



# North Central Florida Regional Planning Council



# Medical Marijuana



**North  
Central  
Florida  
Regional  
Planning  
Council**

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# Overview

- ❑ Compassionate Medical Cannabis Act (2014 and 2016)
- ❑ Constitutional Amendment (2016)
- ❑ Senate Bill 8-A (2017)



# Background

## Compassionate Medical Cannabis Act

- ❑ Qualifying conditions for low-THC (tetrahydrocannabinol) cannabis (non-euphoric):
  - ❑ Cancer
  - ❑ Chronic seizures
  - ❑ Severe and persistent muscle spasms



# Background

## Compassionate Medical Cannabis Act

- ❑ Florida Department of Health to establish an Office of Compassionate Use;
- ❑ Creation of online registry for registration of physicians, patients and caregivers.
- ❑ Registry used to verify patient authorization for low-THC (tetrahydrocannabinol) cannabis and record low-THC (tetrahydrocannabinol) cannabis dispensed.
- ❑ Established five dispensing organizations



# Background

## Compassionate Medical Cannabis Act

- ❑ Applicant for approval as a dispensing organization needed to demonstrate:
  - ❑ Technical and technological ability to cultivate and produce low-THC (tetrahydrocannabinol) cannabis;
  - ❑ Ability to secure the premises, resources and personnel;
  - ❑ Ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances;



# Background

## Compassionate Medical Cannabis Act

- ❑ Infrastructure to dispense low-THC (tetrahydrocannabinol) cannabis to registered patients;
- ❑ Financial ability to maintain operations for the duration of the two-year approval cycle and upon approval post a performance bond;
- ❑ All owners and managers have been fingerprinted and passed a background screening;
- ❑ Employment of medical director who is licensed physician to supervise activities of dispensing organization.



# Background

## Compassionate Medical Cannabis Act

- ❑ Qualifying conditions for Medical Cannabis (full-potency with full THC (tetrahydrocannabinol) strength):
  - ❑ Terminal conditions with two physicians certifying that patient's condition is terminal within one year.
- ❑ Allowed for approval of three more dispensing organizations upon registration of 250,000 active qualified patients.





# Background

## Compassionate Medical Cannabis Act

- ❑ Dispensing organization required to ensure safety and security of premises and any off-site storage facilities by:
  - ❑ Maintaining fully operational security system;
  - ❑ Outdoor premises have sufficient lighting from dusk until dawn;
  - ❑ Establish and maintain a tracking system that traces low-THC (tetrahydrocannabinol) cannabis or medical cannabis from seed to sale;



# Background

## Compassionate Medical Cannabis Act

- ❑ Not dispense from premises low-THC (tetrahydrocannabinol) cannabis, medical cannabis, or a cannabis delivery device between the hours of 9 p.m. and 7 a.m.;
- ❑ Store low-THC (tetrahydrocannabinol) cannabis, medical cannabis in secured, locked room or vault;
- ❑ Require at least two employees to be on the premises at all times;



# Background

## Compassionate Medical Cannabis Act

- ❑ Require employees to wear a pass at all times on the premises;
- ❑ Require visitors to wear a pass at all times on the premises;
- ❑ Implement an alcohol and drug-free workplace policy; and
- ❑ Report to local law enforcement within 24 hours after notified or becomes aware of theft, diversion, or loss of low-THC (tetrahydrocannabinol) cannabis or medical cannabis.



# Background

## Compassionate Medical Cannabis Act

- ❑ To ensure safe transport of low-THC (tetrahydrocannabinol) cannabis or medical cannabis:
  - ❑ Maintain a transportation manifest, which must be retained for at least one year;
  - ❑ Ensure only vehicles in good working condition are used;
  - ❑ Lock low-THC (tetrahydrocannabinol) cannabis or medical cannabis in separate compartment or container within the vehicle;



# Background

## Compassionate Medical Cannabis Act

- ❑ Require at least two persons to be in vehicle transporting low-THC (tetrahydrocannabinol) cannabis or medical cannabis; and
- ❑ Provide specific safety and security training to employees transporting or delivering low-THC (tetrahydrocannabinol) cannabis or medical cannabis.



# Background

## Compassionate Medical Cannabis Act

- ❑ Preemption:
  - ❑ All matters regarding regulation of cultivation and processing of medical cannabis or low-THC (tetrahydrocannabinol) cannabis by dispensing organizations are preempted to state.
  - ❑ Local government may determine by ordinance criteria for number and location of, and other permitting requirements that do not conflict with state law or Florida Department of Health rule for dispensing facilities located within its boundaries;



# Background

## Constitutional Amendment

- ❑ Amendment to Article X of the Florida Constitution passed by over 71 percent vote established provisions for the use and sale of medical marijuana.
- ❑ Constitutional amendment requires that the Legislature adopt laws by July 3, 2017.
- ❑ Florida Department of Health to create rules three months later.



# Senate Bill 8-A

## Medical Use of Marijuana:

- ❑ Qualifying conditions for marijuana or marijuana delivery device includes patients diagnosed with:
  - ❑ Cancer
  - ❑ Epilepsy
  - ❑ Glaucoma
  - ❑ Positive status of human immunodeficiency virus
  - ❑ Acquired immune deficiency syndrome
  - ❑ Post-traumatic stress disorder





# Senate Bill 8-A

## Medical Use of Marijuana:

- ❑ Amyotrophic lateral sclerosis
- ❑ Crohn's disease
- ❑ Parkinson's disease
- ❑ Multiple sclerosis
- ❑ Medical conditions of same kind or class or as comparable to those enumerated above
- ❑ Terminal condition diagnosed by physician other than qualified physician issuing physician certification.



# Senate Bill 8-A

## Medical Use of Marijuana:

- ❑ Smoking medical marijuana remains prohibited.
- ❑ Medical marijuana products can be sold as edibles (as long as it is a food product and does not market or appeal to children), oils, sprays, or tinctures, vaping cartridge.
- ❑ Patients may receive three 70-day supplies before having to visit doctor again.
- ❑ Patient no longer has to first be in the care of a certified doctor for 90 days.



# Senate Bill 8-A

## Medical Use of Marijuana:

- ❑ Term medical cannabis is replaced with marijuana.
- ❑ Allows adult seasonal residents (residing in Florida at least 31 consecutive days annually) to be qualified registered patients and caregivers on medical marijuana use registry.
- ❑ Allows ten new licensed growers in the state in addition to the seven that already exist. Allows another four licenses to be issued for every 100,000 qualified patients.



# Senate Bill 8-A

## Medical Use of Marijuana:

- ❑ Medical marijuana treatment centers allocated to Northwest, Northeast, Central, Southwest, and Southeast Region.
- ❑ Northeast Region consists of **Alachua**, Baker, **Bradford**, Clay, **Columbia**, **Dixie**, Duval, Flagler, **Gilchrist**, **Hamilton**, **Lafayette**, **Levy**, Marion, Nassau, Putman, St. Johns, **Suwannee**, and **Union** Counties. (**Madison** and **Taylor** Counties in Northwest Region)
- ❑ Total of 17 medical marijuana treatment centers in the state each are allowed 25 dispensaries for at total of 425 dispensaries statewide.



# Senate Bill 8-A

## Medical Use of Marijuana:

- ❑ Of the ten new licensed growers that will be allowed in the state, five will be awarded to nurseries that were not selected when the original distributors were selected.
- ❑ Nurseries only have to be in business for five or more years and have a medical director on staff.
- ❑ Application requires diversity plan that promotes and ensures involvement of minorities and veterans.



# Senate Bill 8-A

## Medical Use of Marijuana:

- ❑ Dispensing facilities subject to the following requirements:
  - ❑ Medical marijuana treatment center may not establish or operate more than of 25 dispensing facilities statewide but may have five additional shops per 100,000 additional patients (expires 2020). Another four licenses to be issued for every 100,000 patients.



# Senate Bill 8-A

## Medical Use of Marijuana:

- ❑ Medical marijuana treatment centers may not engage in advertising that is visible to members of public from any street, sidewalk, park, or other public place;
- ❑ Medical marijuana treatment centers may have sign on building or in window listing business name.
- ❑ Medical marijuana treatment center may engage in internet advertising and marketing approved by the Florida Department of Health.



# Senate Bill 8-A

## Medical Use of Marijuana:

- ❑ Preemption: Regulations of cultivation, processing, and delivery of marijuana by medical marijuana treatment centers is preempted to the state except:
  - ❑ May not be located within 500 feet of elementary school, middle school, or secondary school.
  - ❑ Local government may, by ordinance, ban medical marijuana treatment center dispensing facilities from being located within their boundaries.





# Senate Bill 8-A

## Medical Use of Marijuana:

- ❑ Local governments may determine by ordinance criteria for location of, and other permitting requirements that do not conflict with state law or Florida Department of Health rule.
- ❑ Local governments may not enact ordinances for medical marijuana treatment center location more restrictive than pharmacies.
- ❑ Local governments may not charge medical marijuana treatment center license or permit fee greater than the fee for pharmacies.



# Senate Bill 8-A

## Medical Use of Marijuana:

- ❑ Does not prohibit local governments from ensuring medical marijuana treatment centers comply with Florida Building Code and Florida Fire Prevention Code.



# Summary

- Local governments can ban dispensing facilities from their jurisdiction.
- Medical marijuana treatment centers can not be located within 500 feet of schools.





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