

**COURT OF COMMON PLEAS OF MERCER COUNTY  
TREATMENT COURT  
MOOD ALTERING SUBSTANCE POLICY**

The purpose of this policy is to amend the guidelines to be referenced by participants and applicants of the Mercer County Treatment Court who seek to engage in or are currently engaged in the use of mood altering substances, including but not limited to medically assisted treatment, here by known as MAT, or medical marijuana. Each request by a participant or applicant to be placed on or remain on MAT, medical marijuana, or other mood-altering substance will be reviewed individually in accordance with the following procedures:

**I. Mood Altering Substances Policy**

The Mercer County Treatment Court Program hereby enacts the following policies and procedures:

- a. the use of MAT, medical marijuana, or other mood altering substances may be allowed if the participant has received an opinion from a medical professional prescribing or recommending its use.
- b. Participants may be prohibited from using any substance that impacts or interferes with other therapeutic treatment needs while in participating in a Treatment Court program.

**II. Definitions**

- A. Medical Marijuana – marijuana for certified medical use as set forth in the Medical Marijuana Act (Act 16 of 2016).
- B. Original Packaging – the box, envelope, wrapping, or other materials used to keep the product, inform consumers about the product, and to display the product for sale, from a legal position. This should display the name of the product, the amount, and any other information related to its use.
- C. Release of Information – for permitting release of confidential medical information protected from disclosure under applicable law.
- D. Routes of Administration – path by which Medical Marijuana or other mood-altering substances are taken into the body.

**III. Approval and Verification Procedure**

- A. Participants must identify one primary health care provider (PHCP) to coordinate health care needs and sign appropriate releases for Drug Court Team. The PHCP will be responsible for managing all the prescription medications with the exception of those participants being treated by a specialist.
- B. Participants must notify the Drug Court Team if they are certified for the use of Medical Marijuana. Participants must also provide a copy of any certification to the Drug Court Team by the next scheduled court date.
- C. Participants must consume and store Medical Marijuana in a manner provided by statute. Participants must keep Medical Marijuana in its

Original Packaging and should expect compliance checks of their Medical Marijuana by Mercer County IPP and/or Parole Agent, either at random or if the Drug Court Team feels it is necessary.

- D. Participants must obtain their Medical Marijuana from one dispensary. On a monthly basis, the participant must provide the Drug Court Team with a printout generated by the dispensary documenting all Medical Marijuana purchases during that month.

#### **IV. Responsibilities and Liabilities**

1. Approved forms of Medical Marijuana and routes of administration are as follows:
  - i. Subject to regulations promulgated under the Medical Marijuana Act, Medical Marijuana may only be dispensed to a patient or a caregiver in the following forms: pills, oils, topical forms (including gels, creams or ointments), a form medically appropriate for administration by vaporization or nebulization (excluding dry leaf or plant form until dry leaf or plant forms become acceptable), tincture, or liquid. 35 P.S. § 10231.303(b)(2).
  - ii. **Acceptable forms and routes of administration are subject to change in accordance with Pennsylvania law.**
  - iii. **Nothing in this policy shall be construed as authorization for a participant to use forms of marijuana or ingest marijuana contrary to Pennsylvania law.**
1. The participant will be subject to reasonable inquiries into whether the use of the participant's marijuana remains lawful. The participant is subject to sanction and revocation proceedings where there is reasonable cause to believe that a participant has possessed or used Medical Marijuana in a manner that has not been made lawful by the Pennsylvania Medical Marijuana Act.