

Survey to Chief APOs

Issue: Medical Marijuana Policy (Prohibition)

Question (from Butler County):

Are there any counties that don't permit defendants to use medical marijuana while on supervision? If so, would those counties be willing to share their written policy with Butler County Adult Probation?

Bucks County

Bucks County allows use with medical marijuana card, however neither the court nor APPD have a policy concerning this.

Cambria County

In Cambria we are working on the actual written policy, but essentially anyone that receives medical marijuana has to go back in front of the president judge for a review hearing and he wither approves or denies.

Erie County

Erie is same as Bucks' Looking to copy & paste someone else's policy!

Jefferson County

President Judge John Foradora in Jefferson County issued an Order of Court on July 19, 2018 prohibiting the use of, possession, or purchasing of marijuana. The jest of the Order is that it is still a schedule 1 controlled substance. No offender on probation in Jefferson County is permitted to use marijuana. I will fax you a copy of the Order of Court.

Lancaster County

See Appendix

Montgomery County

Same as Bucks

Snyder County

In Snyder County our Court reviewed this topic and decided that we would not permit the use of Medical Marijuana. There is no formal policy, however, we advise our probationers when reviewing our conditions of supervision that we prohibit use. We treat it as any other illicit substance as it is still regulated by the DEA as Schedule I drug. If that ever changes, I would assume we will revisit it.

Warren County

See Appendix

Westmoreland County

At this point, the Judges in Westmoreland County allow the individuals on supervision to use medical marijuana. We have no policy in place at this time.

COURT OF COMMON PLEAS OF LANCASTER COUNTY

Adult Probation and Parole Services



Brett I. Cole

Deputy Chief

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Medical Marijuana Policy

I. Introduction

The purpose of this Medical Marijuana Policy is to establish guidelines to be referenced by Probation Officers when supervising clients who declare the certified use of Medical Marijuana. The Medical Marijuana Act (Act 16 of 2016) was signed into law on April 17, 2016 and became effective May 17, 2016. This Act is intended to “serve as temporary measure until there is Federal Approval of and access to Medical Marijuana through traditional medical and pharmaceutical avenues.”

For PA Medical Marijuana Act in its entirety please see the Pennsylvania General Assembly *Medical Marijuana Act – Enactment, Act of Apr. 17, 2016, P.L. 84, No. 16* website at: <http://www.legis.state.pa.us>

II. Definitions

- A. Medical Marijuana – marijuana for certified medical use as set forth in the Medical Marijuana Act (Act 16 of 2016).
- B. Pennsylvania Patient - Pennsylvania resident who is certified as having a serious medical condition as indicated by a physician approved by the Pennsylvania Department of Health which would allow for the use of medical marijuana.
- C. Pennsylvania Caregiver - Pennsylvania resident who is 21 years of age or older, unless otherwise authorized by the department who is designated by a patient; a parent, legal guardian or spouse of a patient that is under the age of 18; and/or designated to be a caregiver by a parent, legal guardian or spouse of an individual approved by the department if no parent or legal guardian is appropriate or available.
- D. Routes of Administration – path by which medical marijuana is taken into the body.

- E. Non-Pennsylvania Patient/Caregiver – non-Pennsylvania resident who is approved for the use of medical marijuana as per his/her respective state's guidelines.

III. Verification

A. Pennsylvania Resident

- a. Clients shall provide Pennsylvania Department of Health Certified Patient and/or Caregiver identification card upon initial receipt, annually, and at the request of APPS.
- b. Clients shall provide all medical marijuana products, packaging, labeling and/or sales receipt(s) in the original form and legible as requested by APPS. The probation officer shall document in UCM notes that they observed the packaging/product(s) presented by the client.
- c. The probation officer will keep a photocopy of the ID card and sales receipt(s) in the client file. The probation officer will list 'medical marijuana' in the medication list found in UCM.

B. Non-Pennsylvania Resident

- a. Clients shall provide their respective state's medical marijuana patient and/or caregiver identification card upon initial receipt, annually, and at the request of APPS.
- b. Clients shall provide clear photos of medical marijuana products, packaging, labeling and/or original sales receipts as requested by APPS. The probation officer shall document in UCM notes that they observed photographs of the packaging/products.
- c. The probation officer will keep a photocopy of the ID card and sales receipt(s) in the client file. The probation officer will list 'medical marijuana' in the medication list found in UCM.
- d. Note: non-Pennsylvania residents are not permitted to transport medical marijuana products across state lines.

IV. Forms/Routes of Administration

- A. Approved forms of medical marijuana and routes of administration can be found on the Pennsylvania Medical Marijuana Act website at: www.medicalmarijuana.pa.gov Navigation: 'Information for Patients and Caregivers'—Resources for Patients and Caregiver—Information for Patients Brochure

V. Impairment

- A. If a client appears to be impaired, please refer to the Adult Probation and Parole *General Impairment Policy*.

VI. Drug Testing

- A. Clients under supervision with a valid certification and supporting documentation for Medical Marijuana, as noted in Section III (Verification), are subject to drug testing per caseload standards and/or Adult Probation & Parole policy. However, no violation will be processed for a positive THC test.

Appendix:
Warren County - Medical Marijuana Policy

Medical Marijuana

1. Steps individuals must take to obtain a medication marijuana card: (More info at medicalmarijuana.pa.gov)
 - a. Obtain physicians certification for one of 17 qualifying medical conditions
 - i. This may come from a person's PCP or another physician.
 - ii. Note: Doctors cannot prescribe medical marijuana due to federal regulations; their role is simply to certify a patient that they are eligible for the medication based on the qualifying diagnosis.
 - b. Apply online at <https://padohmmp.custhelp.com/app/login>. Complete registration and pay for the medical marijuana card (\$150 - \$260).
 - c. Once they receive their medical marijuana card, they take this and their PA issue DL or Photo ID card to a dispensary to obtain medication.
2. Dispensary will only accept cash; no insurance.
3. A pharmacist at the dispensary, make recommendations for a person's appropriate dose and route. Most of the medications have a 1:1 ratio of CBD and THC. This means the user may experience psychoactive effects of THC. The dispensaries indicated they try to keep patients at the lowest possible dose. (CBD—Cannabidiol—is a cannabis compound that has medical benefits, but is not psychoactive.) Approved forms of medical marijuana include pill, tincture, topical, vaporization/nebulization, oil, flower, and liquid. No edibles are legal in PA, nor is medical marijuana smoked. The flower form will be available in July/August (for vaporization) and will look the same as marijuana that is purchased on the street.
4. If a person is using medical marijuana in any form, with the exception of topical, they will likely test positive for THC.
5. The law requires that and Patients are encouraged by the dispensary to keep the medication in its original packaging, as with any medication. The packaging will have the dispensary's information, the date, the THC/CBD content, and the grower's information. Most are given in pill bottles or cardboard packaging. Patients will also receive a receipt.
6. Many growers still use names of their products that sounds like street drugs. If it was purchased from a dispensary, it will say the name of the product on a receipt.
7. Because it is not federally approved, medical marijuana is not HIPAA-protected; however, they do their best to protect confidentiality. That said, one dispensary indicated that they would be communicative with us about mutual clients if we needed specific information.

Internal Policy: Until further notice the policy of the Warren County Adult Probation Office is as follows:

- **As a practice, we are requiring clients who have been approved for medical marijuana to provide the following:**
 - a. **Medical Marijuana card so that we can make a copy and keep in their file**
 - b. **Provide receipt(s) from dispensary, dated within 2-3 months, if they are testing positive for THC and attributing it to medical marijuana.**
- **Communicate with the pharmacy to corroborate information if you suspect that a person is no longer using the medical marijuana (but rather street-purchased marijuana). Examples of when this might be needed: (1) Person is positive for THC but provides a receipt that is dated more than 2-3 months ago. (2) During a field visit, flower form of marijuana is found, however the person can't produce a valid receipt or original packaging.**
- **Ensure you add medical marijuana as a medication to the medical tab in UCM once the certification and receipt from dispensary are confirmed/photocopied and added to file.**
- **To date we have not been using the medication tab it is under medical in the left menu bar. I have entered suboxone, vivitrol and medical marijuana. It would be good if we listed all psychoactive meds so we know who is taking what.**

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