

Draft Rules From The Department Of Health Limit The Potential Number Of Medical Marijuana Dispensaries

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The Department of Health (“DOH”) has issued only seven medical marijuana dispensing organization licenses, and based on draft rules proposed this week, that number may not change.

Amendment 2 increased the number of patients potentially eligible for medical marijuana by expanding the scope of qualifying debilitating conditions. However, the number of organizations permitted to grow, process and sell that medical marijuana hinges on how the DOH and legislature implement rules over the next six months.

In a draft set of rules released by the DOH, Rule 64-4.012 outlines how patients could obtain and physicians could order medical marijuana. Aside from expanding the medical ailments treatable with medical marijuana, these draft regulations essentially mirrored what statutory law already permitted. However, a critical issue resolved by the rules was whether “medical marijuana treatment centers” would be limited to those groups currently licensed, or whether Florida would have a more free market system of dispensing medical marijuana. Contrary to what some advocacy groups had hoped, the DOH kept “medical marijuana treatment center” in line with the current definition of a dispensing organization, meaning that the seven licensed groups would still be the only eligible organizations to dispense marijuana. Though there remains potential for more dispensing organizations to be awarded licenses in the future, it will require 250,000 qualified patients to register with the DOH’s compassionate use registry. Currently, less than 1% of that required benchmark has registered.

Rule development workshops will be held across the State during the week of February 6th. If these draft rules withstand the reviews and debates to be had by industry players, lobbyists, citizens and government officials, then medical marijuana treatment centers will remain under the control of a limited number of organizations statewide. Though more patients may now be qualified to have medical marijuana as a treatment option, there likely will not be more organizations dispensing that marijuana.

DISCLAIMER: Notwithstanding state marijuana laws that may exempt individuals and entities from state criminal prosecution, parties may remain subject to federal criminal prosecution as marijuana remains a Schedule I drug under federal law.