

Legislation Text

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Authorizing the Committee on Public Health and Human Services to hold hearings to regarding the Medical Marijuana Act of Pennsylvania.

WHEREAS, Last month, Governor Tom Wolf signed into law Act 16 of 2016 (“the Medical Marijuana Act”), complex legislation that principally creates a program for the use of medical marijuana to be administered by the Pennsylvania Department of Health with implications for citizens with covered conditions, their relatives and employers, potential market participants, such as doctors or dispensaries, and others throughout the City of Philadelphia; and

WHEREAS, The Medical Marijuana Act establishes a program for use of medical marijuana by patients with a “serious medical condition” which is defined as any of the following conditions: cancer, HIV/AIDS, amyotrophic lateral sclerosis (ALS), Parkinson’s disease, multiple sclerosis, damage to the nervous tissue of the spinal cord with objective neurological indicated of intractable spasticity, epilepsy, inflammatory bowel disease (IBD), neuropathies, Huntington’s disease, Crohn’s disease, post-traumatic stress disorder (PTSD), intractable seizures, glaucoma, autism, sickle cell anemia, and severe, chronic or intractable pain of neuropathic origin or severe or intractable pain in which conventional therapeutic intervention and opiate therapy is contraindicated or ineffective - a list which might be expanded by future state regulation; and

WHEREAS, Medical marijuana can only be administered to patients certified by a state-sanctioned practitioner in approved forms - pill, oil, topical forms, liquid, tincture, and medically appropriate vaporization or nebulization - possession of which by a patient or caregiver generally may not exceed a 30-day supply; and

WHEREAS, The Medical Marijuana Act provides that it is unlawful to smoke medical marijuana, to grow medical marijuana except by a state-approved grower/processor, or for dispensaries to sell medical marijuana products in an edible form, although patients may incorporate medical marijuana products into food to aid ingestion; and

WHEREAS, Numerous sections provide for grower/processors and dispensaries, covering registration, fees, organization, and reporting, among other things, of which perhaps of most importance to the City are the zoning and facility requirement provisions; and

WHEREAS, Grower/processors will be required to meet manufacturing (industrial) zoning and land use requirements, while dispensers must follow commercial requirements but may not be located within 1,000 feet of the property line of schools or day-care centers - the latter condition could be altered by the Pennsylvania Department of Health; and

WHEREAS, The Medical Marijuana Act protects employers from preventing patient-employees from engaging in life-threatening activities and those that might threaten public health, requires neither that employers accommodate patient-employee use nor insurers reimburse those that do accommodate, but does prohibit discrimination against patient-cardholders; and

WHEREAS, The public health, commercial, land use, workplace, and legal implications of The Medical Marijuana Act for the citizens and City of Philadelphia are worthy of consideration and discussion; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That Council does hereby authorize the Committee on Public Health and Human Services to hold hearings to regarding the Medical Marijuana Act of Pennsylvania.