

1 **PART IX. MEDICAL MARIJUANA PROGRAM**

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- 23 **§ 1161.21. Dispensaries generally.**

1 (a) The qualifications that a dispensary must meet to receive a permit shall be continuing
2 qualifications to maintain the permit.

3 (b) In addition to any other requirements set forth in the Act or this Part, a dispensary shall
4 comply with the following:

5 (1) A dispensary shall not engage in the business of possessing, dispensing, selling,
6 or offering to sell medical marijuana to a patient or caregiver within this Commonwealth
7 without first being issued a permit by the Department and without first being determined
8 operational by the Department as required by 1141.42 (relating to failure to be
9 operational).

10 (2) A dispensary shall not employ an individual at its facility who is under 18 years
11 of age.

12 (3) A dispensary shall not allow a patient to self-administer medical marijuana at its
13 facility unless the patient is an employee and follows the policies of the employer, if
14 allowed.

15
16 **§ 1161.22. Dispensing medical marijuana.**

17 (a) A dispensary may only dispense medical marijuana to a patient or caregiver who presents
18 a valid identification card to an employee at the facility who is authorized to dispense medical
19 marijuana at the facility.

20 (b) Prior to dispensing medical marijuana to a patient or caregiver, the dispensary shall do
21 the following:

22 (1) Verify the validity of the identification card presented.

1 (2) Review the information on the patient's most recent certification in the
2 Department's database. The following apply:

3 (i) If a practitioner sets forth any requirements or limitations as to the form of
4 medical marijuana on the certification, the medical marijuana dispensed to a
5 patient or a caregiver by a dispensary shall conform to those requirements or
6 limitations.

7 (ii) If a practitioner does not set forth any requirements or limitations as to the
8 form of medical marijuana, the physician, pharmacist, physician assistant or
9 certified registered nurse practitioner employed by the dispensary and working at
10 the facility shall consult with the patient or the caregiver regarding the appropriate
11 form and dose of medical marijuana to be provided.

12 (c) Prior to the completion of the transaction, the employee conducting the transaction at the
13 dispensary shall prepare a receipt of the transaction, and file the receipt information with the
14 Department utilizing the electronic tracking system. A copy of the receipt shall be provided to
15 the patient or the caregiver and shall include all of the following information:

16 (1) The name, address and any identification number assigned to the dispensary by
17 the Department.

18 (2) The name and address of the patient and, if applicable, the patient's caregiver.

19 (3) The date the medical marijuana was dispensed.

20 (4) Any requirement or limitation noted by the practitioner on the patient's
21 certification as to the form of medical marijuana that the patient should use.

22 (5) The form and the quantity of medical marijuana dispensed.

1 (d) The dispensary shall delete any electronically recorded information stored on the
2 dispensary's network, server or computer system as the result of a transaction after the receipt
3 relating to that transaction has been filed under subsection (c).
4

5 **§ 1161.23. Limitations on dispensing.**

6 (a) A dispensary shall not dispense to a patient or caregiver:

7 (1) A quantity of medical marijuana that is greater than the amount that the
8 practitioner who issued the patient's certification has recommended for use by the patient
9 on the certification, if any.

10 (2) A form of medical marijuana prohibited by the Act.

11 (b) A dispensary may not dispense an amount of medical marijuana greater than a 30-day
12 supply to a patient or caregiver until the patient has exhausted all but a seven-day supply
13 provided pursuant to the certification currently on file with the Department.
14

15 **§ 1161.24. Licensed medical professionals at facility.**

16 (a) A dispensary shall ensure that a practitioner or a pharmacist is present at the facility at all
17 times during the hours the facility is open to receive patients and caregivers.

18 (b) If a dispensary is authorized to operate more than one facility under its permit, a
19 physician assistant or a certified registered nurse practitioner may be present onsite at each of the
20 other locations in lieu of the practitioner or pharmacist.

21 (c) As required by the Act, a physician, a pharmacist, a physician assistant or a certified
22 registered nurse practitioner shall, prior to assuming any duties at a facility, successfully
23 complete a four-hour training course developed by the Department. The course shall cover

1 information regarding the latest scientific research on medical marijuana, including the risks and
2 benefits of medical marijuana, and other information deemed necessary by the Department.

3 (d) Successful completion of the course required under subsection (c) shall be approved as
4 continuing education credits as determined by:

5 (1) The State Board of Medicine and the State Board of Osteopathic Medicine.

6 (2) The State Board of Pharmacy.

7 (3) The State Board of Nursing.

8 (e) A practitioner or a physician may not issue a certification to a patient or otherwise treat a
9 patient at a facility.

10

11 **§ 1161.25. Dispensary facilities.**

12 (a) A dispensary may only dispense medical marijuana in an indoor, enclosed, secure facility
13 approved by the Department.

14 (b) A dispensary shall meet the same municipal zoning and land use requirements as other
15 commercial facilities that are located in the same zoning district.

16 (c) A dispensary may not be located:

17 (1) Within 1,000 feet of the property line of a public, private or parochial school or a
18 day-care center.

19 (2) At the same site used for growing and processing medical marijuana.

20 (3) Inside the same physical space or area of another commercial property being
21 operated as a retail business.

22 (4) In a building adjacent to a commercial operation that shares ingress and egress
23 from the commercial operation. A dispensary shall maintain additional security to the

1 satisfaction of the Department to prevent individuals under 18 years of age from entering
2 the dispensary from the adjacent commercial operation unless the individual under 18
3 years of age is accompanied by an adult.

4 (5) In the same office space as a practitioner or other physician.

5 (d) The Department may waive or amend the prohibition under subsection (c)(1) if it is
6 shown by clear and convincing evidence that the waiver or amendment is necessary to provide
7 patients with adequate access to medical marijuana. A waiver or amendment by the Department
8 under this subsection may require additional security measures, changes to the physical plant of a
9 facility or other conditions necessary to protect children, and to prevent unauthorized access to
10 medical marijuana.

11 (e) No one under 18 years of age shall be permitted to enter a dispensary unless accompanied
12 by an adult.

13 (f) The following areas of a dispensary shall be clearly marked with proper signage:

14 (1) Limited access areas. All areas of ingress and egress to a limited access area shall
15 be clearly identified by the posting of a sign which shall be not less than 12 inches wide
16 and 12 inches long, composed of letters not less than one-half inch in height, which shall
17 state, "Do Not Enter – Limited Access Area – Access Limited to Authorized Personnel
18 and Escorted Visitors."

19 (2) Areas that are open to patients and caregivers.

20 (g) A dispensary shall have an enclosed, secure area out of public sight for the loading and
21 unloading of medical marijuana into and from a transport vehicle.

22
23 **§ 1161.26. Items and services provided at a dispensary.**

1 (a) A dispensary shall dispense the form of medical marijuana pursuant to § 1161.22(b)(2)
2 (relating to dispensing medical marijuana).

3 (b) A dispensary may sell at its facility medical devices and instruments which are needed to
4 administer medical marijuana.

5 (c) A dispensary may sell at its facility, with the prior written approval of the Department,
6 services related to the use of medical marijuana.

7 (d) A dispensary shall not:

8 (1) Sell or provide any products with a THC concentration of 0.3 percent or less.

9 (2) Provide or advertise medical marijuana:

10 (i) At no cost or free.

11 (ii) As a promotional item.

12 (iii) As part of a giveaway.

13 (iv) As part of a coupon program.

14 (3) Make the dispensing of medical marijuana to a patient or caregiver conditional
15 upon:

16 (i) The purchase of a device, instrument or service provided at a dispensary.

17 (ii) The purchase of a device, instrument or service provided at a location
18 other than a dispensary.

19 (4) Offer the delivery of or deliver medical marijuana to a patient or caregiver as part
20 of a service related to the use of medical marijuana.

21

22 **§ 1161.27. Labels and safety inserts.**

23 (a) A dispensary shall dispense medical marijuana to a patient or caregiver in a sealed and
24 properly labeled package.

- 1 (b) The dispensary shall inspect the label to ensure that the label contains the following:
- 2 (1) The information required to be included in the receipt in § 1161.22 (relating to
- 3 dispensing medical marijuana).
- 4 (2) The packaging date.
- 5 (3) Any applicable date by which the medical marijuana should be used.
- 6 (4) The following warning stating:
- 7 “This product is for medicinal use only. Women should not consume during pregnancy or
- 8 while breastfeeding except on the advice of the practitioner who issued the certification
- 9 and, in the case of breastfeeding, the infant's pediatrician. This product might impair the
- 10 ability to drive or operate heavy machinery. Keep out of reach of children.”
- 11 (5) The amount of individual doses contained within the package and the species and
- 12 percentage of tetrahydrocannabinol and cannabidiol.
- 13 (6) A warning that the medical marijuana must be kept in the original container in
- 14 which it was dispensed.
- 15 (7) A warning that unauthorized use is unlawful and will subject the purchaser or user
- 16 to criminal penalties.
- 17 (8) Any other information required by the Department.
- 18 (c) The dispensary shall inspect the label to ensure that the label does not bear:
- 19 (1) Any resemblance to the trademarked, characteristic or product-specialized
- 20 packaging of any commercially available candy, snack, baked good or beverage.
- 21 (2) Any statement, artwork or design that could reasonably mislead any person to
- 22 believe that the package contains anything other than a medical marijuana finished
- 23 product.

1 (3) Any seal, flag, crest, coat of arms, or other insignia that could reasonably mislead
2 any person to believe that the product has been endorsed, manufactured, or used by any
3 State, county or municipality or any agency thereof.

4 (4) Any cartoon, color scheme, image, graphic or feature that might make the
5 package attractive to children.

6 (d) When a dispensary dispenses medical marijuana to a patient or caregiver, the dispensary
7 shall also provide the patient or caregiver with a safety insert developed and approved by the
8 Department that includes the following information:

9 (1) Lawful methods for administering medical marijuana in individual doses.

10 (2) Any potential dangers stemming from the use of medical marijuana.

11 (3) How to recognize what may be problematic usage of medical marijuana and how
12 to obtain appropriate services or treatment for problematic usage.

13 (4) How to prevent or deter the misuse of medical marijuana by minors or others.

14 (5) Any other information determined by the Department to be relevant to enhance
15 patient safety.

16
17 **§ 1161.28. Plans of operation.**

18 (a) At the time the Department determines a dispensary to be operational, the dispensary
19 shall have a full and complete plan of operation for the Department to review that includes the
20 following:

21 (1) Employment policies and procedures.

22 (2) Security policies and protocols, including:

23 (i) Staff identification measures.

- 1 (ii) Monitoring of attendance of staff and visitors.
- 2 (iii) Alarm systems.
- 3 (iv) Video surveillance.
- 4 (v) Monitoring and tracking inventory.
- 5 (vi) Personal security.
- 6 (3) A process for receiving, packaging, labeling, handling, tracking, transporting,
- 7 storing, disposing, returning and recalling of products containing medical marijuana in
- 8 accordance with all applicable laws, rules and regulations.
- 9 (4) Workplace safety.
- 10 (5) Maintenance, cleaning and sanitation of the site and facility.
- 11 (6) Inventory maintenance and reporting procedures.
- 12 (7) The investigation of complaints from other medical marijuana organizations,
- 13 patients, caregivers or practitioners relating to the operation of the dispensary.
- 14 (b) A dispensary shall make the full and complete plan of operation available to the
- 15 Department upon request and during any inspection of the site and facility.

16
17 **§ 1161.29. Visitor access to dispensary facilities.**

- 18 (a) A dispensary shall post a sign in a conspicuous location at each entrance of the facility
- 19 that reads:

20 THESE PREMISES ARE UNDER CONSTANT VIDEO SURVEILLANCE.
21 NO ONE UNDER THE AGE OF 18 IS PERMITTED TO ENTER UNLESS
22 ACCOMPANIED BY AN ADULT

- 23 (b) Only authorized employees of a dispensary may enter a limited access area.

1 (c) A dispensary shall require vendors, contractors and other individuals requiring access to a
2 limited access area in the dispensary to present government-issued identification, sign a visitor
3 log and wear a visitor identification badge that is visible to others at all times while in a limited
4 access area.

5 (d) A dispensary shall do the following when admitting a visitor to a limited access area at its
6 facility:

7 (1) Require the visitor to sign a visitor log upon entering and leaving the limited
8 access area.

9 (2) Check the visitor's government-issued identification to verify that the name on
10 the identification provided matches the name in the visitor log. A photocopy of the
11 identification shall be retained with the log.

12 (3) Issue a visitor identification badge with the visitor's name and company, if
13 applicable, and a badge number.

14 (4) Escort the visitor while the visitor remains in a limited access area.

15 (5) Ensure that the visitor does not touch any medical marijuana located in a limited
16 access area.

17 (e) The following apply regarding the visitor log:

18 (1) The dispensary shall maintain the log required under subsection (d) for four years
19 and shall make the log available to the Department, state or local law enforcement and
20 other state or local government officials upon request if necessary to perform the
21 government officials' functions and duties.

1 (2) The log shall include the full name of each visitor, the visitor identification badge
2 number, the time of arrival, the time of departure, and the purpose of the visit, including
3 the limited access area or areas visited and the name of each employee visited.

4 (f) Nothing in this section shall limit the right of the Department or its authorized agents, or
5 other federal, state or local government officials, from entering any area of a dispensary if
6 necessary to perform the government officials' functions and duties.

7 (g) A principal, financial backer, operator or an employee of a dispensary may not receive
8 any type of consideration or compensation for allowing a visitor to enter a limited access area.

9
10 **§ 1161.30. Security and surveillance.**

11 (a) A dispensary shall have security and surveillance systems, utilizing commercial-grade
12 equipment, to prevent unauthorized entry and to prevent and detect diversion, theft, or loss of
13 medical marijuana. The security and surveillance systems shall include the following:

14 (1) A professionally-monitored security alarm system that includes the following:

15 (i) Coverage of all facility entrances and exits; rooms with exterior windows,
16 exterior walls, roof hatches or skylights; storage rooms, including those that
17 contain medical marijuana and safes; and the perimeter of the facility.

18 (ii) A silent security alarm system signal, known as a duress alarm, generated
19 by the entry of a designated code into an arming station in order to signal that the
20 alarm user is being forced to turn off the system.

21 (iii) An audible security alarm system signal, known as a panic alarm,
22 generated by the manual activation of a device intended to signal a life
23 threatening or emergency situation requiring law enforcement response.

1 (iv) A silent alarm signal, known as a holdup alarm, generated by the manual
2 activation of a device intended to signal a robbery in progress.

3 (v) An electrical, electronic, mechanical or other device capable of being
4 programmed to send a prerecorded voice message requesting dispatch, when
5 activated, over a telephone line, radio or other communication system to a law
6 enforcement, public safety or emergency services agency.

7 (vi) A failure notification system that provides an audible, text or visual
8 notification of any failure in the systems. The failure notification system shall
9 provide by telephone, email or text message an alert to a designated security
10 person within the facility within five minutes after the failure.

11 (vii) A smoke and fire alarm.

12 (viii) Auxiliary power sufficient to maintain security and surveillance systems
13 for at least 48 hours following a power outage.

14 (ix) The ability to ensure all access doors are not solely controlled by an
15 electronic access panel to prevent locks from becoming released during a power
16 outage.

17 (x) Motion detectors.

18 (2) A professionally-monitored security and surveillance system that records all
19 activity in images capable of clearly revealing facial detail. The security and surveillance
20 system shall include the following:

21 (i) Fixed camera placement that allows for a clear image of all individuals
22 and activities in and around the following:

1 (A) Any area of the facility where medical marijuana is loaded or
2 unloaded into and from transport vehicles, stored before dispensing, or
3 dispensed to a patient or caregiver.

4 (B) A room or area containing a security and surveillance system
5 storage device or equipment.

6 (C) Entrances and exits to the facility. Entrances and exits shall be
7 recorded from both indoor and outdoor vantage points.

8 (D) Rooms with exterior windows, exterior walls, roof hatches, or
9 skylights and storage rooms, including those that may contain medical
10 marijuana and safes.

11 (E) Five feet from the exterior of the perimeter of the facility.

12 (F) A limited access area of the facility.

13 (ii) Auxiliary power sufficient to maintain security and surveillance systems
14 for at least 48 hours following a power outage.

15 (iii) Ability to operate under the normal lighting conditions of each area under
16 surveillance.

17 (iv) Ability to immediately produce a clear, color, still photograph in a digital
18 format that meets the requirements of this subsection.

19 (3) Ability to clearly and accurately display the date and time. The date and time shall
20 be synchronized and set correctly and shall not significantly obscure the picture.

21 (4) Ability to record all images captured by each surveillance camera for a minimum
22 of four years in a format that may be easily accessed for investigative purposes. The
23 recordings shall be kept:

1 (i) At the facility:

2 (A) In a locked cabinet, closet, or other secure place to protect it from
3 tampering or theft.

4 (B) In a room to which access is limited to authorized individuals and
5 secured by a security alarm system separate from the facility's primary
6 security system.

7 (ii) At a location other than the location of the facility if approved by the
8 Department.

9 (5) The following apply regarding the inspection, servicing, or alteration of, and the
10 upgrade to, the dispensary's security and surveillance systems:

11 (i) The systems shall be inspected and all devices tested once every year by a
12 qualified alarm system vendor and a qualified surveillance system vendor, as
13 approved by the Department.

14 (ii) The dispensary shall conduct maintenance inspections once every month
15 and ensure that all necessary repairs, alterations and upgrades are made for the
16 proper operation of the systems.

17 (iii) The dispensary shall retain at the facility, for at least four years, records of
18 all inspections, servicing, alterations, and upgrades performed on the systems. The
19 following apply:

20 (A) The records shall be made available to the Department and its
21 authorized agents within two business days following a request.

1 (B) Failure to provide the records pursuant to subclause (A) shall
2 subject the dispensary to the sanctions and penalties under § 1141.47
3 (relating to general penalties and sanctions).

4 (6) In the event of a mechanical malfunction of the security or surveillance system
5 that exceeds an eight-hour period, the dispensary shall notify the Department
6 immediately and, with Department approval, provide alternative security measures that
7 may include closure of the facility.

8 (7) The dispensary shall designate an employee to continuously monitor the security
9 system and surveillance system at the facility.

10 (8) The following apply regarding records retention:

11 (i) Within two business days following a request, a dispensary shall provide
12 up to four screen captures of an unaltered copy of a video surveillance recording
13 to the Department or its authorized agents, law enforcement or other federal, state
14 or local government officials if necessary to perform the government officials'
15 functions and duties.

16 (ii) If a dispensary has been notified in writing by the Department or its
17 authorized agents, law enforcement or other federal, state or local government
18 officials of a pending criminal or administrative investigation for which a
19 recording may contain relevant information, the dispensary shall retain an
20 unaltered copy of the recording until the investigation or proceeding is closed or
21 the entity conducting the investigation or proceeding notifies the dispensary that it
22 is not necessary to retain the recording.

1 (b) A dispensary shall install commercial-grade, non-residential doors and door locks on
2 each external door of the facility. Keys or key codes for all doors shall remain in the possession
3 of designated authorized individuals.

4 (c) During all non-working hours, all entrances to and exits from the site and facility shall be
5 securely locked.

6 (d) A dispensary shall have an electronic back-up system for all electronic records.

7 (e) A dispensary shall install lighting to ensure proper surveillance inside and outside of the
8 facility.

9 (f) A dispensary shall limit access to a room containing security and surveillance monitoring
10 equipment under § 1161.30 (relating to security and surveillance) to persons who are essential to
11 maintaining security and surveillance operations; federal, state and local law enforcement;
12 security and surveillance system service employees; the Department or its authorized agents; and
13 other persons with the prior written approval of the Department. The following apply:

14 (1) A dispensary shall make available to the Department or the Department's
15 authorized agents, upon request, a current list of authorized employees and service
16 employees or contractors who have access to any security and surveillance areas.

17 (2) A dispensary shall keep security and surveillance rooms locked at all times and
18 shall not use such rooms for any other purpose or function.

19
20
21 **§ 1161.31. Inventory.**

22 (a) A dispensary shall maintain an electronic tracking system which shall include an
23 accounting of:

- 1 (1) Medical marijuana received from a grower/processor.
- 2 (2) Medical marijuana sold to a patient or caregiver.
- 3 (3) Damaged, defective, expired, or contaminated medical marijuana awaiting return
- 4 to a grower/processor or disposal.

5 (b) A dispensary shall establish inventory controls and procedures to conduct monthly
6 inventory reviews and annual comprehensive inventories of medical marijuana at its facility.

7 (c) A written record shall be created and maintained of each inventory which shall include
8 the date of the inventory, a summary of the inventory findings, and the names, signatures, and
9 titles or positions of the individuals who conducted the inventory.

10

11 **§ 1161.32. Storage requirements.**

12 (a) A dispensary shall have separate locked areas for storage of medical marijuana that is
13 expired, damaged, deteriorated, mislabeled, contaminated, recalled, or whose containers or
14 packaging have been opened or breached, until such medical marijuana is returned to a
15 grower/processor, destroyed or otherwise disposed of as required by §1151.40 (relating to
16 disposal of medical marijuana).

17 (b) A dispensary shall maintain all storage areas in a clean and orderly condition and free
18 from infestation by insects, rodents, birds, and pests of any kind.

19

20 **§ 1161.33. Sanitation and safety in a facility.**

21 (a) A dispensary shall maintain a facility in a sanitary condition in order to limit the potential
22 for contamination or adulteration of the medical marijuana stored in or dispensed at the facility.

23 The following apply:

- 1 (1) Litter and waste shall be properly removed.
- 2 (2) Floors, walls, and ceilings shall be kept in good repair.
- 3 (3) Adequate protection against pests shall be provided through the use of integrated
4 pest management practices and techniques that identify and manage pest problems, and
5 the regular disposal of litter and waste to prevent infestation.
- 6 (4) Toxic cleaning compounds, sanitizing agents, solvents and pesticide chemicals
7 shall be labeled and stored in a manner that prevents contamination of medical marijuana
8 and in a manner that otherwise complies with other applicable laws and regulations.
- 9 (b) An employee working in direct contact with medical marijuana shall be subject to the
10 restrictions on food handlers specified in 28 Pa. Code § 27.153 (relating to restrictions on food
11 handlers). An employee shall otherwise conform to sanitary practices while on duty, including
12 the following:
- 13 (1) Maintaining adequate personal cleanliness.
- 14 (2) Washing hands thoroughly in an adequate hand-washing area before starting work
15 and at any other time when hands may have become soiled or contaminated.
- 16 (c) A dispensary shall provide its employees and visitors with adequate and convenient hand-
17 washing facilities furnished with running water at a suitable temperature. The following apply:
- 18 (1) Hand-washing facilities shall be located where good sanitary practices require
19 employees to wash and sanitize their hands.
- 20 (2) Effective hand-cleaning and sanitizing preparations and sanitary towel service or
21 suitable drying devices shall be provided.
- 22 (d) A dispensary shall provide its employees and visitors with adequate, readily accessible
23 lavatories that are maintained in a sanitary condition and in good repair.

1 (e) A dispensary shall comply with all other applicable state and local building code
2 requirements.

3

4 **§ 1161.34. Transportation of medical marijuana.**

5 (a) A dispensary may transport and deliver medical marijuana to a medical marijuana
6 organization within this Commonwealth in accordance with the provisions of this section. The
7 following apply:

8 (1) A dispensary may deliver medical marijuana to a medical marijuana organization
9 only between the hours of 7 a.m. and 9 p.m.

10 (2) A dispensary may contract with a third party contractor for delivery so long as the
11 contractor complies with the requirements of this section.

12 (3) A dispensary shall not transport medical marijuana to any location outside of this
13 Commonwealth.

14 (4) A dispensary shall use a global tracking system to ensure safe, efficient delivery
15 of the medical marijuana to a medical marijuana organization.

16 (b) Vehicles permitted to transport medical marijuana shall:

17 (1) Be equipped with a secure lockbox or locking cargo area.

18 (2) Have no markings that would either identify or indicate that the vehicle is being
19 used to transport medical marijuana.

20 (3) Be capable of being temperature-controlled for perishable medical marijuana.

21 (4) Display current state inspection and registration stickers.

22 (5) Be insured in an amount that is commercially reasonable and appropriate.

1 (c) A transport vehicle shall be staffed with a delivery team consisting of at least two
2 individuals and shall comply with the following:

3 (1) At least one delivery team member shall remain with the vehicle at all times that
4 the vehicle contains medical marijuana.

5 (2) Each delivery team member shall have access to a secure form of communication
6 with the dispensary, such as a cellular telephone, at all times that the vehicle contains
7 medical marijuana.

8 (3) Each delivery team member shall carry an identification badge or card at all times
9 and shall, upon demand, produce it to the Department or its authorized agents, law
10 enforcement or other federal, state or local government officials if necessary to perform
11 the government officials' functions and duties.

12 (4) Each delivery team member shall have a valid Driver's License.

13 (5) While on duty, a delivery team member may not wear any clothing or symbols
14 that may indicate ownership or possession of medical marijuana.

15 (d) Medical marijuana stored inside the transport vehicle shall not be visible from the outside
16 of the transport vehicle.

17 (e) Except as provided in subsection (h), a delivery team shall proceed in a transport vehicle
18 from the dispensary, where the medical marijuana is loaded, directly to the medical marijuana
19 organization, where the medical marijuana is unloaded, without intervening stops or unnecessary
20 delays. Notwithstanding the foregoing, a transport vehicle may make stops at multiple facilities,
21 as appropriate, to deliver medical marijuana.

22 (f) A dispensary shall immediately report to the Department any vehicle accidents,
23 diversions, losses, or other reportable events that occur during transport of medical marijuana.

1 (g) A dispensary shall notify the Department daily of its delivery schedule, including routes
2 and delivery times, either through a designated phone line established by the Department or by
3 electronic communication with the Department in a manner prescribed by the Department.

4 (h) A transport vehicle shall be considered an extension of the dispensary and shall be
5 subject to inspection by the Department or its authorized agents, law enforcement or other
6 federal, state or local government officials if necessary to perform the government officials'
7 functions and duties. A transport vehicle may be stopped and inspected along its delivery route
8 or at any medical marijuana organization.

9
10 **§ 1161.35. Transport manifest.**

11 (a) A dispensary shall generate a printed or electronic transport manifest that accompanies
12 every transport vehicle and contains the following information:

13 (1) The name, address and permit number of the dispensary and the name of and
14 contact information for a representative of the dispensary who has knowledge of the
15 transport.

16 (2) The name, address and permit number of the medical marijuana organization
17 receiving the delivery and the name of and contact information for a representative of the
18 medical marijuana organization.

19 (3) The quantity, by weight or unit, of each medical marijuana batch or lot contained
20 in the transport, along with the identification number for each batch or lot.

21 (4) The date and approximate time of departure.

22 (5) The date and approximate time of arrival.

23 (6) The transport vehicle's make and model and license plate number.

1 (7) The identification number of each member of the delivery team accompanying the
2 transport.

3 (b) When a delivery team delivers medical marijuana to multiple medical marijuana
4 organizations, the transport manifest shall correctly reflect the specific medical marijuana in
5 transit. Each recipient shall provide the dispensary with a printed receipt for the medical
6 marijuana received.

7 (c) All medical marijuana being transported must be packaged in shipping containers and
8 labeled in accordance with § 1151.34 (relating to packaging and labeling of medical marijuana)
9 and § 1161.27 (relating to labels and safety inserts).

10 (d) A dispensary shall provide a copy of the transport manifest to the recipient receiving the
11 medical marijuana described in the transport manifest. In order to maintain confidentiality, a
12 dispensary may prepare separate manifests for each recipient.

13 (e) A dispensary shall, if requested, provide a copy of the printed transport manifest, and any
14 printed receipts for medical marijuana being transported, to the Department or its authorized
15 agents, law enforcement or other federal, state or local government officials if necessary to
16 perform the government officials' functions and duties.

17
18 **§ 1161.36. Evidence of theft, diversion, or discrepancy during transport.**

19 (a) If a dispensary receiving a delivery of medical marijuana from a medical marijuana
20 organization discovers a discrepancy in the transport manifest upon delivery, the dispensary shall
21 refuse acceptance of the delivery and immediately report the discrepancy to the Department and
22 to the appropriate law enforcement authorities.

1 (b) If a dispensary discovers evidence of, or reasonably suspects, a theft or diversion of
2 medical marijuana during transport,, the dispensary shall immediately report its findings or
3 suspicions to the Department and to law enforcement.

4 (c) If a dispensary discovers a discrepancy in the transport manifest, the dispensary shall:

5 (1) Conduct an investigation.

6 (2) Amend the dispensary's standard plan of operation, if necessary, to prevent future
7 discrepancies between the quantity or description of inventory listed in the transport
8 manifest and the quantity or description of inventory delivered.

9 (3) Submit a report of the investigation to the Department. The following apply:

10 (i) A written preliminary report of the investigation shall be submitted to the
11 Department within seven days of discovering the discrepancy.

12 (ii) A final written report of the investigation shall be submitted to the
13 Department within 30 days of discovering the discrepancy.

14

15 **§ 1161.37. Complaints about or recall of medical marijuana.**

16 (a) A dispensary shall notify the Department and the grower/processor immediately upon
17 becoming aware of any complaint made to the dispensary by a patient or caregiver who reports
18 an adverse event from using medical marijuana dispensed by the dispensary from a
19 grower/processor.

20 (b) Upon notification by the grower/processor pursuant to § 1151.42 (relating to complaints
21 about or recall of medical marijuana), the dispensary shall cease dispensing the affected medical
22 marijuana.

1 (c) A dispensary shall coordinate the return of the recalled medical marijuana with the
2 grower/processor.

3

4 **§ 1161.38. Electronic tracking system.**

5 A dispensary shall use the electronic tracking system prescribed by the Department. The
6 Department shall publish notice of the electronic tracking system to be utilized by a dispensary
7 in the *Pennsylvania Bulletin* 60 days prior to the implementation date of the system.

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