



Medical Marijuana Act 63 of 2023 Permit Applications
Question and Answer (Q&A) Document

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The Bureau of Medical Marijuana (BMM) opened a Q&A period from May 21, 2024 until 5:00 p.m. on June 3, 2024. The following document is a list of questions properly submitted to BMM throughout this period. As this document will be updated and posted online as new questions are received, interested applicants should check the website for any new or updated answers previously contained in this document. BMM shall not be bound by an information that is not either contained within the Act 63 application instructions or formally issued as an addendum by BMM.

Application Sections	Questions	Answers
General Question: No Corresponding Application Section	Please let us know when and where the Department will post printed applicant questions and answers.	All questions and answers are now available and will be available at Medical Marijuana Program (pa.gov) . As BMM will be updating this document as it receives questions throughout the Q&A period, interested applicants should periodically check the website and this document for any updates.
Dispensary Permit Application: Part F, Section 23, Community Impact	The scoring rubric for the Application for Approval of an Act 63 of 2023 Dispensary Permit does not list a minimum acceptable score for Part F, Section 23, Community Impact. We want to confirm that there is no minimum	There is no minimum acceptable score for the Community Impact section of the application.

	acceptable score for the Community Impact section of the application.	
Dispensary Permit Application: Medical Marijuana Region/Counties Identification	The first page of the Act 63 Medical Marijuana Dispensary Permit Application Form requires an applicant to check <u>one</u> Medical Marijuana Region. I assume all dispensary locations within in that application (whether it is 1, 2, or 3 locations) must be within the same, one region. Is that correct?	Any dispensary locations proposed in the initial permit application must be in the same region. Any additional dispensary locations that are applied for pursuant to 28 Pa. Code § 1161a.40 (additional dispensary locations) do not need to be in the same region as the dispensary location(s) identified in the initial permit application.
General Question: No Corresponding Application Section	Can the applicant create a subsidiary company to receive the permit being issued under the Act 63 application?	No. The Department interprets Act 63 to require the permit be issued to the identical entity that holds the original permit, not a separate legal entity.
Dispensary Permit Application: Medical Marijuana Region/Counties Identification	We note that the earlier rounds of dispensary applications specified that the three dispensary locations permitted to be opened under one Dispensary Permit had to be located in the same Medical Marijuana Region, but in three distinct counties. However, this geographic limitation is not set forth in the language of the Act or its accompanying regulations; as such we wanted to confirm that this geographic limitation, which is mentioned only in the Dispensary Permit Application, is merely a holdover from the prior rounds of applications, and does not apply to the current Act 63 application process for independent grower/processors? Thank you in advance for your prompt response in this regard, in light of the need for applicants to move	The permits issued pursuant to Act 63 of 2023 carry the same rights, privileges, and obligations as permits issued under Chapter 6 of the Medical Marijuana Act. 35 P.S. § 10231.617(b). The geographic limitations outlined on the first page of the Dispensary Application applied to the prior application rounds, and likewise apply to the Act 63 application. If an Act 63 applicant would like to have the second or third dispensary location in a different region than the primary dispensary location, the permittee may file an application pursuant to 28 Pa. Code § 1161a.40 (additional dispensary locations) at any time after the initial Act 63 dispensary permit is issued.

	forward quickly with leases and other real-estate obligations.	
<p>Dispensary and Grower/Processor Permit Application Attachments: Attachment D: Site and Facility Plan</p>	Please advise what information the Department would like an applicant to show that the applicant is in compliance or will be in compliance with the municipality’s zoning requirements. What will the Department consider “sufficient evidence.”	Documentation issued by the local municipality or local zoning officer and submitted as part of the application package will be considered.
<p>Dispensary Application: Part A, Section 2</p> <p>Dispensary and Grower/Processor Permit Application Attachments: Attachment D: Site and Facility Plan (Schools/Daycares Affidavit)</p>	If a 1,000 foot waiver of the property line of a public, private, or parochial school, or day-care center, must be requested, what is the process and timing for making such a request? Is that part of the application for the dispensary permit or is there a separate form (and separate timing) for such a waiver request?	<p>A waiver request is not required as part of the Act 63 Dispensary permit application to receive the initial permit. The applicant assumes all risks related to its failure to obtain a waiver from the Bureau through the requisite demonstration of evidence, if it is determined that a waiver is required for the location.</p> <p>A waiver request should be completed after the issuance of the permit but before operationalization of the facility. During onboarding, the permittee should raise to the BMM’s compliance manager that it needs to submit a waiver request and a form should be provided.</p>
<p>Dispensary and Grower/Processor Permit Applications: Part C, Section 4 (A)-(C)</p>	Section 4, items A and C of the dispensary application indicate that only Principals, Operators, Financial Backers, and Employees “being added as part of this application” need to be listed on the application (we take this to mean that Principals, Operators, Financial Backers, and Employees who already are affiliated under the Applicant’s existing G/P or Dispensary permit do not need to be listed in Section 4).	Part C, Section 4 requires the applicant to list and provide contact information for those principals, operators, financial backers, and employees that are being affiliated with the new dispensary or grower/processor permit. Applicants are not required to list principals, financial backers, operators, or employees that are already affiliated with the applicant’s existing grower/processor or dispensary permit

<p>Dispensary and Grower/Processor Permit Application Attachments:</p> <p>Attachment E: Personal Identification</p>	<p>Attachment E: Personal Identification has no such qualification, so is the Applicant likewise only required to provide Personal Identification for individuals “being added as part of this application,” or is the Applicant also required to submit Personal Identification for all Principals, Operators, Financial Backers, and Employees who already have been affiliated by the Applicant under the Applicant’s existing G/P or Dispensary permit?</p>	<p><u>in Part C, Section 4 unless a current principal, financial backer, or operator is a business entity and is affiliating a new natural person or persons on the principal, operator, or financial backer entity’s behalf.</u></p> <p>For Attachment E, the applicant must provide the personal identification requested for each principal, operator, financial backer, and operator that will be affiliated with the new dispensary or grower/processor permit, regardless of whether the principal, financial backer, operator, or employee is already affiliated with the applicant’s existing grower/processor or dispensary permit.</p>
<p>Application for Approval of an Act 63 of 2023 Permit:</p> <p>Section 2 (B)</p> <p>Application for Act 63 of 2023 Attachment 2 (MS excel document) (As of 5/31/2024, this attachment is titled “Application for Act 63 of 2023 Attachment 4 (MS excel document)” on BMM’s website)</p>	<p>Section 2 item B of the Act 63 application, is the applicant required to list - and if so, how and where - individuals who are affiliated with the Applicant via their existing permit but not employed directly by the Applicant? For example, if the Applicant contracts with a 3rd party for security or janitorial services, the security guards or janitor would need to be affiliated with the Applicant but is not a direct "Employee" of the Applicant. If the Applicant is required to list such 3rd party contractors who are affiliated with the Applicant, how should this relationship be denoted in the affiliations spreadsheet and/or elsewhere?</p>	<p>The applicant is required to list the principals, operators, financial backers, and employees who meets the definitions of these terms under 35 PS. § 10231.103 and 28 Pa. Code § 1141a.21. The applicant must provide all information requested in the Attachment 2 excel document for each principal, operator, financial backer, and employee currently affiliated with the existing permit and to be affiliated with the new dispensary or grower/processor permit. The designation provided for a current permit affiliation should match the designation provided to BMM in the affiliation form.</p> <p>If an applicant uses a third-party for services that require regular access, without an escort,</p>

		<p>to the dispensary or grower/processor facility and/or that impacts the business operations or employees' activities onsite or offsite the facility, those persons must be affiliated. It is the responsibility of the applicant to determine whether the relationship with the third-party is that of an operator or employee.</p>
<p>Application for Act 63 of 2023 Attachment 2 (MS excel document) (As of 5/31/2024, this attachment is titled “Application for Act 63 of 2023 Attachment 4 (MS excel document)” on BMM’s website)</p> <p>Application for Act 63 of 2023 Attachments</p> <p>Application for Approval of an Act 63 of 2023 permit: Section 2 (A) and (B)</p>	<p>The current/proposed affiliations spreadsheet is titled “Attachment 2” on the BMM web site, but in Section 2 item A of the application itself, “Attachment 2” is defined as being “A diagram showing the relationship between the applicant, any parent companies and any subsidiaries of the applicant.” Our question is, what should the filename be for the Excel affiliations spreadsheet to differentiate it from the “other” “Attachment 2” to ensure that it meets the DOH file naming requirements?</p>	<p>This appears to have been a technical error that BMM has corrected. The previously named “Application for Act 63 of 2023 Attachment 2” on the BMM website has been updated to “Application for Act 63 of 2023 Attachment 4.” This Attachment should be used to respond to Section 2 (B), not Section 2 (A). When submitting to BMM, the applicant should name the document in the following manner: “Jane Doe LLC Act 63 of 2023_Attachment 4.pdf.” Accordingly, BMM also updated the first page of the “Application for Act 63 of 2023 Permit Attachments” to ensure that the primary application attachments match the application. The primary application attachment now reads, in pertinent part:</p> <p>Attachment 2: Applicant Parents and Subsidiaries Diagram**</p> <p>Attachment 3: Parent’s Subsidiaries Diagram**</p> <p>Attachment 4: Excel Current and Planned Affiliations*</p>

		No other changes, technical or substantive, have been made to the application materials.
<p>Dispensary and Grower/Processor Applications: Part B, Section 3</p>	<p>In Part B- Diversity Plan, Section 3, is the affirmative action plan able to be an attachment to the application to ensure that the section response is within the 5,000 word limit?</p>	<p>Yes, the applicant may utilize an attachment for the affirmative action plan response. The applicant must identify the additional attachment in “Attachment A: Signature Page” of the “Application for Act 63 of 2023 Dispensary and Grower/Processor Permit Attachments.”</p>
<p>Dispensary and Grower/Processor Attachments: Attachment I: Affidavit of Capital Sufficiency</p> <p>Dispensary and Grower/Processor Applications: Part E, Section 22</p>	<p>Affidavit of Capital Sufficiency, must the required amount remain available during the entire permit review process?</p>	<p>Yes. The capital sufficiency requirements are necessary to demonstrate that an applicant:</p> <ol style="list-style-type: none"> 1. is ready, willing, and able to properly carry on the activity for which a permit is sought; 2. possesses the ability to obtain in expeditious manner, sufficient land, buildings, and equipment to properly grow, process, or dispense medical marijuana; and 3. is able to be operational within 6 months from the date of permit issuance. <p><i>See 35 P.S. §§ 10231.603(a.1)(3) and (4); 28 Pa. Code §§ 1141a.29(b)(14) and 1141a.42.</i></p> <p>Pursuant to 28 Pa. Code § 1141a.30, the Department is permitted to contact each financial institution identified in the</p>

		<p>application to verify capital sufficiency requirements.</p> <p>Pursuant to 28 Pa. Code § 1141a.34(4), the Department may deny the issuance of a permit if the applicant fails to meet the capital funding requirements identified in the application or the Department is unable to verify the capital funding identified.</p>
<p>Dispensary and Grower/Processor Applications: Part B</p>	<p>Does the Department observe Asian Indians as a racial minority?</p>	<p>Please review the instructions included at the top of the “Part B – Diversity Plan” section of the application, wherein the applicant is instructed to submit a diversity plan in accordance with 35 P.S. § 10231.615.</p> <p><i>See also</i> 35 P.S. § 10231.615(d) for the definition of “minority-owned business.”</p>
<p>Dispensary and Grower/Processor Applications: Part B, Section 3</p>	<p>In Part B-Diversity Plan, Section 3, for the percentage of revenues calculation would this include all expected Diverse Group spend across the MMO?</p>	<p>The total percentage of revenues to be paid to diverse groups for the full permit term must only be for the new permit. The applicant may not include the existing dispensary or grower/processor permit in the calculation.</p>
<p>Dispensary Permit Application: Medical Marijuana Region/Counties Identification</p>	<p>Can an applicant apply for the Act 63 permit in any region?</p>	<p>The Bureau is accepting applications for all six medical marijuana regions. The six medical marijuana regions are found in 28 Pa. Code § 1141a.24(a).</p>
<p>Dispensary Permit Application: Eligibility</p>	<p>Question: do we want to answer the question as to whether a non-operational facility can apply? Does not seem like a universal question. Will</p>	<p>BMM plans to open Act 63 of 2023 permit application windows on an approximate 9-month schedule as they are needed. The next</p>

	this be the only application window for Act 63 permits?	window is planned for January 2025. BMM will publish notice of upcoming availability of an application window prior to the dates it intends to receive applications on its website.
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