

Medical Marijuana

429.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production, or use of marijuana under Pennsylvania's medical marijuana laws (35 P.S. § 10231.101 et seq.).

429.1.1 DEFINITIONS

Definitions related to this policy include (35 P.S. § 10231.103):

Caregiver – A person designated to deliver medical marijuana to a patient.

Certified medical use of marijuana – The acquisition, possession, use, or transportation of medical marijuana by a patient, or the acquisition, possession, delivery, transportation, or administration of medical marijuana by a caregiver for the treatment of a patient's serious medical condition as authorized in a certification provided by a registered practitioner (35 P.S. § 10231.401).

Identification Card - A document issued by the Pennsylvania Department of Health (DOH) that authorizes access to medical marijuana under the Medical Marijuana Act.

Patient – A resident of Pennsylvania with a serious medical condition who possesses a valid identification card issued by the DOH.

429.2 POLICY

It is the policy of the Plymouth Township Police Department to prioritize resources to avoid making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Pennsylvania medical marijuana laws are intended to provide protection from arrest and prosecution to those who use, manufacture, transport, or dispense medical marijuana for serious medical conditions. However, Pennsylvania medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Plymouth Township Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Pennsylvania law and the resources of the Department.

It is the policy of this Department to comply with MPOETC, who will deny or revoke Act 120 certification of an individual who uses medical marijuana or possesses a medical marijuana certification card, other than the Caregiver card.

Attachments

**Plymouth Township Ordinance ARTICLE IX
Possession of Small Amount of Marijuana
Sec. 14-111 and Sec. 14-112.pdf**

Sec. 14-111. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DRUG PARAPHERNALIA (as it relates to marijuana) — As defined by Pennsylvania's Controlled Substance, Drug, Device and Cosmetics Act as set forth at 35 P.S. § 780-101 et seq.

MARIJUANA or **MARIHUANA** — All forms of/or varieties of the genus Cannabis Sativa L., whether growing or not, as defined by Pennsylvania's Controlled Substance, Drug, Device and Cosmetics Act as set forth at 35 P.S. § 780-101 et seq.

PRIVATE PROPERTY USED TO ACCOMMODATE THE PUBLIC — Any building, structure, equipment or other thing, including the land upon which it is situated, abutting premises that are used incidentally for the accommodation of the public, including the sidewalks and streets adjacent thereto.

PUBLIC PLACE — Any place to which the public has access, including any public street or public sidewalk, public alley, public mall, public common, public municipal parking lot, a vehicle in or upon any street, alley, park or parking areas, or other public ground within the Township or in or about the areas in front of or adjacent to any building or structure used in whole or in part for dwelling or rooming or boarding purposes or for business, amusement, commercial, mercantile, manufacturing, industrial, storage or recreational purposes, including any stores, restaurants, taverns, movie theaters or other businesses. Schools and educational buildings are not considered a public place for purposes of this article.

PUBLIC RIGHT-OF-WAY — All public streets, alleys, sidewalks, steps and other corridors through which either vehicles or persons may travel, including motor vehicles parked within such right-of-way.

SMALL AMOUNT OF MARIJUANA — Thirty grams or less of marijuana or eight grams or less of hashish as set forth in 35 P.S. § 780-113(a)(31).

SMOKING — Inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe or other such device which contains marijuana. Smoking includes devices designed to vaporize marijuana or marijuana extracts.

Sec. 14-112. Possession of small amount of marijuana prohibited.

- (a) So long as marijuana shall be listed as a controlled substance in the Controlled Substance, Drug, Device and Cosmetic Act, 1972, April 14, P.L. 233, No. 64, § 1 et seq., 35 P.S. § 780.101 et seq., no person shall be in possession of a small amount of marijuana as defined in said act.
- (b) The following shall be a summary violation of this article:
 - (1) Possessing a small amount of marijuana as herein defined.
 - (2) Possessing paraphernalia used to smoke marijuana.
 - (3) Smoking a small amount of marijuana as herein defined in a public place or private property used to accommodate the public.

- (c) Persons who are found in violation of this section may be issued a nontraffic citation by the police or other authorized law enforcement officer. Alternatively, the officer may obtain the subject's name and address and later send a nontraffic citation through the Magisterial District Judge's office.
- (d) The parent or guardian of a minor under the age of 18 years who violates § 14-112, Subsection b(1),(2) or (3), shall also be in violation of this section. The officer who observes a violation of this section by a minor may:
 - (1) Temporarily detain the minor and follow all existing procedures for the handling of summary offenses committed by a minor;
 - (2) Advise the parent or guardian that the minor was found in possession of a small amount of marijuana;
 - (3) Issue a nontraffic citation to the minor or to the parent or guardian on behalf of the juvenile offender; and
 - (4) Provided that such agency exists, provide the parent or guardian with contact information for agencies where substance abuse educational and treatment programs are available.
- (e) Penalties for violation.
 - (1) The penalty for a violation of § 14-112, Subsection (b)(1), of this article by an adult or minor under the age of 18 shall be a fine of \$25 for each violation.
 - (2) The penalty for a violation of § 14-112, Subsection (b)(2), of this article by an adult or minor under the age of 18 shall be a fine of \$25 for each violation.
 - (3) The penalty for a violation of § 14-112, Subsection (b)(3), of this article by an adult or minor under the age of 18 shall be a fine of \$100 for each violation.
- (f) Enforcement.
 - (1) A nontraffic citation issued under this article shall be enforced in accordance with the procedures established by the Plymouth Township Police Department for enforcement of summary violations.
 - (2) This article shall not be construed to supersede any existing Pennsylvania or federal law. Plymouth Township Police Department officers retain the authority to enforce any applicable laws.