



# MEDICAL MARIJUANA



**PLANNER'S PORTFOLIO**

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# PLANNER'S PORTFOLIO MEDICAL MARIJUANA

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## **Planner's Portfolio Series**

The Planner's Portfolio Series is an outreach effort developed by Delaware County Council in order to explore the planning concepts available for communities to take advantage of the unique opportunities across Delaware County.

The pattern on the cover page, and found throughout this series, represents the importance of each individual component in the larger network. The Planner's Portfolio Series explores several of these components and how they can support community character in Delaware County.

For more information, contact the Delaware County Planning Department at 610-891-5200 or visit [www.co.delaware.pa.us/planning](http://www.co.delaware.pa.us/planning) to see the complete Planner's Portfolio series.

# OVERVIEW

The Pennsylvania “Medical Marijuana Act” (PA Act 16, 2016) was passed by Pennsylvania State Legislature in April 2016 in order to legalize the growth, processing, storage, transport, and dispensing of medical marijuana to those issued a permit for its use. The state was divided into six medical marijuana regions; each of these sections received two medical marijuana growing/processing permits and multiple permits for dispensaries, which will distribute medical marijuana and medical marijuana products. The number of dispensary permits allocated to each section is based on the regional population, number of patients suffering from qualifying medical conditions, and access to public transportation.

Initially, the sale of marijuana products will be limited to pills, oils, gels, creams, ointments, tinctures, liquids, and non-whole plant forms of marijuana (which excludes the leaf form of the plant). Edibles will not be permitted for sale in dispensaries, but medical facilities such as hospitals and nursing homes will be able to mix the drug into food or drink. Medical marijuana will only be available to those suffering from specified serious medical conditions or a terminal illness.

This portfolio provides an overview of the guidelines put in place to regulate medical marijuana growers and dispensaries.

## FORMS OF MEDICAL MARIJUANA

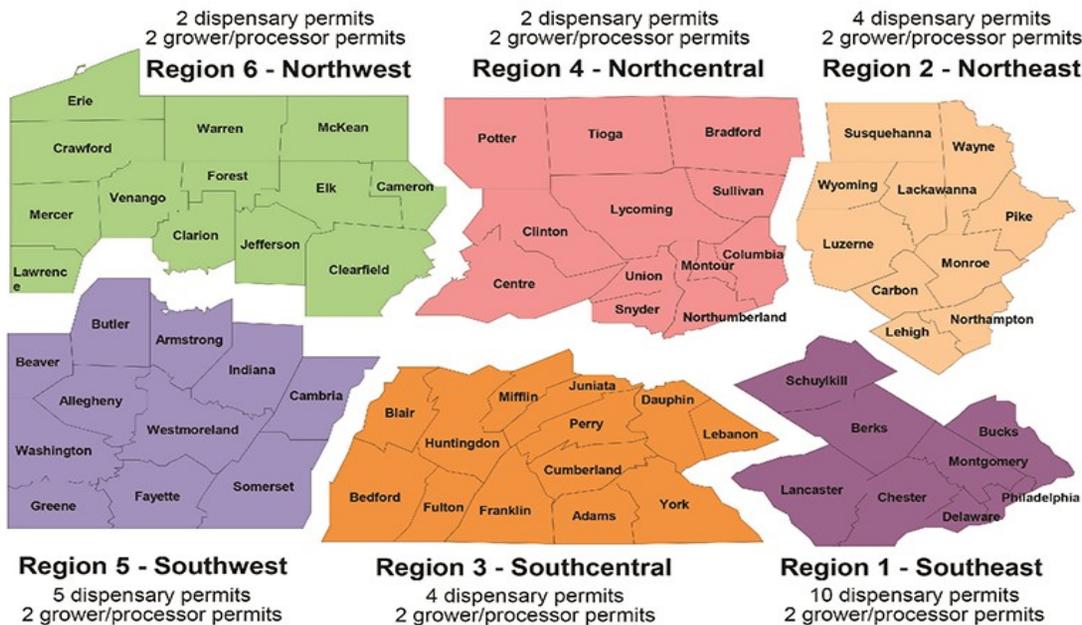
### PERMITTED

- Pills
- Oils
- Gels
- Creams
- Ointments
- Tinctures
- Liquids

### PROHIBITED

- Leaf form
- Edibles

## Pennsylvania Department of Health Medical Marijuana Regions



# PERMIT APPLICATIONS

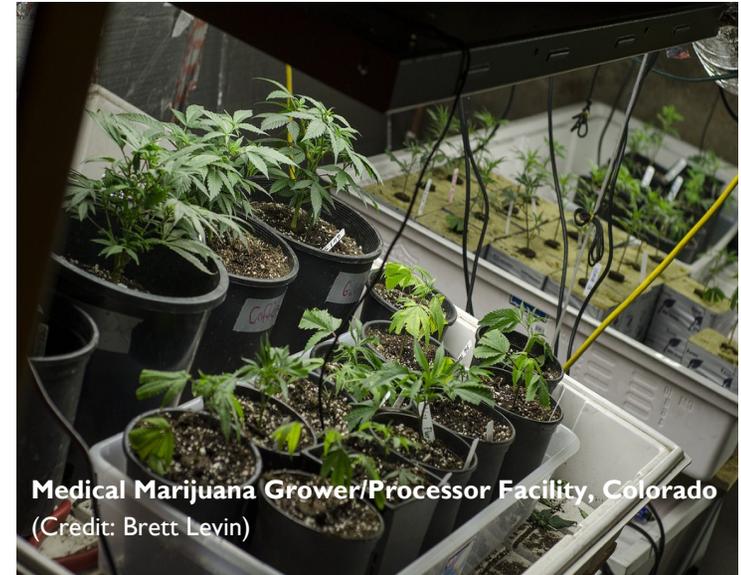
In order to receive a permit for a medical marijuana growing/processing facility or dispensary, an application must provide verification of all principals, operators, financial backers, and employees. The applicant must also submit a description of its business organization and activities, undergo a federal and state background check, submit a statement indicating the applicant is of good moral character, and provide a diversity plan. An applicant then must verify that it possesses the ability to obtain the right to use sufficient land, buildings, and other premises and equipment needed to properly run the facility, as well as prove it has an ability to maintain effective security and control to prevent diversion, abuse, or other illegal conduct.

## GROWER/PROCESSOR PERMITS

A growing/processing facility is where the medical marijuana is grown and stored before being delivered to a dispensary. Here, marijuana is grown and processed into the accepted forms in which patients will be able to use the products. In order to submit an application to the Department of Health for a grower/processor permit, an applicant must complete a two-hour training course and submit an application with a non-refundable fee of \$10,000, a fee of \$200,000 that will be refunded if it is not awarded a permit, and proof of \$2,000,000 in capital (\$500,000 of which must be on deposit in a financial institution). The Department of Health will award a maximum of 25 permits to applicants to grow/process medical marijuana at first. No individual will receive more than one of these permits, and only five applicants that receive permits to grow/process medical marijuana will receive a permit to also open a dispensary.

## GROWER/PROCESSOR REQUIREMENTS

A grower/processor may only grow, harvest, or process medical marijuana in an indoor, enclosed secure facility. Grower/processor facilities are not open to the general public. All vendors visiting the premises must sign a log, show a valid government issued identification that provides a photo and verifies that the visitor is at least 18 years of age, and wear a visible identification badge at all times. There must be visible signage in conspicuous locations around the premises which designates areas such as growing and processing areas, non-growing and non-processing areas, limited access areas, business offices and reception rooms, and a sign at each entrance that states: “These premises are under constant surveillance. No one under the age of 18 is permitted to enter.” Creek Trail, Middletown Township



Medical Marijuana Grower/Processor Facility, Colorado  
(Credit: Brett Levin)



Medical Marijuana Grower/Processor Facility, Colorado  
(Credit: Graphicstock)

## DISPENSARY PERMITS

A dispensary is a location at which patients will be able to fill their prescriptions for medical marijuana. These stores will hold medical marijuana in the acceptable forms along with other devices needed to administer the drug. The Department of Health will initially issue no more than 50 permits for medical marijuana dispensaries. Each dispensary will be allowed to have no more than three separate locations that must be located in different counties. No individual will be able to receive more than five permits. To submit an application, an applicant must complete a two-hour training course and pay a non-refundable fee of \$5,000, a fee of \$30,000 that can be refunded if the applicant does not receive a permit, and show proof of at least \$150,000 in capital.

## DISPENSARY REQUIREMENTS

A dispensary must fulfill several requirements in order to operate. Medical marijuana may only be dispensed indoors in an enclosed, secure facility. The dispensary also may not be located within 1000 feet of the property line of a public, private, or parochial school or day care facility unless it is necessary to provide adequate access to patients. No dispensary can be located on the same site as a grower/processor or in the same office space as a medical practitioner or other physician. There must be an enclosed and secure area out of sight for the loading and unloading of medical marijuana into and from a vehicle. A dispensary is only allowed to sell medical marijuana in the acceptable forms of pills, oils, gels, creams, ointments, tinctures, liquids, and non-whole plant forms of marijuana (which excludes the leaf form of the plant), and may sell any necessary devices related to the use of medical marijuana.



# SECURITY

Every dispensary is required to have a physician or pharmacist in the store during all operating hours, and employees must be trained for 90 days. Both grower/processors and dispensaries must have electronic tracking, recordkeeping, and surveillance systems for all aspects of the business. They must also have professionally-monitored security alarm systems that include coverage of exits and entrances, rooms with exterior windows, exterior walls, roof hatches, or skylights, storage rooms including those that hold medical marijuana and safes, and the perimeter of the facility. There must be a silent security alarm generated by entering a code into the arming station that signals that the alarm user is being forced to turn off the alarm, as well as a silent alarm to signal that there is a robbery in progress. There must also be an audible alarm to signal law enforcement in case of a life-threatening or emergency situation. Each facility must also have an electronic device capable of sending a prerecorded message requesting dispatch to law enforcement through a telephone line, radio, or other communication system, and a failure notification system that delivers an audible, text, or visual notification of any failure in the system. In case of a power outage, facility buildings must have an auxiliary power source sufficient to maintain security and surveillance for at least 48 hours, and the doors are to be ensured not to be controlled by an electronic access panel so that the locks are not released. Finally, smoke and fire alarms are required in addition to motion sensors. Reports of growers/processors and dispensaries will be made available on the department of health website.



(Credit: Public domain)



(Credit: Public domain)



(Credit: Public domain)

# WHO RECEIVES MEDICAL MARIJUANA

Only those who are diagnosed with what the state of Pennsylvania considers a “serious medical condition” or “terminal illness” may receive a medical marijuana identification card. Some of those illnesses include:

**Cancer** — Can increase appetite and reduce chemotherapy related nausea

**HIV** — Can lead to weight gain for HIV patients suffering from emaciation and loss of body mass

**Parkinson’s disease** — May lead to an improvement in motor function and reduction in involuntary movements in some Parkinson’s patients

**Glaucoma** — Marijuana compounds may lower pressure inside the eye, relieving glaucoma-related discomfort

**PTSD** — Improvements in sleep patterns and reduction in stress and anxiety and accompanying physical symptoms.

**Multiple sclerosis** — Cannabis extract significantly decreased muscle stiffness and other MS symptoms.

**Epilepsy** — Medicinal marijuana can have a beneficial effect on epilepsy through a reduction in the number and severity of seizures.

**Damage to nervous tissue** — Medical marijuana can delay degenerative spinal conditions and improve functional recovery after certain types of spinal surgery.

**Autism** — The benefits of medical marijuana on Epilepsy may also accrue to autistic children suffering from seizures.

To receive the medical marijuana ID card, patients must be in the care of a registered physician and the physician must have completed training on the regulations, benefits, and hazards of medical marijuana. If a patient is under the age of 18, he must have a caregiver (parent/guardian, someone designated by parent/guardian, or an appropriate individual approved by the department upon showing that no parent or guardian is appropriate or available) obtain the medical marijuana for him. Prior to establishment and ability to dispense medical marijuana, parents of children under 18 may travel to states where medical marijuana is also legal to purchase the medicine and transport it home.

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