



Florida Department of Health

Office of Compassionate Use

Medical Marijuana Information for Law Enforcement

March 2017

LAW ENFORCEMENT SENSITIVE



Index

Overview: The Office of Compassionate Use	2
Florida's 7 Dispensing Organizations	4
Compassionate Use Registry	6
Compassionate Use Registry Identification Cards	7
Enforcement Quick Facts	10
Appendix: Employee ID Cards and Product Packaging	16

Overview: The Office of Compassionate Use

The Office of Compassionate Use was created in 2014 to implement the Compassionate Medical Cannabis Act. Since that time, the Florida Department of Health has licensed the state's seven dispensing organizations, built the Compassionate Use Registry, and helped to serve over 6,000 patients to date.

The Compassionate Medical Cannabis Act allowed physicians to order low-THC cannabis for patients diagnosed with cancer, epilepsy, and conditions that cause chronic seizures or muscle spasms. By law, low-THC cannabis must contain very low amounts of the psychoactive ingredient THC.

In 2016 the Florida Legislature passed HB 307, which allowed physicians to order medical cannabis for patients suffering from terminal conditions. In order to qualify as a terminal condition, two physicians must certify that a patient's condition will be fatal within one year.


Orders for low-THC and medical cannabis can only be filled by a dispensing organization licensed by the Department of Health. During the summer of 2015, the department received 28 dispensing organization applications. Each applicant was required to demonstrate that it:

1. Possessed a valid certificate of registration issued by DACS for the cultivation of more than 400,000 plants;
2. Had been operated as a registered nursery in Florida for 30 continuous years;
3. Had all owners and managers clear a Level 2 background screening; and
4. Met the requirements of Rule 64-4.002, Florida Administrative Code.

While there are seven dispensing organizations in Florida, current law provides for three additional licenses once 250,000 patients are enrolled in the Compassionate Use Registry.

The seven approved dispensing organizations are the only businesses allowed to grow, process, or dispense marijuana to patients in the state of Florida. Each dispensing organization may dispense statewide, and may deliver to patients. Six of the seven approved dispensing organizations have been cleared to cultivate cannabis and are currently dispensing to patients, with the seventh dispensing organization to come online early this summer.

All dispensations in the state are made through the Compassionate Use Registry, a secure, cloud based system, which has become a critical component of cannabis regulation in Florida. The registry is the lone conduit by which orders for cannabis can be created by physicians and filled by dispensing organizations. If a qualified physician wishes to create an order for a patient he or she must enter the route of administration, the amount of active ingredient per dose, the doses per day, and the amount of days of the order, up to a statutory limit of 45 days.



A patient may fill an order at any dispensing organization in the state by presenting their Compassionate Use Registry Identification Card. In addition to being an efficient tool for regulatory enforcement and ensuring patient access, the registry is also extremely valuable for law enforcement. When an officer makes contact with a patient or legal representative, that officer can access the registry to verify that an individual is authorized to obtain medical cannabis in real time.

Amendment 2 became effective on January 3, 2017. Section 381.986, Florida Statutes, remains in effect and the Florida Department of Health, physicians, dispensing organizations, and patients remain bound by existing law and rule. The Department of Health is directed by the amendment to promulgate rules within 6 months and to implement those regulations within 9 months.

As the state moves forward in implementing the provisions of Amendment 2, it is important to remember that marijuana remains illegal under federal law, and that the recreational use of marijuana is not permitted. As a state we will be watched to ensure that we have a robust regulatory system in practice that complies with the principles outlined in federal memorandums issued by the United States Department of Justice.

Florida's 7 Dispensing Organizations

Approved dispensing organizations are the only businesses allowed to grow, process, or sell medical marijuana in Florida. Each dispensing organization must receive authorization at three stages prior to dispensing low-THC or medical marijuana:

1. Cultivation authorization,
2. Processing authorization, and
3. Dispensing authorization

Currently, 6 of the state's 7 dispensing organizations have received dispensing authorization and are authorized to deliver statewide. Approximately 50 percent of all dispensations occur via delivery. Aside from patients or their legal representatives, dispensing organization employees are the only individuals allowed to transport medical marijuana. Medical marijuana cannot be mailed.

Section 381.986, Florida Statutes, requires that each employee wear a photo identification badge at all times while on the premises. In the appendix section of this product, you will find examples of employee ID badges and product packaging from the six dispensing organizations currently dispensing.

While there are seven dispensing organizations in Florida, current law provides for three additional licenses once 250,000 patients are enrolled in the Compassionate Use Registry. The Department is not accepting applications to become a dispensing organization or a medical marijuana treatment center at this time.

See next page for more details

Florida's 7 Dispensing Organizations		
CHT Medical: Northeast, Alachua		
Medical Director: Rich Tempel, ME102329		
Dispensing Locations:		
Via delivery	Dispensing locations coming soon	
Grow Healthy:		
Medical Director: Selim R. Benbadis, ME61493		
Awaiting dispensing authorization		
Knox Medical: Central, Orange		
Medical Director: Orlando Florete, ME58430		
Dispensing Locations:		
Via delivery	Dispensing locations coming soon	
Modern Health Concepts: Southeast, Miami-Dade		
Medical Director: Carlos Smith, ME85116		
Dispensing Locations:		
Via delivery	19000 SW 192 St Miami, FL 33156	
Surterra Therapeutics: Southwest, Leon		
Medical Director: Kirk Mauro, ME0065574		
Dispensing Locations:		
Via delivery	2558 E Fowler Ave. Tampa, FL 33612	
The Green Solution: Northeast, Alachua		
Medical Director: Orlando Florete, ME58430		
Dispensing Locations:		
Via delivery	Dispensing locations coming soon	
Trulieve: Northwest, Gadsden		
Medical Director: Kenneth Brummel-Smith, ME89569		
Dispensing Locations:		
Via delivery	800 Capital Circle SE Tallahassee, FL 32301	24761 US Highway 19 North 630 Clearwater, FL 33763
	8701 North Dale Mabry HWY Tampa, FL 33614	

Compassionate Use Registry

At this stage of implementation, the most important thing law enforcement officers and agencies can do is obtain access to the Compassionate Use Registry.

- The Compassionate Use Registry is accessible online and provides real-time information to ordering physicians, law enforcement and dispensing organization staff.
- There are no paper “prescriptions” for an authorized order of low-THC or medical marijuana. All orders of medical marijuana are recorded and dispensed via the Compassionate Use Registry.
- Agencies can designate a Master User and that Master User can add additional users within the agency to the registry.
 - The form to apply for registry access can found here:
<http://www.floridahealth.gov/programs-and-services/office-of-compassionate-use/documents/64-4-registry-dh8009.pdf>
- Law enforcement resources, information and user guides can also be reviewed on the Office of Compassionate Use Website here:
<http://www.floridahealth.gov/programs-and-services/office-of-compassionate-use/law-enforcement/index.html>

Log into the CUR here:
<https://curegistry.flhealth.gov/>

Compassionate Use Registry Identification Cards

The Department has created a system for issuing and renewing Compassionate Use Registry identification cards for patients and their legal representatives. In combination with the Compassionate Use Registry, identification cards will further allow patients and legal representatives to quickly demonstrate that they are registered in the Compassionate Use Registry.

Rule 64-4.011, Florida Administrative Code requires all patients and legal representatives to have a valid Compassionate Use Registry identification card to obtain low-THC cannabis, medical cannabis, or a cannabis delivery device. To apply for a Compassionate Use Registry identification card, a patient must:

1. Be a Florida resident
2. Be a qualified patient in the Compassionate Use Registry
3. Submit a completed application to the Office of Compassionate Use

Patients and legal representatives may apply for a Compassionate Use Registry identification card electronically in the Compassionate Use Registry or mail a completed application to the Office of Compassionate Use. Patients who are minors must designate a legal representative on his or her application and in the Compassionate Use Registry. Each Compassionate Use Registry Identification Card is issued a unique Card ID that can be confirmed in the online Compassionate Use Registry.

Once a card application has been approved, the patient and legal representative may receive a temporary approval email from the Office of Compassionate Use. A patient must have an approved card application prior to filling an order at a dispensing organization. Compassionate Use Registry identification cards remain active for one year.

See example of temporary email verification and ID card on following pages

Temporary Email Verification

When a Compassionate Use Registry Identification Card application is approved, applicants who provided an email address may receive a temporary email verification that may be used to fill orders while their physical card is being printed and mailed.

Monday, March 13, 2017

TESTING PATIENT
101 PARKWAY APT 302
DESTIN, FL 32541

Dear TESTING PATIENT,
You have been approved for a Compassionate Use Registry Patient/Legal Representative Identification Card and your card is currently being printed and processed by the Florida Department of Health. This email serves as a temporary verification which may be printed and used, with a photo ID, to obtain medical cannabis, low-THC cannabis, or cannabis delivery device until you receive your Compassionate Use Registry identification card.

Your Card Id is:49Jy-3Bf9-j3

Your Card is valid from 3/13/2017 to 3/13/2018

If you have any further questions about your Compassionate Use Registry identification card, please contact the Office of Compassionate Use at (850) 245-4657.

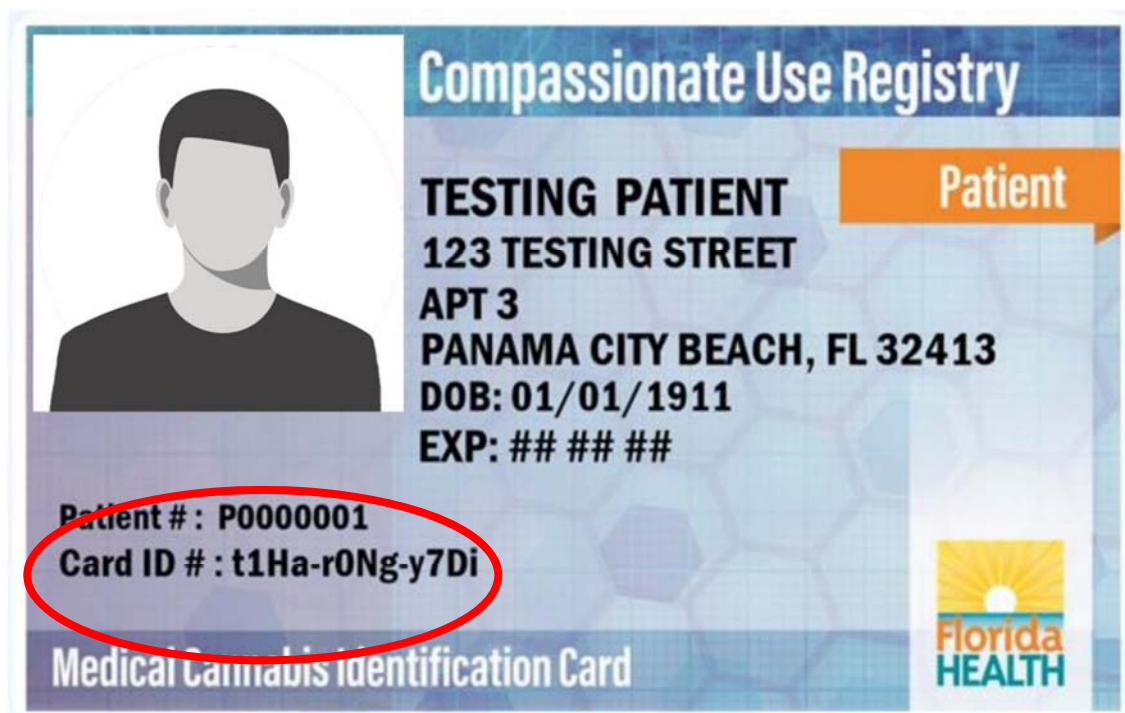
Please log in to the site here: <https://curegistry.flhealth.gov/>.

Sincerely,
Office of Compassionate Use
Florida Department of Health

Compassionate Use Registry Identification Card

The same card ID number included in the temporary email verification will be included on the physical card. Legal representative cards will include a card ID and the name(s) of the patients they represent.

Front of Card



Back of Card

This Compassionate Use Registry identification card is issued by the Florida Department of Health under authority of Section 381.986, F.S. and Rule 64-4.011, F.A.C. This card indicates that the pictured patient or legal representative is registered in the Compassionate Use Registry. All patients and legal representatives must have a Compassionate Use Registry identification card to possess, purchase, or use medical cannabis. Marijuana remains illegal under federal law.

An application for a replacement card must be submitted to the Department within 10 days of a name, address, or assigned legal representative change. Renewal applications must be submitted 45 days prior to expiration.

The Compassionate Use Registry can be accessed at:
<https://curegistry.flhealth.gov/>

The Office of Compassionate Use can be reached by visiting:
<http://www.floridahealth.gov/OCU>

Front of Card



Back of Card

This Compassionate Use Registry identification card is issued by the Florida Department of Health under authority of Section 381.986, F.S. and Rule 64-4.011, F.A.C. This card indicates that the pictured patient or legal representative is registered in the Compassionate Use Registry. All patients and legal representatives must have a Compassionate Use Registry identification card to possess, purchase, or use medical cannabis. Marijuana remains illegal under federal law.

An application for a replacement card must be submitted to the Department within 10 days of a name, address, or assigned legal representative change. Renewal applications must be submitted 45 days prior to expiration.

The Compassionate Use Registry can be accessed at:
<https://curegistry.flhealth.gov/>

The Office of Compassionate Use can be reached by visiting:
<http://www.floridahealth.gov/OCU>

Enforcement Quick Facts

What Medical Marijuana is under current Florida law

- Under Article X, Section 29(b)(4) of the Florida Constitution, “Marijuana” has the meaning given cannabis in section 893.02(3), Florida Statutes (2014), and “Low-THC cannabis” as defined in section 381.986(1)(b), Florida Statutes (2014).
- Under Article X, Section 29(b)(6) of the Florida Constitution, “Medical use” means the acquisition, possession, use, delivery, transfer, or administration of an amount of marijuana not in conflict with Department rules, or of related supplies by a qualifying patient or caregiver for use by the caregiver’s designated qualifying patient for the treatment of a debilitating medical condition.
- The constitutional amendment expanded the use of medical marijuana to include all higher level THC products if the patient has a qualifying condition, not just for terminal patients. Previously, only terminal patients were permitted to have higher-THC concentration/psychoactive cannabis.
- Medical Marijuana may only be cultivated, processed and sold from an approved dispensing organization. Presently, the following 7 have been approved in Florida:
 - CHT Medical – Alachua County – Rich Tempel, M.D. (ME102329)
 - The Green Solution – Alachua County – Orlando Florete, M.D. (ME58430)
 - Trulieve – Gadsden County – Kenneth Vance Brummel-Smith, M.D. (ME89569)
 - Surterra Therapeutics – Hillsborough/Leon County – Kirk Mauro, M.D. (ME65574)
 - Modern Health Concepts – Miami-Dade County – Carlos Smith, M.D. (ME85116)
 - Knox Medical – Orange County – Orlando Florete, M.D. (ME58430)
 - GrowHealthy – Polk County - Selim R. Benbadis (ME61493)
- Article X, Section 29 of the Florida Constitution and section 381.986, Florida Statutes, are exceptions to Chapter 893, Florida Statutes. If possession, distribution, delivery, administration, or use occur outside of these two provisions, it is a violation of Chapter 893, Florida Statutes.

Marijuana remains a Schedule I drug under both Florida and Federal law and its use (regardless of characterization as medical or recreational) remains prohibited under Federal law.

What Medical Marijuana is not under current Florida law

- Smoking is not an approved route of administration for medical marijuana and possession by a patient or sale by a dispensing organization of whole marijuana flower is not permitted. If such substances are purporting to be medical marijuana, they are not from an approved dispensing organization, or possessed in compliance with Article X, Section 29 of the Florida Constitution or section 381.986, Florida Statutes.
 - Smoking means burning or igniting substance and inhaling the smoke
 - Smoking does not include the use of a vaporizer
- Florida law does not permit marijuana to be grown by any individual in the state of Florida and it may only be provided through an approved dispensing organization to a qualified patient or legal representative.
- There are restrictions on where people may use or administer medical marijuana under Florida law. The following are prohibited places:
 - Correctional institution or detention facility
 - Place of education
 - Place of employment (if prohibited by the employer)
 - Public
 - Public transportation
 - School bus
 - Any vehicle
 - Any aircraft
 - Any motorboat
 - *See Article X, Section 29(c)(6) of the Florida Constitution & section 381.986(1)(g), Florida Statutes*
- Additionally, a qualified patient may not operate any vehicle, aircraft, train, or boat, while under the influence of medical marijuana. See Article X, Section 29 (c)(4) of the Florida Constitution
- Medical marijuana cannot be mailed in the state. Delivery of any medical marijuana products must be done only by an approved dispensing organization.
- There are no paper or written “prescription” forms for medical marijuana, all orders are created, dispensed and obtained through the Compassionate Use Registry.
- Only orders placed in the Compassionate Use Registry by a Qualified Physician for a Qualified Patient constitute a permitted recommendation for medical marijuana. Use of medical marijuana based upon a “suggestion” or “recommendation” from a physician is not compliant with section 381.986, Florida Statutes or Article X, Section 29 of the Florida Constitution.

- Anything provided to “patients” prior to July 2016 (when dispensing organizations first received authorization from the Department to dispense medical cannabis) is not medical marijuana authorized by statute or constitutional amendment.

What constitutes a debilitating medical condition?

Under Article X, Section 29(b)(1) of the Florida Constitution, “Debilitating Medical Condition” means

- cancer,
- epilepsy,
- glaucoma,
- positive status for human immunodeficiency virus (HIV),
- acquired immune deficiency syndrome (AIDS),
- post-traumatic stress disorder (PTSD),
- amyotrophic lateral sclerosis (ALS),
- Crohn’s disease,
- Parkinson’s disease,
- multiple sclerosis,
- or other debilitating medical conditions of the same kind or class as or comparable to those enumerated, and for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient.

Note: Florida law previously allowed the use of low-THC cannabis for cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms that can be treated or alleviated with low-THC cannabis, or medical marijuana for a terminal medical condition.

What are the requirements of physicians under current Florida law?

- Must have an active, unrestricted license as a physician under Chapters 458 or 459, Florida Statutes.
- Must complete the statutorily required physician education and register with the Office of Compassionate Use in the Compassionate Use Registry to place a valid order for medical marijuana.
 - The Office of Compassionate Use maintains a list of all physicians who have completed the course and that information is also viewable on the public licensure verification system with the Division of Medical Quality Assurance.
 - <http://www.floridahealth.gov/programs-and-services/office-of-compassionate-use/resources/index.html>
 - MQA license verification:
<https://appsmqa.doh.state.fl.us/MQASearchServices/HealthCareProviders>
- May not be a medical director employed by a dispensing organization.
- Must treat all patients for 3 months and enter the patient in the Compassionate Use Registry prior to ordering medical marijuana for a qualified patient.

- Must be linked to the patient in the Compassionate Use Registry.
 - No other physician can lawfully order through the registry for that patient while another physician is linked to the patient.
- Must not order more than a 45 day supply for the patient.
- Must update the registry within 7 days of a change in the order.
- Must have a reasonable belief that the patient is suffering from a qualifying condition, otherwise, it is a first degree misdemeanor under section 381.986, Florida Statutes and carries other potential charges under Chapter 893, Florida Statutes.
- Must determine the risks of treating the patient are reasonable in light of the potential benefit to the patient.
 - Two physicians must agree in writing if the patient is under 18.
- Must maintain a treatment plan with all details of the dose, route of administration, planned duration, and monitoring of the qualified patient's use.
- Must have voluntary written informed consent of the patient.
- Must continue to meet the standard of care in their treatment of patients with medical marijuana.
- Must deactivate the patient and legal representative when treatment is discontinued by that physician.
- Must not receive kickbacks from a dispensing organization.
- Any activity outside of the requirements of the Florida Constitution and section 381.986, Florida Statutes, carries potential disciplinary consequences and is a violation of Chapter 893, Florida Statutes.

What are the requirements of patients under current Florida law?

- Must not use it in prohibited places – see list above (although they may transport medical marijuana)
 - Penalty is a First Degree Misdemeanor pursuant to section 381.986, Florida Statutes, and carries other potential charges under Chapter 893, Florida Statutes.
- Must not transfer the product to anyone else.
- Must not fraudulently represent that they are a qualifying patient.
 - Penalty is a First Degree Misdemeanor pursuant to section 381.986, Florida Statutes, and carries other potential charges under Chapter 893, Florida Statutes.
- Must have been diagnosed with a debilitating medical condition and have a valid qualifying patient identification card.
 - All patients must apply for a patient identification card the Office of Compassionate Use.
 - The Office of Compassionate Use began issuing patient ID cards on March 7, 2017. These cards contain three layers of security for law enforcement officers to confirm their validity against the information contained within the registry.
- Note that, although Law Enforcement Agencies have access to the registry, all records containing the identity of qualifying patients *must be kept confidential and*

are exempt from public disclosure, other than for valid medical or law enforcement purposes.

What are the requirements of caregivers under current Florida law?

- Must not transfer the product to anyone other than the qualified patient.
- Must not ingest the product themselves.
- Must not administer the product in prohibited places.
- Must be twenty-one (21) years old or older and have a caregiver identification card issued by the Department.
 - Formerly identified as “legal representative” under section 381.986, Florida Statutes.

What are the requirements of Dispensing Organization under current Florida law?

While not an exhaustive list of requirements, the following items are requirements that dispensing organizations must meet to maintain compliance with Florida law:

- Must verify the identity of the patient or caregiver upon dispensing the order.
 - For patients and caregivers who have received cards, they must verify the patient or caregiver through the use of that ID card.
- Must not dispense more than a 45 day supply, or more than the amount specified in the order provided by the qualified physician.
- Must verify the order within the registry.
- Must enter the name and unique employee identifier of the dispensing employee into the registry upon dispensation.
- Must not dispense or sell any other type of cannabis (non-medicinal), alcohol, or illicit drug-related product, including pipes, bongs, or wrapping papers.
- Must only dispense physician-ordered cannabis delivery devices.
- Must package the product in compliance with the US Poison Prevention Packaging Act of 1970.
- Must affix a label stating:
 - That a product has been tested and is safe for human consumption
 - The name of the dispensing organization
 - The batch and harvest number
- Must record all dispensed orders in the registry and mark the physician’s order for that patient as filled.
- Must not dispense between 9:00 p.m. and 7:00 a.m.; but may deliver and perform all other operations between those hours
- Must report to law enforcement within 24 hours after it is notified or becomes aware of theft, diversion, or loss of product.
- Must have a seed to sale tracking system with notifications related to loss, sale and diversion.
- Mandatory Security
 - Security alarm system securing all entry points, equipped with motion detectors; pressure switches; and alarms;
 - 24-hour video surveillance system (must maintain videos for 45 days or longer upon the request of law enforcement);

- Store product in a locked room or vault
 - 2 employees must be on premises at all times
 - All employees must wear photo ID badges on premises
 - All visitors must have a visitor pass while on premises
- Transportation of medical marijuana
 - Medical marijuana must be locked in a separate compartment or container within the vehicle during transportation.
 - There must be 2 people from the dispensing organization transporting the product and one person must remain in the vehicle at all times during delivery.
 - Vehicles must be in good working order.
 - Must maintain a transportation manifest for 1 year.

What can Law Enforcement Officials Do to Assist in Enforcement?

- Obtain access to the Compassionate Use Registry System
- Contact the Department to coordinate licensure discipline with criminal enforcement when violations are discovered.
- Use the Department as a resource to verify activity permitted under section 381.986, Florida Statutes.



APPENDIX

Employee ID Cards and Product Packaging

The Green Solution

		Employee
First Last	Exp. 1 year from date of hire	
		Contractor
First Last	Exp. 1 month from start	

The Green Solution



The Green Solution





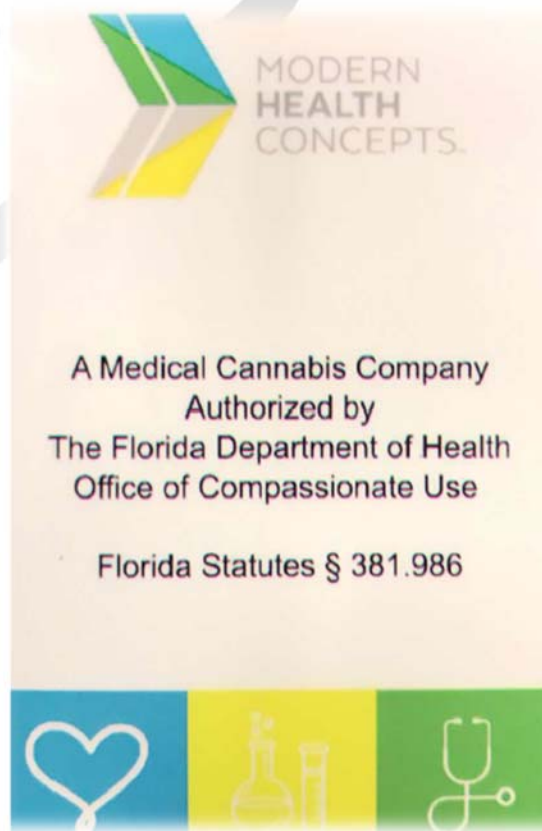
The Green Solution



The Green Solution



Modern Health Concepts



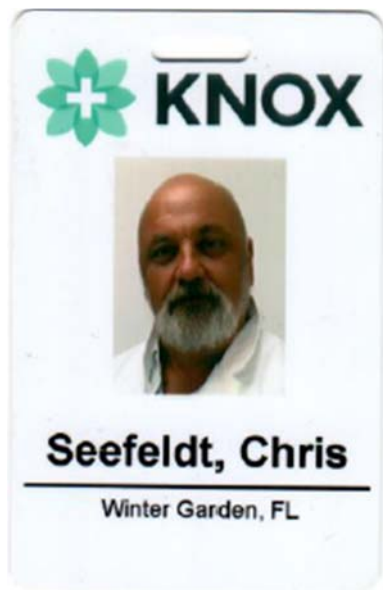
Modern Health Concepts



Modern Health Concepts











Surterra Therapeutics



Surterra Therapeutics







Trulieve



Trulieve



