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FLORIDA FOR CARE BLUE RIBBON COMMISSION'S PROPOSED PRINCIPLES FOR IMPLEMENTING AMENDMENT 2

PATIENT PROTECTION

The right to privacy of all medical information

The right to seek a physician certification to access medical marijuana for the treatment of a debilitating condition or disease.

The right, under a physician certification, to access medical marijuana in any safe form suited to the unique patient's needs.

The right to possess the recommended amount of medical marijuana, or its equivalent in medical marijuana products, at any time.

The use of medical marijuana by a qualified patient shall not be considered in deciding custody or child visitation cases.

PHYSICIAN REQUIREMENTS AND PHYSICIAN CERTIFICATIONS

Physicians should be required to complete within every 2 years at least 2 hours of continuing medical education courses and subsequent examination.

The physician should have previously treated the patient receiving the recommendation for medical marijuana.

A patient could be issued a physician certification by a physician if both of the following conditions apply:

- a. The physician, after examining a patient in person and reviewing the patient's medical history, determines that the patient suffers from a debilitating medical condition.
- b. At the date the physician issues certification, the physician should schedule the qualifying patient for an annual follow-up examination.

As already required by general law, minors may not purchase medical marijuana and must be accompanied by his or her legal parent or guardian during this physician examination.

MEDICAL MARIJUANA TRUST FUND

The Department of Health should establish a Medical Marijuana Trust Fund to pay for the expenses of administering and enforcing the Medical Marijuana Code.

MARIJUANA ENFORCEMENT DIVISION

The Florida Department of Law Enforcement should establish the Marijuana Enforcement Division (MED). The MED should be responsible for enforcing the rules established by the Department for licensees. The employees of the MED should be sworn law enforcement officers.

COMPASSIONATE USE REGISTRY

The Compassionate Use Registry should be amended to include different strains of medical marijuana and information for personal caregivers. The list should remain confidential and accessible to law enforcement at all times.

IDENTIFICATION CARD

The Department should issue an Identification Card to all verified patients and personal caregivers that a minimum contains the Patient Registry Number assigned by the Department, date of birth, the Certification's date of expiration, and the full legal name of the patient's Personal Caregiver if applicable.

PERSONAL CAREGIVERS.

Patients' should be able to assign or remove an individual over the age of 21 as his or her Personal Caregiver. Personal Caregivers should be recertified by their patient annually, and never possess at any time more than the limit each of their patients are authorized to possess.

There should be educational requirements and subsequent examination, which at a minimum should include information on dosage, safety, and new products related to medical marijuana.

An individual who is convicted of a felony should not be permitted to be registered as a Personal Caregiver unless the patient is an immediate family member or his or her rights have been restored.

Only a parent, legal guardian, or a Personal Caregiver as designated by the parent or legal guardian should be a Personal Caregiver to a minor.

PROFESSIONAL LICENSES

The Professional license would qualify an individual to work at or own a Medical Marijuana Treatment Center.

The Department should adopt rules establishing certain types of independent contractors, whose duties do not involve the cultivation, processing, manufacturing, packaging, distribution, or sale of marijuana, which may perform work at a Medical Marijuana Treatment Center as a Visitor.

Requirements for licensees should include at a minimum passing a back-ground check; payment of all taxes and fees; not be convicted of a felony or has had his or her rights restored; be at least 21 years old at the time of the application date; must demonstrate respect for the laws of the State and nation; and maintain ongoing suitability to hold a license.

Professional Licensees should not be an employee of state or local law enforcement or any agency with regulatory authority over a Professional Licensee or Medical Marijuana Treatment Center Licensee. Recommending physicians should also not be permitted to possess a Professional License or Medical Marijuana Treatment Center License.

CONFLICT

A Medical Marijuana Treatment Center that holds a valid Laboratory License should not hold any other type of Facility License and a person that has an ownership interest in a Medical Marijuana Treatment Center that holds a Laboratory License shall not have a concurrent ownership interest in a Medical Marijuana Treatment Center that holds any other type of Facility License.

General Recommendations for all licensed facilities

A Licensed Facility should be under the control of the Medical Marijuana Treatment Center Licensee to which the Facility License is issued.

The Department should prohibit the issuance of any license for a facility located within one thousand feet of the real property comprising a public or private elementary or secondary school, a children's daycare facility, or a drug rehabilitation facility.

The Department should adopt rules governing the delineation of Limited Access Areas, Restricted Access Areas, and General Access Areas within Licensed Facilities.

The Department should adopt rules governing visitor access, including but not limited to the number of visitors that may be escorted by a Professional Licensee at one time.

- a. Within a Limited Access Area, Professional Licensees may cultivate, process, store, package, receive and ship medical marijuana to other Medical Marijuana Treatment Centers, and buy, sell, and trade medical marijuana between other Medical Marijuana Treatment Center Licensees.
- b. Within a Restricted Access Area, Professional Licensees may package medical marijuana for sale and sell and give medical marijuana to Qualifying Patients and Personal Caregivers.
- c. None of the preceding activities should be authorized outside a designated access area.

The Department should adopt procedures for a Medical Marijuana Treatment Center to change its layout or physical address and permit a Medical Marijuana Treatment Center to change its physical address to a different local jurisdiction than it is currently licensed in only if the Center submits proof that it has acquired proper approval from that local jurisdiction.

There should be rules adopted by the Department for minimum standards for Medical Marijuana Treatment Center security, which should include video surveillance; health and sanitary standards; and handling and disposal of medical marijuana waste.

The time period during which medical marijuana may be sold and given to Qualifying Patients and Personal Caregivers should be between 8 AM and 10 PM. Local governing authorities should have the ability to further restrict this time period.

The Department should require a Medical Marijuana Treatment Center to track and record the movement of all medical marijuana that comes into the Medical Marijuana Treatment Center's possession beginning at the time when the medical marijuana enters into the Center's physical possession and ending at the time when the medical marijuana leaves that Center's possession.

Medical Marijuana Treatment Centers should be required to record all medical marijuana transactions including those with qualifying patients, personal caregivers, and other Medical Marijuana Treatment Centers.

The Department should prohibit the consumption of medical marijuana on a Medical Marijuana Treatment Center's premises.

DISPENSARY FACILITIES

The Department of Health should authorize Dispensary Facilities to engage in the buying, selling, and transferring of medical marijuana with other Medical Marijuana Treatment Center and to sell no more than the recommended amount of medical marijuana to a Qualifying Patient or Personal Caregiver within the Restricted Access Area of a Dispensary Facility.

Repackage Medical Marijuana in Limited Access and Restricted Access Areas of a Dispensary Facility for Patients who demonstrate difficulty with opening child-resistant packaging.

All Dispensary Facilities should be required to verify the identification of a Qualifying Patient or a Personal Caregiver who is admitted into a Restricted Access Area and to keep a record of all Qualifying Patients and Personal Caregivers who access a Restricted Access Area.

PRODUCTION FACILITIES

The Department should adopt rules that authorize an agent of a Production Facility to engage in the cultivation of medical marijuana; the processing of medical marijuana into concentrates and medical marijuana products; the package Medical Marijuana and Medical Marijuana Products; the buying, selling, or transferring of medical marijuana with other Medical Marijuana Treatment Centers; and the internal testing of Medical Marijuana, provided such testing is not used to comply with the Mandatory Testing Program.

The Department should require a Production Facility to disclose all pesticides and fertilizers used for producing its medical marijuana in a prominent location on its main website or displayed prominently at the physical facility.

The Department should adopt health and safety standards for the cultivation, processing, packaging, storage, transportation, and sale or transfer of medical marijuana including, but not limited to, rules governing the use of pesticides, fertilizers, and other chemicals during the cultivation of medical marijuana; and the processing of medical marijuana into medical marijuana concentrate.

PRODUCTION MANAGEMENT

The Department should manage medical marijuana production by any of the following methods:

1. By limiting the number of plants that a Production Facility can cultivate at one time;
2. By limiting the number of lights or watts that a Production Facility can use for cultivation;
3. By limiting the square feet that a Production Facility may use for cultivation; or
4. By limiting any other factor that the Department determines is an effective measure to manage production;

The Department should divide and assign Production Facilities into tiers based upon the authorized cultivation capacity for the Production Facility.

LABORATORY FACILITIES

The Department should adopt rules that permit an agent of a Laboratory Facility to engage in the testing of medical marijuana for compliance with the mandatory testing program; conduct research on medical uses for marijuana; and develop medical marijuana products on behalf of other Medical Marijuana Treatment Centers.

In order to ensure accurate reporting of test results, the Department should adopt a certification process and standards for Laboratory Facilities' testing. The certification process and standards should be similar to the process and standards of other laboratories that conduct similar testing within Florida. The standards should include, but not be limited to, educational requirements for Laboratory Directors, standard operating procedures, quality control procedures for testing, and proficiency testing for Professional Licensees who work at a Laboratory Facility.

LOGISTICS FACILITIES

The Department of Health should establish a documentation system, such as transportation manifests, for medical marijuana transportation between Facilities; establish health and sanitary standards, as necessary, for the transportation of medical marijuana and medical marijuana products; establish rules for storing medical marijuana at a licensed Logistics Facility, and establish a process by which Medical Marijuana Treatment Center Licensees may apply to obtain a Logistics License.

LABELING AND PACKAGING

The Department should require all medical marijuana to be distributed in child-resistant packaging except if a Patient can demonstrate through a process established by the Department that a Physician has determined that the Patient would have unreasonable difficulty opening child-resistant packaging. All medical marijuana being transported between facilities should be transported in tamper-evident shipping containers.

The State should require mandatory testing program for medical marijuana that includes testing for the accuracy of potency labeling and testing for unsafe contaminants in medical marijuana, including but not limited to dangerous microbes, molds, filth, pesticides, residual solvents and other harmful chemicals or toxins.

The Department should establish labeling requirements for medical marijuana and additional requirements for medical marijuana products, including at a minimum a potency profile, universal symbols, and information on dosage.

MARKETING

The Department should adopt rules prohibiting licensees from advertising in a false or deceptive manner, making any unsubstantiated quality or health claims, or in a manner that is attractive to children.

LOCAL GOVERNMENTS

Local government's authority should not be restricted by the Florida Medical Code.

It should not be unlawful for an individual that possesses a valid Professional License to transport medical marijuana on any road within Florida.

PUBLIC AWARENESS

The Department should create an educational program about the responsible use of medical marijuana, which should include issues related to safe consumption of edible marijuana products and the safe storage of medical marijuana to prevent theft and to prevent children from accessing the medical marijuana.