

## Medical Marijuana Disclosures

Pennsylvania passed the “MEDICAL MARIJUANA ACT” in April 2016 (the “Act”), permitting growers/producers and dispensaries to provide marijuana for patients with specific medical conditions within the limitations specified in the act. Also known as Act 16, the act is overseen, implemented and regulated by the Pennsylvania Department of Health. The regulations have been codified and shall remain in effect until 2018, when they may be revised by the Department of Health. Tucker Arensberg’s Medical Marijuana Practice Group is staying up to date on the Act and the implementing regulations in order to properly and diligently represent clients in this area of law while strictly adhering to state regulation and complying with Federal restrictions.

Notwithstanding the passage of the act in Pennsylvania, the cultivation, manufacturing, transportation, sale, distribution, dispensation and possession of marijuana or cannabis violates Federal law. The Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. Section 801, et. Seq (1970) (“THE CONTROLLED SUBSTANCES ACT”), categorizes marijuana as a ‘SCHEDULE I’ controlled substance. Schedule I drugs are defined as drugs with no currently accepted medical use in treatment in the United States and a high potential for abuse. As such, while users, growers and dispensaries of medical marijuana who comply with Pennsylvania’s Medical Marijuana Act are protected from state criminal prosecution, their activities remain illegal under the Federal Controlled Substances Act and other related Federal statutes and regulations. As the U.S. Constitution’s Supremacy Clause pre-empts and voids state laws that conflict with Federal law, anyone awarded a license to grow, process and/or dispense medical marijuana in Pennsylvania may be subject to Federal drug raids, have assets seized, be subject to fines and other penalties and/or be incarcerated on Federal drug charges. Additionally, such person or company may not be able to take advantage of other Federal laws or regulations, such as filing for bankruptcy or may risk being charged with Federal tax evasion.

Tucker Arensberg’s Medical Marijuana Practice Group will counsel clients in this area of law with respect to Pennsylvania law. Anyone entering into the medical marijuana business should consider obtaining separate legal counsel for advice with respect to Federal law issues, including Federal criminal issues. Tucker Arensberg reserves the right to terminate the representation of any clients working under the Act.

No representation by Tucker Arensberg, P.C. should be construed to aid or abet anyone in the commission of a crime.