

## Dispensary Operational Checklist

### Office of Medical Marijuana Dispensary Operational Checklist August 7, 2017

Dispensary Primary Location	Primary Contact and Address	Municipality

Welcome to the Medical Marijuana Program managed by the Office of Medical Marijuana in the Department of Health. This dispensary implementation checklist is intended to assist the dispensary permittee in becoming operational within the 6-month period required under the temporary regulations. It also contains information on areas that the Office of Medical Marijuana will continue to monitor solely for regulatory compliance as the dispensary dispenses medical marijuana products to patients with serious medical conditions in the commonwealth.

For additional information or questions concerning this checklist or the requirements during the 6-month operational period, please contact:

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**NOTE: This document establishes the general framework within which the Office of Medical Marijuana (Office) will make its determination as to the operational status of a dispensary within the 6-month time period required for the dispensary to be operational. The Office reserves the right to make additions or revisions to this document throughout the 6-month period to be operational. The Office also reserves the right to pursue any and all administrative actions to enforce the Medical Marijuana Act and its temporary regulations. This document does not provide or replace written approval by the Office regarding the dispensary's specific conditions, conduct, and security features. The Office expressly reserves the discretion to deviate from this document to the extent allowed by law, and if circumstances warrant a deviation.**

## Dispensary Operational Checklist

<b>Failure to be Operational.</b>				
Generally: Each dispensary location identified in the initial permit application must be determined to be operational by the Department within 6-months from the date the permit is issued.				
Operational Requirement Regulations: 28 Pa. Code § 1141.42; § 1161.22	Timeline	Dispensary Completed	Department Notified	Department Approval
A dispensary may not engage in the business of possessing, dispensing, selling or offering to dispense or sell medical marijuana to a patient or caregiver in this Commonwealth without first being issued a permit by the Department and without first being determined operational by the Department.				
No more than 6 months from the date of issuance of a permit, a dispensary shall notify the Department, on a form prescribed by the Department, that it is operational.				
After the Department receives the notification, the Department will inspect the dispensary facility to determine if the dispensary is operational to the satisfaction of the Department.				
If the dispensary has not met the operational timetable in the initial permit application to the satisfaction of the Department at the time of the inspection, the Department will notify the dispensary of the deficiencies. Within 30 days of receiving the Department's notice, the dispensary shall submit to the Department for approval a plan of correction that sets forth the dispensary's timeline and a date certain, which may not extend beyond 90 days following the date the Department approves the plan of correction, for correcting the deficiencies.				
If the dispensary does not comply with its plan of correction as approved by the Department within 90 days following the Department's approval, the Department may revoke or suspend the dispensary's permit under § 1141.47 (relating to general penalties and sanctions).				

## Dispensary Operational Checklist

<b>The Dispensary Permit.</b>				
Generally: The qualifications that a dispensary shall meet to receive a permit are continuing qualifications to maintain the permit.				
Operational Requirements Regulations: 28 Pa. Code § 1141.25; § 1141.26; § 1161.22	Timetable	Dispensary Completed	Department Notified	Department Approval
The issuance or renewal of a permit to a dispensary is a revocable privilege.				
A dispensary may not engage in the business of possessing, dispensing, selling, or offering to dispense or sell medical marijuana without first being issued a permit by the Department.				
A permit is valid only for the person named in the permit and only for the location specified in the permit.				
A permit is not transferable to any other person or any other location.				
A permit will specify that the applicant is authorized to begin the process necessary to become operational.				
The qualifications that a dispensary shall meet to receive a permit are continuing qualifications to maintain the permit.				
The dispensary shall conspicuously post its permit in a location within its facility that is visible to the Department or its authorized agents and law enforcement.				
A permit is valid for 1 year from the date of issuance.				

## Dispensary Operational Checklist

<b>Duty to Report.</b>				
Generally: At any time during the permit period, a permittee shall notify the Department in writing of any change in facts or circumstances or any newly discovered or occurring fact or circumstance reflected in the initial permit application submitted to the Department.				
Operational Requirements Regulations: 28 Pa. Code § 1141.38.	Timeline	Dispensary Completed	Department Notified	Department Approval
A dispensary shall discuss with the Department any change in facts or circumstances or newly discovered or occurring facts or circumstances which would have been included in the application if known at the time the application was submitted.				
A dispensary shall submit in writing any change in facts or circumstances or a newly discovered or occurring fact or circumstance of financial backers, principals, operators and employees listed in the initial application or added since the issuance of the permit.				
A dispensary shall submit in writing any change in facts or circumstances or a newly discovered or occurring fact or circumstance contained in the operational timetable listed in the initial application or added since the issuance of the permit.				
A dispensary shall submit in writing any change in facts or circumstances or a newly discovered or occurring fact or circumstance contained in the community impact statement provided in the initial application or added since the issuance of the permit.				
A dispensary shall notify the Department in writing of any proposed modification of its plan of operation at least 30 days prior to the proposed modification.				

## Dispensary Operational Checklist

### Background Checks.

Generally: dispensary shall submit fingerprints of its principals, financial backers, operators and employees to the Pennsylvania State Police. The Pennsylvania State Police or its authorized agent shall submit the fingerprints to the Federal Bureau of Investigation for the purpose of verifying the identity of the individuals whose fingerprints have been submitted and obtaining a current record of criminal arrests and convictions.

Operational Requirements Regulation: 28 Pa. Code § 1141.31.	Timeline	Dispensary Completed	Department Notified	Department Approval
A dispensary has discussed with the Department the use of criminal history background check information to determine the character, fitness and suitability to serve in the designated capacity of the financial backer, principal, operator and employee.				
A dispensary has discussed with the Department that a financial backer, principal or employee may not hold a volunteer position, position for remuneration or otherwise be affiliated with a dispensary or a clinical registrant if the individual has been convicted of a criminal offense relating to the sale or possession of illegal drugs, narcotics or controlled substances.				
A dispensary has identified any financial backers, principals or operators that are owners of securities in a publicly traded company, and the Department has determined that the identified individual is not substantially involved in the activities of the dispensary.				

## Dispensary Operational Checklist

### Electronic Tracking System.

Generally – A dispensary shall use the electronic tracking system prescribed by the Department as published in the <i>Pennsylvania Bulletin</i> .				
Operational Requirements Regulations: 28 Pa. Code § 1161.29; § 1161.39	Timeline	Dispensary Completed	Department Notified	Department Approval
The dispensary has begun training with MJ Freeway at least 60 days prior to the implementation date of the system.				
The dispensary has completed staff identification measures with MJ Freeway.				
The dispensary has fully implemented the required electronic tracking system.				

### Administrative and Agency Compliance.

Generally - The dispensary will contact other commonwealth agencies to discuss additional approvals, authorizations, or permits that are required.				
Operational Requirements Regulations: 28 Pa. Code § 1141.27; § 1141.44	Timeline	Dispensary Completed	Department Notified	Department Approval
The dispensary shall contact the Department of Revenue to discuss tax clearance and remittance issues.				
The dispensary shall contact the Department of Labor and Industry to discuss workers' compensation issues.				
The organization shall contact the Department of Environmental Protection to discuss permit issues				
The dispensary shall contact the Department of Transportation to discuss transportation issues.				
The organization shall contact the Department of Agriculture to discuss permit issues				

## Dispensary Operational Checklist

<b>The Dispensary Facility.</b>				
Generally: A dispensary may only dispense medical marijuana in an indoor, enclosed, secure facility to a patient or caregiver who presents a valid identification card to an employee at the facility.				
Operational Requirements Regulations: 28 Pa. Code § 1161.23; § 1161.26	Timeline	Dispensary Completed	Department Notified	Department Approval
No one under 18 years of age is permitted to enter a dispensary unless the individual is a patient or accompanied by a parent, guardian or caregiver.				
If a dispensary facility is located adjacent to a commercial operation, the facility shall provide additional means of security satisfactory to the Department to prevent individuals under 18 years of age from entering the facility from the commercial operation unless the individual is accompanied by an adult.				
A dispensary must have an enclosed, secure area out of public sight for the loading and unloading of medical marijuana into and from a transport vehicle.				
<b>Signage at the Facility.</b>				
The dispensary shall post its permit in an area where it can be seen by visitors permitted to be in the facility.				
All signage shall be easily observed by the Department and its authorized agents and by law enforcement.				
The dispensary shall clearly mark with proper signage all areas that are open to patients and caregivers.				
Limited access areas. All areas of ingress and egress to a limited access area must be clearly identified by the posting of a sign which shall not be less than 12 inches wide and 12 inches long, composed of letters not less than 1/2 inch in height, which must state: “Do Not Enter—Limited Access Area—Access Limited to Authorized Personnel and Escorted Visitors.”				

## Dispensary Operational Checklist

<b>Dispensary Location.</b>				
Operational Requirements Regulations: 28 Pa. Code § 1161.26	Timeline	Dispensary Completed	Department Notified	Department Approval
A dispensary may not be located:				
(1) Within 1,000 feet of the property line of a public, private or parochial school, or a day-care center.				
(2) At the same site used for growing/processing medical marijuana.				
(3) In the same office space as a practitioner or other physician.				
The Department may waive or amend the 1,000 foot requirement if it is shown by clear and convincing evidence that the waiver or amendment is necessary to provide patients with adequate access to medical marijuana. A waiver or amendment by the Department may require additional security measures, changes to the physical plant of a facility or other conditions necessary to protect individuals under 18 years of age and to prevent unauthorized access to medical marijuana.				

<b>Inspection and Investigation.</b>				
Generally: The Department may conduct announced or unannounced inspections or investigations to determine the dispensary's compliance with its permit, the Medical Marijuana Act or the temporary regulations.				
Operational Requirements Regulations: 28 Pa. Code § 1141.45; § 1161.29	Timeline	Dispensary Completed	Department Notified	Department Approval
An investigation or inspection may include inspection of a dispensary's site, facility, vehicles, books, records, papers, documents, data, and other physical or electronic information.				
The dispensary acknowledges that an investigation or inspection may include questioning of employees, principals, operators and financial backers of the dispensary.				

## Dispensary Operational Checklist

<b>Limitations on Dispensing.</b>				
Generally: A dispensary may not dispense to a patient or caregiver a form or dosage of medical marijuana that is listed as a restriction or limitation on the patient certification.				
Operational Requirements Regulations: 28 Pa. Code § 1161.24; § 1161.25	Timeline	Dispensary Completed	Department Notified	Department Approval
A dispensary may not dispense to a patient or caregiver a quantity of medical marijuana that is greater than the amount indicated on the patient's certification, if any.				
A dispensary may not dispense to a patient or caregiver a form of medical marijuana not permitted by the Medical Marijuana Act or the temporary regulations.				
A dispensary may not dispense an amount of medical marijuana greater than a 30-day supply to a patient or caregiver until the patient has exhausted all but a 7-day supply provided pursuant to the patient certification currently on file with the Department.				
A practitioner or a physician, while at the facility, may not issue a patient certification to a patient.				

<b>Dispensing Medical Marijuana.</b>				
Generally: Prior to dispensing medical marijuana to a patient or caregiver, the dispensary shall verify the validity of the patient or caregiver identification card using the electronic tracking system.				
Operational Requirement Regulations: 28 Pa. Code § 1161.23; § 1161.25	Timeline	Dispensary Completed	Department Notified	Department Approval
A dispensary shall ensure that a physician or a pharmacist is present at the facility at all times during the hours the facility is open to dispense or to offer to dispense medical marijuana to patients and caregivers.				
If a dispensary is authorized to operate more than one facility under its permit, a physician assistant or a certified registered nurse practitioner may be present onsite at each of the other locations instead of a physician or pharmacist.				

## Dispensary Operational Checklist

<b>Medical Professional Training.</b>				
Operational Requirement Regulations: 28 Pa. Code § 1161.25	Timeline	Dispensary Completed	Department Notified	Department Approval
If a dispensary is authorized to operate more than one facility under its permit, a physician assistant or a certified registered nurse practitioner may be present onsite at each of the other locations instead of a physician or pharmacist.				
A physician, a pharmacist, a physician assistant or a certified registered nurse practitioner shall, prior to assuming any duties at a facility, successfully complete a 4-hour training course developed by the Department.				
<b>Recommendation in the Patient Certification.</b>				
Operational Requirement Regulations: 28 Pa. Code § 1161.23	Timeline	Dispensary Completed	Department Notified	Department Approval
The dispensary shall review the information on the patient's most recent certification by using the electronic tracking system and perform the following:				
If a practitioner sets forth recommendations, requirements or limitations as to the form or dosage of medical marijuana on the patient certification, the medical marijuana dispensed to a patient or a caregiver by a dispensary must conform to those recommendations, requirements or limitations.				
If a practitioner does not set forth recommendations, requirements or limitations as to the form or dosage of medical marijuana on the patient certification, the physician, pharmacist, physician assistant or certified registered nurse practitioner employed by the dispensary and working at the facility shall consult with the patient or the caregiver regarding the appropriate form and dosage of medical marijuana to be provided.				
The dispensary shall update the patient certification in the electronic tracking system by entering any recommendation as to the form or dosage of medical marijuana that is provided to the patient.				

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<b>The Information on the Receipt.</b>				
Operational Requirement Regulations: 28 Pa. Code § 1161.23	Timeline	Dispensary Completed	Department Notified	Department Approval
Prior to the completion of the transaction, the employee conducting the transaction at the dispensary shall prepare a receipt of the transaction, and file the receipt information with the Department utilizing the electronic tracking system.				
A dispensary shall provide a copy of the receipt to the patient or the caregiver, unless the patient or the caregiver declines the receipt. The receipt must include the following information:				
<ul style="list-style-type: none"> <li>(1) The name, address and any permit number assigned to the dispensary by the Department.</li> <li>(2) The name and address of the patient and, if applicable, the patient's caregiver.</li> <li>(3) The date the medical marijuana was dispensed.</li> <li>(4) Any requirement or limitation noted by the practitioner on the patient's certification as to the form of medical marijuana that the patient should use.</li> <li>(5) The form and the quantity of medical marijuana dispensed.</li> </ul>				
Except as provided in sections 2001—2003 of the act (35 P.S. §§ 10231.2001—10231.2003), a dispensary shall destroy any paper copy of the patient certification or delete any electronically recorded patient certification stored on the dispensary's network, server or computer system as the result of a transaction after the receipt relating to that transaction has been filed in the electronic tracking system.				

## Dispensary Operational Checklist

<b>Items and Services Provided at a Dispensary.</b>				
Generally: A dispensary shall only dispense medical marijuana products grown and processed by a grower/processor.				
Operational Requirements Regulations: 28 Pa. Code § 1161.22; § 1161.27; § 1151.28	Timeline	Dispensary Completed	Department Notified	Department Approval
A dispensary shall purchase medical marijuana products only from a grower/processor.				
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.				
A dispensary may dispense a medical marijuana product with a THC concentration of 0.3% or less so long as the dispensary purchases it from a grower/processor and the grower/processor obtained Department approval under 28 Pa. Code § 1151.28(c) (relating to forms of medical marijuana).				
A dispensary may not provide medical marijuana at no cost or free, unless the patient is approved for financial assistance by the Department.				
A dispensary may not make the dispensing of medical marijuana to a patient or caregiver conditional upon the purchase of a medical device, instrument or service provided at a dispensary facility or at a location other than the dispensary, such as another dispensary facility.				
A dispensary may not offer the delivery of or deliver medical marijuana to a patient or caregiver at the patient's or caregiver's home or any other location.				
A dispensary may not permit a patient to self-administer medical marijuana at the facility unless the patient is also an employee of the dispensary, and the dispensary permits self-administration of medical marijuana at the facility by the employees.				

## Dispensary Operational Checklist

<b>Advertising by a Dispensary.</b>				
Generally: A dispensary shall be consistent with the Federal regulations governing prescription drug advertising and marketing in 21 CFR 202.1 (relating to prescription-drug advertisements).				
Operational Requirements Regulations: 28 Pa. Code § 1141.50; § 1161.27	Timeline	Dispensary Completed	Department Notified	Department Approval
A dispensary may not advertise medical marijuana as a promotional item, as part of a giveaway or as part of a coupon program.				
The dispensary has submitted promotional, advertising and marketing materials to the Department for approval and prior to their use.				
The dispensary acknowledges that restrictions on advertising do not apply to information provided by a grower/processor to a dispensary listing various medical marijuana items that the grower/processor is offering for sale to the dispensary.				

<b>Insurance Requirements.</b>				
Generally: A dispensary shall obtain and maintain an appropriate amount of insurance coverage that insures the site and facility and equipment used in the operation of the facility.				
Operational Requirements Regulations: 28 Pa. Code § 1141.44	Timeline	Dispensary Completed	Department Notified	Department Approval
A dispensary shall maintain an adequate amount of comprehensive liability insurance covering the dispensary's activities authorized by the permit that shall begin on the date the initial permit is issued by the Department and continuing for as long as the dispensary is operating under the permit.				
A dispensary shall obtain and maintain workers' compensation insurance coverage for employees at the time the dispensary is determined to be operational by the Department.				

## Dispensary Operational Checklist

<b>Plans of Operation.</b>				
Generally – The dispensary shall maintain a standard plan of operation that describes the process for receiving, packaging, labeling, handling, tracking, transporting, storing, disposing returning and recalling products containing medical marijuana in accordance with all applicable laws, rules and regulations.				
Operational Requirements Regulations: 28 Pa. Code § 1161.29	Timeline	Dispensary Completed	Department Notified	Department Approval
At the time the Department determines a dispensary to be operational, the dispensary shall provide the Department with a full and complete plan of operation for review.				
A dispensary shall make the full and complete plan of operation available to the Department upon request and during any inspection.				

<b>Employment Policies and Procedures.</b>				
Generally – The dispensary will include age limitations as part of its hiring procedures and standard operating procedures.				
Operational Requirements Regulations: 28 Pa. Code § 1161.22; § 1161.34	Timeline	Dispensary Completed	Department Notified	Department Approval
The dispensary may not employ an individual at its facility who is under 18 years of age.				
A dispensary may not permit a patient to self-administer medical marijuana at the facility unless the patient is also an employee of the dispensary, and the dispensary permits self-administration of medical marijuana at the facility by the employees.				
An employee working in direct contact with medical marijuana is subject to the restrictions on food handlers in 28 Pa. Code § 27.153 (relating to restrictions on food handlers). An employee shall otherwise conform to sanitary practices while on duty, including the following:				
(1) Maintaining adequate personal hygiene.				
(2) Wearing proper clothing, including gloves.				
(3) Washing hands thoroughly in an adequate hand-washing area before starting work and at any other time when hands may have become soiled or contaminated and at all times before dispensing medical marijuana to a patient or caregiver.				

## Dispensary Operational Checklist

### Workplace Safety, Personal Security and Training.

Generally – The dispensary shall develop and implement workplace safety protocols, including conducting necessary safety checks prior to dispensing medical marijuana.				
Operational Requirements Regulations: 28 Pa. Code § 1161.29; § 1141.48	Timeline	Dispensary Completed	Department Notified	Department Approval
Each principal shall complete the 2-hour training course prior to starting initial operation of a facility.				
Each employee who has direct contact with patients or caregivers or who physically handles medical marijuana shall complete the 2-hour training course within 90 days after starting work at the facility.				

### Security and Surveillance.

Generally - A dispensary shall have security and surveillance systems, utilizing commercial-grade equipment, to prevent unauthorized entry and to prevent and detect an adverse loss.				
Operational Requirements Regulations: 28 Pa. Code § 1161.31	Timeline	Dispensary Completed	Department Notified	Department Approval
The security and surveillance systems must be a professionally-monitored security alarm system that includes the following:				
Coverage of all facility entrances and exits; rooms with exterior windows, exterior walls, roof hatches or skylights; storage rooms, including those that contain medical marijuana and safes; and the perimeter of the facility.				
A silent security alarm system signal, known as a duress alarm, generated by the entry of a designated code into an arming station to signal that the alarm user is being forced to turn off the system.				
An audible security alarm system signal, known as a panic alarm, generated by the manual activation of a device intended to signal a life-threatening or emergency situation requiring law enforcement response.				

## Dispensary Operational Checklist

<b>Security and Surveillance (cont'd).</b>				
Operational Requirements Regulations: 28 Pa. Code § 1161.31	Timeline	Dispensary Completed	Department Notified	Department Approval
A silent alarm signal, known as a holdup alarm, generated by the manual activation of a device intended to signal a robbery in progress.				
An electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded voice message requesting dispatch, when activated, over a telephone line, radio or other communication system to a law enforcement, public safety or emergency services agency.				
A failure notification system that provides an audible, text or visual notification of any failure in the systems. The failure notification system must provide by telephone, e-mail or text message an alert to a designated security person within the facility within 5 minutes after the failure.				
Smoke and fire alarms.				
Auxiliary power sufficient to maintain security and surveillance systems for at least 48 hours following a power outage.				
The ability to ensure all access doors are not solely controlled by an electronic access panel to prevent locks from becoming released during a power outage.				
Motion detectors.				
A dispensary must have a professionally-monitored security and surveillance system that is operational 24 hours a day, 7 days a week and records all activity in images capable of clearly revealing facial detail.				
The security and surveillance system must include auxiliary power sufficient to maintain security and surveillance systems for at least 48 hours following a power outage.				
The security and surveillance system must have the ability to operate under the normal lighting conditions of each area under surveillance.				

## Dispensary Operational Checklist

<b>Security and Surveillance (cont'd).</b>				
Operational Requirements Regulations: 28 Pa. Code § 1161.31	Timeline	Dispensary Completed	Department Notified	Department Approval
The security and surveillance system must include a fixed camera placement that allows for a clear image of all individuals and activities in and around the following locations:				
All limited access areas.				
Any area of the facility where medical marijuana is loaded or unloaded into or from transport vehicles.				
Entrances to and exits from the facility. Entrances and exits must be recorded from both indoor and outdoor vantage points.				
Rooms with exterior windows, exterior walls, roof hatches, or skylights and storage rooms, including those that may contain medical marijuana and safes.				
Five feet from the exterior of the perimeter of the facility.				
The security and surveillance system must have the ability to immediately produce a clear, color, still photograph in a digital format that meets the requirements of this section.				
The security and surveillance system must have the ability to clearly and accurately display the date and time. The date and time must be synchronized and set correctly and may not significantly obscure the picture.				
The security and surveillance system must have the ability to record all images captured by each surveillance camera for a minimum of 4 years in a format that may be easily accessed for investigative purposes.				
The recordings must be kept at the facility in a locked cabinet, closet or other secure place to protect it from tampering or theft within a limited access area or other room to which access is limited to authorized individuals.				

## Dispensary Operational Checklist

<b>Security and Surveillance (cont'd).</b>				
Operational Requirements Regulations: 28 Pa. Code § 1161.31	Timeline	Dispensary Completed	Department Notified	Department Approval
The dispensary may request approval from the Department to maintain the recordings at a secure location other than the location of the facility.				
The dispensary must maintain a security alarm system separate from the facility's primary security system covering the limited access area or other room where the recordings are stored. The separate security alarm system must meet the same requirements as the facility's primary security alarm system.				
A security and surveillance system shall be inspected and all devices tested once every year by a qualified alarm system vendor and a qualified surveillance system vendor, as approved by the Department.				
The dispensary shall conduct monthly maintenance inspections to ensure that any repairs, alterations or upgrades to the security and surveillance systems are made for the proper operation of the systems.				
The dispensary shall retain at the facility, for at least 4 years, records of all inspections, servicing, alterations and upgrades performed on the systems and shall make the records available to the Department and its authorized agents within 2 business days following a request.				
The dispensary shall immediately notify the Department in the event of a mechanical malfunction of the security or surveillance system that is anticipated to exceed a 4-hour period in order to seek approval to implement alternative security measures that may include closure of the facility.				
The dispensary shall designate an employee to continuously monitor the security and surveillance systems at the facility.				
Within 2 business days following a request, a dispensary shall provide up to four screen captures of an unaltered copy of a video surveillance recording to the Department or its authorized agents, law enforcement or other Federal, State or local government officials if necessary to perform the governmental officials' functions and duties.				

## Dispensary Operational Checklist

<b>Security and Surveillance (cont'd).</b>				
Operational Requirements Regulations: 28 Pa. Code § 1161.31	Timeline	Dispensary Completed	Department Notified	Department Approval
If a dispensary has been notified in writing by the Department or its authorized agents, law enforcement or other Federal, State or local government officials of a pending criminal or administrative investigation for which a recording may contain relevant information, the dispensary shall retain an unaltered copy of the recording for 4 years or until the investigation or proceeding is closed or the entity conducting the investigation or proceeding notifies the dispensary that it is not necessary to retain the recording, whichever is longer.				
A dispensary shall install commercial-grade, nonresidential doors and door locks on each external door of the facility. Keys or key codes for all doors shall remain in the possession of designated authorized individuals.				
During all nonworking hours, all entrances to and exits from the facility must be securely locked.				
A dispensary shall have an electronic back-up system for all electronic records.				
A dispensary shall install lighting to ensure proper surveillance inside and outside of the facility.				

## Dispensary Operational Checklist

<b>Security and Surveillance (cont'd).</b>				
Operational Requirements Regulations: 28 Pa. Code § 1161.31	Timeline	Dispensary Completed	Department Notified	Department Approval
A dispensary shall limit access to a room containing security and surveillance monitoring equipment to persons who are essential to maintaining security and surveillance operations; Federal, State and local law enforcement; security and surveillance system service employees; the Department or its authorized agents; and other persons with the prior written approval of the Department.				
A dispensary shall make available to the Department or the Department's authorized agents, upon request, a current list of authorized employees and service employees or contractors who have access to any security and surveillance areas.				
A dispensary shall keep security and surveillance rooms locked at all times and may not use these rooms for any other purpose or function.				

<b>Storage Requirements.</b>				
Generally: A dispensary shall have procedures for the proper storage of medical marijuana in each designated area of the facility.				
Operational requirement Regulations: 28 Pa. Code § 1161.33	Timeline	Dispensary Completed	Department Notified	Department Approval
A dispensary shall have separate locked limited access areas for storage of medical marijuana that is expired, damaged, deteriorated, mislabeled, contaminated, recalled, or whose containers or packaging have been opened or breached until the medical marijuana is returned to a grower/processor, destroyed or otherwise disposed of as required under § 1151.40 (relating to management and disposal of medical marijuana waste).				
A dispensary shall maintain all storage areas in a clean and orderly condition and free from infestation by insects, rodents, birds and pests.				

## Dispensary Operational Checklist

<b>Sanitation and Safety in a Facility.</b>				
Generally: A dispensary shall maintain its facility in a sanitary condition to limit the potential for contamination or adulteration of the medical marijuana.				
Operational Requirements Regulations: 28 Pa. Code § 1161.34	Timeline	Dispensary Completed	Department Notified	Department Approval
The dispensary shall clean and sanitize equipment and surfaces, including floors, counters, walls and ceilings, as frequently as necessary to protect against contamination. A dispensary shall use a sanitizing agent registered by the United States Environmental Protection Agency, in accordance with the instructions printed on the label.				
Equipment and utensils shall be so designed and of such material and workmanship as to be capable of being adequately cleaned.				
Trash shall be properly removed from the site to prevent infestation.				
All floors, walls and ceilings in the facility shall be kept in good repair				
Equipment, counters and surfaces for dispensing must be food grade quality and may not react adversely with any solvent being used.				
A dispensary shall provide adequate protection against pests through the use of integrated pest management practices and techniques that identify and manage plant pathogens and pest problems.				
Toxic cleaning compounds, sanitizing agents, and pesticide chemicals must be labeled and stored in a manner that prevents contamination of medical marijuana, and in a manner that otherwise complies with other applicable laws and regulations.				
An organization shall provide its employees and visitors with adequate and convenient hand-washing facilities furnished with running water at a temperature suitable for sanitizing hands.				

## Dispensary Operational Checklist

<b>Sanitation and Safety in a Facility (cont'd).</b>				
Operational Requirements Regulations: 28 Pa. Code § 1161.34	Timeline	Dispensary Completed	Department Notified	Department Approval
Employees must wash hands thoroughly in an adequate hand-washing area before starting work and at any other time when hands may have become soiled or contaminated and at all times before dispensing medical marijuana to a patient or caregiver.				
Hand-washing facilities must provide effective nontoxic sanitizing cleansers and sanitary towel service or suitable hand drying devices.				
A dispensary shall provide its employees and visitors with adequate, readily accessible lavatories that are maintained in a sanitary condition and in good repair.				
An organization shall ensure that its facility is provided with a water supply sufficient for its operations, which shall be derived from a source that is a public water system, or a nonpublic system that is capable of providing a safe, potable and adequate supply of water to meet the operational needs of the facility.				
A dispensary shall comply with all other applicable State and local building code requirements.				

## Dispensary Operational Checklist

Visitor Access.				
Generally: A dispensary facility may not be open to the general public				
Operational Requirements Regulations: 28 Pa. Code § 1161.30	Timeline	Dispensary Completed	Department Notified	Department Approval
A dispensary shall post a sign in a conspicuous location at each entrance of the facility that reads:  <b>THESE PREMISES ARE UNDER CONSTANT VIDEO SURVEILLANCE. NO ONE UNDER THE AGE OF 18 IS PERMITTED TO ENTER UNLESS THE INDIVIDUAL IS A PATIENT OR ACCOMPANIED BY A PARENT, GUARDIAN OR CAREGIVER.</b>				
Only authorized employees of a dispensary or authorized visitors may enter a limited access area.				
A dispensary shall require visitors, including vendors and contractors requiring access to a limited access area in the dispensary's facility, to present government-issued identification, sign a visitor log and wear a visitor identification badge that is visible to others at all times while in a limited access area.				
When admitting a visitor to a limited access area, a dispensary shall:				
Require the visitor to sign a visitor log upon entering and leaving the limited access area.				
Check the visitor's government-issued identification to verify that the name on the identification provided matches the name in the visitor log. A photocopy of the identification must be retained with the log.				
Issue a visitor identification badge with the visitor's name and company, if applicable, and a badge number.				
Escort the visitor while the visitor remains in a limited access area.				
Ensure that the visitor does not touch any medical marijuana located in a limited access area.				

## Dispensary Operational Checklist

<b>Visitor Access (cont'd).</b>				
Operational Requirements Regulations: 28 Pa. Code § 1161.30	Timeline	Dispensary Completed	Department Notified	Department Approval
The visitor log must include the full name of each visitor, the visitor identification badge number, the time of arrival, the time of departure and the purpose of the visit, including the areas visited and the name of each employee visited.				
A dispensary shall maintain the visitor log for 4 years and make the log available to the Department, State or local law enforcement, and other State or local government officials upon request if necessary to perform the government officials' functions and duties.				
A dispensary shall not allow a principal, financial backer, operator or an employee to receive any type of consideration or compensation for allowing a visitor to enter a limited access area.				
This section does not limit the right of the Department or its authorized agents, or other Federal, State or local government officials, from entering any area of a dispensary if necessary to perform the government officials' functions and duties.				
<b>Complaints About or Recall of Medical Marijuana.</b>				
Generally: A dispensary shall respond to complaints about medical marijuana made by a patient or caregiver.				
Operational Requirements Regulations: 28 Pa. Code § 1161.38; § 1151.42	Timeline	Dispensary Completed	Department Notified	Department approval
A dispensary shall notify the Department and the grower/processor immediately upon becoming aware of any complaint made to the dispensary by a patient, caregiver or practitioner who reports an adverse event from using medical marijuana dispensed by the dispensary.				
Upon notification by the grower/processor under § 1151.42 (relating to complaints about or recall of medical marijuana), the dispensary shall cease dispensing the affected medical marijuana.				
A dispensary shall coordinate the return of the recalled medical marijuana with the grower/processor.				

## Dispensary Operational Checklist

Inventory Data.				
Generally: A dispensary shall maintain inventory data in its electronic tracking system.				
Operational Requirements Regulations: 28 Pa. Code § 1161.32	Timelines	Dispensary Completed	Department Notified	Department Approval
A dispensary shall maintain the following inventory data in its electronic tracking system:				
Medical marijuana received from a grower/processor.				
Medical marijuana dispensed to a patient or caregiver.				
Damaged, defective, expired or contaminated medical marijuana awaiting return to a grower/processor or awaiting disposal.				
A dispensary shall establish inventory controls and procedures to conduct monthly inventory reviews and annual comprehensive inventories of medical marijuana at its facility.				
A written or electronic record shall be created and maintained of each inventory which includes the date of the inventory, a summary of the inventory findings, and the employee identification numbers and titles or positions of the individuals who conducted the inventory.				

## Dispensary Operational Checklist

<b>Transportation of Medical Marijuana.</b>				
Generally: A dispensary may transport and deliver medical marijuana to a medical marijuana organization in this Commonwealth in accordance with this section.				
Operational Requirements Regulations: 28 Pa. Code § 1161.35	Timeline	Dispensary Complete	Department Notified	Department Approval
A dispensary may deliver medical marijuana to a medical marijuana organization only between 7 a.m. and 9 p.m. for the purposes of transferring medical marijuana among the permittee’s dispensary locations and returning medical marijuana to a grower/processor.				
A dispensary may contract with a third-party contractor for delivery so long as the contractor complies with this section.				
A dispensary may not transport medical marijuana to any location outside of this Commonwealth.				
A dispensary shall use a global positioning system to ensure safe, efficient delivery of the medical marijuana to a medical marijuana organization.				
<b>Vehicles.</b>				
Transport vehicles permitted to transport medical marijuana must:				
Be equipped with a secure lockbox or locking cargo area.				
Have no markings that would either identify or indicate that the vehicle is being used to transport medical marijuana.				
Be capable of being temperature-controlled for perishable medical marijuana, as appropriate.				
Display current State inspection stickers and maintain a current State vehicle registration.				
Be insured in an amount that is commercially reasonable and appropriate.				
Medical marijuana stored inside the transport vehicle may not be visible from the outside of the transport vehicle.				

## Dispensary Operational Checklist

<b>Staffing Transport Vehicles.</b>				
Operational Requirements Regulations: 28 Pa. Code § 1161.35	Timeline	Dispensary Complete	Department Notified	Department Approval
A transport vehicle shall be staffed with a delivery team consisting of at least two individuals and comply with the following:				
At least one delivery team member shall remain with the vehicle at all times that the vehicle contains medical marijuana.				
Each delivery team member shall have access to a secure form of communication with the dispensary, such as a cellular telephone, at all times that the vehicle contains medical marijuana.				
Each delivery team member shall carry an identification badge or card at all times and shall, upon demand, produce it to the Department or its authorized agents, law enforcement, or other Federal, State or local government officials if necessary to perform the government officials' functions and duties.				
Each delivery team member shall have a valid driver's license.				
While on duty, a delivery team member may not wear any clothing or symbols that may indicate ownership or possession of medical marijuana.				
A delivery team shall proceed in a transport vehicle from the dispensary, where the medical marijuana is loaded, directly to the medical marijuana organization, where the medical marijuana is unloaded, without unnecessary delays. Notwithstanding the foregoing, a transport vehicle may make stops at multiple facilities, as appropriate, to deliver medical marijuana.				
A dispensary shall notify the Department daily of its delivery schedule, including routes and delivery times, either through a designated phone line established by the Department or by electronic communication with the Department in a manner prescribed by the Department.				
A dispensary shall immediately report to the Department, either through a designated phone line established by the Department or by electronic communication with the Department in a manner prescribed by the Department, any vehicle accidents, diversions, losses or other reportable events that occur during transport of medical marijuana.				

## Dispensary Operational Checklist

<b>Staffing Transport Vehicles (cont'd).</b>				
Operational Requirements Regulations: 28 Pa. Code § 1161.35	Timeline	Dispensary Complete	Department Notified	Department Approval
A transport vehicle is subject to inspection by the Department or its authorized agents, law enforcement, or other Federal, State or local government officials if necessary to perform the government officials' functions and duties. A transport vehicle may be stopped and inspected along its delivery route or at any medical marijuana organization.				
<b>Transport Manifest.</b>				
Operational Requirement Regulations: 28 Pa. Code § 1161.36	Timeline	Dispensary Complete	Department Notified	Department Approval
A dispensary shall generate a printed or electronic transport manifest that accompanies every transport vehicle.				
When a delivery team delivers medical marijuana to multiple medical marijuana organizations, the transport manifest must correctly reflect the specific medical marijuana in transit. Each recipient shall provide the dispensary with a printed receipt for the medical marijuana received.				
All medical marijuana being transported shall be packaged in shipping containers and labeled in accordance with 28 Pa. Code §§ 1151.34 and 1161.28 (relating to packaging and labeling of medical marijuana; and labels and safety inserts).				
A dispensary shall provide a copy of the transport manifest to the recipient receiving the medical marijuana described in the transport manifest. To maintain confidentiality, a dispensary may prepare separate manifests for each recipient.				
A dispensary shall, if requested, provide a copy of the printed transport manifest, and any printed receipts for medical marijuana being transported, to the Department or its authorized agents, law enforcement, or other Federal, State or local government officials if necessary to perform the government officials' functions and duties.				

## Dispensary Operational Checklist

<b>Evidence of Adverse Loss During Transport.</b>				
Operational Requirements Regulations: 28 Pa. Code § 1161.37	Timeline	Dispensary Complete	Department Notified	Department Approval
A dispensary receiving a delivery of medical marijuana or medical marijuana products from a medical marijuana organization discovers a discrepancy in the transport manifest upon delivery, the dispensary shall refuse acceptance of the delivery and immediately report the discrepancy to the Department by electronic communication, and to the appropriate law enforcement authorities.				
If a dispensary discovers evidence of, or reasonably suspects, a theft or diversion of medical marijuana or medical marijuana products during transport, the dispensary shall immediately report its findings or suspicions to the Department by electronic communication and to law enforcement.				
If a dispensary discovers a discrepancy in the transport manifest, the dispensary shall conduct an investigation.				
The dispensary shall amend its standard plan of operation, if necessary, to prevent future discrepancies between the quantity or description of inventory listed in the transport manifest and the quantity or description of inventory delivered.				
<b>Evidence of Adverse Loss During Transport.</b>				
Operational Requirements Regulations: 28 Pa. Code § 1161.37	Timeline	Dispensary Complete	Department Notified	Department Approval
During an investigation under this section, the dispensary shall submit the following reports to the Department:				
A written preliminary report of the investigation shall be submitted to the Department within 7 days of discovering the discrepancy.				
A final written report of the investigation shall be submitted to the Department within 30 days of discovering the discrepancy.				

## Dispensary Operational Checklist

<b>Labels and Safety Inserts.</b>				
Generally: A dispensary shall dispense medical marijuana to a patient or caregiver in a sealed and properly labeled package.				
Operational Requirements Regulations: 28 Pa. Code § 1161.28	Timeline	Dispensary Complete	Department Notified	Department approval
Medical marijuana products dispensed by a dispensary must only be identified by the name of the grower/processor, the name of the dispensary, the form and species of medical marijuana, the percentage of THC and CBD contained in the medical marijuana product, and any other labeling required by the Department.				
The dispensary shall inspect the label to ensure that the label:				
(1) Is easily readable.				
(2) Is conspicuously placed on the package.				
(3) Includes the name, address and permit number of the grower/processor.				
(4) Lists the form and quantity of medical marijuana.				
(5) Contains the following warning stating: This product is for medicinal use only. Women should not consume during pregnancy or while breastfeeding except on the advice of the practitioner who issued the certification and, in the case of breastfeeding, the infant's pediatrician. This product might impair the ability to drive or operate heavy machinery. Keep out of reach of children.				
(6) Lists the amount of individual doses contained within the package and the species and percentage of THC and CBD.				
(7) Contains a warning that the medical marijuana must be kept in the original container in which it was dispensed.				
(8) Contains a warning that unauthorized use is unlawful and will subject the purchaser or user to criminal penalties.				
(9) Includes the name and address of the dispensary.				
(10) Lists a use by or expiration date.				
(11) Lists the packaging date.				
(12) Includes instructions for proper storage of the medical marijuana in the package.				
(13) Contains any other information required by the Department.				

## Dispensary Operational Checklist

<b>Labeling Prohibitions and Safety Inserts.</b>				
Operational Requirements Regulations: 28 Pa. Code § 1161.28	Timeline	Dispensary Completed	Department Notified	Department approval
The dispensary shall inspect the label to ensure that the label does not bear:				
Any resemblance to the trademarked, characteristic or product-specialized packaging of any commercially available food or beverage product.				
Any statement, artwork or design that could reasonably lead an individual to believe that the package contains anything other than medical marijuana.				
Any seal, flag, crest, coat of arms or other insignia that could reasonably mislead an individual to believe that the product has been endorsed, manufactured or approved for use by any state, county or municipality or any agency thereof.				
Any cartoon, color scheme, image, graphic or feature that might make the package attractive to children.				

<b>Safety Insert.</b>				
Operational Requirements Regulations: 28 Pa. Code § 1161.28	Timeline	Dispensary Completed	Department Notified	Department approval
When a dispensary dispenses medical marijuana to a patient or caregiver, the dispensary shall also provide the patient or caregiver with a safety insert developed and approved by the Department that includes the following information:				
(1) The method or methods for administering individual doses of medical marijuana.				
(2) Any potential dangers stemming from the use of medical marijuana.				
(3) How to recognize what may be problematic usage of medical marijuana and how to obtain appropriate services or treatment for problematic usage.				

## Dispensary Operational Checklist

<b>Safety Insert (cont'd).</b>				
Operational Requirements Regulations: 28 Pa. Code § 1161.28.	Timeline	Dispensary Completed	Department Notified	Department approval
(4) The side effects and contraindications associated with medical marijuana, if any, which may cause harm to the patient.				
(5) How to prevent or deter the misuse of medical marijuana by an individual under 18 years of age or others.				
(6) Any other information determined by the Department to be relevant to enhance patient safety.				

## Dispensary Operational Checklist

<b>Diversity Goals.</b>				
Generally: As part of each application to renew a permit submitted to the Department, a dispensary shall include information of its efforts to meet the diversity goals of the Medical Marijuana Act and the effectiveness of its diversity plan.				
Operational Requirements Regulations: 28 Pa. Code § 1141.32	Timeline	Dispensary Completed	Department Notified	Department Approval
The report must include information regarding the following, as applicable:				
(1) Representation of diverse participants in the dispensary’s workforce.				
(2) Efforts to reach out to and recruit diverse participants for employment, including for executive and managerial positions.				
(3) Employee retention efforts.				
(4) A list of all contracts entered into or transactions conducted by the dispensary for goods or services with diverse groups.				
(d) A dispensary may demonstrate achievement of its diversity goals by employing diverse participants or transacting business with diverse groups.				
The Department will review the diversity plan and provide the dispensary with advice regarding activities that should be undertaken by the dispensary to improve its efforts to encourage and promote participation by diverse participants and diverse groups to comply with the diversity goals of the Medical Marijuana Act.				

## Dispensary Operational Checklist

<b>Permit Renewal Applications.</b>				
Generally - A dispensary wishing to renew its permit shall submit to the Department a permit renewal application not more than 6 months, nor less than 4 months, prior to the current permit's expiration.				
Operational Requirement Regulations: 28 Pa. Code § 1141.36.	Timeline	Dispensary Completed	Department Notified	Department Approval
A dispensary shall include the following in the permit renewal application:				
Information regarding any charge, or any initiated, pending or concluded investigation, during the period of the initial permit or prior renewal period, by any governmental or administrative agency with respect to:				
(i) Any incident involving the theft, loss or possible diversion of medical marijuana by the dispensary or from the dispensary's facility.				
(ii) Compliance by the dispensary with the laws of the Commonwealth with respect to any substance in section 4 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-104).				
Information concerning the dispensary's ability to carry on the activity for which the permit was issued, including medical marijuana product shortages or wait lists occurring during the 12 months prior to the date the renewal permit application was submitted.				
The dispensary's history of compliance with the Medical Marijuana Act and temporary regulations.				

## Dispensary Operational Checklist

<b>Application for Approval of a Change in Ownership of a Dispensary.</b>				
Generally: In the event of an impending change in ownership of a dispensary from the ownership listed in the initial permit application or a permit renewal application, the dispensary shall submit an application for approval of a change in ownership, on a form prescribed by the Department, to the Department together with the fee required under § 1141.28 (relating to fees).				
Operational Requirements Regulations: 28 Pa. Code § 1141.39	Timeline	Dispensary Completed	Department Notified	Department Approval
The Department, in its sole discretion, may permit a dispensary to incorporate by reference all of the information in the dispensary’s initial permit application, and any previously submitted permit renewal application, into the application for approval of a change in ownership.				
A dispensary’s application for approval of a change in ownership will not be considered complete by the Department until all portions of the application are completed and the appropriate application fee is submitted.				
The Department may reject an incomplete application.				
If the Department determines that an application for approval of a change in ownership is lacking sufficient information upon which to make a determination, the Department will notify the dispensary in writing of the factors that require additional information and documentation. The dispensary shall have 30 days from the mailing date of the notice to provide the requested information and documentation to the Department. A dispensary’s failure to provide the requested information to the Department by the deadline may be grounds for denial of approval for the requested change in ownership.				

## Dispensary Operational Checklist

<b>Application for Approval of a Change in Location of a Facility.</b>				
Generally: A dispensary wishing to change the location of a facility authorized under a permit issued to the dispensary and determined operational shall submit an application for approval of a change in location to the Department together with the fee required under § 1141.28 (relating to fees).				
Operational Requirement Regulations: 28 Pa. Code § 1141.40	Timeline	Dispensary completed	Department Notified	Department approval
A change in location of a facility authorized by a permit may not occur until the Department approves the change, in writing, under this section.				
The dispensary shall submit an application for approval of a change in location on a form prescribed by the Department.				
An application for approval of a change in location must include the reason for requesting the change and other information about the new location as the Department may require.				
The Department will not approve a change of location that is outside the boundaries of the region for which the initial permit was issued.				

## Dispensary Operational Checklist

<b>Application for Approval of Alteration of a Facility.</b>				
Generally: After the issuance of a permit, a dispensary may not make a physical change, alteration or modification of the facility that materially or substantially alters the facility or its usage as listed in the plot plans originally approved by the Department.				
Operational Requirement Regulations: 28 Pa. Code § 1141.41	Timeline	Dispensary Completed	Department Notified	Department Approval
A dispensary wishing to make any of the following alterations to the facility for which its permit was issued shall submit an application for approval of alteration of a facility, on a form prescribed by the Department, to the Department together with the fee required under § 1141.28 (relating to fees):				
(1) An increase or decrease in the total square footage of the facility.				
(2) The sealing off, creation of or relocation of a common entryway, doorway, passage or other means of public ingress or egress when the common entryway, doorway or passage alters or changes limited access areas.				
(3) Any of the following made to enhance activities authorized under the permit:				
(i) Additional electric fixtures or lighting equipment.				
(ii) The lowering of a ceiling.				
(iii) Electrical modifications that require inspection by the local municipality.				

## Dispensary Operational Checklist

<b>Application for Additional Dispensary Locations.</b>				
Generally: A permittee may file an application for additional dispensary facility locations at a later date.				
Operational Requirement Regulations: 28 Pa. Code § 1161.40	Timeline	Dispensary Completed	Department Notified	Department Approval
A dispensary shall submit an application for additional dispensary locations on a form prescribed by the Department.				
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.				
(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 refunded if the application is not granted.				
A dispensary may not begin operations at an additional location until the Department approves the application for additional dispensary locations, in writing, under this section.				
A dispensary submitting an application for additional dispensary locations shall follow the requirements in § 1141.29 (relating to initial permit application) and the temporary regulations.				

## Dispensary Operational Checklist

### General Penalties and Sanctions.

Regulations: 28 Pa. Code § 1141.47. General penalties and sanctions.

- (a) In addition to any other penalty imposed by law for violations of the Medical Marijuana Act or the temporary regulations, the Department may take one or more of the following actions:
- (1) Suspend or revoke a permit if any of the following occur:
    - (i) The dispensary fails to maintain effective control against diversion of medical marijuana from its facility or under its control.
    - (ii) The dispensary violates a provision of the Medical Marijuana Act or the temporary regulations, or an order issued under the Medical Marijuana Act or the temporary regulations.
    - (iii) The dispensary violates a provision of other State or local laws regarding the operation of its facility.
    - (iv) The dispensary engages in conduct, or an event occurs, that would have disqualified the dispensary from being issued a permit or having its permit renewed.
  - (2) Impose a civil penalty of not more than \$10,000 for each violation and an additional penalty of not more than \$1,000 for each day of a continuing violation. In determining the amount of each penalty, the Department will take the following into consideration:
    - (i) The gravity of the violation.
    - (ii) The potential harm resulting from the violation to patients, caregivers or the general public.
    - (iii) The willfulness of the violation.
    - (iv) Previous violations, if any, by the dispensary being assessed.
    - (v) The economic benefit to the dispensary being assessed resulting from the violation.
  - (3) Suspend or revoke a permit pending the outcome of a hearing if the Department determines that the health, safety or welfare of the public, a patient or a caregiver is at risk.
  - (4) Order the restitution of funds or property unlawfully obtained or retained by a dispensary.
  - (5) Issue a cease and desist order to immediately stop or restrict the operations of a dispensary conducted under the permit to protect the public's health, safety and welfare. The following apply:
    - (i) An order may include a requirement that a dispensary cease or restrict some or all of its operations. In addition, the order may prohibit the use of some or all of the medical marijuana grown, processed or to be sold by the dispensary.
    - (ii) An order may be issued by an authorized agent of the Department immediately upon completion of an inspection or investigation if the agent observes or suspects an operational failure or determines that the conditions will likely create a diversion of medical marijuana, contamination of medical marijuana, or a risk to patients or the public.

## Dispensary Operational Checklist

### General penalties and sanctions (cont'd).

§ 1141.47. General penalties and sanctions.

(iii) An order may include:

(A) An immediate evacuation of the site and facility and the sealing of the entrances to the facility.

(B) A quarantine of some or all of the medical marijuana found at the facility.

(C) The suspension of the sale or shipment of some or all of the medical marijuana found at the facility.

(6) Issue a written warning if the Department determines that either:

(i) The public interest will be adequately served under the circumstances by the issuance of the warning.

(ii) The violation does not threaten the safety or health of a patient, caregiver or the general public, and the dispensary took immediate action to remedy the violation.

(b) A person who aids, abets, counsels, induces, procures or causes another person to violate the Medical Marijuana Act or the temporary regulations, or an order issued under the Medical Marijuana Act or the temporary regulations, shall also be subject to the civil penalties provided under this section.

(c) Before the Department may act under subsection (a) or (b), the Department will provide the dispensary or other person with written notice specifying the nature of the alleged violation or conduct. The notice will fix a time and place for a hearing. The hearing will be scheduled at least 10 days after the date of the notice. This subsection supersedes 1 Pa. Code §§ 35.102 and 35.121 (relating to hearing calendar; and initiation of hearings).

(d) Notwithstanding subsection (c), for violations of the Medical Marijuana Act or the temporary regulations, the Department may require a dispensary to develop and adhere to a plan of correction approved by the Department. The Department will monitor compliance with the plan of correction. Failure to comply with the plan of correction may result in the Department's taking action under applicable provisions of this section as it deems appropriate.

(e) The Department's actions under subsections (a), (b) and (c) are subject to 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies).