

**DH, MMRegulations**



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**Sent:** Friday, April 16, 2021 4:32 PM  
**To:** DH, MMRegulations; brodas@ufcw1776.org  
**Subject:** [External] Public Comment in response to proposed Regulation #10-219

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Members of the Independent Regulation Review Commission and Department of Health:

I am submitting public comment in response to proposed Regulation #10-219: Medical Marijuana. The Medical Marijuana Program provides critical relief for thousands of patients across the Commonwealth, sustainable jobs for growers, processors and distributors and an opportunity to pave the way for a new industry in Pennsylvania. I believe it is imperative that employers in this industry are accountable and held to a standard consistent with other industries serving patients in the Commonwealth. It is critical that Pennsylvania get the process right in order to protect the workforce and the future of this industry. As such, my comments are regarding section **§ 1141.47. General penalties and sanctions.**

As you are aware, applicants seeking a medical marijuana license submit a comprehensive application detailing their projected plans, financials, diversity plans, impact on the community, and more. Applicants have been able to receive additional points on their application by signing a **neutrality and card check agreement with a labor organization**, agreeing to stay neutral in the attempt to organize the workforce, bringing better wages, benefits and protection to employees in this new industry. With a limited number of licenses available and therefore limited opportunities for employment, it is critical that these employers are being held to such standards when receiving their license.

As such, I am requesting a change to subsection 1141.47 (General penalties and sanctions). I am requesting that the Independent Regulation Review Commission and Department of Health include the following language to ensure that employers comply with the neutrality and card check agreements they submit with their application, giving the employees the opportunity to learn about all of their options and penalize the employer should they be found in violation:

**§ 1141.47. General penalties and sanctions.** (a)(vi) The medical marijuana organization fails to comply with neutrality and card check agreements and/or other labor peace agreements submitted with the initial application.

This change will permit the Department of Health to enforce the submission of labor peace agreements which are included under “community impact” section of the application and awarded up to 5 additional points for signing. Specifically, this change will permit the Department

to suspend or revoke a license, issue a civil penalty of up to \$10,000 for the violation and an additional penalty of up to \$1,000 a day for each day the violation is not cured or issue a written warning against the license, depending on the gravity of the situation. These are the same penalties provided for all provisions under this section.

Under the current structure, medical marijuana licensees that do not comply with a labor peace agreement are often taken through the lengthy arbitration process. However, even in instances where unions have won in arbitration, little opportunity to organize is present because of various reasons including turnover and termination of those agreeing to unionize, expiration of a labor peace agreements and more. Employers lean into the lack of enforcement to extend the process with the hopes of reaching the end of the contract before having to recognize a union. These employers face no penalty for their failure to comply with the information submitted during the application process. Therefore, the suggested change would ensure that employers that do not comply with labor peace agreements face a penalty, and the precedent is set that all information submitted with an application must be complied with.

This additional language will permit the Department of Health to ensure that employers are not falsifying their plans to stay neutral on applications in order to receive additional points and eliminate bad actors in this industry. This simple and necessary change will help protect the workforce of an industry that we are still learning how to best operate. Thank you for taking my comments into consideration.

Sincerely,  
Marc J. Mancini

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