

PENNSYLVANIA'S MEDICAL CANNABIS BILL PASSES IN THE PENNSYLVANIA SENATE

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Senate Bill 3, known as Pennsylvania's Medical Cannabis Bill, resoundingly passed in the Pennsylvania Senate by a vote of 40-7. The Bill is currently awaiting House review before it could become law in Pennsylvania. The line of opposition in the House to this Bill is couched in terms of federal law pre-emption. Those in opposition believe that until, and unless, the federal government legalizes the drug, the matter should not even come to a vote in the House.

When the Senate passed the Bill, there were changes that will staggeringly affect the Pennsylvania workers' compensation system. In short, the definition of a "qualified medical condition" in the amended Bill includes traumatic brain injury, post concussion syndrome, post-traumatic stress disorder and fibromyalgia—all common workplace injury diagnoses. Additionally, there is a catch-all provision that holds that a "qualified medical condition" includes chronic pain, or intractable pain, where other methods of treatment no longer have a therapeutic or palliative effect. Many alleged workplace injuries will fit into this catch-all category.

The Bill implements rules surrounding the growing, selling and administration of the drug, all of which will become important in Fee Review and Utilization Review litigation as well. We will follow this Bill in the House and update the matter as it progresses. ||



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