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Pennsylvania Bar Association Launches Medical Marijuana and Hemp Law Committee

HARRISBURG (Feb. 10, 2017) – A new Pennsylvania Bar Association committee is poised to help shape a burgeoning industry in Pennsylvania. The Medical Marijuana and Hemp Law Committee will follow developments in the field of medical marijuana and educate association members.

PBA President Sara Austin called for the creation of the new committee.

“The Pennsylvania Department of Health’s mission for the medical marijuana program is to develop and maintain a medically-focused program to benefit patients that is consistent, competent and efficient and is a leading, innovative, research-driven program,” said Austin. “Such a complex program, if it is to succeed, must have the assistance of informed and qualified legal counsel. That’s why the PBA created this committee.”

Austin has appointed Andrew B. Sacks of Sacks Weston Diamond LLC in Philadelphia and William G. Roark of Hamburg Rubin Mullin Maxwell and Lupin PC in Lansdale to co-chair the committee and Jerry R. DeSiderato of Dilworth Paxson LLP in Philadelphia to serve as the committee’s vice chair.

Sacks said the time is ripe to create this committee for a number of reasons, including “how we as lawyers are handling clients, their applications for permits, the permit process, the startup practice and then the ongoing industry that will need legal help.”

The Department of Health will soon begin to solicit applications from aspiring growers, processors and dispensaries. Eventually in Pennsylvania, there could be up to 25 growers and 50 dispensaries with three locations each. The applications for phase one for growing/processing and dispensing permits are due in mid-March.

“It’s not once they get permits, it’s over,” said Sacks. “We’re looking at zoning issues, water and environmental issues, a wide range of tax issues. We’re looking at involving integrated health care systems. The (PBA) committee needs to deal with the federal mandate and a growing list of ethics issues, some that lawyers may not be aware of.”

Sacks said efforts are directed towards getting Pennsylvania to become the research capital on cannabis for at least 17 illnesses.

“There is still so much to do. This is all going in one direction, and there is plenty for us to talk about,” Roark said. “I want to see more research, and it involves a lot of areas of law. The medical marijuana industry is like most others; it is far ranging. Pennsylvania’s could be the most robust in the country.”

“Given the nature and history of this field, it is important for a public forum to be offered for lawyers to discuss the latest trends and topics,” DeSiderato said. “During the industry’s infancy, it is essential that counsel remains fully informed and that clients in this field can know that their counsel has access to the shared knowledge and experience from across the commonwealth.”

DeSiderato noted the explosion of research on cannabidiol (CBD), considered to have a wide scope of potential medical applications.

“This is a game changer for medical marijuana and has shifted the national discussion,” DeSiderato said.

In the cannabis plant, CBD and tetrahydrocannabinol (THC) have an inverse relationship. CBD doesn't get users high, so it sidesteps many of the political, legal and medical concerns. Hemp plants contain a smaller amount of CBD and hardly any THC, although it has less of both substances than cannabis plants.

“We still have a lot to learn,” Roark said. “The law is written so that two years from now, it will allow expanded uses. It's very forward looking.”

Founded in 1895, the Pennsylvania Bar Association exists to promote justice, professional excellence and respect of the law; improve public understanding of the legal system; facilitate access to legal services; and serve the 27,000 lawyers who are members of the association.

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Source: Pennsylvania Bar Association, 100 South Street, Harrisburg, PA 17101