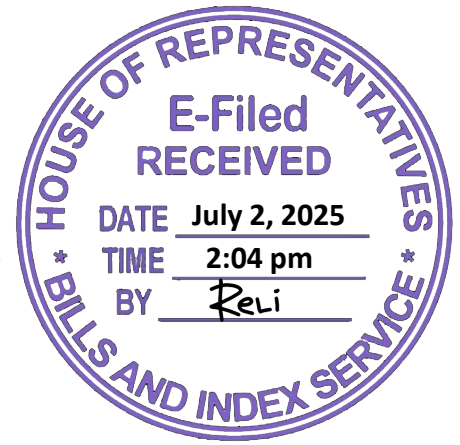




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Twentieth Congress
First Regular Session

HOUSE BILL NO. **1115**



Introduced by Representative Antonio “Tonypet” T. Albano

EXPLANATORY NOTE

Recognizing that health is a fundamental human right, the State upholds providing every person with access to safe, effective, and affordable treatment, especially those suffering from debilitating medical conditions. When conventional treatments fail, enabling alternative options becomes a matter of compassion and justice.

Noting that this measure has already been approved by the House of Representatives in the previous 19th Congress, this bill reflects the consolidated proposals and ideas of various members of Congress and stakeholders, establishing a strict regulatory system to ensure medical cannabis is used solely for compassionate medical treatment and scientific research. This ensures that patients with conditions such as cancer, epilepsy, multiple sclerosis, and other debilitating diseases may access compassionate treatment while safeguarding public health and preventing misuse.

Upholding every patient’s right to seek relief when standard treatments fail remains at the heart of this measure.

In view of the foregoing, the immediate passage of this Bill is earnestly sought.


ANTONIO “TONYPET” T. ALBANO



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HOUSE BILL NO. **1115**

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AN ACT
PROVIDING RIGHT TO ACCESS TO MEDICAL CANNABIS,
ESTABLISHING THE MEDICAL CANNABIS OFFICE AND PROVIDING
FUNDS THEREFOR

*Be it enacted by the Senate and the House of Representatives of the
Philippines in Congress assembled:*

1 **SECTION 1. Short Title.** – This Act shall be known as the
2 “Access to Medical Cannabis Act”

3 **SECTION 2. Declaration of Policy** – Pursuant to Article XIII,
4 Section 11 of the 1987 Constitution, it shall be the policy of the State
5 to adopt an integrated approach to health and development which
6 shall endeavor to make essential goods, health and other social
7 services available to all the people at affordable cost. The State shall
8 protect and promote the right to health of the people and instill
9 health consciousness among them.

10 The State has long pursued intensive and unrelenting
11 campaign against drug trafficking while it aims to balance and

1 harmonize with the imperative to safeguard people's right to health.
2 Accordingly, the prohibitions provided under Republic Act (RA) 9165,
3 otherwise known as the "Comprehensive Dangerous Drugs Act of
4 2002", ', as amended, and other related laws shall not extend to
5 medical cannabis intended for the treatment and medication of
6 qualified patients with debilitating and non-debilitating medical
7 conditions. The State's policy thus dictates that access to medical
8 cannabis shall serve only as a delimited exception to the prohibited
9 acts involving cannabis or marijuana under RA 9165.

10 **SEC. 3 *Definition of Terms.*** – As used in this Act:

11 (a) *Accredited physician* refers to a licensed physician
12 authorized by the Medical Cannabis Office (MCO), to issue
13 prescription on the use of medical cannabis upon a prior
14 and mandatory clearance from the Dangerous Drugs Board
15 (DDB) that physician is not included in the dangerous drugs
16 watch list of the agency;

17 (b) *Cannabis* refers to every kind, class, specie or variety of the
18 plant Cannabis, hashish, bhang, guaza, churrus, ganjab,
19 and embraces every kind, class and character of marijuana,
20 whether dried or fresh and flowering, flowering or fruiting
21 tops, or any part or portion of the plant and seeds thereof,
22 and all its geographic varieties, whether as a reefer, resin,
23 extract, tincture or in any form whatsoever;

1 (c) *Closed locked facility* refers to a closet, room or other
2 comparable, stationary, and fully enclosed area equipped
3 with secured locks or other functioning security devices that
4 permit access only to authorized personnel of the cultivation
5 site and dispensary; or an outdoor area with an enclosed
6 perimeter by chain-link fencing, wooden slats, or a similar
7 material that prevents access by the general public and fully
8 equipped with functioning security devices that permit
9 access only to authorized personnel of the cultivation site
10 and dispensary;

11 (d) *Debilitating medical condition* refers to any disease that
12 produces one or more of the following: cachexia or wasting
13 syndrome; severe and chronic pain; severe nausea; seizures,
14 or severe and persistent muscle spasms. Debilitating
15 medical conditions include the following diseases: (1)
16 Cancer; (2) Glaucoma; (3) Multiple sclerosis; (4) Damage to
17 the nervous system of the spinal cord, with objective
18 neurological indication of intractable spasticity; (5) Epilepsy;
19 (6) Positive status for human immunodeficiency virus or
20 acquired immune deficiency syndrome; (7) Post-traumatic
21 stress disorder; (8) Rheumatoid arthritis or similar chronic
22 autoimmune inflammatory disorders; (9) Diseases requiring
23 admission into hospice care; and (10) Any other condition
24 that is subsequently identified and allowed by the

1 Department of Health (DOH) through the MCO established
2 under this Act;

3 (e) *Medical Cannabis* refers to concentrates, topicals, tinctures,
4 edibles, cannabis products such as capsules and oil,
5 including hemp, flower and any other product in their
6 appropriate finished form, and any other derivative in their
7 pharmaceutical formulation which shall have detailed and
8 accurate information regarding the concentration of
9 tetrahydrocannabinol (THC) and cannabidiol (CBD) certified
10 by the MCO to qualified patients for medical purpose;

11 (f) *Medical use* refers to the use of medical cannabis to treat or
12 alleviate a qualified patient's medical condition or its
13 symptoms and shall include its acquisition, possession,
14 transportation, delivery, dispensation, administration,
15 cultivation, or manufacturing for medical purposes;

16 (g) *Non-debilitating medical condition* is that which encompasses
17 a range of medical issues that, although not severe or
18 disabling, can still impact an individual's well-being and
19 quality of life. These conditions may include common
20 symptoms, mild disorders, or chronic issues that do not
21 necessarily prevent individuals from carrying out daily
22 activities but can cause discomfort or distress; and

23 (h) *Qualified patient* refers to a person who has been diagnosed
24 by an accredited physician as having a medical condition or
25 has symptoms associated with medical condition as defined

1 under Sec. 3 (d) and (g), and who, in the accredited
2 physician's evaluation, shall receive medical cannabis as
3 treatment.

4 **SEC. 4. Access to Medical Cannabis.** – Access to medical
5 cannabis shall be allowed for medical use by qualified patients,
6 subject to the provisions of this Act.

7 **SEC. 5. The Medical Cannabis Office.** – There is hereby
8 created the MCO, which shall be under the direct supervision and
9 control of the DOH. The MCO is the primary regulatory body for
10 medical cannabis. It shall have administrative, regulatory, and
11 monitoring functions.

12 For purposes of policy and program coordination, the DOH
13 shall coordinate with the DDB, the Department of Agriculture (DA)
14 and such other agencies as may be determined by the DOH.

15 The Secretary of the DOH shall determine the organizational
16 structure and staffing pattern of the MCO in accordance with the
17 revised compensation and position classification system subject to
18 the evaluation and approval of the Department of Budget and
19 Management and in compliance with the Civil Service laws and other
20 pertinent laws, rules and regulations.

1 **SEC.6. Powers and Functions of the MCO.** – The MCO shall

2 have the following powers and functions:

3 (a) Formulate, develop, and establish a comprehensive,
4 integrated, and unified rules and regulations on medical
5 cannabis use and strategy to ensure its safety, accessibility,
6 affordability, and availability;

7 (b) Promulgate rules and regulations in coordination with DDB
8 and DA as may be necessary to carry out the purposes of
9 this Act, including the importation, cultivation, manufacture
10 and manner of safekeeping, disposition, or condemnation of
11 any medical cannabis, and prescribe administrative
12 remedies or sanctions for the violations of such rules and
13 regulations;

14 (c) Monitor and regulate the importation, cultivation,
15 manufacture, storage, distribution, prescription,
16 dispensation, and sale of medical cannabis by authorized
17 hospitals, clinics, drugstores, accredited dispensaries and
18 other related health facilities and other related private
19 entities. The MCO and DDB shall establish and maintain an
20 information system, especially to track cannabis growth
21 from seed to sale for monitoring and regulation purposes;

22 (d) Issue authorizations and licenses to qualified hospitals,
23 clinics, drugstores, and other related health facilities where
24 medical cannabis may be accessed by qualified patients;

- 1 (e) Issue accreditation of physicians as medical cannabis
2 professionals;
- 3 (f) Issue guidelines for and authorize or accredit public and
4 private entities which shall venture into research and
5 development of medical cannabis;
- 6 (g) Conduct, initiate, or support policy studies, program
7 monitoring and evaluations and other researches on medical
8 cannabis;
- 9 (h) Prescribe and promulgate rules and regulations governing
10 the accessibility of medical cannabis in authorized hospitals,
11 clinics, drugstores, accredited dispensaries and other
12 medical facilities;
- 13 (i) Endorse and recommend to the Commission on Higher
14 Education (CHED) the adoption into the curriculum of
15 universities and colleges of agriculture, medicine, and
16 applied sciences and technology a subject or course on
17 medical cannabis relevant to the academic degree taken by
18 the students; and
- 19 (j) Perform such other similar functions to ensure effective and
20 efficient implementation of this Act.

21 **SEC. 7. Access, Dispensation, and Monitoring of Medical**
22 **Cannabis.** – The MCO shall that medical cannabis shall only be
23 accessed through hospitals, clinics, drugstores, and other medical
24 facilities authorized and licensed by the MCO for the use of qualified

1 patients. It shall also ensure that only accredited physicians shall
2 prescribe medical cannabis to qualified patients enough supply of the
3 medicine to last not more than one (1) year.

4 The MCO shall ensure that appropriate dispensation of medical
5 cannabis through an accredited licensed pharmacist in authorized
6 hospitals, clinics, drugstores, and other medical facilities, and shall
7 not release more than the prescribed dosage. The MCO shall
8 establish a monitoring system that includes information such as
9 name, address of the qualified patient and the physician, diagnosis,
10 medical cannabis product and formulation, and date of dispensation
11 in strict observance of RA 10173, otherwise known as the "Data
12 Privacy Act of 2012".

13 **SEC. 8. Role of the Food and Drug Administration (FDA). –**

14 The FDA shall, pursuant to its mandate under its Charter, ensure the
15 safety, efficacy and quality of drugs made available to the public. It
16 shall ensure that such products are organic, free from pesticides,
17 heavy metals, and microorganisms. The FDA shall also ensure that
18 all medical cannabis products conform with the labelling and
19 packaging requirements of the agency: *Provided*, That if a medical
20 cannabis product has been determined to be effective and safe and
21 duly registered in the country from where the medical cannabis shall
22 be imported, such determination shall be adopted by the FDA unless
23 there is strong evidence to the contrary.

1 The MCO shall ensure that the FDA performs this specific
2 function in the most expeditious way to ensure availability of medical
3 cannabis to the qualified patients.

4 **SEC. 9. Role of the Commission on Higher Education. –**

5 The CHED shall, in consultation with the DOH, through the MCO,
6 develop and include in the curriculum of the colleges of agriculture,
7 medicine, and applied sciences and technology, a subject or course
8 on medical cannabis relevant to the academic degree taken by
9 students.

10 **SEC. 10. Cultivation, Importation, Production, and**

11 **Distribution.** – The MCO with the DDB shall issue guidelines on the
12 cultivation, importation, production, and distribution of medical
13 cannabis which shall be included in the implementing rules of this
14 Act. It shall also identify specific areas allowable for the cultivation of
15 medical cannabis: Provided, That the cultivation shall only be
16 permitted in a closed-locked facility.

17 **SEC. 11. Research.** – The MCO may, subject to the guidelines

18 it shall promulgate, authorize government and accredited private
19 institutions, state colleges and universities, and qualified physicians
20 to conduct research on the medical use of cannabis. The DOH shall,
21 through the MCO, provide the necessary funding to support the
22 conduct of government research. The aforementioned entities may

1 receive grants, subject to existing policies, which shall be exclusively
2 used for research purposes.

3 **SEC. 12. *Annual Report.*** – The MCO shall, through the DOH,
4 submit an annual report to the President of the Philippines, the
5 Senate President, and the Speaker of the House of Representatives.

6 **SEC. 13. *Joint Congressional Oversight Committee.*** – A
7 Joint Congressional Oversight Committee (JCOC) on Medical
8 Cannabis is hereby created to conduct an annual review of the
9 implementation of this Act. It shall adopt its internal rules of
10 procedure, conduct hearings and receive testimonies, reports,
11 technical advice or summon by subpoena ad testificandum any
12 public official, private citizen, or any other person to testify before it,
13 or require any person by subpoena duces tecum, documents or other
14 materials as it may require consistent with the provisions of this Act.

15 The JCOC shall be assisted by a secretariat to be composed of
16 personnel who may be seconded from the Senate and the House of
17 Representatives as may be determined by the respective chairpersons
18 of the JCOC.

19 The JCOC shall be jointly chaired by the Chairpersons of the
20 Senate Committee on Health and Demography, the Committee on
21 Public Order and Dangerous Drugs, and the House of

Representatives Committee on Health and the Committee on Dangerous Drugs. It shall be composed of five (5) members from the Senate and five (5) from the House of Representatives to be appointed by the Senate President and the Speaker of the House of Representatives respectively. Provided, That the members from the minority bloc shall be represented in accordance with the Rules of the Senate and the House of Representatives.

SEC. 14. *Prohibited Acts.* – The following acts shall be prohibited under this Act:

(a) Importation, cultivation, manufacture, storage and distribution of medical cannabis, its products, or derivative without permit from the MCO;

(b) Selling of or trading with medical cannabis to patients, doctors, drugstores, hospitals, clinics, dispensaries and other medical facilities without authority, license or accreditation from the MCO;

(c) Planting and growing for research and development without authority from the MCO;

(d) Prescription and administration of medical cannabis by non-accredited physician;

(e) Prescription and administration of medical cannabis for more than one (1) year by accredited physician;

- 1 (f) Use of medical cannabis without prescription or use beyond
2 the prescribed dosage; and
3 (g) Other analogous acts performed without authority by the
4 MCO under this Act.

5 **SEC. 15. *Penalties.*** – Any person who commits any prohibited act
6 under the preceding section shall, upon conviction and final
7 judgment, be punished with a fine ranging from Five hundred
8 thousand pesos (Php500,000.00), to One million pesos
9 (Php1,000,000.00) or imprisonment ranging from six (6) months to
10 six (6) years at the discretion of the court. The said penalties carry
11 with it the suspension or revocation of professional license or
12 accreditation of the facilities.

13 If the offender is a corporation, the officers found to be
14 responsible for the violation shall be held liable and penalized under
15 this Act.

16 Nothing in this Act excludes or exempts the offender from the
17 penalty imposed under RA 9165, other penal laws, and applicable
18 laws on medical practice.

19 **SEC. 16. *Implementing Rules and Regulations.*** – Within
20 ninety (90) days from the effectivity of this Act, the DOH shall, in
21 consultation with the DDB, DA, FDA, Philippine Drug Enforcement

1 Agency and other concerned agencies, promulgate the necessary
2 rules and regulations for the effective implementation of this Act.

3 **SEC. 17. Appropriations.** – The amount necessary for the
4 initial implementation of this Act shall be charged against the current
5 year's appropriation of the departments and agencies concerned.
6 Thereafter, such amount shall be included in the annual General
7 Appropriations Act.

8 **SEC. 18. Separability Clause.** – If any provision or part of
9 this Act is declared invalid or unconstitutional, the remaining parts
10 or provisions not affected shall remain in full force and effect.

11 **SEC. 19. Repealing Clause.** – All laws, decrees, orders, rules
12 and regulations, or parts thereof, inconsistent with any provision of
13 this Act are hereby repealed or modified accordingly.

14 **SEC. 20. Effectivity.** – This Act shall take effect fifteen (15)
15 days after its complete publication in the Official Gazette or in a
16 newspaper of general circulation.

Approved,