

# Exhibit 1



# **Medical Marijuana Advisory Board Meeting**

**Tuesday, November 16, 2021**

**10:00am to noon**

# MMAB Agenda

- I. Call to order and roll call
  - II. Approval of the minutes – meeting Aug. 17, 2021
  - III. Program Update
  - IV. Old Business
  - V. New Business
    - a. Subcommittee Assignments
    - a. Review the Qualifying Medical Conditions for Medical Marijuana Usage Applications
      - i. Chronic Hepatitis
    - b. Chapter 20 Medical Marijuana Research
    - c. Processes and Procedures:
      - i. Reports – proposed policy for reviewing recommendations and creating reports
      - ii. Recommendation Submittal
      - iii. Serious Medical Conditions (SMCs)
        - 1. Approving SMCs for Chapter 20 Research
        - 2. Submittals presented through recommendations
        - 3. Proposed revisions to current public submittal process
- VI. Subcommittee Updates
- VII. Additional Discussion/Q&A
- VIII. Adjournment

# ➤ Medical Marijuana Program Update

- Act 44 Implementation
- Medical Marijuana Assistance Program
- Patient Purchasing Activity
- Program Growth Metrics
- Permittee Pricing Trends

# ➤ Medical Marijuana Program Update

- Program to date:
  - 681,504 Patients and Caregivers Registered;
  - 384,254 Active Patient Certifications;
  - 1,678 Approved Practitioners;
  - 16.5 Million Patient Dispensing Events;
  - 47.0 Million Products Dispensed;
  - \$4.0 Billion in Total Sales;
  - \$1.6 Billion by G/Ps to Dispensaries; and
  - \$2.4 Billion by Dispensaries.

# Medical Marijuana Program Update

## Act 44 Implementation

# Medical Marijuana Program Update

## Act 44 Implementation Status

Category / Area Impacted	In Design	Implementation In Progress	Implemented	TOTAL
Major Project or New Program		2		2
Grower/Processors and Labs		4	3	7
Background Checks		1	4	5
Permitting		1	1	2
Dispensaries			5	5
Governance/ Regulations			5	5
Practitioners/ Caregivers			3	3
Research			4	4
<b>TOTAL</b>	<b>0</b>	<b>8</b>	<b>25</b>	<b>33</b>

**Progress Since  
Last MMAB:**

**4 → 0**

**6 → 8**

**23 → 25**

# ➤ Medical Marijuana Program Update

## Medical Marijuana Assistance Program (MMAP)

# ➤ Medical Marijuana Program Update

## Current and Planned Medical Marijuana Assistance

	Full Cost	Current Cost After Benefits	MMAP Phase 1 (Q1 2022)	MMAP Phase 2 (timing TBD)	MMAP Phase 3 (timing TBD)
MM Identification Card	\$50.00	<b>\$25.00</b> <i>50% discount</i>	<b>No Cost</b> <i>No ID card costs for eligible patients and caregivers</i>		

[35 P.S. Section 10231.902](#)

# Medical Marijuana Program Update

## Current and Planned Medical Marijuana Assistance

	Full Cost	Current Cost After Benefits	MMAP Phase 1 (Q1 2022)	MMAP Phase 2 (timing TBD)	MMAP Phase 3 (timing TBD)
MM Identification Card	\$50.00	<b>\$25.00</b> 50% discount	<b>No Cost</b> No ID card costs for eligible patients and caregivers		
Caregiver Background Checks	\$20.85	<b>\$7.60</b> 65% discount		<b>No Cost</b> No cost for eligible caregiver background checks	

[35 P.S. Section 10231.902](#)

# Medical Marijuana Program Update

## Current and Planned Medical Marijuana Assistance

	Full Cost	Current Cost After Benefits	MMAP Phase 1 (Q1 2022)	MMAP Phase 2 (timing TBD)	MMAP Phase 3 (timing TBD)
MM Identification Card	\$50.00	<b>\$25.00</b> 50% discount	<b>No Cost</b> No ID card costs for eligible patients and caregivers		
Caregiver Background Checks	\$20.85	<b>\$7.60</b> 65% discount		<b>No Cost</b> No cost for eligible caregiver background checks	
Patient Product Cost	Dispensary Retail Price				<b>Assistance</b> Monthly value for eligible patients

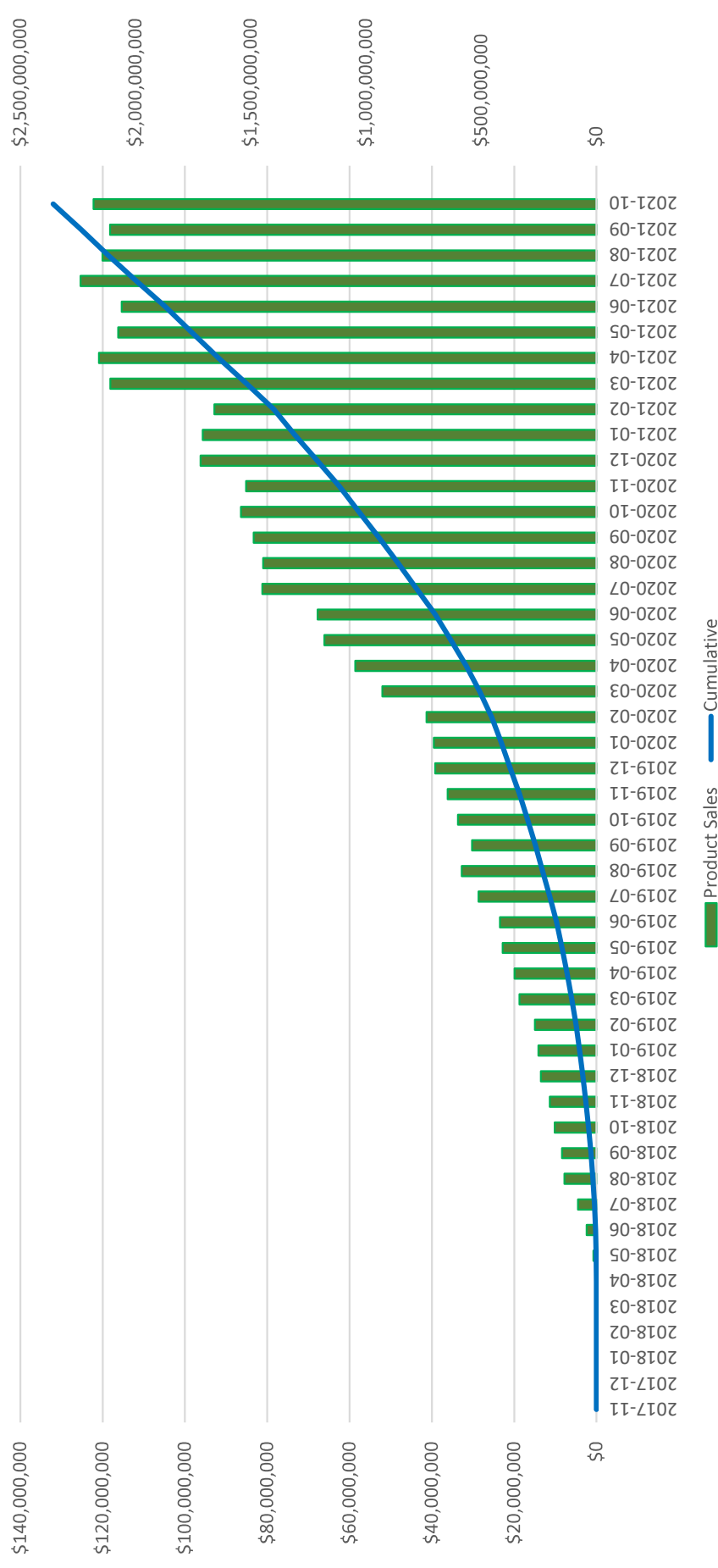
[35 P.S. Section 10231.902](#)

# Medical Marijuana Program Update

## Patient Purchasing Activity

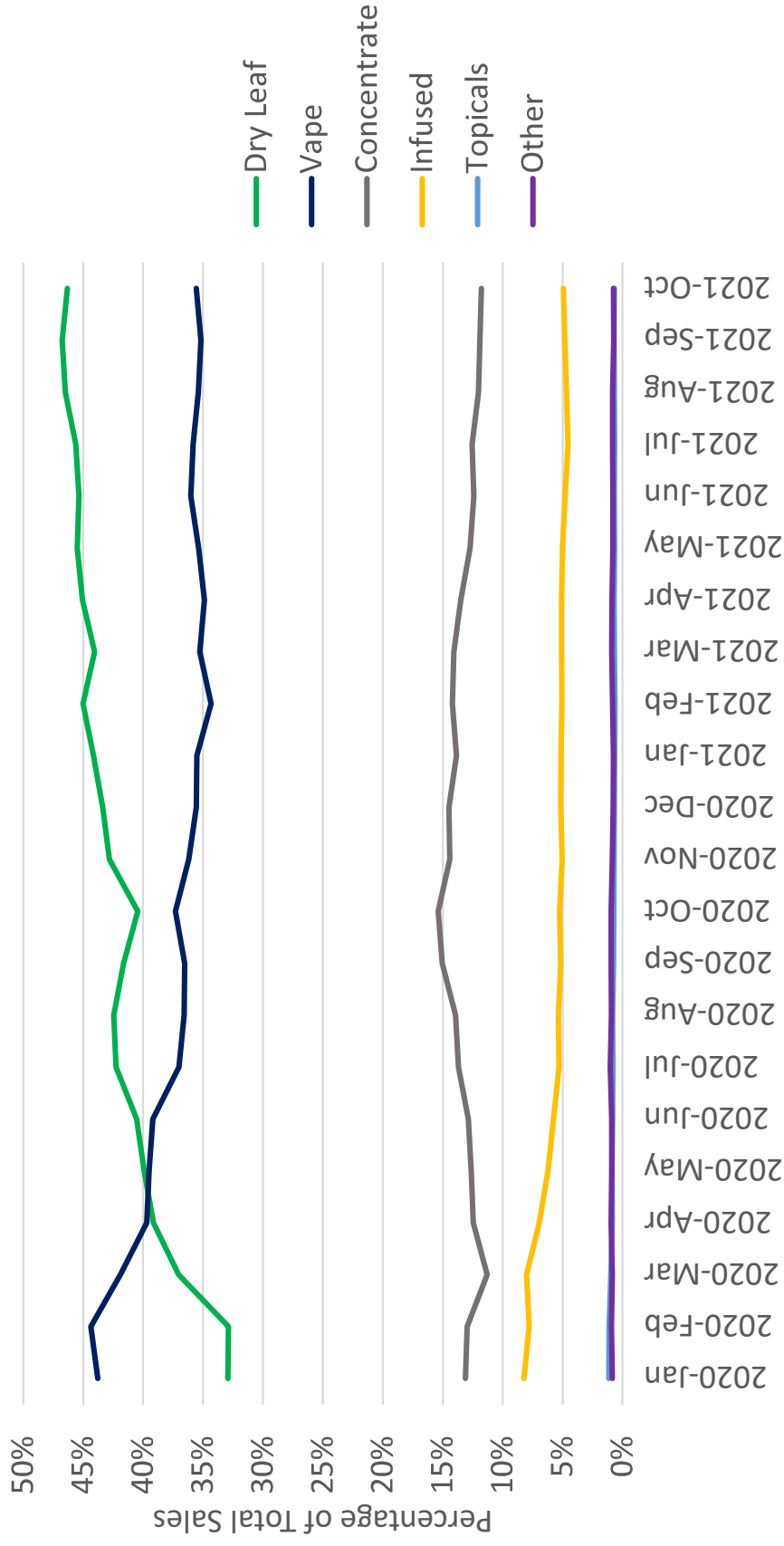
# Medical Marijuana Program Update

## Total Dispensary Sales



# Medical Marijuana Program Update

## Patient Purchasing Trends by Product Category

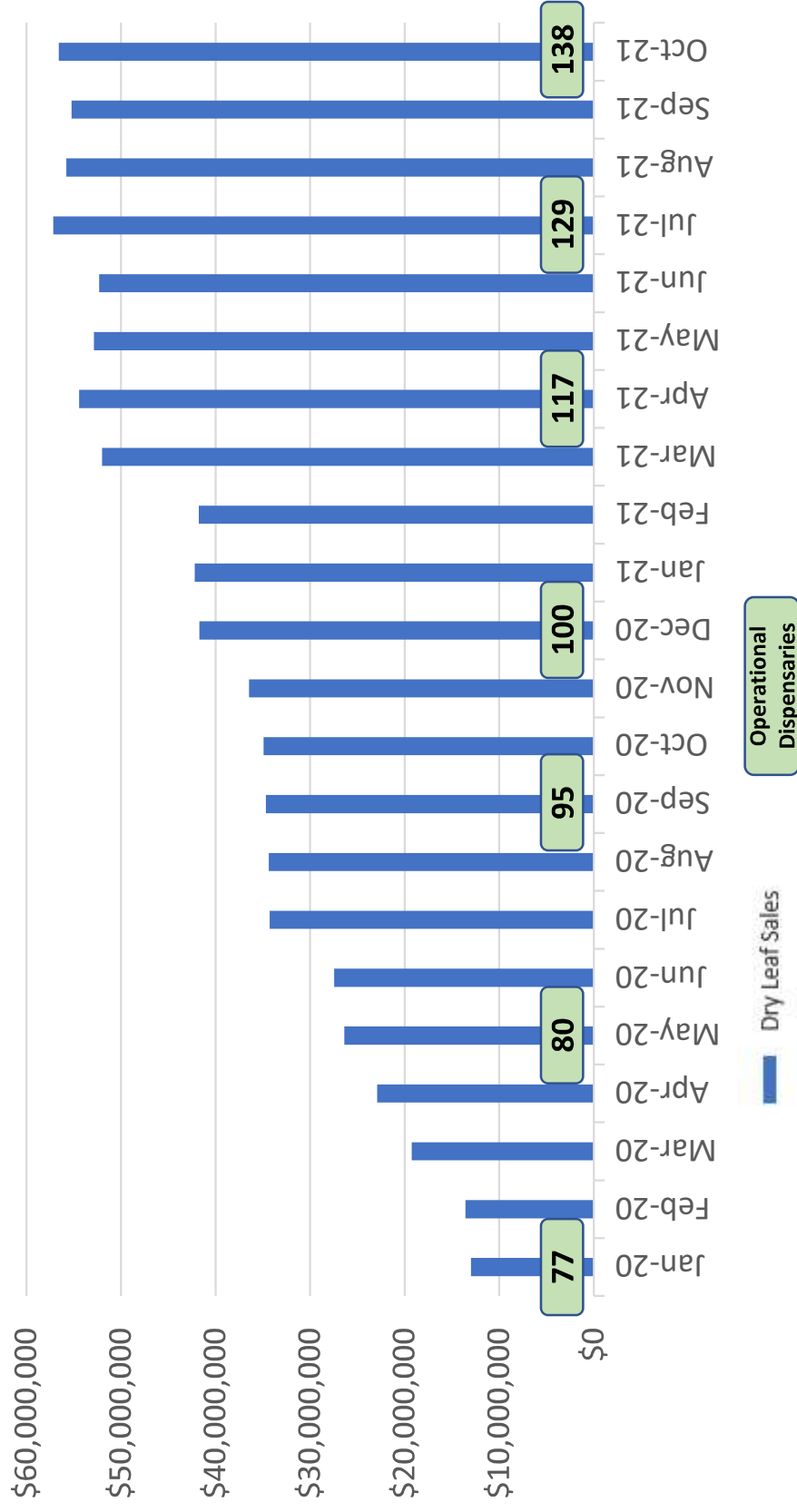


## ➤ Medical Marijuana Program Update

# Permittee Pricing Trends

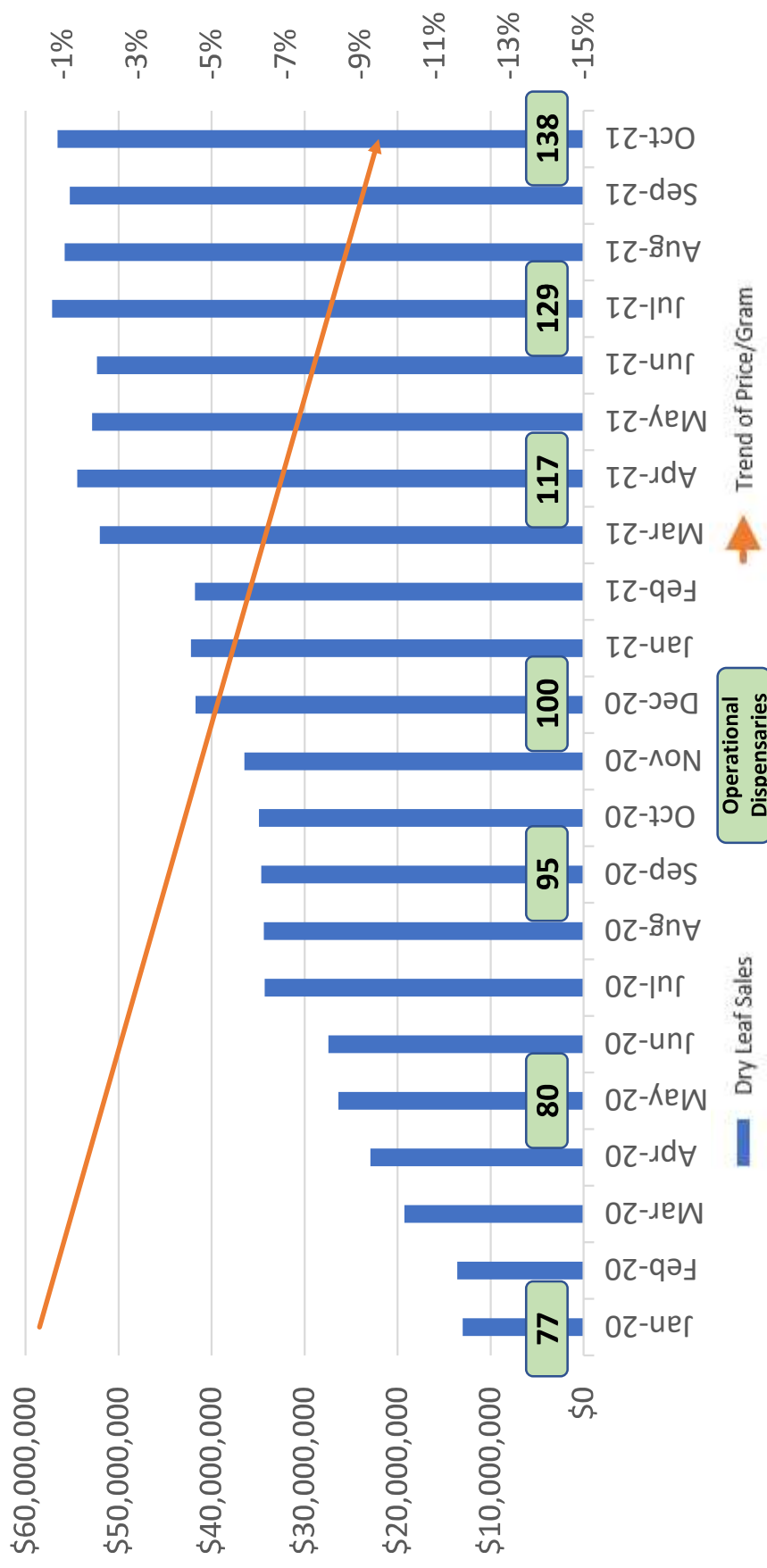
# Medical Marijuana Program Update

Sales Volume Increases as Demand and Operational Dispensaries Grow  
**Dry Leaf Sales**



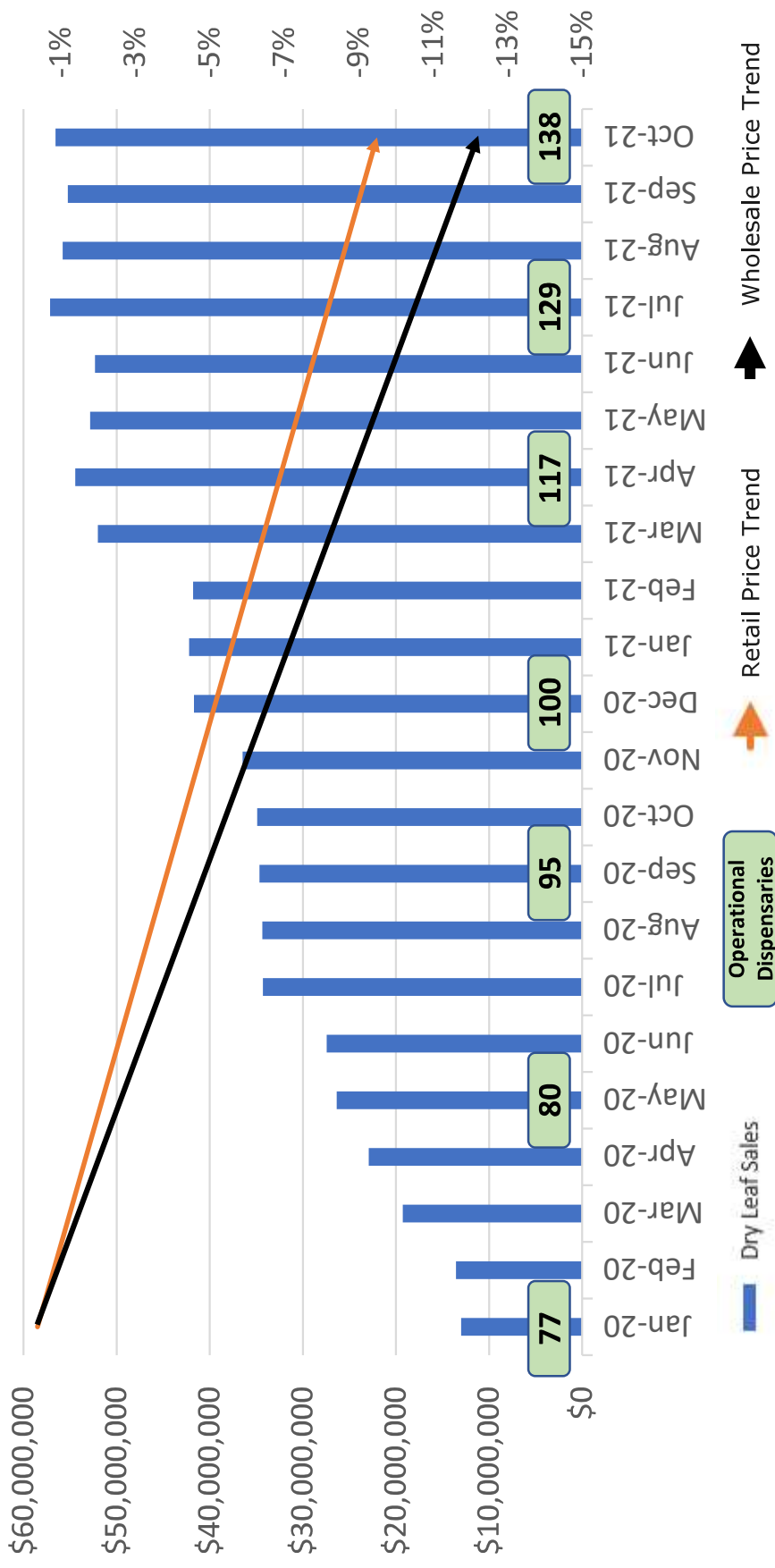
# Medical Marijuana Program Update

Sales Volume Increases as Demand and Operational Dispensaries Grow  
**Dry Leaf Sales and Pricing Trends**



# Medical Marijuana Program Update

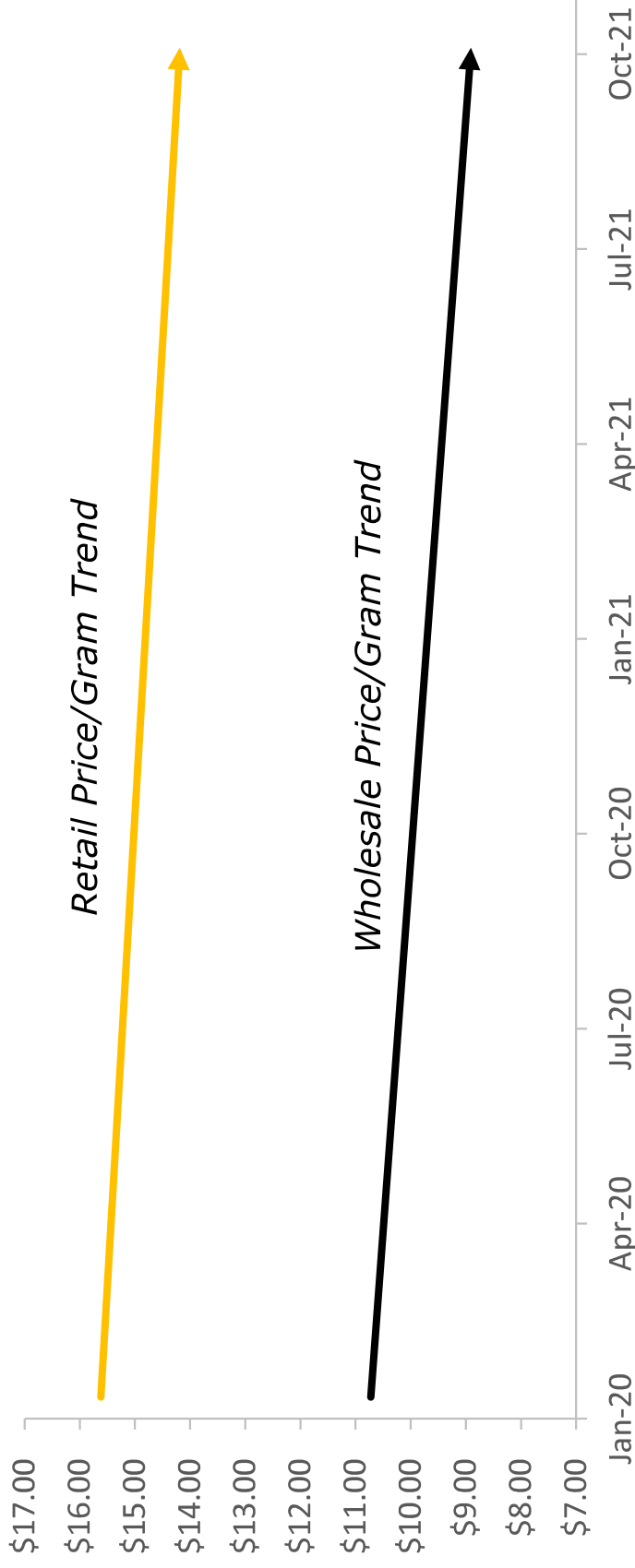
Wholesale Price Decline Trend More Inline With Retail Price Declines  
**Dry Leaf Retail and Wholesale Pricing Trends**



# Medical Marijuana Program Update

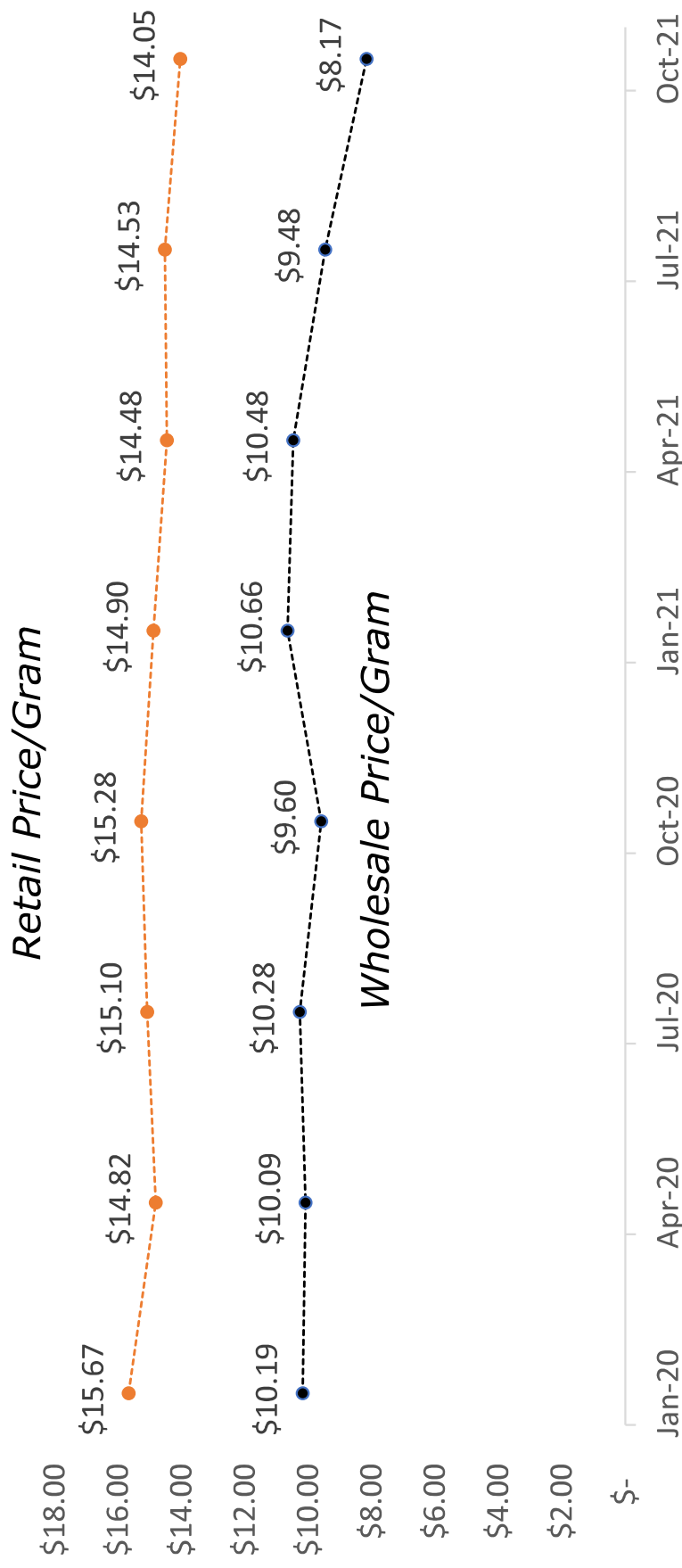
Dry Leaf Retail Pricing Tracking to Grower/Processor Wholesale Pricing

## Dry Leaf Retail and Wholesale Pricing Trends



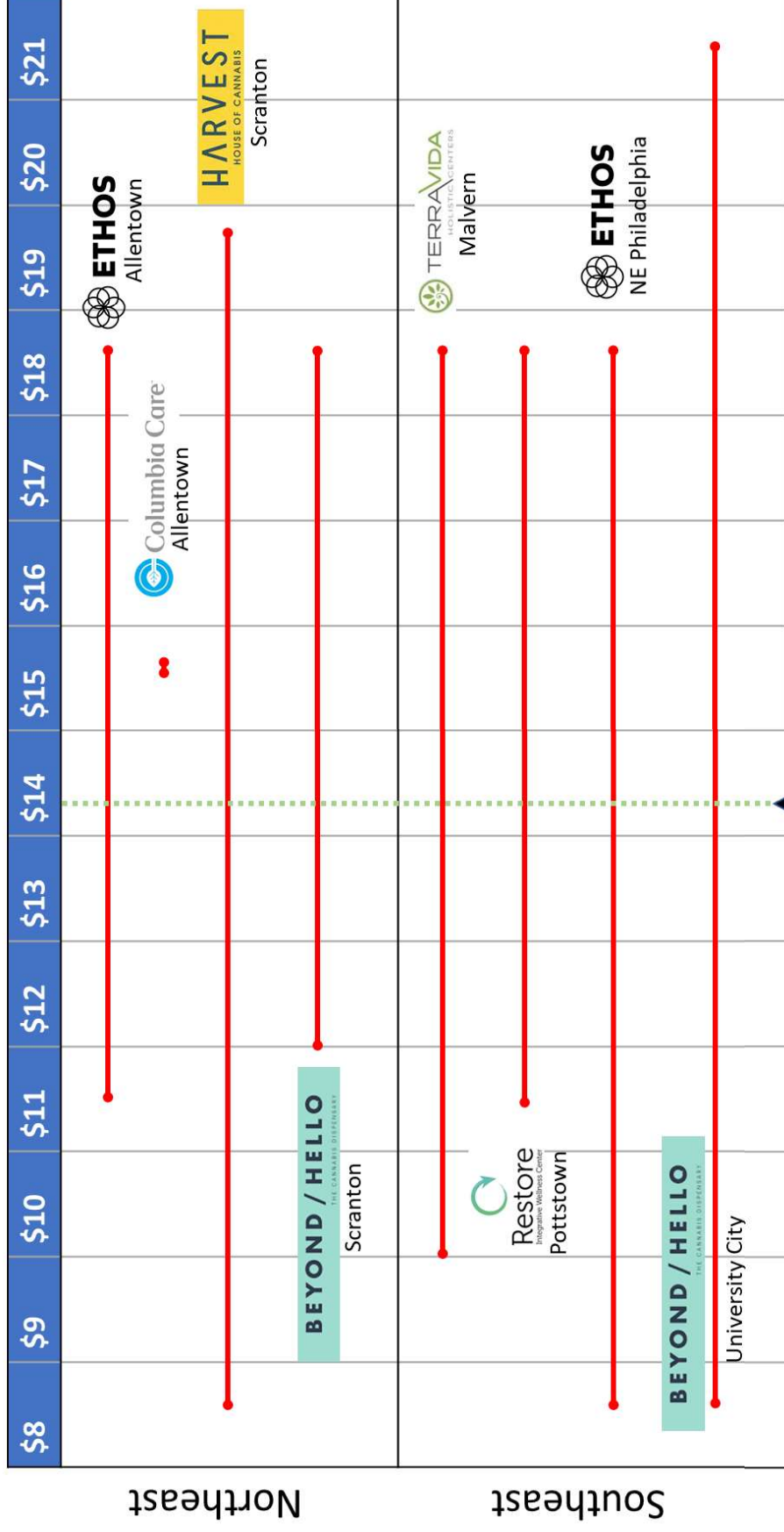
# Medical Marijuana Program Update

## Dry Leaf Retail and Wholesale Pricing Details



# Medical Marijuana Program Update

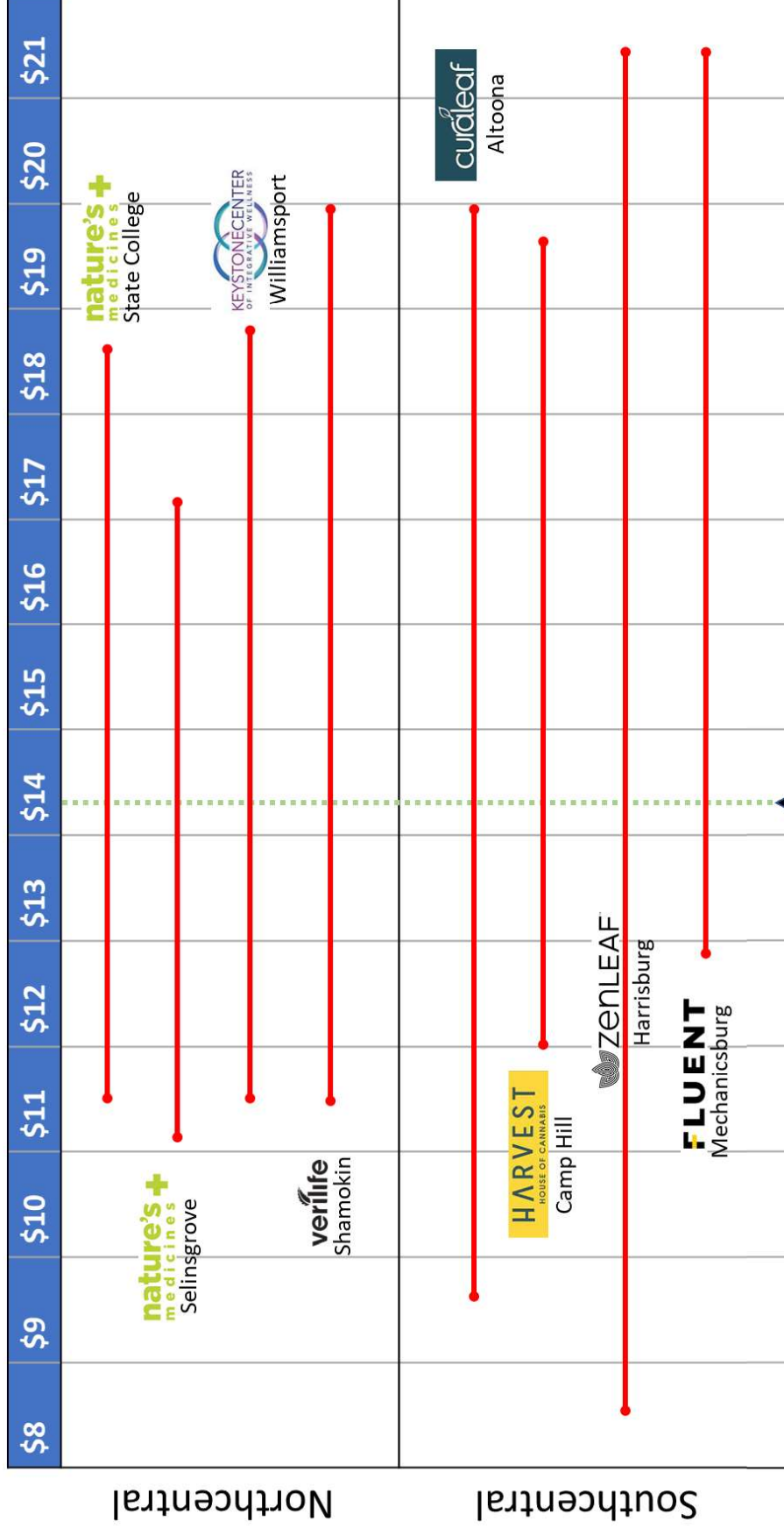
## Per Gram Retail Price Sampling Summary (Eastern Regions)



Aug 2021 Dry Leaf per gram Avg. (\$14.27)

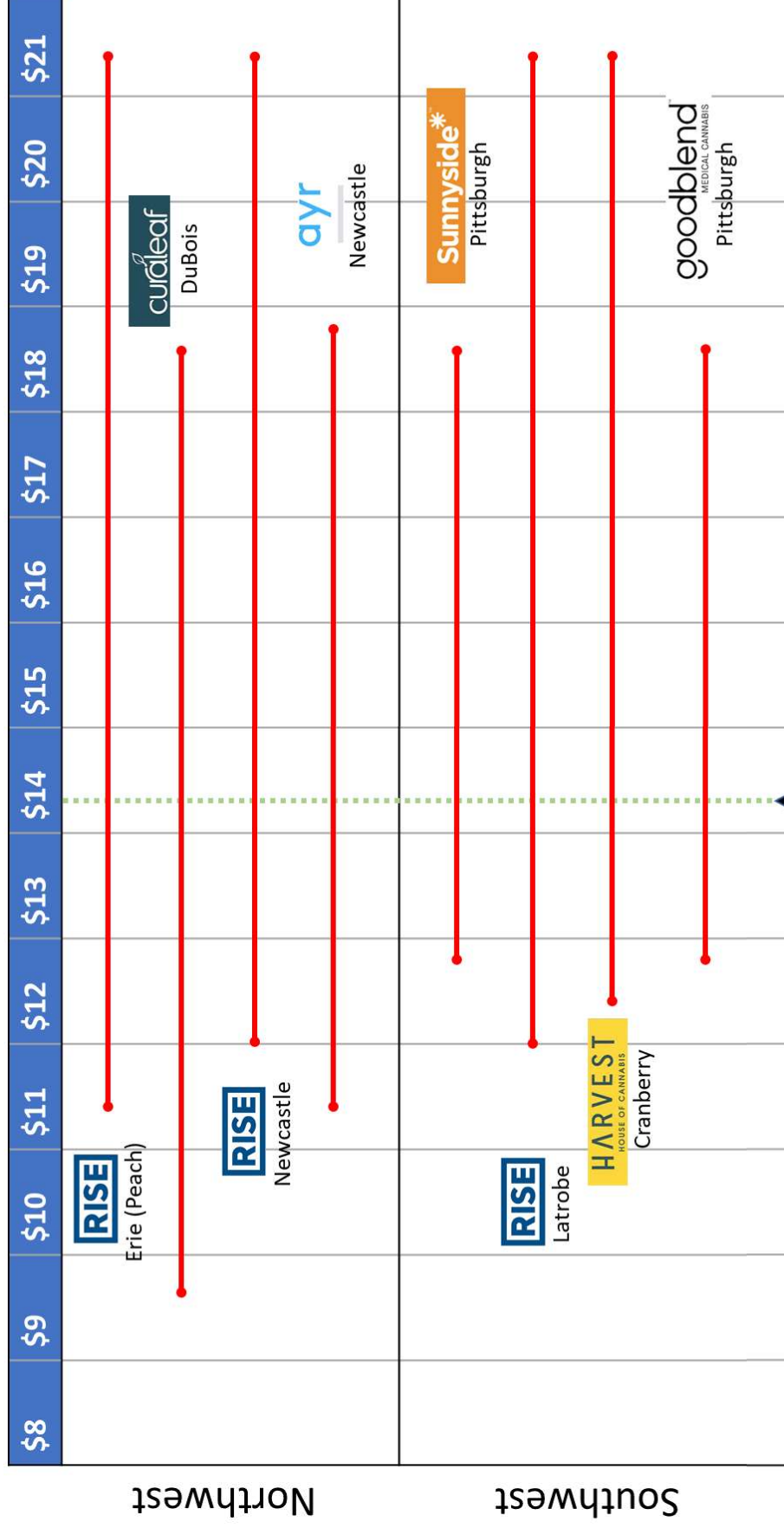
# Medical Marijuana Program Update

## Per Gram Retail Price Sampling Summary (Central Regions)



# Medical Marijuana Program Update

## Per Gram Retail Price Sampling Summary (Western Regions)



Aug 2021 Dry Leaf per gram Avg. (\$14.27)

# MMAB Agenda

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- II. Approval of the minutes – meeting Aug. 17, 2021
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- IV. Old Business**
  - a. Subcommittee Assignments
- V. New Business
  - a. Review the Qualifying Medical Conditions for Medical Marijuana Usage Applications
    - i. Chronic Hepatitis
  - b. Chapter 20 Medical Marijuana Research
  - c. Processes and Procedures:
    - i. Reports – proposed policy for reviewing recommendations and creating reports
    - ii. Recommendation Submittal
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      - 1. Approving SMCs for Chapter 20 Research
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- VI. Subcommittee Updates
- VII. Additional Discussion/Q&A
- VIII. Adjournment

# Subcommittee Assignments

- The Regulatory Subcommittee  
Janet Getzy Hart
- Medical Review Subcommittee  
Dr. Denise Johnson
- Medical Research Subcommittee  
Bhavini Patel
- Patient and Caregiver Subcommittee  
Molly Robertson
- Reports Subcommittee  
Luke Schultz

# ➤ Review SMC Applications

## Review the Qualifying Medical Conditions for Medical Marijuana Usage Applications

■ Chronic Hepatitis

# Ch. 20 Medical Marijuana Research

	<b><u>Current: Research Program</u></b>	<b>Research Project or Study</b>
1) When research can begin	Any time under DOH's proposed Chapter 20 temporary regulations	Upon amendment of the Controlled Substances Act, 21 U.S.C. § 812 (rescheduling marijuana), and notice in the Pennsylvania Bulletin by DOH in accordance with Section 2003 of Act 43 of 2018 and Section 2108 of Act 16 of 2016
2) Conditions studied	<b><u>28 Pa. Code § 1211.29</u></b> Only the serious medical conditions recognized by Act 16 of 2016 or DOH's current temporary regulations	<b>Act 43, Section 2003</b> Any medical or psychological condition
3) Manner in which medical marijuana is dispensed	<b><u>28 Pa. Code § 1211.21</u></b> Only in the forms recognized by Act 16 of 2016 or DOH's current temporary regulations	<b><u>28 Pa. Code § 1211.21</u></b> Any form deemed medically safe by an institutional review board
4) Who supervises the research	<b><u>28 Pa. Code § 1211.29(a)</u></b> Research Approval Committee or Institutional Review Board as defined by DOH's proposed Chapter 20 temporary regulations	<b><u>28 Pa. Code § 1211.29(b)</u></b> Institutional Review Board as defined by DOH's proposed Chapter 20 temporary regulations
5) How medical marijuana is dispensed	<b><u>28 Pa. Code § 1211.29(c)</u></b> By a clinical registrant dispensary only to patients or caregivers in accordance with Act 43 of 2018 and DOH's proposed Chapter 20 temporary regulations	<b><u>28 Pa. Code § 1211.29(d)</u></b> By a clinical registrant dispensary to patients or caregivers or to an <b>ACRC</b> in accordance with Act 43 of 2018
	<b><u>28 Pa. Code § 1211.29(a)</u></b>	<b><u>28 Pa. Code § 1211.29(b)</u></b>



# Processes and Procedures

- Reports – proposed policy for reviewing recommendations and creating reports
- Recommendation Submittal
- Serious Medical Conditions (SMCs)
  - Approving SMCs for Chapter 20 Research
  - Submittals presented through recommendations
  - Proposed revisions to current public submittal process

# ➤ Proposed Reports Process

(1) After each meeting where a recommendation is approved by the advisory board to change the medical marijuana program, the reports subcommittee will produce a written report.

Recommendations to change the medical marijuana program include:

- (i) Whether to change the types of medical professionals who can issue certifications to patients.
- (ii) Whether to change, add or reduce the types of medical conditions which qualify as serious medical conditions under this act.
- (iii) Whether to change the form of medical marijuana permitted under this act.
- (iv) How to ensure affordable patient access to medical marijuana.

# ➤ Proposed Reports Process Cont.

- (2) Reports shall include approved recommendations and related findings. The reports may also include findings on recommendations not approved or other issues, other advisory board activities, and general information and updates on the medical marijuana program.
- (3) Reports will be presented by the reports subcommittee to the advisory board for adoption at the next regularly scheduled public meeting.
- (4) Adopted reports shall be provided to the Secretary of Health, the Governor, the Senate, the House of Representatives, and will be public record under the Right-to-Know Law.

# Processes and Procedures

- Recommendation Submittal
- Serious Medical Conditions (SMCs)
  - ▀ Approving SMCs for Chapter 20 Research
  - ▀ Submittals presented through recommendations
  - ▀ Proposed revisions to current public submittal process

# Subcommittee Updates

- Medical Research Review Subcommittee  
Bhavini Patel
- Patient and Caregiver Subcommittee  
Molly Robertson
- Regulatory Subcommittee  
Janet Getzy Hart
- Reports Subcommittee  
Luke Schultz
- Medical Review Subcommittee  
Dr. Denise Johnson

# MMAB Meeting

- Additional Discussion
- Next Board Meeting
  - January 27, 2022 (10:00am to noon)
- Adjournment

# Exhibit 2

**From:** Goldberg, Seth A.  
**Sent:** Friday, November 19, 2021 11:10 AM  
**To:** johcollins@pa.gov; RA-DHMedMarijuana@pa.gov; CAMowery@pa.gov  
**Cc:** abeam@pa.gov; Meredith Buettner <meredith@pcanna.org>  
**Subject:** Letter from Pennsylvania Cannabis Coalition re: Vaporization Product Review

Dear Director Collins and Ms. Mowery:

Attached please find a letter on behalf of the Pennsylvania Cannabis Coalition regarding the Department's recently instituted vaporization product review.

With kindest regards,

Seth



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MYANMAR  
ALLIANCES IN MEXICO  
AND SRI LANKA

November 19, 2021

## VIA EMAIL

John J. Collins, Director  
Pennsylvania Department of Health  
Office of Medical Marijuana  
Health and Welfare Building, Room 628  
625 Forster Street  
Harrisburg, PA 17120  
[johncollins@pa.gov](mailto:johncollins@pa.gov)  
[RA-DHMedMarijuana@pa.gov](mailto:RA-DHMedMarijuana@pa.gov)

Carol Mowery, Assistant Chief Counsel  
Pennsylvania Department of Health  
Office of Medical Marijuana  
Health and Welfare Building, Room 628  
625 Forster Street  
Harrisburg, PA 17120  
[CAMowery@pa.gov](mailto:CAMowery@pa.gov)

### Re: Vaporization Product Review

Dear Director Collins and Ms. Mowery:

I write on behalf of the Pennsylvania Cannabis Coalition (“PCC”)<sup>1</sup> and its members in connection with the action (the “Action”) taken on November 16, 2021, by the Pennsylvania Department of Health’s Office of Medical Marijuana (the “Department”) requiring that all permittees provide certain information to the Department regarding additional ingredients in vaporized medical marijuana products by November 30, 2021. This letter complaining of the Action and requesting the relief set forth below is necessary because of the Department’s refusal to discuss this matter with PCC on its members’ behalf.

Due to the harm the Action could potentially cause to operators, the patients whose health and well-being depends on these products, and the Pennsylvania Medical Marijuana Program as a whole, should the Action be enforced as written, PCC, on behalf of its members, requests the Department issue an amendment to the Action by close of business on Monday, November 22, 2021, extending by forty-five (45) days the time-period for compliance with the Action. PCC further requests that the Department meet with PCC and other program stakeholders regarding

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<sup>1</sup> PCC is a 501(c)6 trade organization comprised of Pennsylvania medical marijuana permit holders whose purpose is to protect and preserve the integrity of Pennsylvania’s emerging marijuana market.

John J. Collins, Director  
Carol Mowery, Assistant Chief Counsel  
Page 2

the Action so that the Department can provide clarification of its authority to take this measure and so the Department can provide written clarification of the terms and appropriate guidance for this measure to operators and patients.

Under the purported authority of 28 Pa. Code 1141.45, the Action requires that every operator submit a completed form to the Department by November 30, 2021, just *eight* business days, from notice of the Action due to the intervening Thanksgiving holiday, for each and every vaporized product that contains “additional ingredients,” which the Action defines as “anything that alters the dosage level, color, appearance, smell, taste, effect or weight of the medical marijuana.” Not only does this definition not appear in any statute or regulation governing medical marijuana in Pennsylvania, its over-breadth would necessarily sweep in virtually every type of product for sale in Pennsylvania’s medical marijuana program which may be consumed through vaporization by a patient. It is PCC’s understanding that such products may comprise ***approximately 65% of the entire market***, when both vapes and concentrates are considered, making this the single largest category of products available to patients.

The Action also appears to violate 28 Pa. Code 1141.45, which pertains to inspections or investigations of individual medical marijuana organizations. That section does not seem to authorize the type of program-wide regulatory requirement the Department purports to impose with the Action. The apparent violation of that regulation is underscored by the fact that the Department has proposed to implement the Action by requiring operators to submit a “Request Form” for product approval, which form has nothing to do with the requirements in 28 Pa. Code 1141.45.

Due to its over-breadth, compliance with the Action within the extraordinarily short time-period provided, especially given the Thanksgiving holiday, is going to be overwhelmingly burdensome, if not virtually impossible, for many of the operators who would be required to submit the required form for each of their vaporization products. In this connection, the Action requires the listing of each so-called “additional ingredient,” in every product, as well as the amount of such ingredient. Among the operators represented by PCC alone there are likely to be hundreds of such products. However, the Department has not provided any basis as to why vaporization products containing all of the additional ingredients, as that term is defined in the Action, need to be identified in such a short timeframe.

Significantly, by threatening to suspend the sale of products for which a Request Form has not been submitted by November 30, the Action has the potential to limit drastically the supply of the largest category of products available to patients, without having provided any, let alone sufficient, notice to patients regarding possible discontinuation of products upon which they rely for their personal health and wellness. Altering the supply of these products in this manner would no doubt have a dramatic effect on the demand of other medical marijuana products, and could possibly alter the pricing of many medical marijuana products on the market. An abrupt product shortage and pricing changes resulting from enforcement of the Action would

John J. Collins, Director  
Carol Mowery, Assistant Chief Counsel  
Page 3

unquestionably harm patients and cause many to return to the illicit market to obtain their life saving medicine.

Lastly, the Department has previously required that permittees resubmit products it has already approved for re-approval, and then denied approval for those products, requiring those permittees to cease and desist the distribution of those products. In the Department's view, those products were not "medically appropriate," a definition that does not appear in the Act or the current temporary regulations. Given the significance of this issue to permittees, PCC believes the Department's meeting with PCC and stakeholders to clarify the Department's implementation of the statutes and regulations pertinent to this issue would be extremely beneficial to the program.

Based on the foregoing, PCC requests the Department recall or amend the Action, and agree to meet with PCC and stakeholders to work in a transparent and collaborative manner towards resolution, as set forth above.

Sincerely,

*/s/ Seth A. Goldberg*  
Seth A. Goldberg

SAG:dmr/DM2\14942596.1

cc:

Ms. Alison Beam, Acting Secretary of Health (*via email*: [abeam@pa.gov](mailto:abeam@pa.gov))  
Meredith Buettner, Executive Director, Pennsylvania Cannabis Coalition (*via email*)

# Exhibit 3

**From:** Goldberg, Seth A.  
**Sent:** Wednesday, November 24, 2021 3:54 PM  
**To:** 'johcollins@pa.gov' <johcollins@pa.gov>; 'RA-DHMedMarijuana@pa.gov' <RA-DHMedMarijuana@pa.gov>; 'CAMowery@pa.gov' <CAMowery@pa.gov>  
**Cc:** 'abeam@pa.gov' <abeam@pa.gov>; 'Meredith Buettner' <meredith@pcanna.org>  
**Subject:** Letter from Pennsylvania Cannabis Coalition re: Vaporization Product Review

Dear Director Collins and Ms. Mowery:

Attached please find a letter on behalf of the Pennsylvania Cannabis Coalition regarding the Department's vaporization product review. I called the Department last Thursday, yesterday, and again today, but Ms. Mowery has not returned my calls.

I wish you and yours a Happy Thanksgiving.

Sincerely,  
Seth



---

**From:** Goldberg, Seth A.  
**Sent:** Friday, November 19, 2021 11:10 AM  
**To:** 'johcollins@pa.gov' <[johcollins@pa.gov](mailto:johcollins@pa.gov)>; 'RA-DHMedMarijuana@pa.gov' <[RA-DHMedMarijuana@pa.gov](mailto:RA-DHMedMarijuana@pa.gov)>; 'CAMowery@pa.gov' <[CAMowery@pa.gov](mailto:CAMowery@pa.gov)>  
**Cc:** 'abeam@pa.gov' <[abeam@pa.gov](mailto:abeam@pa.gov)>; 'Meredith Buettner' <[meredith@pcanna.org](mailto:meredith@pcanna.org)>  
**Subject:** Letter from Pennsylvania Cannabis Coalition re: Vaporization Product Review

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With kindest regards,

Seth



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November 24, 2021

## VIA EMAIL

John J. Collins, Director  
Pennsylvania Department of Health  
Office of Medical Marijuana  
Health and Welfare Building, Room 628  
625 Forster Street  
Harrisburg, PA 17120  
[johncollins@pa.gov](mailto:johncollins@pa.gov)  
[RA-DHMedMarijuana@pa.gov](mailto:RA-DHMedMarijuana@pa.gov)

Carol Mowery, Assistant Chief Counsel  
Pennsylvania Department of Health  
Office of Medical Marijuana  
Health and Welfare Building, Room 628  
625 Forster Street  
Harrisburg, PA 17120  
[CAMowery@pa.gov](mailto:CAMowery@pa.gov)

### Re: Vaporization Product Review

Dear Director Collins and Ms. Mowery:

I write on behalf of the Pennsylvania Cannabis Coalition (“PCC”) and its members to again request the Department extend by forty-five (45) days the requirement that all permittees under the Pennsylvania Medical Marijuana Act, 35 Pa. Stat. Ann. § 10231 (the “Act”) provide certain information to the Office regarding “additional ingredients” in vaporized medical marijuana products by November 30, 2021.

Such extension is necessary because compliance with the Action, given its 14-day time-period and the intervening Thanksgiving holiday, would be extremely burdensome, if not impossible, for many permittees. Moreover, as set forth in my earlier letter, and as detailed below, the Action violates the Act and the temporary regulations, and such extension would allow the Department to correct that violation without forcing permittees to bear the undue burden of complying with the Action unnecessarily.

The notice (the “Notice”) issued by Sunny Podolak, Assistant Director and Chief Compliance Officer of the Office, on November 16, 2021, by email to all permittees under the Act, requires each such permittee to complete and return to the Office by November 30, 2021, a form that was attached to the Notice (the “Form”), just *eight* business days from the date of the Notice, due to the intervening Thanksgiving holiday. Together, the Notice and Form require that, for each and every vaporized product that contains “additional ingredients,” which the Notice

John J. Collins, Director  
Carol Mowery, Assistant Chief Counsel  
Page 2

defines as “anything that alters the dosage level, color, appearance, smell, taste, effect or weight of the medical marijuana,” each permittee shall complete a Form.

The Notice was issued by the Department under the purported authority of 28 Pa. Code 1141.45. However, that section of the Pa. Code pertains to inspections or investigations of individual medical marijuana organizations, and does not authorize the type of program-wide regulatory requirement the Department purports to impose with the Notice. Furthermore, the Act, defines the term “Excipients,” as the “solvents, chemicals or materials reported by a medical marijuana organization and approved by the department for use in the processing of medical marijuana.” Yet the Notice and Form require the disclosure of every “additional ingredient” in a vaporization product, which term is defined in the Notice as “anything that alters the dosage level, color, appearance, smell, taste, effect or weight of the medical marijuana.” Inasmuch as the term “additional ingredient,” as defined in the Notice, does not appear in the Act or its regulations, and is inconsistent with or broader than the term Excipients, its application pursuant to the Notice and the Form is a violation of the Act and the regulations; its over-breadth would necessarily sweep in virtually every type of product for sale in Pennsylvania’s medical marijuana program which may be consumed through vaporization by a patient, including products that have already been approved by the Office.

As I stated in my earlier letter, PCC and its members wish to work with the Department to ensure that vaporization products in the Pennsylvania medical marijuana market are safe and effective. To that end, if the Department has identified any such products or their ingredients that has raised a public health concern for the Department warranting immediate action by permittees or the Department, we would have expected the Department to issue a notice to permittees and patients accordingly. The Action, even with its burdensome 14-day timeframe, does not appear to address any such health concern because of the steps and length of time necessary for the vaporization product review envisioned by the Action. Moreover, PCC members are reliant upon third-party vendors to provide fulsome ingredients lists in their proprietary blends, and need more time to finalize any agreements those third parties are requiring PCC members to execute prior to turning over what these third parties have deemed proprietary knowledge. Thus, PCC and its members request having an additional forty-five (45) days to comply with the Notice.

If the Department is aware of a public health concern that warrants the shorter timeframe imposed under the Notice, please let us know what that is so that it can be addressed. Likewise, if the Department believes that PCC and its members can be helpful to the Department in addressing any health concern relating to vaporization products, we would greatly appreciate hearing from the Department. As the Department may recall, during the vaping crisis in 2019, PCC and permittees worked collaboratively with the Department to address those public safety concerns, and the industry remains ready to address any such concerns identified by the Department now.

We truly hope the Department will enlarge the 14-day time period required under the Notice, especially in light of the Thanksgiving holiday, to the forty-five days requested herein

John J. Collins, Director  
Carol Mowery, Assistant Chief Counsel  
Page 3

and in my earlier letter. Likewise, if there is any public health concern of which we should be aware, we would appreciate being informed of that at once.

Sincerely,

/s/ *Seth A. Goldberg*  
Seth A. Goldberg

SAG:dmr/DM1\12647134.1

cc:

Ms. Alison Beam, Acting Secretary of Health (*via email*: abeam@pa.gov)  
Meredith Buettner, Executive Director, Pennsylvania Cannabis Coalition (*via email*)