

## **MEDICAL MARIJUANA DISPENSARIES**

The City may not enact regulations relating to permitting or location of dispensing facilities that are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under Chapter 465.

### ***Section 381.986, F.S. – Medical use of Marijuana***

An applicant for approval as a dispensing organization must be able to demonstrate: The ability to secure the premises, resources, and personnel necessary to operate as a dispensing organization. An approved dispensing organization must, at all times, maintain compliance with the criteria demonstrated for selection and approval as a dispensing:

1. To ensure the safety and security of its premises and any off-site storage facilities, and to maintain adequate controls against the diversion, theft, and loss of low-THC cannabis, medical cannabis, or cannabis delivery devices, a dispensing organization shall:
  - a. Maintain a fully operational security alarm system that secures all entry points and perimeter windows and is equipped with motion detectors; pressure switches; and duress, panic, and hold-up alarms; or
  - b. Maintain a video surveillance system that records continuously 24 hours each day and meets at least one of the following criteria:
    - (I) Cameras are fixed in a place that allows for the clear identification of persons and activities in controlled areas of the premises. Controlled areas include grow rooms, processing rooms, storage rooms, disposal rooms or areas, and point-of-sale rooms;
    - (II) Cameras are fixed in entrances and exits to the premises, which shall record from both indoor and outdoor, or ingress and egress, vantage points;
    - (III) Recorded images must clearly and accurately display the time and date; or
    - (IV) Retain video surveillance recordings for a minimum of 45 days or longer upon the request of a law enforcement agency.
2. Ensure that the organization's outdoor premises have sufficient lighting from dusk until dawn.
3. Establish and maintain a tracking system approved by the department that traces the low-THC cannabis or medical cannabis from seed to sale. The tracking system shall include notification of key events as determined by the department, including when cannabis seeds are planted, when cannabis plants are harvested and destroyed, and when low-THC cannabis or medical cannabis is transported, sold, stolen, diverted, or lost.
4. Not dispense from its premises low-THC cannabis, medical cannabis, or a cannabis delivery device between the hours of 9 p.m. and 7 a.m., but may perform all other operations and deliver low-THC cannabis and medical cannabis to qualified patients 24 hours each day.
5. Store low-THC cannabis or medical cannabis in a secured, locked room or a vault.
6. Require at least two of its employees, or two employees of a security agency with whom it contracts, to be on the premises at all times.
7. Require each employee to wear a photo identification badge at all times while on the premises.
8. Require each visitor to wear a visitor's pass at all times while on the premises.
9. Implement an alcohol and drug-free workplace policy.
10. Report to local law enforcement within 24 hours after it is notified or becomes aware of the theft, diversion, or loss of low-THC cannabis or medical cannabis.

To ensure the safe transport of low-THC cannabis or medical cannabis to dispensing organization facilities, independent testing laboratories, or patients, the dispensing organization must:

1. Maintain a transportation manifest, which must be retained for at least 1 year.
2. Ensure only vehicles in good working order are used to transport low-THC cannabis or medical cannabis.
3. Lock low-THC cannabis or medical cannabis in a separate compartment or container within the vehicle.



4. Require at least two persons to be in a vehicle transporting low-THC cannabis or medical cannabis, and require at least one person to remain in the vehicle while the low-THC cannabis or medical cannabis is being delivered.
5. Provide specific safety and security training to employees transporting or delivering low-THC cannabis or medical cannabis.

***Rule 64-4.002 – Initial Application Requirements for Dispensing Organizations.***

Each applicant is required to submit an application to the Department of Health and must be accompanied with written documentation relating to each of the following criteria:

1. The ability to secure the premises, resources, and personnel necessary to operate as a dispensing Organization. Please address the following items, and include a sketch or other illustration:
2. Description of the methods proposed for the dispensing of Derivative Products, including the following:
  - a. Accessibility of dispensing facilities, e.g., centrally located to several populated areas, located on a main roadway, not in a high crime area, et cetera,
  - b. Proximity of dispensing facilities to patient populations; and,
  - c. Alternative dispensing, e.g. delivery.
3. A list of current and proposed staffing, including,
  - a. Position, duties and responsibilities,
  - b. Resume; and,
  - c. Professional licensure disciplinary action in all jurisdictions.
4. 13. An organizational chart illustrating the supervisory structure of the proposed Dispensing Organization,
5. Plans and procedures for loss of key personnel,
6. Plans and procedures for complying with OSHA regulations for workplace safety; and,
7. Relationship(s) with an independent laboratory(ies) with cannabis testing protocols and methods.
8. The 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.
9. Floor plan of each facility or proposed floor plans for proposed facilities, including the following: locking options for each means of ingress and egress, alarm systems, video surveillance, name and function of each room, and layout and dimensions of each room.
10. Storage, including the following: safes, vaults, and climate control
11. Diversion and trafficking prevention procedures,
12. A facility emergency management plan,
13. System for tracking low-THC source plant material throughout cultivation, processing, and dispensing,
14. Inventory control system for low-THC cannabis and Derivative Products,
15. Policies and procedures for recordkeeping,
16. Vehicle tracking and security systems,
12. Methods of screening and monitoring employees,
13. Personnel qualifications and experience with chain of custody or other tracking mechanisms,
14. Personnel reserved solely for inventory control purposes,
15. Personnel reserved solely for security purposes,
16. Waste disposal plan,
17. Plans for the recall of any Derivative Products that have a reasonable probability of causing adverse health consequences based on a testing result, bad patient reaction, or other reason; and
18. Access to specialized resources or expertise regarding data collection, security, and tracking.

**Statutory Cap on Number of MMTCs**

On July 9, 2019, the 1st DCA granted a temporary injunction brought by an MMTC applicant, finding that the vertical integrated structure compelled by Florida Statute was unconstitutional. For the City's purposes, the important consequence of this ruling is that the statutory caps on the number of MMTCs were likewise found to be unconstitutional. The caps previously severely restricted the total number of MMTCs that could be licensed by the state. The Florida Supreme Court has accepted review of this case.