

# ACT 16 – A Work in Progress

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Executive Director

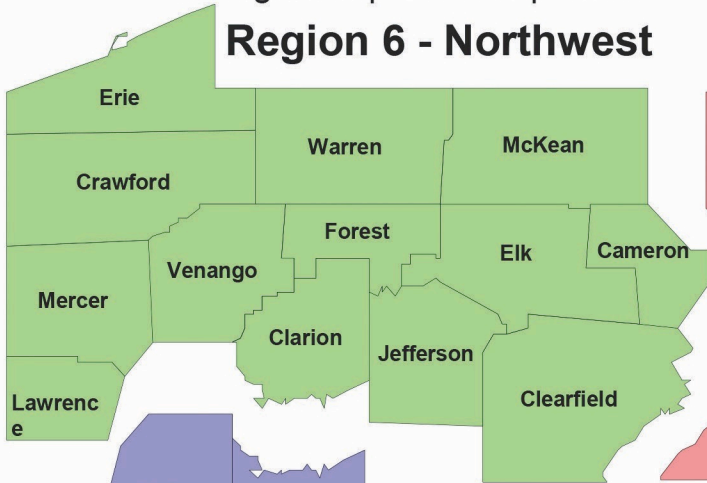
Pennsylvania Medical Cannabis Society

# Department of Health accepting applications

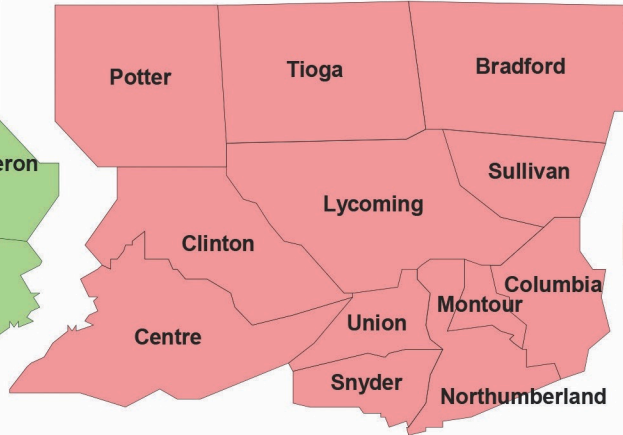
- Application period from February 20 – March 20
- Phased in implementation
  - 12 grow/processing licenses
  - 27 dispensary licenses
  - Six Regions
- Application forms and Instructions on DOH Website
- 1000 point scoring rubric to evaluate criteria set forth in 35 Pa.C.S.A. 10231.603(a)
- Licenses awarded late June, 2017
- Second round of licenses to be available at later date

# Pennsylvania Department of Health Medical Marijuana Regions

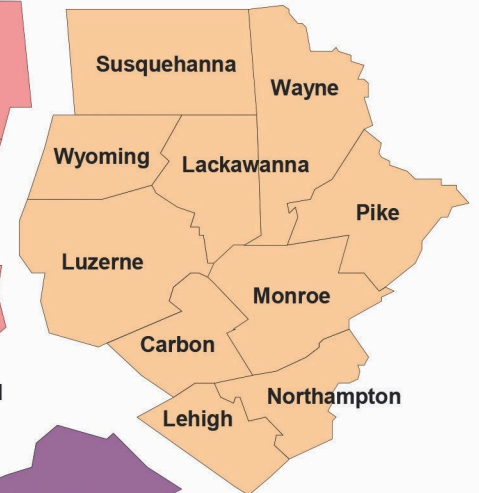
2 dispensary permits  
2 grower/processor permits  
**Region 6 - Northwest**



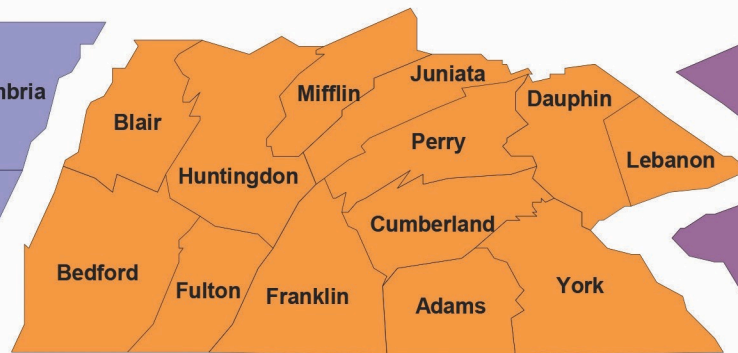
2 dispensary permits  
2 grower/processor permits  
**Region 4 - Northcentral**



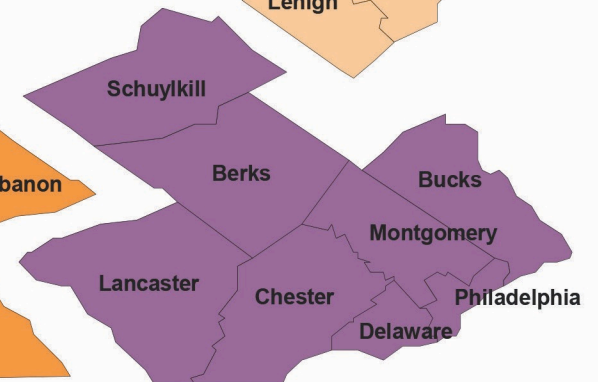
4 dispensary permits  
2 grower/processor permits  
**Region 2 - Northeast**



**Region 5 - Southwest**  
5 dispensary permits  
2 grower/processor permits



**Region 3 - Southcentral**  
4 dispensary permits  
2 grower/processor permits



**Region 1 - Southeast**  
10 dispensary permits  
2 grower/processor permits

# Transferability/Relocation

- 35 Pa.C.S.A. §10231.603(b) A license awarded by the DOH is NOT transferrable
- 35 Pa.C.S.A. §10231.609 “The department may approve an application from a medical marijuana organization to relocate within this Commonwealth or to add or delete activities or facilities.”
- Any change in circumstances after submitting application to be brought to DOH attn during review period

# Safe Harbor for Adult patients?

- Children with a qualifying condition may apply for a letter granting them legal protection
- May possess and consume “medical cannabis products” sourced from a legal medical cannabis state
- Child may only possess a medical cannabis product as defined by Act.
- Does not apply to adults
- Statewide decriminalization priority to protect adult patients
  - Bipartisan support – but some want mandatory \$500 fines and drug treatment for repeat offenders
  - Piecemeal approach of City by City decrim leaves patients at risk

# Qualifying Conditions

- HIV/AIDS, Cancer, ALS, PTSD, Autism, Glaucoma, Chronic neuropathic pain, Parkinson's, MS, Epilepsy, Severe seizure disorder, IBS, Crohn's, Neuropathies, Sickle Cell Anemia, Huntington's Disease
- Growers/Processors will be responsible for determining what products to produce for patients
- Estimated patient population of up to 200,000 – 215,000
- Conditions may be added by the DOH beginning in May, 2018

# Medical Cannabis Products

- Oil, Pill, Tincture, Topical, Liquid and “a form medically appropriate for vaporization or nebulization excluding dry leaf form”
- Dry leaf may be added as a medicinal cannabis product in May, 2018
- No strain restrictions or THC caps (at present)
- Grower/processor to determine what to grow and produce
- No limits on oil or concentrated forms
- Patients will ultimately guide the market

# Training requirements

- 2 hour training course for all employees
- Principles must complete training prior to opening for business
  - Must address criminal diversion, handling and storage of medical marijuana products, inventory tracking
- Physicians must complete 4 hour training course to be developed by the DOH
  - Physician registry to be maintained by DOH
- Physician participation critical to success of program



# Advisory Board Duties

- Advisory Board to be created
- Patient representative selected
- Will be responsible for evaluating requests to add qualifying conditions, medical marijuana products (such as dry leaf)
- Will approve temporary regulations
- Duties set forth at 35 Pa.C.S.A. 10231.1201

# Issues for Employers

- An employer cannot discriminate or retaliate solely because of medical marijuana use
- Employer NOT required to permit use on premises
- May discipline patient if patient intoxicated or if work performance drops
- No private cause of action in Act 16
- Nothing compels employer to violate federal law

# Zoning Requirements

- A grower/processor shall meet the same municipal zoning and land use requirements as other manufacturing, processing and production facilities that are located in the same zoning district.
- A dispensary shall meet the same municipal zoning and land use requirements as other commercial facilities that are located in the same zoning district.

# Issues Moving Forward

- What products will growers/processors produce?
- What about patients in long term care facilities or in hospitals?
- Patient access and affordability
- Indigent patient access
- “Safe Harbor” for adults
- Expanding number of licenses available

# Issues Moving Forward

- Expanding the role of the “caregiver”
- Cause of Action for Employment discrimination
- 10 ng/ml limits for driving
- Second Amendment protections
  - Use by minors in schools and day care settings
  - Physician and patient education/outreach