

Lifting Our Voices For Legalization, October 1, 2024

Introduction:

Lehigh Valley NORML (National Organization for the Reform of Marijuana Laws) has organized today's rally, "Lifting our Voices for Legalization: Canceling Cannabis Criminalization Across the Commonwealth", along with other NORML Chapters from Bucks County and Pittsburgh. We are joined by our friends at DACO, FreeMyWeedman, and Keystone Cannabis Coalition, with the support of cannabis event organizers Zick Productions and Keystoners Gathering.

Today we unite the cannabis community across Pennsylvania, demanding an end to the unwarranted criminalization of cannabis. It is past time for Pennsylvania to pass cannabis legalization. But in the interim, we demand that we end the arrests, and pass a decriminalization measure in Harrisburg, reducing simple possession of cannabis to a civil violation, rather than destroying the lives of 12,000 Pennsylvanians annually.

While we continually witness introduction of cannabis reform legislation, not a single bill has been brought forth for a chamber vote, year after year, with virtually no progress since April 2016, when Governor Wolf signed into law Medical Marijuana in Pennsylvania. And though our program boasts a rapidly growing active patient roster of over 500k, it continues to fall short of patients' expectations and needs. We repeatedly request that lawmakers address the inadequacies in the program, the need for better protections against DUI, workplace protections, lowered prices, patients' rights, need for homegrow, inventory assurances, continuity of product availability... and the list goes on.

Today we are also asking for legislative support to remedy the shortcomings of our Medical Marijuana Program in Pennsylvania. We propose the following solutions...

DUI Protections: Under current law in PA, ANY detected trace of THC in the system is cause for being charged with DUI. Presently, every MMJ patient in PA is "DUI" by PA standards, as THC remains in the body long after its effects have worn off. We'd like to see legislation introduced to better define the acknowledgement of and testing for "impairment". We want stronger language that better protects patients from unwarranted charges of intoxication. (Re: SB363, introduced by Senator Bartolotta and HB983, introduced by Representatives Rabb)

Homegrow Rights: The right to grow at home would alleviate some of the cost of this program. As the program continues to suffer inventory shortages, growing at home would avoid a lack of medication, and allow patients to ensure the quality of their medicine. Homegrow rights could be established through our Patients' Bill of Rights. Opening up the legislation for amendments could also add homegrow rights. Finally, the only other course to homegrow rights would be through legalization legislation. Patients should be allowed to GROW! (Mentioned in both legalization SB846 and HB2500, and also SB869)

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Addressing the DUI Dilemma for MMJ Patients in PA

- Patients need DUI protections NOW!
- Under PA DUI law a driver can be convicted of DUI for THC metabolites regardless of actual impairment
- Delta 9 THC, the psychoactive chemical found in cannabis, metabolizes very quickly
- Peak effects occur shortly after inhalation and rapidly dissipate
- Delta 9 THC metabolizes to Hydroxy THC, a psychoactive metabolite, and then to Carboxy THC, a non-psychoactive metabolite
- Carboxy THC is detectable for hours, days, even weeks after consumption
- Schedule II prescription drugs require proof of actual impairment
- Every PA patient is DUI 24/7/365 since non-psychoactive THC metabolites can be detected hours and even days after consumption.
- Patients need an amendment to 75 C.S.A. §3802(d)(1) requiring proof of impairment for medical cannabis patients.

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CURRENT LEGISLATION...

SB846 Cannabis Legalization, Street/Laughlin

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?sYear=2023&sInd=0&body=S&type=B&bn=0846>

- Bi-partisan comprehensive adult use bill
- Also incorporates Medical Marijuana Act. Both programs to be overseen by single regulatory authority
- Tiered “micro licenses” for PA farmers
- Establishes framework for grower/processor license and dispensary license applications
- Social justice (expungement) and social equity programs
- Existing license holders can jump to the front of the line and acquire up to three additional licenses
- THC caps and possession limits for adult use consumers
- Cultivation for up to five (5) plants for medical cannabis patients

HB2500 Adult Use Legalization, Kaufer/Kinhead

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2023&sind=0&body=H&type=B&bn=2500>

- Comprehensive adult use legislation similar to SB 845
- Also incorporates PAs MMA. Both to be administered by a single regulatory agency
- Existing license holders can jump to the front of the line and acquire one additional license
- Number of licenses to be available to be determined
- Licenses for “micro-grows” of no more than 3,000 square feet of canopy space
- Home cultivation for MMJ patients only
- Cannabis Clean Slate
- Social equity grants and loans
- 5% excise tax, 8% retail sales tax
- Some housing and firearms protections
- Definition of cannabis and THC includes Delta 8, Delta 10, THCA
- Assigned to Health Committee, chaired by Rep. Frankel

MEMO Adult Use Legalization, Frankel/Bullock

<https://www.legis.state.pa.us/cfdocs/Legis/CSM/showMemoPublic.cfm?chamber=H&SPick=20230&cosponId=39066>

- No legislation actually associated with this AU Memo
- Stated goals addressed in HB 2500
- Rep. Frankel strongly favors the “state store” model where the Pennsylvania Liquor Control Board oversees retail distribution via PA’s existing state store system. PA LCB testified that they were ill equipped to fulfill that role

SB1028 Decriminalization of Cannabis, Street/Bartolotta

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?syear=2023&sind=0&body=S&type=B&bn=1028>

- Amends 35 Pa.C.S. §780-113(a)(31) to reduce the penalty for possessing up to 30 grams of cannabis and up to 8 grams of hashish from a misdemeanor to a summary offense
- Maximum fine reduced from \$500.00 to \$100.00
- Summary offense conviction may be expunged after 5 years.

MEMO Decriminalization of Cannabis, Rep. Burgos

<https://www.legis.state.pa.us/cfdocs/Legis/CSM/showMemoPublic.cfm?chamber=H&SPick=20230&cosponId=42663>

- Similar to SB1028, reducing grading from misdemeanor to a summary offense
- \$500.00 maximum fine to \$100.00 minimum fine

SB363 DUI Corrections for Cannabis, Bartolotta

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?sYear=2023&sInd=0&body=S&type=B&bn=0363>

- Would amend PA's "zero tolerance" DUI law relative to a medical cannabis patient by requiring proof of actual impairment.
- No per se THC cutoffs
- Bi-partisan support
- Support of PA Dui Association and PA District Attorney's Association
- Assigned to Transportation Committee

HB983 DUI Corrections for Cannabis, Rabb

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?syear=2023&sind=0&body=H&type=B&bn=0983>

- House companion bill to SB363 which would require proof of actual impairment for MMJ patients
- No committee assignment

SB538 Edibles for MMJ Patients, Laughlin/Cappelletti

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?syear=2023&sind=0&body=S&type=B&bn=0538>

- Would allow PA grower/processors to produce edible medical marijuana products that would be sold via PA licensed dispensaries
- HB 2500 would allow edible products in Adult Use program and therefor in MMJ program
- Some edible products have already been permitted by DOH

SB869 Home Cultivation Street/Laughlin

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?syear=2023&sind=0&body=S&type=B&bn=0869>

- Home cultivation of up to six plants for a medical cannabis patient
- Retains felony prosecution for growing more than six plants or for diversion
- Patient may purchase seeds from dispensary
- Assigned to Law & Justice Committee