

MEDICAL MARIJUANA – UNDERSTANDING LOCAL GOVERNMENT AUTHORITY

Background

Florida League of Cities sponsored statewide “summits” (really, seminars) to discuss the medical marijuana situation in Florida.



FLC University **2019 Spring Summit Series** **Medical Marijuana: Past, Present, Future** *Homestead, May 3, 2019*

The medical marijuana industry in Florida has undergone dramatic changes in the last four years. This summit is a daylong learning opportunity to explore its history, peek at what we think the future holds and understand what options cities have today to regulate medical marijuana.

Part classroom instruction, part facility tour, attendees will learn the differences between cultivation, processing and distribution facilities, plus discuss the local impact and safety concerns of each.

Purpose of Discussion

Transmit information from the meeting to help City Council and the community understand our role and our authority as a municipality. (Today’s discussion is not oriented toward debating pros and cons.)

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the session

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Office of MEDICAL
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Florida's Official Source for Responsible Use

Medical Marijuana in Florida

Amendment #2 to the Florida
Constitution passed 11/8/2016:

Statewide	71%
Collier County	64%
Marco Island	60%

- **2014:** Medical marijuana was first legalized in Florida under the Compassionate Medical Cannabis Act of 2014. The act authorized a low tetrahydrocannabinol (low-THC) and high cannabidiol (CBD) form of marijuana for medical use by patients suffering from cancer or seizures.
- **2016:** The 2016 Right to Try Act allowed patients with terminal illnesses access to "full potency" medical marijuana.
- **January 3, 2017:** Amendment 2, which created Article X, section 29 of the Florida Constitution, went into effect. Amendment 2 expanded access to both low-THC and full-potency medical marijuana for a larger list of medical conditions.
- **June 23, 2017:** Senate Bill 8-A, which implemented Article X, section 29 of the Florida Constitution by creating a unified regulatory structure, went into effect.
- **2018:** House Bill 6049 Medical Marijuana Growers, which removed the Black Farmer and Agriculturalists Association Florida Chapter from the MMTC licensure requirements, went into effect March 30, 2018.
- **2019:** Senate Bill 182, which authorized qualified physicians to recommend marijuana in a form for smoking for qualifying patients.

Local Government Authority: Dispensing Facilities

- If You Ban:
 - A local government **MAY**, by ordinance, ban medical marijuana treatment center dispensing facilities.
- If You Allow: Your Local Government **MAY**:
 - Determine the location of dispensing facilities by ordinance.
 - Charge a license or permit fee for a dispensing facility.
- If You Allow: Your Local Government **MAY NOT**:
 - Place specific limits on the number of dispensing facilities.
 - Enact ordinances for dispensing facilities that are more restrictive than ordinances for pharmacies in that jurisdiction.
 - Charge a fee that is greater than the fee for a pharmacy in that jurisdiction.



Local Government Authority

- Location ordinances.

Note: A dispensing facility may not be located within 500 feet of a elementary school, middle school, or secondary school unless the county or municipality approves the location through a formal proceeding open to the public at which the county or municipality determines that the location promotes the public health, safety, and general welfare of the community.
- Time, place, and manner ordinances that do not conflict with Florida law or Department of Health rules.
- Florida Building Code and local amendments to the Code.
- Florida Fire Prevention Code and local amendments to the Code.
- Law Enforcement of Chapter 893.



Florida's Medical Marijuana Industry

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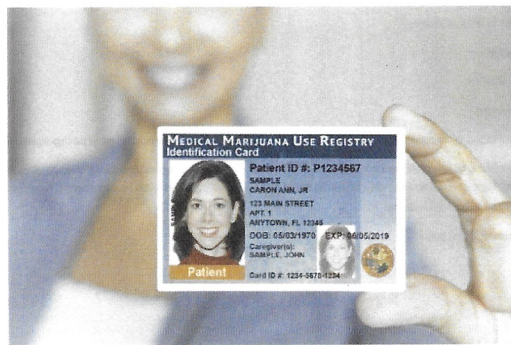
- All MMTCs are vertically integrated, which means that each must to cultivate, process, and dispense medical marijuana and low-THC cannabis
- All MMTCs must receive authorization from the Department to begin cultivating, processing, and dispensing medical marijuana and low-THC cannabis
- Each MMTC may currently open up to 30 retail dispensing facilities
- MMTCs with dispensing authorization may deliver statewide
- DOH must initially issue 17 MMTC licenses (7 to entities previously licensed as dispensing organizations under the 2014 Compassionate Use statute and 10 new licenses)
 - Upon reaching 100,000 patients in the registry, and for each additional 100,000 patients thereafter, DOH must license 4 more MMTCs within 6 months

Identification Cards

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- Each patient and caregiver in the Medical Marijuana Use Registry must be issued a Medical Marijuana User Registry Identification Card prior to filling an order at an approved MMTC.
- Patients and caregivers can submit an application:
 - Online through the Medical Marijuana Use Registry: <https://mmuregistry.flhealth.gov/>
 - By mail:
Office of Medical Marijuana Use
PO Box 31313
Tampa, FL 33631-3313



Medical Use of Marijuana

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Unauthorized Use

- Marijuana that was not purchased or acquired from a MMTC.
- Use in a manner inconsistent with the qualified physician's certification (*no written prescriptions*).
- Transfer of marijuana to a person other than an authorized qualified patient or the qualified patient's caregiver on their behalf.
- Cultivation by anyone other than an approved MMTC (no home grow).

Authorized Use

- Full potency medical marijuana, *and* low-THC cannabis under 381.986. F.S., for all qualifying conditions.
- Medical use is the acquisition, possession, use, delivery, transfer, or administration of marijuana authorized by a qualified ordering physician.
- Medical marijuana is only provided through an approved MMTC.

Medical Use of Marijuana

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Qualifying Conditions

- Cancer
- Epilepsy
- Glaucoma
- HIV
- AIDS
- Post-traumatic stress disorder (PTSD)
- Amyotrophic lateral sclerosis (ALS)
- Crohn's disease
- Parkinson's disease
- Multiple sclerosis (MS)
- Medical conditions of the same kind or class as or comparable to those above
- A terminal condition diagnosed by a physician other than the qualified physician issuing the physician certification
- Chronic nonmalignant pain caused by a qualifying medical condition or that originates from a qualifying medical condition and persists beyond the usual course of that qualifying medical condition

Office of Medical Marijuana Use

Florida's Official Source for Responsible Use

Know the Facts:
Patients

HOW IT WORKS

- 1 A qualified physician diagnoses a patient with a qualifying medical condition.

If the patient is younger than 18 or terminal, a second physician must concur and this determination must be reflected in the patient's medical records.

A Qualified Patient Must:

- Be a permanent or seasonal Florida resident
- Be diagnosed with a qualifying medical condition
- Obtain a Medical Marijuana Use Registry Identification Card

Know the Responsibilities of Your Physician:

- Obtain the voluntary, written, informed consent from the patient or their legal guardian
- Enter an order for the patient into the Medical Marijuana Use Registry and update the registry within 7 days of any change

A Qualified Physician Must:

- Have an active, unrestricted license under Chapter 458, Florida Statutes or Chapter 459, Florida Statutes
- Complete the 2-hour CME course and examination initially and each time the physician renews his or her license

- 2 The physician enters the patient's information and order into the Medical Marijuana Use Registry.
If the patient has a caregiver, they must also be added in the registry.

- 3 The patient and their caregiver must then apply for a Medical Marijuana Use Registry Identification Card.

- 4 The patient may fill the physician's order at any approved Medical Marijuana Treatment Center or via delivery.

Qualifying Conditions:

Cancer	Medical conditions of the same kind or class as or comparable to those listed
Epilepsy	
Glaucoma	
HIV/AIDS	
Crohn's disease	A terminal condition diagnosed by a physician other than the qualified physician issuing the physician certification
Parkinson's disease	
Multiple sclerosis (MS)	
Post-traumatic stress disorder (PTSD)	Chronic nonmalignant pain caused by a qualifying medical condition or that originates from a qualifying medical condition and persists beyond the usual course of that qualifying medical condition
Amyotrophic lateral sclerosis (ALS)	

For More Information:

- To find a qualified physician
- To apply for a Medical Marijuana Use Registry Identification Card
- To locate a Medical Marijuana Treatment Center
- To learn more

Go to KnowTheFactsMMJ.com or call 800-808-9580

The Office of Medical Marijuana Use:

4052 Bald Cypress Way, Bin M-01
Tallahassee, FL 32399

MedicalMarijuanaUse@flhealth.gov

CURRENT STATISTICS

Medical marijuana patients in Florida (in the state registry)	200,000
Physicians (M.D. or D.O.) authorized to issue certification	2,000
Approx. number of dispensaries	80

Companies authorized to cultivate, process, and dispense:

Publicly traded companies –

Trulieve

Curaleaf

Liberty Health Sciences

Privately held companies –

Surterra

Knox Medical

VidaCann

Alted MüV

GrowHealthy

Municipalities approving dispensaries:

Tallahassee	St. Augustine	Winter Haven
Jacksonville	Vero Beach	Kissimmee
Orlando	Deltona	Hialeah
Gainesville	Palm Bay	Fort Pierce
Pensacola	Lake Worth	Deerfield Beach
Tampa	Port Orange	North Port
Miami	Miami Gardens	Dania Beach
Miami Beach	New Port Richey	Edgewater
West Palm Beach	Port St. Lucie	Fort Walton Beach
Sarasota	Palm Beach Gardens	Venice
Bradenton	Holly Hill	Wellington
Bonita Springs	Melbourne	Dunedin

1st DISPENSARY IN FLORIDA – CURALEAF IN MIAMI



PATIENTS' WAITING AREA – TRULIEVE IN BONITA SPRINGS

