



Pennsylvania Medical Marijuana Grower/Processor and Dispensary Permit Applications

Questions and Answers

Updated 2/10/2017

Question #	Questions	Answers
31	May the applicant complete Attachment F on behalf of all principals or must each principal submit a separate Affidavit? The instructions to this Attachment require each “principal or operator” of the applicant to complete the form. The Affidavit, however, is drafted for the applicant itself to fill the form out, certifying that no principals have held positions in other medical marijuana organizations.	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.
32	May the applicant complete Attachment G on behalf of all principals or must each principal submit a separate Affidavit? The instructions to this Attachment require each “principal or operator” of the applicant to complete the form. The Affidavit, however, is drafted for the applicant itself to complete, certifying that no principals have been convicted of a criminal offense.	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.



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33	<p>In regards to a question in Section 7 of the Medical Marijuana Dispensary Permit Application, I have a question for clarification. The fourth in section 7 question prompt reads: “No civil or administrative action has been taken against the applicant under the laws of the Commonwealth or any other state, the United States or a military, territorial, or tribal authority relating to a principal, operator, financial backer or employee of the applicant’s profession, or occupation or fraudulent practices, including billing practices.” Is the last line supposed to read: “...employee of the applicant’s profession, or occupation <u>for</u> fraudulent practices, including billing practices?” I have bolded and underlined the word “for” which reads “or” in the application question and my question is whether is a typo and is intended to be “for”, since the question doesn’t really make sense with “or”.</p>	The line in Section 7 is correct as is.
34	<p>What is the process for getting the background checks done and delivered to the DOH?</p>	<p>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.</p>
35	<p>For the background checks, if we have someone that was arrested for a DUI but was never convicted, took the ARD program, and had it expunged from their record, will this affect the application process?</p>	<p>The Department may review any information that is revealed in a background check.</p>
36	<p>We attempted to submit fingerprints to the Pennsylvania State Police but were told that they were waiting for instructions and protocols from the DOH. When is the protocol going to be completed so we can begin the criminal history record checks with the PA State</p>	<p>Please refer to the “Instructions” document, Section III, regarding background checks. In addition, you may also review our Fingerprints and Criminal</p>



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	Police? Also, will fingerprints obtained from a municipal police department be accepted?	History Background Check Guidance section for additional information pertaining to this topic.
37	The applicant intends to have an advisory board. Members of the advisory board have no fiduciary duty or financial interest in the business. Their role is to advise, counsel, and provide non-binding guidance to the applicant's leadership team. Advisory board members will receive no financial compensation before a permit is issued and will, in fact, not receive compensation until our firm is profitable. Given these factors, does the Commonwealth require members of the advisory board to submit to a background check?	Please refer to 28 Pa. Code § 1141.31. Please also refer to the definition of "Controlling Interest" in § 1141.21. The following is a link to the regulations: Temporary Regulations Chapter 1141: General Provisions
38	Are employees, principal, financial backers, or operators with misdemeanors or felonies, not related to "criminal offense relating to the sale or possession of illegal drugs, narcotics, or controlled substances" and in good standing for the last 20 years still able to participate, without prejudice for a permit for grow/process or dispensary?	Please refer to 28 Pa. Code § 1141.31 and 35 P.S. 10231.602 (a) 4 . The following is a link to the regulations: Temporary Regulations Chapter 1141: General Provisions
39	Does each person affiliated with our company provide background checks for identity and criminal background?	Please refer to 28 Pa. Code § 1141.31. Please also refer to the definition of "Controlling Interest" in § 1141.21. The following is a link to the regulations: Temporary Regulations Chapter 1141: General Provisions



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40	The regulations documents imply that all individual principals, backers, employees, etc., involved in our company must visit a State Police or authorized agent prior to submitting our application. If this is the case then does the state supply the specific cards (fingerprinting) or instructions to hand to 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. Temporary Regulations Chapter 1141: General Provisions
41	The instructions to the application provide that “an applicant must submit fingerprints of principals, financial backers, operators and employees to the Pennsylvania State Police.” Can the Department clarify the process for submitting these fingerprints? (E.g., Are principals and financial backers to go to the State Police to have fingerprints taken? Is an applicant to include copies of all fingerprints with the application?).	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.
42	Is there a form or process for ensuring the fingerprints have been submitted to the FBI, as required by the application (the State Police were aware of no such particular form).	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.
43	Is there a form or process for ensuring that the fingerprint submissions to the State Police and the FBI are documented for the application, or is it really as simple as submitting the prints and certifying to having done so in connection with the application?	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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44	May out-of-state principals, backers, operators and employees obtain finger printing services at local police stations in their constituent states and send them to the PA State Police, or must such out-of-state individuals present themselves in person at a Pennsylvania barracks?	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.
45	Do we need to do only the submission of fingerprints (and related authorization for background checks per that submission) for all principals, financial backers, operators and employees to the Pennsylvania State Troopers for their FBI criminal background check or do we need to do that plus submit a background check we complete via an accredited third-party service provider as well?	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.
46	I am having difficulty registering to be fingerprinted. There is no option for applicants for medical marijuana. All the categories are very specific (the police department is an application for a lethal weapon, human services is for children.....) and I could not find a category that had an option that I could make work for my application purposes. I would really appreciate any advice that you could give.	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.
47	As part of the application, a fully executed copy of an unexpired lease for the term of the initial permit is required. What is the term of the permit?	The term of the permit is one year. Please also refer to 28 Pa. Code §1141.25(e) and 35 P.S. § 10231.610 The following is a link to the regulations: Temporary Regulations Chapter 1141: General Provisions



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48	Is the applicant to obtain and pay for a lease even though there is no guarantee that a permit will be granted?	<p>Please refer to 28 Pa. Code §1141.29(b)(3) and. The following is a link to the regulations:</p> <p>Temporary Regulations Chapter 1141: General Provisions</p>
49	...whether a fully executed “Option to Lease” that is binding on a landlord and provides an unconditional right in the Permit Applicant to elect a binding lease for the stated term, coupled with a written statement of the owner (potential landlord) that the applicant may operate a medical marijuana organization on the proposed site for, at a minimum, the term of the initial permit, would be considered by the Department to be sufficient evidence that the Applicant has a location to operate its medical marijuana organization?	<p>Please refer to 28 Pa. Code §1141.29(b)(3) and. The following is a link to the regulations:</p> <p>Temporary Regulations Chapter 1141: General Provisions</p>
50	... whether a fully executed Agreement of Sale obligating a current owner to sell the proposed site of the medical marijuana operation facility to the Applicant upon payment of the purchase price, but with a contingency in favor of Applicant to cancel the transaction in the event its Application for a Permit is denied, would be considered by the Department to be sufficient evidence that the Applicant has a location to operate its medical marijuana organization?	<p>Please refer to 28 Pa. Code §1141.29(b)(3) and. The following is a link to the regulations:</p> <p>Temporary Regulations Chapter 1141: General Provisions</p>



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51	One of our principals is a member of a family trust. Section 27 of the application requests a summary of available capital and an estimated spending plan to be operational in six months. This section seems to be the logical place to list the principal's available capital from the trust. What, if any, specific trust document does the DOH require?	In response to Section 27 of the Grower/Processor Permit Application, an applicant may provide any and all documents that support a summary of available capital.
52	Will the Commonwealth assign more points in the scoring rubric to an applicant that can demonstrate that it has assets in excess of the \$2M threshold?	The application instructions and the Scoring Rubric state that the Department may award up to 75 points for Capital Requirements.
53	Does the application review committee merely look to see if a) an applicant has the required \$2M and b) does the capital spend plan match what the applicant has raised and has on hand (on the balance sheet) or committed (as evidenced by the commitment letter)?	The application instructions and the Scoring Rubric state that the Department may award up to 75 points for Capital Requirements.
54	Does an applicant receive more points on the scoring rubric by showing that a financial backer has significant personally-owned assets and/or assets in a company of which s/he has the controlling interest?	The application instructions and the Scoring Rubric state that the Department may award up to 75 points for Capital Requirements.
55	The applicant has the required \$500K on deposit with one or more financial institutions. Do the additional \$1.5M in assets need to be owned by the applicant's business entity or can they be evidenced by a commitment letter of an applicant's financial backer/owner to transfer assets into the applicant's business entity upon receiving a permit?	Please see 28 Pa. Code § 1141.30(a) and 35 P.S. § 10231.607 . The following is a link to the regulations: Temporary Regulations Chapter 1141: General Provisions



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56	The applicant owns a building that it intends to operate the grower/processor business from if it receives a permit and intends to use the value of the building as partial evidence of capital sufficiency. What method should the applicant use to value the building? Is it the price the applicant paid when it purchased the building in January 2017 or should the applicant apply a real estate valuation model such as the cap rate (multiple) model?	The Department is not able to provide a response to this question.
57	What can be considered capital towards the 150K or 1.5M?	An applicant may provide any and all documents that support a summary of available capital.
58	In regards to section 7 of the grower/processor application, does the application ask for civil and administrative actions against the corporate entity applying for the license or against the owners, financial backers, and employees of the corporate entity?	Please refer to 28 Pa. Code § 1141.29. The following is a link to the regulations: Temporary Regulations Chapter 1141: General Provisions
59	Can a dispensary be a facility within a facility? For example, if the entity contracts with a commercial pharmacy (i.e. through a hospital system/medical mall), and assuming a separate/secure separation/room is erected, is that acceptable under the application?	Please refer to 35 P.S. § 10231.802(a)(1) .
60	Is a dispensary able to purchase product from any state grower/processor or are there geographic restrictions regarding what processors a dispensary can buy from?	There are no geographic restrictions under 28 Pa. Code § 1161.27(b). The following are links to the regulations: Temporary Regulations Chapter 1161: Dispensaries Temporary Regulations Chapter 1161 Annex A: Dispensaries (Amendments)



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61	<p>If you are awarded a dispensary license in a given county and you decide to expand to a second and third location. Do those locations have to be within the initial county or can they be in any other county? What restrictions/limits will there be on each county relating to dispensaries? Is there a maximum number of dispensaries any one county can hold and if so, is there a required minimum distance that must exist between dispensaries to ensure adequate and fair coverage of the entire county?</p>	<p>An applicant has the option of listing two additional dispensary locations on the permit application for approval by the Department. 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. The second and third dispensary locations are not permitted to be located in the same county as the primary dispensary location listed in the dispensary permit. In addition, the second and third dispensary locations are not permitted to be located in the same county. See 47 Pa.B. 73, January 7, 2017.</p>
62	<p>The map certainly implies that dispensary permits can be issued anywhere within the Region but that there is a maximum number of dispensaries. However, in the <i>Medical Marijuana Organization Permit Application</i> issued by the Department of Health, in Section I <i>Medical Marijuana Regions</i>, seems to imply that only Centre and Lycoming Counties in Region 4 may have a dispensary located within them during Phase I.</p>	<p>An applicant has the option of listing two additional dispensary locations on the permit application for approval by the Department. 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. The second and third dispensary locations are not permitted to be located in the same county as the primary dispensary location listed in the dispensary permit. In addition, the second and third dispensary locations are not permitted to be located in the same county. See 47 Pa.B. 73, January 7, 2017.</p>
63	<p>Can a dispensary be open without a medical doctor/pharmacist if it is NOT actively dispensing medical marijuana? By this I mean accepting</p>	<p>Please refer to 28 Pa. Code § 1161.25 and 35 P.S. § 10231.801 (b). The following are links to the regulations:</p>



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	prescriptions and preparing product for dispensing without a professional at the site	Temporary Regulations Chapter 1161: Dispensaries Temporary Regulations Chapter 1161 Annex A: Dispensaries (Amendments)
64	Clarification concerning §1161.26 restrictions on dispensary facilities being located “in the same office space as a practitioner or other physician” – Is it permissible for a dispensary to be located within or adjacent to an existing pharmacy? May a dispensary be operated in the same office space/ building with a Clinical Research Center licensed by the Commonwealth?	Please refer to 35 P.S. § 10231.802 (a) .
65	Can dispensaries be located in a medical building (no retail)?	Please refer to 35 P.S. § 10231.802 (a) .
66	On the application, if I would like to open 1 store now do I still have 2 other locations reserved within my permit? I understand each location will cost \$30,000.00 and that is no problem, but I would like to know if opening only 1 to start with doesn't hurt me later and I forfeit these other two possible locations.	Please refer to 28 Pa. Code §§ 1141.29 and 1161.40. The following is a link to the regulations: Temporary Regulations Chapter 1141: General Provisions Temporary Regulations Chapter 1161: Dispensaries Temporary Regulations Chapter 1161 Annex A: Dispensaries (Amendments)
67	I am unable to access the PA MMJ application website. I received this message: File or directory not found. Can you direct me?	Please refer to the website of the Pennsylvania Department of Health, www.health.pa.gov , and refer to the “Pa. Medical Marijuana” page, and then the pages for growers/processors or dispensaries.



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68	I am a Pa. registered pharmacist requesting you to email me an application to dispense medical marijuana.	Please refer to the website of the Pennsylvania Department of Health, www.health.pa.gov , and refer to the "Pa. Medical Marijuana" page, and then the pages for growers/processors or dispensaries.
69	If not issued a permit, what's the time frame to return the refundable fee?	If an applicant is not granted a permit, the Department will return applicable initial permit fees after the issuance of permits in Phase I as soon as practicable.



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70	<p>The Department is going to be collecting \$5,000 non-refundable deposits from dispensary applicants. If these deposits are received from applicants intending to place dispensaries in counties where, by statute, code, and your map, it appears they have a chance to receive a permit, but in accordance to your <i>Medical Marijuana Organization Permit Application</i>, they have no shot, I believe there is the potential for litigation.</p>	<p>Please refer to the Application Instructions: "Each unique permit application must be accompanied by the appropriate fees. Applicants should understand the Act and its accompanying regulations at 28 Pa. Code Chapters 1141, 1151, 1161 and 1171 and are advised to read these instructions and any guidance before beginning work on any application. These instructions apply to both the grower/processor and dispensary applications unless otherwise noted." The following is a link to the regulations:</p> <p>Temporary Regulations Chapter 1141: General Provisions Temporary Regulations Chapter 1151: Growers/Processors Temporary Regulations Chapters 1141 & 1151 Annex A: General Provisions and Growers/Processors (Amendments) Temporary Regulations Chapter 1161: Dispensaries Temporary Regulations Chapter 1161 Annex A: Dispensaries (Amendments) Temporary Regulations Chapter 1171: Laboratories</p>
71	<p>Why is the state limiting the number of licenses?</p>	<p>Please refer to 35 P.S. § 10231.603 (d): The Department will approve permits for grower/processors and dispensaries in a manner which will provide an adequate amount of medical</p>



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		marijuana to patients and caregivers in all areas of this Commonwealth.
72	Could the Department further define the "operational" requirement as it relates to dispensaries? That is, must a dispensary simply have a certificate of occupancy within 6 months of permit receipt, or must it be stocked with product and prepared to sell to patients within 6 months?	Please refer to the definition of "operational" in 28 Pa. Code § 1141.21.
73	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?	Please refer to 28 Pa. Code § 1141.42 regarding the operational timetable.
74	I am looking for some clarification regarding the 6 month operational timetable recently amended in the regulations and required in the permit application...it leaves the applicant a mere 6 months to finalize the development approval process and build once the plans are approved by the state. Does the state have a preference for applicants to use existing structures, and if so, what is the rationale, given the inefficiencies associated with retrofitting an existing manufacturing-type facility?	Please refer to 28 Pa. Code § 1141.42 regarding the operational timetable.



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75	When it is stated on the grower app that you must be operational within 6 months, does that mean able to move finished goods out the door (already have grown for 3 months to have cultivation ready in 6 months) or to be able to begin growing in 6 months which can then take another 3 months to be ready to process (meaning product would be available 9 months from date of permit)?	Please refer to 28 Pa. Code § 1141.42 regarding the operational timetable.
76	If one of our major investors is from out of state, can he apply to his local state police and have them take his fingerprints and request a background check from the FBI?	Please refer to 35 P.S. 10231.602 (a) (4) and 28 Pa. Code § 1141.31 . In addition, you may also review our Fingerprints and Criminal Background Check Guidance section for additional information pertaining to this topic.
77	We will have contingent financing from venture related funds for capitalization contingent on receiving a final license to operate under the PA Medical Marijuana Program. These financial backers will not own securities in our entity unless and until the contingent financing becomes final with the final award of a license. Do we have to include fingerprints and background check for these contingent investors as part of the Permit Applications?	Please refer to 28 Pa. Code § 1141.31 . In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic. Please also see the definition of "controlling interest" in 28 Pa. Code § 1141.21.
78	The PA state police have different processes for background checks for different departments and reasons (ex. Child clearances, etc.). I am trying to determine if fingerprints must be taken at a State Police location or if they can be taken elsewhere and provided to the State police either in person or through their Patch website..., etc. (https://epatch.state.pa.us/Home.jsp). For example, can fingerprints be taken at local police departments or county offices? Also, (the	Please refer to 28 Pa. Code § 1141.31 . 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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	<p>applicant has) at least two owners of its LLC that are located in other states and we need to determine the easiest, yet acceptable, way for them to get the appropriate criminal background check.... I note that the PA. State Police website does not have link for the Department of Health clearances, like other agencies... Could you please provide me with more specific information re: this process?</p>	
79	<p>Can you please advise as to whether the Department will be providing a form/template that can be used in connection with obtaining background checks and/or fingerprints?</p>	<p>Please refer to 28 Pa. Code § 1141.31. In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.</p>
80	<p>For the background check, do the applicants submit fingerprints to the state police and then the department of health will request federal background checks on the applicants? What exactly do the applicants need to do for the background check to be complete on their end?</p>	<p>Please refer to 28 Pa. Code § 1141.31. In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.</p>



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81	I am just inquiring as to what is required in terms of the background check, should we attach copies of a federal and state background check of investors/principals and employees? And do we also need to provide fingerprints? Or do we just have the notary sign the affidavit?	Please refer to 28 Pa. Code § 1141.31 . In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
82	Does the DOH have an Originating Agency Identification (ORI) Number and/or other required information applicants must submit to the approved fingerprint vendors in order for DOH to actually receive the results of the background check?	Please refer to 28 Pa. Code § 1141.31 . In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
83	Must members of an applicant’s volunteer Advisory Board or other unpaid volunteers that are not responsible for day to day operations and that do not hold any interest in the applicant be fingerprinted?	Please refer to 28 Pa. Code § 1141.31 . In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
84	Must every individual with a direct or indirect ownership interest (even a non-controlling interest) in a corporate entity which is a Financial Backer be fingerprinted? What should be done in the case of a trust which is a Financial Backer?	Please refer to 28 Pa. Code §§ 1141.29 and 1141.31 . In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic. Please also see the definition of "controlling interest" in 28 Pa. Code § 1141.21 .
85	Must any individual holding an interest in the proposed site or facility (ie, the property owner/landlord) be fingerprinted even if they do not hold an interest in the applicant and are not otherwise a principal, financial backer, operator or employee?	Please refer to 28 Pa. Code §§ 1141.29 and 1141.31 . In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic. Please also see the definition of "controlling interest" in 28 Pa. Code § 1141.21 .



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86	In Section 4 of each application, should members of the applicant’s volunteer Advisory Board (where such persons are not responsible for day to day operations, and do not hold any interest in the applicant) be listed under subsection A along with the Principals, Financial Backers and Operators, be listed under subsection B with the Employee, or is it up to the applicant?	Please refer to the definition of “principal,” “financial backer,” “operator” and “employee” in 28 Pa. Code § 1141.21 .
87	I understand the electronic fingerprints must go to the PA State Police ; however, I have a specific questions regarding utilizing the 3M Cogent system and which department to register under – PA Dept. of Human Service; PSP (although this only states Lethal Weapons Training); etc.	Please refer to 28 Pa. Code § 1141.31 . In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
88	Can an applicant use fingerprinting completed through a different Pennsylvania Agency, for example the DOT for a Hazmat endorsement, to satisfy the background check requirement of the application?	Please refer to 28 Pa. Code § 1141.31 . In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
89	A review of the Pennsylvania State Police website indicates that each Commonwealth Department has a practice of picking a designated agent. According to this PDF on the Pennsylvania State Police website, the Department of Health has not designated an agent https://www.psp.pa.gov/Documents/Public%20Documents/Fingerprint ServicesInfo_April2014.pdf . Can applicants have their fingerprints taken by 3M Cogent Systems?	Please refer to 28 Pa. Code § 1141.31 . 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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90	What type of fingerprints are required—ink fingerprints on a card, or biometric fingerprints submitted digitally?	Please refer to 28 Pa. Code § 1141.31 . In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
91	Is it necessary to have background checks completed before submission of the application and is it acceptable that the process is initiated? Also, is there a list of agencies for background checks?	Please refer to 28 Pa. Code § 1141.31 . In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
92	Please clarify the details regarding the procedure that applicants should follow for submitting fingerprints to allow for background checks. The instructions state that fingerprints must be submitted to the State Police, and the application checklist requires applicants to check the box that they have done so. However, there is no guidance provided regarding exactly where the prints should be submitted / or to whose attention / or how they should be referenced.	Please refer to 28 Pa. Code § 1141.31 . In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
93	When the Department of Health is asking for an applicant to provide background checks and tax clearance certificates for principals, operators, financial backers, and/or employees, what information do they want if that "person" is in fact an entity? In other words, for example, if a consultant of the company is an entity (a consultant qualifies as an "employee" under the definitions in the MMJ Act and Regulations, and therefore must be named on the application), must an applicant name all of the individual members / employees of that	Please refer to 28 Pa. Code § 1141.31 . In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic. Please also see the definition of "controlling interest" in 28 Pa. Code § 1141.21 .



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	consultant-entity on the application? Or is it sufficient to simply name the entity itself?	
94	Does the DOH (require) an applicant to provide the information of the individuals (e.g., background checks) who are managers / directors / members of an entity which is a financial backer? So if an entity is an actual financial backer, how far into that organization / entity must an applicant look for purposes of providing information on the application?	Please refer to 28 Pa. Code § 1141.31 . In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic. Please also see the definition of "controlling interest" in 28 Pa. Code § 1141.21 .
95	Does a permit applicant have to disclose detailed personal information (including fingerprints) of individuals who have invested in the financial backer of the applicant?	Please refer to 28 Pa. Code § 1141.31 . In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic. Please also see the definition of "controlling interest" in 28 Pa. Code § 1141.21 .
96	Can the financial backers have their fingerprints taken at any PSP barracks that does fingerprint testing?	Please refer to 28 Pa. Code § 1141.31 . 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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97	How can the Applicant (not necessarily the one who has had their fingerprints taken) demonstrate this step has been completed on the Application? Should the Applicant submit an affidavit or will the individual being fingerprinted receive some documentation that they can forward to the Applicant?	Please refer to 28 Pa. Code § 1141.31 . In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
98	My company is applying for a marijuana dispensary permit. Should we use the Cogent finger printing system which is accepted by the State? If so, what department do we go through. They accept Departments of Transportation; Education; Human Services; State Police; Banking & Securities and Aging. Is there another system we should use?	Please refer to 28 Pa. Code § 1141.31 . In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
99	If a potential investor or employee has a previous DUI conviction would that be scored a fail in the background check grading?	Please refer to 35 P.S. § 10231.602.
100	What is the process for getting fingerprints and background checks with the state police?	Please refer to 28 Pa. Code § 1141.31 . In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
101	In August of 2016 I had to get fingerprints done for my current job. Can I use this one or do you require a new fingerprint with applications.	Please refer to 28 Pa. Code § 1141.31 . In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
102	The State Police referred me to pa.cogentid.com in order to register for finger printing services. Is this the proper way to submit for a background check? If so, what department should we use? It seems as though the background check for the Department of Banking and	Please refer to 28 Pa. Code § 1141.31 . 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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	Securities is the most similar to that required by the application. Is that the registration we should use?	
103	The application instructions (page 5) explain that applicants must submit fingerprints of principals, financial backers, operators and employees to the Pennsylvania State Police. Is there any way to submit fingerprints from out of state?	Out of state resources cannot be used for background checks. Please refer to 28 Pa. Code § 1141.31 . In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
104	Are procedures or protocols established between the Pennsylvania Department of Health (PA DOH) and the Pennsylvania State Police (PSP) to facilitate applicants fulfilling this requirement? If so, where are these procedures posted?	Please refer to 28 Pa. Code § 1141.31 . In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
105	Is a Form SP 4-164 (7-2015) required for each employee? If so, can this be completed online?	Act 16 requires background checks be submitted with the application for principals, financial backers, operators and employees. In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
106	Are applicants to become “registered users” (in ePatch)?	Please refer to 28 Pa. Code § 1141.31 . 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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107	Does each PSP Troop know about this requirement so that when perspective permit applicants arrive and request to be fingerprinted, will the request be honored? (Note: it is our understanding that it is PSP policy that if a person’s municipality/local police department has the capability to take fingerprints, a person should go there first).	Please refer to 28 Pa. Code § 1141.31 . In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
108	Can permit applicants use a Cogent, Inc. facility?	Please refer to 28 Pa. Code § 1141.31 . In addition, you may also review our Fingerprints and Criminal History Background Check Guidance section for additional information pertaining to this topic.
109	For purposes of demonstrating that a Grower/Processor Applicant has at least \$2M in capital, is it sufficient to have a term sheet with a venture capital fund, which term sheet is binding and contingent on final award of the Grower/Processor Permit? Further, is it sufficient to have the \$500,000 cash required in the venture capital firm's bank account but committed to the applicant subject to the final award of the applicant’s Grower/Processor permit?	An applicant may provide any and all documents that support a summary of available capital. Please see 35 P.S. § 10231.607 .
110	For a Dispensary Applicant, is it sufficient to have the \$150,000 cash required in the venture capital firm’s bank account but committed to the applicant subject to the final award of the applicants Dispensary permit?	An applicant may provide any and all documents that support a summary of available capital. Please see 35 P.S. § 10231.607 .



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111	For the \$2MM in capital needed for a grower processor license, is an approved line of credit sufficient for a portion of the total capital?	An applicant may provide any and all documents that support a summary of available capital. Please see 35 P.S. § 10231.607 .
112	In Attachment I of each application, each version of the capital sufficiency affidavit has a table which must be populated by the applicant. One column asks for the “source of capital.” What does the DOH mean by “source.” Can you please provide examples?	"Source of capital" refers to the resource(s) the applicant is using to meet the capital requirements under the Act and regulations.
113	The section on capital requirements accounts for 75 points; If we show over 2,000,000 as required, do we get the full 75 or will more be better?	The application instructions and the Scoring Rubric state that the Department may award up to 75 points for Capital Requirements.
114	What is the liquid cash requirement for each entity?	Please refer to 28 Pa. Code § 1141.30 and 35 P.S. § 10231.607 .
115	I have \$400,000 in real estate equity, can I use that for the \$150,000 that the app says I have to have?	A dispensary applicant must have at least \$150,000 in capital, which must be on deposit with a financial institution. Please see 35 P.S. § 10231.607 .
116	Does an applicant submitting multiple applicants for a grower-processor permit have to show \$4 million in assets and submit \$400,000 in licensing fees due to apply twice or just submit \$20,000 in applicant fees as they are submitting two applicants?	For each permit application submitted for a grower/processor permit, a separate initial application fee of \$10,000 and a separate initial permit fee of \$200,000 must be included. The applicant can use the same required asset base to meet the capital requirements for multiple applications. Please refer 35 P.S. § 10231.607 .



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117	Can the \$150,000.00 requirement be satisfied by showing an available line of credit in favor of the applicant tied to a bank account with cash on deposit? Where the lender is a third party?	An applicant may provide any and all documents that support a summary of available capital. Please see 35 P.S. § 10231.607 .
118	Can the \$150,000.00 requirement be met by showing an attorney escrow account for the specific benefit of the applicant with the cash on deposit? Must the cash on deposit be on deposit in an account under the name of the applicant?	The Department is not able to provide a response to this question.
119	For Attachment I-2, who needs to complete the affidavit? Does a financial institution complete it, or a financial advisor? Or does the applicant simply need to understand the Department is authorized to contact the listed financial institutions, per 1141.30 (d)?	Please see the instructions for Attachment I. The applicant must submit the affidavit.
120	Since only one permit will be awarded to an applicant during Phase I of the process, does the applicant have to show only \$150,000.00 on deposit or must the applicant show \$150,000.00 on deposit for each location for which an application for a primary permit is being sought?	For Phase 1, the applicant may use the same asset base for multiple permit applications to meet the capital requirements.
121	In Section 7 of each application, one statement relates to whether an applicant has ever “responded to a civil or administrative action relating to a registration, license, permit or authorization to grow, process or dispense medical marijuana in any state.” Does this request for information include all parents, subsidiaries and affiliates of the applicant?	Please refer to 28 Pa. Code § 1141.29(b)(9)(vi) . Please also see the definition of "controlling interest" in 28 Pa. Code § 1141.21 .



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122	Does this request for information include all principals, financial backers, operators and employees of the applicants or just the applicant entity itself?	Please refer to 28 Pa. Code § 1141.29(b)(9)(vi) . Please also see the definition of "controlling interest" in 28 Pa. Code § 1141.21 .
123	Does "responded to" include the filing of a civil action challenging the disqualification or rejection of a registration, licensing, permitting or authorization decision by a regulatory agency charged with issuing/awarding the same?	The intent of Section 7 of the application is to determine if any civil or administrative actions have been filed against the applicant regarding a license, permit or authorization to grow, process or dispense medical marijuana. The questions must be answered regardless of the circumstances or disposition of the action. The applicant should complete each question accordingly.
124	Does "responded to" include an intervener who's license issuance was challenged by a third party plaintiff who filed an action against the state to overturn their disqualification/rejection of a medical marijuana license award (in order to protect said license from a frivolous lawsuit filed by an upset failed applicant)?	The intent of Section 7 of the application is to determine if any civil or administrative actions have been filed against the applicant regarding a license, permit or authorization to grow, process or dispense medical marijuana. The questions must be answered regardless of the circumstances or disposition of the action. The applicant should complete each question accordingly.



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125	Does “relating to” include any and all civil or administrative actions involving a medical marijuana licensee, such as an action related to a business or contractual dispute?	The intent of Section 7 of the application is to determine if any civil or administrative actions have been filed against the applicant regarding a license, permit or authorization to grow, process or dispense medical marijuana. The questions must be answered regardless of the circumstances or disposition of the action. The applicant should complete each question accordingly.
126	Does “relating to” include civil actions filed against a principal in their capacity as an executive member or board of director of a corporation? For example, must a principal disclose a lawsuit based on alleged fraud filed against his or her company where he or she was named as a defendant in his or her capacity as CEO of said company (and where the action was resolved in the CEO’s favor)?	The intent of Section 7 of the application is to determine if any civil or administrative actions have been filed against the applicant regarding a license, permit or authorization to grow, process or dispense medical marijuana. The questions must be answered regardless of the circumstances or disposition of the action. The applicant should complete each question accordingly.
127	Can we find out how many different items will be up for sale? Will it be pills and oils only or will there be other items eligible for sale?	Products must be in the forms specified under 35 P.S. § 10231.303 .
128	Do you have any kind of estimates on annual volumes?	The Department does not have sufficient details to offer a response.
129	Will we be able to choose between authorized processors or will you instruct us to use only specific processors?	Permitted dispensaries may purchase medical marijuana products from any permitted



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		grower/processor within the Commonwealth. Please refer to 28 Pa. Code § 1161.27 (b) .
130	When and how will we find out what our costs will be for the items?	In general, a dispensary's acquisition cost for medical marijuana products will be determined by the grower/processor, but is subject to 35 P.S. § 10231.705 .
131	Will we be able to set our own prices or will they be set for us?	In general, pricing to patients will be established by the dispensary, but is subject to 35 P.S. § 10231.705 .
132	If a dispensary is not able to sell the flower of a marijuana plant to a dispensary, who does the dispensary purchase products from? Does this mean a dispensary needs to wait for the product to be grown, and then for someone else to make the product into a "legal" sellable product for a dispensary? Who are the people that will be turning the flower into vapors, oils, etc.... are these the growers or another 3rd party?	Permitted dispensaries may purchase medical marijuana products from any permitted grower/processor within the Commonwealth. Please refer to 28 Pa. Code § 1161.27 (b) . Products must be in the forms specified under 35 P.S. § 10231.303 .
133	Can a grower sell outside of his district to other growers/dispensaries?	A permitted grower/processor may sell medical marijuana products to any other permitted grower/processor or permitted dispensary within the Commonwealth. Please refer to 28 Pa. Code § 1161.27 (b) .
134	In all of the documentation, I have been unable to find the hours of operation that a Dispensary is expected to follow. If possible, could you provide what the State directive is?	Deliveries of medical marijuana products to a dispensary may occur between 7 a.m. and 9 p.m. Please refer to 28 Pa. § Code 1161.35. (a) (1) . Further, hours of operation may be to subject to the local zoning requirements.



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135	In the temporary rules and regs, there was a statement: 1161.27, items and services provided at a dispensary: (d) A dispensary may dispense a MM product with a THC concentration of 0.3% or less..... I wanted to check if this was still applicable / valid.	Please refer to 28 Pa. Code § 1161.27 (d) A dispensary may dispense a medical marijuana product with a THC concentration of 0.3% or less as long as the dispensary purchases it from a grower/processor and the grower/processor obtained approval under 28 Pa. Code § 1151.28 (c) .
136	Will the state regulate prices from grower to dispensary to customer or is it open game?	Pricing to patients will be established by the dispensary. Please also refer to 35 P.S. § 10231.705 .
137	Also, can a dispensary buy product from any grower/processor in 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) . Products must be in the forms specified by 35 P.S. § 10231.303 .
138	Since we must purchase from a grower / processor in PA, when will they be able to provide product for us to resell?	A permitted grower/processor may sell medical marijuana product to a dispensary once the dispensary is determined to be operational by the Department. Please refer to 28 Pa. Code § 1141.42 .
139	For dispensary applicants, is the Department [] requesting in Attachment J a sample label for each medical marijuana product a dispensary expects to dispense or just one sample label?	A dispensary permit applicant does not need to complete Attachment J.
140	The Diversity Plan narrative section asks the applicant to provide an official affirmative action plan for the Medical Marijuana Organization.	In the grower/processor permit application and the dispensary permit application, please refer to Section 3, and the numbered list titled "Diversity Plan."



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	Could you please provide some guidelines and standards for the affirmative action plan?	
141	Which aspects of the diversity plan are most important? Is diversity found within the ownership and employees the intention, or something else?	In the grower/processor permit application and the dispensary permit application, please refer to Section 3, and the numbered list titled "Diversity Plan."
142	Diversity Plan: This section asks for a specific number of employees that will fall under numerous protected classes. Instead of giving specific numbers, can we say a percentage of the entire company that will be diverse?	In the grower/processor permit application and the dispensary permit application, please refer to Section 3, and the numbered list titled "Diversity Plan."
143	For the Diversity Plan (Part B, Section 3 (dispensary)), will scores be allocated to each of the required elements, or would an applicant be able to earn enough points from strong responses to some elements to make up for other weaker elements?	Please refer to the scoring rubric in the Instructions document. The Department may award up to 100 points for a Diversity Plan.
144	In the diversity plan section, you ask for a workforce utilization report including the following information for each job category within the Medical Marijuana Organization. What is meant by job category?	A job category may be described as a group of employees that perform a similar role or task.
145	We will not be planning on hiring any employees it will be small scale extension of the family farm. Is it still a requirement to have a diversity plan, employee training plan etc[.]? Or can we just state that we will not be hiring any employees	All applicants must complete all sections of the permit application.
146	Could you please verify the number of checks required? If a dispensary applicant includes three locations in the application, would this require four checks? (One non-refundable application fee and three separate permit fees.)	A separate certified check or money order is required for the initial application fee, and a separate certified check or money order is required for the initial permit fee for each dispensary location. For an application listing three dispensary locations, four



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		checks are required. Please see the Fees section of the Instructions document.
147	In Section 4 of the Dispensary Permit Application, the first two requests for "Title in the applicant's business" under subsection A cannot be populated by the applicant due to a technical issue with the document. Will DOH release an updated application that will allow for this information to be included or should the applicant simply skip the first two requests and begin with the third?	An updated permit application that resolves this issue has been posted on the Department's website. As an alternative, an applicant may still use the original permit application and hand-write the answer in the fields with the missing text entry boxes.
148	We are considering one location that is located near a transitional living facility for men ages 17-20. Would this specific facility be considered a school?	The Act states that a dispensary may not be located within 1,000 feet of the property line of a public, private or parochial school or a day-care center. The Department suggests the applicant may consider consulting their local municipality for additional guidance.
149	Following such list of regulatory requirements are two larger boxes for narrative responses. The first such box asks the applicant to "Please provide an explanation of any responses above that were answered as a "NO" and how you will meet these requirements by the time the department determines you to be operational under the Act and these regulations." Is this first box only asking for an explanation of NO answers, or is it asking EVERY applicant, even an applicant that answered YES to every box, to explain how such applicant will meet the above listed regulatory requirements by the time the Department deems such applicant to be Operational?	An explanation must be provided only for those questions where the answer is "No."



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150	<p>Given the fact that no medical marijuana companies are licensed to be operational at this time under the PA Medical Marijuana Program, we are assuming that answers to all questions about whether a company meets or will meet regulatory requirements are questions about whether the company will meet those requirements from day 1 the company is operational, not whether the company meets those requirements now before such company has even been granted a permit. All of our plans for operations and build out (including our Operational Timetable) will enable us to meet all regulatory requirements prior to Day 1 of Operations. As a result, we do not think we would have any No answers. Are we reading the regulations correctly?</p>	<p>Please refer to 28 Pa. Code § 1141.42 and the permit application Instructions: If the applicant does not meet the requirements at the time of submission, it must state that on the application, and explain how those requirements will be met by the time the medical marijuana organization is determined to be operational by the Department.</p>
151	<p>Section 4B. List "any employees that have been hired to date." Does this mean only paid employees? As a start-up, we do not yet have paid employees. We have a core group of people who have been working together in the service of our vision. Everyone will become paid employees, and some will also be given equity, contingent upon final award of a license. How would you like us to categorize these people in our application?</p>	<p>Please refer to the definition of "employee" in 28 Pa. Code § 1141.21.</p>



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152	Are Operators outside Consultants or Contractors who have been granted contracts to carry out such responsibilities for the Company? And/or do Operators include Principal or non-Principal managers who are employed by the Company?	Please refer to the definitions of "operator" and "principal" in 28 Pa. Code § 1141.21 .
153	Section 9B - Employee Qualifications? Should we assume this requirement applies to Operators too?	Section 9B applies only to principals and employees.
154	We will include a list of all Principals, Operators and Employees identified by the Company at the time we submit our Permit Applications. We will be hiring additional employees upon the issuance of our license. We have policies that mandate that all Employees, Operators and Principals that affiliate with the company following licensure meet any and all applicable training requirements and regulations. (1141.48) Should we attach these policies as part of our application? Should we assume this requirement applies to Operators as well?	An applicant must provide 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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155	Will the State be offering a course as stated in the regulations? Or providing a list of external courses it finds acceptable to meet its training requirements? When will this course or list be available?	The Department is in the process of developing the training component.
156	Attachment A to both applications allows the applicant to list other documents we will be attaching with our application. Are there limits on the types of documents that can be attached? We assume research partnership agreements, community group partnership agreements, and internal Operating Plans such as Quality Control and Testing plans will all be allowed. Please clarify	Please refer to 28 Pa. Code § 1141.29(b) . 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.
157	Section 1161.27 states that “A dispensary may sell, offer for sale or provide at its facility, with the prior written approval of the Department, instruments, devices and services related to the use of medical marijuana.” Will the Department commit to allowing a licensed dispensary to sell nutraceuticals from a reputable national company that are relevant to the Disease states covered under the program?	The Department does not have sufficient details to offer a response. Please review 28 Pa. Code § 1161.27 (b) regarding items and services provided at a dispensary.



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158	<p>“Section 21 – Quality Control and Testing for Potential Contamination” is missing a response section and its worth 50 points so it probably should have one? 5000 words?</p>	<p>For Section 21, please only answer by using the yes/no check box.</p>
159	<p>How should we read questions like this: “PLEASE PROVIDE AN EXPLANATION OF ANY RESPONSES ABOVE THAT WERE ANSWERED AS A “NO” AND HOW YOU WILL MEET THESE REQUIREMENTS BY THE TIME THE DEPARTMENT DETERMINES YOU TO BE OPERATIONAL UNDER THE ACT AND REGULATIONS:” Do we only respond to these sections if we responded “no” in the checklist earlier? Or, even if we only checked “yes”, do we still explain how we will meet these requirements?</p>	<p>A response of "yes" does not require additional explanation.</p>
160	<p>Are the applications reviewed blind, or may we include the name of our company in the narrative</p>	<p>The Department is not able to provide a response at this time.</p>
161	<p>In responding to the narrative portions of the grower/process or dispensary application, is an applicant limited to using the box provided on the Word format application, or can an applicant state, for example, See attached Security and Surveillance plan and provide a response under 5,000 words in a different format?</p>	<p>Please refer to 28 Pa. Code § 1141.29. An applicant must provide 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.</p>



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162	Section 13 (Packaging and Labeling of Medical Marijuana)..... Sections A and B each have a checklist and question box which says: "Please provide an explanation of any responses above that were answered as a "no" and how you will meet these requirements by the time the department determines you to be operational under the act and regulations:" So, if we check "yes" for all items on the checklists then we don't use the response boxes? Or do we still use the boxes to explain our plans?	A response of "yes" does not require additional explanation.
163	For a dispensary, besides having the building identified and in the applicants name, does the board also expect all permits granted, bank accounts for the business created, and to also have an EIN complete before knowing if the medical marijuana permit is granted?	Please refer to 28 Pa. Code § 1141.42 and 35 P.S. § 10231.603 (a.1) . If the applicant does not meet the requirements at the time of submission, it must state that on the permit application, and explain how those requirements will be met by the time the medical marijuana organization is determined to be operational by the Department.
164	Can a dispensary be within 1,000 feet of a church?	Please refer to 35 P.S. § 10231.2107 and 28 Pa. Code § 1141.49 regarding zoning requirements. Please also refer to 35 P.S. § 10231.802 .
165	Will DOH date the responses to the questions presented regarding the application such that applicants reviewing the responses will know when a new question/answer has been published? Will DOH organize published questions/responses by subject matter?	In our responses on the Department's web site, questions will generally be grouped with those in a similar category. The response document will be dated. Applicants that have asked questions will generally be notified by e-mail when their question is answered.



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166	Sometimes the application refers to the applicant. Is that an individual or a business entity?	Please refer to the definition of “applicant” in 28 Pa. Code § 1141.21 .
167	On Attachment H, is this just for the business entity, or for each individual?	On Attachment H, the applicant, its principals and other persons affiliated with the applicant each must provide tax clearance certificates.
168	The entity is organized in New Jersey but is registered with the State of Pennsylvania. Is that acceptable?	Please refer to Attachment B. If the applicant is not organized in Pennsylvania, attach certified copies of documentation that shows that the applicant is authorized to do business in Pennsylvania.
169	Must an applicant provide the overall enterprise structure now (i.e., the full corporate structure of subsidiaries and parent companies involved in the enterprise), or can we complete that after submitting applications?	All information required in the permit application must be provided with your submittal.
170	Does an applicant need to provide any management contracts that are in place between enterprise entities? Or can these agreements be finalized after submission of the application?	All information required in the permit application must be provided with your submittal.
171	What is the criteria for measuring the 1000 foot distance away from a school or day care? Is it driving distance or as the crow flies? Building center to building center, property line to property line? Something else?	Please refer to 35 P.S. § 10231. 802 (a)(3) .
172	Does the Department intend to issue dispensary permits at the same time as Grower/Processor permits? This question relates to the 6-month deadline for operation of both permitted operations.	Please refer to 28 Pa. Code § 1141.42 and 35 P.S. § 10231.603 (a.1) . If the applicant does not meet the requirements at the time of submission, it must state that on the permit application, and explain how those



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		requirements will be met by the time the Department determines the medical marijuana organization to be operational.
173	Will submitting more documents than asked for (such as Business Plans, etc.) disqualify the application?	An applicant must provide 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.
174	The application says I need a business license, Do I get that before I'm approved to distribute?	Please refer to 28 Pa. Code § 1141.29 (b)(3)(iii) , regarding evidence satisfactory to the Department that the applicant has the authority to use the proposed site and facility.
175	Should ... apply in hopes of a dispensary permit becoming available in Franklin County? Or would ... lose their permit application fee even if Franklin County has no open spots for a dispensary	Please refer to 28 Pa. Code § 1161.40. A dispensary submitting an application for additional dispensary locations shall include with the application the following fees: (1) An application fee of \$5,000, which is nonrefundable; and (2) A permit fee of \$30,000 for each dispensary location being proposed. The permit fee shall be submitted with the application for additional dispensary locations and will be returned if the application is not granted.



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176	For the Community Impact Plan (Part F, Section 23 (dispensary)), are applicants with multiple locations still limited to 5000 words to cover all of their locations?	The 5,000 word limit still applies.
177	If we are applying for one permit, can that permit be located in any region? In other words, can we say our primary goal is region 1, but would accept regions 2-4 if the state would prefer us to have business operations in another region	Each application must specify a single medical marijuana region on the first page of the permit application form. An applicant may submit multiple permit applications, with the appropriate fees for each permit application. Please also see Attachment L, Applicant Priorities for Multiple Applications.
178	Are Operators able to run independent ERP systems and connect to the primary system operated by Pennsylvania via a secure API? Or will a specific ERP system be mandated for use by Operators?	The Department is in the process of selecting a seed-to-sale vendor and will provide guidance at a later date.
179	What is the anticipated timeframe to schedule and complete inspections by the PA DOH for permitting/operational capability assessment?	Please refer to 28 Pa. Code § 1141.42 . The timeframe cannot be more than 6 months from the date of issuance of a permit.
180	Will there be an opportunity for a conditional grant by the PA DOH to commence the grow cycle prior to full 'operational approval'?	Please refer to 28 Pa. Code § 1151.21(b)(1) . A grower/processor may not engage in the business of growing, processing, possessing, selling or offering to sell medical marijuana to another medical marijuana



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		organization or to a clinical registrant within this Commonwealth without first being issued a permit by the Department and without first being determined operational by the Department as required under 28 Pa. Code § 1141.42 (relating to failure to be operational).
181	What is the process and timeline by which Clinical Registrant applicants will be required to file their applications?	A process and timeline has not yet been announced.
182	Will Clinical Registrant applicants be required to complete an application that is separate from the Grower/Processor and Dispensary applications? If so, what will be the application format and when will it be released to applicants?	A process and timeline has not yet been announced.
183	A continued question we have yet to get clarity on is the ability to have greenhouses or not?	Please refer to 35 P.S. § 10231.702 (b) .
184	Recognizing security would need to be customized (fences, guards – etc.) , are greenhouses allowed / considered to be indoor growing ?	Please refer to 35 P.S. § 10231.702 (b) .
185	Does an "indoor, enclosed" facility mean that an applicant for a grower / processor permit must have a warehouse facility, or does this	Please refer to 35 P.S. § 10231.702 (b) .



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	definition allow a greenhouse if that greenhouse is a sophisticated and secure building?	
186	Are Greenhouses allowed?	Please refer to 35 P.S. § 10231.702 (b) .
187	Does an enclosed greenhouse structure qualify as an 'enclosed facility' per the rules and regulations of the program?	Please refer to 35 P.S. § 10231.702 (b) .
188	ATTACHMENT E to both applications, Personal Identification, only accepts PA ID or a US passport. What other forms of identification, if any, are permitted for personnel who do not have PA identification as they will be relocating upon licensure, and who do not currently have valid US passports? Other than the two main pages in a passport, do you need to see any/all additional pages? Do you need to see the cover of the passport? Do you need to see the back of Drivers' Licenses, or is the front sufficient?	Documents that are satisfactory to the Department to verify identity are: <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 The Department also will accept a valid out-of-state driver's license as a form to verify identity.



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189	In Attachment E of each application, will the DOH accept out of state drivers' licenses in lieu of passports?	<p>Documents that are satisfactory to the Department to verify identity 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 identity.</p>
190	Attachment E requires a Pennsylvania form of ID. Will any other state ID be acceptable?	<p>Documents that are satisfactory to the Department to verify identity 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 identity.</p>



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191	For Section 9 - Employee Qualifications, Description of Duties and Training of the Medical Marijuana Permit Application, does the Commonwealth want individuals named in the positions or just the title of the position?	If the person is a current employee, the person should be named in the permit application.
192	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, the person should be named in the permit application.
193	May we include other media in the applications, such as video?	Other media, such as video, contained in the permit application will not be considered.
194	If a chart is used in our narrative answers, how does that count against the word count?	Electronic imagery may be included as long as it is responsive to the permit 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.



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195	Would it be acceptable to include pictures and diagrams in some of the narratives? If so, then how will those count against the allotted word count?	Electronic imagery may be included as long as it is responsive to the permit 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.
196	Section 13 of the Grower/Processor Application, titled Packaging and Labeling of Medical Marijuana, provides space for a narrative “describing the process for creating and monitoring the labeling used for medical marijuana products.” Should this narrative address both packaging and labeling, or only labeling?	In Section 13, subsection C, please provide information about labeling. Information about packaging is not required.
197	ATTACHMENT J to the Dispensary Application: Sample Medical Marijuana Product Label. The application instructions ask each applicant to “produce one medical marijuana product label for each medical marijuana product we expect to produce.” Dispensaries will not be producing products. Under the regulations, it appears that the Dispensary will inspect the label (1161.28), prepare a receipt of transaction (1161.23), and prepare a safety insert (1161.28).	A dispensary applicant is not required to complete Attachment J.
198	It is unclear what should thus be included in the Dispensary Application Attachment J. Please clarify what is required for Dispensaries in Attachment J. For example, should we include: A “re-label” made by the dispensary for each product we expect to sell? A sample safety insert? A sample receipt of transaction? A sample label to show what we will inspect for and find acceptable? If so, should there be one such label for each product we expect to sell?	A dispensary applicant is not required to complete Attachment J.



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199	Section 13, Question C has no checklist. It only has a response section that says: "Please describe your process for creating and monitoring the labeling used for medical marijuana products" So this is technically just a response to question C and it is only asking about labeling and not packaging? But then we have nowhere to explain our packaging plan unless we use the other sections.	In Section 13, subsection C, please provide information about labeling. Information about packaging is not required.
200	In Attachment J) does the term "produce" relate to the "label" or to "each medical marijuana product?" In other words, a dispensary will not produce any medical marijuana products- must a dispensary applicant submit sample labels which are required to be affixed to medical marijuana products upon the culmination of any dispensary transaction with a patient or caregiver?	A dispensary applicant is not required to complete Attachment J.
201	The Scoring Rubric in the Application Instructions indicates there is not point value assigned to Attachment J's request for sample labels. What is the purposes of this requirement, particularly given the contents of all required labels are thoroughly regulated by DOH and leave little to no room for variation among applicants?	A dispensary applicant is not required to complete Attachment J.
202	How can we show labeling since we must purchase from PA processors and they have not presented same?	A dispensary applicant is not required to complete Attachment J.
203	For Attachment J, the sample medical marijuana product label, are dispensary applicants required to submit a label if they are not	A dispensary applicant is not required to complete Attachment J.



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	expecting to produce medical marijuana products? Are approved dispensaries allowed to produce medical marijuana products?	
204	Please clarify the requirement for Attachment J of the Dispensary application stating a request to: " <i>Provide a sample label for each medical marijuana product you expect to produce</i> ". Given that Dispensaries will not producing any medical marijuana product but rather resell products developed and distributed by licensed operators - our assumption is that any labels to be created by Dispensaries will be in conformance with the regulations specified in 1161.28. Please confirm.	A dispensary applicant is not required to complete Attachment J.
205	How will the Department weigh an applicant's commitment to being a "high road" employer that will provide good jobs, with living wages, benefits, and safe working conditions? Will the Department consider proof of a signed Labor Peace Agreement (LPA) between the applicant and a labor union that has a history of representing employees in the medical cannabis industry as a strong commitment to: diversity, community impact, employee training, and diversion prevention? Will the Department accept a signed LPA as an attachment to applications for grower/processor and dispensary licenses? How would inclusion of a signed LPA impact an applicant's score? How many points will a signed Labor Peace Agreement be worth? How much consideration will be given to applicants who have agreements with labor organizations in other states?	<p>It is vitally important to the Department of Health that medical marijuana organizations have a positive impact on the communities in which they intend to operate. Evidence of the applicant's intention to positively impact the community should be included in Section 28 of the Grower/Processor permit application and/or Section 23 of the Dispensary permit application, under "Community Impact," and may include, but is not limited to, proof of a signed Labor Peace Agreement (LPA).</p> <p>Supporting documentation, such as a LPA, may be included as part of the applicant's electronic media submittal, as long as the applicant submits the supporting documentation as stated in the permit application Instructions.</p>



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		As outlined in the permit application Instructions and the Scoring Rubric, the Department may award up to 100 points for Community Impact.
206	Are there any employment/labor issues with residents from other states working in PA facility?	The Department is not able to provide a response to this question.
207	Certain sections of the application state that letters of support will not be considered. Should we still include letter of support for holistic evaluation, or do these statements mean that no letters of support should be included for any part of the application review process?	Letters of support will not be considered.
208	Must an applicant have an identified location to apply for a dispensary license, or can an applicant commit to finding a location upon award and be operational within 6 months of being licensed?	Please see Part A of the dispensary application: The applicant is required to provide background and contact information for the business or individual applying for the dispensary permit, the primary dispensary location, along with any second or third dispensary locations that are being sought under the application.



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209	If I am planning to file an application for a primary permit location in Allegheny County and an application for a primary permit for Westmoreland County, do the two applications have to be filed separately? Put another way: The application form allows for three locations to be specified in the application. Can all three (or in my case: two) locations listed be for consideration for a primary permit (not one as the primary and the other two listed as satellite locations)?	A separate permit application must be submitted for each primary dispensary location sought by the applicant.
210	If an applicant who is applying for a primary dispensary location in a region also includes two additional locations in its application, should the applicant include one \$90,000 check or three \$30,000 checks to cover the permit fees for the three locations?	Please submit a separate certified check or money order for \$30,000 for each dispensary location.
211	We intend to apply for three primary dispensary locations in one region, knowing we can only be granted one permit. Each of the three applications will also include two ancillary locations in two different counties in the region (each of which is the primary location in another of our applications.) Does each such application require checks for \$95,000 (\$285,000 total, with \$180,000 being returned for permits that are denied)?	Each dispensary permit application must include an initial application fee of \$5,000 payable by a certified check or money order. For each dispensary location named in the permit application, a separate dispensary permit fee of \$30,000, payable by certified check or money order, must be submitted for each dispensary location.



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212	Each Company can apply for up to 3 dispensary permits, and 1 application permit?	The Department does not have sufficient details to offer a response.
213	Is it necessary for dispensaries to list 3 locations on their application? If we apply for Montgomery County will our application score less if we only submit with one location?	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. 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.
214	Can I apply for a secondary dispensary in Philadelphia when my primary location is in Philadelphia? Can I apply for a dispensary in Region 3, when my primary application is in Region 1 (Philadelphia)?	Please refer to 47 Pa. B. 73. The second and third dispensary locations are not permitted to be located in the same county as the primary dispensary location listed in the dispensary permit.



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215	<p>Due to the allocation of phase 1 permits there are 5 available in my region which is region 5.... So to apply for a permit I have to apply in one of the counties with a number after it, is this correct? Also if I plan to open a single location to start, do I still have the ability if I get that permit to add 2 other locations in my region at a later date?</p>	<p>Please see the Dispensary permit, 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. 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. Please note the italicized counties for the region in which you plan to apply. In Region 5, these are Allegheny, Butler, Washington and Westmoreland counties.</p>
216	<p>Must a Grower/Processor applicant submit two (or more) separate refundable registration fee checks with its application materials to DOH if it applies in two (or more) distinct Medical Marijuana Regions? M+D5ay a Grower/Processor applicant submitting applications in multiple Regions (i) submit a <i>single</i> refundable registration fee check for \$200,000 to cover the required registration fee for <i>all</i> Grower/Processor applications it submits or (ii) must it submit a separate \$200,000 refundable check for each Grower/Processor application it submits?</p>	<p>For each permit application submitted for a grower/processor permit, a separate initial application fee of \$10,000 and a separate initial permit fee of \$200,000 must be included with each permit application. However, the applicant may use the same asset base for multiple permit applications to meet the capital requirements. Please refer to 35 P.S. § 10231.607.</p>



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217	Can 1 legal entity apply for both permits i.e., grower / processor and dispenser?	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.
218	If the applicant lists a primary location address on the application which is submitted then after finds a better suited location can the applicant change the primary address without the application or approval being deemed deficient.	A dispensary application must specify a primary dispensary location. A different location requires the submission of a separate dispensary permit application.
219	If the applicant chooses to get the primary location operational first and then applies for one or two additional locations is the applicant guaranteed the locations provided all the paperwork is in order?	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. Please refer to 28 Pa. Code § 1161.40.
220	Would you confirm that if a primary dispensary is located in a County designated by PA DOH for a permit, its secondary locations (while required to be in the same region) do not need to be in counties designated by the Department to receive a permit? For example, if a primary dispensary is located in Allegheny County (Southwest - Region 5), may the secondary locations be in Armstrong and Beaver Counties?	Please see the Dispensary permit, 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. Please also see the



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		application Instructions document, Medical Marijuana Regions, in Section I, regarding counties in which an applicant is eligible to locate a primary dispensary location.
221	Does marijuana waste have to be thrown away (i.e. in a landfill), or is it okay to use a composting vendor?	Please refer to 28 Pa. Code § 1151.40 regarding the management and disposal of medical marijuana waste.
222	Regarding Ownership, "For a privately held entity, the ownership of any security in the entity." One of our members, their sole member is a C-Corp... there is no way to capture that the way the app is written.	Please use Section 26, C, "Ownership" in the Grower/Processor permit application, or Section 21, C, "Ownership" in the Dispensary permit application for other persons holding an interest.
223	(In Attachment F) Does the DOH want either (i) a list of just medical marijuana and controlled substance related businesses from any jurisdiction in the country, or (ii) a list of any medical marijuana or controlled substance related businesses in any state outside of the Commonwealth PLUS a list of <i>any</i> business of <i>any</i> type which is located in the Commonwealth?	Attachment F seeks the history of the applicant with businesses related to medical marijuana or controlled substances located within Pennsylvania and in other jurisdictions.



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224	If the applicant later issues new securities to existing equity-holders, does that qualify as a "change in control" or "change in ownership" for purposes of triggering the DOH approval-application (e.g., creating an option pool for employees)?	During the permit application evaluation process, current ownership will be evaluated.
225	Can a group wait until the second round to submit or will it need to be submitted during the first?	Not submitting a permit application in Phase One does not preclude an applicant from submitting permit applications in the future.
226	Can you please clarify if physicians, pharmacists, physician assistants, or CRNPs that are required to be on site at dispensaries need to be registered in Pennsylvania? Or is it acceptable for them to fulfill this role as long as they are currently licensed in another state?	Physicians, pharmacists, physician assistants and Certified Registered Nurse Practitioners must be licensed in Pennsylvania. Please refer to the definition for each of these medical professionals in 28 Pa. Code § 1161.21 .
227	Regarding dispensary regulations Ch. 8/Sec. 801(b), which requires a physician or pharmacist to be on site during operating hours -- must this physician or pharmacist be licensed and in good standing in PA, or is license and good standing in another state acceptable?	Physicians, pharmacists, physician assistants and Certified Registered Nurse Practitioners must be licensed in Pennsylvania. Please refer to the definition for each of these medical professionals in 28 Pa. Code § 1161.21 .
228	May the licensed MD who is present as an employee during dispensary opening hours (to consult with patients but not issue certifications/recommendations) concurrently but separately, be licensed as a certifying Practitioner? Restated, does including an MD on our dispensary application preclude that individual from later registering with the Department as a certifying practitioner and issuing certifications within a medical practice that is independent from the medical marijuana organization?	A practitioner may not hold a direct or economic interest in a medical marijuana organization. Please refer to 35 P.S. § 10231.402.



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229	Can you confirm that this Attachment (H) should be completed and signed by each officer, director and owner of the applicant? For owners of the applicant that are entities for which the business is not at a stage where tax clearance certificate is possible, can you confirm that their providing a PA-100 Form would satisfy this requirement?	Each officer, director and owner of the applicant must submit a Tax Clearance Certificate. For the business entity, form PA-100 may be submitted for a business that is not yet at the stage where a Tax Clearance Certificate is possible.
230	We assume there are no general restrictions on formulating products using fractionated cannabinoids from one or more process batches of extract, but we wanted to clarify this.	Please refer to 28 Pa. Code § 1151.28 (c) . A grower/processor may not manufacture, produce, or assemble any medical marijuana product, instrument or device without the prior written approval of the Department.
231	Does the category “pills” (1151.28) include dissolving tablets (lozenges)?	Please refer to 28 Pa. Code § 1151.28 (c) . A grower/processor may not manufacture, produce, or assemble any medical marijuana product, instrument or device without the prior written approval of the Department.
232	What is the definition of an edible? I understand that tinctures are allowed but edibles are not. I assume that capsules and lozenges are also allowed, but want to understand where the line is between edibles and other medicines.	Please refer to 28 Pa. Code § 1151.28 (c) . A grower/processor may not manufacture, produce, or assemble any medical marijuana product, instrument or device without the prior written approval of the Department.
233	Will production of hash products be acceptable for vaporization or are they considered ‘plant material’ or plant form?	Please refer to 28 Pa. Code § 1151.28 (c) . A grower/processor may not manufacture, produce, or assemble any medical marijuana product, instrument



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		or device without the prior written approval of the Department.
234	What types of products are defined as being in a 'Liquid' format?	Please refer to 28 Pa. Code § 1151.28 (c) . A grower/processor may not manufacture, produce, or assemble any medical marijuana product, instrument or device without the prior written approval of the Department.
235	Regarding redactions, can I mention company names? My plan is to write the application using third-person pronouns and titles, I just want to make sure that this is fully compliant.	Please refer to 35 P.S. § 10231.302 and 28 Pa. Code § 1141.22.
236	Do the names of contractors, (either personal names or business names) need to be redacted?	Please refer to 35 P.S. § 10231.302 and 28 Pa. Code § 1141.22.
237	Should personal information on the attachments be redacted?	Please refer to 35 P.S. § 10231.302 and 28 Pa. Code § 1141.22.
238	This question is regarding the redacted version of the application. We would like to remove personal identifying information on our Financial Backers from the redacted version of the application that will be available for FOIA purposes. Will this be acceptable?	Please refer to 35 P.S. § 10231.302 and 28 Pa. Code § 1141.22.
239	Will the scoring be released before the second round of applications?	Please refer to 28 Pa. Code § 1141.35 (b) . An applicant may request a debriefing from the Department within 30 days from the date of notice of denial. The debriefing will be limited to a discussion of the applicant's permit application.



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240	I was wondering who will be assigned to review the permit applications, and what their qualifications will be in order to make determinations about an applicant's qualifications. Will there be any input from outside consultants when it comes to the specifics of medical marijuana production?	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.
241	In general, security systems are monitored remotely by large security monitoring services... Yet this monitor, according to this section, needs to be an individual employee working inside the facility. Is this individual acting as the security monitor, meaning they are tasked with sitting before a bank of monitors observing cameras, or does this simply mean that he is responsible for the proper functioning of the equipment? Does continuously mean at all times, or only at all times during operations?	Please refer to 28 Pa. Code §§ 1151.26 and 1161.31 .
242	Will additional points be awarded if we provide something more extensive than a site plan, such as a floor plan?	According to the scoring rubric, up to 50 points may be awarded for Attachment D, site plan.
243	(Are there) minimum standards for garage height on dispensaries for consistency sake?	The Act and temporary regulations do not address garage height for dispensaries.
244	Can application submission be done in person?	Please see the Instructions document regarding Submitting your Application. Permit applications must be submitted by U.S. Mail, and must contain a



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		completed U.S. Postal Service Form 3817 indicating the date the Application Package was mailed.
245	The application instructions (page 6) list the required naming format. Can files be saved in folders to help add clarity, or should they all be in a single folder?	The Department has no preference.
246	Regarding the affidavit of business history, the applicant is creating a new business entity to obtain a grower/processor permit....However, the applicant's employees, owners, and investors have other businesses that they currently own and operate in Pennsylvania, and in other states... Does the applicant need to include tax clearance certificates from those businesses in the application whether or not those businesses are part of the financial backing of the applicant? Does the applicant need to include tax clearance certificates from those businesses if those businesses are used as evidence of a solid balance sheet and financial backing of the applicant?	On Attachment H, the applicant, its principals and other persons affiliated with the applicant each must provide tax clearance certificates.
247	Regarding Attachment H: Tax Clearance Certificates of the Medical Marijuana Organization Permit Application, under Section 12 of the Department of Revenue's Application for Tax Clearance Certificate, you must check what the purpose of the clearance certificate is, i.e. dissolution of corporation or association, etc. There are 6 different options but none pertain to obtaining a medical marijuana dispensary or grower/processor permit. Can you please advise which option our clients should choose in order to be compliant with the Department of Revenue and the Department of Labor and Industry?	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.



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248	For Attachment H, could you provide clarification on how to determine "if the applicant's business is not at a stage where a tax clearance certificate is possible"?	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.
249	For Attachment H, does the form need to be completed solely by the applicant? 1141.27 (c) (2) implies that the principals and other persons affiliated with the applicant also need to provide tax clearance certificates, but this does not seem to be represented in the application. Are there additional tax clearance certificates required? Do applicants need to take action separately from submitting this form in order to secure tax clearance certificates?	On Attachment H, the applicant, its principals and other persons affiliated with the applicant each must provide tax clearance certificates.
250	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.	Please explain what steps the applicant will take to ensure that each principal and employee will meet the two-hour training requirement.



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251	If I get a permit and run the business, if at a later date I decide to remove myself can I sell the permit?	Please refer to 35 P.S. § 10231.603 (b) . A permit is non-transferable.
252	If there is a transfer, issuance or change of ANY security in the applicant company, the applicant must submit a subsequent application for approval to the DOH. First, is this reading accurate, or does the DOH have an alternative viewpoint? Second, does this requirement extend to the issuance of securities to existing equity-holders after a permit has been granted?	Please refer to 35 P.S. § 10231.603 (b) . A permit is non-transferable.
253	If an LLC, S-Corp, or Corporation receives a medical marijuana dispensary license, may that license/the dispensaries be sold or transferred to another entity in the future?	Please refer to 35 P.S. § 10231.603 (b) . A permit is non-transferable.
254	Transportation section in Dispensary application, we are under the impression that the dispensary is not allowed to transport product and that the grower / processor is to deliver product to the dispensary.	The grower/processor is responsible for transportation of medical marijuana product to the dispensary.
255	I am a 100 % disabled veteran PTSD. I have considerable experience with cannabis & vets. Knowing which types (indica-sativa-CBD etc.) used to treat different symptoms.I am seeking assistance in getting licensed for a vets dispensary. I was pointed your way.	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 dispensary permit application. Please also see the Diversity section in the permit application.



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256	Please describe evidence of the local zoning requirement? Special Use Permit? Letter from Zoning Department?	Any and all documentation issued by the local municipality or local zoning officer and submitted as part of the application package will be considered.
257	I have a business location, do I have to get zoning approval before I'm approved to distribute marijuana?	Please refer to Attachment D, Site and Facility Plan, regarding zoning requirements.
258	For Attachment D, what evidence is acceptable for verifying that the applicant is or will be in compliance with the municipality's zoning requirements?	Any and all documentation issued by the local municipality or local zoning officer and submitted as part of the application package will be considered.
259	What are the expectations regarding local zoning approvals prior to application submission? Will approvals be required prior to submission of the application or will they be permitted to be completed post-application?	Any and all documentation issued by the local municipality or local zoning officer and submitted as part of the application package will be considered.
260	On Attachment K, we need to know who has to complete this.	Attachment K should be signed by whomever is authorized to sign for and legally bind the applicant.
261	(The applicant noted) a discrepancy between the G/P and the Dispensary applications in the community impact section. Under section 28 of the GP application, it says that "letters of recommendation or support" will not be considered when evaluating that section. However in the same section in the Dispensary application, section 23, it says that "indication of support from public officials" will not be considered when evaluating that section. Was it intentional that the language be different?... At the very least, you should define the universe – are you talking just about elected officials? What about people in appointed positions?	Letters of recommendation or support will not be considered.



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262	Growers have 6 months to become operational after the permit is issued. Does that mean ready to start planting the marijuana crop? Or ready to harvest / process the marijuana crop? What if construction takes longer than 6 months due to unforeseen delays?	Please refer to 28 Pa. Code §§ 1141.42 and 1151.24 .
263	Will a dispensary applicant's score be negatively impacted if its operational plan includes that its primary location will be operational within 6 months but that its other locations will open at a later time?	All dispensary locations listed in the permit application and approved by the Department must be operational within six months of the issuance of a permit, according to 28 Pa. Code § 1141.42 .
264	Attachment B calls for the attachment of "certified copies of the applicant's certificate of incorporation, partnership agreement, charter or other such documentation." Please confirm that the Department is seeking only the applicant's organizational document as filed with the PA Department of State (a Certificate of Organization for an LLC) and not the applicant's Operating Agreement. I am a little confused since "partnership agreement" was listed.	Any documentation evidencing that you are authorized to do business in Pennsylvania is sufficient for Section B.
265	Does the request for providing organizational documents under Attachment B of the application require that an applicant deliver the Operating Agreement of the applicant (if an LLC), or the application only requiring submission of the certified Certificate of Organization?	Any documentation evidencing that you are authorized to do business in Pennsylvania is sufficient for Section B.
266	Our member will rent space from "ABC", LLC, so "ABC" is a 'person holding an interest' & there is no way to capture that on the app. Also, if there is any mortgage/lien on "ABC", is that then a 'person holding an interest'?	Please use Section 21 in the dispensary permit application or Section 26 in the grower/processor permit application, subsection C, "Other Persons Holding an Interest in the Proposed Site or Facility." A mortgage holder or lien holder should be listed in this section.



Pennsylvania Medical Marijuana Grower/Processor and Dispensary Permit Applications

Questions and Answers

Updated 2/10/2017

267	What if there is outstanding grant/loan repayment from economic development incentives on "ABC"? Does then the Commonwealth become a 'person holding an interest'?	Any entity or person holding an interest in the site or facility, such as you described, should be listed in Section 21 in the dispensary permit application or Section 26 in the grower/processor permit application, subsection C, "Other Persons Holding an Interest in the Proposed Site or Facility."
268	In Section 21 subsection C of the Dispensary Permit Application and in Section 26 subsection C of the Grower/Processor Permit Application (related to other persons holding an interest in the proposed site or facility), who should an applicant identify if an entity owns an interest in the proposed site or facility? Must a representative of the entity property owner be identified or must all persons holding a direct or indirect interest in said entity property owner be identified?	Any person or entity holding an interest in the proposed site or facility should be listed.
269	Question regarding section 21C - Ownership on page 27 of the medical marijuana dispensary permit application; should the landlord of a leased property be included in this section?the landlord would not have a title in the applicant's business or otherwise have any financial stake in the business itself to include in those sections of the form. They merely (have) a lease agreement with the applicant.	Any entity or person holding an interest in the proposed site or facility, such as you described, should be listed in Section 21 in the dispensary permit application or Section 26 in the grower/processor permit application, subsection C, "Other Persons Holding an Interest in the Proposed Site or Facility."
270	Will the first round of applications need to be resubmitted prior to the second round?	The Department has not determined a schedule of subsequent phases.