

# Andrew Sacks of Sacks Weston Diamond Law Firm, Questions Cannabis Dispensary 1000 Foot Rule In Pennsylvania



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by Andrew B. Sacks, For the Inquirer

As one of the first lawyers in Pennsylvania to venture into the legal world of medical marijuana and hemp, I have had the pleasure to work and assist with the development of Pennsylvania's medical marijuana program. I could not be happier to see these dispensaries opening and helping the sick get relief.

However, a problem has developed that will make it very difficult for many of the patients who most need the medicine to receive it.

The problem stems from the law's requirement that a medical marijuana dispensary cannot be located within 1,000 feet of a school or day-care location.

It's not too difficult to manage this with regard to schools. Philadelphia has many; but not so many that locations for dispensaries are totally out of the question.

But there are hundreds of day-care centers just in Philadelphia. The "thousand-foot rule" means that there are almost no potential dispensary locations in the city, and that patients must travel to the suburbs, or to the far corners of Philadelphia, to purchase their medical marijuana. This hardship will be felt most by the old and the needy.

While I understand concerns about locating a dispensary near a school, I wonder why a day care is problematic. An 18-month-old child is not likely to hang out in front of a dispensary. A CVS can be next to a school or a day care and dispense opioid death, but a medical marijuana dispensary is too scary to have within a thousand feet of small children?

It helped when citizens brought their concerns to City Council, which asked the Department of Public Health to change the rule to 500 feet — and this was approved.

But it was not enough; it solved the problem for no one in Center City, and put only 13 compliant locations on the map of the entire city. Those locations are far from the majority of people who live in Philadelphia.

They will have very difficult access to the dispensaries in the suburbs and Northeast Philadelphia.

Currently, a Center City resident has to take public transportation, an expensive ride-hailing car, or drive to one of the dispensaries every 30 days to get medical marijuana. A card holder can ask for a caregiver to get the medicine for the patient, but that just puts the same burden on the caregiver.

Here is the bottom line: Round Two of the application process for the remaining dispensary permits begins soon. Clinical registrant dispensaries also will be approved in the near future. (A clinical registrant is responsible for doing medical research.) The private dispensaries and the clinical registrants should — and wish to — open dispensaries where the greater population of potential patients is located. That would be Center City and its neighborhoods.

At this point, none of those new permit winners will be opening in Center City and its neighborhoods. All because of the 500-foot day-care rule.

City Council acted earlier to reduce the distance rule because constituents pressed their Council members into acting. The thousands of patients who need medical marijuana should again press Council and, in turn, the health department to adopt a one-foot rule. If the health department gave approval for dispensaries 500 feet from a day care, I see no reason why it would not approve one foot, so patients can obtain their medicine.

Think about the opportunity to locate dispensaries in the abandoned stores in Center City, in South Philadelphia, in West Philadelphia, and in North Philadelphia. The city would receive revenue from real estate taxes, and dispensaries would create jobs in all those neighborhoods. This will not be possible unless Council acts very soon; the time for dispensary applications is short, and the applicants must find appropriate locations in order to submit those applications.

I close with a request: If you have one of the [17 illnesses eligible for medical marijuana treatment](#), please contact your City Council member and tell him or her that you want nearby access to the medicine. If the one-foot rule is not adopted, I am afraid that the majority of Philadelphians will be shut out of reasonable access to medical marijuana.

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