



# MONTH IN REVIEW

## FROM THE EXECUTIVE DIRECTOR



PCC Members,

The Department of Health promulgated the final-form regulations (Regulation # 10-219: Medical Marijuana) to carry out the provisions of the Medical Marijuana Act (act). The final-form regulations are published with a date of March, 4 2023.

Please note the following language regarding effective date from the notice.

### ***“Effective Date and Sunset Dates***

*This statement of policy will be effective upon publication in the Pennsylvania Bulletin. A sunset date will not be established. The Department will continually review and monitor the effectiveness of this statement of policy.”*

[Regulation #10-219: Medical Marijuana](#) can be accessed here.

As of this afternoon it does not appear that DOH has updated the website. An inquiry has been made regarding anticipated guidance and FAQ documents. As soon as information is shared we will make it available.

While these regulations certainly have sections that are not ideal we can now, as an industry advocate together for amending specific regulations. Your contributions to get to this publication are greatly appreciated and will continue to be important as we move forward

As a reminder, our First Quarter Membership Meeting will be held next week - on Thursday March 9, 2023 at 10:00 am at the The Westin in Philadelphia. The meeting will be followed by PA Cannabis 2023 & Beyond - a conference co-hosted by PCC, ATACH and Duane Morris. [Please take a moment and register for the conference by clicking here.](#) This registration includes your PCC Meeting Attendance.

I very much look forward to seeing many of you in Philadelphia next week.

Meredith Buettner, Executive Director

PENNSYLVANIA CANNABIS COALITION

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## GOVERNOR SHAPIRO'S BUDGET ADDRESS

On Tuesday, March 7, 2023 Governor Josh Shapiro will present his first budget proposal to the General Assembly. Following the budget address the Appropriations Committees of the Senate and House of Representatives will conduct hearings with cabinet secretaries and agency leaders to discuss the proposal. PCC will provide coverage of the the Governor's budget address and the full proposal at next week's membership meeting. We are specifically paying attention for any indication that the potential revenues from adult-use are being discussed. [You can watch the budget address here on Tuesday at 11:00am](#)

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### Pa.'s budget future 'almost paradoxical' | John Micek, Penn Capital Start | February 21, 2023

So here's the good news for Democratic Gov. Josh Shapiro as he gets ready to deliver his first budget proposal to a joint session of the state House and Senate next month:

The state likely will be sitting on a projected budget surplus of more than \$8 billion by the time it closes the books on the 2022-23 budget year on June 30, according to a new report.

And if you factor in the state's Rainy Day Fund savings account, that total approaches something like \$13 billion, the data show. Now the bad news: It's probably not going to last. In fact, if current trends hold, the commonwealth will be facing cumulative budget deficits totaling nearly \$13 billion by fiscal 2027-28, that same research shows.

The analysis by the Pennsylvania Budget and Policy Center, a progressive think-tank in Harrisburg, suggests a number of causes for that seemingly abrupt shift in the state's financial fortunes.

Among them, the end of federal stimulus money that fattened the coffers of Pennsylvania and other states during the peak of the COVID-19 pandemic, the flat-funding of scores of state programs in the 2020-21 budget year, and the hole that will be punched in state revenues because of a reduction to Pennsylvania's corporate tax rate.

"The fiscal status of Pennsylvania is almost paradoxical. We have a huge surplus of more than \$13 billion. Yet we are likely to have recurring budget deficits starting next year and critical needs for additional state spending, especially for full and fair funding of K-12 education," the think-tank's director, Marc Stier, said in an email.

"The huge surplus creates a temptation for politicians to avoid making hard decisions," Stier continued. "But it also provides an opportunity to use the surplus and modest addition to revenues now to meet the needs of the state over the long term."

The 'full and fair funding for public education,' Stier mentioned above is a reference to the multi-billion dollar dilemma that a Pennsylvania Commonwealth Court judge dropped in policymakers' collective laps earlier this month when she declared the state's school funding system unconstitutional.

In a 786-page order, President Judge Renée Cohn Jubelirer said the "options for reform are virtually limitless," but she drew the line at offering a policy prescription, leaving that to the legislative and executive branches to figure out for themselves.

The cost of leveling the playing field will be towering — to say the least. And the matter is still likely to end up before the state Supreme Court before all is said and done, the Capital-Star previously reported.

Faced with those demands, the state can't dodge the challenge, the analysis suggests.

In fact, "a cold-eyed look at Pennsylvania's fiscal state shows us that to both deal with long-term structural deficits and to meet the needs of Pennsylvanians, the state will at some point have to raise revenues," the report's authors wrote.

Translation: A tax increase. But not for everyone.

"To do that without hurting either the state economy or Pennsylvanians who are struggling economically, additional revenues should come from those most able to afford it, the wealthiest among us and the multi-state and multi-national corporations who, despite the recent reforms, continue to pay little or nothing in state corporate taxes," the report's authors wrote.

And that means making those the most able to afford it shoulder an increased share of the burden, analysts concluded.

"Pennsylvania continues to have one of the most unfair tax systems in the country," the report's authors wrote. "... Low-income Pennsylvanians pay state and local taxes at more than double the tax rate as a share of their income (14%) than the richest 1% of income-earners in Pennsylvania (6%). This is not just terribly unfair—but it is the fundamental reason our taxes do not bring in sufficient revenues to pay for the services that the people of Pennsylvania want and need."

The work that lies ahead will be a "test of statesmanship," which "distinguishes political leaders who aim for greatness from those who just seek to hold office."

And "while the state's budget paradox may tempt our political leaders to avoid our long-term budget issues, it can also enable them to address those problems over a number of years without overly burdening Pennsylvania taxpayers," the report's authors wrote.

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## FINAL PROGRAM REGULATIONS

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### MEDICAL MARIJUANA ADVISORY BOARD MEETINGS

DOH has NOT announced the 2023 Schedule for the MMAB. PCC will distribute the schedule when it is released. [MMAB information can be found here.](#)

### MEDICAL MARIJUANA PROGRAM WEBSITE

The Medical Marijuana Program Website has gone through a slight redesign and now features an "Announcements" Section. [Make sure to bookmark this page for the most current program information.](#)



Duane Morris



The Pennsylvania Cannabis Coalition,  
the American Trade Association for Cannabis and Hemp  
and Duane Morris Invite you to join us for

## Pennsylvania Cannabis - 2023 and Beyond

Thursday, March 9, 2023

10:00am PCC Quarterly Meeting (Members Only)

12:00pm - 6:00pm Networking Lunch, Conference and Cocktail Reception

The Conference will be made up of several panel discussions featuring Pennsylvania legislators, industry participants and Duane Morris attorneys.

Both the PCC Quarter Meeting and Conference will take place at

The Westin Philadelphia  
99 South 17th Street  
Philadelphia, PA 19103

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**Pennsylvania GOP Senator Pushes State Police To Reconsider Gun Restrictions For Marijuana Consumers**  
Marijuana Moment, February 27, 2023 - Ben Adlin

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A Republican state senator in Pennsylvania is calling on law enforcement to take steps to protect the gun rights of marijuana consumers, particularly medical cannabis patients—pointing to a federal judge’s recent ruling that the U.S. government’s ban on gun ownership by people who use marijuana is unconstitutional.

Sen. Dan Laughlin (R), in a letter to the acting commissioner of the Pennsylvania State Police, noted that the commonwealth currently prohibits people from obtaining a license to carry firearms if they acknowledge being “an unlawful user of marijuana” on a state form that they must fill out.

“I believe Pennsylvania can take a measured approach to lifting the prohibition on otherwise qualified medical cannabis users from obtaining their license to carry,” Laughlin wrote on Twitter on Wednesday, including a copy of the February 17 letter.

Medical cannabis is legal in Pennsylvania but remains outlawed federally.

While Laughlin acknowledged that the state restriction aligns with the federal ban on gun ownership by cannabis consumers, he told the top commonwealth law enforcement officer that the recent federal court case “warrants reconsideration of the question on these forms.”

“I strongly encourage you to review the decision,” the senator wrote.

Laughlin’s tweet about the letter refers to “qualified medical cannabis users,” though his letter to the state police makes no specific mention of medical use as opposed to recreational consumption. Medical marijuana is legal in Pennsylvania under a 2016 bill passed by the legislature. Nonmedical use is illegal, though calls to legalize have been growing in the legislature.

The federal government has long prohibited people who consume illegal drugs from purchasing firearms, but as more states legalize cannabis, some lawmakers—especially Republicans—have attempted to undo similar state-level restrictions on gun rights.

Most recently, lawmakers in Maryland held a hearing earlier this month to consider a bill that would prohibit the denial under state law of “the right to purchase, possess or carry a firearm...solely on the basis that the person is authorized to use medical cannabis.” The measure’s sponsor said the state’s current policy “puts average Marylanders in a bind.”

Such proposals do not attempt to change federal law but rather seek to remove additional state-level restrictions on gun ownership by marijuana consumers.

Opponents to the federal restriction, however, recently notched a courtroom win when a federal judge in Oklahoma declared the ban unconstitutional. Judge Patrick Wyrick, a Trump appointee, wrote in the February 3 ruling that the government’s justification for denying gun rights to cannabis users “misses the mark.”

“Because the mere use of marijuana does not involve violent, forceful, or threatening conduct,” Wyrick said, “a user of marijuana does not automatically fall within that group.”

As a district court ruling, the Oklahoma decision does not immediately create precedent that other courts must follow. It’s also widely expected the ruling will be appealed. However, the development is an indication that the legal landscape around cannabis and firearms may be changing.

Another lawsuit challenging the federal ban on firearm ownership by marijuana users was filed in Florida by former Agriculture Commissioner Nikki Fried (D) and medical cannabis patients. But Fried’s Republican successor, Commissioner Wilton Simpson, recently declined to pursue the case. It is now being appealed by the remaining individual nongovernmental plaintiffs.

The easiest way to address the federal ban would be through Congress. Last month, Rep. Alex Mooney (R-WV) introduced a bill that would allow cannabis users to skirt the restriction provided they are in compliance with state marijuana law. Gun ownership would still be restricted in areas where cannabis remains illegal.

Mooney introduced similar legislation in 2019, but it did not advance.

Another of the federal bill’s sponsors, Rep. Thomas Massie (R-KY) spoke to Marijuana Moment in 2018 about the need for gun-focused cannabis reform.

Back in Pennsylvania, it remains to be seen whether the legislature is prepared to act on cannabis in the new session. Democrats won a majority of seats in the House of Representatives, but the GOP has maintained control of the Senate. That said, a handful of Republican senators—including Laughlin—have indicated support for legalizing marijuana.

Gov. Josh Shapiro (D), meanwhile, says he supports broader legalization, and he made it a tenet of his gubernatorial campaign last year. The policy change came up during an inauguration celebration for Shapiro last month, with performers discussing the issue and rapper Wiz Khalifa at one point encouraging adults to smoke cannabis despite ongoing prohibition.

But the state’s former governor, Tom Wolf (D), as well as then-Lt. Gov. John Fetterman, now a U.S. senator, both pushed for reform and fell short of ending prohibition. The two did succeed in launching a pardon project that drew thousands of applications seeking clemency and ultimately granted just over 200 acts of relief.



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MEMBER SPOTLIGHT



**Dispensary Call:**  
**First Tuesday of the Month**  
Tuesday, March 7 @ 1pm via Zoom

**PCC First Quarter Membership Meeting**  
Thursday, March 9, 2023 10:00am-The Westin, Philadelphia

**Grower/Processor Call:**  
**Second Tuesday of the Month**  
Tuesday, March 14 @ 1pm via Zoom

**Legislative Input Call:**  
Thursday, March 16 @ 1pm via Zoom

**MMAB Meeting Scheulde**  
*Not yet announced*

*\*All times are EST*

[Click Here to Add PCC Events to Your Calendar!](#)

