



To: Senator Mike Regan

From: Michael Bronstein  
President, American Trade Association for Cannabis and Hemp

Date: March 14, 2022

RE: Testimony on Pennsylvania's Medical Marijuana Program

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Dear Senator Regan:

I am happy to be here today in front of the PA Senate Law and Justice Committee to offer testimony on the current state of Pennsylvania's Medical Marijuana Program. ATACH had the pleasure of working with Senator Regan on the passage of Act 16 and our work together marked an important moment for the Commonwealth and ATACH's organizational advocacy. ATACH was proud to stand shoulder to shoulder with you in the defining moments of that fight and the steadfast resolve and leadership that you provided in a bipartisan manner successfully saw Act 16 through. The memory in our organization of the passage of that law is strong and we are grateful to see the PA Senate's Law and Justice Committee step forward and raise awareness on this important issue.

As we meet today and discuss the topic of adult use marijuana and the work of the Office of Medical Marijuana under Act 16, it is important to remember how we arrived at this moment. If Pennsylvania's medical marijuana program can be distilled into one core value it is this: It is about patients. While we were working to get medical marijuana passed here in the Commonwealth, there were moments when we were not sure if it was ever going to happen and it was patient advocates that guided us. I fondly remember patients and caregivers, led by Latrisha "Lolly" Bentch, who now serves with distinction in the Pennsylvania Department of Health, not letting anyone stop

until this law was passed. Or Luke Shultz, now a patient advocate on the medical marijuana advisory board, who showed up for just about every medical marijuana rally, and has been a citizen-soldier for patients.

It is important to keep in mind that medical marijuana is the only medicine that has worked for so many people and removed the shame and stigma. Additionally, for many children with seizure disorders marijuana has proven to be an effective medicine. Let us today remember the patients, so many of whom are still with us and others who are no longer with us, and celebrate that historic moment.

While the Medical Marijuana Program is sometimes the recipient of critical attention, we cannot let this distort the program's unequivocal successes and we believe the focus on the program is because stakeholders so passionately care about the program's wellbeing. Most recent numbers show 729,000 registered patients and caregivers, December 2021 saw \$119 million in sales, and the addition of more qualifying health conditions since passage.

If we judge the program on the numbers it is one of the most successful programs in the country.

ATACH's membership continues to be a key stakeholder in this conversation. Today, we are here in recognition of the program's successes, and also to address ways we can help improve the program and take into account adult-use conversation which continues to naturally and necessarily evolve.

### **PA's Medical Marijuana Program Benefits Patients**

As I touch on briefly above, the Office of Medical Marijuana and the Department of Health has a very challenging regulatory brief with many stakeholders to balance. Everyone involved within the program has the best interests of the program in mind. Charging an agency with regulating a state-level lawful product but federally illegal medicine is a challenge. To compound this - and considering all the excellent work we did together on Act 16 - everyone acknowledged areas that could be improved. To the credit of this committee, many important issues were later addressed in Act 44. All of this is important if we want to more fully understand the successes and current improvements we can make to the program's implementation.

We knew during the passage of Act 16 that financial assistance should be a jewel in the program's crown. Act 16 implemented and Act 44 strengthened the assistance programs available to patients and caregivers. Pennsylvania was one of the first states

to adopt financial assistance programs as part of their medical marijuana program expanding medicine availability and this is a credit to legislative foresight of this committee in Act 44's passage. Patient access is the keystone of a healthy medical marijuana program and Pennsylvania has made it a priority.

### **Suggested Improvements**

In the time allotted, I would like to address areas of the program that can be improved or that are generally inconsistent with other medical marijuana programs around the country.

#### **Advertising and Marketing**

Since the inception of the program, operators and the Department of Health have struggled to find a proper balance as it relates to advertising, marketing, and the approval process. Additionally, there has been little formal guidance issued on this matter.

Dispensary operators are struggling to use text messaging as a communication modality in the program. Grower/processors have questions about how they can market products. Furthermore, operators still have questions about their participation and sign-off requirements in community fairs or festivals.

Recommendation: ATACH would recommend that formal guidance be issued to help operators through the sign-off process.

#### **The Need for a More Predictable Regulatory Environment**

As with any industry, the more predictable a regulatory environment, the better it is to operate a business and the easier for the Department to regulate. There have been challenges for both the operators and the Office of Medical Marijuana operating under the temporary regulations. This was heavily discussed during the Independent Regulatory Review Commission process which is ongoing. However, operators know very little about the potential permanent regulations and the process, and desired more stakeholdering.

As it relates to Act 44, it is our understanding that the Department is folding Act 44 regulations into the final form regulations which impacts the ability for public comment.

Recommendation: It would be beneficial for the Department to be more inclusive prior to promulgating regulations to ensure a proper stakeholdering process. We believe that this would help alleviate some of the tension between the regulated community and the Department surrounding regulatory interpretations.

### Forms of Medical Marijuana

ATACH has the view that there are permitted forms of medical marijuana allowed by Act 16 that are not currently available in the market. For example, even though Act 16 disallowed “edibles,” the legislative intent was not to prevent tablets, drops, or certain medicated liquid forms of medical marijuana.

Many other states, including Alabama, Arkansas, and Missouri all permit multiple forms of ingestible medicine - with limitations - within their medical marijuana programs. ATACH does not believe that these products fall under Act 16’s limitation on “edibles.” While concerns exist that edible products are attractive to children or that diversion of these products is more likely, good policy, implementation and oversight can effectively mitigate these concerns. Moreover, these form factors are a really good alternative form of delivery for patients who may not want to inhale medicine due to a health condition - such as cancer - or any other reason.

Recommendation: The Department should reevaluate its interpretations as it relates to the permissibility of additional forms medicine.

### D8

Unregulated D8 products are gaining popularity with the demographic that does not qualify for medical marijuana and casual marijuana users. These products are molecularly similar to D9 (aka THC), and produce a similar intoxicating effect. The problem is these products can be bought in convenience stores by anyone over the age of 18 and are not subject to testing or regulation. There have been reports that under testing, these products have shown to be contaminated with heavy metals, residual pesticides, and other dangerous material.

Recommendation: The Department of Health should closely monitor reports of these products and, if necessary, investigate their safety.

### Medical Marijuana Advisory Board Meetings

ATACH believes that the Medical Marijuana Advisory Board's has been one of the most important features of the program. With expanded authority of the Board, we also believe that opportunities for public comment and participation in the proceedings would be beneficial. Also, we believe the OMM should provide recordings and materials on their website from the meetings as other states do.

Recommendation: The Department should permit a short period of open public comment during the Medical Marijuana Advisory Board's meetings and make a recording available on their publicly accessible website.

I appreciate being here today and hope ATACH can be a resource for not only improvements to the medical program as this committee contemplates adult-use legislation and thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to be 'M. Bronstein', with a long horizontal line extending to the right.

Michael L. Bronstein  
President, American Trade Association for Cannabis and Hemp