



Pennsylvania Medical Marijuana Grower/Processor and Dispensary Permit Applications

Questions and Answers

Updated 2/17/2017

	QUESTION	ANSWER
624	<p>The sample "Affidavit of Business History" asks the affiant to swear that the information is "true and correct" but does not include any language regarding "based upon my personal knowledge, information, and belief." Can "based upon my personal knowledge, information, and belief" be added to the attestation?</p>	<p>Please refer to 35 P.S. § 10231.602 and 28 Pa. Code §§ 1141.27 and 1141.29. 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.</p>
625	<p>The Attachment I-1: Affidavit of Capital Sufficiency for a Grower/Processor Permit Applicant, requires applicants to list the account numbers for financial accounts containing the applicant's capital funds. Our legal counsel has indicated that this is not a safe action to complete the account number portion of this form, and that it puts the applicant at great risk for financial theft or impersonation. Is the full account number required to be entered, or are the last four digit sufficient? Is there an alternative to listing the account number, such as providing a point of contact at the financial institution to verify sufficiency of funds?</p>	<p>Please refer to 35 P.S. § 10231.602 and 28 Pa. Code §§ 1141.27 and 1141.29.</p>
626	<p>How will the PA DOH guarantee that applicants will not be put at risk for theft or misuse by revealing such sensitive financial account information</p>	<p>Please refer to 35 P.S. § 10231.602 and 28 Pa. Code §§ 1141.27 and 1141.29.</p>



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627	May a permitted dispensary enter into franchise agreements with other dispensary permit holders? Any such franchise agreement would be in accordance with the Medicinal Marijuana Act and allow all permitted dispensaries covered by the agreement to share such operational elements as operational plans, branding, store design, store name and advertising.	The Department is not able to provide a response to this question at this time.
628	The sample "Affidavit of Criminal Offense" also does not include any language regarding "based upon my personal knowledge, information, and belief." Can "based upon my personal knowledge, information, and belief" be added to the attestation?	Please refer to 35 P.S. § 10231.602 and 28 Pa. Code §§ 1141.27 and 1141.29. 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."
629	The Act indicates that it will publish "a list of all state, county, municipal and other government positions that meet the definitions of "public official" or "executive-level public employee" as defined under 4 pa.c.s. § 1512(b) (relating to financial and employment interests)." Do you know the date the list will be published? Where is this list located?	Please refer to 35 P.S. § 10231.2101.1.
630	Please clarify the restriction in Section 1161.26 that a dispensary may not be located in the same office space as a practitioner or other physician. Does same office space refer to the dispensary space, same building, same strip mall, or larger office complex?	The Department does not have sufficient information to answer this question.
631	How can a dispensary applicant submit a plan to be operational when, even under the best conditions – again absent significant pre-licensure investment – medical marijuana products will not be available until mid-to-late first quarter of 2018? Will the State consider changing this	Please refer to 28 Pa. Code § 1141.21, regarding operational requirements.



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	<p>six month requirement to allow for a more realistic build out plan to be submitted with a license application?</p>	
632	<p>Section 2: Dispensary Information. This question relates to access; however, we are not allowed to discount product or give incentives. Are we allowed to supplement low income patients so they can afford meds?</p>	<p>Please refer to 35 P.S. § 10231.902. The Department will be releasing information in the future on the assistance opportunities under the Medical Marijuana Program Fund.</p>
633	<p>If there isn't public transport in our area are we allowed to offer transportation to all eligible patients?</p>	<p>A dispensary can offer transportation for patients to the dispensary, but cannot offer delivery of medical marijuana to a patient. Please refer to 28 Pa. Code § 1161.27.</p>
634	<p>Does the state intend to provide draft and/or final regulations related to doctors and patients/caregivers prior to March 20, 2017?</p>	<p>The Department is currently drafting temporary regulations for practitioners, physicians and patients/caregivers, and does not anticipate they will be ready by March 20, 2017.</p>
635	<p>When does the state intend to allow patients/caregivers to apply for medical marijuana cards?</p>	<p>The Department expects to offer applications for patients and caregivers during the latter part of 2017.</p>
636	<p>Will an entity interested in applying to be a clinical registrant first need to apply for a grower / processor permit? When will the clinical registrant applications be released?</p>	<p>A process and a timeline for clinical registrants has not yet been announced.</p>



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637	For Section 9, Employee Qualifications, Description of Duties and Training, do all of the principals and employees have to describe in detail how they will meet the two hour training requirement? Or can that section of the application be filled out simply i.e. "John Doe will meet the two hour training by attending training before the business becomes operational."?	The Department is in the process of developing the training component.
638	Will there be a one time fee or a yearly fee to be a dispensary?	Please refer to 28 Pa. Code § 1141.29, and the permit renewal fee for dispensaries.
639	Can Telepsychiatry (the application of telemedicine to the specialty field of psychiatry. The term typically describes the delivery of psychiatric assessment and care through telecommunications technology, usually videoconferencing) be utilized for the physician/medical professional requirement?	The Department is developing temporary regulations defining the in-person consultation requirements between a practitioner and a patient for a patient to be certified within the medical marijuana program.
640	Do you know if the PA-100 Enterprise Registration will be updated to include the 5% tax on sales to dispensaries?	Any tax under the act is assessed at the point of sale between the grower/process and the dispensary and will be included as part of the seed-to-sale tracking system.
641	The regulations refer to a "prescription drug monitoring program." What if any obligations will a dispensary have to report or work with such a program (as this might effect operating procedures for the application)?	The Department is currently developing temporary regulations to address this area.
642	If autism and epilepsy are ailments that qualify for the use of medical marijuana as a treatment option, will prescriptions be offered to children?	Please refer to 35 P.S. § 10231.506.



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643	I am wishing to clarify that the 1,000 prohibition from a school or daycare center is ONLY for dispensaries and does NOT apply to grower/processors, as Section 802 (a) (3) is the only citation found in the statute.	This regulation applies only to dispensaries. Please also refer to 35 P.S. § 10231.2107.
644	Regarding identification badges mentioned in the regulations for transportation, where will we get these? Do we make them ourselves or are they something official? What information must they contain?	Please refer to 28 Pa. Code § 1151.35(c)(3). The permittee issues badges.
645	Where will we get employee identification numbers—they are mentioned in the labelling and manifest regulations? Is this something we make and give to our employees? Or will the department have a system for obtaining employee identification numbers?	The permittee will provide this information to the Department as part of the seed to sale electronic tracking system.
646	Will the Department publish a list of approved growers/processors? Where will the list be published, and how soon after the application is approved will it be published?	The list will be published on the Department's website, on a date to be determined.
647	In the updated regulations (published January 14th) there are multiple sections missing from the previous version (October 29th), for example, section 1141.48 (training requirements). Does this mean those sections have been removed from the regulations?	Please see the links to the regulations on the Department's website, medical marijuana pages.
648	How does the Clinical Registrant system work? Will applicants be allowed to apply as Clinical Registrants in the first stage of applications as long as they have the required contractual relationship with a hospital/medical school? Will they be allowed to open all six of the dispensary locations they are allotted during stage 1? Will those locations have to be in a single region?	A process and a timeline for clinical registrants has not yet been announced.



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649	Regarding the 1141 and 1151 section, there seems to be some subsection numbers skipped in that last document, is there another document that supplements this one to fill in the missing numbers?	Please see the links to the temporary regulations on the Department's web site under the medical marijuana pages.
650	Are clinical registrants included in the count among the 12 grower processor licenses to be awarded in Phase One or will it be a separate process?	A process and a timeline for clinical registrants has not yet been announced.
651	Will the "technical advisories" be issued publicly?	The Department does not have enough information to answer this question.
652	Who is eligible to establish a medical marijuana research program?	A process and a timeline for clinical registrants has not yet been announced.
653	We have a question regarding Section 9 of the Grower/Processor license application: Is the DOH requesting descriptions and details of each future job type and title within the applicant organization, or for details of each individual currently associated with the applicant company?	Please list all current employees in this section.
654	When will the contact information of interested firms be made available?	A list of permitted grower/processors and dispensaries will be published on the Department's web site, medical marijuana pages on a date to be determined.



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655	When will a list of laboratories for testing be provided?	Applications for approving laboratories have not yet been made available to the public.
656	Are clinical registrants included in the count among the 12 grower processor licenses to be awarded in Phase One or will it be a separate process?	A process and a timeline have not yet been announced.
657	Per the dispensary regulations, what does it mean that each dispensary location must have an “enclosed, secure area out of public sight for the loading and unloading of medical marijuana into and from a transport vehicle?” Does this space need to essentially be a garage that a van or truck can pull into? Or does there just need to be a designated secure, enclosed delivery space with separate access in the dispensary but that products could be walked into the facility from a vehicle parked nearby and outside the physical building?	The Department does not have enough information to answer this question.
658	Will partnerships with research institutions be looked upon favorably?	The Department does not have enough information to answer this question.
659	In 1141 definitions Immature medical marijuana plant - It says a "rootless, nonflowering part of MJ plant. Do you really mean to say the word rootless? Non-flowering is the traditional definition of “immature” and a plant has to have roots to live.	The regulation is correct as stated.
660	Testing is required to be done on harvest by batch or lot, but the regulations do not state whether testing must be done on finished concentrated products. Is this required? Pesticides and heavy metals	Please refer to 28 Pa. Code § 1171.28. Testing is required on the finished product.



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	will not be removed during extraction and may show up in the final concentrate in amounts over the required limit.	
661	Can you have the processing in a separate building next door to growing room? or does it all have to be in same building?	Growing and processing must be within the same site, but not necessarily within the same building. Please refer to 28 Pa. Code § 1141.21, and the definition of "site."
662	Where in the application, if not in Section 17 and 18, should we demonstrate our knowledge of cultivars, phenotypes, propagation, advantages of various growing mediums, efficacy of tissue cultures v. cloning, and more?	Please include this information in Section 17 c of the application.
663	It is my understanding that dispensary locations must not be in proximity to other businesses (i.e. strip malls). Is this also the case for grower/processor permits? Can they share a wall or parking lot with another property? Can they be in an industrial park?	Please refer to 35 P.S. § 10231.2107 and 28 Pa. Code § 1161.26(b).
664	In Part D, Section 13(B) (Labelling Requirements) of the grower/processor application, the applicant is asked to reply "yes" or "no" as to whether labelling will "list the amount of individual doses contained within the packages and the species and percentage of THC and CBD. What is meant by "species?" Would a distinction of "indica," "sativa" or "hybrid?" satisfy this requirement?	The species is required in this section.
665	In section 13, is the unique identifier number required for packaging related to an RFID tag?	The Department is in the process of selecting a seed-to-sale vendor and will provide guidance at a later date.



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666	In the application instructions it is stated that a maximum of five applicants may be awarded both grower/processor and dispensary permits; do those permits need to be in the same region in order to be considered?	For Phase 1, the Department will not issue a person more than one grower/processor permit. The Department also will not issue a person more than one dispensary permit. Please also refer to the PA Bulletin notice of January 17, 2017 titled <i>Medical Marijuana Program; Availability of Permit Applications, Number and Locations of Permits to be Issued in Phase I</i> for information pertaining to the "Number and Locations of Permits in Each Medical Marijuana Region".
667	If you apply for a permit in phase 1 but are not granted a permit, will applicants be on some sort of "short list" for the next phase of permits. Also how long will you have to keep your 150,000 set aside in between phase 1 and phase 2.	The Department has not yet determined a process for applications beyond Phase 1.
668	Once the initial round of dispensary permits are awarded is there and updated timeline when the second round of dispensary permits will be awarded?	The Department has not yet determined a process for applications beyond Phase 1.
669	I understand the Department is only awarding about 50% of the medical marijuana dispensary permits during Phase 1. Does the Department plan on accepting new dispensary applications for phase 2, or will it select the phase 2 dispensary permittees from the pool of applicants from phase 1?	The Department has not yet determined a process for applications beyond Phase 1.



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670	The Department has indicated that it intends to only issue two grower/processor permits for each of the six regions. Is the Department considering a “wait-list” so that applicants with the next most qualified applications will have a right of first refusal for any additional permits awarded in subsequent phases in their region? Or, will subsequent phases require that applicants submit an entirely new application?	The Department has not yet determined a process for applications beyond Phase 1.
671	Will the State require a new application fee in the second round if you were involved in the first round of applications?	The Department has not yet determined a process for applications beyond Phase 1.
672	If you are highly qualified but did not get a permit in the first round, will you be considered in the second round to be on top of the list of applicants due to your high score or will the process be started from scratch and all the applicants scored all over again?	The Department has not yet determined a process for applications beyond Phase 1.
673	Can 3rd-party physicians and medical professionals be subcontracted as part of the requirements to be eligible for a license?	Please refer to 35 P.S. § 10231 801(b). The Department does not have further guidance at this time.
674	Can a dispensary be open without a medical doctor/pharmacist if it is NOT actively dispensing medical marijuana? By this I mean accepting prescriptions and preparing product for dispensing without a professional at the site.	Please refer to 35 P.S. § 10231 801(b).
675	If a dispensary employs a pharmacist instead of a physician at its primary location, may it employ a physician assistant and certified registered nurse practitioner at its other locations? It is unclear whether this arrangement would be permitted as the physician assistant and certified registered nurse practitioner would not be working under the supervision of or in collaboration with a physician.	Please refer to 35 P.S. 10231 801(b).



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676	§ 1151.26(a)(4)(i) & (ii) and § 1161.31(a)(4)(i) & (ii) requires the applicant to record all images and keep them at the facility for a minimum of 4 years or at a location other than the facility if approved by the Department. Does a "location other than the facility" include off-site secure cloud storage?	Secure cloud storage is permissible.
677	What computer programs for inventory, financial transactions, bookkeeping has the Dept of Health certified or recommends to meet its requirements?	The Department is in the process of selecting a seed-to-sale vendor and will provide guidance at a later date.
678	Regarding Security and Surveillance 1151.26 (a) (1) (iix) Auxiliary power sufficient to maintain operation of specified growing and processing areas for at least 48 hours following a power outage. Does this mean the facility must remain at full operation during those 48 hours, or maintain operations sufficient to maintain minimum operation to ensure the continued operation of security systems, emergency lighting, and sufficient light and heat to minimize damage to crop and equipment?	The facility must be fully operational during a 48-hour power failure.
679	Should we be awarded a Grower/Processor permit, we would like to utilize an out-of-state security company who are highly skilled in providing security in the legal cannabis industry. Are there any special requirements from the State of PA to use an out-of-state security company?	The applicant must meet the security regulations under 1151.26.
680	In 1151.26 Security and surveillance it states: (a) (1) (viii) Auxiliary power sufficient to maintain operation of specified growing and processing areas identified in the grower/processor's plan of operation for at least 48 hours following a power outage and two (a) (2) (ii) and (iii) surveillance system shall be equipped with auxiliary power sufficient to maintain operations for at least 24 hours, and the ability to	The facility must be fully operational during a 48-hour power failure.



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	<p>operate under the normal lighting conditions of each area under surveillance. What specific systems are to be supported with this backup power? What is the intent behind this requirement? When read together, a strict interpretation would require auxiliary power for a minimum of 48 hours for the entire facility operation (all cultivation/processing areas, not just alarms and surveillance equipment), and as such we would advise our clients to have generated backup power for the entire facility for 48 hours (which would require a very large generator and a large additional expense). Is this intended to support the alarm and surveillance systems only?</p>	
681	<p>Does the physical location need to be a "free standing building" or can it share walls with other establishments?</p>	<p>The Department does not have sufficient information to answer this question.</p>
682	<p>Section 12: This section talks about pests. Do contractors need to sign in as visitors? Or will they need employee clearance?</p>	<p>Please refer to 28 Pa. Code §§ 1141 and 1151.25.</p>
683	<p>Regarding section 12, we are a bit confused as to the distinctions between the different storage areas: we must securely store marijuana waste, products which have been recalled until they can be destroyed, and marijuana plants, seed, and products are contaminated, expired, or damaged or for some reason must be destroyed (but were never distributed.) Can we keep these items in the same area until they are destroyed, if we organize this area well, such as with bins? Or do we need a separate locked area for each?</p>	<p>There are no requirements for separate storage areas when storing any marijuana that is pending destruction.</p>



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684	On Section 9, Part C of the Grower/Processor application, how is the applicant to describe the steps taken to assure that each principal and employee will meet the two-hour training requirement when the applicant is unaware of the nature of the Department-created program? Example: the steps taken to fill this requirement will significantly differ if the course is taught online opposed to in-person. Additionally, the steps will differ if an in-person course is taught in Harrisburg rather than the principal or employee's resident city.	The Department is in the process of developing the training component.
685	Where are the 2 hour classes being held at and how do you enroll? Are there any near Reading, PA?	The Department is in the process of developing the training component.
686	It has been stated that training courses are required to be taken, please provide clarity on how and where we can take these courses?	The Department is in the process of developing the training component.
687	Do you have any information when the two hour training requirement under the act and regulation will be available?	The Department is in the process of developing the training component.
688	Training / Required course - Is the Department going to offer training courses to investors/owners prior to the permits being granted? Or will this happen afterwards?	The Department is in the process of developing the training component.
689	In Part D, Section 9, applicants are asked to describe the steps they will take to meet the two-hour training requirement under the Act and Regulations, which require the Department to develop a two-hour course for the principals and employees of a medical marijuana	The Department is in the process of developing the training component.



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	organization who either have direct contact with patients or caregivers or who physically handle medical marijuana. Without any indication from the Department as to whether it plans to conduct the course itself or simply develop the requirements of the course for permittees to follow, how should applicants go about completing this section?	
690	For Application Section 9C, can you please provide additional details regarding the two-hour training requirement that is mentioned? Where does this take place? How is training scheduled?	The Department is in the process of developing the training component.
691	Is there any additional information regarding the 2-hour mandatory state training?	The Department is in the process of developing the training component.
692	Section 9C of the application refers only to the 2-hour training. It is unclear how this requirement would differ from employee to employee. The 2-hour training will be a standard requirement for all employees. Some applicants would like to include a more comprehensive description of internal training systems for all employees. Can applicants use the "Additional Attachments" section as shown below for things like internal training plans?	The Department is in the process of developing the training component.
693	When can employees and members sign up for the 2 hour State program?	The Department is in the process of developing the training component.
694	Is transportation/delivery methods permitted and if so, is it only for patients with limited access to dispensary.	Please refer to 28 Pa. Code § 1141 and § 1161.27. A dispensary cannot deliver medical marijuana to a patient or caregiver.



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695	Regarding transportation (section 11) what form of GPS system is required – a smartphone GPS application, GPS hardware system like a Garmin, or something like an RFID GPS tracking system used in other marijuana state systems?	Please refer to 28 Pa. Code §§ 1141 and 1151.35 (a) (4). The department cannot offer further guidance.
696	Please clarify the restriction in Section 1161.26 that a dispensary may not be located in the same office space as a practitioner or other physician. Does same office space refer to the dispensary space, same building, same strip mall, or larger office complex	The Department does not have sufficient information to answer this question.
697	What existing transportation companies have been certified or recommended by Dept of Health for transporting Medical Marijuana?	Any individuals that are transporting medical marijuana must meet the transportation requirements under the temporary regulations. Please refer to 28 Pa. Code §§ 1151.35, 1151.36 and 1151.37.
698	May a licensed pharmacy in Pa. apply for a dispensary license to dispense marijuana? May this be operated out of the same building as pharmacy located?	The Department does not have sufficient information to answer this question.
699	Regarding “If a dispensary has been notified in writing. . .the dispensary shall retain an unaltered copy of the recording for 4 years”. (1161.31(b)(6)(ii)) . How long must surveillance video be stored otherwise?	Please see 28 Pa. Code § 1161(a)(4) regarding ability to record all images captured by each surveillance camera for a minimum of 4 years in a format that may be easily accessed for investigative purposes.
700	Any DOH guidance/standards regarding medical marijuana facility security personnel being armed?	The Department cannot answer this question.



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701	If granted a permit, may a grower / processor permit holder also be an operator for another grower / processor permit holder? May they be an operator for a dispensary?	Please refer to 28 Pa. Code § 1141.23(1) (ii).,
702	If granted a permit, may a dispensary permit holder also be an operator for a grower / processor permit holder? May they be an operator for another dispensary?	Please refer to 28 Pa. Code § 1141.23(1) (ii)
703	Are there any limits on how many permitted grower / processor facilities or dispensaries an operator may operate?	Please refer to 28 Pa. Code § 1141.23(1) (ii).,
704	Verification of principals and backers - The regulations state that "any release necessary" for the dept. to obtain information from governmental agencies to perform criminal background checks. In addition to the principals of the organization are individual financial backers expected to complete and sign Attachment K (Release Authorization) along with providing their individual detail on the tax clearance Attachment H and personal identification Attachment E?	Attachment K should be signed by whoever is authorized to sign for the applicant. For Attachment F, "Affidavit of Business History," and Attachment G, "Affidavit of Criminal Offense "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
705	It is my understanding that the state has decided to only award an individual organization with ONE dispensary permit during phase one. Is this an accurate statement that the state will only be awarding ONE dispensary permit to each organization?	For Phase 1, the Department will issue an applicant no more than one dispensary permit.



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706	If an Applicant wants to list an entity for an Operator position (e.g. Applicant's Director of Security is a LLC), who from the entity should complete Attachment F: Affidavit of Business History?	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.
707	I'm trying to understand and clarify that financial backers and employees are not required to fill out and execute Attachment G Affidavit of criminal offense and attachment H Tax Clearance Certificate?	For Attachment G, "Affidavit of Criminal Offense," and Attachment H, Tax Clearance Certificate, the Department will accept individual affidavits from each principal, operator and financial backer substantially involved in the organization or one affidavit signed by a principal or operator that covers all principals, operators and financial backers substantially involved in the business.
708	Section 4: If the facility intends on hiring employees after the licenses are awarded do you need to see employment contracts, letters of intent?	If the person is a current employee, the person must be named in the application.
709	In Part B, Section 3 'Diversity Plan' what does the Department mean by an "official affirmative action plan"? Is there specific federal or state law or regulations that dictate or define what an "official affirmative action plan" is or consist of?	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.
710	When a complaint or adverse event is reported by the dispensary to the Department and the grower/processor, is there a suggested method or template for reporting? Example reference there is a MedWatch form for reporting of adverse events to the FDA.	The Department will release guidance and forms for this area in the future.



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711	Once the complaint is received by the grower/processor and they complete their investigation, it seems that they would notify the dispensary if a recall was required, do they notify the dispensary of the investigation results even if a recall is not required?	The Department will release guidance and forms for this area in the future.
712	What about reports of “special situations” for e.g. pregnancy exposure, lactation exposure, misuse, accidental exposure, is the expectation that these issues are reported within that same immediate timeframe to the Department and reported to the grower/processor for investigation?	The Department will release guidance and forms for this area in the future.
713	Will a template be available for the report required 12 months after permit issuance?	The Department will release guidance and forms for this area in the future.
714	Given the fact that the grower/processor information is required on the label, there is a potential for patients/caregivers to call the grower/processor directly with comments, complaints and/or adverse events. Is there a requirement for the grower/processor to provide that information back to the dispensary for awareness and tracking? If so is there a timeframe for reporting? Is it then the responsibility of the grower/processor to report the issue to the Department if they receive the report first? Where does the responsibility fall regarding reporting in this instance?	The Department will release guidance and forms for this area in the future.
715	My question relates to the information requested in section 4 and 21. If the principals, financial backers, operators, and employees(section 4) are the same people who own the LLC(section 21) , should I enter the same information in both sections? Also, I am not sure what you are looking for when you are requesting “title in applicants business”	Please complete every section of the application, even if that requires repeating certain information. "Title" refers to the person's role in the business.



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716	<p>The confusing part of this section (section 2) of the application is that in Section 2 of Part A which is labeled Pass/Fail and given a check mark on the scoring rubric. There are 18 (distressed) municipalities and more than 18 G/P permits available (though not in this round). The question is whether the DOH means for the placement of a G/P facility in an Act 47 municipality to be a requirement. It seems that pass/fail would indicate they require a yes but I don't think the geographic dispersion of Act 47 and DOH permit placement goals coincide.</p>	<p>Please refer to 28 Pa. Code § 1141.21 regarding operational requirements.</p>
717	<p>Does the plot plan just need to show the location of the facility relative to the property lines superimposed on an existing plot plan OR do we need to have a recent detailed survey of the property completed to include utility runs, equipment layout, position of roads, landscape elements, above ground features and obstructions, major infrastructure routes, property boundaries, setbacks, and rights of way?</p>	<p>Please refer to 28 Pa. Code § 1141.29(b)(5)(iii). If the facility is not in existence at the time the initial permit application is submitted to the Department, the applicant shall submit a plot plan that shows the proposed location of the facility and an architect's drawing of the facility, including a detailed drawing, to scale, of the interior of the facility.</p>
718	<p>Does that capital requirement for \$500,000 on G/P license require it be held in an account for the duration of the application process?</p>	<p>Please refer to 28 Pa. Code§ 1141.30, Capital requirements, which are a condition of issuance of a permit.</p>
719	<p>For Attachment K, is this only required of the applicant itself, or all principals regardless of how small an ownership percentage?</p>	<p>Please refer to 28 Pa. Code § 1141.21 and the definitions for principals and controlling interest.</p>
720	<p>Who will be scoring the applications and making the selection for license winners?</p>	<p>Please refer to 28 Pa. Code § 1141.35 (c): "The applicant may not obtain the names or any other information relating to persons reviewing</p>



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		applications, including a reviewer's individual application reviews."
721	I am looking for clarification on what "an acceptable level" of mold, mildew, pests, rot or grey or black plant material is. What is an acceptable level of mold/ mildew as determined by the Department?	Please refer to 28 Pa. Code § 1151.27(e) Requirements for growing and processing medical marijuana. A grower/processor shall perform visual inspections of growing plants and harvested plant material to ensure there is no visible mold, mildew, pests, rot, or grey or black plant material that is greater than an acceptable level as determined by the Department.
722	The rules say "that a product packaged by a grower/processor...shall only be identified by the name of the grower/processor". This would preclude the ability to bring to market a product identified by another name (a brand). Can you please clarify if Brand names are permitted?	Please refer to 28 Pa. Code § 1161.28(a) Labels and safety inserts. Medical marijuana products dispensed by a dispensary must only be identified by the name of the grower/processor, the name of the dispensary, the form and species of medical marijuana, the percentage of THC and CBD contained in the medical marijuana product, and any other labeling required by the Department.
723	If a principal is a trust or a corporation, what is required for the purpose of the criminal check and the personal identification?	Please refer to 28 Pa. Code §§ 1141.21, and the definition of controlling interest. A person below the threshold for controlling interest in the applicant's business does not need to respond.



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724	Is there any negative impact on the application if applying solely as a grower OR processor?	Please refer to 28 Pa. Code §§ 1141.21, and the definitions for grower/processor. The applicant may apply for a permit as a grower/processor. No permit will be separately issued for a grower, or separately for a processor.
725	Section 9 (Employee Qualifications, Description of Duties and Training). This heading of this section indicates an intent to obtain information about employees; however, the instructions for Section 9A ask for information about each principal and financial backer as well as employee. Confirm that information should be provided here for passive financial backers who have no employment related relationship with the applicant.	Please refer to 28 Pa. Code §§ 1141.21, and the definitions for principals, financial backers and controlling interest. A person below the threshold for controlling interest in the applicant's business does not need to respond.
726	In Dispensary Application, Section 2: Dispensary Information, it states "Applicant is required to provide a primary dispensary location. The applicant may include a secondary or third location under this application." This is a pass/fail section, and even including Attachment L (Priorities for Multiple Dispensaries), there is no scored section regarding the three maximized sites per dispensary license except for how they may impact Application E, Section 22 regarding capital requirements and estimated spending. Does that mean that there is no scoring benefit to applying for all three dispensary sites at first, and/or applicants only applying for one dispensary at first will not be penalized?	Please see the Instructions and the Scoring Rubric. There is no score difference for an applicant who applies for more than one dispensary location in their application.
727	Are there any conflicts of interest that would disqualify an applicant for either application? Where is there clarification regarding any conflicts of interest?	Please see the Medical Marijuana Act, § 702(b)(4) regarding prohibitions for health care practitioners. A health care practitioner may not hold a direct or indirect economic interest in, or serve on the board of, a licensed medical cannabis grower, licensed



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		medical cannabis processor or licensed medical cannabis dispenser.
728	May applicants file for a secondary grow/process location within the same zone/region?	The applicant may submit any number of applications. Please also refer to 28 Pa. Code § 1141.23(1)(i), limitation on number of permits. The Department will not issue more than one individual grower/processor permit to one person.
729	People who will be filling in more than one role (ie: A person who has equity but will also be an operator or employee. Do they get listed twice of three times depending on their role?	The applicant should list a person in each appropriate section of the application, even if that person is listed multiple times.
730	Does an owner or investor have to be a US Citizen?	The application will be scored based on the criteria within 28 Pa. Code § 1141.29, Initial permit application. Citizenship is not among the criteria.
731	In Instructions, Scoring Rubric, it shows Attachment E is a scored section. By what criteria are you scoring the identities of principals, financial backers, operators and employees? Does that mean having PA residents is scored better and/or is it only the information expressed in the CVs that are scored?	The application will be scored based on the criteria within 28 Pa. Code § 1141.29, Initial permit application. Pennsylvania residency is not among the criteria.
732	Loading and unloading area for a dispensary - The regulation states that a dispensary must have an enclosed secure area out of site for loading and unloading into and from a transport vehicle. If a dispensary location doesn't have an actual loading dock but rather one receiving door which is visible to the public, what would be acceptable as a build out or add-on to the existing space to meet this requirement?	The Department does not have sufficient information to provide an answer.



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733	Please provide some guidance on what "enclosed" in Section 1161.26(f) means with regard to dispensary loading, unloading, transport. Does it mean a structural enclosure in the form of a building?	The Department does not have sufficient information to provide an answer.
734	Section 1161.26(f) requires that dispensaries “must have an enclosed, secure area out of public sight for the loading and unloading of medical marijuana into and from a transport vehicle.” What does this require? Does the transport vehicle have to be able to fully pull into a garage type area? What about a standard loading dock where the opening to the cargo area would be the only part of the transport vehicle to pull in to an enclosed area? What about a loading door at the rear of a building with something akin to a vestibule, shielding the area from public view?	The Department does not have sufficient information to provide an answer.
735	Is there a defined term in the statute or regulations for “registered agent”?	A registered agent is any individual or company designated by the applicant to receive documents or questions from the Department.
736	Why isn't the (1) law and (2) all of the regulations prominently posted on the web site.	Please see the links to the regulations on the Department's website, medical marijuana pages.
737	The labeling regulations imply that the grower/processor could send bulk amounts of product to a dispensary, and then the dispensary can package the product in whatever means is compliant with the State, is this the case? For example, could a grower/processor send 10,000 pills to a dispensary where the dispensary could then distribute the pills as they see fit?	The Department does not have enough information to answer your question.



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738	Section 14: Inventory Management. When will the Commonwealth indicate which inventory management system they are using? As a best practice, dispensaries should follow suit.	The Department is in the process of selecting a seed-to-sale vendor and will provide guidance at a later date.
739	We've heard through a source that the Department of Health may be required to enforce a 1000 ft. rule for Grower/Processor permits even though it isn't written into the regulations or legislation, or updated in the final amended rules published in January. As it wasn't a requirement in the final regulations, many people already have their building/land secured. Will the Department of Health adopt a distance requirement for Grower/Processor permits?	This regulation applies only to dispensaries. Please also refer to 35 P.S. § 10231.2107.
740	Under Section 21/26 Ownership Part C: The property owners are going to be required to be on the application. If the state runs background checks on them covertly and if the property owners have anything negative criminally in their past will it look bad on our application?	The Department may consider any background information regarding principals in evaluating an application. Please see Attachment K, Release Authorization, and 28 Pa. Code § 1141.29, Initial permit application.
741	What is the composition of the review committee (not names, but more types of people, ie. a committee within the Department of Health) that will score the applications? We have heard it is an internal DOH committee but will that committee have people from the governor's office, law enforcement, or anyone else represented on it? Will there be any external reviews? Is one application reader going to be assigned to an application or is one reader assigned to just one particular question? In general, what does the review process look like?	Please refer to 28 Pa. Code § 1141.35 (c): "The applicant may not obtain the names or any other information relating to persons reviewing applications, including a reviewer's individual application reviews."
742	Will one person/group grade each application? Or will the application sections be graded by different individuals/groups. This is relevant to how we write our application in that we may refer to other sections of	Please refer to 35 P.S. § 10231.603 regarding requirements for granting of a permit. Please refer to 28 Pa. Code § 1141.35(c): "The applicant may not obtain the names or any other information relating to



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	the application if one person/group is grading. If separate individuals/groups are grading sections, we may reiterate information from other sections as needed.	persons reviewing applications, including a reviewer's individual application reviews."
743	Are there any size restrictions on how big or small a grower/ processor facility can or must be?	The regulations do not specify the size of a grower/processor facility.
744	Is there a limit to size of operation, building or number of plants that a grower has to abide by	The regulations do not specify the size of a grower/processor facility.
745	Is there a size limit for building for growing? Any limit to number of plants?	The regulations do not specify the size of a grower/processor facility.
746	Can the same capital investment (on-deposit assets) be leveraged on more than one application?	For Phase 1, the same capital may be used for multiple applications.