

Pennsylvania's Medical Marijuana Act: Beyond the Smoke Screen



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Chapter One: Preliminary Provisions



THE SCIENTIFIC EVIDENCE – U.S. PATENTS



U.S. PATENT #6630507 - Cannabis is Neuroprotective

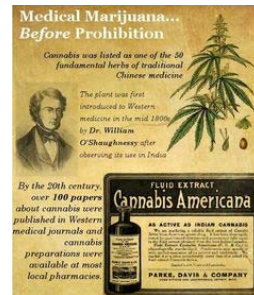
U.S. PATENT #8071641 - Cannabidiol For Use in Treatment & Prevention of Diabetes

U.S. PATENT #20130059018 - Cannabinoids for Use in Treatment of Breast, Prostate & Colon Cancers



THE HISTORY OF CANNABIS

- **1840** – Introduced as medicine in Britain
- **1850** – Cannabis first prescribed in the U.S.
- **1889** – First medical study published about cannabis
- **1906** – Food & Drug Act passed – Medical cannabis sold as an FDA regulated medicine through 1942
- **1970** – Nixon enacts the Controlled Substances Act (CSA) and completely outlaws cannabis

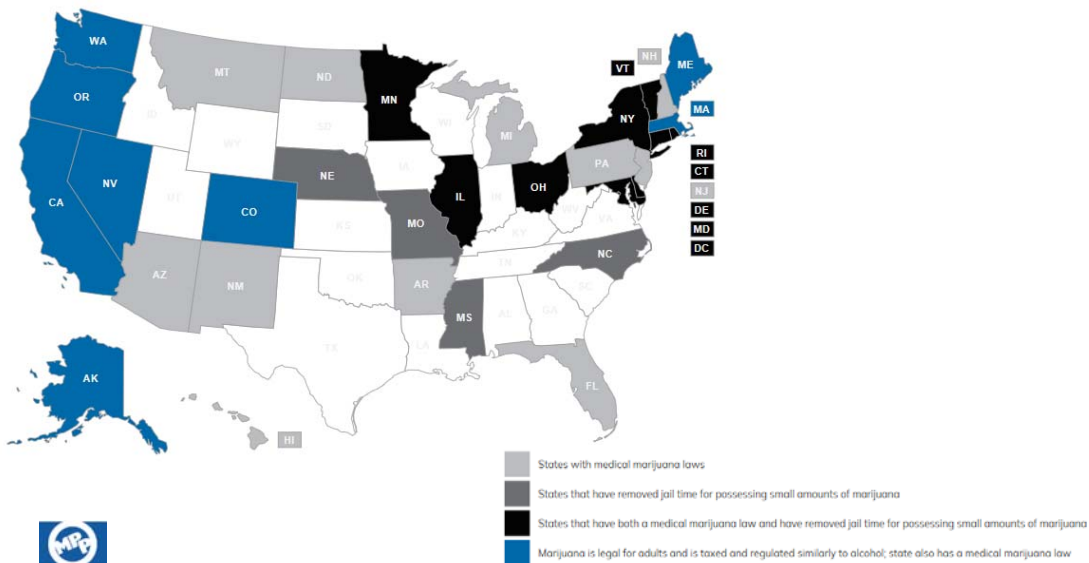


THE HISTORY OF CANNABIS

- **1976** – Common Law Doctrine of Necessity used to provide first government-supplied medical cannabis for glaucoma patient
- **1978** – U.S. Dept. of Health provides medicinal cannabis to patients across nation for a variety of illnesses
- **1991** – Bush shuts program down due to too many AIDS patients applying
- **1996** – California becomes first state to allow medicinal cannabis



MEDICAL MARIJUANA (MMJ) IN THE U.S.



LEGAL RECREATIONAL MARIJUANA IN THE U.S.

8 States & D.C. Currently Allow Legal Recreational Marijuana

Alaska, Colorado, California, District of Columbia, Maine, Massachusetts, Oregon, Nevada & Washington



CHAPTER 3: WHO RUNS THE PA MMJ PROGRAM?

PA Department of Health



- Director of Medical Marijuana
- Advisory Board – 15 Members (7 from State Govt. & 8 At-Large Members)



POWERS OF THE PA DEPARTMENT OF HEALTH

- Issue Permits
- Register Practitioners
- Regulatory and Enforcement
- Establish and Maintain Database
- Maintain a Directory



POWERS OF THE PA DEPARTMENT OF HEALTH

- Courses for Physicians and HMO's
- Develop Enforcement
- Establish Research Programs
- Collaborate with other Agencies
- Types of Products
- Recordkeeping
- Advertising and Marketing



WHAT MEDICAL CONDITIONS WILL QUALIFY?

Serious medical conditions, including:

- Cancer
- HIV / AIDS
- Amyotrophic Lateral Sclerosis (ALS)
- Parkinson's Disease
- Multiple Sclerosis
- Spinal Cord Nerve Injuries
- Epilepsy
- Inflammatory Bowel Disease
- Neuropathies
- Huntington's Disease
- Crohn's Disease
- Post Traumatic Stress Disorder (PTSD)
- Intractable Seizures
- Glaucoma
- Sickle Cell Anemia
- Sever Chronic or Intractable Neuropathic Pain
- Chronic or Intractable Pain (*resistant to opioid or other therapeutic treatments*)
- Autism



HOW WILL MEDICAL MARIJUANA BE DISPENSED/ADMINISTERED?

- Pills
- Oils
- Topical Forms (i.e. gel, creams, ointments)
- Vaporization
- Tinctures
- Liquid
- **NO** Dry Leaf or Plant Forms. . .yet
- **NO** Sales of Edibles (but patients can make their own)



CHAPTER 4: PHYSICIANS & RECOMMENDATIONS

- Physicians must apply / credentials
- Physicians must complete a 4-hour course
- Subject to annual review
- Affirmative obligation to notify Dept. of Health regarding a patient's status



RESTRICTIONS ON PARTICIPATING DOCTORS

- Examination fee only
- Can hold no ownership in an Medical Marijuana Organization (MMO)
- Cannot advertise Medical Marijuana services
- Subject to disciplinary action by State Board of Medicine or State Board of Osteopathic Medicine
- Cannot prescribe for themselves or family members



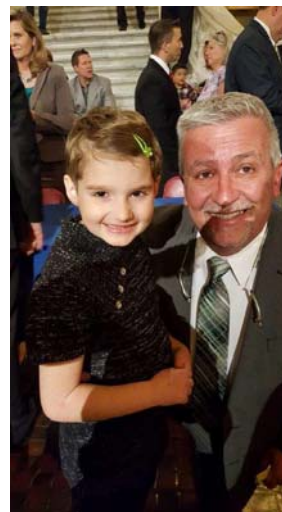
WHAT HAPPENS WHEN A DOCTOR SEES A PATIENT?

- Issues certification
- Can only prescribe for *serious* medical conditions
- Continuing care of practitioner
- Patient to receive therapeutic or palliative benefit for use of MMJ
- Any requirement or limitation as to the form of MMJ
- Must review Rx Drug monitoring program before issuing a certification



CHAPTER 5: HOW DOES THE MMJ LAW APPLY TO PATIENTS?

- Certification
- ID Card to patient or Caregiver
- \$50 application fee
- Valid for only One Year
- ONLY a 30-day supply



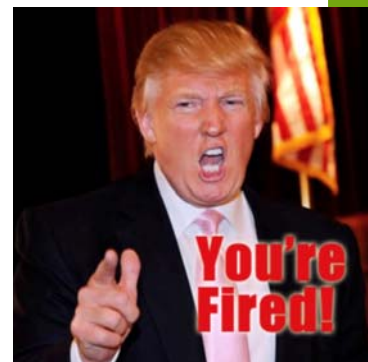
HOW DOES THE MMJ LAW APPLY TO CAREGIVERS?

- Separate ID / Separate Application - \$50
- Criminal History and Fingerprint Background Checks
- Dept. of Health to run Rx Drug Monitoring Program
- Denial if convicted of criminal charges within past five years relating to sale and possession of drugs, narcotics or controlled substances
- Minors must have caregiver (legal guardian) who is at least 21 years of age
- An individual may not act as a caregiver for more than 5 patients
- A patient may designate up to 2 caregivers at any one time



PROTECTIONS FOR PATIENTS & CAREGIVERS

- No employee may discharge, threaten, refuse to hire or otherwise discriminate or retaliate against an employee regarding an employee's compensation, terms, conditions, location or privileges solely on the basis of such employee's status as an individual who is certified to use medical marijuana.
- Nothing in this act shall require an employer to make any accommodation of the use of medical marijuana on the property or premises of any place of employment.
- This act shall in no way limit an employer's ability to discipline an employee for being under the influence of medical marijuana in the workplace or for working while under the influence of medical marijuana when the employee's conduct falls below the standard of care normally accepted for that position.
- Nothing in this act shall require an employer to commit any act that would put the employer or any person acting on its behalf in violation of Federal law.



CONFIDENTIALITY

- Can't access information through Right To Know Law



REGULATIONS FOR SPECIFIC EMPLOYERS

- Day Care Centers
- Schools



EMPLOYMENT PROHIBITIONS ON PATIENTS

- If over 10 nanograms of active THC per ml of blood, no control or operation of:
Chemicals requiring a Federal or State Government issued permit
High voltage electricity or public utility work
- Patient may not perform any employment duties at height or confined spaces while under MMJ
- Employers discretionary restrictions which employer deems life-threatening to employers, patients (not adverse decision)
- Employer discretionary restriction which could result in public health or safety risk (not adverse decision)



Chapter 6 – Medical Marijuana Organizations Grower/Processors

- The Department may not initially permit more than 25 Growers/Processors
- Initial nonrefundable application fee of \$10,000
- Permit fee of \$200,000 (Returned if permit is denied)
- \$2,000,000 in capital; \$500,000 on deposit with financial institution

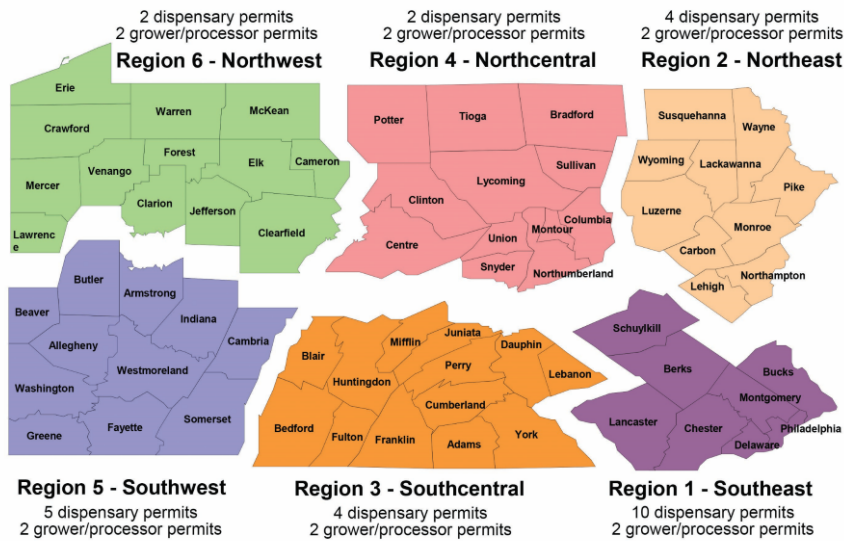


Medical Marijuana Organizations: Dispensary

- The Department may not initially permit more than 50 dispensaries. Each dispensary may operate no more than 3 locations
- Initial nonrefundable application fee of \$5,000
- Permit fee of \$30,000 (Returned if permit is denied)
- \$150,000 in capital and on deposit with financial institution



Pennsylvania Department of Health Medical Marijuana Regions



Medical Marijuana Organizations Zoning Information

- Section 2107 is the only insight the Act provides for zoning considerations
- A grower/processor: same municipal zoning and land use requirements as other manufacturing, processing and production facilities located in same zoning district.
- A dispensary: same municipal zoning and land use requirements as other commercial facilities located in same zoning district.



Chapter 20: Clinical Registrants

- A Clinical Registrant “CR” is an entity that:
 - Holds a permit as a Grower/Processor;
 - Hold a permit as a Dispensary; and
 - **Has a contractual relationship with an academic clinical research center whereby the CR receives advice regarding patient health and medical applications of controlled substances.**

An academic clinical research center is defined in Section 20 as an accredited medical school in the Commonwealth operating with an acute care hospital.
- Approval of eight (8) CRs and each CR may provide MMJ at six locations.
- CR applicants subject to requirements for permits as Growers or Dispensaries, except that CR applicants must show \$15 Million



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