




Information Bulletin **01-21**

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Deputy Secretary
Department of Drug and Alcohol Programs

June 2, 2021

Effective Date: Immediately

Subject: Clarification on special conditions for federal funding related to medical marijuana

Beginning in September 2019, the Substance Abuse and Mental Health Services Administration (SAMHSA) has been including the following special conditions in federal funding awards:

Grant funds may not be used, directly or indirectly, to purchase, prescribe, or provide marijuana or treatment using marijuana. Treatment in this context includes the treatment of opioid use disorder. Grant funds also cannot be provided to any individual who or organization that provides or permits marijuana use for the purposes of treating substance use or mental disorders. See, e.g., 45 C.F.R. § 75.300(a) (requiring HHS to “ensure that Federal funding is expended . . . in full accordance with U.S. statutory . . . requirements.”); 21 U.S.C. §§812(c)(10) and 841 (prohibiting the possession, manufacture, sale, purchase or distribution of marijuana). This prohibition does not apply to those providing such treatment in the context of clinical research permitted by the DEA and under an FDA-approved investigational new drug application where the article being evaluated is marijuana or a constituent thereof that is otherwise a banned controlled substance under federal law.

These special conditions apply to subrecipients of these funds and are included in contracts with Single County Authorities and providers.

Recently, SAMHSA provided the attached document with further clarification to the Department. SAMHSA has clarified that the grant condition does not apply to all use of medical marijuana, but only to medical marijuana used for treatment of a mental or substance use disorder. In addition, if a large system (e.g. a hospital) receives SAMHSA funds, the prohibition applies only to the department that receives the funds. Recipients of SAMHSA funds may continue to serve clients who use medical marijuana for a mental or substance use disorder as long as they document the client’s understanding of the risks of marijuana use and willingness to work toward other, evidence-based alternatives to treat their mental or substance use disorder.

Questions regarding this Information Bulletin can be sent to RA-DAGRANTSMGMT@pa.gov.



Substance Abuse and Mental Health
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Follow-Up on Notice of Award Term

1. Does the new condition on my Notice of Award (NoA) regarding marijuana use relate to all medical marijuana use?

Response: No. The condition relates specifically to the use of marijuana for the treatment of mental or substance use disorders.

2. If a person tests positive for marijuana use, do I need to dismiss them from my program in order to continue to receive SOR dollars?

Response: No. SAMHSA understands that polysubstance use is the rule and not the exception for most patients. The person can remain in treatment and the provider must work with the individual to understand the risks of marijuana use and address the patient's use in the treatment plan.

3. Can a patient receive medical marijuana for a mental or substance use disorder from my SAMHSA-grant funded facility?

Response: No. In the case of a large system, the rule applies to the department in the system receiving SAMHSA funds (an ED in a hospital for example).

4. Can a patient receive medical marijuana for mental or substance use disorders elsewhere and still be a patient in my SAMHSA-grant funded facility?

Response: Yes, but the clinician must document that the patient is willing to work with the practitioner to understand the risks of the marijuana use and be willing to work toward using evidence-based alternatives to treat their mental/substance use disorder. SAMHSA understands that abstaining from the use of marijuana for mental or substance use disorders may take time; the organization simply has to document it work with the patient in this regard.

5. What if the patient is very clear about their wish to remain on their medical marijuana for their mental or substance use disorder—in this instance can the organization serve them?

Response: No. The organization cannot serve a patient who is on medical marijuana for a mental or substance use disorder and wishes to remain on such treatment. SAMHSA promotes the use of evidence-based practices and there is no evidence for such a treatment; in fact, there is increasing evidence that marijuana can further exacerbate mental health symptoms. Further, SAMHSA believes the use of marijuana for these conditions in a treatment program designed to treat these conditions can compromise the therapeutic environment for those patients receiving services who wish to remain

abstinent, use evidence-based treatment approaches and achieve recovery. The practitioner should be very clear with the patient regarding the risk of being dismissed from the program if the patient chooses to remain on medical marijuana for mental/substance use disorder. If a patient is adamant about their desire to remain on medical marijuana for mental or SUDs despite the clinician's efforts, the program should work with the patient to find an alternative non-SAMHSA funded program.