



# Potential Land Development Regulations for Medical Marijuana

Worksession

Board of County Commissioners

July 18, 2017



# **Presentation Outline**

- **Medical Cannabis Use Background**
- **Medical Use of Marijuana Act - Legislative Special Session**
- **Department of Health Rule on Medical Marijuana**
- **Potential Land Development Regulations**
- **Next Steps**



# Medical Cannabis Use Background

- **June 2014:** Compassionate Use Act signed into law (Low-THC)
- **Feb 2016:** Five Dispensing Organizations Request Cultivation Authorization
- **Mar 2016:** Governor Scott signs HB 307 (Medical Cannabis) into law
- **Nov. 2016:** Legalization of Medical Marijuana Amendment 2 passes
- **Mar-May 2017:** Six Proposed Bills on Medical Marijuana
- **June 2017:** Special Legislative Session Called – Added Medical Marijuana implementation bill



# Medical Cannabis Use Background

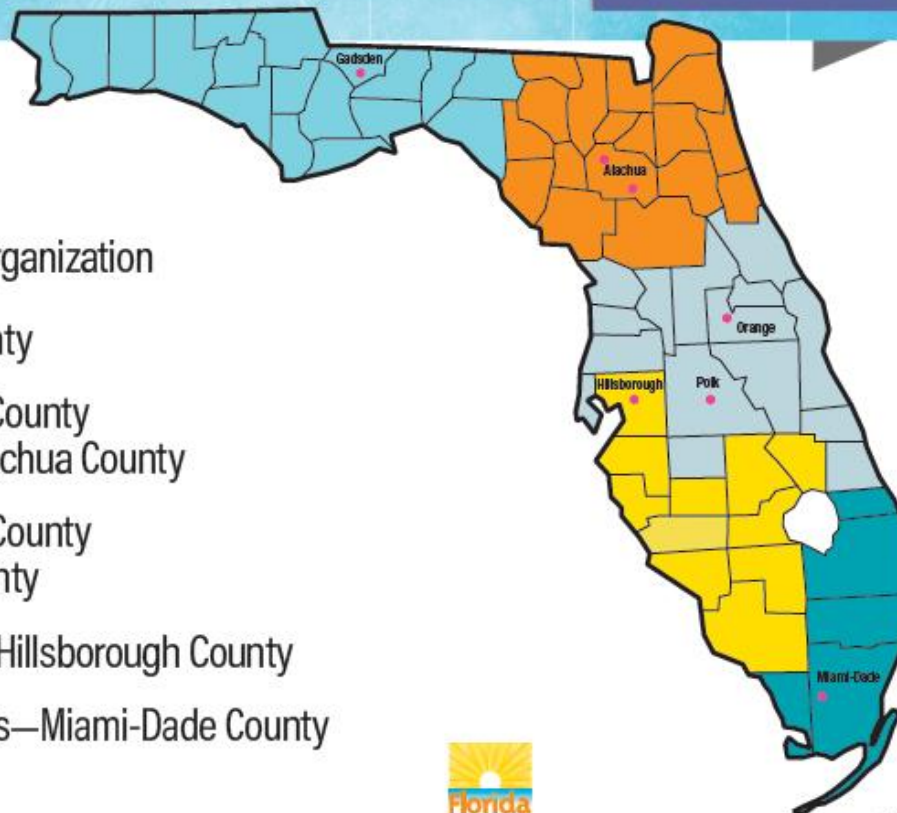
FLORIDA DEPARTMENT OF HEALTH

## 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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- Summary



# **Medical Use of Marijuana Act Legislative Special Session**

- **June 9, 2017 – Medical Use of Marijuana Act passes during special session**
- **Bill Provisions:**
  - **Exempt marijuana and devices from sales & use tax**
  - **Eliminates 90-day waiting period for patients**
  - **Reduces physician education requirement**
  - **Adds qualifying condition for chronic nonmalignant pain and terminal condition**
  - **Allows physicians to order low-THC only for pregnant patients**
  - **Increases amount of marijuana for patients to 70-day supply**



# **Medical Use of Marijuana Act Legislative Special Session**

- **Bill Provisions Continued:**
  - **Allows marijuana edibles and vaping, prohibits smoking**
  - **Establishes residency requirements for medical marijuana use ID card to include seasonal residents**
  - **Provides qualifications for caregivers**
  - **Medical use of marijuana not allowed - public transportation, public place, or school bus, vehicle, aircraft or motorboat except for low-THC**
  - **Requires DOH to license 10 total applicants as Medical Marijuana Treatment Centers (MMTC) by October 3rd**



# **Medical Use of Marijuana Act Legislative Special Session**

## **■ Bill Provisions Continued:**

- Requires DOH to license four additional MMTCs within 6 months after registry contains 100,000 active patients**
- Limits MMTCs to 25 dispensing facilities each statewide until registry contains 100,000 active patients**
  - Upon 100,000 active patients, MMTCs will each have an additional five dispensing facilities**
  - MMTCs must allocate dispensing facilities within five regions statewide according to county population estimates within the region**
    - Central Florida Region – Brevard, Citrus, Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, St. Lucie, Sumter and Volusia Counties**





# **Medical Use of Marijuana Act Legislative Special Session**

- **Bill Provisions Continued:**
  - **MMTC applicant requirements**
    - **5 consecutive years in business**
    - **Certificate of registration from Department of Agriculture**
    - **\$5 million performance bond**
  - **Diversity plan**
  - **Requires laboratory testing of MMTC products**
  - **Establishes standards for advertising**
  - **Preempts regulation of cultivation and processing of marijuana to state**



# **Medical Use of Marijuana Act Legislative Special Session**

- **Bill Provisions Continued:**
  - **Authorizes local governments to ban dispensing facilities within jurisdiction, however if local governments do not ban dispensing facilities, they may not limit the number of dispensing facilities**
  - **Regulations for permitting and location of dispensing facilities may not be more restrictive than regulations for pharmacies**
  - **Does not require employer accommodation for medical use of marijuana or limit the ability to maintain a drug-free workplace**
  - **Requires school districts to adopt policies to allow qualified students use of medical marijuana**



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# **Department of Health Rulemaking Process**

- **Department of Health issued proposed rule for Medical Marijuana Amendment 2**
- **Administrative rule revised per passage of SB 8-A**
- **Provides definitions, regulations for Compassionate Use registry, ID cards, registration and license requirements for MMTC and standards for seed-to-sale tracking**
- **Rule effective July 3<sup>rd</sup>**



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# Potential Land Development Regulations

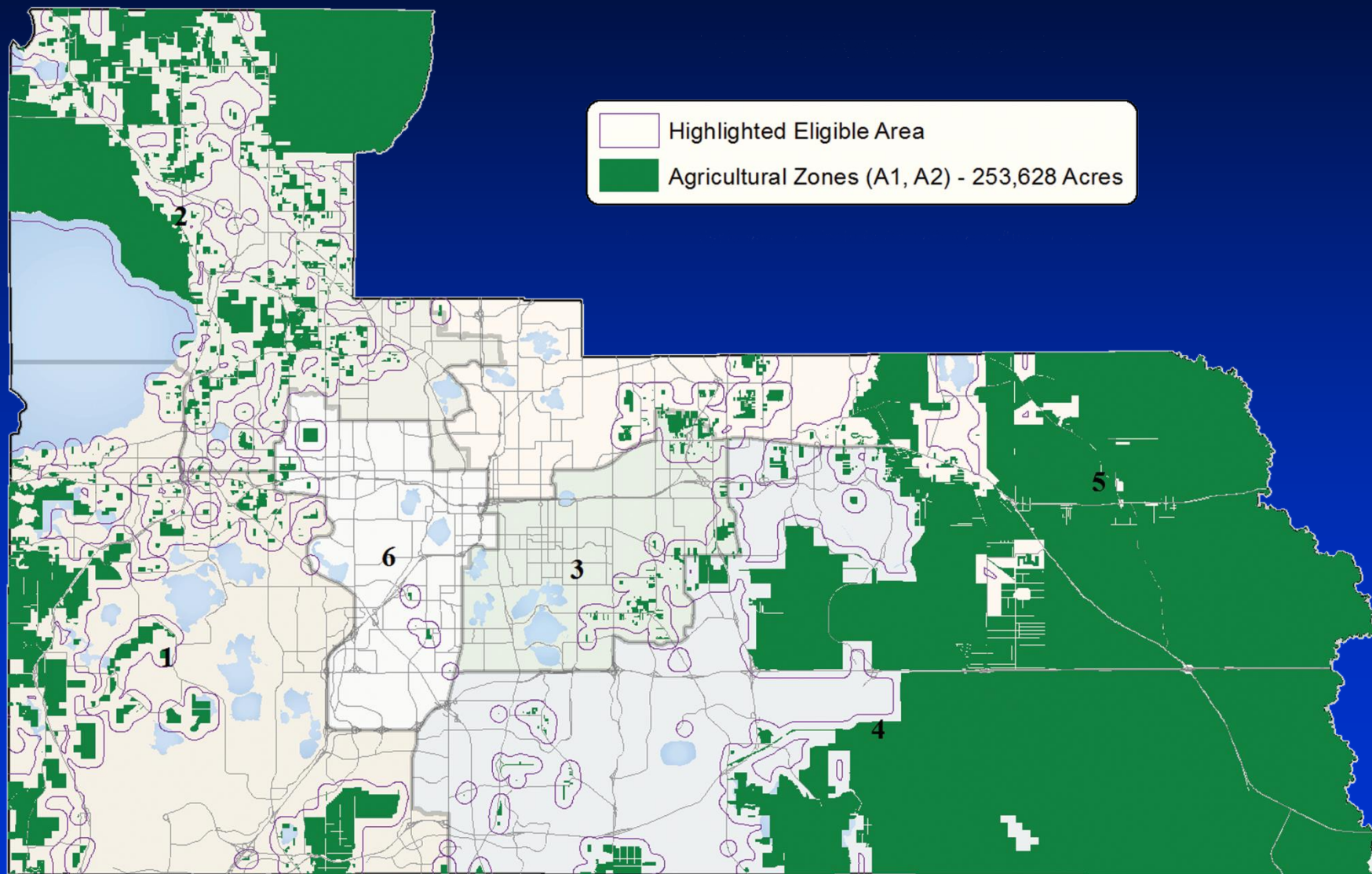
- **Definitions**
  - MMTC
  - Cultivating
  - Processing
  - Dispensing Facilities
  - Other relevant terms
- **Proposed Zoning District for Cultivation and Processing**
  - Agriculture: A-1 and A-2
  - Industrial: I2/I3 and I4
  - Cannot locate within 500 feet of real property that comprises a public or private elementary school, middle or secondary school
- **Potential Requirements:**
  - Obtain building/use permit
  - Comply with Florida Building and Fire Prevention Code
  - All other regulation is preempted to the State



# Potential Land Development Regulations

## Eligible Zoning A-1 & A-2

500' Buffer of School Parcels



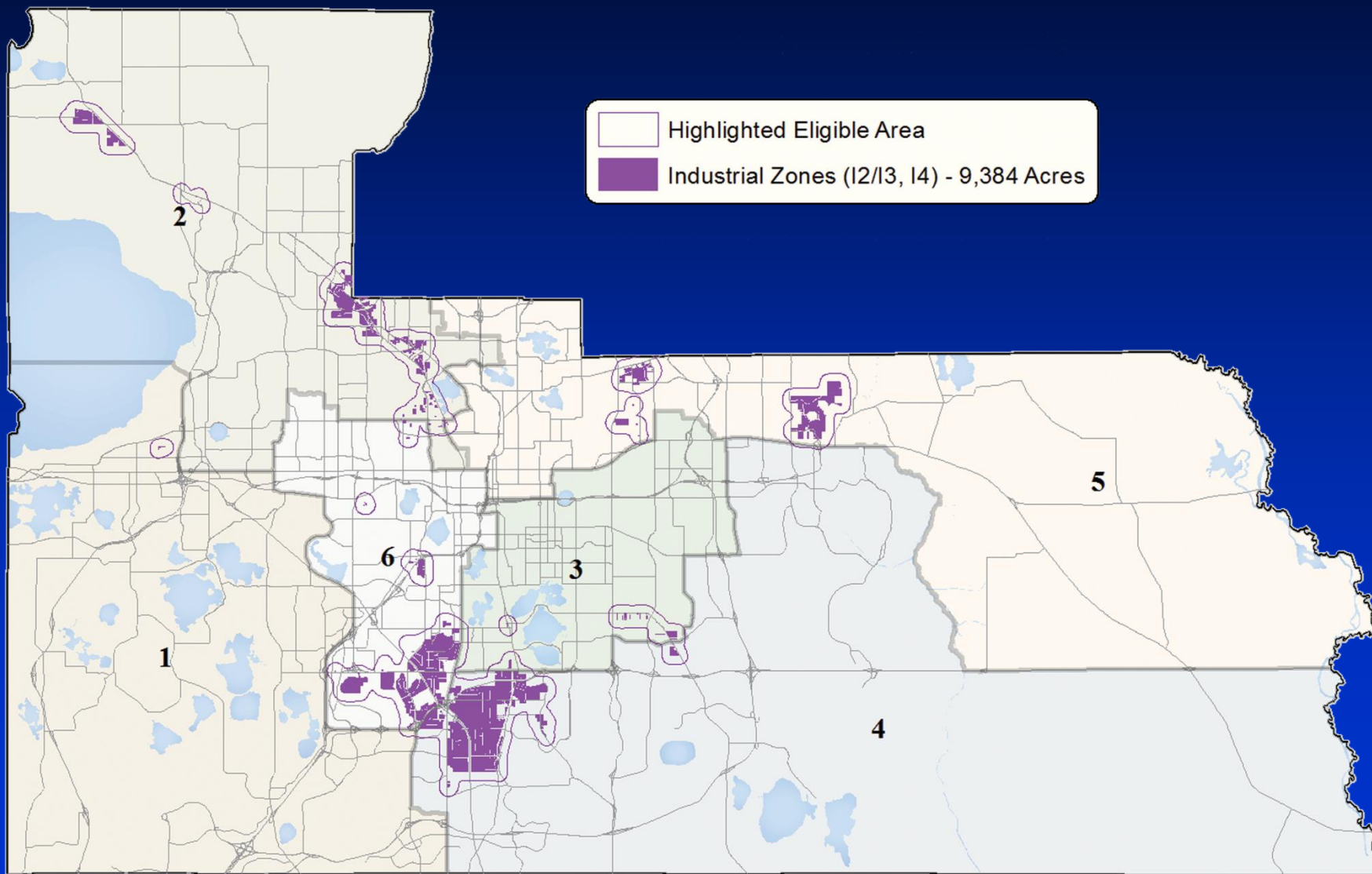




# Potential Land Development Regulations

## Eligible Zoning I2/I3 and I4

500' Buffer of School Parcels (*Analysis does not Include PDs with Industrial Usage*)







# Potential Land Development Regulations

## ■ Options for Dispensing Facilities

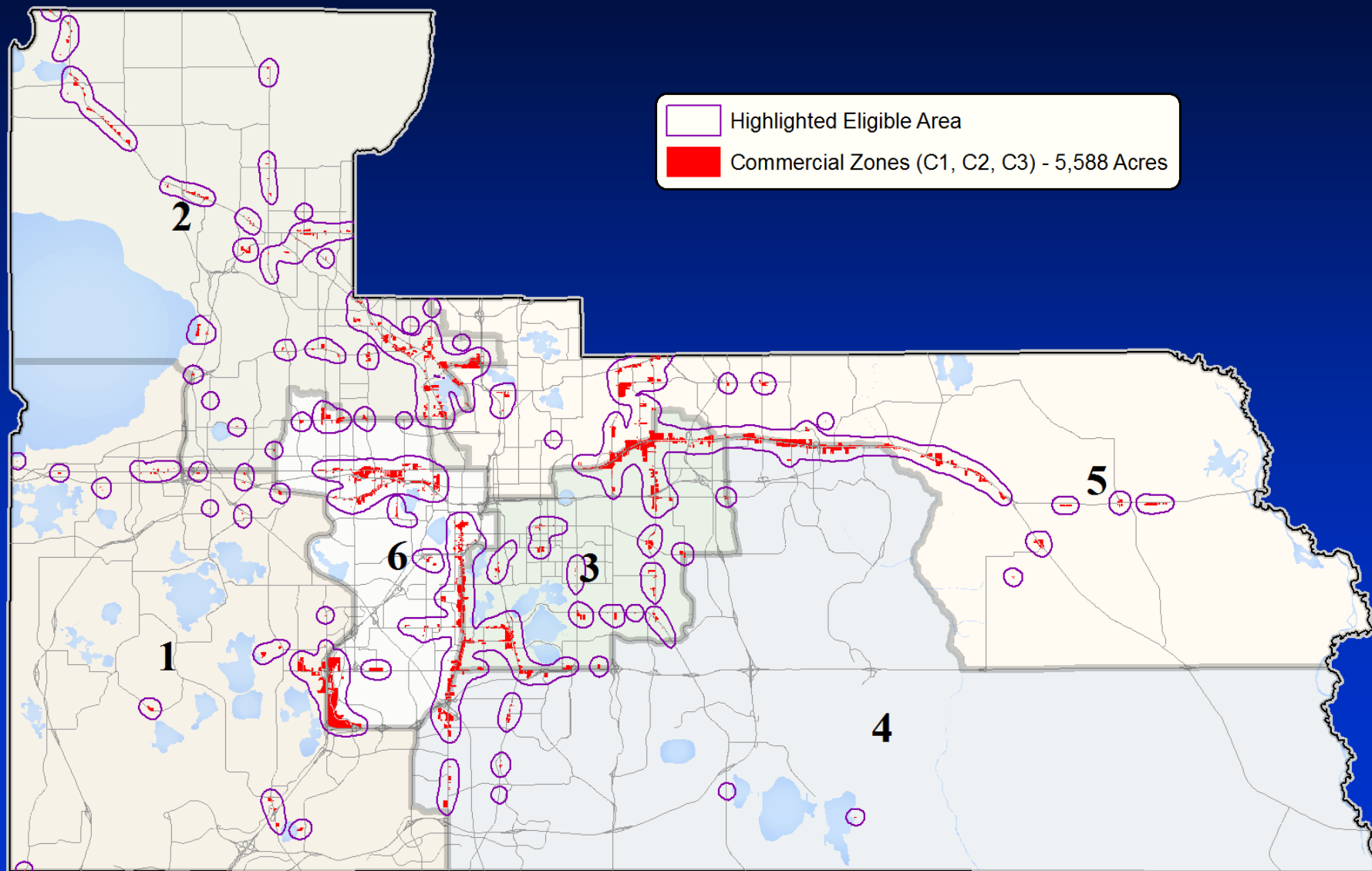
- Ban dispensing facilities entirely within unincorporated Orange County
  - OR- if allowed
- Cannot limit the number of dispensing facilities that may locate within unincorporated area
- Dispensing facilities must be zoned in the same manner as pharmacies (C1, C2, and C3)
- Cannot be located within 500 feet of real property that comprises a public or private elementary school, middle school or secondary school
- Cannot charge permitting fees in excess of fees charged to pharmacies

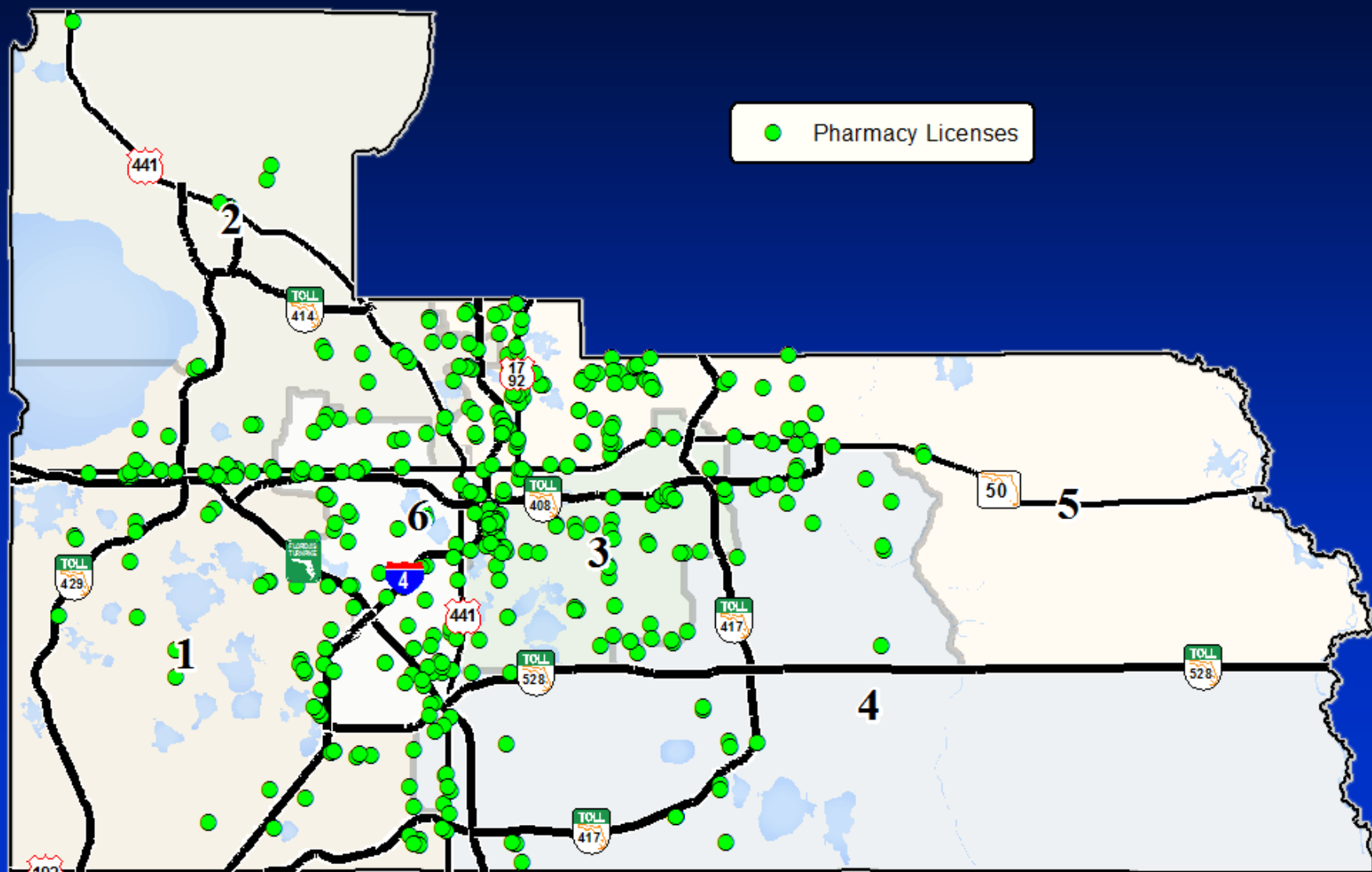


# Potential Land Development Regulations

## Eligible Zoning C-1, C-2 & C-3

500' Buffer of School Parcels (*Analysis does not Include PDs with Commercial Usage*)







# Potential Land Development Regulations

## ■ Potential Requirements

- Obtain building/use permit
- Comply with Florida Building and Fire Prevention Code
- Parking Standards
- *Hours of Operation*
- *Cannot dispense or sell alcoholic beverages, other types of cannabis or illicit drug-related products*
- *Signage*
- *Security*
- Any other appropriate requirements

## ■ Penalties for Violation of Statute

- Third Degree Felony – cultivate, process, sell, distribute, dispense, manufacture, possess, provide, or exchange medical or low-THC cannabis or delivery device without state approvals



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# **Next Steps**

- **Board direction on banning or allowing medical cannabis dispensing facilities**
- **Schedule work session and ordinance adoption public hearing with LPA/PZC**
- **Schedule two ordinance adoption public hearings with Board**



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