity applicant.

11 § 9141. Social and economic equity.

12 (a) Promotion and partnership.--The board shall promote and  
13 take any necessary action to ensure social and economic equity  
14 in the cannabis industry in this Commonwealth. The board shall  
15 partner with the Department of Community and Economic  
16 Development in facilitating the grant and loans under this  
17 chapter.

18 (b) Report.--On January 1 of every year, the board, with the  
19 assistance of the Department of Community and Economic  
20 Development as necessary, shall prepare and issue a public  
21 report that assesses the extent of diversity in the cannabis  
22 industries and methods for reducing or eliminating any  
23 identified barriers to entry, including access to capital. The  
24 information reported shall include all of the following:

25 (1) The number and percentage of permits provided to  
26 social and economic equity applicants and to businesses owned  
27 by minorities, women, veterans and individuals with  
28 disabilities.

29 (2) The total number and percentage of employees in the  
30 cannabis industry who meet the definition of a social and

1 economic equity applicant or who are minorities, women,  
2 veterans or people with disabilities.

3 (3) The total number and percentage of contractors and  
4 subcontractors in the cannabis industry that meet the  
5 criteria of social and economic equity applicants or that are  
6 owned by minority-owned businesses, women-owned businesses,  
7 veteran-owned businesses or owned by individuals with  
8 disabilities, if known to the cannabis business  
9 establishment.

10 (4) Recommendations on reducing or eliminating any  
11 identified barriers to entry, including access to capital, in  
12 the cannabis industry.

13 § 9142. Loans and grants to social and economic equity  
14 applicants.

15 (a) Grant and loan programs.--The Commonwealth Financing  
16 Authority shall establish grant and loan programs, subject to  
17 appropriations from the Cannabis Business Development Fund for  
18 the purposes of providing financial assistance, loans, grants  
19 and technical assistance to social and economic equity  
20 applicants. The Department of Community and Economic Development  
21 may:

22 (1) provide cannabis social and economic equity loans  
23 and grants from appropriations from the Cannabis Business  
24 Development Fund to assist qualified social and economic  
25 equity applicants in the Commonwealth's regulated cannabis  
26 marketplace;

27 (2) enter into agreements that state the terms and  
28 conditions of the financial assistance, accept funds or  
29 grants and engage in cooperation with private entities and  
30 Commonwealth agencies or local government to carry out the

1 purposes of this section;

2 (3) fix, determine, charge and collect any premiums,  
3 fees, charges, costs and expenses, including application  
4 fees, commitment fees, program fees, financing charges or  
5 publication fees, in connection with the Commonwealth  
6 Financing Authority's activities under this section;

7 (4) coordinate assistance under loan programs with  
8 activities of the board and other Commonwealth agencies as  
9 needed to maximize the effectiveness and efficiency of this  
10 chapter;

11 (5) provide staff, administration and related support  
12 required to administer this section;

13 (6) take other necessary or appropriate actions to  
14 protect the Commonwealth's interest in the event of  
15 bankruptcy, default, foreclosure or noncompliance with the  
16 terms and conditions of financial assistance provided under  
17 this section, including the ability to recapture funds if the  
18 recipient is found to be in noncompliance with the terms and  
19 conditions of the financial assistance agreement;

20 (7) establish application, notification, contract and  
21 other forms, procedures or regulations deemed necessary and  
22 appropriate; and

23 (8) utilize vendors or contract work to implement this  
24 chapter.

25 (b) Conditions.--Loans made under this section shall meet  
26 all of the following criteria:

27 (1) Only be made if, in the judgment of the Commonwealth  
28 Financing Authority, the project furthers the goals specified  
29 under this chapter.

30 (2) Be in a principal amount and form and contain terms

1 and provisions with respect to security, insurance,  
2 reporting, delinquency charges, default remedies and other  
3 matters as the Department of Community and Economic  
4 Development shall determine appropriate to protect the public  
5 interest and to be consistent with the purposes of this  
6 section.

7 (c) Award.--Grants made under this section shall be awarded  
8 on a competitive and annual basis and shall further and promote  
9 the goals of this chapter, including promotion of social and  
10 economic equity applicants, job training and workforce  
11 development and technical assistance to social and economic  
12 equity applicants.

13 (d) Annual report.--Beginning January 1, 2024, and each year  
14 thereafter, the Department of Community and Economic Development  
15 shall annually report to the Governor, the General Assembly and  
16 the board on the outcomes and effectiveness of this section,  
17 including all of the following:

18 (1) The number of persons or businesses receiving  
19 financial assistance under this section.

20 (2) The amount in financial assistance awarded in the  
21 aggregate, in addition to the amount of loans made that are  
22 outstanding and the amount of grants awarded.

23 (3) The location of the project engaged in by the person  
24 or business.

25 (4) If applicable, the number of new jobs and other  
26 forms of economic output created as a result of the financial  
27 assistance.

28 (e) Additional outreach.--The Commonwealth Financing  
29 Authority shall include engagement with individuals with limited  
30 English proficiency as part of its outreach provided or targeted

1 to attract and support social and economic equity applicants.

2 § 9143. Fee waivers.

3 (a) Permit application fee waiver.--The board shall waive  
4 50% of a nonrefundable permit application fee, nonrefundable fee  
5 associated with purchasing a permit to operate a cannabis  
6 business establishment and any surety bond or other financial  
7 requirement of a social and economic equity applicant if a  
8 social and economic equity applicant meets all the following  
9 qualifications at the time the payment is due:

10 (1) The applicant, including each individual or entity  
11 with 10% or greater ownership and each parent company,  
12 subsidiary or affiliate, has less than a total of \$750,000 of  
13 income in the previous calendar year.

14 (2) The applicant, including each individual or entity  
15 with 10% or greater ownership and each parent company,  
16 subsidiary or affiliate, has no more than two other permits  
17 for cannabis business establishments in this Commonwealth.

18 (b) Attestation.--The board may require a social and  
19 economic equity applicant to attest that they meet the  
20 requirements for a fee waiver under subsection (a) and provide  
21 evidence of total annual income for the previous calendar year.

22 (c) Eligibility determination.--If the board determines that  
23 an applicant who applied as a social and economic equity  
24 applicant is not eligible under this section, the applicant  
25 shall be provided an additional 10 days to provide alternative  
26 evidence of qualification as a social and economic equity  
27 applicant. The applicant may pay the remainder of the waived fee  
28 and not be considered as a social and economic equity applicant.  
29 If the applicant cannot meet the qualifications standards or pay  
30 the remainder of the waived fee, the board may keep the initial

1 application fee and the application shall not be graded.  
2 § 9144. Transfer of permit awarded to qualified social and  
3 economic equity applicant.

4 (a) Transfer, sale or grant of permit.--In the event a  
5 qualified social and economic equity applicant seeks to  
6 transfer, sell or grant a cannabis business establishment permit  
7 to an individual or entity that does not qualify as a social and  
8 economic equity applicant after one year from the date of  
9 issuance of the permit and within five years after the permit  
10 was issued, the transfer agreement shall require the new permit  
11 holder to pay the board an amount equal to all the following for  
12 deposit into the Cannabis Business Development Fund:

13 (1) Fees that were waived by any Commonwealth agency  
14 based on the applicant's status as a social and economic  
15 equity applicant, if applicable.

16 (2) The outstanding amount owed by the qualified social  
17 and economic equity applicant for a loan through the Cannabis  
18 Business Development Fund, if applicable.

19 (3) The full amount of a grant that the qualified social  
20 and economic equity applicant received from the Commonwealth  
21 Financing Authority, if applicable.

22 (b) Applicability.--Transfers of a cannabis business  
23 establishment permit awarded to a social and economic equity  
24 applicant shall be subject to all other provisions of this  
25 chapter.

26 SUBCHAPTER F

27 REGULATION OF CANNABIS BUSINESS ESTABLISHMENTS

28 Sec.

29 9151. Authority to conduct oversight of cannabis business  
30 establishments.

- 1 9152. Medical marijuana exemption.
- 2 9153. Authorization of current medical marijuana organizations  
3 to commence dispensing adult use cannabis.
- 4 9154. Issuance of additional permits to current medical  
5 marijuana organizations and qualified social and  
6 economic equity applicants.
- 7 9155. New dispensing organization permits.
- 8 9156. Selection criteria for new adult use dispensing  
9 organization permits.
- 10 9157. Dispensing organization operational requirements and  
11 prohibitions.
- 12 9158. Dispensing cannabis.
- 13 9159. Agent-in-charge.
- 14 9159.1. Inventory control system.
- 15 9159.2. Storage requirements.
- 16 9159.3. Destruction and disposal of cannabis.
- 17 9159.4. Security measures.
- 18 9159.5. Recordkeeping.
- 19 9159.6. Issuance of adult use cultivation center permits.
- 20 9159.7. Issuance of adult use cultivation center permits to  
21 current medical marijuana grower/processor permit  
22 holders.
- 23 9159.8. New adult use cultivation center permits.
- 24 9159.9. Adult use cultivation center requirements and  
25 prohibitions.
- 26 9159.10. Issuance of micro cultivation center permits.
- 27 9159.11. Micro cultivation center permit applications.
- 28 9159.12. Selection criteria for micro cultivation center  
29 permits.
- 30 9159.13. (Reserved).

1 9159.14. Micro cultivation center requirements and prohibitions.

2 9159.15. Cannabis business establishment agent identification  
3 cards.

4 9159.16. Background check for cannabis business establishment  
5 applicants.

6 9159.17. Renewal of cannabis business establishment permits and  
7 cannabis business establishment agent identification  
8 cards.

9 § 9151. Authority to conduct oversight of cannabis business  
10 establishments.

11 (a) Enforcement.--The board shall administer and enforce the  
12 provisions of this chapter relating to the permitting and  
13 oversight of a cannabis business establishment and cannabis  
14 business establishment agents unless otherwise provided in this  
15 chapter.

16 (b) Limitation.--A person may not operate a cannabis  
17 business establishment for the purpose of cultivating,  
18 processing, dispensing or transporting cannabis or cannabis-  
19 infused edible or nonedible products without a permit issued  
20 under this chapter. A person may not be an officer, director,  
21 manager or agent of a cannabis business establishment without  
22 having been authorized by the board.

23 (c) Powers and duties.--Subject to the provisions of this  
24 chapter, the board may exercise the following powers and duties:

25 (1) Prescribe forms to be issued for the administration  
26 and enforcement of this chapter.

27 (2) Examine, inspect and investigate the premises,  
28 operations and records of cannabis business establishment  
29 applicants and permittees.

30 (3) Conduct investigations of possible violations of

1 this chapter pertaining to a cannabis business establishment  
2 and cannabis business establishment agents.

3 (4) Conduct hearings on proceedings to refuse to issue  
4 or renew, revoke or suspend permits or to place on probation,  
5 reprimand or otherwise discipline a permittee or agent under  
6 this chapter or take other nondisciplinary action.

7 (5) Adopt regulations required for the administration of  
8 this chapter.

9 § 9152. Medical marijuana exemption.

10 This chapter shall not apply to entities registered under  
11 Chapter 93 (relating to medical marijuana), except where  
12 otherwise specified.

13 § 9153. Authorization of current medical marijuana

14 organizations to commence dispensing adult use  
15 cannabis.

16 (a) Dual use permits.--A medical marijuana organization  
17 holding a dispensary permit granted under Subchapter E or M of  
18 Chapter 93 (relating to medical marijuana) on the effective date  
19 of this subsection shall, within 180 days from the effective  
20 date of this subsection, be authorized by the board to commence  
21 selling adult use cannabis at a dispensary operating under  
22 Chapter 93. A medical marijuana organization shall pay a fee of  
23 \$25,000 to the board, which shall be deposited into the Cannabis  
24 Regulation Fund, before commencing the sale of adult use  
25 cannabis.

26 (b) Delay or inhibit operations.--The failure of the board  
27 to be seated or to promulgate regulations shall not delay or  
28 inhibit the ability of a medical marijuana organization under  
29 subsection (a) from commencing the sale of adult use cannabis at  
30 a dispensary operating under Chapter 93. If the board is not

1 seated within 180 days from the effective date of this  
2 subsection or if the board otherwise fails to authorize a  
3 medical marijuana organization under subsection (a) from  
4 commencing the sale of adult use cannabis at a dispensary  
5 operating under Chapter 93 within 180 days from the effective  
6 date of this subsection, the medical marijuana organization  
7 shall automatically be authorized to commence adult use cannabis  
8 sales.

9 (c) Nonvertically integrated medical marijuana  
10 grower/processors.--

11 (1) A nonvertically integrated medical marijuana  
12 grower/processor who does not currently hold a dispensary  
13 permit under Chapter 93 and is not authorized under  
14 subsection (a) or (b) to commence selling adult use cannabis  
15 may apply for one adult use dispensing organization permit to  
16 operate up to three locations for each medical marijuana  
17 grower/processor permit held within 60 days of the board  
18 being seated.

19 (2) A nonvertically integrated medical marijuana  
20 grower/processor seeking an adult use dispensing organization  
21 permit under paragraph (1) shall submit an application on a  
22 form provided by the board. The application shall be  
23 submitted by the same individual or entity that holds the  
24 medical marijuana grower/processor permit under Chapter 93  
25 and shall include information in at least the following  
26 categories as determined by the board:

27 (i) The fees to be paid.

28 (ii) A business plan that complies with the  
29 requirements under this chapter.

30 (iii) A security plan.

1           (iv) An inventory control plan.

2           (v) A plan for community engagement.

3           (vi) Written policies and procedures regarding  
4 recordkeeping, inventory control, safety, security,  
5 diversion and diversity.

6           (vii) Facility plans, including the proposed  
7 physical address, floor plans, security overlay and  
8 specifications of the building exterior and interior  
9 layout.

10          (viii) Documented ownership or control of the  
11 property.

12          (ix) A copy of each relevant local zoning ordinance  
13 and documentation, if necessary, of approval from the  
14 local zoning office that the proposed dispensary location  
15 is in compliance with each local zoning ordinance.

16          (x) Information regarding each principal officer.

17          (xi) Evidence of the applicant's status as a social  
18 and economic equity applicant, if applicable.

19          (3) The board may not unreasonably deny an application  
20 under paragraph (2).

21 § 9154. Issuance of additional permits to current medical  
22 marijuana organizations and qualified social and  
23 economic equity applicants.

24          (a) Medical marijuana organizations.--In addition to being  
25 able to commence dispensing adult use cannabis from a dispensary  
26 operating under Chapter 93 (relating to medical marijuana) in  
27 accordance with section 9153 (relating to authorization of  
28 current medical marijuana organizations to commence dispensing  
29 adult use cannabis), a medical marijuana organization holding a  
30 dispensary permit granted under Subchapter E or M of Chapter 93

1 on the effective date of this subsection may apply for a second  
2 permit for each dispensary permit held. The additional permit  
3 shall authorize the dispensary organization to operate up to  
4 three locations, per permit, to serve purchasers and patients in  
5 this Commonwealth.

6 (b) Nonvertically integrated medical marijuana  
7 grower/processors.--A nonvertically integrated medical marijuana  
8 grower/processor may apply for one additional permit to operate  
9 up to three locations to serve purchasers and qualified patients  
10 in this Commonwealth.

11 (c) Dual use.--A medical marijuana organization or  
12 nonvertically integrated medical marijuana grower/processor  
13 issued a permit under this section may sell and dispense  
14 cannabis to patients at each dispensary location of the medical  
15 marijuana organization or nonvertically integrated medical  
16 marijuana grower/processor.

17 (d) Priority.--A nonvertically integrated medical marijuana  
18 grower/processor shall have priority for an additional permit  
19 under this section on the condition that the board needs to  
20 prioritize certain applications under this section based on  
21 board resources.

22 (e) Applications.--A medical marijuana organization seeking  
23 the issuance of an additional dispensing organization permit  
24 under this section shall submit an application on a form  
25 provided by the board. The application shall include information  
26 in at least the following categories as determined by the board:

27 (1) The fees to be paid.

28 (2) A business plan that complies with the requirements  
29 under this chapter.

30 (3) A security plan.

1           (4) An inventory control plan.

2           (5) A plan for community engagement.

3           (6) Written policies and procedures regarding  
4 recordkeeping, inventory control, safety, security, diversion  
5 and diversity.

6           (7) Facility plans, including the proposed physical  
7 address, floor plans, security overlay and specifications of  
8 the building exterior and interior layout.

9           (8) Documented ownership or control of the property.

10           (9) A copy of each relevant local zoning ordinance and  
11 documentation, if necessary, of approval from the local  
12 zoning office that the proposed dispensary location is in  
13 compliance with each local zoning ordinance.

14           (10) Information regarding each principal officer.

15           (11) Evidence of the applicant's status as a social and  
16 economic equity applicant, if applicable.

17       (f) Executed charter agreement.--As a condition of an  
18 additional permit issued under this section, a medical marijuana  
19 dispensary organization shall submit to the board, together with  
20 the application under subsection (e), an executed charter  
21 agreement between the medical marijuana dispensary organization  
22 and a social and economic equity applicant in which the  
23 dispensing organization agrees to provide financial, mentorship,  
24 training, operational and other support to the social and  
25 economic equity applicant to operate a dispensary at up to three  
26 locations. The charter agreement may provide for a method of  
27 repayment of any loaned financial support by a dispensing  
28 organization over a period of 10 years and under terms that  
29 allow the social and economic equity applicant to profit from  
30 the business. During the term of the charter agreement, a

1 dispensing organization may not take more than a 10% ownership  
2 stake in a social and economic equity applicant's business. The  
3 charter agreement shall be subject to board approval and audit.  
4 The charter agreement shall provide a pathway for the social and  
5 economic equity applicant to assume full ownership of the  
6 business within 10 years. Except as provided under subsection  
7 (r), a dispensing organization's failure to adhere to the terms  
8 of the charter agreement shall be grounds to revoke the  
9 dispensing organization's permit.

10 (g) Partnership.--A dispensing organization shall identify a  
11 social and economic equity applicant to partner with through a  
12 bona fide selection process, and the dispensing organization  
13 shall be prohibited from accepting money or other valuable  
14 consideration from a social and economic equity applicant in  
15 exchange for selecting the social and economic equity applicant  
16 as a charter partner.

17 (h) Additional requirements.--In addition to the required  
18 charter agreement specified under subsection (f), together with  
19 the application under subsection (e), a dispensing organization  
20 applicant under this section shall submit the application of a  
21 social and economic equity applicant to operate a dispensary at  
22 up to three locations under a social and economic equity  
23 dispensing organization charter permit.

24 (i) Disqualification.--A social and economic equity  
25 applicant shall submit all required information under subsection  
26 (e) to the board. Failure of the social and economic equity  
27 applicant to submit all required information under subsection  
28 (e) may result in the application being disqualified. The  
29 issuance of a permit under this section may not be delayed by an  
30 applicant's failure to identify each of the applicant's

1 dispensary locations.

2 (j) Deficiency notice.--If the board receives an application  
3 that fails to provide the required elements contained in  
4 subsections (e) and (f), other than information relevant to all  
5 of each of the applicant's dispensary locations, the board shall  
6 issue a deficiency notice to the applicant. The applicant shall  
7 have 30 calendar days from the date of the deficiency notice to  
8 submit the complete information.

9 (k) Review.--Upon receipt of all of the required information  
10 and documents under this section, the board shall review the  
11 applications of both the dispensing organization applicant and  
12 the dispensing social and economic equity applicant. The board  
13 may request revisions and retain final approval over retail site  
14 features. The board shall approve the adult use dispensing  
15 organization and social and economic equity dispensing  
16 organization charter permits at the same time once reviewed.  
17 Final approval for each individual dispensary location shall be  
18 contingent on the completion of construction of each dispensary  
19 location, board inspections and providing the board with any  
20 information specified under subsection (h) related to each  
21 dispensary location that was not provided during the initial  
22 application process.

23 (l) Authorization.--The board may only authorize the sale of  
24 cannabis at one of the adult use cannabis dispensing  
25 organization's dispensary location after the completion of a  
26 successful inspection at the location and at a dispensary  
27 location of the social and economic equity dispensing  
28 organization charter permit holder. The board shall inspect a  
29 location within 30 days of a written request by an adult use  
30 dispensing organization or social and economic equity dispensing

1 organization charter permit holder.

2 (m) Successful inspection.--If the permit holders pass the  
3 inspections under this section, the board shall authorize the  
4 sale of cannabis at the dispensaries within 10 business days.  
5 The board may, at its discretion, allow either the adult use  
6 dispensing organization or the social and economic equity  
7 dispensing organization charter permit holder to begin  
8 operations at a location before the other permittee as long as  
9 substantial, good faith efforts can be shown to open the  
10 permittee that has not yet passed inspection.

11 (n) Notification of opening date.--Once the board has  
12 authorized the sale of cannabis at an adult use dispensing  
13 organization location or social and economic equity dispensing  
14 organization charter location, the adult use dispensing  
15 organization or social and economic equity dispensing  
16 organization charter permittee shall notify the board of the  
17 proposed opening date.

18 (o) Treatment.--A social and economic equity dispensing  
19 organization charter permit holder shall be treated in all  
20 respects as the equivalent of an adult use dispensing  
21 organization except that the holder of a social and economic  
22 equity dispensing organization charter permit shall operate its  
23 dispensary locations with the assistance of the adult use  
24 dispensing organization as outlined in the charter agreement.

25 (p) Initial sale.--An adult use cannabis dispensing  
26 organization and social and economic equity dispensing  
27 organization charter permit holder may begin selling cannabis,  
28 cannabis-infused edible and nonedible products, cannabis  
29 paraphernalia and related items to purchasers and patients no  
30 earlier than June 1, 2024.

1 (g) Permit change.--After the term of the charter agreement  
2 between the dispensing organization and social and economic  
3 equity dispensing organization charter permit holder has expired  
4 and the social and economic equity dispensing organization  
5 charter permit holder has assumed full ownership and control of  
6 the dispensary facility, the board shall exchange the social and  
7 economic equity dispensing organization charter permit holder  
8 for a dispensing organization permit.

9 (r) Additional permits.--Notwithstanding the requirements of  
10 this section, any medical marijuana organization holding a  
11 permit granted under Subchapter E or M of Chapter 93 as of the  
12 effective date of this subsection that, despite good faith  
13 efforts, has been unable to partner with a qualified social and  
14 economic equity applicant as specified under this section, may  
15 still apply for an additional adult use dispensing organization  
16 permit to operate at up to three locations to serve purchasers  
17 and qualified patients throughout this Commonwealth upon the  
18 payment of a fee of \$100,000 to the board to be deposited into  
19 the Cannabis Business Development Fund.

20 (s) Deposit.--All fees collected under this section shall be  
21 deposited into the Cannabis Regulation Fund, unless otherwise  
22 specified.

23 § 9155. New dispensing organization permits.

24 (a) Additional permits.--The board shall be the exclusive  
25 entity authorized to issue new dispensing organization permits.  
26 Separate and apart from any adult use dispensing organization  
27 permits issued to a medical marijuana organization under section  
28 9153 (relating to authorization of current medical marijuana  
29 organizations to commence dispensing adult use cannabis) or 9154  
30 (relating to issuance of additional permits to current medical

1 marijuana organizations and qualified social and economic equity  
2 applicants), the board shall issue up to four additional  
3 dispensing organization permits after January 1, 2024.

4 (b) Dispensing.--All dispensing organization permits,  
5 including those issued to existing medical marijuana  
6 organizations under section 9153 or 9154, shall entitle  
7 permittees to dispense cannabis to both adult use purchasers and  
8 patients. A dispensing organization shall be subject to the  
9 provisions of Chapter 93 (relating to medical marijuana).

10 (c) Award of permits.--To ensure the geographic dispersion  
11 of dispensing organization permittees throughout this  
12 Commonwealth, the board shall determine how many permits should  
13 be awarded across this Commonwealth through a merit-based  
14 application process. An applicant may file no more than one  
15 application in a single application period for an additional  
16 permit under this section.

17 (d) Permit application.--An applicant seeking issuance of a  
18 dispensing organization permit shall submit an application on a  
19 form provided by the board. The application shall include  
20 information in at least the following categories as determined  
21 by the board:

22 (1) The fees to be paid.

23 (2) A business plan that complies with the requirements  
24 under this chapter.

25 (3) A security plan.

26 (4) An inventory control plan.

27 (5) A plan for community engagement.

28 (6) Written policies and procedures regarding  
29 recordkeeping, inventory control, safety, security and  
30 diversity.

1       (7) Facility plans, including the proposed physical  
2       address, floor plans, security overlay and specifications of  
3       the building exterior and interior layout.

4       (8) Documented ownership or control of the property.

5       (9) A copy of each relevant local zoning ordinance and  
6       documentation, if necessary, of approval from the local  
7       zoning office that the proposed dispensary location is in  
8       compliance with each local zoning ordinance.

9       (10) Information regarding each principal officer.

10       (11) Evidence of the applicant's status as a social and  
11       economic equity applicant, if applicable.

12       (e) Operations.--An applicant who receives an adult use  
13       dispensing organization permit under this section shall have one  
14       calendar year from the date of the award to become operational  
15       at each of the applicant's locations. If the applicant does not  
16       become operational at each of the applicant's locations within  
17       one calendar year of the permit award, the board may revoke the  
18       permit absent good reason for the delay shown by the applicant.  
19       Before a new adult use dispensing organization receives  
20       authorization to commence building a dispensary, the board shall  
21       inspect the physical space selected by the permittee. The board  
22       shall verify the site is suitable for public access, there is a  
23       sufficient distance between the site and a school, day care  
24       center or playground, the site's layout promotes the safe  
25       dispensing of cannabis and the site's location is sufficient in  
26       size, power allocation, lighting, parking, handicapped-  
27       accessible parking spaces, accessible entry and exits as  
28       required by the Americans with Disabilities Act of 1990 (Public  
29       Law 101-336, 104 Stat. 327), product handling and storage.

30       (f) Background checks.--The board shall conduct a background

1 check of each agent of an applicant under this section. The  
2 Pennsylvania State Police shall charge the applicant a fee for  
3 conducting the criminal history record check, which shall not  
4 exceed the actual cost of the record check. Each individual  
5 applying as a cannabis business establishment agent shall submit  
6 a full set of fingerprints to the Pennsylvania State Police for  
7 the purpose of obtaining a Federal and State criminal history  
8 record check. The Pennsylvania State Police shall check the  
9 fingerprints against the fingerprint records filed in the  
10 Pennsylvania State Police and Federal Bureau of Investigation  
11 criminal history records databases as authorized under Federal  
12 and State law. The Pennsylvania State Police shall furnish,  
13 following positive identification, all conviction information in  
14 this Commonwealth to the board.

15 § 9156. Selection criteria for new adult use dispensing  
16 organization permits.

17 (a) Incomplete application.--Failure by an applicant to  
18 submit to the board all required information under section 9155  
19 (relating to new dispensing organization permits) may result in  
20 the application being disqualified. If the board receives an  
21 application that fails to provide the required elements in a  
22 section, that section shall not be scored.

23 (b) Application scoring.--The board shall, by rule, develop  
24 a merit-based scoring system in which to award new adult use  
25 dispensing organization permits as specified under section 9155.

26 (c) Scoring criteria.--An applicant for a new adult use  
27 dispensing organization permit shall be awarded points on  
28 applications as determined by the board.

29 (d) Anonymity.--Applications for new adult use dispensing  
30 organization permits shall be scored by the board anonymously in

1 accordance with regulations promulgated by the board, which  
2 shall include tie-breaker language that governs the process  
3 through which some applicants are to be awarded permits when  
4 multiple applicants receive the same application score and the  
5 awarding of permits to all tied applicants would result in  
6 awarding more permits than is permissible under this chapter.  
7 Any tie-breaking process shall be designed to ensure clarity,  
8 transparency and fairness.

9 (e) Review.--Each application for a new adult use dispensing  
10 organization permit shall be reviewed and scored by three  
11 individuals who score each application independently. An  
12 applicant's score in each category under subsection (c) shall be  
13 an average of the three scores awarded by each individual score.  
14 An applicant may not receive full points simply for providing  
15 responsive information on a section of the application.

16 § 9157. Dispensing organization operational requirements and  
17 prohibitions.

18 (a) Requirements and prohibitions.--A dispensing  
19 organization shall operate in accordance with the  
20 representations made in its application and permit materials. A  
21 dispensing organization shall be in compliance with this chapter  
22 and the regulations promulgated under this chapter and shall  
23 also be subject to the provisions under Chapter 93 (relating to  
24 medical marijuana). The following shall apply:

25 (1) All cannabis, cannabis concentrates, cannabis-  
26 infused edible and nonedible products and cannabis seeds  
27 shall be obtained from an adult use cultivation center, micro  
28 cultivation center or another dispensary registered in this  
29 Commonwealth.

30 (2) A dispensing organization:

1           (i) Shall include the legal name of the dispensary  
2 on the packaging of any cannabis-infused edible and  
3 nonedible product the dispensing organization sells.

4           (ii) Shall inspect and count product received from a  
5 micro cultivation center or other adult use dispensing  
6 organization before dispensing it.

7           (iii) May only accept cannabis deliveries into a  
8 restricted access area. Deliveries may not be accepted  
9 through the public or limited access areas unless  
10 otherwise approved by the board.

11           (iv) Shall maintain compliance with Commonwealth and  
12 local building, fire and zoning requirements or  
13 regulations.

14           (v) Shall submit a list to the board of the names of  
15 all service professionals that will work at the  
16 dispensary. The list shall include a description of the  
17 type of business or service provided. The board shall be  
18 promptly notified of any changes to the service  
19 professional list. No service professional shall work in  
20 the dispensary until the name is provided to the board on  
21 the service professional list.

22           (vi) Shall operate between 6 a.m. and 10 p.m. local  
23 time or as determined by the local municipality.

24           (vii) Shall keep all lighting outside and inside the  
25 dispensary in good working order and wattage sufficient  
26 for security cameras.

27           (viii) Shall keep all air treatment systems that  
28 will be installed to reduce odors in good working order.

29           (ix) Shall ensure that any building or equipment  
30 used by a dispensing organization for the storage or sale

1 of cannabis is maintained in a clean and sanitary  
2 condition.

3 (x) Shall be free from infestation by insects,  
4 rodents or pests.

5 (xi) Shall develop a recall policy and procedure as  
6 approved by the board.

7 (3) A dispensing organization may not:

8 (i) Cultivate, process or manufacture cannabis.

9 (ii) Accept a cannabis-infused edible and nonedible  
10 product from an adult use cultivation center, micro  
11 cultivation center or dispensing organization unless it  
12 is prepackaged and labeled in accordance with this  
13 chapter and regulations that may be promulgated in  
14 accordance with this chapter.

15 (iii) Obtain cannabis or cannabis-infused edible and  
16 nonedible products from outside this Commonwealth.

17 (iv) Sell cannabis or cannabis-infused edible and  
18 nonedible products to a purchaser unless the individual  
19 is registered under Chapter 93 or the purchaser has been  
20 verified to be 21 years of age or older.

21 (v) Refuse to conduct business with an adult use  
22 cultivation center or micro cultivation center that can  
23 properly deliver the product and is permitted by the  
24 board.

25 (vi) Enter into agreements to allow persons who are  
26 not cannabis business establishment agents to deliver  
27 cannabis or to transport cannabis to purchasers, other  
28 than through home delivery services approved by the  
29 board.

30 (vii) Operate a dispensary if the:

1           (A) Dispensary organization's video surveillance  
2           equipment is inoperative.

3           (B) Point-of-sale equipment is inoperative.

4           (C) Cannabis seed-to-seed tracking system is  
5           inoperative, unless the dispensing organization has  
6           the ability to record transactions to upload to the  
7           cannabis seed-to-seed tracking system once the system  
8           is operational.

9           (viii) Have fewer than two individuals working at  
10          any time while the dispensary is open.

11          (ix) Sell clones or any other live plant material,  
12          unless otherwise authorized by this chapter.

13          (x) Violate any other requirements or prohibitions  
14          specified by the board.

15          (b) Regulations.--The board shall promulgate regulations  
16          specifying operational requirements for dispensing  
17          organizations, consistent with the provisions of this chapter,  
18          including the operational requirements and prohibitions  
19          contained in this section.

20          § 9158. Dispensing cannabis.

21          (a) Dispensing criteria.--Prior to a cannabis business  
22          establishment agent dispensing cannabis to a purchaser, the  
23          agent shall:

24                (1) Verify the age of the purchaser and validity of the  
25                government-issued identification card of the purchaser by use  
26                of an electronic reader or electronic scanning device, unless  
27                otherwise permitted by the board, to scan a purchaser's  
28                government-issued identification, if applicable.

29                (2) Enter the following information into the seed-to-  
30                sale tracking system:

1           (i) The cannabis business establishment agent  
2           identification card and dispensing cannabis business  
3           establishment agent's identification number.

4           (ii) The amount and type, including strain, if  
5           applicable, of cannabis or cannabis-infused edible and  
6           nonedible product dispensed.

7           (iii) The date and time the cannabis or cannabis-  
8           infused edible and nonedible product was dispensed.

9           (b) Refusal to sell.--A dispensing organization shall refuse  
10          to sell cannabis or cannabis-infused edible and nonedible  
11          products under any of the following circumstances:

12           (1) To an individual unless the individual produces  
13           valid identification showing that the individual is 21 years  
14           of age or older. However, a dispensing organization under  
15           Chapter 93 (relating to medical marijuana) may sell cannabis  
16           or cannabis-infused edible and nonedible products to an  
17           individual who is younger than 21 years of age if the sale  
18           complies with the provisions of Chapter 93.

19           (2) To an individual who is disqualified by the board.

20          (c) Validity.--For the purposes of this section, valid  
21          identification shall:

22           (1) Be valid and unexpired.

23           (2) Contain a photograph and the date of birth of the  
24           person.

25          § 9159. Agent-in-charge.

26          (a) Designation.--A dispensing organization shall designate,  
27          at a minimum, one agent-in-charge for each permitted dispensary.  
28          The designated agent-in-charge shall hold a cannabis business  
29          establishment agent identification card. Maintaining an agent-  
30          in-charge shall be a continuing requirement for the adult use

1 dispensary organization permit, except as provided under  
2 subsection (e).

3 (b) Requirements.--The agent-in-charge shall be an on-site  
4 manager or a full-time agent of the dispensing organization and  
5 shall manage the dispensary. Managing the dispensary shall  
6 include responsibility for opening and closing the dispensary,  
7 delivery acceptance, oversight of sales and cannabis business  
8 establishment agents, recordkeeping, inventory, cannabis  
9 business establishment agent training and compliance with this  
10 chapter, including the responsibility for maintaining all files  
11 subject to audit or inspection by the board at the dispensary.  
12 Except for a determination that a dispensary employee has  
13 diverted cannabis or cannabis-infused edible or nonedible  
14 products or has intentionally dispensed cannabis or cannabis-  
15 infused edible or nonedible products in a manner not consistent  
16 with this chapter, which shall be reported to the board within  
17 48 hours, the agent-in-charge shall, within 10 days, notify the  
18 board of a change of information required to be reported to the  
19 board.

20 (c) Determination.--In determining whether an agent-in-  
21 charge manages the dispensary, the board may consider the  
22 responsibilities identified in this section, the number of  
23 cannabis business establishment agents under the supervision of  
24 the agent-in-charge and the employment relationship between the  
25 agent-in-charge and the dispensing organization, including the  
26 existence of a contract for employment and any other relevant  
27 fact or circumstance.

28 (d) Change in status.--The agent-in-charge shall be  
29 responsible for notifying the board of a change in the  
30 employment status of any cannabis business establishment agent

1 within 10 business days after the change, including notice to  
2 the board if the termination of an agent was for diversion of  
3 product or theft of currency.

4 (e) Vacancy.--In the event of the separation of an agent-in-  
5 charge due to death, incapacity, termination or any other reason  
6 and if the dispensary does not have an active agent-in-charge,  
7 the dispensing organization shall immediately contact the board  
8 and request temporary authority allowing the continuing  
9 operation. The request shall include the name of an interim  
10 agent-in-charge until a succeeding agent-in-charge is identified  
11 or shall include the name of the replacement. The board may not  
12 delay in granting the temporary authority, and the adult use  
13 dispensing organization shall be permitted to operate while  
14 obtaining board approval for an interim agent-in-charge. A  
15 temporary authority may not be valid for more than 90 days. The  
16 succeeding agent-in-charge shall register with the board in  
17 compliance with this section. Once the permanent succeeding  
18 agent-in-charge is registered with the board, the temporary  
19 authority shall be void.

20 (f) Registration.--The dispensing organization agent-in-  
21 charge registration shall expire one year from the date of  
22 issuance. The agent-in-charge's registration shall be renewed  
23 annually.

24 (g) Termination.--Upon termination of an agent-in-charge's  
25 employment, the dispensing organization shall immediately  
26 reclaim the cannabis business establishment agent identification  
27 card. The dispensing organization shall promptly return the  
28 agent identification card to the board.

29 (h) Application denial.--The board may deny a new  
30 application or a renewal or discipline or revoke an agent-in-

1 charge identification card for any of the following reasons:

2 (1) submission of misleading, incorrect, false or  
3 fraudulent information in the application or renewal  
4 application;

5 (2) violation of the requirements of this chapter or  
6 regulations;

7 (3) fraudulent use of an agent identification card;

8 (4) selling, distributing, transferring in any manner or  
9 giving cannabis to any unauthorized person;

10 (5) theft of cannabis, currency or any other items from  
11 a dispensary;

12 (6) tampering with, falsifying, altering, modifying or  
13 duplicating an agent-in-charge identification card;

14 (7) tampering with, falsifying, altering or modifying  
15 the surveillance video footage, point-of-sale system,  
16 cannabis seed-to-sale tracking system or the Commonwealth's  
17 verification system;

18 (8) failure to notify the board immediately upon  
19 discovery that the agent-in-charge identification card has  
20 been lost, stolen or destroyed;

21 (9) failure to notify the board within 10 business days  
22 after a change in the information provided in the application  
23 for an agent-in-charge identification card;

24 (10) intentionally dispensing to purchasers in amounts  
25 above the limits provided in this chapter;

26 (11) delinquency in filing any required tax returns or  
27 paying any amounts owed to the Commonwealth; or

28 (12) failure to notify the board within 48 hours after a  
29 determination that a dispensary employee has diverted  
30 cannabis or cannabis-infused edible or nonedible products or

1 has intentionally dispensed cannabis or cannabis-infused  
2 edible or nonedible products in a manner not consistent with  
3 this chapter.

4 § 9159.1. Inventory control system.

5 (a) Inventory.--A dispensing organization agent-in-charge  
6 shall have primary oversight of the adult use dispensing  
7 organization's cannabis inventory point-of-sale system. The  
8 inventory point-of-sale system shall be real-time, web-based,  
9 open API, two-way communication and accessible by the board at  
10 any time. The point-of-sale system shall track, at a minimum,  
11 the date of sale, amount, price and currency.

12 (b) Account.--A dispensing organization shall establish an  
13 account with the board's verification system that documents:

14 (1) Each sales transaction at the time of sale and each  
15 day's beginning inventory, acquisitions, sales, disposal and  
16 ending inventory.

17 (2) Acquisition of cannabis and cannabis-infused edible  
18 and nonedible products from a permitted adult use cultivation  
19 center or micro cultivation center, including:

20 (i) A description of the products, including the  
21 quantity, strain, variety and batch number of each  
22 product received.

23 (ii) The name and registry identification number of  
24 the permitted adult use cultivation center or micro  
25 cultivation center providing the cannabis and cannabis-  
26 infused edible and nonedible products.

27 (iii) The name and registry identification number of  
28 the permitted cannabis business establishment agent  
29 delivering the cannabis.

30 (iv) The name and registry identification number of

1 the cannabis business establishment agent receiving the  
2 cannabis.

3 (v) The date of acquisition.

4 (3) The disposal of cannabis, including:

5 (i) A description of the products, including the  
6 quantity, strain, variety, batch number and reason for  
7 the cannabis disposal.

8 (ii) The method of disposal.

9 (iii) The date and time of disposal.

10 (c) Verification.--Upon cannabis delivery from an adult use  
11 cultivation center or a micro cultivation center, a dispensing  
12 organization shall confirm that the product's name, strain name,  
13 weight and identification number on the manifest matches the  
14 information on the cannabis-infused edible and nonedible product  
15 label and package. The product name listed and the weight listed  
16 in the Commonwealth's verification system shall match the  
17 product packaging.

18 (d) Monthly inventory.--The agent-in-charge shall conduct a  
19 daily inventory reconciliation documenting and balancing  
20 cannabis inventory by confirming that the board's verification  
21 system matches the dispensing organization's point-of-sale  
22 system and the amount of physical product at the dispensary. The  
23 following shall apply:

24 (1) A dispensing organization shall provide a reason for  
25 an inventory adjustment. Inventory adjustment documentation  
26 shall be kept at the dispensary or maintained electronically  
27 for two years from the date performed.

28 (2) If the dispensing organization identifies an anomaly  
29 in the amount of cannabis after the daily inventory  
30 reconciliation due to a mistake, the dispensing organization

1 shall determine how the anomaly occurred and take and  
2 document corrective action. The dispensing organization shall  
3 work diligently to determine the reason for the anomaly and  
4 document steps on how to address the anomaly.

5 (3) If the dispensing organization identifies a  
6 discrepancy in the amount of cannabis after the daily  
7 inventory reconciliation or through other means due to theft,  
8 criminal activity or suspected criminal activity, the  
9 dispensing organization shall determine how the diversion  
10 occurred and take and document corrective action. Within 48  
11 hours after the first discovery of the diversion due to  
12 theft, criminal activity or suspected criminal activity, the  
13 dispensing organization shall inform the board and the  
14 Pennsylvania State Police in writing.

15 (4) The dispensing organization shall file an annual  
16 compilation report with the board, including a financial  
17 statement that shall include an income statement, balance  
18 sheet, profit and loss statement, statement of cash flow,  
19 wholesale cost and sales and any other documentation  
20 requested by the board in writing. The financial statement  
21 shall include any other information the board deems necessary  
22 in order to effectively administer this chapter and all  
23 regulations, orders and final decisions promulgated under  
24 this chapter. Statements required by this section shall be  
25 filed with the board within 60 days after the end of the  
26 calendar year. The compilation report shall include a letter  
27 authored by a licensed certified public accountant that it  
28 has been reviewed and is accurate based on the information  
29 provided. The dispensing organization, financial statement  
30 and accompanying documents may not be audited unless

1 specifically requested by the board.

2 (e) Documentation.--A dispensing organization shall have all  
3 of the following duties:

4 (1) Maintain the documentation required under this  
5 section in a secure locked location at the adult use  
6 dispensing organization, an off-site approved office or  
7 electronically, for two years from the date on the document.

8 (2) Provide any documentation required to be maintained  
9 in this section to the board for review upon request.

10 (3) If maintaining a bank account, retain for a period  
11 of two years, electronically or otherwise, a record of each  
12 deposit or withdrawal from the bank account.

13 (f) Return policy.--If a dispensing organization chooses to  
14 have a return policy for cannabis and cannabis-infused edible  
15 and nonedible products, the dispensing organization shall seek  
16 prior approval from the board, including written policies as to  
17 how returned cannabis or cannabis-infused edible and nonedible  
18 products will be stored and quarantined from other inventory.  
19 § 9159.2. Storage requirements.

20 (a) Authorized on-premises storage.--An adult use dispensing  
21 organization shall store inventory on its premises. All  
22 inventory stored on the premises shall be secured in a  
23 restricted access area and tracked consistently with the  
24 inventory tracking regulations. A dispensing organization shall  
25 be of suitable size and construction to facilitate cleaning,  
26 maintenance and proper operations and shall maintain adequate  
27 lighting, ventilation, temperature, humidity control and  
28 equipment.

29 (b) Tampered containers.--A cannabis container that has been  
30 tampered with, damaged or opened shall be labeled with the date

1 opened, if known, and quarantined from other cannabis-infused  
2 edible and nonedible products in the vault until the cannabis-  
3 infused edible and nonedible products are disposed. Cannabis  
4 that was tampered with, expired or damaged may not be stored at  
5 the premises for more than 14 calendar days.

6 (c) Samples.--Cannabis laboratory samples shall be in a  
7 sealed container and clearly labeled. Samples shall be  
8 maintained in the restricted access area.

9 (d) Storage.--The dispensing organization storage areas  
10 shall be maintained in accordance with the security requirements  
11 in this chapter and any regulations promulgated by the board.  
12 Cannabis shall be stored at appropriate temperatures and under  
13 appropriate conditions to help ensure that the packaging,  
14 strength, quality and purity are not adversely affected.

15 § 9159.3. Destruction and disposal of cannabis.

16 (a) Destruction.--Cannabis and cannabis-infused edible and  
17 nonedible products shall be destroyed by rendering the cannabis  
18 and cannabis-infused edible and nonedible products unusable  
19 using methods approved by the board and promptly disposed in a  
20 manner that complies with this chapter and regulations  
21 promulgated by the board. Disposal of the cannabis waste  
22 rendered unusable may be delivered to a permitted solid waste  
23 facility for final disposition. Acceptable permitted solid waste  
24 facilities shall include all of the following::

25 (1) Compostable facilities.

26 (2) Noncompostable mixed-waste facilities.

27 (b) Waste inventory.--Waste and unusable cannabis, cannabis  
28 concentrate or a cannabis-infused edible and nonedible product  
29 shall be weighed, recorded and entered into the seed-to-sale  
30 tracking system prior to rendering it unusable. Verification of

1 waste inventory shall be performed by an employee who is a  
2 manager and conducted in an area with video surveillance.  
3 Electronic documentation of destruction and disposal shall be  
4 maintained for a period of at least two years.

5 § 9159.4. Security measures.

6 (a) Measures.--A dispensing organization shall implement  
7 security measures to protect the premises, patients and  
8 purchasers and deter and prevent entry into and theft of  
9 cannabis or currency in accordance with the regulations  
10 promulgated under Chapter 93 (relating to medical marijuana) as  
11 determined by the board.

12 (b) Alternative provisions.--The board may approve  
13 alternative security provisions that the board determines are an  
14 adequate substitute for a security requirement specified by the  
15 board in the regulations promulgated under Chapter 93.

16 § 9159.5. Recordkeeping.

17 (a) Record retention.--Dispensing organization records shall  
18 be maintained electronically for two years and be available for  
19 inspection by the board upon request. The required written  
20 records shall include all of the following:

- 21 (1) Operating procedures.
- 22 (2) Inventory records, policies and procedures.
- 23 (3) Security records.
- 24 (4) Audit records.
- 25 (5) Staff training plans and completion documentation.
- 26 (6) Staffing plan.
- 27 (7) Business records, including:
  - 28 (i) Assets and liabilities.
  - 29 (ii) Monetary transactions.
  - 30 (iii) Written or electronic accounts, including bank

1 statements, journals, ledgers and supporting documents,  
2 agreements, checks, invoices, receipts and vouchers.

3 (iv) Any other financial accounts reasonably related  
4 to the dispensary operations.

5 (b) Storage and transfer of records.--If a dispensing  
6 organization closes due to insolvency, revocation, bankruptcy or  
7 for any other reason, all records required to be maintained  
8 shall be preserved and provided to the board.

9 § 9159.6. Issuance of adult use cultivation center permits.

10 (a) Modifications or changes.--On or after January 1, 2024,  
11 the board may, by rule, do any of the following:

12 (1) Modify or change the number of new adult use  
13 cultivation center permits available, which shall at no time  
14 exceed three permits, other than those permits issued to  
15 current grower/processors under this chapter.

16 (2) Modify or change the permitting application process  
17 to reduce or eliminate the barriers to permits, particularly  
18 for social and economic equity applicants, and shall make  
19 modifications to remedy evidence of discrimination.

20 (b) Additional permits.--If the board determines that  
21 additional adult use cultivation center permits should be issued  
22 other than those permits issued to current grower/processors,  
23 the board shall ensure that the first permit of the up to three  
24 additional permits authorized is awarded to qualified social and  
25 economic equity applicants.

26 § 9159.7. Issuance of adult use cultivation center permits to  
27 current medical marijuana grower/processor permit  
28 holders.

29 (a) Dual use cultivation center permits.--A medical  
30 marijuana organization holding a grower/processor permit granted

1 under Subchapter E or M of Chapter 93 (relating to medical  
2 marijuana) shall, within 180 days from the effective date of  
3 this subsection, be authorized by the board to commence selling  
4 adult use cannabis at a grower/processor facility operating  
5 under Chapter 93. A medical marijuana organization holding a  
6 grower/processor permit granted under Subchapter E or M of  
7 Chapter 93 shall pay a nonrefundable application fee of \$100,000  
8 to the board, which shall be deposited into the Cannabis  
9 Regulation Fund.

10 (b) Delay or inhibit operations.--The failure of the board  
11 to be seated or to promulgate regulations shall not delay or  
12 inhibit the ability of a medical marijuana organization under  
13 subsection (a) from commencing the sale of adult use cannabis at  
14 a grower/processor facility operating under Chapter 93. If the  
15 board is not seated within 180 days from the effective date of  
16 this subsection or if the board otherwise fails to authorize a  
17 medical marijuana organization under subsection (a) from  
18 commencing the sale of adult use cannabis at a grower/processor  
19 facility operating under Chapter 93 within 180 days from the  
20 effective date of this subsection, the medical marijuana  
21 organization shall automatically be authorized to commence adult  
22 use cannabis sales.

23 (c) Adult use cultivation center permittees.--An adult use  
24 cultivation center permittee may operate at up to two locations.  
25 The board shall determine the process for opening a second  
26 cultivation center location not already operational as a medical  
27 marijuana grower processor on the effective date of this  
28 subsection.

29 (d) Submission.--A medical marijuana grower/processor  
30 authorized under this section to cultivate and process adult use

1 cannabis shall have the following duties:

2 (1) Pay a nonrefundable application fee of \$100,000 to  
3 be deposited into the Cannabis Regulation Fund.

4 (2) Pay a nonrefundable fee of \$100,000 to be deposited  
5 into the Cannabis Business Development Fund.

6 (3) Provide proof of registration as a medical marijuana  
7 grower/processor that is in good standing.

8 (4) Commit to completing one of the following social and  
9 economic equity inclusion plans prior to the first expiration  
10 of the adult use cultivation center permit:

11 (i) pay \$100,000 to the Cannabis Business  
12 Development Fund. This payment shall be in addition to  
13 the fees required under this subsection;

14 (ii) pay \$100,000 to a cannabis industry training or  
15 education program in this Commonwealth;

16 (iii) donate \$100,000 or more to a program that  
17 provides job training services to persons recently  
18 incarcerated or that operates in a disproportionately  
19 impacted area;

20 (iv) participate as a host in a cannabis business  
21 establishment incubator program approved by the board and  
22 in which an adult use cultivation center permit holder  
23 agrees to provide a loan of at least \$100,000 and  
24 mentorship to incubate, for at least a year, a social and  
25 economic equity applicant intending to seek a permit or a  
26 permittee that qualifies as a social and economic equity  
27 applicant. As used in this subparagraph, "incubate" means  
28 providing direct financial assistance and training  
29 necessary to engage in permitted cannabis industry  
30 activity similar to that of the host permittee. The adult

1 use cultivation center permit holder or the same entity  
2 holding any other permits issued pursuant to this chapter  
3 shall not take an ownership stake in any business  
4 receiving incubation services to comply with this  
5 subsection. If an adult use cultivation center permit  
6 holder fails to find a business to incubate to comply  
7 with this subsection, after reasonable efforts, before  
8 the adult use cultivation center permit expires, the  
9 adult use cultivation center permit holder may opt to  
10 meet the requirement of this subsection by completing  
11 another item from this subsection; or

12 (v) participate in a sponsorship program for at  
13 least two years approved by the board in which an adult  
14 use cultivation center permit holder agrees to provide an  
15 interest-free loan of at least \$200,000 to a social and  
16 economic equity applicant. The sponsor shall not take an  
17 ownership stake in any social and economic equity  
18 applicant receiving sponsorship services to comply with  
19 this subsection.

20 (e) Product shortage.--If there is a shortage of cannabis or  
21 cannabis-infused edible and nonedible products, an adult use  
22 cultivation center holding both a grower/processor permit under  
23 Chapter 93 and an adult use cultivation center permit shall  
24 prioritize serving patients and caregivers.

25 (f) Construction.--Nothing in this section shall be  
26 construed to prevent or constrain an existing medical marijuana  
27 grower/processor that receives an adult use cultivation center  
28 permit from relocating its existing facility, before or after  
29 receiving its adult use cultivation center permit, in accordance  
30 with procedures for relocation in this chapter or any

1 regulations promulgated by the board.

2 (g) Adult use cultivation centers.--An adult use cultivation  
3 center shall be subject to the provisions under Chapter 93.

4 § 9159.8. New adult use cultivation center permits.

5 If the board makes available an additional adult use  
6 cultivation center permit in excess of the permits authorized  
7 under section 9159.7 (relating issuance of adult use cultivation  
8 center permits to current medical marijuana grower/processor  
9 permit holders), the board shall determine the requirements of  
10 an application for the permit and selection criteria and  
11 promulgate regulations as necessary to implement this section.

12 § 9159.9. Adult use cultivation center requirements and  
13 prohibitions.

14 (a) Requirements.--The operating documents of an adult use  
15 cultivation center shall include procedures for the oversight of  
16 the adult use cultivation center, tracking cannabis, including a  
17 physical inventory recorded weekly, accurate recordkeeping and a  
18 staffing plan.

19 (b) Security plan.--An adult use cultivation center shall  
20 implement a security plan that includes facility access  
21 controls, perimeter intrusion detection systems, personnel  
22 identification systems, a 24-hour surveillance system to monitor  
23 the interior and exterior of the adult use cultivation center  
24 facility and accessibility to authorized law enforcement and the  
25 board in real time.

26 (c) Facility.--All cultivation of cannabis by an adult use  
27 cultivation center shall take place in an enclosed, locked  
28 facility at the physical address provided to the board during  
29 the licensing process. The adult use cultivation center location  
30 shall only be accessed by the agents working for the adult use

1 cultivation center, the board staff performing inspections and  
2 State law enforcement or other emergency personnel, contractors  
3 working on jobs unrelated to cannabis or other individuals as  
4 provided by rule.

5 (d) Sale prohibited.--An adult use cultivation center may  
6 not sell or distribute any cannabis or cannabis-infused edible  
7 and nonedible products to any person other than a dispensing  
8 organization or as otherwise authorized by rule of the board,  
9 including home delivery to purchasers and patients.

10 (e) Pricing.--An adult use cultivation center may not either  
11 directly or indirectly discriminate in price between different  
12 dispensing organizations that are purchasing a like grade,  
13 strain, brand and quality of cannabis or cannabis-infused edible  
14 or nonedible product. Nothing in this subsection shall prevent  
15 adult use cultivation centers from pricing cannabis differently  
16 based on differences in cannabinoid content, in the cost of  
17 manufacturing or processing, the quantities sold, including  
18 volume discounts, or the way the products are delivered.

19 (f) Data collection system.--All cannabis harvested by an  
20 adult use cultivation center and intended for distribution to a  
21 dispensing organization shall be entered into a data collection  
22 system, packaged and labeled and placed into a cannabis  
23 container for transport.

24 (g) Random inspection.--An adult use cultivation center  
25 shall be subject to random inspections by the board.

26 (h) Loss notification.--A cannabis business establishment  
27 agent shall notify local law enforcement, the Pennsylvania State  
28 Police and the board within 24 hours of the discovery of any  
29 loss or theft. Notification shall be made by phone, in person or  
30 by written or electronic communication.

1 (i) Pesticides.--An adult use cultivation center shall  
2 comply with all Federal and State rules and regulations  
3 regarding the use of pesticides on cannabis plants. The board  
4 shall promulgate reasonable regulations allowing pesticide use  
5 in accordance with thresholds permitted in other adult use and  
6 medical marijuana markets but may not regulate pesticide use in  
7 a manner than is more stringent than currently regulated under  
8 Chapter 93 (relating to medical marijuana).

9 (j) Process.--An adult use cultivation center may process  
10 cannabis, cannabis concentrates and cannabis-infused edible and  
11 nonedible products, including tinctures, topicals and edibles.  
12 An adult use cultivation center may not sell, dispense,  
13 manufacture or distribute cannabis or cannabis-infused edible or  
14 nonedible products with a THC potency limit higher than  
15 specified under this chapter, including the following:

16 (1) 15% for cannabis flower.

17 (2) 40% for cannabis concentrate.

18 (k) Compliance.--An adult use cultivation center shall  
19 comply with any other requirements or prohibitions specified by  
20 regulations of the board.

21 § 9159.10. Issuance of micro cultivation center permits.

22 (a) Limitation.--An applicant may file no more than one  
23 application in any single application period.

24 (b) Issuance.--The board may issue micro cultivation center  
25 permits, as determined by the board. Prior to issuing a permit,  
26 the board may adopt regulations to modify or raise the number of  
27 micro cultivation center permits or modify or change the  
28 permitting application process to reduce or eliminate barriers  
29 for an applicant. In determining whether to exercise the  
30 authority granted under this subsection, the board shall

1 consider the following factors:

2 (1) the percentage of cannabis sales occurring in this  
3 Commonwealth not in the regulated market;

4 (2) whether there is an adequate supply of cannabis and  
5 cannabis-infused edible and nonedible products to serve  
6 patients;

7 (3) whether there is an adequate supply of cannabis and  
8 cannabis-infused edible and nonedible products to serve  
9 purchasers;

10 (4) whether there is an oversupply of cannabis in this  
11 Commonwealth leading to trafficking of cannabis to states  
12 where the sale of cannabis is not permitted by law;

13 (5) population increases or shifts;

14 (6) the density of micro cultivation centers in any area  
15 of this Commonwealth;

16 (7) perceived security risks of increasing the number or  
17 location of micro cultivation centers;

18 (8) the past safety record of micro cultivation centers;

19 (9) the board's capacity to appropriately regulate  
20 additional permittees;

21 (10) social and economic equity applicant participation;  
22 and

23 (11) any other criteria the board deems relevant.

24 (c) Space.--A micro cultivation center may not contain more  
25 than 3,000 square feet of canopy space for plants in the  
26 flowering stage for cultivation of cannabis as provided in this  
27 chapter. A micro cultivation center may share a premises with a  
28 dispensing organization if each permittee stores currency and  
29 cannabis and cannabis-infused edible and nonedible products in a  
30 separate secured vault to which any other permittee does not

1 have access or all permittees sharing a vault share more than  
2 50% of the same ownership.

3 § 9159.11. Micro cultivation center permit applications.

4 (a) Required information.--When applying for a permit, the  
5 applicant for a micro cultivation center permit shall  
6 electronically include information in at least the following  
7 categories as determined by the board:

8 (1) The fees to be paid.

9 (2) A business plan that complies with the requirements  
10 under this chapter.

11 (3) A security plan.

12 (4) An inventory control plan.

13 (5) A plan for community engagement.

14 (6) Written policies and procedures regarding  
15 recordkeeping, inventory control, safety, security, diversion  
16 and diversity.

17 (7) Facility plans, including the proposed physical  
18 address, floor plans, security overlay and specifications of  
19 the building exterior and interior layout.

20 (8) Documented ownership or control of the property.

21 (9) A copy of each relevant local zoning ordinance and  
22 documentation, if necessary, of approval from the local  
23 zoning office that the proposed dispensary location is in  
24 compliance with each local zoning ordinance.

25 (10) Information regarding each principal officer.

26 (11) Evidence of the applicant's status as a social and  
27 economic equity applicant, if applicable.

28 (b) Submission.--An applicant under subsection (a) shall  
29 submit all required information to the board. Failure by an  
30 applicant to submit all required information may result in the

1 application being disqualified.

2 § 9159.12. Selection criteria for micro cultivation center  
3 permits.

4 (a) Incomplete application.--If the board receives an  
5 application under section 9159.11 (relating to micro cultivation  
6 center permit applications) that fails to provide the required  
7 elements contained in a section, that section may not be scored.

8 (b) Application scoring.--The board shall, by rule, develop  
9 a merit-based scoring system in which to award new adult use  
10 dispensing organization permits.

11 (c) Scoring criteria.--An applicant for a new adult use  
12 dispensing organization permit shall be awarded points on an  
13 application as determined by the board.

14 (d) Anonymity.--Applications for new adult use dispensing  
15 organization permits shall be scored by the board anonymously in  
16 accordance with regulations promulgated by the board, which  
17 shall include tie-breaker language that governs the process  
18 through which some applicants are to be awarded permits when  
19 multiple applicants receive the same application score and the  
20 awarding of permits to all tied applicants would result in  
21 awarding more permits than is permissible under this chapter. A  
22 tie-breaking process shall be designed to ensure clarity,  
23 transparency and fairness.

24 (e) Review.--Each application for a new adult use dispensing  
25 organization permit shall be reviewed and scored by three  
26 individuals who score each application independently. An  
27 applicant's score in each category under subsection (c) shall be  
28 an average of the three scores awarded by each individual score.  
29 An applicant may not receive full points simply for providing  
30 responsive information on a section of the application.

1 (f) Award of points.--Except in the case when an applicant  
2 for a new adult use dispensing organization permit provides  
3 necessary documentation of a status as a social and economic  
4 equity applicant, a resident of this Commonwealth or an  
5 existing farming operation, the scoring system developed by the  
6 board shall be designed to ensure that the applicant does not  
7 receive full points merely for providing responsive information  
8 on a section of the application.

9 § 9159.13. (Reserved).

10 § 9159.14. Micro cultivation center requirements and  
11 prohibitions.

12 (a) Operating documents.--The operating documents of a micro  
13 cultivation center shall include procedures for the oversight of  
14 the micro cultivation center, tracking cannabis, including a  
15 physical inventory recorded weekly, accurate recordkeeping and a  
16 staffing plan.

17 (b) Security plan.--A micro cultivation center shall  
18 implement a security plan that includes facility access  
19 controls, perimeter intrusion detection systems, personnel  
20 identification systems and a 24-hour surveillance system to  
21 monitor the interior and exterior of the micro cultivation  
22 center that is accessible to authorized law enforcement and the  
23 board in real time.

24 (c) Facility requirements.--All cultivation of cannabis by a  
25 micro cultivation center shall take place in an enclosed, locked  
26 facility at the physical address provided to the board during  
27 the permitting process. The micro cultivation center location  
28 shall only be accessed by the cannabis business establishment  
29 agents working for the micro cultivation center, the board staff  
30 performing inspections, Commonwealth and local law enforcement

1 or other emergency personnel, contractors working on jobs  
2 unrelated to cannabis, individuals in a mentoring or educational  
3 program approved by the State or other individuals as provided  
4 by rule. If a micro cultivation center shares a premises with an  
5 adult use dispensing organization, agents from those other  
6 permittees may access the micro cultivation center portion of  
7 the premises if the location point is a common area for access  
8 to bathrooms, lunchrooms, locker rooms or other areas of the  
9 building where work or cultivation of cannabis is not performed.  
10 At no time may a dispensing organization agent perform work at a  
11 micro cultivation center without being an employee of the micro  
12 cultivation center.

13 (d) Sale and distribution limitation.--A micro cultivation  
14 center may not sell or distribute cannabis to any person other  
15 than a cannabis business establishment or as otherwise  
16 authorized by rule of the board.

17 (e) Location limitation.--A micro cultivation center may not  
18 be located in an area zoned for residential use.

19 (f) Price discrimination.--A micro cultivation center may  
20 not either directly or indirectly discriminate in price between  
21 different cannabis business establishments that are purchasing a  
22 like grade, strain, brand and quality of cannabis or cannabis-  
23 infused edible or nonedible product. Nothing in this subsection  
24 shall prevent a micro cultivation center from pricing cannabis  
25 differently based on cannabinoid content, differences in the  
26 cost of manufacturing, processing, quantities sold, such as  
27 volume discounts, or the method of product delivery.

28 (g) Data collection system.--All cannabis harvested by a  
29 micro cultivation center and intended for distribution to a  
30 dispensing organization shall be entered into a data collection

1 system, packaged and labeled in compliance with this chapter and  
2 any regulations promulgated by the board and, if the  
3 distribution is to a dispensing organization that does not share  
4 a premises with the dispensing organization receiving the  
5 cannabis, placed into a cannabis container for transport.

6 (h) Random inspection.--A micro cultivation center shall be  
7 subject to random inspections by the board.

8 (i) Notification of loss or theft.--A cannabis business  
9 establishment agent shall notify local law enforcement, the  
10 Pennsylvania State Police and the board within 24 hours of the  
11 discovery of any loss or theft. A notification under this  
12 subsection shall be made by phone, in person or by written or  
13 electronic communication.

14 (j) Pesticides.--A micro cultivation center shall comply  
15 with all Federal and State rules and regulations regarding the  
16 use of pesticides in addition to any regulations promulgated by  
17 the board.

18 (k) Transportation.--A micro cultivation center or cannabis  
19 business establishment agent shall be permitted to transport  
20 cannabis or cannabis-infused edible and nonedible products to  
21 any other cannabis business establishment. A micro cultivation  
22 center may alternatively enter into a contract with a dispensing  
23 organization or a laboratory related to the transport of  
24 cannabis.

25 (l) Compliance.--A micro cultivation center shall comply  
26 with any other requirements or prohibitions specified by  
27 regulations of the board.

28 § 9159.15. Cannabis business establishment agent identification  
29 cards.

30 (a) Required form.--The board shall promulgate regulations

1 detailing the form required for an initial application or  
2 renewal application for a cannabis business establishment agent  
3 identification card submitted under this chapter. The form shall  
4 include all of the following:

5 (1) A nonrefundable fee to accompany the initial  
6 application or renewal application.

7 (2) A fingerprinting and background check requirement.

8 (3) Means to submit the initial application or renewal  
9 application via electronic means.

10 (b) Verification.--The board shall verify the information  
11 contained in an initial application or renewal application for a  
12 cannabis business establishment agent identification card  
13 submitted under this chapter and approve or deny the application  
14 within 14 days of receiving the completed application and all  
15 supporting documentation required by regulations of the board.

16 (c) Duties of establishment.--The cannabis business  
17 establishment:

18 (1) shall print and issue a cannabis business  
19 establishment agent identification card to a qualifying agent  
20 within 14 business days of approving the initial application  
21 or renewal application; and

22 (2) may allow a cannabis business establishment agent to  
23 work at a cannabis business establishment after the agent's  
24 application has been approved but prior to issuance of the  
25 cannabis business establishment agent identification card.

26 (d) Identification.--An agent shall keep the cannabis  
27 business establishment agent identification card under this  
28 section visible at all times when on the property of the  
29 cannabis business establishment where the agent is employed,  
30 unless the agent is working after being approved as an agent by

1 the board but prior to the receipt of the cannabis business  
2 establishment agent's identification card.

3 (e) Identification card requirements.--The cannabis business  
4 establishment agent identification card shall contain the  
5 following:

6 (1) The name of the cardholder.

7 (2) The date of issuance and expiration date of the  
8 cannabis business establishment agent identification card.

9 (3) A random 10-digit alphanumeric identification number  
10 containing at least four numbers and at least four letters  
11 that is unique to the holder.

12 (4) A photograph of the cardholder.

13 (f) Limitation.--The board may not issue a cannabis business  
14 establishment agent identification card if the applicant is  
15 delinquent in filing any required tax returns or paying any  
16 amounts owed to the Commonwealth.

17 § 9159.16. Background check for cannabis business establishment  
18 applicants.

19 (a) Background check.--The board shall require a criminal  
20 history record check, through the Pennsylvania State Police, of  
21 the prospective principal officers, board members and agents of  
22 a cannabis business establishment applying for permits or  
23 identification cards under this chapter. The Pennsylvania State  
24 Police shall charge a fee set by rule for conducting the  
25 criminal history record check and may not exceed the actual cost  
26 of the record check. In order to carry out the provisions of  
27 this section, each cannabis business establishment's prospective  
28 principal officer, board member or agents shall submit a full  
29 set of fingerprints to the Pennsylvania State Police for the  
30 purpose of obtaining a Federal and State criminal record check.

1 Fingerprints shall be checked against the fingerprint records  
2 now and hereafter, to the extent allowed by law, filed in the  
3 Pennsylvania State Police and Federal Bureau of Investigation  
4 criminal history records databases. The Pennsylvania State  
5 Police shall furnish, following positive identification, all  
6 conviction information to the board. Background checks for all  
7 prospective principal officers, board members and agents shall  
8 be completed concurrent with submitting an application to the  
9 board. An agent may begin working at a cannabis business  
10 establishment while waiting for the result of any background  
11 check.

12 (b) Construction.--Nothing in this section or chapter shall  
13 be construed to prevent or otherwise inhibit the ability of an  
14 otherwise qualified individual from serving as a principal  
15 officer, board member or agent of a cannabis business  
16 establishment on the sole basis of a nonviolent criminal  
17 conviction related to cannabis.

18 § 9159.17. Renewal of cannabis business establishment permits  
19 and cannabis business establishment agent  
20 identification cards.

21 (a) Renewal.--A permit or agent identification card issued  
22 under this chapter shall be renewed every four years. A cannabis  
23 business establishment and agent shall receive written or  
24 electronic notice no later than 90 days before the expiration of  
25 the permit or card. The board shall grant a renewal within 30  
26 days of submission of a renewal application if:

27 (1) the cannabis business establishment submits the  
28 required nonrefundable renewal fee;

29 (2) the permit or agent identification card has not been  
30 suspended or revoked for violating this chapter or

1 regulations adopted under this chapter;

2 (3) the cannabis business establishment has continued to  
3 operate in accordance with all plans submitted as part of its  
4 application and approved by the board or any amendments to a  
5 submitted plan that have been approved by the board; and

6 (4) the cannabis business establishment has submitted an  
7 agent, employee, contracting and subcontracting diversity  
8 report as required by the board.

9 (b) Failure to renew license.--If a cannabis business  
10 establishment fails to renew the establishment's permit prior to  
11 license expiration, the establishment shall cease operations  
12 until the permit is renewed, unless otherwise permitted by the  
13 board.

14 (c) Failure to renew identification card.--If a cannabis  
15 business establishment or cannabis business establishment agent  
16 fails to renew a cannabis business establishment permit or the  
17 agent identification card prior to expiration, the cannabis  
18 business establishment or cannabis business establishment agent  
19 shall cease to operate as a cannabis business establishment or  
20 work as an agent of a cannabis business establishment, as  
21 applicable, until the cannabis business establishment permit or  
22 agent identification card is renewed, unless otherwise permitted  
23 by the board.

24 (d) Disciplinary action and fines.--A cannabis business  
25 establishment that continues to operate, or any cannabis  
26 business establishment agent who continues to work as an agent,  
27 after the applicable permit or cannabis business establishment  
28 agent identification card has expired without renewal, absent  
29 board permission, shall be subject to disciplinary action by the  
30 board.

1 (e) Collection of fees and fines.--All fees or fines  
2 collected from the renewal of a cannabis business establishment  
3 permit or agent identification card shall be deposited into the  
4 Cannabis Regulation Fund.

5 SUBCHAPTER G

6 ENFORCEMENT AND IMMUNITIES

7 Sec.

8 9161. Permit discipline.

9 9162. Immunities and presumptions relating to handling of  
10 cannabis by cannabis business establishments and  
11 agents.

12 9163. Commonwealth standards and requirements.

13 9164. Violation of tax acts and refusal, revocation or  
14 suspension of permit or agent identification card.

15 § 9161. Permit discipline.

16 (a) Board actions.--Notwithstanding any other civil or  
17 criminal penalties related to the unlawful possession of  
18 cannabis, the board may take disciplinary or nondisciplinary  
19 action as the board deems proper with regard to a cannabis  
20 business establishment or cannabis business establishment agent,  
21 including fines not to exceed \$5,000 for each violation of this  
22 chapter or regulations promulgated by the board.

23 (b) Determination.--The board shall consider permittee  
24 cooperation in any investigation in its determination of  
25 penalties imposed under this section. The procedures for  
26 disciplining a cannabis business establishment or cannabis  
27 business establishment agent and for administrative hearings  
28 shall be determined by regulation of the board and shall provide  
29 for the review of final decisions under 2 Pa.C.S. (relating to  
30 administrative law and procedure).

1 § 9162. Immunities and presumptions relating to handling of  
2 cannabis by cannabis business establishments and  
3 agents.

4 (a) Immunities and presumptions.--A cannabis business  
5 establishment or an agent shall not be subject to the following  
6 based solely on conduct that is lawful under this chapter or any  
7 regulations promulgated under this chapter:

8 (1) Prosecution.

9 (2) Search or inspection, except by the board or under  
10 the authority of the board or a State or local law  
11 enforcement agency under this chapter.

12 (3) Seizure.

13 (4) Denial of any right or privilege.

14 (5) Penalty in any manner, or denial of any right or  
15 privilege, including civil penalty or disciplinary action by  
16 a business permitting or licensing board or entity for  
17 working for a cannabis business establishment under this  
18 chapter and regulations adopted under this chapter.

19 (b) Prohibition.--Any cannabis, cannabis-infused edible or  
20 nonedible product, cannabis paraphernalia, legal property or  
21 interest in legal property that is possessed, owned or used in  
22 connection with the use of cannabis as permitted under this  
23 chapter, or acts incidental to that use, may not be seized or  
24 forfeited. Nothing in this chapter shall be construed to prevent  
25 the seizure or forfeiture of cannabis exceeding the amounts  
26 permitted under this chapter or prevent seizure or forfeiture if  
27 the basis for the action is unrelated to the cannabis that is  
28 possessed, manufactured, transferred or used under this chapter.

29 (c) Laws of this Commonwealth.--Nothing in this chapter  
30 shall be construed to preclude State or local law enforcement

1 from searching an adult use cultivation center, micro  
2 cultivation center or dispensing organization if there is  
3 probable cause to believe that the laws of this Commonwealth  
4 have been violated and the search is conducted in conformance  
5 with law.

6 (d) Attorney General investigation.--Nothing in this chapter  
7 shall be construed to preclude the Attorney General or other  
8 authorized government agency from investigating or bringing a  
9 civil action against a cannabis business establishment or an  
10 agent of a cannabis business establishment for a violation of  
11 Commonwealth law, including civil rights violations and  
12 violations of the act of December 17, 1968 (P.L.1224, No.387),  
13 known as the Unfair Trade Practices and Consumer Protection Law.  
14 § 9163. Commonwealth standards and requirements.

15 Any standards, requirements and regulations regarding the  
16 health and safety, environmental protection, testing, security,  
17 food safety and worker protections established by the  
18 Commonwealth shall be the minimum standards for all permittees  
19 under this chapter, where applicable. Knowing violations of any  
20 Commonwealth or local law, ordinance or regulation conferring  
21 worker protections or legal rights on the employees of a  
22 permittee may be grounds for disciplinary action in addition to  
23 applicable penalties under this chapter.

24 § 9164. Violation of tax acts and refusal, revocation or  
25 suspension of permit or agent identification card.

26 (a) General rule.--In addition to other grounds specified in  
27 this chapter, the board, upon notification by the Department of  
28 Revenue, shall refuse the issuance or renewal of a permit or  
29 agent identification card or suspend or revoke the permit or  
30 agent identification card of any person for any of the

1 following:

2 (1) Failure to file a tax return.

3 (2) The filing of a fraudulent tax return.

4 (3) Failure to pay all or part of any tax or penalty  
5 determined to be due.

6 (4) Failure to keep books and records in accordance with  
7 this chapter or the regulations promulgated by the board.

8 (5) Failure to secure and display a certificate or  
9 related permitted document, if required.

10 (6) The willful violation of any rule or regulation of  
11 the Department of Revenue relating to the administration and  
12 enforcement of tax liability.

13 (b) Resolution.--The Department of Revenue, after a  
14 violation under subsection (a) has been corrected or resolved,  
15 shall, upon request of the subject of the violation, notify the  
16 board that the violation has been corrected or resolved. Upon  
17 receiving notice from the Department of Revenue that a violation  
18 under subsection (a) has been corrected or otherwise resolved,  
19 the board may issue or renew the permit or agent identification  
20 card or vacate an order of suspension or revocation.

21 SUBCHAPTER H

22 LABORATORY TESTING

23 Sec.

24 9171. Laboratory testing requirements and prohibitions.

25 § 9171. Laboratory testing requirements and prohibitions.

26 (a) Legality.--Notwithstanding any other provision of law,  
27 the following actions, when performed by a cannabis testing  
28 facility with a current, valid registration or an individual 21  
29 years of age or older who is acting in official capacity as an  
30 owner, employee or agent of a cannabis testing facility, may not

1 be determined to be unlawful and may not be an offense or be a  
2 basis for seizure or forfeiture of assets under the laws of this  
3 Commonwealth:

4 (1) possessing, repackaging, transporting or storing  
5 cannabis or cannabis-infused edible or nonedible products;

6 (2) receiving or transporting cannabis or cannabis-  
7 infused edible or nonedible products from a cannabis business  
8 establishment; and

9 (3) returning or transporting cannabis or cannabis-  
10 infused edible or nonedible products to a cannabis business  
11 establishment.

12 (b) Prohibition.--A laboratory at a cannabis testing  
13 facility may not handle, test or analyze cannabis unless  
14 approved by the board in accordance with this section. A  
15 laboratory at a cannabis testing facility may not be approved to  
16 handle, test or analyze cannabis unless the laboratory:

17 (1) is accredited by a private laboratory accrediting  
18 organization;

19 (2) has a direct or indirect financial, management or  
20 other interest in an adult use cultivation center, micro  
21 cultivation center, dispensary or medical marijuana  
22 grower/processor in this Commonwealth or is affiliated with a  
23 certifying physician under Chapter 93 (relating to medical  
24 marijuana);

25 (3) has employed at least one individual to oversee and  
26 be responsible for the laboratory testing who has earned,  
27 from a college or university accredited by a national or  
28 regional certifying authority, at least:

29 (i) a master's level degree in chemical or  
30 biological sciences and a minimum of two years'

1 postdegree laboratory experience; or

2 (ii) a bachelor's degree in chemical or biological  
3 sciences and a minimum of four years' postdegree  
4 laboratory experience; and

5 (4) provides the board with a copy of the most recent  
6 annual inspection report granting accreditation and every  
7 annual report thereafter.

8 (c) Random sample.--

9 (1) Immediately prior to selling any cannabis or  
10 cannabis-infused edible or nonedible product or packaging  
11 cannabis for sale to an adult use dispensing organization,  
12 each batch shall be made available by the adult use  
13 cultivation center or micro cultivation center for an  
14 employee of an approved laboratory at a cannabis testing  
15 facility to select a random sample, which shall be tested by  
16 the approved laboratory for:

17 (i) microbiological contaminants;

18 (ii) mycotoxins;

19 (iii) pesticide active ingredients;

20 (iv) heavy metals;

21 (v) residual solvent;

22 (vi) an active ingredient analysis; and

23 (vii) THC potency.

24 (2) The board shall only require cannabis or cannabis-  
25 infused edible and nonedible products to be tested one time  
26 before the cannabis or cannabis-infused edible and nonedible  
27 products can be sold to an adult use dispensing organization  
28 for sale to purchasers. Medical marijuana shall be tested in  
29 accordance with Chapter 93.

30 (d) Board sample.--The board may select a random sample that

1 shall, for the purposes of conducting an active ingredient  
2 analysis, be tested by a laboratory chosen by the board for  
3 verification of label information.

4 (e) Disposal of sample.--A laboratory at a cannabis testing  
5 facility shall immediately return or dispose of any cannabis  
6 upon the completion of any testing, use or research. Any  
7 cannabis that is disposed of shall be done in accordance with  
8 the board's regulations related to cannabis waste.

9 (f) Sample failure.--If a sample of cannabis does not pass  
10 testing under subsection (c) based on the standards established  
11 by the board, the following shall apply:

12 (1) The sample may be retested, with or without  
13 remediation, up to three additional times after a failed  
14 test.

15 (2) After a fourth failed test, or at the choosing of  
16 the cannabis business establishment, the batch may be used to  
17 make a CO2-based or solvent-based extract. After processing,  
18 the CO2-based or solvent-based extract shall still pass all  
19 required tests.

20 (3) Seeds, immature cannabis plants, cannabis plants,  
21 cannabis flowers or cannabis-infused edible or nonedible  
22 products may be remediated at any time prior to cannabis or  
23 cannabis-infused edible or nonedible products being provided  
24 to dispensaries for sale to purchasers under this chapter or  
25 patients under Chapter 93, including after any failed test  
26 performed by an independent laboratory under subsection (c)  
27 based on the standards established by the board, as long as  
28 the cannabis or cannabis-infused edible or nonedible products  
29 being provided to dispensaries ultimately passes independent  
30 laboratory testing under subsection (c) based on the

1 standards established by the board.

2 (g) Board testing standards.--The board shall establish  
3 standards for contaminant under subsection (c) and shall develop  
4 labeling requirements for contents and potency. The board shall  
5 ensure standards under this subsection are comparable to those  
6 set by other established adult use cannabis and medical  
7 marijuana markets and shall publicly disclose the basis for any  
8 standards set.

9 (h) Copy of test results.--A laboratory at a cannabis  
10 testing facility shall file with the board an electronic copy of  
11 each laboratory test result for any batch that does not pass  
12 testing under subsection (c) at the same time that it transmits  
13 those results to the cultivation center or micro cultivation  
14 center. The testing laboratory shall maintain the laboratory  
15 test results for at least five years and make test results  
16 available at the board's request for the same period.

17 (i) Results.--An adult use cultivation center or micro  
18 cultivation center shall provide to a dispensing organization  
19 the laboratory test results for each batch of cannabis-infused  
20 edible or nonedible product purchased by the adult use  
21 dispensing organization, if sampled. Each dispensing  
22 organization shall have those laboratory results available upon  
23 request to purchasers and patients.

24 (j) Additional regulations permitted.--The board shall  
25 promulgate regulations relating to testing in furtherance of and  
26 consistent with this chapter.

27 SUBCHAPTER I

28 ADVERTISING, MARKETING, PACKAGING AND LABELING

29 Sec.

30 9181. Advertising and promotions.

1 9182. Cannabis-infused edible and nonedible product packaging  
2 and labeling.

3 § 9181. Advertising and promotions.

4 A cannabis business establishment shall be permitted to  
5 advertise and market cannabis and cannabis-infused edible and  
6 nonedible products, including through discounts and promotional  
7 programs. A cannabis business establishment may only be  
8 restricted in advertising and marketing to the extent that any  
9 advertising or marketing contains any statement or image that:

10 (1) is false or misleading;

11 (2) promotes over-consumption of cannabis or cannabis-  
12 infused edible and nonedible products;

13 (3) depicts a person under 21 years of age consuming  
14 cannabis;

15 (4) makes any unsupported health claims about cannabis,  
16 cannabis-infused edible or nonedible products or cannabis  
17 concentrates; or

18 (5) includes any image designed or likely to appeal to a  
19 minor.

20 § 9182. Cannabis-infused edible and nonedible product packaging  
21 and labeling.

22 (a) Registration.--Each cannabis-infused edible and  
23 nonedible product produced for sale shall be registered with the  
24 board in a form and manner provided by the board. However, no  
25 product produced in accordance with this chapter or Chapter 93  
26 (relating to medical marijuana) shall require board approval  
27 prior to being produced for sale. Each product registration  
28 shall include a label containing all information required by the  
29 board.

30 (b) Packaging.--Cannabis or cannabis-infused edible and

1 nonedible products intended for distribution to a dispensing  
2 organization for sale to purchasers or patients shall be  
3 packaged in a sealed or child-resistant container or package and  
4 labeled in a manner consistent with current standards, including  
5 the Consumer Product Safety Commission standards referenced  
6 under 15 U.S.C. Ch. 39A (relating to special packaging of  
7 household substances for protection of children).

8 (c) Cannabis-infused edible and nonedible product  
9 packaging.--Each cannabis-infused edible and nonedible product  
10 shall be wrapped or packaged at the original point of  
11 preparation.

12 (d) Cannabis-infused edible and nonedible product  
13 labeling.--Each cannabis-infused edible and nonedible product  
14 shall be labeled prior to sale. Each label shall be securely  
15 affixed to the package and shall state in legible font the  
16 following:

17 (1) the common or usual name of the item and the  
18 registered name of the cannabis-infused edible and nonedible  
19 product that was registered with the board under subsection  
20 (a);

21 (2) a unique serial number that matches the product with  
22 an adult use cultivation center or micro cultivation center  
23 batch and lot number to facilitate any warnings or recalls  
24 the board or adult use cultivation center or micro  
25 cultivation center deems appropriate;

26 (3) the date of final testing and packaging;

27 (4) the identification of the independent cannabis  
28 testing facility;

29 (5) the date of harvest for cannabis flower or the date  
30 of manufacture for other forms of cannabis;

1           (6) a "use by" date;

2           (7) the quantity, in ounces or grams, of cannabis  
3 contained in the product;

4           (8) a content list, including:

5               (i) The minimum and maximum percentage content by  
6 weight for:

7                   (A) delta-9-tetrahydrocannabinol (THC);

8                   (B) tetrahydrocannabinolic acid (THCA);

9                   (C) cannabidiol (CBD);

10                  (D) cannabidiolic acid (CBDA); and

11                  (E) all other ingredients of the item, including  
12 any colors, artificial flavors and preservatives  
13 listed in descending order by predominance of weight  
14 shown with common or usual names.

15               (ii) (Reserved); and

16           (9) the acceptable tolerances for the minimum percentage  
17 shall not be below 85% or above 115% of the labeled amount.

18   (e) Prohibition.--Cannabis product packaging may not contain  
19 information that:

20               (1) is false or misleading;

21               (2) promotes excessive consumption;

22               (3) depicts a person under 21 years of age consuming  
23 cannabis; or

24               (4) includes any image designed or likely to appeal to a  
25 minor.

26   (f) Additional requirements.--The following shall apply to a  
27 cannabis-infused edible and nonedible product produced by  
28 concentrating or extracting ingredients from the cannabis plant:

29               (1) If solvents were used to create the concentrate or  
30 extract, a statement that discloses the type of extraction

1 method, including any solvents or gases used to create the  
2 concentrate or extract.

3 (2) Disclosure of any chemicals or compounds used to  
4 produce or added to the concentrate or extract.

5 (3) Cannabis concentrates sold with greater than 70% THC  
6 shall indicate the product is a high-THC product on the  
7 product label.

8 (g) Product warning.--All cannabis, cannabis-infused edible  
9 and nonedible products and cannabis concentrates shall contain a  
10 warning on its label stating: "Cannabis consumption may impair  
11 the ability to drive or operate heavy machinery, is for adult  
12 use only and should not be used by pregnant or breastfeeding  
13 women. Keep out of reach of children."

14 (h) Servings.--Each cannabis-infused edible or nonedible  
15 product intended for consumption shall include on the packaging  
16 the total milligram content of THC and CBD. Each package may not  
17 include more than a total of 1,000 milligrams of THC per package  
18 with respect to cannabis-infused edible and nonedible products.  
19 A package may contain multiple servings. A cannabis-infused  
20 edible and nonedible product that consists of more than a single  
21 serving shall be marked, stamped or otherwise imprinted, by  
22 individual single serving, with a symbol or easily recognizable  
23 mark approved by the board indicating the package contains  
24 cannabis and shall be either:

25 (1) scored or delineated to indicate one serving, if the  
26 cannabis-infused edible or nonedible product is in solid  
27 form. As used in this paragraph, the term "delineated"  
28 includes directly marking the product to indicate one serving  
29 or providing a means by which a patient or purchaser can  
30 accurately identify one serving; or

1 (2) if the cannabis-infused edible or nonedible product  
2 is not in solid form, packaged in a manner so that a single  
3 serving is readily identifiable or easily measurable.

4 (i) Delineation.--A cannabis-infused edible or nonedible  
5 product consisting of multiple servings shall be homogenized so  
6 that each serving contains the same concentration of THC.

7 (j) Alternation or destruction of packaging.--No individual  
8 other than the purchaser shall alter or destroy any labeling  
9 affixed to the primary packaging of cannabis or cannabis-infused  
10 edible or nonedible products after the cannabis or cannabis-  
11 infused edible or nonedible products have been dispensed.

12 SUBCHAPTER J

13 PREPARATION, DESTRUCTION AND REGULATION OF CANNABIS AND  
14 CANNABIS-INFUSED EDIBLE AND NONEDIBLE PRODUCTS.

15 Sec.

16 9191. Preparation of cannabis-infused edible and nonedible  
17 products.

18 9192. Destruction of cannabis.

19 9193. Local ordinances.

20 9194. Confidentiality.

21 9195. Financial institutions.

22 9196. Contracts enforceable.

23 9197. Medical marijuana.

24 9198. Administrative rulemaking.

25 § 9191. Preparation of cannabis-infused edible and nonedible  
26 products.

27 (a) Regulation.--The board may regulate the production of  
28 cannabis-infused edible and nonedible products, including  
29 edibles, by an adult use cultivation center or a micro  
30 cultivation center and establish regulations related to

1 refrigeration, hot-holding and handling of cannabis-infused  
2 edible and nonedible products. All cannabis-infused edible and  
3 nonedible products shall meet the packaging and labeling  
4 requirements specified under this chapter and any regulation  
5 promulgated by the board.

6 (b) Approval.--Cannabis-infused edible and nonedible  
7 products for sale or distribution at a dispensing organization  
8 shall be prepared by an approved agent of an adult use  
9 cultivation center or micro cultivation center. An adult use  
10 dispensing organization may not manufacture, process or produce  
11 a cannabis-infused edible and nonedible product.

12 (c) (Reserved).

13 (d) Enforcement.--The board shall promulgate regulations for  
14 the manufacture and processing of cannabis-infused edible and  
15 nonedible products and may at all times enter every building,  
16 room, basement, enclosure or premises occupied or used, or  
17 suspected of being occupied or used, for the production,  
18 preparation, manufacture for sale, storage, processing,  
19 distribution or transportation of cannabis-infused edible and  
20 nonedible products. The board may inspect the premises together  
21 with all utensils, fixtures, furniture and machinery used for  
22 the preparation of products under this section.

23 § 9192. Destruction of cannabis.

24 (a) Destruction.--All cannabis byproduct, scrap and  
25 harvested cannabis not intended for distribution to an adult use  
26 dispensing organization shall be destroyed and disposed of under  
27 regulations adopted by the board under this chapter.  
28 Documentation of the destruction and disposal shall be retained  
29 at the adult use cultivation center, micro cultivation center or  
30 cannabis testing facility as applicable for a period of not less

1 than two years.

2 (b) Notification prior to destruction.--An adult use  
3 cultivation center or micro cultivation center shall, prior to  
4 destruction, notify the board. A dispensing organization shall  
5 notify the board within 48 hours of any destruction. The adult  
6 use cultivation center, micro cultivation center or dispensing  
7 organization shall keep a record of the date and quantity of  
8 destruction.

9 (c) Unsold cannabis.--A dispensing organization shall  
10 destroy all cannabis, including cannabis-infused edible and  
11 nonedible products, not sold to purchasers. Documentation of  
12 destruction and disposal shall be retained at the dispensing  
13 organization for a period of not less than two years.

14 § 9193. Local ordinances.

15 Unless otherwise provided by this chapter or law:

16 (1) A unit of local government, including a home rule  
17 unit or any non-home-rule county within the unincorporated  
18 territory of the county, may enact reasonable zoning  
19 ordinances or resolutions, not in conflict with this chapter  
20 or rules adopted pursuant to this chapter, regulating a  
21 cannabis business establishment. No unit of local government,  
22 including a home rule unit or any non-home-rule county within  
23 the unincorporated territory of the county, may unreasonably  
24 prohibit the use of cannabis authorized by this chapter.

25 (2) A unit of local government, including a home rule  
26 unit or any non-home-rule county within the unincorporated  
27 territory of the county, may enact ordinances or rules not in  
28 conflict with this chapter or with rules adopted pursuant to  
29 this chapter governing the time, place, manner and number of  
30 cannabis business establishment operations, including minimum

1 distance limitations between cannabis business establishments  
2 and locations it deems sensitive. A unit of local government,  
3 including a home rule unit, may establish civil penalties for  
4 violation of an ordinance or rules governing the time, place  
5 and manner of operation of a cannabis business establishment  
6 in the jurisdiction of the unit of local government. No unit  
7 of local government, including a home rule unit or non-home-  
8 rule county within an unincorporated territory of the county,  
9 may unreasonably restrict the time, place, manner and number  
10 of cannabis business establishment operations authorized by  
11 this chapter.

12 (3) A unit of local government, including a home rule  
13 unit, or any non-home-rule county within the unincorporated  
14 territory of the county may authorize or permit the on-  
15 premises consumption of cannabis at or in an adult use  
16 dispensing organization within its jurisdiction in a manner  
17 consistent with this chapter. An adult use dispensing  
18 organization authorized or permitted by a unit of local  
19 government to allow on-site consumption shall not be deemed a  
20 public place under the laws of this Commonwealth.

21 (4) A unit of local government, including a home rule  
22 unit or any non-home-rule county within the unincorporated  
23 territory of the county, may not regulate the activities  
24 described in paragraph (1), (2) or (3) in a manner more  
25 restrictive than the regulation of those activities by the  
26 State under this chapter.

27 (5) A unit of local government, including a home rule  
28 unit or any non-home-rule county within the unincorporated  
29 territory of the county, may not enact ordinances to prohibit  
30 a cannabis business establishment from locating within the

1 unit of local government entirely.

2 § 9194. Confidentiality.

3 (a) Disclosure.--Information provided by cannabis business  
4 establishment permittees or applicants to the board, the  
5 Commonwealth Financing Authority, the Pennsylvania State Police  
6 or other agency shall be limited to information necessary for  
7 the purposes of administering this chapter. The information  
8 shall be subject to the provisions and limitations contained in  
9 the act of February 14, 2008 (P.L.6, No.3), known as the Right-  
10 to-Know Law.

11 (b) Privacy.--The information received and records kept by  
12 the board, the Department of Community and Economic Development  
13 and the Pennsylvania State Police for purposes of administering  
14 this chapter shall be subject to all applicable Federal privacy  
15 laws and shall be confidential and exempt from disclosure under  
16 5 U.S.C. § 552 (relating to public information; agency rules,  
17 opinions, orders, records, and proceedings), except as provided  
18 under this chapter. The information received and records kept by  
19 the board, the Department of Community and Economic Development  
20 and the Pennsylvania State Police for purposes of administering  
21 this chapter shall not be subject to disclosure to an individual  
22 or a public or private entity, except to the board, the  
23 Commonwealth Financing Authority, the Pennsylvania State Police  
24 and the Attorney General as necessary to perform official duties  
25 under this chapter.

26 (c) Name and address.--The name and address of an individual  
27 or entity holding each cannabis business establishment permit  
28 shall be subject to disclosure under the Right-to-Know Law.

29 (d) Board information.--All information collected by the  
30 board in the course of an examination, inspection or

1 investigation of a permittee or applicant, including any  
2 complaint against a permittee or applicant filed with the board  
3 and information collected to investigate any complaint, shall be  
4 maintained for the confidential use of the board and shall not  
5 be disclosed, except as otherwise provided under this chapter. A  
6 formal complaint against a permittee by the board or any  
7 disciplinary order issued by the board against a permittee or  
8 applicant shall be public record, except as otherwise provided  
9 by law. Complaints from consumers or members of the general  
10 public received regarding a specific, named permittee or  
11 complaints regarding conduct by entities without permits shall  
12 be subject to disclosure under the Right-to-Know Law.

13 (e) Background check information.--The board, the Department  
14 of Community and Economic Development and the Pennsylvania State  
15 Police may not share or disclose any Pennsylvania or national  
16 criminal history record information, or the nonexistence or lack  
17 of any information, to any individual or entity not expressly  
18 authorized by this chapter.

19 § 9195. Financial institutions.

20 (a) Exemption.--A financial institution that provides  
21 financial services customarily provided by financial  
22 institutions to a cannabis business establishment authorized  
23 under this chapter or to a person that is affiliated with a  
24 cannabis business establishment shall be exempt from any  
25 criminal law of the Commonwealth as it relates to cannabis-  
26 related conduct authorized under State law.

27 (b) Confidentiality.--Information received by a financial  
28 institution from a cannabis business establishment shall be  
29 confidential. Except as otherwise required or permitted by  
30 Federal or State law or regulation, a financial institution may

1 not make the information available to any person other than:

2 (1) the purchaser to whom the information applies;

3 (2) a trustee, conservator, guardian, personal  
4 representative or agent of the purchaser to whom the  
5 information applies;

6 (3) a Federal or State regulator when requested in  
7 connection with an examination of the financial institution  
8 or if otherwise necessary for complying with Federal or State  
9 law;

10 (4) a Federal or State regulator when requested in  
11 connection with an examination of the financial institution  
12 or if otherwise necessary for complying with Federal or State  
13 law; and

14 (5) a third party performing service for the financial  
15 institution, provided the third party is performing services  
16 under a written agreement that expressly or by operation of  
17 law prohibits the third party's sharing and use of  
18 confidential information for any purpose other than as  
19 provided in its agreement to provide services to the  
20 financial institution.

21 § 9196. Contracts enforceable.

22 Contracts related to the operation of a lawful cannabis  
23 business establishment under this chapter shall be enforceable.  
24 No contract entered into by a lawful cannabis business  
25 establishment or its agents on behalf of a cannabis business  
26 establishment, or by those who allow property to be used by a  
27 cannabis business establishment, shall be unenforceable on the  
28 basis that cultivating, obtaining, manufacturing, processing,  
29 distributing, dispensing, transporting, selling, possessing or  
30 using cannabis is prohibited by Federal law.

1 § 9197. Medical marijuana.

2 (a) Construction.--Nothing in this chapter shall be  
3 construed to limit any privileges or rights of a medical  
4 marijuana patient, including minor patients, primary caregivers,  
5 medical marijuana grower/processors or medical marijuana  
6 dispensaries under Chapter 93 (relating to medical marijuana).  
7 If there is conflict between this chapter and Chapter 93 as they  
8 relate to medical marijuana patients, the provisions of this  
9 chapter shall prevail.

10 (b) Sale permitted.--Dispensary locations permitted under  
11 this chapter shall be authorized to sell cannabis to adult use  
12 purchasers and to qualified patients, and all dispensing  
13 organizations shall be subject to the provisions under Chapter  
14 93.

15 § 9198. Administrative rulemaking.

16 No later than 180 days after the effective date of this  
17 section, the board and each Commonwealth agency or department  
18 with regulatory responsibility under this chapter shall  
19 promulgate regulations in accordance with the duties required  
20 under this chapter. The failure by a Commonwealth agency or  
21 department with regulatory responsibility under this chapter to  
22 promulgate regulations within 180 days of the effective date of  
23 this section shall not delay or otherwise impede a cannabis  
24 business establishment from commencing operations in accordance  
25 with this chapter.

26 SUBCHAPTER K

27 TAXES

28 Sec.

29 9199.1. Imposition of sales tax and excise tax.

30 9199.2. Cannabis Regulation Fund and distribution of revenue.

1 9199.3. (Reserved).

2 § 9199.1. Imposition of sales tax and excise tax.

3 (a) Rate of sales tax.--A sales tax is imposed at the rate  
4 of 8% of the sales price for cannabis and cannabis-infused  
5 edible and nonedible products sold or otherwise transferred to  
6 any person other than a cannabis business establishment.

7 (b) Deposit of sales tax.--Sales tax revenue under  
8 subsection (a) shall be deposited into the Cannabis Regulation  
9 Fund.

10 (c) Rate of excise tax.--In addition to all other applicable  
11 taxes, an excise tax is imposed on each adult use dispensary  
12 organization at the rate of 5% of the sales price for adult use  
13 cannabis sold or otherwise transferred to any person other than  
14 a cannabis business establishment. Except as otherwise provided  
15 by regulation, a product subject to the tax imposed under this  
16 subsection may not be bundled in a single transaction with a  
17 product or service that is not subject to the tax imposed under  
18 this subsection.

19 (d) Deposit of excise tax.--Excise tax revenue under  
20 subsection (c) shall be deposited into the Cannabis Regulation  
21 Fund.

22 § 9199.2. Cannabis Regulation Fund and distribution of revenue.

23 (a) Establishment.--The Cannabis Regulation Fund is  
24 established in the State Treasury. Money in the fund is  
25 appropriated as specified under subsection (c). Any amount  
26 unspent at the end of a fiscal year shall be transferred to the  
27 General Fund if there has been an appropriation from the General  
28 Fund for the operations of the board.

29 (b) Deposit.--Fees and taxes payable to the Cannabis  
30 Regulation Fund under this chapter shall be deposited in the

1 Cannabis Regulation Fund, other than tax revenue disbursed to  
2 municipalities and counties specified under subsection (e). The  
3 money deposited into the Cannabis Regulation Fund may only be  
4 used for the purposes specified under this section. Any interest  
5 accrued shall be deposited into the Cannabis Regulation Fund.

6 (c) Allocation.--Money in the Cannabis Regulation Fund shall  
7 be allocated in accordance with the following:

8 (1) Two percent of gross receipts of the revenue in the  
9 Cannabis Regulation Fund is appropriated to the board as  
10 necessary for actual costs and expenses, including staffing  
11 expenses and expenses related to administering and enforcing  
12 this chapter.

13 (2) The amount of \$3,000,000 is transferred annually to  
14 the Cannabis Business Development Fund from gross receipts of  
15 the revenue in the Cannabis Regulation Fund.

16 (3) The remainder of the money in the Cannabis  
17 Regulation Fund is transferred to the General Fund to provide  
18 economic relief to this Commonwealth.

19 (d) Administration.--The Department of Revenue shall  
20 administer the taxes imposed under this chapter and may  
21 promulgate regulations that prescribe a method and manner for  
22 payment of the tax to ensure proper tax collection under this  
23 chapter.

24 (e) Disbursement.--Revenue from all taxes collected under  
25 this chapter shall be disbursed as follows:

26 (1) 10% of the revenue shall be disbursed to  
27 municipalities in which a cannabis business establishment is  
28 located, disbursed in proportion to the number of cannabis  
29 business establishments within the municipality;

30 (2) 10% of the revenue shall be disbursed to counties in

1 which a cannabis business establishment is located in an  
2 unincorporated part of the county, disbursed in proportion to  
3 the number of cannabis business establishments within the  
4 unincorporated part of the county; and

5 (3) 80% of the revenue shall be deposited in the  
6 Cannabis Regulation Fund.

7 § 9199.3. (Reserved).

8 SUBCHAPTER L

9 CANNABIS CLEAN SLATE

10 Sec.

11 9199.11. Cannabis clean slate.

12 § 9199.11. Cannabis clean slate.

13 (a) General rule.--An individual who has been arrested for,  
14 charged with or convicted under section 13(a)(30) or (31) of the  
15 act of April 14, 1972 (P.L.233, No.64), known as The Controlled  
16 Substance, Drug, Device and Cosmetic Act, shall have the  
17 individual's criminal history related to the criminal proceeding  
18 expunged in accordance with subsection (b). This subsection  
19 shall only apply to nonviolent offenses.

20 (b) Expungement process.--

21 (1) The Administrative Office of Pennsylvania Courts  
22 shall, within six months of the effective date of this  
23 paragraph, transmit to the Pennsylvania State Police central  
24 repository all records related to an arrest or conviction  
25 under subsection (a) for expungement.

26 (2) If the Pennsylvania State Police determines a record  
27 transmitted under paragraph (1) is not eligible for  
28 expungement, it shall notify the Administrative Office of  
29 Pennsylvania Courts of the determination within 30 days of  
30 receiving the information. Upon expiration of the 30-day

1 period, the Administrative Office of Pennsylvania Courts  
2 shall provide to the court of common pleas in which the  
3 arrest or adjudication occurred a list of all records  
4 eligible for expungement. Within 30 days of receiving the  
5 list, the court of common pleas shall order the expungement  
6 of all criminal history records received under this section  
7 and all administrative records of the Department of  
8 Transportation relating to the criminal history records  
9 received under this section.

10 (c) Release of inmates.--A court of common pleas that has  
11 received an expungement order for a person currently  
12 incarcerated for the crime for which the court received the  
13 expungement order shall transmit to the appropriate county  
14 correctional institution or State correctional institution, as  
15 defined under 61 Pa.C.S. § 102 (relating to definitions), an  
16 order for the immediate release or discharge of the individual  
17 whose record has been ordered to be expunged.

18 (d) Motor vehicle operation privileges.--The Bureau of Motor  
19 Vehicles shall reinstate an individual's suspended or revoked  
20 motor vehicle operation privileges that were suspended or  
21 revoked as a result of the individual's conviction that has been  
22 expunged under this section.

23 (e) Reinstatement of license or registration.--A license or  
24 registration that has been suspended or revoked under section 23  
25 of The Controlled Substance, Drug, Device and Cosmetic Act due  
26 to an arrest or conviction that has been expunged under this  
27 section shall be reinstated.

28 SUBCHAPTER M

29 MISCELLANEOUS PROVISIONS

30 Sec.

1 9199.21. Conflicts.  
2 9199.22. (Reserved).  
3 9199.23. Implementation.

4 § 9199.21. Conflicts.

5 The cultivation, processing, manufacture, acquisition,  
6 transportation, sale, dispensing, distribution, possession and  
7 consumption of cannabis permitted under this chapter shall not  
8 be deemed to be a violation of the act of April 14, 1972  
9 (P.L.233, No.64), known as The Controlled Substance, Drug,  
10 Device and Cosmetic Act. If a provision of the Controlled  
11 Substance, Drug, Device and Cosmetic Act relating to cannabis  
12 conflicts with a provision of this chapter, this chapter shall  
13 take precedence.

14 § 9199.22. (Reserved).

15 § 9199.23. Implementation.

16 The issuance of licenses and other authorizations specified  
17 under this chapter shall begin no later than 180 days after the  
18 effective date of this section.

19 CHAPTER 93

20 MEDICAL MARIJUANA

21 Subchapter

22 A. Preliminary Provisions

23 B. Program

24 C. Practitioners

25 D. Patients

26 E. Medical Marijuana Organizations

27 F. Medical Marijuana Controls

28 G. Dispensaries

29 H. Tax on Medical Marijuana

30 I. Administration

1 J. Medical Marijuana Advisory Board

2 K. Offenses Related to Medical Marijuana

3 L. Research Program

4 M. Academic Clinical Research Centers and Clinical

5 Registrants

6 N. Miscellaneous Provisions

7 SUBCHAPTER A

8 PRELIMINARY PROVISIONS

9 Sec.

10 9301. Scope of chapter.

11 9302. Declaration of policy.

12 9303. Definitions.

13 9304. Transfer of certain powers and duties of department to  
14 board.

15 § 9301. Scope of chapter.

16 This chapter relates to the regulation and use of medical  
17 marijuana in this Commonwealth.

18 § 9302. Declaration of policy.

19 The General Assembly finds and declares as follows:

20 (1) Scientific evidence suggests that medical marijuana  
21 is one potential therapy that may mitigate suffering in some  
22 patients and also enhance quality of life.

23 (2) The Commonwealth is committed to patient safety.  
24 Carefully regulating the program which allows access to  
25 medical marijuana will enhance patient safety while research  
26 into its effectiveness continues.

27 (3) It is the intent of the General Assembly to:

28 (i) Provide a program of access to medical marijuana  
29 which balances the need of patients to have access to the  
30 latest treatments with the need to promote patient

1 safety.

2 (ii) Provide a safe and effective method of delivery  
3 of medical marijuana to patients.

4 (iii) Promote high quality research into the  
5 effectiveness and utility of medical marijuana.

6 (4) It is the further intention of the General Assembly  
7 that any Commonwealth-based program to provide access to  
8 medical marijuana serve as a temporary measure, pending  
9 Federal approval of and access to medical marijuana through  
10 traditional medical and pharmaceutical avenues.

11 § 9303. Definitions.

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

15 "Advisory board." The advisory board established under  
16 section 9391 (relating to advisory board).

17 "Board." The Cannabis Regulatory Control Board established  
18 under Subchapter D of Chapter 91 (relating to Cannabis  
19 Regulatory Control Board).

20 "Cannabis-infused edible product." A product meant to be  
21 chewed, dissolved, taken sublingually or swallowed. The term  
22 includes liquids, including beverages, food, oil, tincture,  
23 capsule, tablet, gummies or other ingestible forms containing  
24 cannabis or cannabis concentrate that is not intended to be  
25 smoked or otherwise inhaled.

26 "Cannabis-infused nonedible product." A product meant to be  
27 used topically or otherwise not intended to be ingested. The  
28 term includes gels, creams, patches or ointments containing  
29 cannabis or cannabis concentrate.

30 "Caregiver." The term includes the following entities

1 designated to deliver medical marijuana:

2 (1) An individual designated by a patient.

3 (2) If the patient is under 18 years of age, an  
4 individual under section 9337(2) (relating to minors).

5 (3) Individuals designated in writing, for purposes of  
6 section 9332 (relating to caregivers), by an organization  
7 that provides hospice, palliative or home health care  
8 services and:

9 (i) are employed by an organization that is licensed  
10 under the act of July 19, 1979 (P.L.130, No.48), known as  
11 the Health Care Facilities Act;

12 (ii) have significant responsibility for managing  
13 the health care and well-being of a patient; and

14 (iii) were designated by the organization to provide  
15 care to a patient who has provided authorization for the  
16 designation.

17 (4) Individuals designated in writing, for purposes of  
18 section 9332, by a residential facility, including a long-  
19 term care nursing facility, skilled nursing facility,  
20 assisted living facility, personal care home, independent  
21 long-term care facility or intermediate care facility for  
22 individuals with intellectual disabilities that:

23 (i) are licensed by the department or the Department  
24 of Human Services;

25 (ii) have significant responsibility for managing  
26 the health care and well-being of the patient; and

27 (iii) were designated by the residential facility to  
28 provide care to a patient who has provided authorization  
29 for the designation.

30 "Certified medical use." The acquisition, possession, use or

1 transportation of medical marijuana by a patient, or the  
2 acquisition, possession, delivery, transportation or  
3 administration of medical marijuana by a caregiver, for use as  
4 part of the treatment of the patient's serious medical  
5 condition, as authorized in a certification under this chapter,  
6 including enabling the patient to tolerate treatment for the  
7 serious medical condition.

8 "Certified registered nurse practitioner." As defined in  
9 section 2 of the act of May 22, 1951 (P.L.317, No.69), known as  
10 The Professional Nursing Law.

11 "Change in control." The acquisition by a person or group of  
12 persons acting in concert of a controlling interest in an  
13 applicant or permittee either all at one time or over the span  
14 of a 12-consecutive-month period.

15 "Chief medical officer." The chief medical officer hired  
16 under section 9131(f) (relating to establishment of board).

17 "Continuing care." Treating a patient, in the course of  
18 which the practitioner has completed a full assessment of the  
19 patient's medical history and current medical condition,  
20 including a consultation with the patient.

21 "Controlling interest." As follows:

22 (1) For a publicly traded entity, voting rights that  
23 entitle a person to elect or appoint one or more of the  
24 members of the board of directors or other governing board or  
25 the ownership or beneficial holding of 5% or more of the  
26 securities of the publicly traded entity.

27 (2) For a privately held entity, the ownership of any  
28 security in the entity.

29 "Department." The Department of Health of the Commonwealth.

30 "Dispensary." A person, including a natural person,

1 corporation, partnership, association, trust or other entity, or  
2 any combination thereof, which holds a permit issued by the  
3 department to dispense medical marijuana. The term does not  
4 include a health care medical marijuana organization under  
5 Subchapter L (relating to research program).

6 "Excipients." Solvents, chemicals or materials reported by a  
7 medical marijuana organization and approved by the department  
8 for use in the processing of medical marijuana.

9 "Executive director." The executive director of the board.

10 "Family or household member." As defined in 23 Pa.C.S. §  
11 6102 (relating to definitions).

12 "Financial backer." An investor, mortgagee, bondholder, note  
13 holder or other source of equity, capital or other assets, other  
14 than a financial institution.

15 "Financial institution." A bank, a national banking  
16 association, a bank and trust company, a trust company, a  
17 savings and loan association, a building and loan association, a  
18 mutual savings bank, a credit union or a savings bank.

19 "Form of medical marijuana." The characteristics of the  
20 medical marijuana recommended or limited for a particular  
21 patient, including the method of consumption and any particular  
22 dosage, strain, variety and quantity or percentage of medical  
23 marijuana or particular active ingredient.

24 "Fund." The Medical Marijuana Program Fund established in  
25 section 9372 (relating to Medical Marijuana Program Fund).

26 "Grower/processor." A person, including a natural person,  
27 corporation, partnership, association, trust or other entity, or  
28 any combination thereof, which holds a permit from the  
29 department under this chapter to grow and process medical  
30 marijuana. The term does not include a health care medical

1 marijuana organization under Subchapter L.

2 "Harvest batch." A specifically identified quantity of  
3 medical marijuana plant that is uniform in strain, cultivated  
4 utilizing the same growing practices, harvested at the same time  
5 and at the same location and cured under uniform conditions.

6 "Harvest lot." A specifically identified quantity of medical  
7 marijuana plant taken from a harvest batch.

8 "Identification card." A document issued under section 9331  
9 (relating to identification cards) that authorizes access to  
10 medical marijuana under this chapter.

11 "Individual dose." A single measure of medical marijuana.

12 "Medical marijuana." Marijuana for certified medical use as  
13 set forth in this chapter.

14 "Medical marijuana organization." A dispensary or a  
15 grower/processor. The term does not include a health care  
16 medical marijuana organization under Subchapter L.

17 "Medical marijuana product." The final form and dosage of  
18 medical marijuana that is grown, processed, produced, sealed,  
19 labeled and tested by a grower/processor and sold to a  
20 dispensary.

21 "Patient." An individual who:

22 (1) has a serious medical condition;

23 (2) has met the requirements for certification under  
24 this chapter; and

25 (3) is a resident of this Commonwealth.

26 "Permit." An authorization issued by the department to a  
27 medical marijuana organization to conduct activities under this  
28 chapter.

29 "Physician assistant." As defined in section 2 of the act of  
30 December 20, 1985 (P.L.457, No.112), known as the Medical

1 Practice Act of 1985, and section 2 of the act of October 5,  
2 1978 (P.L.1109, No.261), known as the Osteopathic Medical  
3 Practice Act.

4 "Practitioner." A physician who is registered with the  
5 department under section 9321 (relating to practitioner  
6 registration).

7 "Prescription drug monitoring program." The Achieving Better  
8 Care by Monitoring All Prescriptions Program (ABC-MAP).

9 "Principal." An officer, director or person who directly  
10 owns a beneficial interest in or ownership of the securities of  
11 an applicant or permittee, a person who has a controlling  
12 interest in an applicant or permittee or who has the ability to  
13 elect the majority of the board of directors of an applicant or  
14 permittee or otherwise control an applicant or permittee, other  
15 than a financial institution.

16 "Process lot." An amount of a medical marijuana product of  
17 the same type and processed using the same medical marijuana  
18 extract, standard operating procedures and the same or  
19 combination of different harvest lots.

20 "Registry." The registry established by the department for  
21 practitioners.

22 "Research initiative." A nonpatient investigation not  
23 subject to Institutional Review Board or Research Approval  
24 Committee approval requirements of a patient-based research  
25 program, project or study, conducted by an academic clinical  
26 research center and its contracted clinical registrant.

27 "Safety-sensitive position." A position that requires any  
28 activity that an employer reasonably believes presents a  
29 potential risk of harm to the health or safety of an employee or  
30 others while under the influence of medical marijuana,

1 including:

2 (1) Duties performed at heights or in confined spaces,  
3 including mining.

4 (2) The operation of a motor vehicle, other vehicle,  
5 equipment, machinery or a power tool.

6 (3) Repairing, maintaining or monitoring the performance  
7 or operation of any equipment, machinery or manufacturing  
8 process, the malfunction or disruption of which could result  
9 in injury or property damage.

10 (4) Performing firefighting duties.

11 (5) The operation, maintenance or oversight of critical  
12 services and infrastructure, including electric, gas and  
13 water utilities, power generation or distribution.

14 (6) The extraction, compression, processing,  
15 manufacturing, handling, packaging, storage, disposal,  
16 treatment or transport of potentially volatile, flammable or  
17 combustible materials, elements, chemicals or other highly  
18 regulated component.

19 (7) Dispensing pharmaceuticals.

20 (8) A position that requires the employee to carry a  
21 firearm.

22 (9) Direct patient care or direct child care.

23 "Secretary." The Secretary of Health of the Commonwealth.

24 "Security." As defined in section 102(t) of the act of  
25 December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania  
26 Securities Act of 1972.

27 "Serious medical condition." Any of the following:

28 (1) Cancer, including remission therapy.

29 (2) Positive status for human immunodeficiency virus or  
30 acquired immune deficiency syndrome.

- 1           (3) Amyotrophic lateral sclerosis.
- 2           (4) Parkinson's disease.
- 3           (5) Multiple sclerosis.
- 4           (6) Damage to the nervous tissue of the central nervous  
5 system (brain-spinal cord) with objective neurological  
6 indication of intractable spasticity and other associated  
7 neuropathies.
- 8           (7) Epilepsy.
- 9           (8) Inflammatory bowel disease.
- 10          (9) Neuropathies.
- 11          (10) Huntington's disease.
- 12          (11) Crohn's disease.
- 13          (12) Posttraumatic stress disorder.
- 14          (13) Intractable seizures.
- 15          (14) Glaucoma.
- 16          (15) Sickle cell anemia.
- 17          (16) Severe chronic or intractable pain of neuropathic  
18 origin or severe chronic or intractable pain.
- 19          (17) Autism.
- 20          (18) Other conditions that are recommended by the chief  
21 medical officer and approved by the advisory board under  
22 section 9392 (relating to effectuating recommendations of  
23 advisory board).
- 24          "Synchronous interaction." A two-way or multiple-way  
25 exchange of information between a patient and a health care  
26 provider that occurs in real time via audio or video  
27 conferencing.
- 28          "Terminally ill." A medical prognosis of life expectancy of  
29 approximately one year or less if the illness runs its normal  
30 course.

1 "Under the influence." One or more of the following:

2 (1) A drug test resulting in:

3 (i) a level of tetrahydrocannabinolic acid in an  
4 employee's urine that is equal to or greater than 15  
5 nanograms per milliliter; or

6 (ii) an adulterated or substituted testing sample  
7 provided by an employee.

8 (2) An employer's good faith determination that an  
9 employee is under the influence of marijuana based on  
10 observable physical behavior or characteristics, provided  
11 that the employee may rebut the determination by immediately  
12 submitting to a drug test, the results of which demonstrate  
13 that the level of tetrahydrocannabinolic acid in the  
14 employee's urine is less than 15 nanograms per milliliter.

15 § 9304. Transfer of certain powers and duties of department to  
16 board.

17 The following shall apply 180 days after the effective date  
18 of this section:

19 (1) The board shall exercise the authority and perform  
20 the duties of the department under this chapter.

21 (2) The executive director shall exercise the authority  
22 and perform the duties of the secretary under this chapter.

23 (3) Any reference to the department which concerns the  
24 powers or duties specified in this chapter shall be deemed a  
25 reference to the board.

26 (4) Any reference to the secretary which concerns the  
27 powers or duties specified in this chapter shall be deemed a  
28 reference to the executive director.

29 (5) The following are transferred to the board:

30 (i) All personnel, allocations, appropriations,

1 equipment, files, records, contracts, agreements,  
2 obligations and other materials which are used, employed  
3 or expended by the department in connection with the  
4 functions transferred by this section to the board in the  
5 first instance and as if these contracts, agreements and  
6 obligations had been incurred or entered into by the  
7 board.

8 (ii) The personnel, appropriations, equipment and  
9 other items and material transferred to the board by this  
10 section shall include an appropriate portion of the  
11 general administrative, overhead and supporting  
12 personnel, appropriations, equipment and other material  
13 of the department and shall also include, where  
14 applicable, Federal grants and money and other benefits  
15 from any Federal program.

16 (iii) All personnel transferred under this section  
17 shall retain any civil service employment status assigned  
18 to the personnel.

19 (6) To provide an efficient and cost-minimizing  
20 transition, licenses, contracts, deeds and other official  
21 actions of the board shall not be affected by the use of the  
22 designation as the department. The board may continue to use  
23 the name "Department of Health" on badges, licenses,  
24 contracts, deeds, stationery and other official documents  
25 until existing supplies are exhausted.

26 (7) To provide an efficient and cost-minimizing  
27 transition, licenses, contracts, deeds and other official  
28 actions of the executive director shall not be affected by  
29 the use of the designation as the secretary. The executive  
30 director may continue to use the name "Secretary of Health"

1 on badges, licenses, contracts, deeds, stationery and other  
2 official documents until existing supplies are exhausted.

3 SUBCHAPTER B

4 PROGRAM

5 Sec.

6 9311. Program established.

7 9312. Confidentiality and public disclosure.

8 9313. Lawful use of medical marijuana.

9 9314. (Reserved).

10 § 9311. Program established.

11 (a) Establishment.--A medical marijuana program for patients  
12 suffering from serious medical conditions is established. The  
13 program shall be implemented and administered by the department.

14 The department shall:

15 (1) Issue permits to medical marijuana organizations to  
16 authorize them to grow, process or dispense medical marijuana  
17 and ensure their compliance with this chapter.

18 (2) Register practitioners and ensure their compliance  
19 with this chapter.

20 (3) Have regulatory and enforcement authority over the  
21 growing, processing, sale and use of medical marijuana in  
22 this Commonwealth.

23 (4) Establish and maintain an electronic database to  
24 include activities and information relating to medical  
25 marijuana organizations, certifications and identification  
26 cards issued, practitioner registration and electronic  
27 tracking of all medical marijuana as required under this  
28 chapter to include:

29 (i) Ensurance that medical marijuana is not diverted  
30 or otherwise used for unlawful purposes by a practitioner

1 or medical marijuana organization.

2 (ii) Ability to establish the authenticity of  
3 identification cards.

4 (iii) Recording recommended forms of medical  
5 marijuana provided in a certification filed by the  
6 practitioner.

7 (iv) Monitoring all growth, transfer, possession,  
8 processing, testing and dispensing of medical marijuana  
9 in this Commonwealth.

10 (v) The tracking system under section 9351 (relating  
11 to electronic tracking) must include information under  
12 section 9361(a) (relating to dispensing to patients and  
13 caregivers) and any other information required by the  
14 department to be used by the department and dispensaries  
15 to enable a dispensary to lawfully provide medical  
16 marijuana. The tracking system and database shall be  
17 capable of providing information in real time. The  
18 database shall be capable of receiving information from a  
19 dispensary regarding the disbursement of medical  
20 marijuana to patients and caregivers. This information  
21 shall be immediately accessible to the department and  
22 other dispensaries to inhibit diversion and ensure  
23 compliance with this chapter.

24 (5) Maintain a directory of patients and caregivers  
25 approved to use or assist in the administration of medical  
26 marijuana within the department's database.

27 (6) Develop a four-hour training course for physicians,  
28 pharmacists, certified registered nurse practitioners and  
29 physician assistants regarding the latest scientific research  
30 on medical marijuana, including the risks and benefits of

1 medical marijuana, and other information deemed necessary by  
2 the department. Successful completion of the course shall be  
3 approved as continuing education credits as determined by:

4 (i) The State Board of Medicine and the State Board  
5 of Osteopathic Medicine.

6 (ii) The State Board of Pharmacy.

7 (iii) The State Board of Nursing.

8 (7) Develop a two-hour course for the principals and  
9 employees of a medical marijuana organization who either have  
10 direct contact with patients or caregivers or who physically  
11 handle medical marijuana. Employees must successfully  
12 complete the course no later than 90 days after commencing  
13 employment. Principals must successfully complete the course  
14 prior to commencing initial operation of the medical  
15 marijuana organization. The subject matter of the course  
16 shall include the following:

17 (i) Methods to recognize and report unauthorized  
18 activity, including diversion of medical marijuana for  
19 unlawful purposes and falsification of identification  
20 cards.

21 (ii) Proper handling of medical marijuana and  
22 recordkeeping.

23 (iii) Any other subject required by the department.

24 (8) Develop enforcement procedures, including announced  
25 and unannounced inspections of facilities of the  
26 grower/processors and dispensaries and all records of the  
27 medical marijuana organizations.

28 (9) Establish a program to authorize the use of medical  
29 marijuana to conduct medical research relating to the use of  
30 medical marijuana to treat serious medical conditions,

1 including the collection of data and the provision of  
2 research grants.

3 (10) Establish and maintain public outreach programs  
4 about the medical marijuana program, including:

5 (i) A dedicated telephone number for patients,  
6 caregivers and members of the public to obtain basic  
7 information about the dispensing of medical marijuana  
8 under this chapter.

9 (ii) A publicly accessible Internet website with  
10 similar information.

11 (11) Collaborate as necessary with other Commonwealth  
12 agencies or contract with third parties as necessary to carry  
13 out the provisions of this chapter.

14 (12) Determine the minimum number and type of medical  
15 marijuana products to be produced by a grower/processor and  
16 dispensed by a dispensary.

17 (13) Develop recordkeeping requirements for all books,  
18 papers, any electronic database or tracking system data and  
19 other information of a medical marijuana organization.  
20 Information shall be retained for a minimum period of four  
21 years unless otherwise provided by the department.

22 (14) Restrict the advertising and marketing of medical  
23 marijuana, which shall be consistent with the Federal  
24 regulations governing prescription drug advertising and  
25 marketing.

26 (b) Regulations.--The department shall promulgate all  
27 regulations necessary to carry out the provisions of this  
28 chapter.

29 § 9312. Confidentiality and public disclosure.

30 (a) Patient information.--The department shall maintain a

1 confidential list of patients and caregivers to whom it has  
2 issued identification cards. All information obtained by the  
3 department relating to patients, caregivers and other applicants  
4 shall be confidential and not subject to public disclosure,  
5 including disclosure under the act of February 14, 2008 (P.L.6,  
6 No.3), known as the Right-to-Know Law, including:

7 (1) Individual identifying information about patients  
8 and caregivers.

9 (2) Certifications issued by practitioners.

10 (3) Information on identification cards.

11 (4) Information provided by the Pennsylvania State  
12 Police under section 9332(b) (relating to caregivers).

13 (5) Information relating to the patient's serious  
14 medical condition.

15 (b) Public information.--The following records are public  
16 records and shall be subject to the Right-to-Know Law:

17 (1) Applications for permits submitted by medical  
18 marijuana organizations.

19 (2) The names, business addresses and medical  
20 credentials of practitioners authorized to provide  
21 certifications to patients to enable them to obtain and use  
22 medical marijuana in this Commonwealth. All other  
23 practitioner registration information shall be confidential  
24 and exempt from public disclosure under the Right-to-Know  
25 Law.

26 (3) Information relating to penalties or other  
27 disciplinary actions taken against a medical marijuana  
28 organization or practitioner by the department for violation  
29 of this chapter.

30 § 9313. Lawful use of medical marijuana.

1 (a) General rule.--Notwithstanding any provision of law to  
2 the contrary, use or possession of medical marijuana as set  
3 forth in this chapter is lawful within this Commonwealth.

4 (b) Requirements.--The lawful use of medical marijuana is  
5 subject to the following:

6 (1) Medical marijuana may only be dispensed to:

7 (i) a patient who receives a certification from a  
8 practitioner and is in possession of a valid  
9 identification card issued by the department; and

10 (ii) a caregiver who is in possession of a valid  
11 identification card issued by the department.

12 (2) Subject to regulations promulgated under this  
13 chapter, medical marijuana may only be dispensed to a patient  
14 or caregiver in the following forms approved by the board:

15 (i) Cannabis-infused nonedible products.

16 (ii) Cannabis-infused edible products.

17 (iii) Forms medically appropriate for administration  
18 by vaporization or nebulization, including dry leaf and  
19 plant material.

20 (3) (Reserved).

21 (4) A patient may designate up to two caregivers at any  
22 one time.

23 (5) Medical marijuana that has not been used by the  
24 patient shall be kept in the original package in which it was  
25 dispensed.

26 (6) A patient or caregiver shall possess an  
27 identification card whenever the patient or caregiver is in  
28 possession of medical marijuana.

29 (7) Products packaged by a grower/processor or sold by a  
30 dispensary shall only be identified by the name of the

1 grower/processor, the name of the dispensary, the form and  
2 species of medical marijuana, the percentage of  
3 tetrahydrocannabinol and cannabinal contained in the product  
4 and any other labeling required by the department.

5 (c) Limitations on cultivating cannabis.--Cultivating  
6 cannabis for personal use by a patient shall be subject to the  
7 following limitations:

8 (1) A resident of this Commonwealth 21 years of age or  
9 older who is a patient may cultivate cannabis plants, with a  
10 limit of five plants that are more than five inches tall,  
11 without an adult use cultivation center or micro cultivation  
12 center license. The plant limitation specified under this  
13 paragraph shall be cumulative for households in which more  
14 than one patient resides. As used in this paragraph, the term  
15 "resident" means an individual who has been domiciled in this  
16 Commonwealth for a period of 30 days prior to cultivation.

17 (2) Cannabis cultivation by a patient shall take place  
18 in an enclosed, locked space.

19 (3) A patient 21 years of age or older shall purchase  
20 cannabis seeds from a dispensary for the purpose of home  
21 cultivation. Seeds may not be given or resold to any other  
22 individual regardless of age.

23 (4) Cannabis plants shall not be stored or placed in a  
24 location where they are subject to ordinary public view. A  
25 patient who cultivates cannabis shall take reasonable  
26 precautions to ensure that the plants are secure from  
27 unauthorized access, including unauthorized access by an  
28 individual who is under 21 years of age.

29 (5) Cannabis cultivation for personal use by a patient  
30 may occur only on residential property lawfully in possession

1 of the patient cultivating cannabis for personal use or with  
2 the consent of the person in lawful possession of the  
3 property. An owner or lessor of residential property may  
4 prohibit the cultivation of cannabis by a lessee.

5 (6) Cannabis plants may only be tended by a patient who  
6 resides at the residence or an individual authorized by a  
7 patient attending to the residence for brief periods.

8 (7) A patient who cultivates more than the allowable  
9 number of cannabis plants, or who sells or gives away  
10 cannabis plants, cannabis or cannabis-infused edible or  
11 nonedible products, shall be liable for penalties as provided  
12 by State law in addition to loss of home cultivation  
13 privileges as established by regulation by the board.

14 (8) Cannabis cultivated by a patient and cannabis  
15 produced by cannabis plants grown, if the amount of cannabis  
16 produced is in excess of 30 grams of raw cannabis, shall  
17 remain secured within the residence or residential property  
18 in which the cannabis is grown.

19 § 9314. (Reserved).

20 SUBCHAPTER C

21 PRACTITIONERS

22 Sec.

23 9321. Practitioner registration.

24 9322. Practitioner restrictions.

25 9323. Issuance of certification.

26 9324. Certification form.

27 9325. Duration.

28 § 9321. Practitioner registration.

29 (a) Eligibility.--A physician included in the registry is  
30 authorized to issue certifications to patients to use medical

1 marijuana. To be eligible for inclusion in the registry:

2 (1) A physician must apply for registration in the form  
3 and manner required by the department.

4 (2) The department must determine that the physician is,  
5 by training or experience, qualified to treat a serious  
6 medical condition. The physician shall provide documentation  
7 of credentials, training or experience as required by the  
8 department.

9 (3) The physician must have successfully completed the  
10 course under section 9311(a)(6) (relating to program  
11 established).

12 (b) Department action.--

13 (1) The department shall review an application submitted  
14 by a physician to determine whether to include the physician  
15 in the registry. The review shall include information  
16 maintained by the Department of State regarding whether the  
17 physician has a valid, unexpired, unrevoked, unsuspended  
18 Pennsylvania license to practice medicine and whether the  
19 physician has been subject to discipline.

20 (2) The inclusion of a physician in the registry shall  
21 be subject to annual review to determine if the physician's  
22 license is no longer valid, has expired or been revoked or  
23 the physician has been subject to discipline. If the license  
24 is no longer valid, the department shall remove the physician  
25 from the registry until the physician holds a valid,  
26 unexpired, unrevoked, unsuspended Pennsylvania license to  
27 practice medicine.

28 (3) The Department of State shall report to the  
29 department the expiration, suspension or revocation of a  
30 physician's license and any disciplinary actions in a timely

1 fashion.

2 (c) Practitioner requirements.--A practitioner included in  
3 the registry shall have an ongoing responsibility to immediately  
4 notify the department in writing if the practitioner knows or  
5 has reason to know that any of the following is true with  
6 respect to a patient for whom the practitioner has issued a  
7 certification:

8 (1) The patient no longer has the serious medical  
9 condition for which the certification was issued.

10 (2) Medical marijuana would no longer be therapeutic or  
11 palliative.

12 (3) The patient has died.

13 § 9322. Practitioner restrictions.

14 (a) Practices prohibited.--The following apply with respect  
15 to practitioners:

16 (1) A practitioner may not accept, solicit or offer any  
17 form of remuneration from or to a prospective patient,  
18 patient, prospective caregiver, caregiver or medical  
19 marijuana organization, including an employee, financial  
20 backer or principal, to certify a patient, other than  
21 accepting a fee for service with respect to the examination  
22 of the prospective patient to determine if the prospective  
23 patient should be issued a certification to use medical  
24 marijuana.

25 (2) A practitioner may not hold a direct or economic  
26 interest in a medical marijuana organization.

27 (3) A practitioner may not advertise the practitioner's  
28 services as a practitioner who can certify a patient to  
29 receive medical marijuana.

30 (b) Unprofessional conduct.--A practitioner who violates

1 subsection (a) shall not be permitted to issue certifications to  
2 patients. The practitioner shall be removed from the registry.

3 (c) Discipline.--In addition to any other penalty that may  
4 be imposed under this chapter, a violation of subsection (a) or  
5 section 9323(f) (relating to issuance of certification) shall be  
6 deemed unprofessional conduct under section 41(8) of the act of  
7 December 20, 1985 (P.L.457, No.112), known as the Medical  
8 Practice Act of 1985, or section 15(a)(8) of the act of October  
9 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical  
10 Practice Act, and shall subject the practitioner to discipline  
11 by the State Board of Medicine or the State Board of Osteopathic  
12 Medicine, as appropriate.

13 § 9323. Issuance of certification.

14 (a) Conditions for issuance.--A certification to use medical  
15 marijuana may be issued by a practitioner to a patient if all of  
16 the following requirements are met:

17 (1) The practitioner has been approved by the department  
18 for inclusion in the registry and has a valid, unexpired,  
19 unrevoked, unsuspended Pennsylvania license to practice  
20 medicine at the time of the issuance of the certification.

21 (2) The practitioner has determined that the patient has  
22 a serious medical condition and has included the condition in  
23 the patient's health care record.

24 (3) The patient is under the practitioner's continuing  
25 care for the serious medical condition.

26 (4) In the practitioner's professional opinion and  
27 review of past treatments, the practitioner determines the  
28 patient is likely to receive therapeutic or palliative  
29 benefit from the use of medical marijuana.

30 (b) Contents.--The certification shall include:

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

2           (2) The specific serious medical condition of the  
3 patient.

4           (3) A statement by the practitioner that the patient has  
5 a serious medical condition and the patient is under the  
6 practitioner's continuing care for the serious medical  
7 condition.

8           (4) The date of issuance.

9           (5) The name, address, telephone number and signature of  
10 the practitioner.

11           (6) Any requirement or limitation concerning the  
12 appropriate form of medical marijuana and limitation on the  
13 duration of use, if applicable, including whether the patient  
14 is terminally ill.

15           (c) Consultation.--A practitioner shall review the  
16 prescription drug monitoring program prior to:

17           (1) Issuing a certification to determine the controlled  
18 substance history of a patient.

19           (2) Recommending a change of amount or form of medical  
20 marijuana.

21           (d) Other access by practitioner.--A practitioner may access  
22 the prescription drug monitoring program to do any of the  
23 following:

24           (1) Determine whether a patient may be under treatment  
25 with a controlled substance by another physician or other  
26 person.

27           (2) Allow the practitioner to review the patient's  
28 controlled substance history as deemed necessary by the  
29 practitioner.

30           (3) Provide to the patient, or caregiver on behalf of

1 the patient if authorized by the patient, a copy of the  
2 patient's controlled substance history.

3 (e) Duties of practitioner.--The practitioner shall:

4 (1) Provide the certification to the patient.

5 (2) Provide a copy of the certification to the  
6 department, which shall place the information in the patient  
7 directory within the department's electronic database. The  
8 department shall permit electronic submission of the  
9 certification.

10 (3) File a copy of the certification in the patient's  
11 health care record.

12 (f) Prohibition.--A practitioner may not issue a  
13 certification for the practitioner's own use or for the use of a  
14 family or household member.

15 § 9324. Certification form.

16 The department shall develop a standard certification form,  
17 which shall be available to practitioners upon request. The form  
18 shall be available electronically. The form shall include a  
19 statement that a false statement made by a practitioner is  
20 punishable under the applicable provisions of 18 Pa.C.S. Ch. 49  
21 (relating to falsification and intimidation).

22 § 9325. Duration.

23 Receipt of medical marijuana by a patient or caregiver from a  
24 dispensary may not exceed a 90-day supply of individual doses.  
25 During the last seven days of any 30-day period during the term  
26 of the identification card, a patient may obtain and possess a  
27 90-day supply for the subsequent 30-day period. Additional 90-  
28 day supplies may be provided in accordance with this section for  
29 the duration of the authorized period of the identification card  
30 unless a shorter period is indicated on the certification.



1 practitioner and the patient.

2 (c) Application.--A patient or a caregiver may apply, in a  
3 form and manner prescribed by the department, for issuance or  
4 renewal of an identification card. A caregiver must submit a  
5 separate application for issuance or renewal. Each application  
6 must include:

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

8 (2) The name, address and date of birth of a caregiver.

9 (3) The certification issued by the practitioner.

10 (4) The name, address and telephone number of the  
11 practitioner and documentation from the practitioner that all  
12 of the requirements of section 9323(a) (relating to issuance  
13 of certification) have been met.

14 (5) A \$50 processing fee. The department may waive or  
15 reduce the fee if the applicant demonstrates financial  
16 hardship.

17 (6) The signature of the applicant and date signed.

18 (7) Other information required by the department.

19 (d) Forms.--Application and renewal forms shall be available  
20 on the department's publicly accessible Internet website.

21 (e) Expiration.--An identification card of a patient or  
22 caregiver shall expire within one year from the date of  
23 issuance, upon the death of the patient or as otherwise provided  
24 in this section.

25 (f) Separate cards to be issued.--The department shall issue  
26 separate identification cards for patients and caregivers as  
27 soon as reasonably practicable after receiving completed  
28 applications, unless it determines that an application is  
29 incomplete or factually inaccurate, in which case it shall  
30 promptly notify the applicant.

1 (g) (Reserved).

2 (h) Change in name or address.--A patient or caregiver who  
3 has been issued an identification card shall notify the  
4 department within 10 days of any change of name or address. In  
5 addition, the patient shall notify the department within 10 days  
6 if the patient no longer has the serious medical condition noted  
7 on the certification.

8 (i) Lost or defaced card.--In the event of a lost, stolen,  
9 destroyed or illegible identification card, the patient or  
10 caregiver shall apply to the department within 10 business days  
11 of discovery of the loss or defacement of the card for a  
12 replacement card. The application for a replacement card shall  
13 be on a form furnished by the department and accompanied by a  
14 \$25 fee. The department may establish higher fees for issuance  
15 of second and subsequent replacement identification cards. The  
16 department may waive or reduce the fee in cases of demonstrated  
17 financial hardship. The department shall issue a replacement  
18 identification card as soon as practicable. A patient or  
19 caregiver may not obtain medical marijuana until the department  
20 issues the replacement card.

21 § 9332. Caregivers.

22 (a) Requirements.--

23 (1) If the patient designates a caregiver, the  
24 application shall include the name, address and date of birth  
25 of the caregiver, other individual identifying information  
26 required by the department and the following:

27 (i) Federal and Commonwealth criminal history record  
28 information as set forth in subsection (b).

29 (ii) If the caregiver has an identification card for  
30 the caregiver or another patient, the expiration date of

1 the identification card.

2 (iii) Other information required by the department.

3 (2) The application shall be accompanied by a fee of  
4 \$50. The department may waive or reduce the fee in cases of  
5 demonstrated financial hardship.

6 (3) The department may require additional information  
7 for the application.

8 (4) The application shall be signed and dated by the  
9 applicant.

10 (b) Criminal history.--A caregiver who has not been  
11 previously approved by the department under this section shall  
12 submit fingerprints for the purpose of obtaining criminal  
13 history record checks, and the Pennsylvania State Police or its  
14 authorized agent shall submit the fingerprints to the Federal  
15 Bureau of Investigation for the purpose of verifying the  
16 identity of the applicant and obtaining a current record of any  
17 criminal arrests and convictions. Any criminal history record  
18 information relating to a caregiver obtained under this section  
19 by the department may be interpreted and used by the department  
20 only to determine the applicant's character, fitness and  
21 suitability to serve as a caregiver under this chapter. The  
22 criminal history record information provided under this  
23 subsection may not be subject to the limitations under 18  
24 Pa.C.S. § 9121(b)(2) (relating to general regulations). The  
25 department shall also review the prescription drug monitoring  
26 program relating to the caregiver. The department shall deny the  
27 application of a caregiver who has been convicted of a criminal  
28 offense that occurred within the past five years relating to the  
29 sale or possession of drugs, narcotics or controlled substances.  
30 The department may deny an application if the applicant has a

1 history of drug abuse or of diverting controlled substances or  
2 illegal drugs.

3 § 9333. Notice.

4 An application for an identification card shall include  
5 notice that a false statement made in the application is  
6 punishable under the applicable provisions of 18 Pa.C.S. Ch. 49  
7 (relating to falsification and intimidation).

8 § 9334. Verification.

9 The department shall verify the information in a patient or  
10 caregiver's application and on any renewal form.

11 § 9335. Special conditions.

12 The following apply:

13 (1) If the practitioner states in the certification  
14 that, in the practitioner's professional opinion, the patient  
15 would benefit from medical marijuana only until a specified  
16 earlier date, then the identification card shall expire on  
17 that date.

18 (2) If the certification so provides, the identification  
19 card shall state any requirement or limitation by the  
20 practitioner as to the form of medical marijuana for the  
21 patient.

22 § 9336. (Reserved).

23 § 9337. Minors.

24 If a patient is under 18 years of age, the following shall  
25 apply:

26 (1) The patient shall have a caregiver.

27 (2) A caregiver must be one of the following:

28 (i) A parent or legal guardian of the patient.

29 (ii) An individual designated by a parent or legal  
30 guardian.

1           (iii) An appropriate individual approved by the  
2           department upon a sufficient showing that no parent or  
3           legal guardian is appropriate or available.

4 § 9338. Caregiver authorization and limitations.

5       (a) Age.--An individual who is under 21 years of age may not  
6 be a caregiver unless a sufficient showing, as determined by the  
7 department, is made to the department that the individual should  
8 be permitted to serve as a caregiver.

9       (b) Changing caregiver.--If a patient wishes to change or  
10 terminate the designation of the patient's caregiver, for  
11 whatever reason, the patient shall notify the department as soon  
12 as practicable. The department shall issue a notification to the  
13 caregiver that the caregiver's identification card is invalid  
14 and must be promptly returned to the department.

15       (c) Denial in part.--If an application of a patient  
16 designates an individual as a caregiver who is not authorized to  
17 be a caregiver, that portion of the application shall be denied  
18 by the department. The department shall review the balance of  
19 the application and may approve that portion of it.

20 § 9339. Contents of identification card.

21 An identification card shall contain the following:

22       (1) The name of the caregiver or the patient, as  
23 appropriate. The identification card shall also state whether  
24 the individual is designated as a patient or as a caregiver.

25       (2) The date of issuance and expiration date.

26       (3) An identification number for the patient or  
27 caregiver, as appropriate.

28       (4) A photograph of the individual to whom the  
29 identification card is being issued, whether the individual  
30 is a patient or a caregiver. The method of obtaining the

1 photograph shall be specified by the department by  
2 regulation. The department shall provide reasonable  
3 accommodation for a patient who is confined to the patient's  
4 home or is in inpatient care.

5 (5) Any requirement or limitation set by the  
6 practitioner as to the form of medical marijuana.

7 (6) Any other requirements determined by the department,  
8 except the department may not require that an identification  
9 card disclose the patient's serious medical condition.

10 § 9339.1. Suspension.

11 If a patient or caregiver intentionally, knowingly or  
12 recklessly violates any provision of this chapter as determined  
13 by the department, the identification card of the patient or  
14 caregiver may be suspended or revoked. The suspension or  
15 revocation shall be in addition to any criminal or other penalty  
16 that may apply.

17 § 9339.2. Prohibitions.

18 The following prohibitions shall apply:

19 (1) A patient may not operate or be in physical control  
20 of any of the following while under the influence with a  
21 blood content of more than 10 nanograms of active  
22 tetrahydrocannabis per milliliter of blood in serum:

23 (i) Chemicals which require a permit issued by the  
24 Federal Government or a state government or an agency of  
25 the Federal Government or a state government.

26 (ii) High-voltage electricity or any other public  
27 utility.

28 (2) A patient may not perform any employment duties at  
29 heights or in confined spaces, including, but not limited to,  
30 mining, while under the influence of medical marijuana.



1 9349.6. Diversity goals.

2 9349.7. Limitations on permits.

3 § 9341. Medical marijuana organizations.

4 The following entities shall be authorized to receive a  
5 permit to operate as a medical marijuana organization to grow,  
6 process or dispense medical marijuana:

7 (1) Grower/processors.

8 (2) Dispensaries.

9 § 9342. Permits.

10 (a) Application.--An application for a grower/processor or  
11 dispensary permit to grow, process or dispense medical marijuana  
12 shall be in a form and manner prescribed by the department and  
13 shall include:

14 (1) Verification of all principals, operators, financial  
15 backers or employees of a medical marijuana grower/processor  
16 or dispensary.

17 (2) A description of responsibilities as a principal,  
18 operator, financial backer or employee.

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

21 (4) A criminal history record check. Medical marijuana  
22 organizations applying for a permit shall submit fingerprints  
23 of principals, financial backers, operators and employees to  
24 the Pennsylvania State Police for the purpose of obtaining  
25 criminal history record checks and the Pennsylvania State  
26 Police or its authorized agent shall submit the fingerprints  
27 to the Federal Bureau of Investigation for the purpose of  
28 verifying the identity of the principals, financial backers,  
29 operators and employees and obtaining a current record of any  
30 criminal arrests and convictions. Any criminal history record

1 information relating to principals, financial backers,  
2 operators and employees obtained under this section by the  
3 department may be interpreted and used by the department only  
4 to determine the principal's, financial backer's, operator's  
5 and employee's character, fitness and suitability to serve as  
6 a principal, financial backer, operator and employee under  
7 this chapter. The criminal history record information  
8 provided under this subsection may not be subject to the  
9 limitations under 18 Pa.C.S. § 9121(b)(2) (relating to  
10 general regulations). After submission of required  
11 documentation to the department, medical marijuana  
12 organizations may allow employees to work in a supervised  
13 capacity until the department formally approves the  
14 employee's affiliation with the medical marijuana  
15 organization. Any employee who the department determines to  
16 be unable to meet the affiliation requirements under section  
17 9349.5 (relating to convictions prohibited) shall be  
18 terminated by the medical marijuana organization immediately.  
19 This paragraph shall not apply to an owner of securities in a  
20 publicly traded corporation or an owner of 5% or less in a  
21 privately held business entity if the department determines  
22 that the owner of the securities is not substantially  
23 involved in the activities of the medical marijuana  
24 organization.

25 (5) Details relating to a similar license, permit or  
26 other authorization obtained in another jurisdiction,  
27 including any suspensions, revocations or discipline in that  
28 jurisdiction.

29 (6) A description of the business activities in which it  
30 intends to engage as a medical marijuana organization.

1           (7) A statement that the applicant:

2           (i) (Reserved).

3           (ii) Possesses the ability to obtain in an  
4 expeditious manner the right to use sufficient land,  
5 buildings and other premises and equipment to properly  
6 carry on the activity described in the application and  
7 any proposed location for a facility.

8           (iii) Is able to maintain effective security and  
9 control to prevent diversion, abuse and other illegal  
10 conduct relating to medical marijuana.

11           (iv) Is able to comply with all applicable  
12 Commonwealth laws and regulations relating to the  
13 activities in which it intends to engage under this  
14 chapter.

15           (8) The name, residential address and title of each  
16 financial backer and principal of the applicant. Each  
17 individual, or lawful representative of a legal entity, shall  
18 submit an affidavit with the application setting forth:

19           (i) Any position of management or ownership during  
20 the preceding 10 years of a controlling interest in any  
21 other business, located inside or outside this  
22 Commonwealth, manufacturing or distributing controlled  
23 substances.

24           (ii) Whether the person or business has been  
25 convicted of a criminal offense graded higher than a  
26 summary offense or has had a permit relating to medical  
27 marijuana suspended or revoked in any administrative or  
28 judicial proceeding.

29           (9) Any other information the department may require.

30           (b) Notice.--An application shall include notice that a

1 false statement made in the application is punishable under the  
2 applicable provisions of 18 Pa.C.S. Ch. 49 (relating to  
3 falsification and intimidation).

4 § 9343. Granting of permit.

5 (a) General rule.--The department may grant or deny a permit  
6 to a grower/processor or dispensary.

7 (b) Determination.--In making a decision under subsection  
8 (a), the department shall determine that:

9 (1) The applicant will maintain effective control of and  
10 prevent diversion of medical marijuana.

11 (2) The applicant will comply with all applicable laws  
12 of this Commonwealth.

13 (3) The applicant is ready, willing and able to properly  
14 carry on the activity for which a permit is sought.

15 (4) The applicant possesses the ability to obtain in an  
16 expeditious manner sufficient land, buildings and equipment  
17 to properly grow, process or dispense medical marijuana.

18 (5) It is in the public interest to grant the permit.

19 (6) The applicant, including the financial backer or  
20 principal, is of good moral character and has the financial  
21 fitness necessary to operate.

22 (7) The applicant is able to implement and maintain  
23 security, tracking, recordkeeping and surveillance systems  
24 relating to the acquisition, possession, growth, manufacture,  
25 sale, delivery, transportation, distribution or the  
26 dispensing of medical marijuana as required by the  
27 department.

28 (8) The applicant satisfies any other conditions as  
29 determined by the department.

30 (c) Nontransferability.--A permit issued under this

1 subchapter shall be nontransferable.

2 (d) Privilege.--The issuance or renewal of a permit shall be  
3 a revocable privilege.

4 (e) Regions.--The department shall establish a minimum of  
5 three regions within this Commonwealth for the purpose of  
6 granting permits to grower/processors and dispensaries and  
7 enforcing this chapter. The department shall approve permits for  
8 grower/processors and dispensaries in a manner which will  
9 provide an adequate amount of medical marijuana to patients and  
10 caregivers in all areas of this Commonwealth. The department  
11 shall consider the following when issuing a permit:

12 (1) Regional population.

13 (2) The number of patients suffering from serious  
14 medical conditions.

15 (3) The types of serious medical conditions.

16 (4) Access to public transportation.

17 (5) Any other factor the department deems relevant.

18 § 9344. Notice.

19 When the boundaries under section 9343(e) (relating to  
20 granting of permit) are established, the department shall  
21 transmit notice of the determination to the Legislative  
22 Reference Bureau for publication in the next available issue of  
23 the Pennsylvania Bulletin. The department may adjust the  
24 boundaries as necessary every two years. Notice of any  
25 adjustment to the boundaries shall be transmitted to the  
26 Legislative Reference Bureau for publication in the next  
27 available issue of the Pennsylvania Bulletin.

28 § 9345. (Reserved).

29 § 9346. Application and issuance.

30 (a) Duty to report.--An applicant to be a grower/processor

1 or to operate a dispensary is under a continuing duty to:

2 (1) Report to the department any change in facts or  
3 circumstances reflected in the application or any newly  
4 discovered or occurring fact or circumstance which is  
5 required to be included in the application, including a  
6 change in control of the medical marijuana organization.

7 (2) Report to law enforcement, within 24 hours, any loss  
8 or theft of medical marijuana.

9 (3) Submit to announced or unannounced inspections by  
10 the department of the facilities for growing, processing,  
11 dispensing or selling medical marijuana, including all  
12 records of the organization.

13 (b) Additional information.--If the department is not  
14 satisfied that the applicant should be issued a permit, the  
15 department shall notify the applicant in writing of the factors  
16 for which further documentation is required. Within 30 days of  
17 the receipt of the notification, the applicant may submit  
18 additional material to the department.

19 § 9347. Fees and other requirements.

20 The following apply:

21 (1) For a grower/processor:

22 (i) An initial application fee in the amount of  
23 \$10,000 shall be paid. The fee is nonrefundable.

24 (ii) A fee for a permit as a grower/processor in the  
25 amount of \$200,000 shall be paid. The permit shall be  
26 valid for one year. Applicants shall submit the permit  
27 fee at the time of submission of the application. The fee  
28 shall be returned if the permit is not granted.

29 (iii) A renewal fee for the permit as a  
30 grower/processor in the amount of \$10,000 shall be paid

1 and shall cover renewal for all locations. The renewal  
2 fee shall be returned if the renewal is not granted.

3 (iv) An application to renew a permit must be filed  
4 with the department not more than six months nor less  
5 than four months prior to expiration.

6 (v) All fees shall be paid by certified check or  
7 money order.

8 (vi) Before issuing an initial permit under this  
9 paragraph, the department shall verify that the applicant  
10 has at least \$2,000,000 in capital, \$500,000 of which  
11 must be on deposit with a financial institution.

12 (2) For a dispensary:

13 (i) An initial application fee in the amount of  
14 \$5,000 shall be paid. The fee is nonrefundable.

15 (ii) A permit fee for a dispensary shall be \$30,000  
16 for each location. The period of the permit is one year.  
17 An applicant shall submit the permit fee at the time of  
18 submission of the application. The fee shall be returned  
19 if the application is not granted.

20 (iii) A renewal fee for the permit as a dispensary  
21 in the amount of \$5,000 shall be paid. The fee shall be  
22 returned if the renewal is not granted and shall cover  
23 renewal for all locations.

24 (iv) An application to renew a permit must be filed  
25 with the department not more than six months nor less  
26 than four months prior to expiration.

27 (v) All fees shall be paid by certified check or  
28 money order.

29 (vi) Before issuing an initial permit under this  
30 paragraph, the department shall verify that the applicant

1 has at least \$150,000 in capital, which must be on  
2 deposit with a financial institution.

3 (3) A fee of \$250 shall be required when amending the  
4 application to indicate relocation within this Commonwealth  
5 or the addition or deletion of approved activities by the  
6 medical marijuana organization.

7 (4) Fees payable under this section shall be deposited  
8 into the fund.

9 § 9348. Issuance.

10 A permit issued by the department to a medical marijuana  
11 organization shall be effective only for that organization and  
12 shall specify the following:

13 (1) The name and address of the medical marijuana  
14 organization.

15 (2) The activities of the medical marijuana organization  
16 permitted under this chapter.

17 (3) The land, buildings, facilities or location to be  
18 used by the medical marijuana organization.

19 (4) Any other information required by the department.

20 § 9349. Relocation.

21 (a) Authorization.--The department may approve an  
22 application from a medical marijuana organization to relocate  
23 within this Commonwealth or to add or delete activities or  
24 facilities.

25 (b) Designations.--Notwithstanding the provisions of  
26 subsection (a), a dispensary may interchange the designation of  
27 a primary, secondary or tertiary location at any time, including  
28 the period before a location becomes operational, by providing  
29 written notice to the department at least 14 days before the  
30 change in designation. A change in designation under this

1 subsection may not be subject to approval by the department.

2 § 9349.1. Terms of permit.

3 A permit issued by the department shall be valid for one year  
4 from the date of issuance.

5 § 9349.2. (Reserved).

6 § 9349.3. Permit renewals.

7 (a) Renewal.--An application for renewal shall include the  
8 following information:

9 (1) Any material change in the information provided by  
10 the medical marijuana organization in a prior application or  
11 renewal of a permit.

12 (2) Any charge or initiated, pending or concluded  
13 investigation, during the period of the permit, by any  
14 governmental or administrative agency with respect to:

15 (i) any incident involving the theft, loss or  
16 possible diversion of medical marijuana grown, processed  
17 or dispensed by the applicant; and

18 (ii) compliance by the applicant with the laws of  
19 this Commonwealth with respect to any substance listed in  
20 section 4 of the act of April 14, 1972 (P.L.233, No.64),  
21 known as The Controlled Substance, Drug, Device and  
22 Cosmetic Act.

23 (b) Approval.--The department shall renew a permit unless  
24 the department determines that:

25 (1) The applicant is unlikely to maintain or be able to  
26 maintain effective control against diversion of medical  
27 marijuana.

28 (2) The applicant is unlikely to comply with all laws of  
29 this Commonwealth applicable to the activities in which it  
30 may engage under the permit.

1 (c) Nonrenewal decision.--The denial or nonrenewal shall  
2 specify in detail how the applicant has not satisfied the  
3 department's requirements for renewal. Within 30 days of the  
4 department's decision, the applicant may submit additional  
5 material to the department or demand a hearing, or both. If a  
6 hearing is demanded, the department shall fix a date as soon as  
7 practicable.

8 § 9349.4. Suspension or revocation.

9 The department may suspend or revoke a medical marijuana  
10 organization permit if:

11 (1) The department has evidence that the medical  
12 marijuana organization has failed to maintain effective  
13 control against diversion of medical marijuana.

14 (2) The organization violates any provision of this  
15 chapter or a regulation of the department.

16 (3) The organization has intentionally, knowingly,  
17 recklessly or negligently failed to comply with applicable  
18 laws of this Commonwealth relating to medical marijuana.

19 § 9349.5. Convictions prohibited.

20 (a) Prohibitions.--The following individuals may not hold  
21 volunteer positions or positions with remuneration in or be  
22 affiliated with a medical marijuana organization, including a  
23 clinical registrant under Subchapter M (relating to academic  
24 clinical research centers and clinical registrants), in any way  
25 if the individual has been convicted of any felony criminal  
26 offense related to the manufacture, delivery or possession with  
27 intent to manufacture or deliver a controlled substance in  
28 violation of the act of April 14, 1972 (P.L.233, No.64), known  
29 as The Controlled Substance, Drug, Device and Cosmetic Act, or  
30 similar law in any other jurisdiction:

1           (1) Financial backers.

2           (2) Principals.

3           (3) Employees.

4           (b) Exclusion.--This section shall not apply to an  
5 individual for whom it has been 10 or more years since the entry  
6 of a final disposition of a felony conviction related to the  
7 manufacture, delivery or possession with intent to manufacture  
8 or deliver a controlled substance in violation of The Controlled  
9 Substance, Drug, Device and Cosmetic Act, or similar law in any  
10 other jurisdiction, or one year since the individual's release  
11 from imprisonment for the felony conviction, whichever is later.

12 § 9349.6. Diversity goals.

13           (a) Goals.--It is the intent and goal of the General  
14 Assembly that the department promote diversity and the  
15 participation by diverse groups in the activities authorized  
16 under this chapter. In order to further this goal, the  
17 department shall adopt and implement policies ensuring the  
18 following:

19           (1) That diverse groups are accorded equal opportunity  
20 in the permitting process.

21           (2) That permittees promote the participation of diverse  
22 groups in their operations by affording equal access to  
23 employment opportunities.

24           (b) Duties of department.--To facilitate participation by  
25 diverse groups in the activities authorized under this chapter,  
26 the department shall:

27           (1) Conduct necessary and appropriate outreach  
28 including, if necessary, consulting with other Commonwealth  
29 agencies to identify diverse groups who may qualify for  
30 participation in activities under this chapter.

1           (2) Provide sufficient and continuous notice of the  
2 participation opportunities afforded under this chapter by  
3 publishing notice on the department's publicly accessible  
4 Internet website.

5           (3) Include in the applications for permit under this  
6 chapter language to encourage applicants to utilize and give  
7 consideration to diverse groups for contracting or  
8 professional services opportunities.

9           (c) Reports.--No later than March 1, 2018, and each March 1  
10 thereafter, the department shall submit a report to the  
11 chairperson and minority chairperson of the Health and Human  
12 Services Committee of the Senate and the chairperson and  
13 minority chairperson of the Health Committee of the House of  
14 Representatives summarizing the participation and utilization of  
15 diverse groups in the activities authorized under this chapter.  
16 The report shall include:

17           (1) The participation level, by percentage, of diverse  
18 groups in the activities authorized under this chapter.

19           (2) A summary of how diverse groups are utilized by  
20 permittees, including in the provision of goods or services.

21           (3) Any other information the department deems  
22 appropriate.

23           (d) Definitions.--The following words and phrases when used  
24 in this section shall have the meanings given to them in this  
25 subsection unless the context clearly indicates otherwise:

26           "Disadvantaged business." As defined in 74 Pa.C.S. § 303(b)  
27 (relating to diverse business participation).

28           "Diverse group." A disadvantaged business, minority-owned  
29 business, women-owned business, service-disabled veteran-owned  
30 small business or veteran-owned small business that has been

1 certified by a third-party certifying organization.

2 "Minority-owned business." As defined in 74 Pa.C.S. §  
3 303(b).

4 "Service-disabled veteran-owned small business." As defined  
5 in 51 Pa.C.S. § 9601 (relating to definitions).

6 "Third-party certifying organization." As defined in 74  
7 Pa.C.S. § 303(b).

8 "Veteran-owned small business." As defined in 51 Pa.C.S. §  
9 9601.

10 "Women-owned business." As defined in 74 Pa.C.S. § 303(b).  
11 § 9349.7. Limitations on permits.

12 The following limitations apply to approval of permits for  
13 grower/processors and dispensaries:

14 (1) The department may not initially issue permits to  
15 more than 25 growers/processors.

16 (2) The department may not initially issue permits to  
17 more than 50 dispensaries. Each dispensary may provide  
18 medical marijuana at no more than three separate locations.

19 (3) The department may not issue more than five  
20 individual dispensary permits to one person.

21 (4) The department may not issue more than one  
22 individual grower/processor permit to one person.

23 (5) No more than five grower/processors may be issued  
24 permits as dispensaries. If the number of growers/processors  
25 is increased under section 9392 (relating to effectuating  
26 recommendations of advisory board), no more than 20% of the  
27 total number of growers/processors may also be issued permits  
28 as dispensaries.

29 (6) A dispensary may only obtain medical marijuana from  
30 a grower/processor holding a valid permit under this chapter.



1           (4) For a grower/processor and a dispensary, a system  
2 for recall of defective medical marijuana.

3           (5) For a grower/processor and a dispensary, a system to  
4 track the plant waste resulting from the growth of medical  
5 marijuana or other disposal, including the name and address  
6 of any disposal service.

7           (b) Additional requirements.--In addition to the information  
8 under subsection (a), each medical marijuana organization shall  
9 track the following:

10           (1) Security and surveillance.

11           (2) Recordkeeping and record retention.

12           (3) The acquisition, possession, growing and processing  
13 of medical marijuana.

14           (4) Delivery and transportation, including amounts and  
15 method of delivery.

16           (5) Dispensing, including amounts, pricing and amounts  
17 collected from patients and caregivers.

18           (c) Access.--Information maintained in electronic tracking  
19 systems under subsection (a) shall be confidential and not  
20 subject to the act of February 14, 2008 (P.L.6, No.3), known as  
21 the Right-to-Know Law.

22           (d) Application programming interface.--The department or  
23 the department's contracted seed-to-sale vendor shall allow two-  
24 way communication, automation and application-programming  
25 interface of a medical marijuana organization's enterprise  
26 resource planning, inventory, accounting and point-of-sale  
27 software with the software of the department or the department's  
28 contracted seed-to-sale vendor. The department or the  
29 department's contracted seed-to-sale vendor shall provide for  
30 the development and use of a seed-to-sale cannabis tracking

1 system, which shall include a secure application program  
2 interface capable of accessing all data required to be  
3 transmitted to the advisory board to ensure compliance with the  
4 operational reporting requirements established under this  
5 chapter and the regulations of the department.

6 (e) Reports.--Within one year of the issuance of the first  
7 permit to a grower/processor or dispensary, and every three  
8 months thereafter in a form and manner prescribed by the  
9 department, the following information shall be provided to the  
10 department, which shall compile the information and post it on  
11 the department's publicly accessible Internet website:

12 (1) The amount of medical marijuana sold by a  
13 grower/processor during each three-month period.

14 (2) The price of amounts of medical marijuana sold by  
15 grower/processors as determined by the department.

16 (3) The amount of medical marijuana purchased by each  
17 dispensary in this Commonwealth.

18 (4) The cost of amounts of medical marijuana to each  
19 dispensary in amounts as determined by the department.

20 (5) The total amount and dollar value of medical  
21 marijuana sold by each dispensary in the three-month period.

22 § 9352. Grower/processors.

23 (a) Authorization.--Subject to subsection (b), a  
24 grower/processor may do all of the following in accordance with  
25 department regulations:

26 (1) Obtain and transport seed and immature plant  
27 material from outside this Commonwealth during at least one  
28 30-day period per year as designated by the department to  
29 grow and process medical marijuana.

30 (2) Obtain seed and plant material from another

1 grower/processor within this Commonwealth to grow medical  
2 marijuana.

3 (3) Obtain and transport bulk postharvest medical  
4 marijuana plant material from another grower/processor within  
5 this Commonwealth to process medical marijuana. As used in  
6 this paragraph, the term "postharvest plant material"  
7 includes all unfinished plant and plant-derived material,  
8 whether fresh, dried, partially dried, frozen or partially  
9 frozen, oil, concentrate or similar byproducts derived or  
10 processed from medical marijuana or medical marijuana plants.

11 (4) Apply solvent-based extraction methods and processes  
12 to medical marijuana plants that have failed a test conducted  
13 by an approved laboratory at harvest, subject to the  
14 following:

15 (i) The test failure shall be limited to yeast and  
16 mold.

17 (ii) The extracted material shall be processed into  
18 a topical form.

19 (iii) The medical marijuana product must pass a  
20 final processed test under section 9354 (relating to  
21 laboratory).

22 (iv) The medical marijuana product shall be labeled  
23 as remediated.

24 (v) This paragraph shall expire upon the publication  
25 in the Pennsylvania Bulletin of a notice of the  
26 secretary's approval of the recommendations relating to a  
27 research initiative, as prescribed in section 9399.26  
28 (relating to research initiative).

29 (5) Obtain harvested hemp from a person holding a permit  
30 issued by the Department of Agriculture to grow or cultivate

1 hemp under 3 Pa.C.S. Ch. 15 (relating to controlled plants  
2 and noxious weeds) if the hemp received by a grower/processor  
3 is subject to the laboratory testing requirements of section  
4 9354.

5 (6) Add excipients or hemp or hemp-derived additives  
6 obtained or cultivated in accordance with paragraph (5).  
7 Excipients must be pharmaceutical grade, unless otherwise  
8 approved by the department. In determining whether to approve  
9 an added substance, the department shall consider the  
10 following:

11 (i) Whether the added substance is permitted by the  
12 United States Food and Drug Administration for use in  
13 food or is Generally Recognized as Safe (GRAS) under  
14 Federal guidelines.

15 (ii) Whether the added substance constitutes a known  
16 hazard such as diacetyl, CAS number 431-03-8, and  
17 pentanedione, CAS number 600-14-6.

18 (b) Limitations.--

19 (1) A grower/processor may only grow, store, harvest or  
20 process medical marijuana in an indoor, enclosed, secure  
21 facility which:

22 (i) includes electronic locking systems, electronic  
23 surveillance and other features required by the  
24 department; and

25 (ii) is located within this Commonwealth.

26 (2) For the purpose of paragraph (1), a grower/processor  
27 shall maintain continuous video surveillance. A  
28 grower/processor is required to retain the recordings onsite  
29 or offsite for a period of no less than 180 days, unless  
30 otherwise required for investigative or litigation purposes.

1 (c) Pesticides.--

2 (1) A grower/processor may use a pesticide that is  
3 registered by the Department of Agriculture under the act of  
4 March 1, 1974 (P.L.90, No.24), known as the Pennsylvania  
5 Pesticide Control Act of 1973, and designated by the  
6 Secretary of Agriculture in consultation with the secretary  
7 for use by a grower/processor.

8 (2) The Secretary of Agriculture shall transmit, by June  
9 30, 2022, an initial list of pesticides which may be used by  
10 grower/processors to the Legislative Reference Bureau for  
11 publication in the next available issue of the Pennsylvania  
12 Bulletin. The list shall be posted on the department's  
13 publicly accessible Internet website and shall be reviewed  
14 and updated by the Secretary of Agriculture, in consultation  
15 with the secretary, at least once annually and transmitted to  
16 the Legislative Reference Bureau for publication in the next  
17 available issue of the Pennsylvania Bulletin.

18 § 9353. Storage and transportation.

19 The department shall develop regulations relating to the  
20 storage and transportation of medical marijuana among  
21 grower/processors, testing laboratories and dispensaries which  
22 ensure adequate security to guard against in-transit losses. The  
23 tracking system developed by the department shall include all  
24 transportation and storage of medical marijuana. The regulations  
25 shall provide for the following:

26 (1) Requirements relating to shipping containers and  
27 packaging.

28 (2) The manner in which trucks, vans, trailers or other  
29 carriers will be secured.

30 (3) Security systems that include a numbered seal on the

1 trailer.

2 (4) Obtaining copies of drivers' licenses and  
3 registrations and other information related to security and  
4 tracking.

5 (5) Use of GPS systems.

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

8 (7) Recordkeeping for delivery and receipt of medical  
9 marijuana products.

10 (8) Requirements to utilize any electronic tracking  
11 system required by the department, which shall allow for the  
12 two-way communication, automation and application-programming  
13 interface between a medical marijuana organization's  
14 enterprise resource planning, inventory, accounting and  
15 point-of-sale software and the software of the department or  
16 the department's vendor.

17 (9) Transporting medical marijuana to a  
18 grower/processor, approved laboratory or dispensary.

19 § 9354. Laboratory.

20 (a) General testing.--A grower/processor shall contract with  
21 one or more independent laboratories to test the medical  
22 marijuana produced by the grower/processor. The department shall  
23 approve a laboratory under this subsection and require that the  
24 laboratory report testing results in a manner as the department  
25 shall determine, including requiring a test at harvest and a  
26 test at final processing. The possession by a laboratory of  
27 medical marijuana shall be a lawful use.

28 (b) Stability testing.--A laboratory shall perform stability  
29 testing to ensure the medical marijuana product's potency and  
30 purity. A grower/processor shall retain a sample from each

1 medical marijuana product derived from a harvest batch and  
2 request that a sample be identified and collected by a  
3 laboratory approved under subsection (a) from each process lot  
4 to perform stability testing under the following conditions:

5 (1) The medical marijuana product is still in inventory  
6 at a dispensary in this Commonwealth as determined by the  
7 seed-to-sale system.

8 (2) The stability testing is done at six-month intervals  
9 for the duration of the expiration date period as listed on  
10 the medical marijuana product and once within six months of  
11 the expiration date.

12 § 9355. Prices.

13 The department and the Department of Revenue shall monitor  
14 the price of medical marijuana sold by grower/processors and by  
15 dispensaries, including a per-dose price. If the department and  
16 the Department of Revenue determine that the prices are  
17 unreasonable or excessive, the department may implement a cap on  
18 the price of medical marijuana being sold for a period of six  
19 months. The cap may be amended during the six-month period. If  
20 the department and the Department of Revenue determine that the  
21 prices become unreasonable or excessive following the expiration  
22 of a six-month cap, additional caps may be imposed for periods  
23 not to exceed six months.

24 SUBCHAPTER G

25 DISPENSARIES

26 Sec.

27 9361. Dispensing to patients and caregivers.

28 9362. Facility requirements.

29 9363. Posting.

30 § 9361. Dispensing to patients and caregivers.

1 (a) General rule.--A dispensary that has been issued a  
2 permit under Subchapter E (relating to medical marijuana  
3 organizations) may lawfully dispense medical marijuana to a  
4 patient or caregiver upon presentation to the dispensary of a  
5 valid identification card for that patient or caregiver. The  
6 dispensary shall provide to the patient or caregiver a receipt,  
7 as appropriate. The receipt shall include all of the following:

8 (1) The name, address and any identification number  
9 assigned to the dispensary by the department.

10 (2) The name and address of the patient and caregiver.

11 (3) The date the medical marijuana was dispensed.

12 (4) Any requirement or limitation by the practitioner as  
13 to the form of medical marijuana for the patient.

14 (5) The form and the quantity of medical marijuana  
15 dispensed.

16 (b) Requirements.--A dispensary shall have a physician or a  
17 pharmacist available, either in person or by synchronous  
18 interaction, to verify patient certifications and to consult  
19 with patients and caregivers at all times during the hours the  
20 dispensary is open to receive patients and caregivers. If a  
21 dispensary has more than one separate location, a physician  
22 assistant or a certified registered nurse practitioner may  
23 verify patient certifications and consult with patients and  
24 caregivers, either in person or by synchronous interaction, at  
25 each of the other locations in lieu of the physician or  
26 pharmacist. A physician, a pharmacist, a physician assistant or  
27 a certified registered nurse practitioner shall, prior to  
28 assuming duties under this paragraph, successfully complete the  
29 course established in section 9311(a)(6) (relating to program  
30 established). A physician may not issue a certification to

1 authorize patients to receive medical marijuana or otherwise  
2 treat patients at the dispensary.

3 (c) Filing with department.--Prior to dispensing medical  
4 marijuana to a patient or caregiver, the dispensary shall file  
5 the receipt information with the department utilizing the  
6 electronic tracking system. When filing receipts under this  
7 subsection, the dispensary shall dispose of any electronically  
8 recorded certification information as provided by regulation.

9 (d) Limitations.--No dispensary may dispense to a patient or  
10 caregiver:

11 (1) a quantity of medical marijuana greater than that  
12 which the patient or caregiver is permitted to possess under  
13 the certification; or

14 (2) a form of medical marijuana prohibited by this  
15 chapter.

16 (e) Supply.--When dispensing medical marijuana to a patient  
17 or caregiver, the dispensary may not dispense an amount greater  
18 than a 90-day supply until the patient has exhausted all but a  
19 seven-day supply provided pursuant to a previously issued  
20 certification until additional certification is presented under  
21 section 9325 (relating to duration).

22 (f) Verification.--Prior to dispensing medical marijuana to  
23 a patient or caregiver, the dispensary shall verify the  
24 information in subsections (e) and (g) by consulting the  
25 electronic tracking system included in the department's  
26 electronic database established under section 9311(a)(4)(v) and  
27 the dispensary tracking system under section 9351(a)(2)  
28 (relating to electronic tracking).

29 (g) Form of medical marijuana.--Medical marijuana dispensed  
30 to a patient or caregiver by a dispensary shall conform to any

1 requirement or limitation set by the practitioner as to the form  
2 of medical marijuana for the patient.

3 (h) Safety insert.--When a dispensary dispenses medical  
4 marijuana to a patient or caregiver, the dispensary shall  
5 provide to that patient or caregiver, as appropriate, a safety  
6 insert. The insert shall be developed and approved by the  
7 department. The insert shall provide the following information:

8 (1) Lawful methods for administering medical marijuana  
9 in individual doses.

10 (2) Any potential dangers stemming from the use of  
11 medical marijuana.

12 (3) How to recognize what may be problematic usage of  
13 medical marijuana and how to obtain appropriate services or  
14 treatment for problematic usage.

15 (4) How to prevent or deter the misuse of medical  
16 marijuana by minors or others.

17 (5) Any other information as determined by the  
18 department.

19 (i) Sealed and labeled package.--Medical marijuana shall be  
20 dispensed by a dispensary to a patient or caregiver in a sealed  
21 and properly labeled package. The labeling shall contain the  
22 following:

23 (1) The information required to be included in the  
24 receipt provided to the patient or caregiver, as appropriate,  
25 by the dispensary.

26 (2) The packaging date.

27 (3) Any applicable date by which the medical marijuana  
28 should be used.

29 (4) A warning stating:

30 This product is for medicinal use only. Women should

1 not consume during pregnancy or while breastfeeding  
2 except on the advice of the practitioner who issued  
3 the certification and, in the case of breastfeeding,  
4 the infant's pediatrician. This product might impair  
5 the ability to drive or operate heavy machinery. Keep  
6 out of reach of children.

7 (5) The amount of individual doses contained within the  
8 package and the species and percentage of  
9 tetrahydrocannabinol and cannabidiol.

10 (6) A warning that the medical marijuana must be kept in  
11 the original container in which it was dispensed.

12 (7) A warning that unauthorized use is unlawful and will  
13 subject the person to criminal penalties.

14 (8) Any other information required by the department.

15 § 9362. Facility requirements.

16 (a) General rule.--

17 (1) A dispensary may dispense medical marijuana in an  
18 indoor, enclosed, secure facility located within this  
19 Commonwealth or in accordance with a curbside delivery  
20 protocol as determined by the department.

21 (2) For the purposes of paragraph (1), a dispensary  
22 shall maintain continuous video surveillance. The dispensary  
23 is required to retain the recordings onsite or offsite for a  
24 period of no less than 180 days, unless otherwise required  
25 for investigative or litigation purposes.

26 (3) A dispensary may not operate on the same site as a  
27 facility used for growing and processing medical marijuana.

28 (4) A dispensary may not be located within 1,000 feet of  
29 the property line of a public, private or parochial school or  
30 a day-care center.



1 (b) Payment of tax and reports.--The tax imposed under  
2 subsection (a) shall be administered in the same manner as the  
3 tax imposed under Article XI of the act of March 4, 1971 (P.L.6,  
4 No.2), known as the Tax Reform Code of 1971, except that  
5 estimated tax payments under section 3003.2 of the Tax Reform  
6 Code of 1971 shall not be required. A grower/processor shall  
7 make quarterly payments under this section for each calendar  
8 quarter at the rate prescribed in subsection (a) on the gross  
9 receipts for the calendar quarter. The tax shall be due and  
10 payable on the 20th day of January, April, July and October for  
11 the preceding calendar quarter on a form prescribed by the  
12 Department of Revenue.

13 (c) (Reserved).

14 (d) Deposit of proceeds.--All money received from the tax  
15 imposed under subsection (a) shall be deposited into the fund.

16 (e) Exemption.--Medical marijuana shall not be subject to  
17 the tax imposed under section 202 of the Tax Reform Code of  
18 1971.

19 (f) Information.--A grower/processor that sells medical  
20 marijuana shall provide to the Department of Revenue information  
21 required by the department.

22 § 9372. Medical Marijuana Program Fund.

23 (a) Fund established.--The Medical Marijuana Program Fund is  
24 established as a special fund in the State Treasury. Money in  
25 the fund is appropriated as set forth in subsection (c). Any  
26 amount unspent at the end of a fiscal year shall be appropriated  
27 to the department for its operations.

28 (b) Source of funds.--Fees and taxes payable under this  
29 chapter shall be deposited into the fund. The money deposited  
30 into the fund may only be used for the purposes set forth in

1 this section. Any interest accrued shall be deposited into the  
2 fund.

3 (c) Use of proceeds.--After any repayment made under  
4 subsection (d), money in the fund is appropriated in accordance  
5 with the following percentages:

6 (1) To the department, 55% of the revenue in the fund.  
7 Forty percent of the revenue in the fund shall be expended  
8 for operations of the department, including outreach efforts  
9 and other projects, as required by this chapter. Fifteen  
10 percent of the amount in the fund shall be used by the  
11 department to establish the following:

12 (i) a program to assist patients with the cost of  
13 providing medical marijuana to patients who demonstrate  
14 financial hardship or need under this chapter, and the  
15 department shall develop guidelines and procedures to  
16 ensure maximum availability to individuals with financial  
17 need;

18 (ii) a program to assist patients and caregivers  
19 with the cost associated with the waiver or reduction of  
20 fees for identification cards under sections 9331(c)(5)  
21 (relating to identification cards) and 9332(a)(2)  
22 (relating to caregivers); and

23 (iii) a program to reimburse caregivers for the cost  
24 of providing background checks for caregivers.

25 (2) To the Department of Drug and Alcohol Programs, for  
26 drug abuse prevention and counseling and treatment services,  
27 10% of the revenue in the fund.

28 (3) To the department, for further research related to  
29 the use of medical marijuana, including the research program  
30 established under Subchapter L (relating to research

1 program), 30% of the revenue in the fund. Funding shall be  
2 provided for research into the treatment of those serious  
3 medical conditions for which medical marijuana is available  
4 for treatment within this Commonwealth and for research into  
5 the use of medical marijuana to treat other medical  
6 conditions for which medical marijuana may have legitimate  
7 medicinal value. Money shall be used to subsidize the cost  
8 of, or provide, medical marijuana to patients participating  
9 in the program. However, money in the fund may not be  
10 expended on activity under Subchapter M (relating to academic  
11 clinical research centers and clinical registrants).

12 (4) To the Pennsylvania Commission on Crime and  
13 Delinquency, for distribution to local police departments  
14 which demonstrate a need relating to the enforcement of this  
15 chapter, 5% of the revenue in the fund.

16 (d) Repayment of initial funding.--The department shall  
17 repay from the fees, taxes and investment earnings of the fund  
18 to the General Fund any money appropriated for the initial  
19 planning, organization and administration by the department with  
20 respect to the establishment of the program at the time of April  
21 17, 2016.

22 SUBCHAPTER I

23 ADMINISTRATION

24 Sec.

25 9381. Governing practice and procedure.

26 9382. Reports by medical marijuana organizations.

27 9383. Law enforcement notification.

28 9384. Evaluation.

29 9385. Report.

30 9386. (Reserved).

1 9387. Temporary regulations.

2 § 9381. Governing practice and procedure.

3 The provisions of 2 Pa.C.S. (relating to administrative law  
4 and procedure) shall apply to all actions of the department  
5 under this chapter constituting an adjudication as defined in 2  
6 Pa.C.S. § 101 (relating to definitions).

7 § 9382. Reports by medical marijuana organizations.

8 A medical marijuana organization shall periodically file  
9 reports related to its activities. The department shall  
10 determine the information required in and the frequency of  
11 filing the reports.

12 § 9383. Law enforcement notification.

13 Notwithstanding any provision of this chapter or any other  
14 law to the contrary, the department may notify any appropriate  
15 law enforcement agency of information relating to any violation  
16 or suspected violation of this chapter. In addition, the  
17 department shall verify to law enforcement personnel in an  
18 appropriate case whether a certification, permit, registration  
19 or an identification card is valid, including release of the  
20 name of the patient.

21 § 9384. Evaluation.

22 The department may provide for an analysis and evaluation of  
23 the implementation and effectiveness of this chapter, including  
24 whether the intent and stated policy of the General Assembly  
25 have been achieved. The department may enter into agreements  
26 with one or more persons for the performance of an evaluation of  
27 the implementation and effectiveness of this chapter.

28 § 9385. Report.

29 (a) Report required.--The department shall submit a written  
30 report under subsection (b) every two years beginning April 17,

1 2018, to the following:

2 (1) The Governor.

3 (2) The President pro tempore of the Senate.

4 (3) The Majority Leader and the Minority Leader of the  
5 Senate.

6 (4) The Speaker of the House of Representatives.

7 (5) The Majority Leader and the Minority Leader of the  
8 House of Representatives.

9 (6) The chairperson and minority chairperson of the  
10 Judiciary Committee of the Senate.

11 (7) The chairman and minority chairman of the Health and  
12 Human Services Committee of the Senate.

13 (8) The chairman and minority chairman of the Judiciary  
14 Committee of the House of Representatives.

15 (9) The chairman and minority chairman of the Health  
16 Committee of the House of Representatives.

17 (10) The Attorney General of the Commonwealth.

18 (b) Contents of report.--The following information shall be  
19 included in the report:

20 (1) An assessment of the use of medical marijuana as a  
21 result of the enactment of this chapter.

22 (2) An assessment of the benefits and risks to patients  
23 using medical marijuana under this chapter, including adverse  
24 events.

25 (3) Recommendations for amendments to this chapter for  
26 reasons of patient safety or to aid the general welfare of  
27 the citizens of this Commonwealth.

28 § 9386. (Reserved).

29 § 9387. Temporary regulations.

30 (a) Promulgation.--In order to facilitate the prompt

1 implementation of this chapter, the department may promulgate  
2 temporary regulations that shall expire not later than two years  
3 following the publication of the temporary regulation. The  
4 department may promulgate temporary regulations not subject to:

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

8 (2) Sections 204(b) and 301(10) of the act of October  
9 15, 1980 (P.L.950, No.164), known as the Commonwealth  
10 Attorneys Act.

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

13 (b) Expiration.--Notwithstanding any other provision of law,  
14 the department's authority to adopt temporary regulations under  
15 subsection (a) shall expire May 31, 2022. Regulations adopted  
16 after this period shall be promulgated as provided by law.

17 (c) Publication.--The department shall transmit notice of  
18 temporary regulations to the Legislative Reference Bureau for  
19 publication in the next available issue of the Pennsylvania  
20 Bulletin no later than October 17, 2016.

21 SUBCHAPTER J

22 MEDICAL MARIJUANA ADVISORY BOARD

23 Sec.

24 9391. Advisory board.

25 9392. Effectuating recommendations of advisory board.

26 § 9391. Advisory board.

27 (a) Establishment.--The Medical Marijuana Advisory Board is  
28 established within the department. The advisory board shall  
29 consist of the following members:

30 (1) The secretary or a designee.

1           (2) The Commissioner of the Pennsylvania State Police or  
2 a designee.

3           (3) The chairman of the State Board of Pharmacy or a  
4 designee.

5           (4) The Commissioner of Professional and Occupational  
6 Affairs or a designee.

7           (5) The Physician General or a designee.

8           (6) The president of the Pennsylvania Chiefs of Police  
9 Association or a designee.

10           (7) The president of the Pennsylvania District Attorneys  
11 Association or a designee.

12           (8) One member to be appointed by each of the following,  
13 which members shall be knowledgeable and experienced in  
14 issues relating to care and treatment of individuals with a  
15 serious medical condition, geriatric or pediatric medicine or  
16 clinical research:

17           (i) The Governor.

18           (ii) The President pro tempore of the Senate.

19           (iii) The Majority Leader of the Senate.

20           (iv) The Minority Leader of the Senate.

21           (v) The Speaker of the House of Representatives.

22           (vi) The Majority Leader of the House of  
23 Representatives.

24           (vii) The Minority Leader of the House of  
25 Representatives.

26           (9) One member appointed by the Governor, who shall be a  
27 patient, a family or household member of a patient or a  
28 patient advocate.

29           (b) Terms.--Except as provided under subsection (g), the  
30 members appointed under subsection (a) (8) and (9) shall serve a

1 term of four years or until a successor has been appointed and  
2 qualified, but no longer than six months beyond the four-year  
3 period.

4 (c) Chair.--The secretary, or a designee, shall serve as  
5 chair of the advisory board.

6 (d) Voting and quorum.--The members under subsection (a)(1),  
7 (2), (3), (4), (5), (6) and (7) shall serve ex officio and shall  
8 have voting rights. A majority of the members shall constitute a  
9 quorum for the purpose of organizing the advisory board,  
10 conducting its business and fulfilling its duties. A vote of the  
11 majority of the members present shall be sufficient for all  
12 actions of the advisory board unless the bylaws require a  
13 greater number.

14 (e) Attendance.--A member of the advisory board appointed  
15 under subsection (a)(8) or (9) who fails to attend three  
16 consecutive meetings shall forfeit his seat unless the  
17 secretary, upon written request from the member, finds that the  
18 member should be excused from a meeting for good cause. A member  
19 who cannot be physically present may attend meetings via  
20 electronic means, including video conference.

21 (f) Governance.--The advisory board shall have the power to  
22 prescribe, amend and repeal bylaws, rules and regulations  
23 governing the manner in which the business of the advisory board  
24 is conducted and the manner in which the duties granted to it  
25 are fulfilled. The advisory board may delegate supervision of  
26 the administration of advisory board activities to an  
27 administrative secretary and other employees of the department  
28 as the secretary shall appoint.

29 (g) Initial terms.--The initial terms of members appointed  
30 under subsection (a)(8) and (9) shall be for terms of one, two,

1 three or four years, the particular term of each member to be  
2 designated by the secretary at the time of appointment. All  
3 other members shall serve for a term of four years.

4 (h) Vacancy.--In the event that any member appointed under  
5 subsection (a) (8) or (9) shall die or resign or otherwise become  
6 disqualified during the member's term of office, a successor  
7 shall be appointed in the same way and with the same  
8 qualifications as set forth in this section and shall hold  
9 office for the unexpired term. An appointed member of the  
10 advisory board shall be eligible for reappointment.

11 (i) Expenses.--A member appointed under subsection (a) (8) or  
12 (9) shall receive the amount of reasonable travel, hotel and  
13 other necessary expenses incurred in the performance of the  
14 duties of the member in accordance with Commonwealth  
15 regulations, but shall receive no other compensation for the  
16 member's service on the board.

17 (j) Duties.--The advisory board shall have the following  
18 duties:

19 (1) To examine and analyze the statutory and regulatory  
20 law relating to medical marijuana within this Commonwealth.

21 (2) To examine and analyze the law and events in other  
22 states and the nation with respect to medical marijuana.

23 (3) To accept and review written comments from  
24 individuals and organizations about medical marijuana.

25 (4) To issue written reports to the Governor, the Senate  
26 and the House of Representatives.

27 (5) The written reports under paragraph (4) shall  
28 include recommendations and findings as to the following:

29 (i) Whether to change the types of medical  
30 professionals who can issue certifications to patients.

1 (ii) Whether to change, add or reduce the types of  
2 medical conditions which qualify as serious medical  
3 conditions under this chapter.

4 (iii) Whether to change the form of medical  
5 marijuana permitted under this chapter.

6 (iv) (Reserved).

7 (v) How to ensure affordable patient access to  
8 medical marijuana.

9 (6) The written reports under this section shall be  
10 adopted at a public meeting. The reports shall be a public  
11 record under the act of February 14, 2008 (P.L.6, No.3),  
12 known as the Right-to-Know Law.

13 § 9392. Effectuating recommendations of advisory board.

14 After receiving a report of the advisory board under section  
15 9391(j)(4) (relating to advisory board), at the discretion of  
16 the secretary, the department may effectuate recommendations  
17 made by the advisory board by transmitting a notice to the  
18 Legislative Reference Bureau for publication in the next  
19 available issue of the Pennsylvania Bulletin. The secretary  
20 shall transmit notice to the Legislative Reference Bureau for  
21 publication in the next available issue of the Pennsylvania  
22 Bulletin within 12 months of the receipt of a report of the  
23 advisory board. The notice shall include the recommendations of  
24 the advisory board and shall state the specific reasons for the  
25 decision of the secretary on whether or not to effectuate each  
26 recommendation.

27 SUBCHAPTER K

28 OFFENSES RELATED TO MEDICAL MARIJUANA

29 Sec.

30 9393.1. Criminal diversion of medical marijuana by

1           practitioners.  
2 9393.2. Criminal diversion of medical marijuana.  
3 9393.3. Criminal retention of medical marijuana.  
4 9393.4. Criminal diversion of medical marijuana by patient or  
5           caregiver.  
6 9393.5. Falsification of identification cards.  
7 9393.6. Adulteration of medical marijuana.  
8 9393.7. Disclosure of information prohibited.  
9 9393.8. Additional penalties.  
10 9393.9. Other restrictions.

11 § 9393.1. Criminal diversion of medical marijuana by  
12           practitioners.

13       In addition to any other penalty provided by law, a  
14 practitioner commits a misdemeanor of the first degree if the  
15 practitioner intentionally, knowingly or recklessly certifies a  
16 person as being able to lawfully receive medical marijuana or  
17 otherwise provides medical marijuana to a person who is not  
18 lawfully permitted to receive medical marijuana.

19 § 9393.2. Criminal diversion of medical marijuana.

20       In addition to any other penalty provided by law, an  
21 employee, financial backer, operator or principal of any of the  
22 following commits a misdemeanor of the first degree if the  
23 person intentionally, knowingly or recklessly sells, dispenses,  
24 trades, delivers or otherwise provides medical marijuana to a  
25 person who is not lawfully permitted to receive medical  
26 marijuana:

27           (1) A medical marijuana organization.

28           (2) A health care medical marijuana organization or  
29 university participating in a research study under Subchapter  
30 L (relating to research program).

1       (3) A clinical registrant or academic clinical research  
2       center under Subchapter M (relating to academic clinical  
3       research centers and clinical registrants).

4       (4) A laboratory utilized to test medical marijuana  
5       under section 9354 (relating to laboratory).

6   § 9393.3. Criminal retention of medical marijuana.

7       In addition to any other penalty provided by law, a patient  
8       or caregiver commits a misdemeanor of the third degree if the  
9       patient or caregiver intentionally, knowingly or recklessly  
10       possesses, stores or maintains an amount of medical marijuana in  
11       excess of the amount legally permitted.

12   § 9393.4. Criminal diversion of medical marijuana by patient or  
13       caregiver.

14       (a) Offense defined.--In addition to any other penalty  
15       provided by law, a patient or caregiver commits an offense if  
16       the patient or caregiver intentionally, knowingly or recklessly  
17       provides medical marijuana to a person who is not lawfully  
18       permitted to receive medical marijuana.

19       (b) Grading.--A first offense under this section constitutes  
20       a misdemeanor of the second degree. A second or subsequent  
21       offense constitutes a misdemeanor of the first degree.

22   § 9393.5. Falsification of identification cards.

23       (a) Offense defined.--In addition to any other penalty  
24       provided by law, a person commits an offense if, knowing he is  
25       not privileged to hold an identification card, the person:

26           (1) possesses an identification card and either attempts  
27           to use the card to obtain medical marijuana or obtains  
28           medical marijuana;

29           (2) possesses an identification card which falsely  
30           identifies the person as being lawfully entitled to receive

1 medical marijuana and either attempts to use the card to  
2 obtain medical marijuana or obtains medical marijuana; or

3 (3) possesses an identification card which contains any  
4 false information on the card and the person either attempts  
5 to use the card to obtain medical marijuana or obtains  
6 medical marijuana.

7 (b) Grading.--A first offense under this section constitutes  
8 a misdemeanor of the second degree. A second or subsequent  
9 offense under this section constitutes a misdemeanor of the  
10 first degree.

11 § 9393.6. Adulteration of medical marijuana.

12 (a) General rule.--In addition to any other penalty provided  
13 by law, a person commits an offense if the person adulterates,  
14 fortifies, contaminates or changes the character or purity of  
15 medical marijuana from that set forth on the patient's or  
16 caregiver's identification card.

17 (b) Grading.--A first offense under this section constitutes  
18 a misdemeanor of the second degree. A second or subsequent  
19 offense under this section constitutes a misdemeanor of the  
20 first degree.

21 § 9393.7. Disclosure of information prohibited.

22 (a) Offense defined.--In addition to any other penalty  
23 provided by law, an employee, financial backer, operator or  
24 principal of any of the following commits a misdemeanor of the  
25 third degree if the person discloses, except to authorized  
26 persons for official governmental or health care purposes, any  
27 information related to the use of medical marijuana:

28 (1) A medical marijuana organization.

29 (2) A health care medical marijuana organization or  
30 university participating in a research study under Subchapter

1 L (relating to research program).

2 (3) A clinical registrant or academic clinical research  
3 center under Subchapter M (relating to academic clinical  
4 research centers and clinical registrants).

5 (4) An employee or contractor of the department.

6 (b) Exception.--Subsection (a) shall not apply where  
7 disclosure is permitted or required by law or by court order.  
8 The department, including an authorized employee, requesting or  
9 obtaining information under this chapter shall not be subject to  
10 any criminal liability. The immunity provided by this subsection  
11 shall not apply to any employee of the department who knowingly  
12 and willfully discloses prohibited information under this  
13 chapter.

14 § 9393.8. Additional penalties.

15 (a) Criminal penalties.--In addition to any other penalty  
16 provided by law, a practitioner, caregiver, patient, employee,  
17 financial backer, operator or principal of any medical marijuana  
18 organization, health care medical organization or university  
19 participating in a research study under Subchapter L (relating  
20 to research program), and an employee, financial backer,  
21 operator or principal of a clinical registrant or academic  
22 clinical research center under Subchapter M (relating to  
23 academic clinical research centers and clinical registrants),  
24 who violates any of the provisions of this chapter, other than  
25 those specified in section 9393.1 (relating to criminal  
26 diversion of medical marijuana by practitioners), 9393.2  
27 (relating to criminal diversion of medical marijuana), 9393.3  
28 (relating to criminal retention of medical marijuana), 9393.4  
29 (relating to criminal diversion of medical marijuana by patient  
30 or caregiver), 9393.5 (relating to falsification of

1 identification cards), 9393.6 (relating to adulteration of  
2 medical marijuana) or 9393.7 (relating to disclosure of  
3 information prohibited), or any regulation promulgated under  
4 this chapter:

5 (1) For a first offense, commits a misdemeanor of the  
6 third degree and shall, upon conviction, be sentenced to pay  
7 a fine of not more than \$5,000 or to imprisonment for not  
8 more than six months.

9 (2) For a second or subsequent offense, commits a  
10 misdemeanor of the third degree and shall, upon conviction,  
11 be sentenced to pay a fine of not more than \$10,000 or to  
12 imprisonment for not less than six months nor more than one  
13 year, or both.

14 (b) Civil penalties.--In addition to any other remedy  
15 available to the department, the department may assess a civil  
16 penalty for a violation of this chapter, a regulation  
17 promulgated under this chapter or an order issued under this  
18 chapter or regulation as provided in this subsection. The  
19 following shall apply:

20 (1) The department may assess a penalty of not more than  
21 \$10,000 for each violation and an additional penalty of not  
22 more than \$1,000 for each day of a continuing violation. In  
23 determining the amount of each penalty, the department shall  
24 take the following factors into consideration:

25 (i) The gravity of the violation.

26 (ii) The potential harm resulting from the violation  
27 to patients, caregivers or the general public.

28 (iii) The willfulness of the violation.

29 (iv) Previous violations, if any, by the person  
30 being assessed.

1           (v) The economic benefit to the person being  
2           assessed for failing to comply with the requirements of  
3           this chapter, a regulation promulgated under this chapter  
4           or an order issued under this chapter or regulation.

5           (2) If the department finds that the violation did not  
6           threaten the safety or health of a patient, caregiver or the  
7           general public and the violator took immediate action to  
8           remedy the violation upon learning of it, the department may  
9           issue a written warning in lieu of assessing a civil penalty.

10           (3) A person who aids, abets, counsels, induces,  
11           procures or causes another person to violate this chapter, a  
12           regulation promulgated under this chapter or an order issued  
13           under this chapter or regulation shall be subject to the  
14           civil penalties provided under this subsection.

15           (c) Sanctions.--

16           (1) In addition to the penalties provided in subsection  
17           (b) and any other penalty authorized by law, the department  
18           may impose the following sanctions:

19           (i) Revoke or suspend the permit of a person found  
20           to be in violation of this chapter, a regulation  
21           promulgated under this chapter or an order issued under  
22           this chapter or regulation.

23           (ii) Revoke or suspend the permit of a person for  
24           conduct or activity or the occurrence of an event that  
25           would have disqualified the person from receiving the  
26           permit.

27           (iii) Revoke or suspend the registration of a  
28           practitioner for a violation of this chapter or a  
29           regulation promulgated or an order issued under this  
30           chapter or for conduct or activity which would have

1 disqualified the practitioner from receiving a  
2 registration.

3 (iv) Suspend a permit or registration of a person  
4 pending the outcome of a hearing in a case in which the  
5 permit or registration could be revoked.

6 (v) Order restitution of funds or property  
7 unlawfully obtained or retained by a permittee or  
8 registrant.

9 (vi) Issue a cease and desist order.

10 (2) A person who aids, abets, counsels, induces,  
11 procures or causes another person to violate this chapter  
12 shall be subject to the sanctions provided under this  
13 subsection.

14 (d) Costs of action.--The department may assess against a  
15 person determined to be in violation of this chapter the costs  
16 of investigation of the violation.

17 (e) Minor violations.--Nothing in this section shall be  
18 construed to require the assessment of a civil penalty or the  
19 imposition of a sanction for a minor violation of this chapter  
20 if the department determines that the public interest will be  
21 adequately served under the circumstances by the issuance of a  
22 written warning.

23 § 9393.9. Other restrictions.

24 Nothing in this chapter may be construed to permit any person  
25 to engage in or prevent the imposition of any civil, criminal or  
26 other penalty for the following:

27 (1) Undertaking any task under the influence of medical  
28 marijuana when doing so would constitute negligence,  
29 professional malpractice or professional misconduct.

30 (2) Possessing or using medical marijuana in a State or

1 county correctional facility, including a facility owned or  
2 operated or under contract with the Department of Corrections  
3 or the county which houses inmates serving a portion of their  
4 sentences on parole or other community correction program.  
5 Nothing in this paragraph shall be construed to apply to  
6 employees of the facilities set forth in this paragraph. The  
7 Department of Corrections shall adopt a written policy no  
8 later than October 17, 2017, regarding the possession and use  
9 of medical marijuana by employees in State correctional  
10 facilities. The governing authority of a county may adopt a  
11 resolution no later than October 17, 2017, regarding the  
12 possession and use of medical marijuana by employees in a  
13 county correctional facility.

14 (3) Possessing or using medical marijuana in a youth  
15 detention center or other facility which houses children  
16 adjudicated delinquent, including the separate, secure State-  
17 owned facility or unit utilized for sexually violent  
18 delinquent children under 42 Pa.C.S. § 6404 (relating to  
19 duration of inpatient commitment and review). As used in this  
20 paragraph, the term "sexually violent delinquent children"  
21 shall have the meaning given to it in 42 Pa.C.S. § 6402  
22 (relating to definitions). Nothing in this paragraph shall be  
23 construed to apply to employees of the facilities set forth  
24 in this paragraph.

25 SUBCHAPTER L

26 RESEARCH PROGRAM

27 Sec.

28 9399.11. Definitions.

29 9399.12. Establishment of medical marijuana research program.

30 9399.13. Medical marijuana research program administration.

1 9399.14. Approval.  
2 9399.15. Requirements.  
3 9399.16. Restrictions.  
4 9399.17. Regulations.  
5 9399.18. Nonentitlement.  
6 § 9399.11. Definitions.

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

10 "Health care medical marijuana organization." A vertically  
11 integrated health system approved by the department to dispense  
12 medical marijuana or grow and process medical marijuana, or  
13 both, in accordance with a research study under this subchapter.

14 "Vertically integrated health system." A health delivery  
15 system licensed under the act of July 19, 1979 (P.L.130, No.48),  
16 known as the Health Care Facilities Act, in which the complete  
17 spectrum of care, including primary and specialty care,  
18 hospitalization and pharmaceutical care, is provided within a  
19 single organization.

20 § 9399.12. Establishment of medical marijuana research program.

21 (a) Program established.--The department shall establish and  
22 develop a research program to study the impact of medical  
23 marijuana on the treatment and symptom management of serious  
24 medical conditions. The program shall not include a clinical  
25 registrant or academic clinical research center under Subchapter  
26 M (relating to academic clinical research centers and clinical  
27 registrants).

28 (b) Department duties.--The department shall:

29 (1) Review all serious medical conditions which are  
30 cited by a practitioner upon the practitioner's certification

1 that a patient be granted an identification card.

2 (2) Create a database of all serious medical conditions,  
3 including comorbidities, which are cited by practitioners in  
4 the certifications of patients. The database shall also  
5 include the form of medical marijuana certified to treat each  
6 serious medical condition.

7 (3) When the database contains 25 or more patients with  
8 the same serious medical condition, petition the United  
9 States Food and Drug Administration and the United States  
10 Drug Enforcement Administration for approval to study the  
11 condition and the impact of medical marijuana on the  
12 condition.

13 (4) Concurrent with the request to the United States  
14 Food and Drug Administration and the United States Drug  
15 Enforcement Administration, publicly announce the formation  
16 of a research study to which a vertically integrated health  
17 system and a university within this Commonwealth may submit a  
18 request to participate.

19 (5) Upon approval of a research study by the United  
20 States Food and Drug Administration and the United States  
21 Drug Enforcement Administration, select a vertically  
22 integrated health system or systems to conduct the research  
23 study and designate the form or forms of medical marijuana  
24 which will be used to treat the serious medical condition.

25 (6) Notify a patient who has been issued an  
26 identification card:

27 (i) that the patient has been selected to  
28 participate, at the patient's option, in a research study  
29 to study medical marijuana as a treatment; and

30 (ii) where the patient may secure medical marijuana

1 through a health care medical marijuana organization at  
2 no cost to the patient in accordance with subsection (c).

3 (7) If the United States Food and Drug Administration  
4 and the United States Drug Enforcement Administration reject  
5 the proposal for the research study, take all reasonable  
6 steps to collect and collate data on the serious medical  
7 condition and the use of medical marijuana as a treatment for  
8 the serious medical condition and consider submitting an  
9 additional request to the United States Food and Drug  
10 Administration and the United States Drug Enforcement  
11 Administration for a research study on the same condition.

12 (c) Costs.--The cost of the medical marijuana which is  
13 dispensed to patients in accordance with an approved research  
14 study shall be paid for by the fund.

15 (d) Geographic accessibility.--The department shall take  
16 into consideration the geographic location of the health care  
17 medical marijuana organization when assigning a patient to a  
18 health care medical marijuana organization. The department shall  
19 make an effort to assign a patient to a health care medical  
20 marijuana organization that is located within 50 miles of the  
21 patient's residence.

22 (e) Data.--Data collected by the health care medical  
23 marijuana organization shall be provided to the university  
24 participating in the research study for analysis.

25 § 9399.13. Medical marijuana research program administration.

26 (a) General rule.--The department shall establish a research  
27 study for each serious medical condition. The department shall  
28 engage universities within this Commonwealth to participate in  
29 the collection, collation, analysis and conclusive findings of  
30 the research studies. The department shall, by regulation,

1 establish the procedure to be used by health care medical  
2 marijuana organizations with respect to:

3 (1) Real time inventory tracking.

4 (2) Real time tracking of the medical marijuana  
5 dispensed.

6 (3) Recall of defective medical marijuana.

7 (b) Request for distributions.--The department shall  
8 establish a form and procedure for universities selected to  
9 participate in a research study to request distributions from  
10 the fund to conduct research on medical marijuana, including  
11 administrative costs. These distributions shall also be used to  
12 pay for the cost of the medical marijuana so that it is not  
13 borne by the patient participating in the research study. The  
14 forms shall include, at a minimum, the following:

15 (1) The form or forms of medical marijuana to be  
16 studied.

17 (2) The serious medical condition to be studied.

18 (c) Research reports.--

19 (1) A vertically integrated health system shall report  
20 on the effectiveness of the use of medical marijuana for the  
21 treatment of the serious medical condition studied and all  
22 counterindications and noted side effects.

23 (2) The department shall notify the vertically  
24 integrated health system and the university participating in  
25 the research study of the data which is required to meet the  
26 United States Food and Drug Administration's and the United  
27 States Drug Enforcement Administration's approval for the  
28 research study.

29 (3) The first report, including the data required under  
30 paragraph (2), shall be submitted to the department and made

1 publicly available within 180 days of the initiation of a  
2 research study for a specific serious medical condition.

3 (4) An annual report of the data required under  
4 paragraph (2) shall be submitted to the department beginning  
5 one year after the initiation of a research study for a  
6 specific serious medical condition and each year thereafter.

7 § 9399.14. Approval.

8 A vertically integrated health system located in this  
9 Commonwealth may petition the department to participate in a  
10 research study to study a serious medical condition under  
11 section 9399.13 (relating to medical marijuana research program  
12 administration). Approval of the vertically integrated health  
13 system as a health care medical marijuana organization by the  
14 department shall authorize access within a region under section  
15 9343(e) (relating to granting of permit) to medical marijuana  
16 for all patients included in an approved research study.

17 § 9399.15. Requirements.

18 (a) Dispensing.--A health care medical marijuana  
19 organization that dispenses medical marijuana shall:

20 (1) Maintain licensure with the department as required  
21 under the act of July 19, 1979 (P.L.130, No.48), known as the  
22 Health Care Facilities Act.

23 (2) Secure the medical marijuana within the associated  
24 pharmacies of the health care medical marijuana organization  
25 in a manner and method prescribed by the department.

26 (3) Keep a daily log of the medical marijuana dispensed  
27 and the research study with which the patient and the medical  
28 marijuana are associated. Reports shall be delivered to the  
29 department and the university participating in the research  
30 study on a weekly basis.

1           (4) Report to the Pennsylvania Health Care Cost  
2 Containment Council the utilization rates of those patients  
3 participating in the research of medical marijuana and  
4 treatment options.

5           (5) Only dispense medical marijuana received from a  
6 grower/processor or a health care medical marijuana  
7 organization that is approved to grow and process medical  
8 marijuana.

9           (6) Provide all patients or caregivers with the safety  
10 insert, prepared by the department, which includes potential  
11 dangers, recognition and correction of problematic dosage and  
12 any other information required by the department or which the  
13 department deems relevant for patient safety.

14       (b) Growing and processing.--A health care medical marijuana  
15 organization that grows and processes medical marijuana shall:

16           (1) Maintain licensure with the department as required  
17 under the Health Care Facilities Act.

18           (2) Only make available medical marijuana to health care  
19 medical marijuana organizations that dispense medical  
20 marijuana.

21           (3) Keep a daily log of medical marijuana intended for  
22 ultimate use by patients participating in a research study.

23 § 9399.16. Restrictions.

24       A health care medical marijuana organization may not  
25 participate in a research study of any kind, including the  
26 program established under this subchapter, or dispense or grow  
27 and process medical marijuana if it has violated its licensure  
28 requirements under the act of July 19, 1979 (P.L.130, No.48),  
29 known as the Health Care Facilities Act.

30 § 9399.17. Regulations.

1 The department shall, by regulation, establish the procedure  
2 to be used by a health care medical marijuana organization that  
3 grows and processes medical marijuana with respect to:

4 (1) Real time inventory tracking, including a seed-to-  
5 dispensing tracking system that tracks medical marijuana from  
6 seed or immature plant stage until the medical marijuana is  
7 provided to a patient in a research study.

8 (2) Security, recordkeeping, record retention and  
9 surveillance systems relating to every stage of growing and  
10 processing medical marijuana.

11 (3) A daily log of each day's beginning inventory,  
12 acquisitions, disbursements, disposals and ending inventory.

13 (4) A system to recall defective medical marijuana.

14 (5) A system to track the plant waste resulting from the  
15 growth of medical marijuana.

16 (6) Testing of medical marijuana by an independent  
17 laboratory to test the medical marijuana produced by the  
18 health care medical marijuana organization, including  
19 requiring a test at harvest and a test at final processing.

20 (7) Any other procedure deemed necessary by the  
21 department.

22 § 9399.18. Nonentitlement.

23 Nothing in this subchapter shall be construed to create an  
24 entitlement or right of a patient to receive medical marijuana  
25 or to participate in a research study.

26 SUBCHAPTER M

27 ACADEMIC CLINICAL RESEARCH CENTERS

28 AND CLINICAL REGISTRANTS

29 Sec.

30 9399.21. Legislative findings and declaration of policy.

1 9399.22. Definitions.

2 9399.23. Academic clinical research centers.

3 9399.24. Clinical registrants.

4 9399.25. Research study.

5 9399.26. Research initiative.

6 9399.27. Temporary regulations.

7 § 9399.21. Legislative findings and declaration of policy.

8 (a) Legislative findings.--It is determined and declared as  
9 a matter of legislative finding:

10 (1) Patients suffering from serious medical conditions  
11 deserve the benefit of research conducted in conjunction with  
12 the Commonwealth's medical schools to determine whether  
13 medical marijuana will improve their conditions or symptoms.

14 (2) The Commonwealth has an interest in creating a  
15 mechanism whereby this Commonwealth's medical schools and  
16 hospitals can help develop research programs and studies in  
17 compliance with applicable law.

18 (b) Declaration of policy.--The General Assembly declares as  
19 follows:

20 (1) It is the intention of the General Assembly to  
21 create a mechanism whereby this Commonwealth's medical  
22 schools and hospitals may provide advice to grower/processors  
23 and dispensaries in the areas of patient health and safety,  
24 medical applications and dispensing and management of  
25 controlled substances, among other areas. It is the further  
26 intention of the General Assembly to create a mechanism  
27 whereby the Commonwealth may encourage research associated  
28 with medical marijuana.

29 (2) It is the policy of the Commonwealth to allow, in  
30 addition to the 25 grower/processors and 50 dispensaries

1 initially authorized under section 9349.7 (relating to  
2 limitations on permits), the operation of additional  
3 grower/processors and dispensaries which will be approved by  
4 the department as clinical registrants. A clinical registrant  
5 is a grower/processor and a dispensary which has a  
6 contractual relationship with a medical school that operates  
7 or partners with a hospital to provide advice about medical  
8 marijuana so that patient safety may be enhanced.

9 § 9399.22. Definitions.

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

13 "Academic clinical research center." An accredited medical  
14 school within this Commonwealth that operates or partners with  
15 an acute care hospital licensed within this Commonwealth that  
16 has been approved and certified by the department to enter into  
17 a contract with a clinical registrant.

18 "Clinical registrant." An entity that:

19 (1) is approved by the department as a clinical  
20 registrant;

21 (2) has a contractual relationship with an academic  
22 clinical research center under which the academic clinical  
23 research center or its affiliate provides advice to the  
24 entity, regarding, among other areas, patient health and  
25 safety, medical applications and dispensing and management of  
26 controlled substances; and

27 (3) is approved by the department to hold a permit as  
28 both a grower/processor and a dispensary.

29 § 9399.23. Academic clinical research centers.

30 (a) General rule.--An academic clinical research center must

1 be approved and certified by the department before the academic  
2 clinical research center may contract with a clinical  
3 registrant. An academic clinical research center shall only  
4 contract with one clinical registrant. The accredited medical  
5 school that is seeking approval and certification from the  
6 department as an academic clinical research center must provide  
7 all information required by the department, including  
8 information for the individual who will be the primary contact  
9 for the academic clinical research center during the  
10 department's review of the application. The accredited medical  
11 school must also provide all information required by the  
12 department for any licensed acute care hospital that the  
13 accredited medical school will operate or partner with during  
14 the time that it may be approved and certified as an academic  
15 clinical research center by the department.

16 (b) Posting and publication of list.--The department shall  
17 post a list containing the name and address of each certified  
18 academic clinical research center on the department's publicly  
19 accessible Internet website and transmit notice to the  
20 Legislative Reference Bureau for publication in the next  
21 available issue of the Pennsylvania Bulletin.

22 § 9399.24. Clinical registrants.

23 (a) Approval.--The department may approve up to 10 clinical  
24 registrants. Each clinical registrant may provide medical  
25 marijuana at not more than six separate locations. The total  
26 number of locations authorized to dispense medical marijuana  
27 under this section shall not exceed 60. The grower/processor and  
28 dispensary permits issued to clinical registrants approved under  
29 this section shall be in addition to the 25 grower/processor and  
30 50 dispensary permits issued by the department in accordance

1 with section 9349.7(1) and (2) (relating to limitations on  
2 permits). The limitations relating to number and location in  
3 sections 9349.7(1) and (2) and 9343(e) (relating to granting of  
4 permit) do not apply. A clinical registrant may not hold more  
5 than one grower/processor and one dispensary permit. Once the  
6 department approves an entity as a clinical registrant, the  
7 entity shall comply with this subchapter. The following shall  
8 apply:

9 (1) The department shall:

10 (i) Open applications for the approval of up to two  
11 additional academic clinical research centers and issue  
12 approvals to qualified academic clinical research centers  
13 by July 16, 2016.

14 (ii) Open applications for the approval of up to two  
15 additional clinical registrants by August 15, 2016, and  
16 issue permits to qualified clinical registrants within  
17 180 days from the date when applications are posted.

18 (2) If the statutory maximum number of approved academic  
19 clinical research centers or approved clinical registrants  
20 are not approved under paragraph (1), the department shall  
21 reopen the application process for the approval of academic  
22 clinical research centers and clinical registrants.

23 (b) Requirements.--The following shall apply to clinical  
24 registrants:

25 (1) An entity seeking approval as a clinical registrant  
26 shall submit an application to the department in such form  
27 and manner as the department prescribes. The department shall  
28 ensure that the applicant meets the requirements of this  
29 chapter before approving the application to become a clinical  
30 registrant.

1           (2) An entity may be issued a permit as a  
2 grower/processor or dispensary before seeking approval as a  
3 clinical registrant. An entity may also apply for a permit as  
4 a grower/processor or a dispensary at the same time the  
5 entity seeks approval from the department as a clinical  
6 registrant.

7           (3) An entity seeking approval as a clinical registrant  
8 that does not already hold a permit as a grower/processor or  
9 a dispensary shall submit the applications required under  
10 Subchapter E (relating to medical marijuana organizations).  
11 In reviewing an application, the department shall ensure that  
12 the entity meets all of the requirements for the issuance of  
13 a grower/processor permit or a dispensary permit, as  
14 applicable.

15           (4) When the department issues a permit as a  
16 grower/processor or a dispensary to an entity seeking  
17 approval as a clinical registrant, the issuance shall not be  
18 construed to reduce the number of permits for  
19 growers/processors and dispensaries authorized under section  
20 9349.7(1) and (2).

21           (i) The department shall not approve an applicant  
22 for a grower/processor permit if the applicant has  
23 previously had a contractual relationship with an  
24 academic clinical research center whereby the academic  
25 clinical research center or its affiliate provided advice  
26 to the applicant regarding, among other areas, patient  
27 health and safety, medical applications and dispensing  
28 and management of controlled substances and the applicant  
29 subsequently sold or assigned for profit to another  
30 entity their responsibility under the contractual

1 relationship.

2 (ii) (Reserved).

3 (5) Except as provided in section 9347(1)(vi) and (2)  
4 (relating to fees and other requirements), an entity seeking  
5 approval as a clinical registrant must pay the fees and meet  
6 all other requirements under this chapter for obtaining a  
7 permit as a grower/processor and a dispensary. Upon approval  
8 of the department, a clinical registrant shall be issued a  
9 grower/processor permit and a dispensary permit and shall be  
10 a medical marijuana organization. As a medical marijuana  
11 organization, a clinical registrant must comply with all the  
12 provisions of this chapter relating to medical marijuana  
13 organizations except as otherwise provided in this  
14 subchapter.

15 (6) The clinical registrant must have a minimum of  
16 \$15,000,000 in capital. The department shall verify the  
17 capital requirement.

18 (7) The clinical registrant shall have all of the same  
19 rights as a grower/processor permittee and must comply with  
20 all other requirements of this chapter regarding growing,  
21 processing and dispensing medical marijuana.

22 (8) A grower/processor facility owned by a clinical  
23 registrant may sell its medical marijuana products to all  
24 dispensary facilities. The facility may sell seeds, medical  
25 marijuana plants and medical marijuana products to, or  
26 exchange seeds, medical marijuana plants and medical  
27 marijuana products with, any other grower/processor facility  
28 holding a permit under Subchapter E or this subchapter.

29 (9) A clinical registrant may petition the department,  
30 on a form prescribed by the department, for approval to sell

1 certain of the medical marijuana products grown and processed  
2 by its grower/processor facility to other medical marijuana  
3 organizations holding dispensary permits under Subchapter E.  
4 The petition must be accompanied by a written report of the  
5 clinical registrant's research findings with respect to the  
6 medical marijuana products which are the subject of the  
7 petition. The department shall approve the petition if it has  
8 been demonstrated that the medical marijuana products have a  
9 practical effect on patients which changes a recommendation  
10 within the medical field as indicated in the report submitted  
11 by the clinical registrant.

12 (10) A dispensary owned by a clinical registrant may  
13 dispense medical marijuana products to a patient or caregiver  
14 who presents a valid identification card to an employee who  
15 is authorized to dispense medical marijuana products at a  
16 dispensary location operated by the clinical registrant,  
17 regardless of whether the patient is a participant in a  
18 research study or program.

19 § 9399.25. Research study.

20 (a) Applicability.--The provisions of this section shall  
21 apply upon publication of the notice under section 9399.38  
22 (relating to notice).

23 (b) Procedures.--The department may, upon application,  
24 approve the dispensing of medical marijuana by a clinical  
25 registrant to the academic clinical research center for the  
26 purpose of conducting a research study. The department shall  
27 develop the application and standards for approval of such  
28 dispensing by the clinical registrant. The following apply to  
29 the research study:

30 (1) The clinical registrant shall disclose the following

1 information to the department in its application:

2 (i) The reason for the research project, including  
3 the reason for the trial.

4 (ii) The strain and strength of medical marijuana to  
5 be used in the research study.

6 (iii) The anticipated duration of the study.

7 (iv) Evidence of approval of the trial by an  
8 accredited institutional review board and any other  
9 required regulatory approvals.

10 (v) Other information required by the department,  
11 except that the department may not require disclosure of  
12 any information that would infringe upon the academic  
13 clinical research center's exclusive right to  
14 intellectual property or legal obligations for patient  
15 confidentiality.

16 (2) The academic clinical research center shall provide  
17 its findings to the department within 365 days of the  
18 conclusion of the research study or within 365 days of  
19 publication of the results of the research study in a peer-  
20 reviewed medical journal, whichever is later.

21 (3) The department shall allow the exchange of medical  
22 marijuana seed between clinical registrants for the conduct  
23 of research.

24 § 9399.26. Research initiative.

25 (a) Authority.--An academic clinical research center, in  
26 coordination with its contracted clinical registrant, may  
27 conduct a research initiative on the antimicrobial effects of  
28 applying solvent-based extraction methods and processes to  
29 microbial contamination of immature medical marijuana plants,  
30 medical marijuana plants, medical marijuana or medical marijuana

1 products.

2 (b) Procedure.--An academic clinical research center shall  
3 submit to the department for approval a completed written  
4 research protocol of the planned research initiative. The  
5 department shall grant approval or denial of the protocol within  
6 15 days of its submissions. The following apply:

7 (1) The research initiative shall commence no later than  
8 30 days from the date the department issues approval and  
9 shall be completed no later than six months from the start  
10 date of the research initiative.

11 (2) Research initiative findings shall be provided to  
12 the department by the academic clinical research center  
13 within 15 days of the research initiative's conclusion.

14 (3) An academic clinical research center and its  
15 contracted clinical registrant shall present research  
16 initiative findings to the advisory board and the board's  
17 research subcommittee for the board's review and  
18 consideration under sections 9391 (relating to advisory  
19 board) and 9392 (relating to effectuating recommendations of  
20 advisory board). The board shall issue a written report, with  
21 recommendations and findings regarding the use of solvent-  
22 based extraction methods and processes on microbial  
23 contamination by a clinical registrant or grower/processor.  
24 The secretary may approve the board's recommendation in  
25 accordance with section 9392.

26 (4) Prior to implementing a recommendation of the board  
27 under paragraph (3), as approved by the secretary, a clinical  
28 registrant or grower/processor shall seek approval from the  
29 department for a change in its grower/processor extraction  
30 process. The department shall inspect the site and facility

1 equipment. Upon approval, the department shall issue a notice  
2 of final approval to implement the process.

3 § 9399.27. Temporary regulations.

4 (a) Promulgation.--In order to facilitate the prompt  
5 implementation of this subchapter, the department shall  
6 promulgate temporary regulations that shall expire not later  
7 than two years following the publication of the temporary  
8 regulations. The temporary regulations shall not be subject to:

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

12 (2) Sections 204(b) and 301(10) of the act of October  
13 15, 1980 (P.L.950, No.164), known as the Commonwealth  
14 Attorneys Act.

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

17 (b) Expiration.--The department's authority to adopt  
18 temporary regulations under subsection (a) shall expire October  
19 17, 2016. Regulations adopted after this period shall be  
20 promulgated as provided by law.

21 (c) Publication.--The department shall transmit notice of  
22 temporary regulations to the Legislative Reference Bureau for  
23 publication in the next available issue of the Pennsylvania  
24 Bulletin no later than July 16, 2016.

25 SUBCHAPTER N

26 MISCELLANEOUS PROVISIONS

27 Sec.

28 9399.31. Conflict.

29 9399.32. Financial and employment interests.

30 9399.33. Insurers.

1 9399.34. Protections for patients and caregivers.

2 9399.35. Schools.

3 9399.36. Day-care centers.

4 9399.37. Zoning.

5 9399.38. Notice.

6 9399.39. Applicability.

7 9399.40. Enforcement and civil actions.

8 § 9399.31. Conflict.

9 The growth, processing, manufacture, acquisition,  
10 transportation, sale, dispensing, distribution, possession and  
11 consumption of medical marijuana permitted under this chapter  
12 shall not be deemed to be a violation of the act of April 14,  
13 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,  
14 Device and Cosmetic Act. If a provision of the Controlled  
15 Substance, Drug, Device and Cosmetic Act relating to marijuana  
16 conflicts with a provision of this chapter, this chapter shall  
17 take precedence.

18 § 9399.32. Financial and employment interests.

19 (a) Financial interests.--Except as may be provided for the  
20 judiciary by rule or order of the Pennsylvania Supreme Court, an  
21 executive-level public employee, public official or party  
22 officer, or an immediate family member thereof, shall not  
23 intentionally or knowingly hold a financial interest in a  
24 medical marijuana organization or in a holding company,  
25 affiliate, intermediary or subsidiary thereof, while the  
26 individual is an executive-level public employee, public  
27 official or party officer and for one year following termination  
28 of the individual's status as an executive-level public  
29 employee, public official or party officer.

30 (b) Employment.--Except as may be provided by rule or order

1 of the Pennsylvania Supreme Court, no executive-level public  
2 employee, public official or party officer, or an immediate  
3 family member thereof, shall be employed by a medical marijuana  
4 organization or by any holding company, affiliate, intermediary  
5 or subsidiary thereof, while the individual is an executive-  
6 level public employee, public official or party officer and for  
7 one year following termination of the individual's status as an  
8 executive-level public employee, public official or party  
9 officer.

10 (c) Grading.--An individual who violates this section  
11 commits a misdemeanor and shall, upon conviction, be sentenced  
12 to pay a fine of not more than \$1,000 or to imprisonment for not  
13 more than one year, or both.

14 (d) State Ethics Commission.--The State Ethics Commission  
15 shall do all of the following:

16 (1) Issue a written determination of whether a person is  
17 subject to subsection (a) or (b) upon the written request of  
18 the person or any other person that may have liability for an  
19 action taken with respect to such person. A person that  
20 relies in good faith on a determination made under this  
21 paragraph shall not be subject to any penalty for an action  
22 taken, provided that all material facts set forth in the  
23 request for the determination are correct.

24 (2) Publish a list of all State, county, municipal and  
25 other government positions that meet the definitions of  
26 "public official" or "executive-level public employee" as  
27 defined under 4 Pa.C.S. § 1512(b) (relating to financial and  
28 employment interests). The Office of Administration shall  
29 assist the State Ethics Commission in the development of the  
30 list, which shall be transmitted by the State Ethics

1 Commission to the Legislative Reference Bureau for  
2 publication in the next available issue of the Pennsylvania  
3 Bulletin biennially and posted by the department on the  
4 department's Internet website. Upon request, each public  
5 official shall have a duty to provide the State Ethics  
6 Commission with adequate information to accurately develop  
7 and maintain the list. The State Ethics Commission may impose  
8 a civil penalty under 65 Pa.C.S. § 1109(f) (relating to  
9 penalties) upon any individual, including any public official  
10 or executive-level public employee, who fails to cooperate  
11 with the State Ethics Commission under this subsection. A  
12 person that relies in good faith on the list published by the  
13 State Ethics Commission shall not be subject to any penalty  
14 for a violation of this section.

15 (e) Definitions.--As used in this section, the following  
16 words and phrases shall have the meanings given to them in this  
17 subsection:

18 "Financial interest." As defined in 4 Pa.C.S. § 1512(b).

19 "Immediate family." As defined in 4 Pa.C.S. § 1512(b).

20 "Party officer." As defined in 4 Pa.C.S. § 1512(b).

21 "Public official." The term shall include the following:

22 (1) The Governor, Lieutenant Governor, a member of the  
23 Governor's cabinet, Treasurer, Auditor General and Attorney  
24 General of the Commonwealth.

25 (2) A member of the Senate or House of Representatives  
26 of the Commonwealth.

27 (3) An individual elected or appointed to any office of  
28 a county or municipality that directly receives a  
29 distribution of revenue from the fund.

30 (4) An individual elected or appointed to a department,

1 agency, board, commission, authority or other governmental  
2 body not included in paragraph (1), (2) or (3) that directly  
3 receives a distribution of revenue from the fund.

4 (5) An individual elected or appointed to a department,  
5 agency, board, commission, authority, county, municipality or  
6 other governmental body not included in paragraph (1), (2) or  
7 (3) with discretionary power which may influence or affect  
8 the outcome of an action or decision and who is involved in  
9 the development of regulation or policy relating to a medical  
10 marijuana organization or who is involved in other matters  
11 under this chapter.

12 The term does not include a member of a school board or an  
13 individual who held an uncompensated office with a governmental  
14 body prior to January 1, 2017, and who no longer holds the  
15 office as of January 1, 2017.

16 § 9399.33. Insurers.

17 Nothing in this chapter shall be construed to require an  
18 insurer or a health plan, whether paid for by Commonwealth funds  
19 or private funds, to provide coverage for medical marijuana.  
20 Notwithstanding any other provision of law, no workers'  
21 compensation carrier, self-insured employer or other insurer in  
22 this Commonwealth may be required to provide coverage for or  
23 otherwise reimburse the cost of medical marijuana.

24 § 9399.34. Protections for patients and caregivers.

25 (a) Licensure.--None of the following shall be subject to  
26 arrest, prosecution or penalty in any manner, or denied any  
27 right or privilege, including civil penalty or disciplinary  
28 action by a Commonwealth licensing board or commission, solely  
29 for lawful use of medical marijuana or manufacture or sale or  
30 dispensing of medical marijuana, or for any other action taken

1 in accordance with this chapter:

2 (1) A patient.

3 (2) A caregiver.

4 (3) A practitioner.

5 (4) A medical marijuana organization.

6 (5) A health care medical marijuana organization or  
7 university participating in a research study under Subchapter  
8 L (relating to research program).

9 (6) A clinical registrant or academic clinical research  
10 center under Subchapter M (relating to academic clinical  
11 research centers and clinical registrants).

12 (7) An employee, principal or financial backer of a  
13 medical marijuana organization.

14 (8) An employee of a health care medical marijuana  
15 organization or an employee of a university participating in  
16 a research study under Subchapter L.

17 (9) An employee of a clinical registrant or an employee  
18 of an academic clinical research center under Subchapter M.

19 (10) A pharmacist, physician assistant or certified  
20 registered nurse practitioner under section 9361(b) (relating  
21 to dispensing to patients and caregivers).

22 (b) Employment.--

23 (1) No employer may discharge, threaten, refuse to hire  
24 or otherwise discriminate or retaliate against an employee  
25 regarding an employee's compensation, terms, conditions,  
26 location or privileges solely on the basis of such employee's  
27 status as an individual who is certified to use medical  
28 marijuana.

29 (2) Nothing in this chapter shall require an employer to  
30 make any accommodation of the use of medical marijuana on the

1 property or premises of any place of employment. If an  
2 employer makes an adverse employment decision against an  
3 employee or job applicant under this chapter, the adverse  
4 employment decision may not be challenged under any other  
5 State or local law.

6 (3) Nothing in this chapter shall require an employer to  
7 commit any act that would put the employer or any person  
8 acting on its behalf in violation of Federal law.

9 (4) An employer may require employees or job applicants  
10 who have received a conditional offer of employment to submit  
11 to a drug test, including a test for marijuana. An employer  
12 may make an adverse employment decision against an employee  
13 or job applicant who has provided an adulterated or  
14 substituted testing sample or has refused to submit to a  
15 lawful drug test required by an employer.

16 (5) An employer or entity that provides employment  
17 services or information may indicate that a job position's  
18 application process or the job requires a drug test.

19 (6) An employer may require an employee or job applicant  
20 who has received a conditional employment offer to disclose  
21 and produce a valid identification card if the employee's  
22 position, or the position for which the job applicant is  
23 applying, is a safety-sensitive position. Notwithstanding the  
24 provisions of paragraph (1), an employer may make an adverse  
25 employment decision against an employee or job applicant who  
26 fails to disclose and produce a valid identification card.

27 (7) Notwithstanding the provisions of paragraph (1), an  
28 employer may make an adverse employment decision against an  
29 employee or job applicant who discloses and produces a valid  
30 identification card, or who uses medical marijuana, if the

1 employee's position, or the position for which the job  
2 applicant is applying, is a safety-sensitive position.

3 (8) Notwithstanding the provisions of paragraph (1), an  
4 employer may make an adverse employment decision against an  
5 employee if the employee's use of medical marijuana decreases  
6 or lessens the employee's job performance or ability to  
7 perform the employee's job duties.

8 (9) If an employee is under the influence at the time of  
9 an otherwise work-related injury and is not certified to use  
10 medical marijuana in accordance with this chapter, the injury  
11 may not be covered by the act of June 2, 1915 (P.L.736,  
12 No.338), known as the Workers' Compensation Act.

13 (10) If an injured employee's employment is terminated  
14 because the employee tests positive for marijuana and does  
15 not produce a valid identification card, and the employer  
16 proves that work would have been available to the injured  
17 employee but for employee's termination from employment, the  
18 injured worker shall not be entitled to disability benefits  
19 under the Workers' Compensation Act.

20 (11) An employer shall be granted relief from charges if  
21 a former employee is granted unemployment compensation  
22 benefits because the employer could not accommodate the  
23 employee's lawful use of medical marijuana.

24 (12) For purposes of the act of December 5, 1936 (1937,  
25 Sp.Sess. 2, P.L.2897, No.1), known as the Unemployment  
26 Compensation Law, an employee's separation from employment  
27 that was caused by medical marijuana use that violated a  
28 lawful workplace policy or refusal to submit to a drug test  
29 under this section shall constitute conclusive evidence of  
30 willful misconduct.

1           (13) Nothing in this chapter shall be construed to  
2 create or imply a cause of action for an employee or job  
3 applicant against an employer for:

4           (i) Any claim that arises following an employee's or  
5 job applicant's noncompliance with this section and which  
6 may have been prevented had the employee or job applicant  
7 complied.

8           (ii) Actions taken pursuant to an employer's  
9 reasonable workplace drug policy, including subjecting an  
10 employee or job applicant to a reasonable drug and  
11 alcohol test, reasonable and nondiscriminatory random  
12 drug test and discipline, termination of employment or  
13 withdrawal of a job offer after a failure of a drug test.

14           (iii) Actions based on the employer's good faith  
15 belief that an employee used or possessed medical  
16 marijuana in the employer's workplace or while performing  
17 the employee's job duties or while on call in violation  
18 of the employer's employment policies.

19           (iv) Actions, including discipline or termination of  
20 employment based on the employer's good faith belief that  
21 an employee was impaired as a result of the use of  
22 medical marijuana, under the influence of medical  
23 marijuana while at the employer's workplace, under the  
24 influence while performing the employee's job duties or  
25 under the influence while on call in violation of the  
26 employer's workplace drug policy.

27           (c) Custody determination.--The fact that an individual is  
28 certified to use medical marijuana and acting in accordance with  
29 this chapter shall not by itself be considered by a court in a  
30 custody proceeding. In determining the best interest of a child

1 with respect to custody, the provisions of 23 Pa.C.S. Ch. 53  
2 (relating to child custody) shall apply.

3 § 9399.35. Schools.

4 The Department of Education shall promulgate regulations by  
5 October 17, 2017, regarding the following:

6 (1) Possession and use of medical marijuana by a student  
7 on the grounds of a preschool, primary school and a secondary  
8 school.

9 (2) Possession and use of medical marijuana by an  
10 employee of a preschool, primary school and a secondary  
11 school on the grounds of such school.

12 § 9399.36. Day-care centers.

13 The Department of Human Services shall promulgate regulations  
14 by October 17, 2017, regarding the following:

15 (1) Possession and use of medical marijuana by a child  
16 under the care of a child-care or social service center  
17 licensed or operated by the Department of Human Services.

18 (2) Possession and use of medical marijuana by an  
19 employee of a child-care or social service center licensed or  
20 operated by the Department of Human Services.

21 (3) Possession and use of medical marijuana by employees  
22 of a youth development center or other facility which houses  
23 children adjudicated delinquent, including the separate,  
24 secure State-owned facility or unit for sexually violent  
25 delinquent children, as set forth in section 9393.9(3)  
26 (relating to other restrictions).

27 § 9399.37. Zoning.

28 The following apply:

29 (1) A grower/processor shall meet the same municipal  
30 zoning and land use requirements as other manufacturing,

1 processing and production facilities that are located in the  
2 same zoning district.

3 (2) A dispensary shall meet the same municipal zoning  
4 and land use requirements as other commercial facilities that  
5 are located in the same zoning district.

6 § 9399.38. Notice.

7 Upon amendment of the Controlled Substances Act (Public Law  
8 91-513, 84 Stat. 1236) removing marijuana from Schedule I of the  
9 Controlled Substances Act, the department shall transmit notice  
10 of the effective date of the amendment to the Legislative  
11 Reference Bureau for publication in the next available issue of  
12 the Pennsylvania Bulletin.

13 § 9399.39. Applicability.

14 (a) (Reserved).

15 (b) Issuance.--The issuance of permits and other  
16 authorizations shall begin upon transmittance of notice by the  
17 department to the Legislative Reference Bureau for publication  
18 in the next available issue of the Pennsylvania Bulletin that  
19 adequate temporary or permanent regulations have been adopted to  
20 initiate the program under this chapter.

21 § 9399.40. Enforcement and civil actions.

22 (a) Regulations.--The Secretary of Labor and Industry shall  
23 promulgate regulations to enforce section 9399.34(b) (relating  
24 to protections for patients and caregivers).

25 (b) Civil action.--All administrative remedies shall be  
26 exhausted prior to a complainant bringing an action under this  
27 chapter.

28 Section 2. Section 3802(d)(1) of Title 75 is amended and the  
29 section is amended by adding a subsection to read:

30 § 3802. Driving under influence of alcohol or controlled

1 substance.

2 \* \* \*

3 (d) Controlled substances.--An individual may not drive,  
4 operate or be in actual physical control of the movement of a  
5 vehicle under any of the following circumstances:

6 (1) There is in the individual's blood any amount of a:

7 (i) Schedule I controlled substance, as defined in  
8 the act of April 14, 1972 (P.L.233, No.64), known as The  
9 Controlled Substance, Drug, Device and Cosmetic Act;

10 (ii) Schedule II or Schedule III controlled  
11 substance, as defined in The Controlled Substance, Drug,  
12 Device and Cosmetic Act, which has not been medically  
13 prescribed for the individual; [or]

14 (iii) metabolite of a substance under subparagraph  
15 (i) or (ii) [.] or

16 (iv) marijuana, cannabis, a cannabis concentrate or  
17 a cannabis-infused product.

18 \* \* \*

19 (h) Definitions.--As used in this section, the following  
20 words and phrases shall have the meanings given to them in this  
21 subsection unless the context clearly indicates otherwise:

22 "Cannabis." As defined in 35 Pa.C.S. § 9102 (relating to  
23 definitions).

24 "Cannabis concentrate." As defined in 35 Pa.C.S. § 9102.

25 "Cannabis-infused product." As defined in 35 Pa.C.S. § 9102.

26 Section 3. Section 3810 of Title 75 is amended to read:

27 § 3810. Authorized use not a defense.

28 The fact that a person charged with violating this chapter is  
29 or has been legally entitled to use alcohol [or], controlled  
30 substances or marijuana under 35 Pa.C.S. Ch. 93 (relating to

1 medical marijuana) or other laws of this Commonwealth is not a  
2 defense to a charge of violating this chapter.

3 Section 4. Repeals are as follows:

4 (1) The General Assembly declares that the repeals under  
5 paragraph (2) are necessary to effectuate the addition of 35  
6 Pa.C.S. Ch. 93.

7 (2) The following acts and parts of acts are repealed to  
8 the extent specified:

9 (i) Sections 4(1)(iv) and 13(a)(31) of the act of  
10 April 14, 1972 (P.L.233, No.64), known as The Controlled  
11 Substance, Drug, Device and Cosmetic Act.

12 (ii) 18 Pa.C.S. § 7508(a)(1) and (f).

13 (3) The General Assembly declares that the repeal under  
14 paragraph (4) is necessary to effectuate the addition of 35  
15 Pa.C.S. Ch. 93.

16 (4) The act of April 17, 2016 (P.L.84, No.16), known as  
17 the Medical Marijuana Act, is repealed.

18 (5) All other acts and parts of acts are repealed  
19 insofar as they are inconsistent with the addition of 35  
20 Pa.C.S. Chs. 91 and 93.

21 Section 5. The addition of 35 Pa.C.S. Ch. 93 is a  
22 continuation of the act of April 17, 2016 (P.L.84, No.16), known  
23 as the Medical Marijuana Act. The following apply:

24 (1) Except as otherwise provided in 35 Pa.C.S. Ch. 93,  
25 all activities initiated under the act of April 17, 2016  
26 (P.L.84, No.16), known as the Medical Marijuana Act, shall  
27 continue and remain in full force and effect and may be  
28 completed under 35 Pa.C.S. Ch. 93. Orders, regulations, rules  
29 and decisions which were made under the Medical Marijuana Act  
30 and which are in effect on the effective date of section 4(4)

1 of this act shall remain in full force and effect until  
2 revoked, vacated or modified under 35 Pa.C.S. Ch. 93.  
3 Contracts, obligations and collective bargaining agreements  
4 entered into under the Medical Marijuana Act are not affected  
5 nor impaired by the repeal of the Medical Marijuana Act.

6 (2) Except as set forth in paragraph (3), any difference  
7 in language between 35 Pa.C.S. Ch. 93 and the Medical  
8 Marijuana Act is intended only to conform to the style of the  
9 Pennsylvania Consolidated Statutes and is not intended to  
10 change or affect the legislative intent, judicial  
11 construction or administration and implementation of the  
12 Medical Marijuana Act.

13 (3) Paragraph (2) does not apply to the following  
14 provisions:

15 (i) The addition of the definitions of "board,"  
16 "cannabis-infused edible product," "cannabis-infused  
17 nonedible product," "chief medical officer," "executive  
18 director," "serious medical condition," "safety-sensitive  
19 position" and "under the influence" in 35 Pa.C.S. § 9303.

20 (ii) The addition of 35 Pa.C.S. § 9304.

21 (iii) The addition of 35 Pa.C.S. § 9313(b)(2) and

22 (c).

23 (iv) The addition of 35 Pa.C.S. § 9314.

24 (v) The addition of 35 Pa.C.S. § 9399.33.

25 (vi) The addition of 35 Pa.C.S. § 9399.34(b)(2),

26 (4), (5), (6), (7), (8), (9), (10), (11), (12) and (13).

27 Section 6. This act shall take effect immediately.