

OCTOBER 2021



MONTH IN REVIEW

FROM THE EXECUTIVE DIRECTOR



PCC Members -

We continue to be very busy at PCC pursuing our legislative and regulatory goals. Our conversations with legislators are focused on our regulatory challenges in implementing Act 44 while continuing to socialize our priorities for Adult Use Legislation. Please continue to speak with the members of the General Assembly who represent your facilities about all of our priorities. Your outreach is being heard.

We are actively explore our options for addressing our regulatory issues. I plan to give an extensive update on our efforts on our Fourth Quarter Membership Meeting which is scheduled for Thursday, November 18th at 1:00pm. Please save the date.

Additionally, the Executive Committee Positions of Treasurer and secretary as well as the At-Large Seat are up for reelection in December. All voting members in good standing are eligible to fill these positions. If you are interested in any one of these positions please submit your resume to me via email no later than November 12, 2021. The Elections will be held electronically and will run from December 1st to December 15th.

PENNSYLVANIA CANNABIS COALITION

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Meredith V. Buettner

Meredith Buettner
Executive Director

DOH/PROGRAM UPDATES*

*DATA FROM AUGUST 17,2021 MMAB VIRTUAL MEETING

Serious Medical Condition Applications

- Applications
 - Traumatic Brain Injury
 - Hepatitis
 - Hepatitis C
 - Chronic Insomnia
 - Major Depressive Disorder
- All denied

Program Data

- 131 Dispensaries now open
- July sales of \$120M - new program record
- 633,557 registered patients and caregivers to date
- 367,925 active patients
- 14.1 million dispensing events
- 40.4 million products dispensed
- \$3.4 billion in total sales
- \$1.4 billion by GPs to dispensaries
- \$2.0 billion by dispensaries to patients
- Flower is top selling product form
- Retail prices have fallen 7% since the beginning of the year
- DOH would like to see wholesale prices fall further

Physicians

- 1,603 approved practitioners
- 80% located in a half dozen counties
- Telemedicine is helping patient access to physicians
- Physicians are allowed to opt out of DOH posted list

Patient Hardship Fund

- Loan is now considered repaid
- Program will be known as Medical Marijuana Assistance Program
- Timeline for establishment to be shared when available

ADULT USE UPDATE

- Representatives Jake Wheatley and Dan Frankel's bill has been referred to the House Judiciary Committee. [Click here for HB2050](#)
- Senator Dan Laughlin and Senator Sharif Street's bill has been released. [Click here for SB473](#)
- Senator Mike Regan circulated a Co-Sponsorship Memo for Adult Use Legislation. [Click here for Co-Sponsorship Memo](#)
- State Representative Amen Brown circulated a Co-Sponsor Memo for Adult Use Legislation. [Click here for Co-Sponsorship Memo](#)

SPOTLIGHT ON DISPENSARIES

- **210 Dispensary locations available**
 - **50 Phase I and Phase II permits (3 locations per permit)**
 - **48 available to Clinical Registrants (6 locations per permit)**
 - **12 available to Two Clinical Registrants added by Act 44 (6 locations per permit)**
- **140 operational as of 10/20/21**
- **66% of dispensaries are operational**
- **Dispensary Operations by Year**
 - **2018: 43 dispensaries opened**
 - **2019: 31 dispensaries opened**
 - **2020 27 dispensaries opened**
 - **2021: 35 dispensaries opened (as of 10/20/21)**

Capitolwire: DOH used fines to muzzle dispensaries, growers**By John Finnerty****Capitolwire.com Bureau Chief**

New records provided by the Department of Health to Capitolwire show the lengths the department took to try to keep a lid on information about the medical marijuana program.

The Department of Health's reluctance to share information about the medical marijuana program has been well documented.

That includes -- [here](#), and [here](#), and [here](#).

The extent that the department has gone to control the information provided to the public by dispensaries and growers has, thus far, escaped public scrutiny though.

In two cases, the Department of Health fined dispensaries merely for giving reporters tours of their facilities without first getting permission from the agency.

In a third case, a marijuana growing operation was fined after it gave a tour to a Lehigh County man who'd approached the facility's staff saying he operated a "social media based group" focusing on sharing information about the marijuana industry.

The Department of Health has taken the position that the only people allowed into dispensaries are people with medical marijuana cards and has made no provision to allow for journalists or others -- including state politicians who have oversight of the industry -- to enter.

The [temporary regulations](#) the medical marijuana program has been operating under since 2016 include nothing indicating that only individuals with medical marijuana cards can enter dispensaries.

However, the Department of Health's [proposed changes](#) for the final regulations for the program would include modifications to reflect the department's strict limits on public access to dispensaries.

This "total ban" on media visits is "problematic," said Melissa Melewsy, media law counsel for the Pennsylvania NewsMedia Association.

"I don't question that the Department of Health has the right to regulate" the dispensaries, she said. But there is public interest in providing access to journalists to help citizens and potential medical marijuana patients, about how dispensaries operate, she said.

Melewsy called it "unusual" that the agency would completely bar media tours of dispensaries instead of creating some sort of "tailored approach" that would provide some transparency.

The fines were included in settlement agreements provided to Capitolwire in response to a Right-to-Know request. The Strain Gang and FarmaceuticalRx

On Oct. 12, 2019, Stefan Bihanskyj, of Allentown, contacted staff at FarmaceuticalRx, a marijuana growing operation in Mercer County, on Facebook Messenger and indicated that he did "video-based reviews" of marijuana. Bihanskyj said that other growing operations had sent him "wearable gear" and stickers, according to messages attached to an Order to Show Cause issued by the Department of Health to FarmaceuticalRx.

During the course of the conversation, Bihanskyj asked if he could get a tour of the facility and the FarmaceuticalRx staff member responded that the Department of Health doesn't allow tours but that the facility might be able to get Bihanskyj in if he pretended he was a "potential service provider," according to the Department of Health records. Bihanskyj later responded that he didn't have a car so his sister was going to drive him and asked if she could take the tour too then later asked if a third person could come.

The FarmaceuticalRx representative responded that two people would be more manageable because then the tour would be "logged as an interview."

Bihanskyj and his sister took the tour on Dec. 11. A visitors log shows that neither signed in, according to the Department of Health records.

On Dec. 17, Bihanskyj posted a video of the tour, in which he indicated that he'd been allowed in under the pretense that he was there for a job interview, according to the Department of Health records.

Two days later, the Department of Health learned about the video after a reporter in Philadelphia contacted the Department of Health's press office to say that he'd seen Bihanskyj's description of his tour on Facebook and indicated that if tours were allowed, he'd like one. Based on that reporter's inquiry, the Department of Health contacted FarmaceuticalRx and demanded to see surveillance footage of Bihanskyj's visit.

Continued

“The surveillance footage doesn’t show anything indicative of an interview for employment. Instead, the surveillance footage reveals that the interaction was exactly as the parties discussed via Facebook Messenger -- a tour of the facility under the facade of an employment interview,” according to the Order to Show Cause sent to FarmaceuticalRx by the Department of Health.

The Department of Health initially threatened FarmaceuticalRx with a \$40,000 fine over the tour but eventually both sides settled the matter with the grower agreeing to pay \$30,000.

The settlement agreement, dated Sept. 8, 2020, indicates that both sides reached the agreement to avoid “costly litigation” and that the agreement doesn’t include an admission of guilt.

It also includes a provision barring either side from talking about the agreement.

Maitri Medicinals and the Pittsburgh Business Times

FarmaceuticalRx wasn’t the only medical marijuana permittee to run afoul of the Department of Health over allowing access to members of the public, including members of the media.

On Oct. 3, 2019, the Pittsburgh Business Times published a story based on a tour of Maitri Medicinals, a dispensary in Pittsburgh.

Department of Health records related to that publication’s story spelled out how the department has crafted rules limiting public access to dispensaries, stricter than state regulations require.

In the November 2019 Order to Show Cause sent to Maitri Medicinals, the Department of Health points to Section 1161.30 of the Pennsylvania Code, which spells out the procedures that must be followed by dispensaries when they are admitting visitors.

Section 1161.30 states:

“ A dispensary shall require visitors to a facility, including vendors and contractors requiring access to a limited access area in the dispensary facility, to present government-issued identification, sign a visitor log for that specific facility and wear a visitor identification badge that is visible to others at all times while in a limited access area.

(d) When admitting a visitor under subsection (c) to a limited access area, a dispensary shall:

(1) Require the visitor to the dispensary facility to sign a visitor log upon entering and leaving the limited access area.

(2) Check the visitor’s government-issued identification to verify that the name on the identification provided matches the name in the visitor log. A photocopy of the identification must be retained with the log.

(3) Issue a visitor identification badge with the visitor’s name and company, if applicable, and a badge number.

(4) Escort the visitor while the visitor remains in a limited access area.

(5) Ensure that the visitor does not touch any medical marijuana products located in a limited access area.

While the regulation itself doesn’t bar visitors, the Department of Health notified dispensary operators in 2018 by email that the department was taking the position that only people with medical marijuana cards are allowed to enter and that “no tours of operational facilities are permitted” according to the Order to Show Cause.

The Business Times article even noted that the visitors aren’t allowed in the dispensary without a medical marijuana card, without explaining how the reporter was permitted to enter.

The story also noted that employees at the dispensary were aware that the Department of Health “closely monitors any sort of news coverage regarding the industry.”

On Dec. 19, 2019, the Department of Health and Maitri Medicinals settled the dispute with the dispensary agreeing to pay a \$10,000 fine and included language indicating that the settlement was reached to avoid the cost of litigation.

It also includes the same gag order that included in the settlement agreement with FarmaceuticalRx.

[CLICK HERE](#) to read the Business Times story on Maitri Medicinals.

Meredith Buettner, executive director of the Pennsylvania Cannabis Coalition, said that the Department of Health’s position is more strict than similar rules in place in other states and the complete ban on visitors other than medical marijuana patients isn’t spelled out in the state’s temporary regulations for dispensaries.

The section of the regulations dealing with visitors and dispensaries is now titled: “Visitor access to dispensary facilities.”

The department wants to strip the word “visitor” to “emphasize that dispensaries are not open for general visitation.”

The Department has also proposed rewriting the section to clarify that dispensaries are “only open to employees, cardholders and individuals requiring access to provide goods or services.”

The Pennsylvania Cannabis Coalition has called on the department to abandon those changes, Buettner said.

“There is currently no issue with the regulatory language of the visitor access provisions, which mirrors that of other state jurisdictions. Rather, the issue has been and remains the DOH’s unwillingness to abide by the plain language of the regulations,” the Cannabis Coalition said in its review of the department’s proposed changes. “Medical marijuana facilities are also currently places of significant public interest. Members of the media, government officials, researchers, consultants, investors, and academic institutions are seeking to learn more about the business practices of this nascent frontier in medicine. The ability for relevant third parties to see and appreciate the sophistication of grow facilities and dispensing floors firsthand is essential to the continued evolution and betterment of medical cannabis operations, which is why every state in the nation, including Pennsylvania, has structured visitor access permissions to facilitate hands-on learning and discussion,” according to the Cannabis Coalition.

The department’s proposed changes have not taken effect yet.

Act 44, signed into law by Gov. Tom Wolf in early July kept the temporary regulations for the medical marijuana program in place until May 31, 2022.

In testimony submitted in response to the Department of Health’s proposed changes to the visitor policy, Maitri Medicinals noted that completely barring visitors, except those with medical marijuana cards, would create a burden on patients in addition to journalists.

“Elderly patients and those patients who require the accommodation of a support individual will no longer be able to access the dispensary, unless that support individual becomes a caregiver, which is a costly and time-intensive process,” according to the dispensary’s testimony. In addition, the department is also proposing to change the regulation related to whether children are allowed in dispensaries. The temporary regulation says that children must either have a medical marijuana card or be accompanied by a parent. The department is proposing to change that so that children must have a medical marijuana card and be accompanied by a parent.

This change would be unfair to medical marijuana patients who are parents of young children and then would need to get child care in order to visit a dispensary, according to Maitri’s testimony.

Mission Pennsylvania and Lehigh Valley Live

Mission Pennsylvania and Lehigh Valley Live

In a third case, the Department of Health went after a dispensary after staff at the Allentown facility provided a tour of the facility for Kurt Bresswein, a reporter for Lehigh Valley Live.

In documents submitted to the Department of Health by attorneys for the Mission Pennsylvania, the dispensary argued that they complied with the rules regarding visitors as they are spelled out in the state’s regulations as they are currently written.

Mission “strictly complied with 28 Pa. Code 1160.30 and Mission’s visitor policies” by having Bresswein sign into a visitor log, issuing visitor identification badge to Bresswein, escorting Bresswein at the dispensary, and ensuring that Bresswein did not touch any medical marijuana products, according to the dispensary’s response included in the Department of Health records.

The dispensary also argued that it had allowed the tour “to bring attention to the benefits of medical marijuana to patients suffering from all of the Department’s approved serious medical conditions.”

The dispensary further noted that it had repeatedly complied with the Department of Health’s guidelines in determining whether to allow visitors into the facility, including a case in which Mission inquired whether Lt. Gov.

John Fetterman could tour the facility and the department refused to allow them to give Fetterman a tour.

In June, 2019, the Department of Health and Mission settled the matter with the dispensary agreeing to pay a \$5,000 fine.

[CLICK HERE](#) to see the Lehigh Valley Live video.

Representative Amen Brown - 190th District - Philadelphia Committee Assignments & Caucus Memberships

- Aging & Older Adult Services
- Appropriations
- Urban Affairs
- Pennsylvania Legislative Black Caucus
- Philadelphia County Delegation
- PA SAFE Caucus
- Women's Health Caucus



Amen Brown was elected to serve his first term in the Pennsylvania House of Representatives in November 2020. Amen is a father, entrepreneur, community servant, and a voice for his community.

Amen is a true native of his district, born and raised in the heart of West Philadelphia. Being a lifelong resident of the community has allowed for Amen to understand the needs of his constituents on a deeply personal level. Amen was raised in a low-income family by a single mother and knows the everyday struggle that working families have to endure. Amen has experienced food insecurity, experienced homelessness, and has been without other necessities such as health care.

Through his story and upbringing, he learned the most important lesson – perseverance above all. Amen's lived experiences have fueled his passion for creating transformational change. Amen will be a fearless advocate for his community. And, he will work tirelessly to ensure that the constituents of the 190th district have access to resources to better their overall well-being.

Amen believes in creating positive and productive opportunities to help achieve better outcomes for generations to come. As a legislator, Amen's priorities include funding for education and financial literacy programs, economic development initiatives that support small business and increase job growth, public safety improvement efforts, and fighting for the well-being of seniors.

Amen is a graduate of the Philadelphia public school system - attending Hamilton, Sayre, and Overbrook High School. He also attended the Community College of Philadelphia. Amen is ready to serve the people of the 190th district, understanding the importance of integrity, accountability, and responsibility.

Representative Brown is tentatively scheduled to join our November 18, 2021 Membership Meeting. Please mark your calendars for November 18, 2021.

SEPTEMBER 2021

EMAIL MEREDITH@PCANNA.ORG TO BE ADDED TO A COMMITTEE CALL TODAY

IMPORTANT DATES*

Dispensary Call

Tuesday, November 2 @ 1pm Via Zoom

Adult Use Call

Wednesday, November 3 @ 1pm Via Zoom

Grower/Processor Call

Tuesday, November 9 @ 1pm Via Zoom

Fourth Quarter Membership Meeting

Thursday, November 18 @ 1pm Via Zoom (Tentative)

Legislative Input Committee Call

Thursday, October 28 @ 2pm Via Zoom

***All times are EST**

MEMBERSHIP INFO

PCC 2021 Dues Schedule PER PERMIT

GPs: \$3,000/quarter

Dispensaries: \$1,500/quarter

Labs: \$1,500/quarter

Clinical Registrants: \$4,500/quarter

Affiliates: \$1,000/quarter

***PLEASE SCHEDULE YOUR DUES TO BE PAID BY THE DUE DATE.
IT IS VERY IMPORTANT TO OUR BUDGETING. THANK YOU!***

PC PAC INFORMATION

THANK YOU TO OUR PC PAC DONORS

Commonwealth Horizons PAC

Holistic Industries

Keystone Integrated Care

PharmaCann

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CONTRIBUTE TODAY AT PCANNA.ORG

Executive Committee

Jamie Ware, Holistic Industries: Chair
Jeremy Unruh, PharmaCann: Vice-Chair
John Sullivan, Cresco Labs: Treasurer
Sara Payne, Jushi: Secretary
Gabe Perlow, Pure Penn: At-Large

MEMBER SPOTLIGHT

Cresco Labs/Sunnyside* Dispensaries PCC Grower/Processor & Dispensary Member

As one of the largest multi-state, vertically integrated cannabis companies, we control our cultivation, manufacturing, extraction and packaging practices. Cresco is involved at every point in the seed-to-sales process. Their facilities are powered by world-class agronomists, manufacturing experts and state-of-the-art agricultural equipment, all of which drive our commitment to quality, purity and consistency. Cresco packages, ships and distributes all their products nationwide, including locations owned and operated by their team.

Sunnyside* Dispensaries can be found in:
Butler, PA
New Kensington, PA
Philadelphia, PA
Pittsburgh, PA
Wyomissing, PA

To Learn More Visit: www.crescolabs.com

EXECUTIVE COMMITTEE ELECTIONS

The Treasurer, Secretary and At-Large positions of the PCC Executive Committee are up for Election this December. Any Voting Member in Good Standing is eligible to serve on Executive Committee. Affiliate Members are not eligible to serve on Executive Committee at this time.

Interested members should submit a copy of their CV/Resume to Executive Director Meredith Buettner via email at Meredith@pcanna.org, no later than Friday, November 12th. Interested members will have the opportunity to address full membership on the PCC 4th Quarter Membership Meeting on November 18, 2021.

Elections will be held electronically beginning December 1, 2021. Voting will end and results will be announced on December 15, 2021.

Please contact Meredith with any questions.

PCC Affiliate Members

[Cerealia Group - Transportation Services](#)

[Greentank](#)

[Hamburg Rubin - Legal Services](#)

[McKim & Creed - Engineering Services](#)

[PAMMJ - Patient Certifications](#)

[ScarletEx - Closed Loop Delivery](#)

[Utility Rate Analysts - Energy Consulting & Procurement](#)

