

FREQUENTLY ASKED QUESTIONS: SENATE BILL 3 – MEDICAL MARIJUANA PROGRAM

UPDATED 4/27/16

***New Information is in RED**

GENERAL INFORMATION

What is Medical Marijuana?

The term **medical marijuana** refers to using the whole unprocessed marijuana plant or its basic extracts to treat a disease or symptom. The marijuana plant contains chemicals that may help treat a range of illnesses or symptoms, prompting a growing number of states – including Pennsylvania – to legalize marijuana for medical use.

Why was Medical Marijuana Use Approved in Pennsylvania?

Studies have shown that medical marijuana can assist patients suffering from serious medical conditions by alleviating pain and improving their quality of life.

When will the Medical Marijuana Program be implemented in Pennsylvania?

The Pennsylvania Department of Health began the process of implementing the state's Medical Marijuana Program when Governor Tom Wolf signed Senate Bill 3 into law on April 17, 2016.

The implementation of the program is expected to take between 18 and 24 months and, when completed, will offer medical marijuana to patients who are under a physician's care for the treatment of a serious medical condition.

FOR PATIENTS

Who will be Able to Access Medical Marijuana?

Patients with serious medical conditions will be able to access medical marijuana with a physician's certification at designated state dispensaries.

What will the Department Consider as a Serious Medical Condition?

A serious medical condition is any one of the following listed under the statute:

- Amyotrophic Lateral Sclerosis
- Autism
- Cancer
- Crohn's Disease
- Damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity
- Epilepsy

- Glaucoma
- HIV (Human Immunodeficiency Virus) / AIDS (Acquired Immune Deficiency Syndrome)
- Huntington's Disease
- Inflammatory Bowel Syndrome
- Intractable Seizures
- Multiple Sclerosis
- Neuropathies
- Parkinson's Disease
- Post-traumatic Stress Disorder
- Severe chronic or intractable pain of neuropathic origin or severe chronic or intractable pain in which conventional therapeutic intervention and opiate therapy is contraindicated or ineffective
- Sickle Cell Anemia

What form will the medical marijuana be in and how will it be taken?

Medical marijuana may only be dispensed to a patient or caregiver in the following forms:

- Pill;
- Oil;
- Topical forms, including gel, creams or ointments;
- A form medically appropriate for administration by vaporization or nebulization, excluding dry leaf or plant form until dry leaf or plant forms become acceptable under regulations recommended by the Medical Marijuana Advisory Board;
 - Tincture; or
 - Liquid.

What is the Process for Patients to Qualify for Medical Marijuana?

To purchase medical marijuana, a patient will need to be under the continuing care of a physician who is registered with the Department of Health. The physician may then provide a signed certification to the patient stating that the patient has a serious medical condition. The patient must then apply to the department for an identification card. Once the patient receives an identification card, he or she can purchase medical marijuana at an authorized dispensary.

How will Patients Apply for Medical Marijuana Identification Cards?

Identification cards will be able to be obtained with a certification from a registered physician and a completed, approved application submitted to the Department of Health. The Department of Health will make it as easy as possible for patients to apply for medical marijuana identification cards. The department is reviewing how it can make applications available to patients on its website.

Can a Patient with a Serious Medical Condition Receive Medical Marijuana if they are Under 18?

A patient under the age of eighteen must have a caregiver who is approved by the department in order to obtain medical marijuana. A caregiver can be a parent, guardian or an individual approved by the department.

Can Someone Else Obtain Medical Marijuana on Behalf of a Patient?

Yes. When a patient applies to the department for an identification card, he or she can designate up to two caregivers. A caregiver can assist up to five patients. Before obtaining medical marijuana for a patient, a caregiver must also apply for a medical marijuana identification card.

Where will Patients Obtain Medical Marijuana?

Only a patient or caregiver with an identification card issued by the department can purchase medical marijuana at an authorized dispensary. The department will authorize up to 150 dispensaries across the state.

Will there be Enough Medical Marijuana for all Approved Patients and Caregivers?

The department will be reviewing a number of factors to determine the placement of dispensaries across the state in order to ensure that medical marijuana is available for patients with serious medical conditions. The department will be conducting a full population study during the next 6 months that will include the location and number of patients suffering from serious medical conditions and their ability to access public transportation to get to a dispensary.

How can I obtain medical marijuana from out of state/other sources while I wait for it to become available in Pennsylvania?

The Act allows a parent or a guardian of a minor under 18 years of age to lawfully obtain medical marijuana from another state, U.S. territory or any other country and to administer it to the minor.

Will I get in trouble for obtaining medical marijuana out of state and transporting it back to Pennsylvania?

The department can only provide advice regarding the enforceability of the Act within the Commonwealth of Pennsylvania.

The Act provides that a Pennsylvania resident with a serious medical condition, as defined in the Act, who has a physician certification to use medical marijuana can obtain medical marijuana from a dispensary that is properly permitted and located in the commonwealth.

FOR THOSE INTERESTED IN BECOMING APPROVED GROWERS/PROCESSORS

What are the requirements to become an approved grower/processor of medical marijuana in Pennsylvania?

The department may issue permits initially for no more than 25 growers/processors. No more than five grower/processors may be issued a dispensary permit.

The application process requires an applicant – at a minimum – to:

- Apply for a permit with the department before growing\processing marijuana.
- Provide information in the permit application, including, but not limited to:
 - Description of business organization and activities
 - Federal and state criminal background check
 - Statement indicating the applicant is of good moral character
 - Ability to maintain effective security and control to prevent diversion, abuse or other illegal conduct
- Complete a two-hour training course.
- Submit a permit application with:
 - Initial fee of \$10,000
 - Permit fee of \$200,000
 - Proof of \$2 million in capital (\$500,000 of which must be on deposit in a financial institution)

As permitted by the Act, the department may provide for other requirements through regulation.

When will applications to become a grower/processor be available and will they be accessible on the DOH website?

The department is required by the Act to begin issuing temporary regulations by November 17, 2016, which is six months after the Act was signed into law.

Permit applications relating to growers/processors will become available upon notice in the Pennsylvania Bulletin shortly after issuance of temporary regulations.

FOR THOSE INTERESTED IN BECOMING APPROVED DISPENSARIES

What are the requirements to become a dispensary of medical marijuana in Pennsylvania?

The department will issue permits initially for no more than 50 dispensaries. Each dispensary can have no more than three separate locations.

The application process requires an applicant – at a minimum – to:

- Apply for a permit with the department before growing/processing marijuana.
- Provide information in the permit application, including but not limited to:
 - Description of its business organization and activities
 - Federal and state criminal background check
 - Statement indicating the applicant is of good moral character
 - Ability to maintain effective security and control to prevent diversion, abuse or other illegal conduct.
- Complete a two-hour training course
- Submit an application with:
 - Initial fee of \$5,000
 - Permit fee of \$30,000

- Proof of \$150,000 in capital.

As permitted by the Act, the department may provide for other requirements through regulation.

When will dispensary applications be available and will they be accessible on the DOH website?

The department is required by the Act to begin issuing temporary regulations by November 17, 2016, which is six months after the Act was signed into law.

Permit applications relating to dispensaries will become available upon notice in the Pennsylvania Bulletin shortly after issuance of the temporary regulations.

FOR PHYSICIANS

What is the process for physicians to become registered to participate in the medical marijuana program? When will applications be available?

A physician shall:

- Apply to the department to be registered with the program.
- Demonstrate to the department training and expertise in treating serious medical conditions.
- Successfully complete the required four-hour course established by the department.
- Hold a valid, unexpired, unrevoked, unsuspended Pennsylvania license to practice medicine.

Physician registrations will become available upon notice in the Pennsylvania Bulletin shortly after issuance of temporary regulations.

What will the education process be for physicians who become certified to prescribe medical marijuana?

The Department of Health will be developing a four-hour training course for physicians regarding the latest scientific research on medical marijuana, including the risks and benefits of using medical marijuana and other information deemed necessary by the department.

Will the DOH website contain a list of certified physicians?

The department will establish and maintain an electronic database that includes a list of practitioners that are registered with the program.

ADDITIONAL INFORMATION ON PENNSYLVANIA'S MEDICAL MARIJUANA PROGRAM

When will the Department begin Issuing Regulations for the Program?

The department has started working on temporary regulations in order to meet the 6-month publishing requirement under the statute and will be meeting with stakeholder groups, medical

professionals and consumer groups to develop the application process for patients and caregivers to access medical marijuana.

Who will assist the Department in Making Changes to the Medical Marijuana Program in Pennsylvania?

The new law creates the Medical Marijuana Advisory Board within the Department of Health. Members include the Secretary of Health; the Physician General; State Police Commissioner; Chair of the State Board of Pharmacy; Commissioner of Professional & Occupational Affairs; President of the Pennsylvania Chiefs of Police Association; President of the Pennsylvania District Attorneys Association; members to be appointed by the Governor and six appointees from the legislative caucuses who are knowledgeable and experienced in issues relating to care and treatment of individuals with a serious medical condition, geriatric or pediatric or clinical research. One member appointed by the Governor shall be a patient, a family or household member of a patient or a patient advocate.

What else will the Medical Marijuana Program do for Pennsylvania?

The Medical Marijuana Program also includes funding for research institutions to study the use of medical marijuana to treat other serious conditions. In addition, the Act establishes an advisory committee that will review these research findings and make recommendations to the legislature for changes to the Act.

In addition to funding for implementation and research, the Act also provides revenue to the Department of Drug and Alcohol Programs for drug abuse prevention, counseling and treatment services, as well as to the Pennsylvania Commission on Crime and Delinquency for distribution to local police departments.

How can Pennsylvania Make Medical Marijuana Legal when it is not approved by the Federal Government?

The federal government cannot force states to criminalize conduct that is illegal under federal law, nor can the federal government force state and local police to enforce federal laws. There are no known cases in any of the 23 states that have authorized the use of medical marijuana of the federal government prosecuting an individual for a small amount of marijuana.

ADDITIONAL QUESTIONS?

Please send us an email at RA-DHMedMarijuana@pa.gov if you have a question that has not been addressed by the information above.