



Pennsylvania Medical Marijuana Grower/Processor and Dispensary Permit Applications

Questions and Answers

Updated 2/17/2017

462	<p>Regarding the operational timeline of dispensary permit recipients: Permit holders will be given 6 months to become operational. Approved grower/processors will plant seed, let plants mature, harvest, process, and submit product for laboratory testing prior to any medical marijuana being provided to dispensaries for sale. Will there be approved product available when a dispensary is required to open? Is the department executing the permit approvals with this processing time in consideration?</p>	<p>Please refer to 28 Pa. Code § 1141.42. The timeframe cannot be more than 6 months from the date of issuance of a permit.</p>
463	<p>Section 8: Operational Timetable. The section indicates that if issued a permit, please describe the steps and timeframes for becoming fully operational as a dispensary within six months from the date of issuance. Cultivation build out and production can take up to 6-8 months. If the licenses are awarded at the same time the dispensaries will be open without product to sell for at least 6 months. Please clarify.</p>	<p>Please refer to 28 Pa. Code § 1141.42. The timeframe cannot be more than 6 months from the date of issuance of a permit.</p>
464	<p>Regarding both applications' Part D six-month timeframe to become operational, does the department have any latitude to change it? The Act does not require this and six months is a very tight timeframe which would essentially require operators to begin purchasing equipment and ordering construction prior to even being licensed. Additionally, what happens to the supply chain and dispensary permittees if grower/processors and/or labs are not ready within six months?</p>	<p>Please refer to 28 Pa. Code § 1141.42. The timeframe cannot be more than 6 months from the date of issuance of a permit.</p>
465	<p>Do winning applicants have to get their cultivation / processing facility up and running in 6 months or will the Phase 2 time period be allowed for building?</p>	<p>Please refer to 28 Pa. Code § 1141.42. The timeframe cannot be more than 6 months from the date of issuance of a permit.</p>



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466	What is the anticipated time frame that dispensaries will be required to be open for business once a permit is awarded?	Please refer to 28 Pa. Code § 1141.42. The timeframe cannot be more than 6 months from the date of issuance of a permit.
467	What is the definition of "operational" with regard to the requirement for both grower/processors and dispensaries to be operational within 6 months of being licensed?	Please refer to 28 Pa. Code § 1141.21 regarding the definition of operational.
468	The six month operational timeline is reiterated throughout the dispensary application. If the same 6 month timeline applies to the growers, is it possible for product to be produced in time for a dispensary to be ready for business within the six month window? Is it possible that will be extended?	Please refer to 28 Pa. Code § 1141.42. The timeframe cannot be more than 6 months from the date of issuance of a permit.
469	In the section pertaining to the Grower/Processor facility, there is a Yes/No question, "Is the facility located in a financially distressed municipality?" Will an application (that scoring section) get a better/higher score if the facility is located in one of these Act 47 municipalities? Would an application receive bonus points or be looked at more favorably if they are in one of those areas? Finally, if someone were to check Yes, will it be verified?	<p>Please refer to 28 Pa. Code § 1141.24, Medical marijuana regions. (b) The Department will consider the following factors about each region in its determination to grant or deny an initial permit to an applicant:</p> <ul style="list-style-type: none"> (1) Regional Population (2) The number of patients suffering from a serious medical condition. (3) The types of serious medical conditions in the region. (4) Access to public transportation. (5) The health care needs of rural and urban areas. (6) Areas with recognized need for economic development. <p>Section 28 – Community Impact is available to applicants to provide a summary of their intentions to have a positive impact on the community where its operations are proposed</p>



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		to be located. The application instructions and scoring rubric state that the Department may award up to 100 points for Community Impact.
470	Regarding the Attachment F: Affidavit of Business History, is it for any business the principal had a controlling interest in, or just medical cannabis businesses?	Attachment F requires listing positions of management or ownership of a controlling interest in any other business in this Commonwealth or any other jurisdiction involving the manufacturing or distribution of medical marijuana or a controlled substance.
471	For Attachment F: Affidavit of Business History, the following is stated: "During the 10 years preceding the filing date of the initial permit application, the following principal(s), operator(s), financial backer(s) and employee(s), have held a position of management or ownership of a controlling interest in any other business in this Commonwealth or any other jurisdiction involving the manufacturing or distribution of medical marijuana or a controlled substance" (a) Is the term management defined as a position of authority or a shareholder in a private business? (b) Do applicants have to list a management position or ownership positions in businesses outside the commonwealth? (c) Is there any other information or critical information the applicants should know about Attachment F?	The respondents must list management positions, as specified, both in Pennsylvania and any other jurisdiction.
472	The sample "Affidavit of Criminal Offense" includes a certification regarding Financial Backers, but a certification about financial backers is not listed in the instructions. Is the Department seeking an affidavit (or affidavits) regarding Financial Backers?	The Affidavit of Criminal Offense applies to financial backers.



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473	Regarding the affidavit of Business History. One of the principal owners operates a pharmacy in another state dispensing controlled substances. What is the proper way for the individual to address this on affidavit of business history?	Please complete Attachment F, Affidavit of Business History.
474	Due to a current application being a completely new corporation with zero previous tax or revenue history, would the applicant only fill out PA-100, PA Enterprise Registration Form instead of a tax clearance certificate?	Please see the instructions for Attachment H. If the applicant's business is not at a stage where a tax clearance certificate is possible, the application may be considered to be complete if the applicant provides a copy of form PA-100, PA Enterprise Registration Form.
475	Attachment H: What is the step by step process for completing Attachment H?	Please refer to the instructions for Attachment H.
476	For Attachment E, is the applicant required to submit a curriculum vitae or resume for each and every principal and financial backer regardless of how small an ownership interest the person owns. For example, if a principal owns less than 5% or less than 2% of the applicant, must that person provide a resume?	Please refer to 28 Pa. Code §1141.21, for the definition of controlling interest.
477	Who exactly is required to submit Attachment H: Tax Clearance Certificates? The instructions state that completion of the form is required by "...the applicant and its principals and other persons affiliated with the applicant". Please define the "other persons" required to submit Attachment H for the Tax clearance certificate. Are employees included in this group?	On Attachment H, the applicant, its principals and other persons affiliated with the applicant each must provide tax clearance certificates. Please refer to 28 Pa. Code §§ 1141.21, and the definition of controlling interest.
478	Does an applicant have to submit individual tax clearance certificates for principals, financial backers, operators and employees (i.e. "other persons affiliated with the applicant")? Do tax clearance certificates for natural persons need to be submitted? Attachment H of the	On Attachment H, the applicant, its principals and other persons affiliated with the applicant each must provide tax clearance certificates.



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	application and the applicable regulations are not clear on these points.	Please refer to 28 Pa. Code §§ 1141.21, and the definition of controlling interest.
479	The instructions to Attachment G provide that “ <i>Each</i> principal or operator of the applicant must complete the Affidavit of Criminal Offense.” However, the sample “Affidavit of Criminal Offense” appears to ask the applicant to supply only one affidavit. Is the Department seeking affidavits from “each” principal or operator (i.e., multiple affidavits) or is it seeking one affidavit from the applicant that includes information about every principal or operator?	For Attachment G, “Affidavit of Criminal Offense,” the Department will accept individual affidavits from each principal, operator and financial backer or one affidavit signed by a principal or operator that covers all principals, operators and financial backers.
480	(For Attachment F) Is the Department seeking affidavits from “each” principal or operator (i.e., multiple affidavits) or is it seeking one affidavit from the applicant that includes information about every principal or operator?	For Attachment F, “Affidavit of Business History,” the Department will accept individual affidavits from each principal, operator, financial backer and employee or one affidavit signed by a principal or operator that covers all principals, operators, financial backers and employees.
481	Must consultants undergo background checks and submit resumes?	Please refer to 28 Pa. Code §1141.29 and §1141.31.
482	Could you please provide more detail on how the Pennsylvania State Police would like to receive fingerprints and how the results of criminal background checks should be provided to the Department?	Please refer to the “Instructions” document, Section III, regarding background checks. In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.



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483	<p>When there are multiple nested business entities (LLCs, LLPs, or Inc.s) above or wholly owning a subsidiary entity that applies for a permit, how far up the chain must the indirect equity owners be fingerprinted? For example, if an applicant LLC is owned by a holding company, and that holding company is partially owned by a fund which is in turn owned by a 100 individuals, and no one of these individuals owns indirectly greater than 1-5% of the applicant, do these individuals need to be fingerprinted (assuming they are merely passive investors and not involved in the operations of the applicant)?</p>	<p>Please refer to 28 Pa. Code §§ 1141.21, and the definition of controlling interest.</p> <p>Please refer to 28 Pa. Code § 1141.31 regarding Background checks.</p>
484	<p>Section 26 of the Grower/Processor Application and Section 21 of the Dispensary Application asks the applicant to list all persons with a controlling interest in the business... In the case of a privately held entity, is there a threshold ownership percentage or control/voting standard for disclosing ownership. For example, if Applicant is an LLC and a member of that LLC owns less than 2% of the LLC and the member has no voting rights or control in the LLC in any capacity, is Applicant required to disclose that individual and submit the required application documents (Affidavit of Criminal Offense, Fingerprints, etc.)? Furthermore, if Applicant is a LLC ("LLC#1") in which one of the Members is a LLC ("LLC#2") and one of the Members of LLC#2 is also a LLC ("LLC#3), must the members of LLC#3 be disclosed on the Application and submit the required application documents (Affidavit of Criminal Offense, Fingerprints, etc.)?</p>	<p>Please refer to 28 Pa. Code §§ 1141.21, for the definition of controlling interest. Also refer to 28 Pa. Code §§ 1141.29.</p>
485	<p>For the background check, must all owners, regardless of how small an ownership percentage submit fingerprints for the background check?</p>	<p>Please refer to 28 Pa. Code § 1141.21, for the definition of controlling interest.</p>



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486	In the background check instructions of the application, officers, directors, partners, and trustees were not mentioned. Please provide clarification.	Please refer to 28 Pa. Code § 1141.21, for the definitions of principal, financial backer, operator and employee.
487	Assuming individuals that need to be fingerprinted can use LiveScan, Accurate Biometrics, or some similar entities that have locations across the country, can individuals such as financial backers or principals that are located outside of Pennsylvania have their prints taken outside the Commonwealth?	Please refer to the "Instructions" document, Section III, regarding background checks. In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
488	The PA State Police still do not have a process for submitting the FBI background check to the DOH. I have been in contact with the PA State Police Admin in Harrisburg as well as other stations, and they do not have a process - how do principals etc of applicants comply?	Please refer to the "Instructions" document, Section III, regarding background checks. In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
489	In regards to the guidance (below) regarding submitting fingerprints to the State Police to allow background checks, can we get more specific information regarding where the fingerprints can be physically provided, who the registered agent is, and if it is possible to send fingerprint cards obtained outside the Commonwealth directly to the State Police? We have investors located nationwide, and while providing fingerprints is not a problem, requiring them to be physically provided in PA creates an undue burden. Most local police will take fingerprints and provide a card that can be sent to the PA State Police. Is this solution acceptable?	Please refer to the "Instructions" document, Section III, regarding background checks. In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.



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490	Fingerprints - Can copies of fingerprint cards taken at local police stations be provided for all principals and financial backers or do the actual cards need to be provided in the hard copy documents sent to the Dept. of Health?	Please refer to the "Instructions" document, Section III, regarding background checks. In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
491	What program should we register under in order to have fingerprints processed for a background check? Will you accept the results we get from the FBI directly (not thru the PA State Police) that are intended only for personal use?	Please refer to the "Instructions" document, Section III, regarding background checks. In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
492	What is the process for submitting individual fingerprints to the Department? Are there specific fingerprint services that applicants must use?	Please refer to the "Instructions" document, Section III, regarding background checks. In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
493	For the background check, the current Pennsylvania portal does not provide the ability for a registrant for fingerprinting to submit the results to the Department of Health. Where should the fingerprints be submitted?	Please refer to the "Instructions" document, Section III, regarding background checks. In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
494	I was instructed to go to my local law enforcement for my municipality to get fingerprints completed. Since my address is served by the PA State Police, I went there for fingerprinting.	Please refer to the "Instructions" document, Section III, regarding background checks. In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.



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495	What form would the Pennsylvania State Police like us to use to obtain the fingerprints?	Please refer to the "Instructions" document, Section III, regarding background checks. In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
496	If we are applying from out-of-state what are the guidelines for submitting fingerprints?	Please refer to the "Instructions" document, Section III, regarding background checks. In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
497	Are we to send the completed fingerprint screenings to the Pennsylvania State Police Department, or another agency?	Please refer to the "Instructions" document, Section III, regarding background checks. In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
498	Can you please provide specific background check instructions for out of state or out of country parties?	Please refer to the "Instructions" document, Section III, regarding background checks. In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
499	If a Limited Liability Corporation ("LLC") has a controlling interest in an applicant, is only the Managing Member of the LLC required to submit to a background check? If the answer is no, is every member of the LLC required to submit to a background check?	Please refer to 35 P.S. § 10231.602 (a) (4) and 28 Pa. Code § 1141.31. Please also refer to 28 Pa. Code §§ 1141.21, and the definition of controlling interest.



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500	If a Trust has a controlling interest in an applicant, is the Trustee required to submit to a background check? Are the beneficiaries of the Trust required to be disclosed to the Department of Health? If so, are they required to be publicly disclosed? Are the beneficiaries of the Trust required to submit to a background check?	Please refer to 35 P.S. § 10231.602 (a) (4) and 28 Pa. Code § 1141.31. Please also refer to 28 Pa. Code §§ 1141.21, and the definition of controlling interest.
501	What is the process for getting fingerprints and background checks with the state police?	Please refer to the “Instructions” document, Section III, regarding background checks. In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
502	Is the \$30,000 refundable permit fee to be included in the bank account that is required to have at least \$150,000 dollars in it or is that in addition to that money? Meaning do you we submit the \$5,000 application fee as well as the \$30,000 refundable permit fee or can that money be taken out of the \$150,000 that we are required to show in a bank holding?	The initial permit fee cannot be included as capital. Please refer to 35 P.S. 10231.607, 28 Pa. Code §1141.28, Fees, and 28 Pa. Code § 1141.30, Capital Requirements.
503	Does the affidavit required by Section 1141.30 required for the applicant only or does it apply to investors/backers as well?	An applicant must provide the Affidavit of Capital Sufficiency. Please refer to 28 Pa. Code § 1141.30.
504	Can you provide a list of what types/forms of capital can be used for the application process/application? (cash-on-hand, real estate, etc.???) Also, how will you verify that the capital is in-hand?	Please refer to Attachment I: Affidavit of Capital Sufficiency and to 28 Pa. Code § 1141.30 (d).



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505	<p>My question is in regard to the capital sufficiency requirement under Act 16 § 606(b) (1)(vi), 28 Pa. Code § 1141.30(a) of the temporary grower/processor regulations, and the grower/processor Medical Marijuana Application. I understand that an applicant for a grower/processor permit must have “at least \$2,000,000 in capital, \$500,000 of which must be on deposit with a financial institution.” On the website FAQs it states that an applicant shall have “proof of \$2 million in capital (\$500,000 of which must be on deposit in a financial institution).” That said, how must an applicant demonstrate capital sufficiency as required by Act 16, the regulations, and grower/processor Medical Marijuana Application? In addition to the applicant showing it has X amount of cash on deposit in a financial institution, how does an applicant show capital sufficiency for the non-cash deposit in the financial institution? Is it sufficient for the applicant to provide commitment letters?</p>	<p>Please refer to Attachment I: Affidavit of Capital Sufficiency.</p>
506	<p>If each person/group submits 3 applications is the proof of \$150,000 in assets required for each application?</p>	<p>For Phase 1, the applicant can use the same required asset base to meet the capital requirements for multiple applications.</p>
507	<p>At one point, there was a statement in a newspaper that physicians may not own in an interest in a medical marijuana organization but I couldn’t find it in the regulations.</p>	<p>Please reference 35 P.S. § 10231.402(a) (2).</p>
508	<p>With up to 27 dispensary permits being issued, with up to 3 sites authorized by each issued permit, please confirm that up to 81 dispensaries could be authorized in the state.</p>	<p>The Department may issue up to 27 dispensary permits in Phase 1, each with up to 3 dispensary locations, totaling 81 dispensaries at a maximum.</p>



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509	What is meant by 1161.26(f)? Can you please give an example? Does this mean that a delivery truck has to drive into the dispensary to load and unload?	A dispensary must take steps to ensure the loading and unloading of medical marijuana products is performed in an enclosed, secure area out of public sight.
510	Is a building that also leases space to doctors with separate entrances and exits considered to be in the same physical space as a dispensary (i.e. where they share walls)?	Please refer to 35 P.S. § 10231.802 (a).
511	The webinar stated that secondary and tertiary dispensaries cannot be located within the same county as the primary location of the same permit holder. Will the department consider other primary permit holders and regional dispensary competition in the secondary/tertiary location approval process?	Please see the Instructions, I. Overview of Phase 1, Medical Marijuana Regions to see a list of counties in which an applicant for a dispensary permit is eligible to locate a primary dispensary location.
512	Does each dispensary need to have a doctor, pharmacist or RN? or can an entrepreneur run the business without these credentials?	Please refer to 28 Pa. Code § 1161.25, Licensed medical professionals at facility.
513	Are there regulations for the Dispensary's operating hours, location, security system, surveillance system, parking, pricing, etc.	Please refer to 28 Pa. Code Chapters 1141 and 1161 for the temporary regulations pertaining to dispensaries.
514	Where will the medical marijuana products be purchased from? I believe they must be purchased from within the state?	Permitted dispensaries may purchase medical marijuana products from any permitted grower/processor within the Commonwealth. Please refer to 28 Pa. Code § 1161.27 (b). Medical marijuana products must be in the forms specified by 35 P.S. § 10231.303.



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515	Can you elaborate on what you mean by "materials, mentoring, training and professional development programs" in the Diversity section?	In the grower/processor permit application and the dispensary permit application, please refer to Section 3, and the numbered list titled "Diversity Plan." Please also refer to 28 Pa. Code § 1141.32. Diversity goals.
516	Are there specific parameters that an affirmative action plan (also for the Diversity section) must meet?	In the grower/processor permit application and the dispensary permit application, please refer to Section 3, and the numbered list titled "Diversity Plan." Please also refer to 28 Pa. Code § 1141.32. Diversity goals.
517	Will firms with greater diversity in terms of age, experience and ethnicity be desirable?	In the grower/processor application and the dispensary application, please refer to Section 3, and the numbered list titled "Diversity Plan." Please also refer to 28 Pa. Code § 1141.32. Diversity goals.
518	If your application is denied and you reapply do you have to pay the \$5,000 per application continuously with each application?	Please refer to 35 P.S. § 10231.607 and 28 Pa. Code § 1141.27.
519	Initial application fee is to be sent first. Any other fees that would be needed to be sent in the day we send in application?	Please refer to 35 P.S. § 10231.607 and 28 Pa. Code § 1141.27.
520	Do outline numbers count against the word count for narratives? What counts and what does not count - just go by "word count" on the computer?	Word Count within the Microsoft Word program will be used to assess word counts.
521	Does the Department want the written responses in a specific format, i.e. font, text size and spacing?	There is no specification for font, size or spacing on the application response.



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522	Will the selection be made from the redacted version of the application or the original composition?	The original, non-redacted permit application will be used in the evaluation process.
523	Are there regulations on where the C is purchased from in PA or out-of-state?	The Department does not have sufficient information to respond to this question.
524	Will Federal Banks allow deposits from the C business? If not, where will the deposits reside?	The Department does not have sufficient information to respond to this question.
525	Do Sunday schools or other religious schools that only meet once per week for an hour or so, not count as "schools" under PA law, our research indicates it does not count, correct?	The applicant may consider consulting their local municipality for additional guidance.
526	Would it be better to send in an application for multiple areas grower/ dispensary or would it be better to just focus on one?	An applicant may apply for a grower/processor permit, a dispensary permit, or both, and may submit multiple applications. Each unique permit application must be accompanied by the appropriate fees.
527	Why is the concept of ownership in Question 26 different from the definitions in other sections, the regulations and statute?	The Department does not have sufficient information to answer this question.
528	Why are only certain counties within each region eligible for dispensary locations? Particularly, why only two in Region 4?	Please refer to 28 Pa. Code § 1141.24 (b).



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529	I'm a person with a disability and a real estate agent. I've had interest from clients for a medical marijuana dispensary at a property I represent. In particular, interpretation of the following regulation: (f) A dispensary must have an enclosed, secure area out of public sight for the loading and unloading of medical marijuana into and from a transport vehicle. The property in mind has a main front entrance on the street, and a rear entrance that faces a loading street and parking lot. In order to meet this regulation, would an awning or covered carport be sufficient to meet this requirement? Are there any waivers to this requirement?	A dispensary must take steps to ensure the loading and unloading of medical marijuana products is performed in an enclosed, secure area out of public sight.
530	Does the application receive a lower score for indeterminate or unideal estimate of workforce size as the market demand for product remains unsure at this point?	The Department does not have sufficient information to respond to this question.
531	Given the applications are separate (Grower/Processor & Dispensary) do we need two different business plans and models to address the questions?	An applicant who is applying for both a grower/processor permit and a dispensary permit should consider the permit applications as separate and independent and should submit the information requested in the permit applications.
532	Does the Quality Assurance component of the grower/processor application require a written narrative?	The Quality Assurance section of the grower/processor application has a yes/no answer requirement only.
533	The Grower/Processor Application allots 50 points for Section 21 – “Quality Control and Testing for Potential Contamination”, but this section appears to be only an affirmation section, with no requirement to show how an applicant will do quality control and testing. Is it correct that this section, worth 50 points, is only an affirmation section?	The Quality Assurance section of the grower/processor application has a yes/no answer requirement only.



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534	Can the growers and processors charge the dispensaries any price they want for the medical marijuana products or will there be a set price per the state?	In general, a dispensary's acquisition cost for medical marijuana products will be determined by the grower/processor, and is subject to 35 P.S. § 10231.705.
535	What can an applicant do if a question or problem arises while completing the application after February 8th?	Please refer to the questions and answers posted on the Department's web site at www.health.pa.gov , on the medical marijuana webpages.
536	I am very interested in learning more about growing medical marijuana but was unable to find the application.	Please refer to the web site of the Pennsylvania Department of Health, www.health.pa.gov , and the medical marijuana web pages, where the applicant can download the grower/processor permit application.
537	Can the Department more clearly define medical marijuana; it is used interchangeably with plant material, extract and products throughout the act, regulations and application?	Please refer to 35 P.S. § 10231.103 and 28 Pa. Code § 1141.21.
538	Is there anything else for the real estate side for application submission after the three documents of lease/title, a letter of approval from the owner consenting to a medical marijuana organization on his/her property, and a letter from the municipality stating that the applicant compliance to the local zoning or will be in compliance with the local zoning are acquired?	Please refer to 35 P.S. § 10231.602 and 28 Pa. Code § 1141.29.
539	If an applicant is a corporation or limited liability company that is a subsidiary of another corporation, are the principals of the parent company considered principals for the purpose of the application? What about the employees of the parent company and its other subsidiaries – are they employees of the applicant?	Please refer to 28 Pa. Code § 1141.21, for the definition of controlling interest.



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540	How long does your license remain active?	Please refer to 28 Pa. Code § 1141.25 (e).
541	Will points be awarded for an affirmative answer to the following question on the application: "Is the facility in a financially distressed municipality?"	Please refer to 28 Pa. Code § 1141.24, Medical marijuana regions. (b) The Department will consider the following factors about each region in its determination to grant or deny an initial permit to an applicant: (1) Regional Population (2) The number of patients suffering from a serious medical condition. (3) The types of serious medical conditions in the region. (4) Access to public transportation. (5) The health care needs of rural and urban areas. (6) Areas with recognized need for economic development.
542	What constitutes as medical marijuana. An example being that would we be able to get from a grower we choose and a strand/s of our choice. Would a doctor write a prescription for a certain strand?	Please refer to 28 Pa. Code § 1151.28.
543	Please Clarify your definition of a principal?	Please refer to 28 Pa. Code § 1141.21 for the definition of principal.
544	Will the DOH be able to print construction plans on the standard 24x36 paper? Anything smaller will lose a remarkable amount off detail and not show the full scale.	Please refer to the Instructions, Completing the Application, which states the application form and all attachments must be saved as PDF files on a single USB drive, external hard drive, CD-ROM, or DVD...



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545	Regarding question 24 of the previously published Q&A (as of 1-27-2017), during this initial application phase will the department issue <i>any</i> dispensary permits to a company registered as a grower/processor, pursuant to Section 616(5) of the Act? If so, will it issue more than 5?	For Phase 1, the Department will not issue a person more than one grower/processor permit. For Phase 1, the Department will not issue a person more than one dispensary permit. See 47 Pa.B. 73, January 7, 2017.
546	For the site plan, Attachment D: Please define “plans” regarding interior of facility, and “plans” for alterations, and “plot plan” of proposed facility. Is the DOH asking for stamped engineered drawings by accredited professionals, or are you asking for a scaled floorplan and layout of the proposed site (but not requiring professional stamps of review and approval from engineers and architects)?	Please refer to 28 Pa. Code § 1141.29 (b) (5).
547	For Section 26/20, Current Officers, the DoH says that applicants must provide the position, title in the applicant's business, and address information for all current officers, directors, partners, or trustees. This is the first time in the application that the language of officers, directors, partners, or trustees was used. Are the four aforementioned words synonyms for principals, financial backers, operators, and employees? If so this seems to be a repeat of Section 4, List Principals, Financial Backers, Operators, and Employees. Please provide clarification	Please provide the information requested in each section of the permit applications, even if the response repeats information listed in other sections.
548	If a permit applicant's financial backers include an LLC (Company A) with multiple investors, some of which are also LLCs (Companies B and C), must the applicant provide contact information for just the Principal(s) of Company A, or for the Principals of Companies B and C in addition?	Persons and business entities holding an interest in the Applicant must be listed in appropriate sections of the application.
549	What are the required business licenses for the dispensary?	A dispensary permit is required from the Department. An applicant should research any other applicable laws, regulations and requirements that may also apply.



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550	On Section 9, Part A of the Grower/Processor application, is the prompt requesting roles and responsibilities for job positions in the Company or specific people on the team?	If the person is a current employee of the grower/processor, then that person must be named in the permit application.
551	For Section 9 - Employee Qualifications, Description of Duties and Training of the <i>Medical Marijuana Permit Application</i> , does the Commonwealth want individuals named in the positions or just the title of the position?	If the person is a current employee of the grower/processor, then that person must be named in the permit application.
552	In the grower/processor application question 9, are current employees individuals under actual and ongoing employ only? What if the applicant lists persons intended to be employed upon permit award, but who are not yet in the technical employ of the organization? We would presume such individuals should be listed on the application – please confirm.	If the person is a current employee of the grower/processor, then that person must be named in the permit application.
553	Will submitting more documents than asked for (such as Business Plans, etc) disqualify the application?	An applicant must provide all information required by the permit application within the application form and observe the word count limits. If an applicant believes additional attachments are necessary, they may be submitted and must be listed on Attachment A.
554	May we attach detailed manuals relating to Security Operations, Employee Handbooks, Equipment operation and Safety? What is the maximum page or word count for these exhibits/attachments?	An applicant must provide all information required by the permit application within the application form and observe the word count limits. If an applicant believes additional attachments are necessary, they may be submitted and must be listed on Attachment A.



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555	May SOP documents be attached as additional documents and referenced?	An applicant must provide all information required by the permit application within the application form and observe the word count limits. If an applicant believes additional attachments are necessary, they may be submitted and must be listed on Attachment A.
556	Would we be able to send our business plan with the application or would that come at later time and better to wait	An applicant must provide all information required by the permit application within the application form and observe the word count limits. If an applicant believes additional attachments are necessary, they may be submitted and must be listed on Attachment A.
557	How many applications for a license can each person/group submit?	An applicant may apply for a grower/processor permit, a dispensary permit, or both, and may submit multiple applications. Each unique permit application must be accompanied by the appropriate fees.
558	Will applications be reviewed in the order received, or will review begin after March, 20; further, if in the order received, will weight be attributed to early comers?	All applications will be reviewed and evaluated after the close of the Phase 1 permit application period on March 20, 2017.
559	Will applications turned in ahead of the deadline be reviewed immediately upon receipt or will all applications be reviewed at the same time after the close of the deadline.	All applications will be reviewed and evaluated after the close of Phase 1 permit application period on March 20, 2017.
560	In the application on pages 4 and 5, can you please define "job category"? Is this a self-defined grouping like Pharmacist, Security Officer and Office Manager?	A job category may be generally described as a self-defined group of employees that perform a similar role or task within the organization.



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561	What restrictions are in place for Medical Marijuana Organizations regarding signage and operable hours?	Please refer to 28 Pa. Code § 1141, 1151, and 1161.
562	Are greenhouses allowed / considered to be indoor growing? Are greenhouses allowed on the roof of a secure building?	Please refer to 35 P.S. § 10231.702 (b).
563	Are Greenhouses allowed?	Please refer to 35 P.S. § 10231.702 (b).
564	As per Section 1151.23 (a) is a sealed, pharmacy-grade research diffused AR glass roofed greenhouse (walls are acrylic and steel) considered "an indoor, enclosed secure facility?"	Please refer to 35 P.S. § 10231.702 (b).
565	I would like more information please such as; what scale can one be granted a permit to grow (ex. is there a size requirement?), Is there a special containment which is needed to grow, are there growing procedures and distribution regulations available, would someone be available to assist/consult in starting up this process?	Please refer to the Medical Marijuana Act 35 P.S. § 10231 and the temporary regulations at 28 Pa. Code § 1141 and 1151. The temporary regulations do not specify the size of a grower/processor facility such as you describe.
566	Are temporary storage containers (if somehow environment & security managed) allowed to start early stages of growing while warehouse is being built out?	Please refer to 28 Pa. Code § 1151.24, Start-up inventory.
567	Is there a recommended startup amount or limit on quantity of product?	Please refer to 28 Pa. Code § 1151.24, Start-up inventory.



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568	Can startup be plants, seeds, or both?	Please refer to 28 Pa. Code § 1151.24, Start-up inventory.
569	Will any of the twelve grower/processors permits will be awarded to a healthcare marijuana organization or only to grower/processors?	A process and a timeline for clinical registrants has not yet been announced.
570	What constitutes a valid ID for a foreign citizen who is a principal or owner (e.g. U.K. passport?)?	<p>Verification of identity documents satisfactory to the Department are:</p> <ul style="list-style-type: none"> o A valid Pennsylvania Photo Driver's License o A valid Pennsylvania Photo Identification Card o A valid Pennsylvania Photo Exempt Driver's License o A valid Pennsylvania Photo Exempt Identification Card o A valid U.S. Armed Forces Common Access Card o A valid U.S. passport <p>The Department also will accept a valid out-of-state driver's license as a form to verify identification.</p>
571	For Attachment E: Personal Information, it states that one of the acceptable forms of verification of identity is a Pennsylvania Photo Driver's License. (a) Do you believe that if a person on the team submitted an out-of-state driver's license then that application would be dismissed? (b) If the individuals on the application are out of state and does not have any Pennsylvania issued acceptable forms of verification of identity nor do they have a U.S. armed forces common access, then if an applicant does not have an unexpired U.S. passport but is a U.S. citizen, can the applicant get an extended timeline for application to get a renewed passport which can take 4 - 6 weeks?	<p>Verification of identity documents satisfactory to the Department are:</p> <ul style="list-style-type: none"> o A valid Pennsylvania Photo Driver's License o A valid Pennsylvania Photo Identification Card o A valid Pennsylvania Photo Exempt Driver's License o A valid Pennsylvania Photo Exempt Identification Card o A valid U.S. Armed Forces Common Access Card o A valid U.S. passport <p>The Department also will accept a valid out-of-state driver's license as a form to verify identification.</p>



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		Permit applications must be submitted by March 20, 2017.
572	Can we add tables, figures, and graphs to sections that have 5,000 word limits?	Electronic imagery may be included as long as it is responsive to the application. Images do not count as words, however, words within the image, captions or explanations will be counted in the word count. Images with no explanatory text will not be considered.
573	Do words in screen shots count as elements in our 5,000 word count?	Electronic imagery may be included as long as it is responsive to the application. Images do not count as words, however, words within the image, captions or explanations will be counted in the word count. Images with no explanatory text will not be considered.
574	Do tables, graphs, hyperlinks count toward the word count limits in those questions specified? If so, how are they counted, i.e. graph with title?	Electronic imagery may be included as long as it is responsive to the application. Images do not count as words, however, words within the image, captions or explanations will be counted in the word count. Images with no explanatory text will not be considered.
575	Do word counts include exhibits or plans. For example, should all required exhibits associated with the Diversity Plan total less than 5,000 words, or just the narrative component?	Electronic imagery may be included as long as it is responsive to the application. Images do not count as words, however, words within the image, captions or explanations will be counted in the word count. Images with no explanatory text will not be considered.
576	Are tables or images allowed in responses? If text is used in a table, does this text count toward the word count?	Electronic imagery may be included as long as it is responsive to the application. Images do not count as words, however, words within the image, captions or explanations will be



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		counted in the word count. Images with no explanatory text will not be considered.
577	The application asks for a sample label for a medical marijuana product. What is the Department looking for? At the time of the application, we won't know most of the information required to be on a label under Section 1161.28. (dispensary applicant)	An applicant for a dispensary permit is not required to complete or submit Attachment J.
578	Are Dispensary applicant's required to include a sample of the product "safety insert" in the application?	An applicant for a dispensary permit is not required to complete or submit Attachment J.
579	Are letters of support being accepted in any other part of the application other than the community impact section? If so, which ones?	Letters of Recommendation or Support will not be considered in scoring applications for permits.
580	Where can political support letters be referenced? May they be uploaded as additional attachments and referenced in the text of narrative responses?	Letters of Recommendation or Support will not be considered in scoring applications for permits.
581	Can an applicant submit a non-primary dispensary location in a region that hasn't been designated to have a primary dispensary permit? If applicant declares Butler County as the primary location, can they setup satellite locations in Greene County & Somerset County in Phase 1?	Please see the Dispensary Permit Application, Section 2: "The applicant is required to provide a primary dispensary location. The applicant may include a second or a third location under this application. A second or third dispensary may be added to a dispensary permit at a later date through the filing of an application for additional dispensary locations."



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		<p>Please also see the application Instructions document, Medical Marijuana Regions, in Section I, regarding counties in which an applicant is eligible to locate a primary dispensary location.</p> <p>The second and third dispensary locations must be located within the same medical marijuana region as the primary dispensary location listed in the dispensary permit.</p>
582	<p>Is an application required for each site that an applicant proposes for a dispensary location, i.e. three applications for three sites or one application for up to three sites?</p>	<p>Please see the Dispensary Permit Application, Section 2: "The applicant is required to provide a primary dispensary location. The applicant may include a second or a third location under this application. A second or third dispensary may be added to a dispensary permit at a later date through the filing of an application for additional dispensary locations."</p> <p>Please also see the application Instructions document, Medical Marijuana Regions, in Section I, regarding counties in which an applicant is eligible to locate a primary dispensary location.</p> <p>The second and third dispensary locations must be located within the same medical marijuana region as the primary dispensary location listed in the dispensary permit.</p>
583	<p>How do we complete the Owner Info for LLC owners?</p>	<p>Please refer to 28 Pa. Code §§ 1141.21, for the definition of controlling interest. Also refer to 28 Pa. Code §§ 1141.29.</p>



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584	PA website States that we must have a pharmacist or a doctor at the primary dispensary location. Do we have to list both on the initial application or either of the two?	Please provide a response in Section 9 – Employee Qualifications, Description of Duties and Training, Part D. Licensed Medical Professionals at Facility. Please also refer to 28 Pa. Code § 1161.25, Licensed medical professionals at facility for additional information.
585	What is an “individual dose,” “daily dose” and “per-dose” as used in the regulations. Basically, what quantity limits is a “dose.” These terms are used, and will effect operating procedures used for the application, but they are not defined.	Please refer to 35 P.S. § 10231.103 for the definition of individual dose.
586	Thin film strips are not an approved form, they are not pills, oils, topicals, tinctures or liquids, will this form be allowed by the Department?	Medical marijuana products must be in the forms specified under 35 P.S. § 10231.303.
587	In terms of product offerings does the term “Pill” found in 28 Pa. Code Section 1151.28(a)(1) include suppositories, enemas, capsules and troches?	Medical marijuana products must be in the forms specified under 35 P.S. § 10231.303.
588	Is wax or kief extract to be vaped (product created without any chemicals, rather created by pressing the flower into a substance known as wax from kief separation) acceptable / in line with PA guidelines?	Medical marijuana products must be in the forms specified under 35 P.S. § 10231.303.
589	It appears that the fundamental ruling is based on substances that will not be used as edibles or product that will be smoked. Wax also falls into this category in that it is a concentrate that is meant to be vaporized, but it is not explicitly referenced in the Rules and Regs. It is similar to oil (with a different and more pure extraction process), but again, since it is not explicitly mentioned, we want to be sure of the	Medical marijuana products must be in the forms specified under 35 P.S. § 10231.303.



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	laws & guidance on the product such that we include or exclude it from production per the laws.	
590	Do applicants for a Grower/Processor permit or a Dispensary permit need to disclose anything more than the location of proposed nursery and/or dispensary facilities? For example, does the applicant need to disclose in the application the lease/purchase agreement/letter of intent by which use of the property is being obtained, or will the location be sufficient for the application?	Please refer to the instructions for Attachment C: Property Title, Lease, or Option to Acquire Property Location and 28 Pa. Code § 1141.29.
591	Can the redacted version be sent in the same envelope, or does it have to be separate?	The redacted version of a permit application should be on electronic media and submitted as part of the Application Package. Please see the Instructions document, Section IV, Completing and Submitting your Application.
592	Please define which information should be redacted from the redacted copy of the application. Which version of the application will be used for the scoring and selection process?	See Instructions, II. Disclosure of Application Information. An applicant must submit a redacted copy of its application package in accordance with the Right-to-Know Law.
593	Please clarify the information that should be redacted from the redacted copy of the grower and dispensary applications. Which version of the application will be considered for the license selection process? How should the information be redacted, strikethrough, blackout, or full deletion?	See Instructions, II. Disclosure of Application Information. An applicant must submit a redacted copy of its application package in accordance with the Right-to-Know Law.
594	Being that it's a point based permit system, if an applicant has a higher score in a location that is his secondary choice and not his primary over an applicant who has that as theirs will there be any notification to person applying?	Please refer to 35 P.S. § 10231.603(a.1) regarding the granting of a grower/processor or dispensary permit.



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595	Have we been connected to the Security Company?	The Department does not have sufficient information to respond to this question.
596	Will the Department of Health require telemetry or electronic file submissions for dispensary inventory tracking?	The Department is in the process of selecting a seed-to-sale vendor and will provide guidance at a later date.
597	Will RFID tags be used to track each plant?	The Department is in the process of selecting a seed-to-sale vendor and will provide guidance at a later date.
598	If for MM Organizations, will qualified software / tracking system names be available to incorporate into our budget, security and quality plans?	The Department is in the process of selecting a seed-to-sale vendor and will provide guidance at a later date.
599	If MM orgs can choose their own system, Do RFID systems need specific approval for use for this purpose (used in other pharma) & how can / will they be approved?	The Department is in the process of selecting a seed-to-sale vendor and will provide guidance at a later date.
600	Is there a specific electronic record keeping required or can we use a generic electronic record keeping system?	The Department is in the process of selecting a seed-to-sale vendor and will provide guidance at a later date.
601	The cultivation rules: § 1151.39. Electronic tracking system state <i>A grower/processor shall use the electronic tracking system prescribed by the Department. The Department will publish notice of the electronic tracking system to be utilized by a grower/processor in the Pennsylvania</i>	Please refer to 28 Pa. Code § 1161.39.



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	<i>Bulletin 60 days prior to the implementation date of the system. Does this same situation apply to dispensaries?</i>	
602	Will the exact address and building site be required, or can a general area be used with potential properties that are readily available if permit is awarded. Would some sort legalized letter from a commercial property management be beneficial or required?	Please refer to 28 Pa. Code § 1141.29.
603	We are especially interested in understanding the requirements for Attachment D. In one of our dispensary locations we are going to be adding an addition to an existing building. If the addition is larger than the current building would that location be considered in existence or new?	Please refer to 28 Pa. Code § 1141.29.
604	Can you please help us understand the level of detail you are looking for with our renovation plans and specifications for the interior and exterior of a facility? For example, are the submitted plans to show extensive details like floor and wall finishes, door and window schedules?	Please refer to 28 Pa. Code § 1141.29.
605	Will the following four items listed below meet all the requirements for Attachment D: Site and Facility Plan? (1) Exterior elevations, (2) Interior wall elevations (3) Dimensioned floor plans (4) Building code conformance review and seal by a licensed Architect.	Please refer to 28 Pa. Code § 1141.29 and the Instructions on Attachment D.
606	Regarding the site and facility plan. If the facility is in existence do you require engineer or architect plans for the layout if we are not changing any structures? Our plans will include the general floor plan layout and security plan. Can we submit CAD software drawing our planned facility?	Please refer to 28 Pa. Code § 1141.29 and the Instructions on Attachment D., and submit the materials appropriate to those instructions.



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607	Does our drawing need to be sealed by an Architect or will a to-scale dimensioned drawing be sufficient for the application?	Please refer to the Instructions, Completing the Application, which states the application form and all attachments must be saved as PDF files on a single USB drive, external hard drive, CD-ROM, or DVD...
608	For Attachment H, Tax Clearance Certificates, is only the applicant itself require to submit this form? If the applicant is single-purpose entity, formed for purposes of applying for the medical marijuana license, and has no business history in the State, may the applicant simply submit a copy of its Form 100 rather than a copy of a tax clearance certificate application (REV-181)?	On Attachment H, the applicant, its principals and other persons affiliated with the applicant each must provide tax clearance certificates.
609	Do the applicants who have just formed new corporations within the last four months and have never hired a single employee need to have a PA Workers' Compensation Policy Number?	Business entities that are not yet operating in Pennsylvania do not need to submit a PA Workers Compensation policy number but need to Workers Compensation insurance at the time the Department determines them to be operational. Please refer to 28 Pa. Code § 1141.44.
610	Do the applicants who have just formed new corporations within the last four months and have zero history of revenue and taxes need to have a PA Department of Revenue Tax Number on the application or is it optional?	The applicant's business is not at a stage where a tax clearance certificate is possible if the business has not yet filed a PA-100, PA Enterprise Registration Form. The applicant must complete Attachment H for the department to review the tax records of the applicant and any other person(s) affiliated with the business or proposed business.
611	For Attachment H, Tax Clearance Certificates, are individual principals and financial backers also required to fill out Application H in addition to the applicant? If so, if the principals own their interest in the applicant through one or more entities, must each intervening entity submit a tax clearance request? For example, if the applicant is XYZ LLC, and it is owned 5% by ABC Corp., and ABC Corp. is owned by John	Please refer to 28 Pa. Code §1141.21, for the definition of controlling interest.



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	Doe 1, John Doe 2 and NEWCORP LLC, must ABC Corp. and NEW CORP LLC submit completed tax clearance application forms (REV-181)?	
612	Can a license to operate a Dispensary be transferred?	Please refer to 35 P.S. 10231.603 (b). A permit is non-transferable.
613	There are sections related to transportation and labeling in the dispensary application, typically that would be handled by the grower. Will that not be the case in PA?	Please refer to 28 Pa. Code §1161.35 regarding Dispensaries and the transportation of medical marijuana. Also, please refer to 28 Pa. Code §1161.25 regarding Dispensaries and labels and safety inserts.
614	Section 11: Transport: typically, transport is done by grow/ processors. Please advise.	Please refer to 28 Pa. Code §1151.35 regarding Growers/Processors and the transportation of medical marijuana. Also please refer to 28 Pa. Code §1161.35 regarding Dispensaries and the transportation of medical marijuana.
615	Could you please provide more detail on the state's regulations for waste disposal?	Please refer to 28 Pa. Code § 1151.40 regarding the management and disposal of medical marijuana waste.
616	How are learning centers and children's play centers considered? Does the 1000-foot spatial distance requirement that applies to schools & daycare apply to these kinds of facilities as well?	The Department does not have sufficient information to respond to this question.



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617	Is a Transition Care Facility (Transitional care refers to the coordination and continuity of health care during a movement from one healthcare setting to either another or to home, called care transition, between health care practitioners and settings as their condition and care needs change during the course of a chronic or acute illness. Older adults who suffer from a variety of health conditions often need health care services in different settings to meet their many needs. For young people the focus is on moving successfully from child to adult health services.) within 1000 feet of a proposed Dispensary location allowed?	The Department does not have sufficient information to respond to this question.
618	The Act and regulations prohibit dispensaries from being located within 1,000 feet of a public, private or parochial school, or day-care center. Does this prohibition include public or private colleges and universities?	Please refer to 28 Pa. Code §§ 1161.26. The applicant may also wish to consider consulting with their local municipality.
619	What type of zoning must the dispensary have...like commercial, industrial, retail, medical, etc.?	Please refer to 35 P.S. 10231.2107.
620	<i>The applicant also must submit evidence that the applicant is in compliance or will be in compliance with the municipality's zoning requirements. What type of evidence is needed to show that we are, or will be in compliance with the municipality zone requirements?</i>	Any and all documentation issued by the local municipality or local zoning officer and submitted as part of the application package will be considered.
621	Section 602(a)(4) reads in relevant part that "Medical marijuana organizations applying for a permit shall submit fingerprints of principals, financial backers, operators and employees to the Pennsylvania State Police for the purpose of obtaining criminal history record checks [...]" Several other sections of the statute and regulations also refer and request information on "financial backers". My question is who qualifies as a "Financial Backer?" Is there a	Please refer to 28 Pa. Code §§ 1141.21 for the definition of controlling interest and financial backer.



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	minimum percentage ownership, i.e. 5% that triggers the requirement for background checks? Furthermore, if a business organization is a financial backer, is every member/shareholder of that organization considered a "financial backer"? In other words if an LLC with 200 members owns 10% of a company applying for a license, do all 200 of those members need to submit their information for a background check?	
622	What is the process for determining the winner of a tie should the top-ranking applications receive identical scores?	The Department does not have sufficient information to respond to this question.
623	In the case of a stand-alone building, does the 1000 foot requirement for dispensary run from the property line to the target school/daycare property line? In the case of a unit in a strip mall, does the 1000 foot requirement run from the unit to the property line of the target school or daycare?	Please refer to 35 P.S. § 10231.802.