

September 14, 2016

TO: Memo to file
FROM: E. Van Rieker, AICP
RE: Cannabis (Medical Marijuana) Regulations

I attended a conference presented by the Montgomery County Zoning Officers Association on the new Cannabis legislation in Pennsylvania dealing with municipal zoning. Here are my initial thoughts based on the presentation:

1. Pennsylvania legislation is still not final and rules are being developed by the Department of Health.
2. Pennsylvania will permit only "Medical Marijuana" which does not include any form of smoking. So far, legislation limits retail to: pills, ointments, and the like.
3. There are two licenses that will be granted by the state:
 - Growing and manufacturing
 - Dispensing at retail
4. Legislation will require that growing and manufacture of cannabis be contained within an enclosed building – which may include greenhouses.
5. Dispensing of cannabis will be permitted only at retail locations only for medical purposes approved by the state.
6. The act says that local zoning laws must be followed.
 - There is a potential conflict between the state enabling act, which will permit the growing, manufacturing and sale of cannabis and Federal law which prohibits the use of cannabis, since it is considered a narcotic.
 - Apparently, cannabis used for medical purposes is receiving support from the medical and healthcare industries.
7. Based on the above, I conclude that the growing and manufacture of Medical Marijuana should be "limited to zoning districts that permit manufacturing"

and the sale of medical marijuana should be treated like uses which engage in the sale of vitamins or pharmaceutical items.

- If unsure then defer to ZHB