**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 mood altering substances, including but not limited to medically assisted treatment, here by known as MAT, or medical marijuana. Participants and applicants are strongly encouraged, due to the nature of the disease of addiction, and the effects of medication on the brain, to consult with their treating physician and/or psychiatrist to seek non-addictive medications with no abuse potential to treat serious health conditions. While Mercer County Treatment Court does not prohibit the use of medical marijuana, it may only be permitted after a reasonable inquiry is conducted by the Treatment Court Team. The purpose of the reasonable inquiry is to ensure the participant will receive an actual benefit from the use of medical marijuana and that it will not negatively impact their mental health, physical health, or exacerbate any existing substance use disorder, and there are no other alternatives. 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:

1. **Mood Altering Substances Policy**
2. Participants may be prohibited from using any mood-altering substance, if it: (1) impacts or interferes with other therapeutic needs while in the program; and (2) the need for the mood-altering substance does not outweigh the impact or interference.

WHEREAS, the psychoactive ingredients in marijuana-THC- has increased almost 6-fold in average potency during the past 30 years (The National Association of Drug Court Professionals (“NADCP”), position statement on marijuana, citations omitted); and

WHEREAS, marijuana is addictive for 1 in 9 adults and 1 in 6 adolescents who use the drug *(Id*); and

WHEREAS, marijuana continues to negatively affect attention, memory, learning, and intelligence, after the intoxicating effects of the drug have subsided *(Id*); and

WHEREAS, the use of marijuana triggers relapses to other drugs of abuse among participants in substance abuse treatment and increases failure rates in drug courts *(Id*); and

WHEREAS, the use of marijuana reduces the efficacy of rewards for pro-social activities, such as those used in drug courts to improve offenders’ behaviors *(Id*); and

WHEREAS, the use of marijuana makes addiction to other drugs more likely *(Id*); and

WHEREAS, marijuana use consistently predicts a greater likelihood of involvement of crime in the criminal justice system *(Id*); and

WHEREAS, smoked marijuana is not an FDA-approved medicine and has not passed standards of safety and efficacy *(Id*); and

WHEREAS, the institute of medicine has concluded smoked marijuana should generally not be recommended for medical use *(Id*); and

WHEREAS, few of those seeking a medical marijuana card have cancer, HIV/AIDS, glaucoma, or multiple sclerosis *(Id*); and

WHEREAS, participants often participate in drug and alcohol treatment subsidized by federal funds, which prohibit the use of marijuana; and

WHEREAS, this Court receives, or hopes to be eligible to receive, federal funds which results in the need to prohibit medical marijuana; and

WHEREAS, research demonstrates THC impacts motivation and undermines motivational enhancement, short-term memory and cognitive behavior therapy.

NOW, THEREFORE, the Mercer County Treatment Court Program hereby enacts the following policies and procedures:

* 1. the use of medical marijuana may be allowed if all other medication options have been exhausted, and after the participant has received a second opinion from a third-party medical professional stating medical marijuana may be allowed.
  2. the use of medical marijuana will be prohibited if the participant has a substance use diagnosis for cannabis use abuse, given by a certified drug and alcohol or mental health treatment professional, physician, or psychiatrist.

1. **Definitions**
2. Cannabis Use Disorder – the systemic and habitual abuse of cannabis and its derivatives that negatively impacts the user in any way and is further defined by the Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders – Fifth Edition (DSM-5).
3. Medical Marijuana – marijuana for certified medical use as set forth in the Medical Marijuana Act (Act 16 of 2016).
4. 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.
5. Release of Information – for permitting release of confidential medical information protected from disclosure under HIPAA by medical providers.
6. Routes of Administration – path by which Medical Marijuana or other mood-altering substances are taken into the body.
7. **Approval and Verification Procedure**
8. 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.
9. 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.
10. 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.
11. 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.
12. **Responsibilities and Liabilities**
13. If at any time the participant is diagnosed with or has developed Cannabis Use Disorder, the participant will be required to follow all recommendations issued by the evaluating drug and alcohol treatment professionals which may include discontinuing use of Medical Marijuana.
14. Approved forms of Medical Marijuana and routes of administration are as follows:
15. 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).
16. Under the Medical Marijuana Act, it is unlawful to: smoke Medical Marijuana, incorporate Medical Marijuana into edible form, grow Medical Marijuana unless the grower/processor has received a permit under the Medical Marijuana Act, grow or dispense Medical Marijuana unless authorized as a health care Medical Marijuana organization, and dispense Medical Marijuana unless the dispensary has received a permit under the Medical Marijuana Act. Nothing in the Medical Marijuana Act shall be construed to preclude the incorporation of Medical Marijuana into edible form by a patient or a caregiver to aid ingestion of the medical marijuana by the patient. 35 P.S. § 10231.304(b).
17. **Acceptable forms and routes of administration are subject to change in accordance with Pennsylvania law.**
18. **Nothing in this policy shall be construed as authorization for a participant to use forms of marijuana or ingest marijuana contrary to Pennsylvania law.**
19. 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.
20. Participants often participate in drug and alcohol treatment that is subsidized by Federal Funds. The participant is advised that these funds may be compromised due to federal regulation. If compromised, the participant’s treatment requirement is not vacated. The participant will assume all costs associated with any recommended treatment provided no other funding is available.
21. Participants who enter the program with a medical marijuana card will have to meet with a third-party doctor in order to get a second opinion on whether or not the participants should continue to stay on medical marijuana, and this must be done before they complete phase one of the program.

**Other Mood Altering Substances**

WHEREAS, use of mood altering substances, including cannabis, during treatment increases the likelihood of poor outcomes in trauma informed therapy; and

WHEREAS, each phase of the Mercer County Treatment Program requires abstinence from “all mind-mood altering chemicals” to advance; and

WHEREAS, research indicates the success of drug courts is in direct relation to the adherence to the 10 key components for drug courts (Adult Drug Court Best Practice Standard, Vol. I, “ADC” citations omitted)

WHEREAS, post-traumatic stress disorder and trauma informed therapy are negatively impacted by mood-altering substances and surveys indicate more than one quarter of drug court participants have been physically or sexually abuse or experienced a serious traumatic event, and amongst female participants as much as 80% have experienced traumatic events. (ADC (Vol II)).

NOW, THEREFORE, the Mercer County Treatment Court Program hereby enacts the following policies and procedures:

1. Treatment Court prohibits the use of mood-altering substances during the participation in the program without prior consultation and permission from the treatment court team. Such permission will not be granted unless appropriate and the participant can establish the prescribing physician has been made aware of the participant’s substance abuse disorder, participation in the treatment court program, as well as the requirements of the policies and manuals thereof and participant executes a release for all medical providers, including authorizing the provider to speak with a treatment court team member, relating to the prescription and provision of said substances.;
2. the use of any over the counter medication that contains alcohol, alcohol, THC, or any of its components, medically recommended or otherwise.
3. the use of any addictive medications, mood altering, or mind altering substances, including but not limited to; 1) narcotic pain medications, such as Vicodin, Percocet, or Oxycotin; 2) Muscle relaxers and sleep aides, such as Flexeril, Soma, and Ambien; 3) Narcotic anxiolytic/benzodiazepine medications such as Xanax, Klonopin; 4) Stimulants such as caffeine pills, Adderall and Dexatrim; 5)Buprenorphine related products such as suboxone, or methadone; 6)Kratom; 7)Neurotin; 8)Psychiatric medications; 9)Bath Salts; 10)or any controlled substance not prescribed by a doctor are prohibited