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Medical Marijuana - Act 16 of 2016

Act 16 of 2016 creates a stand-alone act entitled the Medical Marijuana Act and establishes a program for the use of medical marijuana (MM) to be administered by the Department of Health (DOH). Although the Act takes effect May 17, 2016; the implementation of the program is expected to take between 18 and 24 months.

SUMMARY

This Act establishes a program for use of medical marijuana by patients with a “serious medical condition.”

The Act provides that DOH register two types of MM organizations: a grower/processor and a dispensary. The following entities are permitted to become registered as either a grower/processor or a dispensary: a natural person; a corporation; a partnership; an association; a trust; or other entity.

This Act creates an advisory board within DOH, composed of fifteen members, seven permanent members (including the Chairman of the State Board of Pharmacy) and eight appointed by the Governor and legislative leaders in the House and Senate.

DOH will establish a four hour course regarding the latest scientific research on medical marijuana, including the risks and benefits of medical marijuana, and other information deemed necessary by the department for physicians, pharmacists, certified nurse practitioners, and physician assistants involved in the provision of medical marijuana. Successful completion of the course shall be approved as continuing education credits by the appropriate state board.

The Act provides that it is unlawful to: smoke MM; sell MM products; or grow MM unless grower/processor has received a permit by the DOH.

A dispensary must have a physician or pharmacist on duty at all times the facility is open to receive patients and caregivers. A physician, pharmacist, physician’s assistant, or certified nurse practitioner shall, prior to assuming duties at the dispensary, successfully complete the four hour training course mentioned earlier. If a dispensary has more than one location, a certified registered nurse practitioner or physician assistant may be on duty, as opposed to a physician or pharmacist. A physician may not certify patients or otherwise treat patients at the dispensary. The dispensary may sell medical devices and instruments needed to administer MM. In addition, the dispensary may sell services related to medical marijuana as approved by the Department.

No patient, caregiver, practitioner or employee, or principal of a grower/processor or dispensary shall be subject to arrest, prosecution or penalty in any manner, or denied any right or privilege, including civil penalty or disciplinary action by a Commonwealth licensing board or commission, solely for lawful use of MM.

Provisions of the Act with respect to dispensaries expire three years after Congress removes marijuana from Schedule I from the federal Controlled Substances Act.

Governor Wolf’s web site covers questions about how the new law will work. Please visit:

<https://www.governor.pa.gov/blog-what-you-need-to-know-about-medical-marijuana-in-pennsylvania/>