

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1899 Session of 2019

INTRODUCED BY DELLOSO, KENYATTA, JOHNSON-HARRELL, HARRIS, MADDEN, ISAACSON, CIRESI, HILL-EVANS, RABB, SOLOMON, SANCHEZ, BURGOS, ULLMAN, STURLA, McCARTER, DALEY, T. DAVIS, WEBSTER, RAVENSTAHL, HOHENSTEIN, NEILSON, MALAGARI, WILLIAMS AND DONATUCCI, SEPTEMBER 30, 2019

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 30, 2019

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An
2 act relating to alcoholic liquors, alcohol and malt and
3 brewed beverages; amending, revising, consolidating and
4 changing the laws relating thereto; regulating and
5 restricting the manufacture, purchase, sale, possession,
6 consumption, importation, transportation, furnishing, holding
7 in bond, holding in storage, traffic in and use of alcoholic
8 liquors, alcohol and malt and brewed beverages and the
9 persons engaged or employed therein; defining the powers and
10 duties of the Pennsylvania Liquor Control Board; providing
11 for the establishment and operation of State liquor stores,
12 for the payment of certain license fees to the respective
13 municipalities and townships, for the abatement of certain
14 nuisances and, in certain cases, for search and seizure
15 without warrant; prescribing penalties and forfeitures;
16 providing for local option, and repealing existing laws,"
17 providing for adult use cannabis; imposing certain gross
18 receipts tax and excise tax; and making related repeals.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. The act of April 12, 1951 (P.L.90, No.21), known
22 as the Liquor Code, is amended by adding an article to read:

23 ARTICLE VIII-A

24 ADULT USE CANNABIS

1 Section 801-A. Purpose, findings and declarations.

2 (a) Findings and declarations.--In the interest of the
3 efficient use of law enforcement resources, enhancing revenue
4 for public purposes and individual freedom, the people of this
5 Commonwealth find and declare that the use of cannabis should be
6 legal for individuals who are at least 21 years of age and
7 should be taxed.

8 (b) Additional findings and declarations.--In the interest
9 of the health and public safety of our citizenry, the people of
10 this Commonwealth further find and declare that cannabis should
11 be regulated in a manner similar to alcohol so that:

12 (1) individuals will have to show proof of age before
13 purchasing cannabis;

14 (2) selling, distributing or transferring cannabis to
15 minors and other individuals under 21 years of age shall
16 remain illegal;

17 (3) driving under the influence of cannabis shall remain
18 illegal;

19 (4) legitimate, State-operated stores and not criminal
20 actors will conduct sales of cannabis; and

21 (5) cannabis sold in this Commonwealth will be labeled
22 and subject to additional regulations to ensure that
23 consumers are informed and protected.

24 (c) Industrial hemp.--In the interest of enacting rational
25 policies for the treatment of all variations of the cannabis
26 plant, the people of this Commonwealth further find and declare
27 that industrial hemp should be regulated separately from strains
28 of cannabis with higher delta-9 tetrahydrocannabinol (THC)
29 concentrations.

30 (d) Matters of Statewide concern.--The people of this

1 Commonwealth further find and declare that it is necessary to
2 ensure consistency and fairness in the application of this
3 article throughout this Commonwealth and that, therefore, the
4 matters addressed by this article are, except as specified in
5 this article, matters of Statewide concern.

6 Section 802-A. Definitions.

7 The following words and phrases when used in this article
8 shall have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 "Adult use cannabis." Cannabis ingested for any reason other
11 than medical purposes.

12 "Board." The Pennsylvania Liquor Control Board.

13 "Cannabis." The plant of the genus cannabis whether growing
14 or not, the parts and seeds thereof, the resin extracted from
15 any part of the plant, and every compound, manufacture, salt,
16 derivative, mixture or preparation of the plant, its seeds or
17 resin, including cannabis concentrate. The term does not include
18 industrial hemp or fiber produced from the stalks, oil or cake
19 made from the seeds of the plant, sterilized seed of the plant
20 that is incapable of germination or the weight of another
21 ingredient combined with cannabis to prepare topical or oral
22 administrations, food, drink or other product.

23 "Cannabis accessories." Equipment, products or materials
24 that are used, intended or designed for use in planting,
25 propagating, cultivating, growing, harvesting, composting,
26 manufacturing, compounding, converting, producing, processing,
27 preparing, testing, analyzing, packaging, repackaging, storing,
28 vaporizing or containing cannabis or for ingesting, inhaling or
29 otherwise introducing cannabis into the human body.

30 "Cannabis cultivation facility." An entity licensed to

1 cultivate, prepare and package cannabis and sell cannabis to a
2 retail cannabis store, cannabis product manufacturing facility
3 and other cannabis cultivation facility, but not to a consumer.

4 "Cannabis establishment." A cannabis cultivation facility, a
5 cannabis testing facility and a cannabis product manufacturing
6 facility.

7 "Cannabis product." A concentrated cannabis product and a
8 cannabis product that is comprised of cannabis and other
9 ingredients and is intended for use or consumption, including as
10 an edible product, ointment or tincture.

11 "Cannabis product manufacturing facility." An entity
12 licensed to:

13 (1) purchase cannabis;

14 (2) manufacture, prepare and package cannabis products;
15 and

16 (3) sell cannabis and cannabis products to other
17 cannabis product manufacturing facilities and retail cannabis
18 stores, but not to a consumer.

19 "Cannabis testing facility." An entity licensed to analyze
20 and certify the safety and potency of cannabis.

21 "Consumer." An individual who is at least 21 years of age
22 and purchases cannabis or cannabis products for personal use and
23 not for resale to others.

24 "Industrial hemp." The plant of the genus cannabis and any
25 part of the plant, whether growing or not, with a delta-9
26 tetrahydrocannabinol concentration (THC) that does not exceed
27 0.03% on a dry-weight basis.

28 "Locality." A county, municipality or city of this
29 Commonwealth.

30 "Pennsylvania farm." An agricultural business incorporated

1 as a sole proprietorship, partnership, limited liability company
2 or Pennsylvania S corporation that operates an area of land and
3 building used for growing crops and rearing animals.

4 "Retail cannabis store." A retail establishment operated by
5 the board as provided under section 805-A.

6 Section 803-A. Personal use of cannabis.

7 Notwithstanding any other provision of law, the following
8 acts are not unlawful and are not an offense under the laws of
9 this Commonwealth or the law of a locality within this
10 Commonwealth or a basis for seizure or forfeiture of an asset
11 under Commonwealth law for an individual who is at least 21
12 years of age:

13 (1) Possessing, using, displaying, purchasing or
14 transporting cannabis accessories or cannabis.

15 (2) (i) Possessing, growing, processing or transporting
16 not more than six cannabis plants, with not more than
17 three being mature, flowering plants.

18 (ii) Possessing the cannabis produced by the plants
19 under subparagraph (i) on the premises where the plants
20 were grown, if the growing takes place in an enclosed,
21 locked space and is not conducted openly or publicly, and
22 the cannabis is not made available for sale.

23 (3) Transferring of one ounce or less of cannabis
24 without remuneration to an individual who is at least 21
25 years of age.

26 (4) Consuming cannabis, provided that nothing in this
27 section shall be construed to permit consumption that is
28 conducted openly and publicly or in a manner that endangers
29 others.

30 (5) Assisting another individual who is at least 21

1 years of age in an act described in paragraph (1), (2), (3)
2 or (4).

3 Section 804-A. Lawful operation of cannabis-related facilities.

4 Notwithstanding any other provision of law, the following
5 acts are not unlawful and are not an offense under the laws of
6 this Commonwealth or a basis for seizure or forfeiture of an
7 asset under Commonwealth law for an individual who is at least
8 21 years of age:

9 (1) Manufacture, possession or purchase of a cannabis
10 accessory or the sale of a cannabis accessory to an
11 individual who is at least 21 years of age.

12 (2) Any of the following:

13 (i) Possessing, displaying or transporting cannabis
14 or a cannabis product.

15 (ii) Purchasing cannabis from a cannabis cultivation
16 facility.

17 (iii) Purchasing cannabis or a cannabis product from
18 a cannabis product manufacturing facility.

19 (iv) Selling cannabis or a cannabis product to a
20 consumer, if:

21 (A) the individual conducting the activity
22 described in this paragraph acts in the capacity of
23 an employee or agent of a retail cannabis store or
24 the board; and

25 (B) the retail cannabis store utilizes a
26 transaction scan device to verify the age of any
27 individual who appears to be less than 35 years of
28 age before making a sale of cannabis products.

29 (3) Any of the following:

30 (i) Cultivating, harvesting, processing, packaging,

1 transporting, displaying or possessing cannabis.

2 (ii) Delivering or transferring cannabis to a
3 cannabis testing facility.

4 (iii) Selling cannabis to a cannabis cultivation
5 facility, a cannabis product manufacturing facility or a
6 retail cannabis store.

7 (iv) Purchasing cannabis from a cannabis cultivation
8 facility, if the person conducting the activity described
9 in this paragraph has obtained a current, valid license
10 to operate a cannabis cultivation facility or acts in the
11 capacity of an owner, employee or agent of a licensed
12 cannabis cultivation facility.

13 (4) Any of the following:

14 (i) Packaging, processing, transporting,
15 manufacturing, displaying or possessing cannabis or
16 cannabis products.

17 (ii) Delivering or transferring cannabis or a
18 cannabis product to a cannabis testing facility.

19 (iii) Selling cannabis or a cannabis product to a
20 retail cannabis store or a cannabis product manufacturing
21 facility.

22 (iv) Purchasing of cannabis from a cannabis
23 cultivation facility.

24 (v) Purchasing of cannabis or a cannabis product
25 from a cannabis product manufacturing facility, if the
26 individual conducting the activities described in this
27 paragraph has obtained a current, valid license to
28 operate a cannabis product manufacturing facility or acts
29 in the capacity of an owner, employee or agent of a
30 licensed cannabis product manufacturing facility.

1 (5) Possessing, cultivating, processing, repackaging,
2 storing, transporting, displaying, transferring or delivering
3 cannabis or cannabis products, if the person has obtained a
4 current, valid license to operate a cannabis testing facility
5 or acts in the capacity of an owner, employee or agent of a
6 licensed cannabis testing facility.

7 (6) Leasing or otherwise allowing the use of property
8 owned, occupied or controlled by a person, corporation or
9 other entity for an activity conducted lawfully in accordance
10 with paragraph (1), (2), (3), (4) or (5).

11 Section 805-A. General powers of board.

12 In addition to sections 207 and 208 the board has the
13 following powers and duties:

14 (1) Buy, import or have in its possession for sale, and
15 sell cannabis and cannabis products in the manner provided in
16 this article, provided the purchases are made subject to the
17 approval of the State Treasurer or the State Treasurer's
18 designated deputy. The board shall buy cannabis and cannabis
19 products at the lowest price and in the greatest variety
20 reasonably obtainable.

21 (2) Control the manufacture, possession, sale,
22 consumption, importation, use, storage, transportation and
23 delivery of cannabis and cannabis products in accordance with
24 the provisions of this act and fix the wholesale and retail
25 prices at which cannabis and cannabis products may be sold at
26 retail cannabis stores as follows:

27 (i) Prices must be proportional with prices paid by
28 the board to its suppliers and reflect any advantage
29 obtained through volume purchases by the board.

30 (ii) The board may establish a preferential price

1 structure for cannabis produced within this Commonwealth
2 for the promotion of the cannabis.

3 (iii) The board may not purchase cannabis or a
4 cannabis product that is produced in a state, territory
5 or country prohibiting the importation of cannabis or a
6 cannabis product that is produced in this Commonwealth.

7 (3) Determine the municipalities within which retail
8 cannabis stores shall be established and the locations of the
9 stores within the municipalities.

10 (4) Through the Department of General Services as its
11 agent, lease, furnish and equip buildings, rooms and other
12 accommodations as required for the operation of this article.

13 (5) Appoint, fix the compensation and define the powers
14 and duties of the managers, officers, inspectors, examiners,
15 clerks and other employees as required for the operation of
16 this article, subject to the provisions of the act of April
17 9, 1929 (P.L.177, No.175), known as The Administrative Code
18 of 1929, and 71 Pa.C.S. Pt. III (relating to civil service
19 reform).

20 (6) Determine the nature, form and capacity of the
21 packages and original containers to be used for containing
22 cannabis and cannabis products.

23 (7) Perform any other act deemed necessary or advisable
24 for the purpose of carrying into effect this article and the
25 regulations promulgated under this article.

26 (8) Periodically promulgate regulations that are
27 consistent with this article as the board may deem necessary
28 for the efficient administration of this article. The board
29 shall publish regulations throughout this Commonwealth in the
30 manner it deems necessary and advisable or as may be provided

1 by law.

2 (9) By regulation, provide for the use of a computerized
3 referral system to assist consumers in locating special items
4 at retail cannabis stores and for the use of electronic
5 transfer of funds and credit cards for the purchase of
6 cannabis and cannabis products at a retail cannabis stores.

7 (10) Issue grants to various entities for cannabis
8 education and prevention efforts.

9 Section 806-A. Regulation of cannabis.

10 (a) Regulations.--Not later than July 1, 2020, the board
11 shall adopt regulations necessary for implementation of this
12 article. The regulations may not prohibit the operation of a
13 cannabis establishment, either expressly or through a regulation
14 that makes the operation unreasonably impracticable. The
15 regulations shall include:

16 (1) Procedures for the issuance, renewal, suspension and
17 revocation of a license to operate a cannabis establishment.

18 (2) A schedule of application and licensing fees,
19 including an annual \$700 license renewal surcharge, provided
20 that an application fee may not exceed \$5,000 with the upper
21 limit adjusted annually for inflation, unless the board
22 determines a greater fee is necessary to carry out its
23 responsibilities under this section.

24 (3) Qualifications for licensure that are directly and
25 demonstrably related to the operation of a cannabis
26 establishment.

27 (4) Security requirements for a cannabis establishment.

28 (5) Requirements to prevent the sale or diversion of
29 cannabis and a cannabis product to an individual who is less
30 than 21 years of age.

1 (6) Labeling requirements for cannabis and a cannabis
2 product sold or distributed by a cannabis establishment.

3 (7) Health and safety regulations and standards for the
4 manufacture of a cannabis product and the cultivation of
5 cannabis.

6 (8) Restrictions on the advertising and display of
7 cannabis and a cannabis product.

8 (9) Civil penalties for the failure to comply with
9 regulations promulgated under this section.

10 (b) Individual privacy.--Notwithstanding subsection (a), the
11 board may not require a consumer to provide a retail cannabis
12 store with personal information other than government-issued
13 identification to determine the consumer's age, and a retail
14 cannabis store may not be required to acquire and record
15 personal information about a consumer other than information
16 typically acquired in a financial transaction conducted at a
17 retail liquor store.

18 (c) Taxation of adult use cannabis and cannabis products.--

19 (1) A gross receipts tax is imposed on the gross
20 receipts of a cannabis cultivation facility received from the
21 sale of adult use cannabis or cannabis products by a cannabis
22 cultivation facility to another cannabis cultivation
23 facility, cannabis product manufacturing facility or retail
24 cannabis store, to be paid by the cannabis cultivation
25 facility at the rate of 10%. The tax shall be charged against
26 and be paid by the cannabis cultivation facility and shall
27 not be added as a separate charge or line item on any sales
28 slip, invoice, receipt or other statement or memorandum of
29 the price paid.

30 (2) The tax under paragraph (1) shall not be levied on a

1 cannabis cultivation facility that partners with a
2 Pennsylvania farm to grow or process cannabis for the
3 cannabis cultivation facility.

4 (3) An excise tax is imposed at the point of sale of
5 adult use cannabis or cannabis products at the rate of 19%. A
6 person required to collect the tax shall clearly provide
7 notice of the assessment of the tax to the consumer through
8 advertising or separate listing on a sales receipt or
9 invoice.

10 (4) The taxes imposed under this subsection shall be
11 administered in the same manner as the tax imposed under
12 Article XI of the act of March 4, 1971 (P.L.6, No.2), known
13 as the Tax Reform Code of 1971, except that estimated tax
14 payments under section 3003.2 of the Tax Reform Code of 1971
15 shall not be required. A cannabis cultivation facility shall
16 make quarterly payments under this section for each calendar
17 quarter at the rate prescribed in this subsection on the
18 gross receipts for the calendar quarter. The tax shall be due
19 and payable on the 20th day of January, April, July and
20 October for the preceding calendar quarter on a form
21 prescribed by the Department of Revenue.

22 (5) The Department of Revenue shall deposit 100% of all
23 money received from the tax imposed under this subsection
24 into the General Fund.

25 (d) Locality.--A locality shall enact an ordinance or
26 regulation:

27 (1) Specifying the entity within the locality that is
28 responsible for processing applications submitted for a
29 license to operate a cannabis establishment within the
30 boundaries of the locality.

1 (2) For the issuance of licenses should the issuance by
2 the locality become necessary because of:

3 (i) a failure by the board to adopt regulations
4 under subsection (a); or

5 (ii) a failure by the board to process and issue
6 licenses as required by subsection (f).

7 (e) Ordinance or regulation.--A locality may enact an
8 ordinance or regulation, not in conflict with this section or
9 with a regulation promulgated under this section, which:

10 (1) Governs the time, place, manner and number of
11 cannabis establishment operations.

12 (2) Establishes procedures for the issuance, suspension
13 and revocation of a license issued by the locality.

14 (3) Establishes a schedule of annual operating,
15 licensing and application fees for cannabis establishments,
16 provided the application fees are only due if applications
17 are submitted to a locality and a licensing fee is only due
18 if a license is issued by a locality.

19 (4) Establishes civil penalties for violation of an
20 ordinance or regulation governing the time, place and manner
21 of a cannabis establishment that may operate in the locality.

22 (f) License application.--Each application for an annual
23 license to operate a cannabis establishment must be submitted to
24 the board. The board shall:

25 (1) Begin accepting and processing applications on
26 October 1, 2020.

27 (2) Immediately forward a copy of an application and
28 half of the license application fee to the locality in which
29 the applicant desires to operate the cannabis establishment.

30 (3) Issue an annual license to the applicant between 45

1 and 90 days after receipt of an application, unless the board
2 finds the applicant is not in compliance with regulations
3 enacted under subsection (a) or the board is notified by the
4 relevant locality that the applicant is not in compliance
5 with ordinances and regulations in effect at the time of
6 application. If a locality enacted a limit on the number of
7 cannabis establishments in the locality and a greater number
8 of applicants seek licenses in the locality, the board shall
9 solicit and consider input from the locality as to the
10 locality's preference or preferences for licensure.

11 (4) Upon denial of an application, notify the applicant
12 in writing of the specific reason for the denial.

13 (g) Resubmission of application to locality.--

14 (1) If the board does not issue a license to an
15 applicant within 90 days of receipt of the application filed
16 and does not notify the applicant of the specific reason for
17 the denial, in writing and within the time period, the
18 applicant may resubmit the application directly to the
19 locality, and the locality may issue an annual license to the
20 applicant.

21 (2) A locality issuing a license to an applicant shall
22 do so within 90 days of receipt of the resubmitted
23 application unless the locality finds and notifies the
24 applicant that the applicant is not in compliance with
25 ordinances and regulations in effect at the time the
26 application is resubmitted and the locality shall notify the
27 board if an annual license has been issued to the applicant.

28 (3) If an application is submitted to a locality under
29 this subsection, the board shall forward to the locality the
30 application fee paid by the applicant to the board upon

1 request by the locality.

2 (4) A license issued by a locality in accordance with
3 this subsection has the same force and effect as a license
4 issued by the board and the holder of the license is not
5 subject to regulation or enforcement by the board during the
6 term of the license.

7 (5) A subsequent or renewed license may be issued under
8 this subsection on an annual basis only upon resubmission to
9 the locality of a new application submitted to the board.

10 (6) This subsection shall not be construed to limit the
11 relief available to an aggrieved party.

12 Section 807-A. Diversity goals.

13 (a) Goals.--It is the intent and goal of the General
14 Assembly that the board promote diversity and the participation
15 by diverse groups in the activities authorized under this
16 article. In order to further this goal, the board shall adopt
17 and implement policies to ensure that:

18 (1) Diverse groups are accorded equal opportunity in the
19 licensing process.

20 (2) Licensees promote the participation of diverse
21 groups in their operations by affording equal access to
22 employment opportunities.

23 (b) Duties of board.--To facilitate participation by diverse
24 groups in the activities authorized under this article, the
25 board shall:

26 (1) Conduct necessary and appropriate outreach,
27 including, if necessary, consulting with other Commonwealth
28 agencies to identify diverse groups who may qualify for
29 participation in activities under this article.

30 (2) Provide sufficient and continuous notice of the

1 participation opportunities afforded under this article by
2 publishing notice on the board's publicly accessible Internet
3 website.

4 (3) Include in the applications for license under this
5 article language to encourage applicants to utilize and give
6 consideration to diverse groups for contracting or
7 professional services opportunities.

8 (c) Reports.--No later than March 1, 2020, and each March 1
9 thereafter, the board shall submit a report to the chairperson
10 and minority chairperson of the Law and Justice Committee of the
11 Senate and the chairperson and minority chairperson of the
12 Liquor Control Committee of the House of Representatives
13 summarizing the participation and utilization of diverse groups
14 in the activities authorized under this article. The report
15 shall include:

16 (1) The participation level, by percentage, of diverse
17 groups in the activities authorized under this article.

18 (2) A summary of how diverse groups are utilized by
19 licensees, including in the provision of goods or services.

20 (3) Any other information the board deems appropriate.

21 (d) Definitions.--The following words and phrases when used
22 in this section shall have the meanings given to them in this
23 subsection unless the context clearly indicates otherwise:

24 "Disadvantaged business." As defined in 74 Pa.C.S. § 303(b)
25 (relating to diverse business participation).

26 "Diverse group." A disadvantaged business, minority-owned
27 business, women-owned business, service-disabled veteran-owned
28 small business or veteran-owned small business that has been
29 certified by a third-party certifying organization.

30 "Minority-owned business." As defined in 74 Pa.C.S. §

1 303(b).

2 "Service-disabled veteran-owned small business." As defined
3 in 51 Pa.C.S. § 9601 (relating to definitions).

4 "Third-party certifying organization." As defined in 74
5 Pa.C.S. § 303(b).

6 "Veteran-owned small business." As defined in 51 Pa.C.S. §
7 9601.

8 "Women-owned business." As defined in 74 Pa.C.S. § 303(b).
9 Section 808-A. Cannabis clean slate.

10 (a) General rule.--A person who has been arrested for,
11 charged with or convicted under section 13(a)(31) of the act of
12 April 14, 1972 (P.L.233, No.64), known as The Controlled
13 Substance, Drug, Device and Cosmetic Act, shall have the
14 person's criminal history related to the criminal proceeding
15 expunged in accordance with subsection (b).

16 (b) Expungement process.--

17 (1) The Administrative Office of Pennsylvania Courts
18 shall, within six months of the effective date of this
19 article, transmit to the Pennsylvania State Police central
20 repository all records related to an arrest or conviction
21 under subsection (a) for expungement.

22 (2) If the Pennsylvania State Police determines a record
23 transmitted under paragraph (1) is not eligible for
24 expungement, the Pennsylvania State Police shall notify the
25 Administrative Office of Pennsylvania Courts of the
26 determination within 30 days of receiving the information.

27 (3) Upon expiration of the 30-day period, the
28 Administrative Office of Pennsylvania Courts shall provide to
29 the court of common pleas in which the arrest or adjudication
30 occurred a list of all records eligible for expungement.

1 (4) Within 30 days of receiving the list, the court of
2 common pleas shall order the expungement of all criminal
3 history records received under this section and all
4 administrative records of the Department of Transportation
5 relating to the criminal history records received under this
6 section.

7 (c) Release of inmates.--A court of common pleas that has
8 received an expungement order for a person currently
9 incarcerated for the crime for which the court received the
10 expungement order shall transmit to the appropriate county
11 correctional institution or State correctional institution, as
12 defined under 61 Pa.C.S. § 102 (relating to definitions), an
13 order for the immediate release or discharge of the person whose
14 record has been ordered to be expunged.

15 (d) Motor vehicle operation privileges.--The Bureau of Motor
16 Vehicles shall reinstate a person's suspended or revoked motor
17 vehicle operation privileges that were suspended or revoked as a
18 result of a person's conviction that has been expunged under
19 this section.

20 (e) Reinstatement of license or registration.--A license or
21 registration that has been suspended or revoked under section 23
22 of The Controlled Substance, Drug, Device and Cosmetic Act due
23 to an arrest or conviction that has been expunged under this
24 section shall be reinstated.

25 Section 809-A. Employment provisions.

26 (a) Cannabis in workplace.--No employer shall be required to
27 permit or accommodate the use, consumption, possession,
28 transfer, display, transportation, sale or growing of cannabis
29 in the workplace.

30 (b) Random drug tests.--A random drug test showing the mere

1 presence of a nonintoxicating level of cannabis may not be the
2 basis of the termination of employment or any other disciplinary
3 action against the employee.

4 (c) Construction.--Nothing in this article shall be
5 construed to affect the ability of an employer to adopt and
6 enforce policies restricting the use of cannabis by employees in
7 the workplace.

8 Section 2. Repeals are as follows:

9 The General Assembly finds that the repeals under this
10 section are necessary to effectuate the addition of Article
11 VIII-A of the act:

12 (1) Section 4(1)(iii)16 and (iv) of the act of April 14,
13 1972 (P.L.233, No.64), known as The Controlled Substance,
14 Drug, Device and Cosmetic Act, are repealed.

15 (2) Section 13(a)(30) and (31) of The Controlled
16 Substance, Drug, Device and Cosmetic Act are repealed insofar
17 as they are inconsistent with Article VIII-A of the act.

18 (3) All acts and parts of acts are repealed insofar as
19 they are inconsistent with this act.

20 Section 3. This act shall take effect in 30 days.