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 PA SAFE CAUCUS

Allison V. Beam
 Acting Secretary of Health
 Pennsylvania Department of Health
 625 Forster Street
 Harrisburg, PA 17120

March 30, 2021

Re: Department of Health – Proposed Regulation No. 10-219
 Medical Marijuana
 28 PA. Code Chapters 1141-1230

Dear Acting Secretary Beam:

Thank you for the opportunity to comment on Regulation No. 10-219, proposed by the Department of Health. I also would like to thank the Department for its tireless work to ensure that patients and their caregivers have safe access to these crucial medical products during the COVID-19 pandemic.

Since the start of the Medical Marijuana program, dispensaries and grower/processors have generally served as a boon to the Pennsylvania economy and health care continuum. While I have heard good feedback, I have also heard concerns from some of my constituents about the choice in location of dispensaries.

Per Section 1141.49 of the current regulations and Section 1141a.49 of the proposed regulations, dispensaries must meet the same/identical municipal zoning and land use requirements as other commercial facilities in the same zoning district. My home county of Philadelphia requires that medical marijuana dispensary zoning applicants provide notice to the public and hold public hearings regarding the dispensary's application *only if* the location requires a variance. Despite efforts by communities to provide input, the permitting process for new dispensaries does not incorporate this involvement. Initial dispensary applications seem to encourage but not require community impact statements. Further, dispensary permit applicants are only encouraged to highlight the "positive" impact their facility would have on the community. I believe this fosters a very imbalanced portrait of a dispensary's potential impact.

Failure to incorporate this input has led to unintended negative consequences in my community such as public protests and demonstrations, outcry at neighborhood meetings and mass dissemination of anti-dispensary and anti-marijuana information.

To provide context, a dispensary was approved in my district at 5058 City Ave and in the adjacent legislative district at 4502 City Ave -- less than ten miles apart. Both facilities are in Philadelphia County bordering Lower Merion Township. Philadelphia's code allowed both permits to be issued

over the counter without input from the surrounding communities, the area Business District or the local elected officials. However, if these facilities were located across the street in Lower Merion Township, different regulations would have applied. Community members fought hard to get the opportunity to express their concerns and interests during the entire process -- concerns that eventually made their way to my office and the offices of other local legislators, though there was little that could be done. After the fact, the Councilmember for the district, Curtis Jones Jr, authored a zoning overlay that would require community input when these sites are being considered. We are thankful for these additional regulations, but they had little impact on the applications that were already approved, and we believe that similar requirements should be mandated statewide to ensure communities have a voice in the process no matter where they live.

In addition to the opposition expressed for the dispensaries opening along City Ave, in August of 2017 there was similar outcry amongst community members in the Northwest section of Philadelphia. At the time, there was a proposed dispensary opening along Stenton Ave without community input. Residents packed a Zoning Board of Appeals hearing and overwhelmed the halls to ensure their voices were heard.

As I have stated before, access to this opportunity of care is critical for residents across the Commonwealth of Pennsylvania. With the Department revising and examining the impact of the rules and regulations of this program, it is important to understand the diversity and cultural difference across communities and to take their voices into consideration as we move forward.

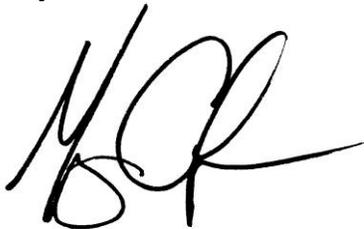
To provide an opportunity for community input and minimize reactionary measures, I suggest the following:

- **Making community impact statements mandatory for all medical marijuana permit applications;**
- **Requiring a description of both the potential positive and negative impacts of a facility; and**
- **Requiring, dispensary operators to submit community supports and/or opposition letters.**

All of which should be used in the process of determining whether a permit should be granted.

Thank you again for your time and consideration. I look forward to seeing greater community input in the medical marijuana permitting process moving forward and appreciate your commitment to creating a more equitable Pennsylvania.

Sincerely,

A handwritten signature in black ink, appearing to read 'MOR', with a stylized flourish extending to the right.

Morgan Cephas
Representative, 192nd District
Pennsylvania General Assembly