

Medical Marijuana Advisory Board Meeting

**Tuesday, Aug. 11, 2020
10:00am – noon**

Agenda

- Call to order and roll call
- Approval of the minutes – meeting Feb. 13, 2020
- New Business
 - Medical Marijuana two-year Final Report Discussion Section 1105(b)(3)
 - Recommendations for amendments to the Act for reasons of patient safety or to aid the general welfare of the citizens of this Commonwealth
 - Proclamation of Disaster Emergency Waivers
 - Serious Medical Conditions
- Update on the Program
- Additional Discussion/Q&A
- Adjournment

▶ Today's Meeting

- New Business
 - Medical Marijuana two-year Final Report Discussion Section 1105(b)(3)
 - Recommendations for amendments to the Act for reasons of patient safety or to aid the general welfare of the citizens of this Commonwealth
 - Proclamation of Disaster Emergency Waivers
 - Serious Medical Conditions

Recommendations Section 1105(b)(3)

III. Section 1105(b)(3)

Recommendations for amendments to the Act for reasons of patient safety or to aid the general welfare of the citizens of this Commonwealth.

The Department has the following recommendations for amendments to the Act for reasons of patient safety or to aid the general welfare of the citizens of this Commonwealth:

Recommendations Section 1105(b)(3)

1. Remove 35 P.S. § 10231.2109(a).

Applicability

(a) Dispensaries.--The provisions of this act with respect to dispensaries shall not apply beginning 1,095 days from the effective date of an amendment to the Controlled Substances Act (Public Law 91-513, 84 Stat. 1236) removing marijuana from Schedule I of the Controlled Substances Act, allowing Pennsylvania's permitted medical marijuana dispensaries to remain open.

Recommendations Section 1105(b)(3)

2. Re-empower the Board with all duties initially provided to them in issuing the final report under 35 P.S. §§ 10231.1201(j) and 10231.1202, and permit the Board to issue annual reports in order to make changes such as adding or reducing the number of grower/processor or dispensary permits. The Board's annual reports could be approved by the Secretary and implemented through final omitted regulation.

Recommendations Section 1105(b)(3)

3. Change definition of caregiver to include an entity by changing “individual” to “person,” which will allow long term care facilities, nursing homes, etc. to be approved as caregivers. Current definitions are:

- “Caregiver.” The individual designated by a patient or, if the patient is under 18 years of age, an individual under section 506(2), to deliver medical marijuana. 35 P.S. § 10231.103
- “Person.” A natural person, corporation, foundation, organization, business trust, estate, limited liability company, licensed corporation, trust, partnership, limited liability partnership, association or other form of legal business entity.

Recommendations Section 1105(b)(3)

4. Revise the first sentence of 35 P.S. § 10231.502(b) to read “A caregiver not previously approved as a caregiver under this section shall submit fingerprints for the purpose of obtaining criminal history record checks, and the Pennsylvania State Police or its authorized agent shall submit the fingerprints to the Federal Bureau of Investigation for the purpose of verifying the identity of the applicant and obtaining a current record of any criminal arrests and convictions.” This would modify the background check requirement for the caregiver renewal process, allowing for expedited access for those caregivers previously approved within the Program. The Department will require state background checks under 35 P.S. § 10231.502(a)(3) for caregiver renewals.

Recommendations Section 1105(b)(3)

5. Further revise 35 P.S. § 10231.502(b) to include the following language: “The information provided under this subsection shall not be limited by 18 Pa.C.S. § 9121(b)(2),” which would allow the Department to receive background checks in electronic form, expediting the caregiver approval process to allow for faster patient access for those requiring the assistance of a caregiver.

Recommendations Section 1105(b)(3)

6. Revise 35 P.S. § 10231.602(a)(4) to include the following language: “The information provided under this subsection shall not be limited by 18 Pa.C.S. § 9121(b)(2),” which would allow the Department to receive background checks in electronic form, expediting the affiliation process for medical marijuana organization principals, financial backers, operators, and employees.

Recommendations Section 1105(b)(3)

With the Governor's authorization in accordance with the Proclamation of Disaster Emergency (Proclamation) issued on March 6, 2020, operation of the following statutory provisions is temporarily suspended in order to respond to the COVID-19 emergency. Based on the successful operation of the Program under these temporary suspensions, the Department would like to request that the following statutory provisions be removed permanently:

Recommendations Section 1105(b)(3)

1. The requirement in 35 P.S. § 10231.802(a)(1) that dispensing must occur in an indoor enclosed facility. The Department of Health (DOH) will allow dispensary employees to go out to the vehicle, retrieve their ID, go back inside and dispense product in accordance with regulatory dispensing requirements and then deliver to the vehicle. In all cases, the vehicle must be located on “site” (which is defined in 28 Pa. Code § 1161.23(a) as the total area contained within the facility’s property line boundaries).

Recommendations Section 1105(b)(3)

2. The limitation that only five patients may be assigned to one caregiver, which would provide more caregivers to patients in need. 35 P.S. § 10231.303(b)(4)

3. The phrase “in-person” from the definition of “continuing care” in 35 P.S. §10231.103 to allow for remote consultations for certifications. In all cases, patient records must be reviewed and evaluated.

4. The 30-day supply limit found in 35 P.S. § 10231.405d. DOH will require approved practitioners to notate on the patient’s certification authorization to dispense a 90-day supply.

Medical Marijuana Program Updates

- Patients and caregivers
- Physicians
- Growers/processors and dispensaries
- Chapter 20

Medical Marijuana Advisory Board Meeting

- Additional Discussion/Q&A
- Next Meeting: Tuesday, Nov. 10, 2020
from 10am – noon
- Adjournment