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Senate of Pennsylvania

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September 16, 2021

Mr. John J. Collins
Office of Medical Marijuana - PA Department of Health
Room 628, Health and Welfare Building
625 Forster Street
Harrisburg, PA 17120

Dear Director Collins:

It has come to my attention that despite a bipartisan effort this past June to modernize the Medical Marijuana Act, the Office of Medical Marijuana has yet to issue necessary guidance to implement Act 44. Act 44 became effective immediately upon Governor Wolf's signature on June 30, 2021, yet Medical Marijuana Operators ("MMOs") report receiving no implementation guidance. The legislative intent of Act 44 was to modernize the Medical Marijuana Program for all stakeholders. Your office's failure to issue guidance in a timely manner has left MMO's unable to implement the Act and deliver modernizations to patients.

Further troubling are reports of your office's refusal to meet with stakeholders. MMO's, certifying doctors and patient groups all report a lack of engagement by your office not only in issuing guidance related to Act 44 but also as instructed by the Independent Regulatory Review Commission ("IRRC") following the closure of the public comment period of proposed final program regulations. IRRC was very clear in their instructions that regulators engage stakeholders. Legislative staff, from both sides of the aisle, reported that much of the disagreement during Act 44 negotiations could have been avoided through regular, ongoing conversations between regulators, the regulated industry, and other stakeholders.

My understanding is that this lack of stakeholder engagement by your office is not new. There has not been a Patient Focus Group held since November 2, 2020, despite the incredible growth of the program during the last several months. Certifying doctors seeking clarification around Act 44 and other matters have not received answers. MMO's have not been engaged in regular meetings for almost two years. I would encourage you to revise your strategy and speak to those operators on the front lines.

Medical Marijuana Operators have also reported retributive behavior by the Office of Medical Marijuana following the passage of Act 44. Previous approvals rescinded, reinterpretation of the original statute months and years later, significant delays in responsiveness, applications denied without explanation, unequal application of regulations amongst operators, refusal to issue written guidance and Program employees verbally reprimanding MMO employees for advocating for responsiveness from regulators. These are just some of the complaints my office has received since passage of Act 44.

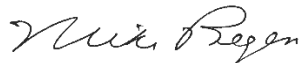
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Office of Medical Marijuana
PA Department of Health
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Finally, patients and operators continue to be left in the dark about when the statutorily mandated patient assistance program will be established and what the criteria will be for determining hardship. The transfer of \$20 million from the Medical Marijuana Program Fund to the General Fund in Fiscal Year 2020-2021 more than repaid the initial \$3 million loan, and Act 44 eliminated 10-year repayment language, so the barriers for implementing the assistance program have been removed.

I formally request that your office, which is solely focused on ensuring a successful medical marijuana program – and not COVID, like the rest of the Department of Health – provide an update regarding **implementation of Act 44**, including the plan to **issue necessary guidance to MMOs** and to **establish the financial hardship program to assist patients**.

Thank you in advance for your timely response to my correspondence. My goal is to ensure Act 44 is fully and quickly implemented to provide medicine to the over 500,000 patients enrolled in the Pennsylvania Medical Marijuana Program.

Sincerely,



Mike Regan
Senator, 31st District

CC: Acting Secretary Alison Beam