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MARIJUANA LAW

The Year in Review of the Pennsylvania Medical Marijuana Act

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Special to the Legal

They said it would never happen. They said the General Assembly was too conservative. They said Pennsylvania, a state where until recently the sale of booze on Sundays was frowned upon, would never permit and regulate medical marijuana. Well, one year after Gov. Tom Wolf signed Pennsylvania's Medical Marijuana Act into law, it has become abundantly clear—they were wrong.

On May 17, Pennsylvania's Medical Marijuana Act turns a year old. And while there was justifiable concern at the time of passage that the program would take years to get off the ground, Pennsylvania's Department of Health (DOH) has done a commendable job ensuring that Pennsylvania's citizens will soon have access to medical



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marijuana. This article revisits the progress made over the last 12 months, showcasing the efforts made to bring one of the fastest-growing industries to our area.

On June 25, 2016, only one month after the law became effective, the DOH released temporary regulations concerning the

safe-harbor provision of the act. Instead of making the most vulnerable and youngest of patients wait for medical care, the DOH implemented a system where parents and guardians could obtain recommendations from their children's doctors for the use of medical marijuana. If recommended, then the parents could obtain from the DOH a letter stating that their possession of medical marijuana was not a violation of state criminal laws. Albeit limited in scope, the program has already approved over 200 applications for safe-harbor letters.

Then, beginning in the fall of 2016 the DOH began releasing temporary regulations concerning the supply side of the medical marijuana industry. First, general regulations concerning permit applications were released alongside specific regulations for the growing and processing of medical marijuana. Shortly thereafter,

regulations concerning dispensaries and testing facilities were released. While many feared that the DOH would take years to release such detailed regulations, in less than six months of passage, entrepreneurs were already being shown the road map for medical marijuana in Pennsylvania. Instantly, plans of operation,

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diversity statements and community impact proposals started to be drafted. Regulations concerning everything from fertilizers to transportation manifests were now being studied by prospective applicants. One thing was clear, however, the speed and thoughtfulness with which the regulations were released evidenced a willingness from the DOH to get this industry started as quickly and reasonably as possible.

As the kids would say, “things got real” on Dec. 21, 2016, when DOH Secretary Karen Murphy held a press conference advising that permit applications to grow/

process and dispense medical marijuana would be made available in January 2017 and due on March 20. Moreover, at the December press conference, the DOH articulated the number of permits to be released in phase 1 and the manner in which the permit will be spread across the commonwealth. During this initial phase of applications, only 12 permits to grow/process medical marijuana and only 27 permits to dispense medical marijuana would be released.

Although specific numbers are not yet available, the DOH estimated that by March 20, approximately 900 applicants submitted the required fees and forms to enter the medical marijuana industry. The DOH is currently in the process of cataloging and reviewing these applications, which the winners are expected to be announced this summer.

The DOH has also made sure that the demand side of the medical marijuana industry is up and running. A physician’s work group was created to ensure that the medical profession continues to play an integral role in the regulation drafting. Moreover, in April, the department released draft temporary regulations for physicians wishing to recommend medical marijuana to their patients.

While Pennsylvania has made incredible strides over the last year, perhaps more exciting is the

promise of more to come. With the passage of the act, a Medical Marijuana Advisory Board was created. Tasked with various obligations, this board will serve an integral role in shaping the future of medical marijuana in Pennsylvania. At about the same our first dispensaries open their doors (spring 2018) the Medical Marijuana Advisory Board will be issuing a report to the DOH with various recommendations including, but not limited to, the possible expansion of this industry. Issues such as the sale of dry leaf/flower and additions to the list of qualified medical conditions will all be addressed by the advisory board. Given the trend seen in other states, it is not unreasonable to start planning for an expansion of this market.

For now though, Pennsylvania residents can bask with a sense of pride. Refusing to get bogged down in red tape, our DOH has plowed ahead. Medical marijuana is here to stay, and Pennsylvania is making sure it doesn’t get left behind. •