



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HEALTH

Dear Doctor:

This letter is to provide you an update on the recent enactment of the Medical Marijuana Act and provide guidance on the Safe Harbor Provision contained within the law. This provision will allow doctors to use their medical expertise to assist parents, legal guardians, caregivers and spouses to comply with the act.

Act 16 of 2016 was signed into law by Governor Tom Wolf on April 17, 2016, and went into effect 30 days later on May 17. On June 24, 2016, the department published its first set of temporary guidelines outlining the Safe Harbor provision under the act. The Safe Harbor provision allows a parent, legal guardian, caregiver, or spouse to apply for a Safe Harbor Letter allowing them to possess and administer medical marijuana to a minor diagnosed with one of the seventeen [serious medical conditions within the Commonwealth](#).

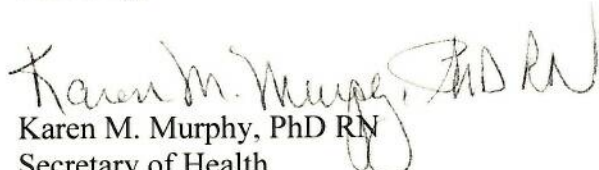
As part of the application process for a Safe Harbor Letter, a parent, legal guardian, caregiver, or spouse must request a doctor to sign a form stating that in their medical opinion the minor has one of the serious medical conditions listed in the act. The physician statement then will be submitted with the application to the department for review. The department is only considering this form as a statement that the minor has a serious medical condition. The department will not consider it to be a prescription for medical marijuana or the sole reason that allows a parent, legal guardian, caregiver or spouse to obtain medical marijuana for a minor with a serious medical condition anywhere outside of the Commonwealth. There are other requirements that must be met before an application for a Safe Harbor Letter is granted.

The Safe Harbor Letter is intended to serve as an indication that Pennsylvania parents, legal guardians, caregivers, and spouses are complying with state law allowing them to possess and administer medical marijuana to minors with serious medical conditions who are under a physician's care in the commonwealth. However, please be aware that marijuana is a Schedule I controlled substance under federal law. The [U.S. Department of Justice](#) has the authority to enforce civil and criminal federal laws relating to marijuana use and possession, regardless of state law. The department realizes that this may create concern about your participation in the application process and has produced a series of FAQs on its website that explain the physician's role in the medical marijuana program.

If you wish to assist a parent, legal guardian, caregiver, or spouses in applying to the department for the Safe Harbor Letter please check off the minor's serious medical condition then complete and sign the remainder of the form. Once the application is submitted, reviewed and approved by the department, a copy of the form will be returned to you for your medical records.

Thank you for your support as the department continues its implementation of this important medical marijuana program. If you have any questions, please contact Ms. Sunny Podolak at 717-787-4366 or via email at ra-dhmedmarijuana@pa.gov.

Sincerely,


Karen M. Murphy, PhD RN
Secretary of Health
Pennsylvania Department of Health