



# Pennsylvania's Medical Marijuana Law: A Guide for Doctors and Patients

On April 17, 2016, Gov. Tom Wolf signed Pennsylvania's medical marijuana program into law, making it the 24th state with a comprehensive medical marijuana program. The law — Act 16 — protects registered patients and their physicians from civil and criminal penalties and creates a well regulated system for safe access to medical marijuana. Act 16 went into effect May 17, 2016, and the first dispensaries began serving patients in April 2018.

## What conditions qualify?

Patients may qualify if they have a terminal illness or if they suffer from cancer (including for remission therapy); HIV/AIDS; amyotrophic lateral sclerosis; Parkinson's disease; multiple sclerosis; epilepsy; inflammatory bowel disease; neuropathies; Huntington's disease; Crohn's disease; post-traumatic stress disorder; intractable seizures; glaucoma; autism; sickle cell anemia; damage to the nervous tissue of the CNS (brain-spinal cord) with objective neurological indication of intractable spasticity and other associated neuropathies; severe chronic or intractable pain; and dyskinetic and spastic movement disorder. Patients may also qualify to use cannabis for addiction substitute therapy for opioids.

In addition, the Department of Public Health can approve additional debilitating medical conditions and did so in spring 2018 (the new and modified conditions are included in the above list).

## How does a patient participate in the program?

A patient with a qualifying condition and a doctor's certification can apply to the Department of Health to enroll in the program. If the application is accepted, the department will issue the patient and/or his or her caregiver an identification card, which will allow them to access medical marijuana from a state-permitted dispensary. If found in possession of medical marijuana in a form and quantity that is allowed under the patient's certification, the identification card also provides protections from arrest and conviction.

## What is the doctor's role?

In order to provide a medical cannabis certification for a patient, a physician must first register with the Department of Health. To do so, doctors must have a valid license to practice medicine in Pennsylvania and must have completed a four-hour course developed by the department. Certifications must include a statement that the patient is under the doctor's ongoing care for a qualifying medical condition and that the patient is likely to receive therapeutic or palliative benefit from the use of medical marijuana. The doctor will then provide a copy of the certification to the department and to the patient.

## Has the federal government punished physicians who recommend medical marijuana?

No. The U.S. Court of Appeals for the Ninth Circuit ruled that doctors cannot be punished — or even investigated — solely for recommending medical marijuana, because doing so is protected free speech (*Conant v. Walters*). The U.S. Supreme Court let the decision stand.

### **Can doctors be prosecuted for signing a certification?**

Pennsylvania’s law explicitly protects doctors from punishment. It states that a physician is not subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege including civil penalty or disciplinary action, solely for his or her participation in the program. Sec. 2103 (A)(3)

***According to our best information, no doctors have been prosecuted for recommending medical marijuana in states with medical marijuana programs.***

### **What *must* a doctor do before making a certification?**

- Be currently licensed and in good standing
- Be responsible for the ongoing care of the patient
- Include in the medical records of the patient a diagnosis of a qualifying condition
- Complete a four-hour course developed by the Department of Health
- Register with the health department

### **What *can't* a doctor do when making a certification?**

- Conduct an exam using telemedicine technology
- Receive pay from or refer patients to marijuana businesses
- Conduct an exam at a location where medical marijuana is sold
- Have a direct or indirect economic interest in a cultivator or dispensary
- Advertise in a cultivation center or dispensary
- Help patients obtain marijuana or offer advice on usage

### **Does research support the medical value of cannabis?**

Yes. Despite federal obstacles to medical cannabis research, dozens of studies support cannabis’s safety and efficacy. A summary of key studies and their citations is available at [www.mpp.org/research](http://www.mpp.org/research).

### **What restrictions are there for patients?**

Patients may not:

- Grow marijuana
- Drive under the influence of marijuana
- Give or sell marijuana to anybody
- Possess marijuana on a school bus or school grounds
- Use marijuana in a public place
- Smoke marijuana
- Utilize medical marijuana in the workplace while performing specific dangerous activities
- Purchase food or drinks infused with marijuana

*This is not intended as a substitute for reading the entire law and all regulations. A link to the*

applicable law may be found [here](#).