

Marijuana in Pennsylvania: Pennsylvania House Passes Law Setting PA to be the 24th State in U.S. to Pass Medical Marijuana Legislation

The Pennsylvania House of Representatives voted Wednesday to legalize medical marijuana, placing the state on track to be the 24th state to pass such legislation. The bill, SB3, passed by a 149 to 43 vote. The issue had been stalled in the House for years, but last year this bill was fast tracked after being moved to another committee where it gained urgency. It now heads to the Senate this Monday where it is expected to pass and then onto Governor Tom Wolf who has pledged to sign it.

The measure will allow people suffering from diseases including cancer, epilepsy, multiple sclerosis and repetitive seizures to access medical marijuana in pill, oil, or ointment form at dispensaries statewide. The bill will permit 25 growers or processors statewide and as many as 50 dispensaries could be established (each up to three locations).

Of special interest to carriers and employers are sections 513 and 2102. Section 513 addresses prohibitions. It specifically prohibits those taking defined amounts of medical marijuana from: working with certain chemicals or high voltage electricity; from performing duties at heights or in confined spaces (including mining); from any task an employer deems life threatening while under the influence of medical marijuana and from any duty which could result in a public health or safety risk.

Section 2102 states that there is nothing in the Act that shall be construed to require an insurer or health plan, whether paid for by the Commonwealth funds or private funds, to provide coverage for medical marijuana. It should be noted that the New Mexico Court of Appeals has ordered a workers' compensation carrier on three occasions to pay for medical marijuana. The Court relied heavily on the "Cole Memo" that came out of the Department of Justice to all U.S. Attorneys in 2013 that essentially stated the federal government wouldn't interfere with how states administered their marijuana laws.

Comment: It appears Pennsylvania will join New Jersey and 22 other states in the very near future permitting medical marijuana. That means it is crucial that employers and insurance carriers understand the implications of the new legislation and adjust policies accordingly.