



Health Services Department

Medical Marijuana Update

March 7, 2017



Presentation Outline

- Florida Compassionate Medical Cannabis Act
- Legalization of Medical Cannabis – Amendment 2
- Department of Health Rulemaking Process
- Proposed Legislation
- County Moratorium
- Next Steps



Florida Compassionate Medical Cannabis Act

Brief History:

SB1030 was approved by the FL Legislature and signed by Governor June 18, 2014

- Patients suffering from cancer, epilepsy or other medical conditions producing seizures
- Allows patients and legal representatives to possess & purchase low-THC cannabis
- Creates standard of care
- Created Compassionate Use Registry for physicians, law enforcement and dispensers

Florida Compassionate Medical Cannabis Act

- Requires physicians to complete 8-hour course by FMA or FOMA
- Department of Health authorized five dispensing organizations
 - 30 years in business
 - Ability to grow 400,000 plants
 - Level 2 background check
 - \$5M performance bond



Department of Health Timeline

- **June 2014:** Compassionate Use Act signed into law (Low-THC)
- **May 2015:** DOH Final Rule Upheld
- **July 2015:** Dispensing Organization Applications Accepted
- **Dec 2015:** Challenges Received
- **Feb 2016:** Five Dispensing Organizations Request Cultivation Authorization
- **Mar 2016:** Governor Scott signs HB 307 (Medical Cannabis) into law



Department of Health Timeline

- **Apr 2016:** The Green Solution approved as Sixth Dispensing Organization
- **July 2016:** All approved Dispensing Organizations Cultivating Cannabis
Dispensing began in FL
- **July - Oct 2016:** Processing and Dispensing Authorization Inspections
- **Dec 2016:** Grow Healthy Approved as Seventh Dispensing Organization

Florida Compassionate Medical Cannabis Act

Low-THC & Medical Cannabis Qualified Patient:

- **Must be Florida resident**
- **Diagnosed with a qualifying condition**
- **Patient of the ordering physician for 90 days prior to receiving the physician's order**
- **Patient can fill the order at one of the approved dispensing organizations (45 day supply)**







Florida Compassionate Medical Cannabis Act

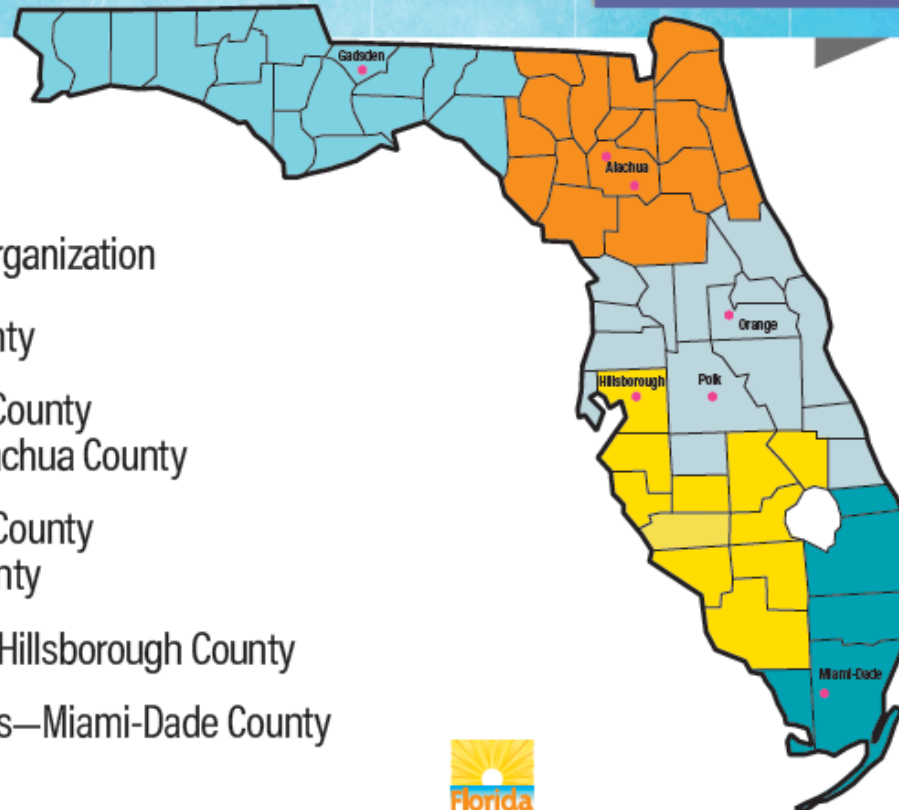
FLORIDA DEPARTMENT OF HEALTH

Office of Compassionate Use

Low-THC Cannabis & Medical Cannabis

Dispensing
Organizations

-  Approved Dispensing Organization
-  Trulieve—Gadsden County
-  CHT Medical—Alachua County
The Green Solution—Alachua County
-  Knox Medical—Orange County
GrowHealthy—Polk County
-  Surterra Therapeutics—Hillsborough County
-  Modern Health Concepts—Miami-Dade County



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Legalization of Medical Cannabis Amendment 2

- **Medical Marijuana Amendment 2 Ballot Initiative was approved by 71% of registered voters on November 8, 2016**
- **Legalizes medical use of marijuana for individuals with debilitating medical conditions**
 - **Cancer, epilepsy, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), post-traumatic stress disorder (PTSD), amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis, or other debilitating medical conditions of the same kind or class**
- **Allows caregivers to assist with patients' medical use of marijuana (must be 21 years of age)**
- **Department of Health registers and regulates Medical Marijuana Treatment Centers (MMTC)**



Legalization of Medical Cannabis Amendment 2

- Department of Health shall issue identification cards to patients and caregivers
- Summary of Limitations:
 - Does not allow operating of a vehicle, aircraft, train or boat while under the influence of marijuana
 - Does not require accommodation of any on-site medical use of marijuana
 - Correctional or Detention Facility
 - Place of education or employment
 - Smoking medical marijuana in any public place
 - Does not require health insurance providers or any government agencies to reimburse for expenses related to medical use of marijuana



Legalization of Medical Cannabis Amendment 2

- Department of Health has six months to implement regulations after the effective date
- Department of Health has nine months after the effective date to issue identification cards for qualifying patients and caregivers and to register MMTCs



Department of Health Rulemaking Process

- Department of Health issued proposed rule for Medical Marijuana Amendment 2
 - MMTC same definition as dispensing organization
 - Defines qualifying patient
 - Caregiver – 21 years of age and Level 1 Background Screening
 - 45 day supply limit
 - Physician certification
 - Registration with Compassionate Use Registry
 - MMTC follow safety & medical record keeping standards



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Proposed Legislation

- **Proposed SB614 Florida Medical Marijuana Act by Senator Brandes**
 - MMTC not required to be fully vertically integrated
 - Sets up four types of licenses (cultivation, processing, retail and transportation)
 - Retail licenses may not exceed one license for each 25,000 residents in a county
 - Local governments would have power to prohibit dispensaries
 - System for issuing medical marijuana ID cards, patient qualifications, caregiver requirements, restrictions on MMTC on advertising of marijuana or medical marijuana products



Proposed Legislation

- **Proposed SB406 Compassionate Use of low-THC Cannabis and Marijuana by Senator Bradley**
 - Expansion of licenses to grow and sell medical marijuana
 - Reduce the 90-day requirement for physician to treat patient
 - Chronic nonmalignant pain definition
 - Four hour course for physicians
 - Expands patient supply of medical marijuana from 45 days to 90 days
 - Ban edible marijuana products that are attractive to children



Proposed Legislation

- **Proposed SB1388 Compassionate Use of Medical Cannabis by Senator Artiles**
 - Deletes Low-THC and provides definition for Medical Cannabis
 - Additional MMTC's based on number of qualifying patients
 - Allows MMTC's to make wholesale purchases of medical cannabis from another MMTC
 - Establishes Medical Marijuana Testing Facilities
 - All regulation of cultivation and processing of medical cannabis are preempted to the State



Proposed Legislation

- **Proposed SB1666 Compassionate Use of Marijuana by Senator Braynon**
 - Caregiver must be 21 years of age and complete 1 hour course
 - Expands patient supply of medical marijuana from 45 days to 90 days
 - Option for non-Florida resident to receive marijuana
 - Creates 30-minute educational program
 - Regulation of cultivation and processing of marijuana are preempted to the state



Proposed Legislation

- **Proposed SB1662 by Senator Clemens**
 - Defines personal use of marijuana – 1 ounce or less
 - Personal possession of marijuana is a civil violation (18 yrs. or older) - \$100 Fine

- **Proposed HB237 Driving Under the Influence of Drugs Act by Representative Silvers**
 - Relating to driving or boating under the influence
 - Person has blood level of 5 nanograms or more THC per milliliter of blood



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County Moratorium

- **Temporary Moratorium on Medical Cannabis Activities**
 - County to determine best way to regulate medical cannabis activities
- **Medical Cannabis Activities**
 - Derivative Products
 - Low-THC
 - Medical Cannabis
 - Medical Cannabis Activities



County Moratorium

- During Moratorium
 - Appropriate County personnel will study and review relevant issues relating to medical cannabis activities
 - Appropriate County personnel will then draft and submit proposed land development regulations for medical cannabis activities



County Moratorium

- **Moratorium Period : August 23, 2016 through the earlier of May 23, 2017, or the date an ordinance establishing new or amended land development regulations concerning Medical Cannabis Activities is adopted**
- **During moratorium, development permits will not be issued for any medical cannabis activities**



Local Ordinances

Local Moratoriums on Medical Cannabis Activities:

- July 2016- City of Orlando enacted temporary moratorium; extended until July 1, 2017
- August 2016- City of Winter Garden passed 270-day temporary moratorium
- November 2016 – City of Apopka enacted six-month temporary moratorium
- Numerous cities and counties have enacted temporary moratoriums on medical cannabis throughout the state



Presentation Outline

- Update on Florida Compassionate Medical Cannabis Act
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Next Steps

- Continue to monitor proposed legislation
- Review local ordinances
- Monitor Department of Health rulemaking development process
- Moratorium extension



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