



HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG



March 29, 2021

The Honorable Alison V. Beam, Acting Secretary  
Department of Health  
Health & Welfare Building  
625 Forster Street, 8<sup>th</sup> Floor  
Harrisburg, PA 17120

RE: PA Department of Health Proposed Rulemaking 10-219  
Medical Marijuana (IRRC #3290)

Dear Acting Secretary Beam,

In our capacity as Leaders of the Democratic Caucus of the House of Representatives, we respectfully submit these comments on behalf of our Leadership Team in response to the above captioned proposed rulemaking, as submitted to the Independent Regulatory Review Commission by the Department of Health (Department) pursuant to the requirements of the Act of April 17, 2016, (P.L.84, No.16), known as the Medical Marijuana Act.

Section 301(b) of the Medical Marijuana Act, hereinafter referred to as Act 16, gives the Department broad authority to adopt regulations necessary to carry out the purposes of Act 16. This broad authority extends to specifying the content of applications for a medical marijuana organization permit, which, in addition to the information stipulated in section 603(a), may include other information the Department may require. Consequently, the Department developed a scoring rubric to use in its review of applications for medical marijuana organization permits, including grower/processor permits, dispensary permits or both. Each section of the application was assigned a maximum number of points, with a total of 1000 available points.

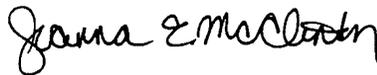
The scoring rubric also included a matrix for scoring an applicant's commitment to community and diverse participation. The community initiatives concept gave the Department an additional tool for appraising individual applications. Accordingly, if an application communicated a plan for community engagement, such as a commitment to charitable giving, community events, job training, community partnerships or a labor peace agreement, the applicant could receive an additional five points for each initiative. There is nothing in the proposed rulemaking, however, that would penalize or otherwise sanction a permit holder for failing to implement the community initiatives communicated in the application.

As you know, because of the statutorily mandated limit on the number of medical marijuana organization permits, competition was significant, and successful applicants were awarded permits based on the number of points assigned to individual applications, including priority points for community initiatives. We believe that the competitive nature of the application process, coupled with the scoring rubric used to approve and issue medical marijuana organization permits, makes it essential for the Department to ensure that “all” medical marijuana organizations comply with the commitments enumerated in their applications. We respectfully submit that it is the duty of the Department to ensure that medical marijuana organizations fulfill “all” commitments specified in their applications for which they received additional priority points and that they are held accountable for failing to do so.

We further submit that in the final form regulations, the Department should modify §1141.7 (general penalties and sanctions) to include provisions to penalize or otherwise sanction a medical marijuana organization that fails to comply with the commitments made in its application for which it received additional priority points. Moreover, the Department should consider incorporating provisions designed to monitor medical marijuana organizations’ progress in satisfying community initiatives and to verify that a medical marijuana organization will comply or has complied with its community initiative obligations outlined in its initial application. In addition to other penalties or sanctions, the Department could consider conditioning the issuance of a renewal permit under §612 (permit renewals) based on the status of the medical marijuana organization’s community initiatives, as set forth in the medical marijuana organization’s initial application.

We thank you for your time and consideration of our comments in this proceeding.

Respectfully submitted,



Joanna McClinton, Democratic Leader



Jordan Harris, Democratic Whip



Matthew Bradford, Democratic Chairman, Committee on Appropriations

cc: Independent Regulatory Review Commission  
The Honorable Dan Frankel  
Mr. John J. Collins