

Bylaws of the Medical Marijuana Advisory Board

Article I – Name.

The name of this advisory board is the Medical Marijuana Advisory Board (Advisory Board).

Article II - Generally

Section 1. Creation of the Medical Marijuana Advisory Board.

The Medical Marijuana Advisory Board is established under Act 16 of 2016 (35 P.S. § 10231.1201).

Section 2. Powers.

The Advisory Board will exercise and carry out all powers and rights that are expressly conferred upon it under Act 16 of 2016 (35 P.S. §§ 10231.1201-10231.1202).

Section 3. Mission.

The mission of the Advisory Board is to advise the Secretary of Health (Secretary) on the administrative aspects of the Pennsylvania Medical Marijuana Program (Program), review current statutory requirements, propose regulatory changes, and provide input on the Program.

Article III – Membership of the Board

Section 1. Composition of the Advisory Board.

The Advisory Board will consist of 15 members consisting of the following:

1. The Secretary of or a designee.
2. The Commissioner of the Pennsylvania State Police or a designee.
3. The Chairman of the State Board of Pharmacy or a designee.
4. The Commissioner of Professional and Occupational Affairs or a designee.
5. The Physician General or a designee.
6. The President of the Pennsylvania Chiefs of Police Association or a designee.
7. The President of the Pennsylvania District Attorneys Association or a designee.
8. One member to be appointed by each of the following, which members shall be knowledgeable and experienced in issues relating to care and treatment of individuals with a serious medical condition, geriatric or pediatric medicine or clinical research:
 - a) The Governor.
 - b) The President pro tempore of the Senate.
 - c) The Majority Leader of the Senate.
 - d) The Minority Leader of the Senate.

- e) The Speaker of the House of Representatives.
- f) The Majority Leader of the House of Representatives.
- g) The Minority Leader of the House of Representatives.

9. One member appointed by the Governor, who shall be a patient, a family or household member of a patient or a patient advocate.

Section 2. Terms of Office

Members of the Advisory Board will serve for the following terms:

- a. The members listed under Section 1, numbers (1), (2), (3), (4), (5), (6) and (7) shall serve for a term equal to their appointment by the represented body.
- b. The initial terms of members appointed under Section 1, numbers (8) and (9), shall be for terms of one, two, three or four years, the particular term of each member to be designated by the Secretary at the time of appointment.
- c. The members appointed under Section 1, numbers (8) and (9), shall serve a term of four years or until a successor has been appointed and qualified, but no longer than six months beyond the four-year period.

Section 3. Ex-officio Members

The members listed under Section 1, numbers (1), (2), (3), (4), (5), (6) and (7) shall serve as ex officio members and shall have voting rights.

Section 4. Chairperson.

The Secretary, or a designee, shall serve as chair of the Advisory Board.

Article IV – Meetings of the Advisory Board

Section 1. Meetings.

The Advisory Board will hold meetings when deemed necessary by the Secretary. Public notice of these meetings will be given in accordance with the Sunshine Act.

Section 2. Quorums.

At least eight (8) members of the Advisory Board under Article III, Section 1, present at any regular meeting or special meeting, shall constitute a quorum for the purposes of organizing the Advisory Board, conducting its business and fulfilling its duties.

Section 3. Voting.

A vote of the majority of the members of the Board as defined by Article III, Section 1, present at any regular public meeting shall be sufficient for all actions of the Advisory Board.

A member may abstain from voting on any action of the Advisory Board for good cause.

Section 4. Removal of members.

A member of the Advisory Board appointed under Article III, Section 1 (a)(8) or (9) who fails to attend three consecutive meetings shall forfeit his or her seat unless the Secretary, upon written request from the member, finds that the member should be excused from a meeting for good cause. A member who cannot be physically present may attend meetings via electronic means, including video conference.

Article V. General Duties of the Advisory Board.

The Advisory Board shall have the following duties:

- (a) To examine and analyze the statutory and regulatory law relating to medical marijuana within this Commonwealth.
- (b) To examine and analyze the law and events in other states and the nation with respect to medical marijuana.
- (c) To accept and review written comments from individuals and organizations about medical marijuana.

Article VI – Committees, subcommittees and advisory groups.

Section 1. Creation of Committees and Subcommittees.

The Secretary, or his or her designee, shall have the authority to create committees and subcommittees that are necessary to carry out the requirements under the Act.

Section 2. Committees and Subcommittees.

The following committees and subcommittees are hereby created by the Advisory Board:

- (1) The Patient and Caregiver Committee.
- (2) The Medical Review Committee.
 - a. The Serious Medical Condition Review Subcommittee
- (3) The Regulatory Review Committee.
- (4) The Medical Research Committee
- (5) The Reports Committee.

Section 3. Duties and responsibilities of committees and subcommittees.

The duties and responsibilities of each committee and subcommittee shall be determined by the Secretary with input from the members of the Advisory Board.

Section 4. Selection of Members

Appointments to committees, subcommittee and advisory groups may be nominated by any member of the Advisory Board and requires approval of the Secretary.

Vacancies on any committee, subcommittee or advisory group will be filled by the Secretary.

Section 5. Quorums.

A majority of the total members appointed to any committee or subcommittee present at any meeting shall constitute a quorum for the purposes of conducting any of the committee or subcommittee business.

Section 6. Advisory Groups.

The Secretary, with the approval of a majority of the Board members present, may create advisory groups that include professionals with specialty knowledge and experience to assist the Advisory Board, a committee or subcommittee.

The duties and responsibilities of each advisory group shall be determined by the Secretary with input from the members of the Advisory Board.

Article VII - Administration

Section 1. Chair.

The Secretary, or a designee, shall serve as chair of the Advisory Board.

Section 2. Daily Administration.

The Advisory Board may delegate supervision of the administration of Advisory Board activities to an administrative secretary and other employees of the Department of Health as the Secretary shall appoint.

Article VIII - Expenses.

A member of the Advisory Board appointed under Article III, Section 1, subsection (a)(8) or (9) shall receive the amount of reasonable travel, hotel and other necessary expenses incurred in the performance of the duties of the member in accordance with Commonwealth regulations but shall receive no other compensation for the member's service on the Advisory Board.

Article IX —Adoption and Amendment of Bylaws

Section 1. Adoption.

These bylaws will become effective upon approval by a two-thirds vote of the entire Advisory Board at a duly convened regular meeting. Members must be given notice of such a vote prior to the meeting.

Section 2. Governance.

The Advisory Board shall have the power to prescribe, amend and repeal bylaws, rules and regulations governing the manner in which the business of the Advisory Board is conducted and the manner in which the duties granted to it are fulfilled.

Section 3. Amendments.

These bylaws may be amended by a two-thirds vote of the entire Advisory Board. An amendment is in order only if it has been included in the written agenda provided to Advisory Board members prior to the regular or special meeting.

Adopted: November 15, 2018