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Dr. Jennifer Minkovich  
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Regulatory  
Review Commission

Independent Regulatory Review Commission  
333 Market Street  
Harrisburg, PA 17101

Re: Rulemaking Document #10-219, Medical Marijuana Program

October 13, 2022

Dear Members of the Independent Regulatory Review Commission,

Thank you for allowing me to comment on the Final Form Rules and Regulations concerning the PA Medical Marijuana Program. I am writing to comment on **Section 1161a.23(b) - Dispensing medical marijuana products.**

Upon my review of the Section 1161a.23, it seems that a slight change that has been made in the language of this regulation will translate into a burdensome practice at the dispensary level and I want to make you aware of this. Regarding the language cited below, the change in the wording from "dispensary" (in brackets) to "dispensary's medical professional," will require that the dispensary pharmacist be at the front desk of a dispensary checking patient IDs.

*(b) Prior to dispensing medical marijuana products to a patient or caregiver, the [dispensary] dispensary's medical professional shall:*

*(1) Verify the validity of the patient or caregiver identification card using the electronic tracking system.*

*(2) Review the information on the patient's most recent certification by using the electronic tracking system to access the Department's database....*

Currently, a front desk staff member (non-medical staff) is the person that checks a patient's ID card upon the patient's arrival at most dispensaries. The change in language as stated above will make it the purview of the pharmacist (or other medical professional) to check patient IDs. It is difficult to foresee how a pharmacist (medical professional) can both be at the front desk checking ID cards and also in a separate office space in the dispensary conducting patient consultations in a private setting. Logistically it does not seem to make sense. Additionally, utilizing a pharmacist (or other medical professional) to check ID cards seems to be asking them

to practice below the level of their license. Please take a look at this language in the regulation and consider the effect that it would have at the dispensary level. I encourage you to revert back to the phrasing of “the dispensary shall” in Section 1161a.23.

My best regards,  
Dr Jennifer Minkovich