

Medical Marijuana in Florida from 10,000 Feet

Last Monday, July 7, the Florida Department of Health's new Office of Compassionate Use, held the first public meeting on its draft rules for the recent legalization of the particular strain of marijuana commonly known as "Charlotte's Web."

For those just tuning in, Charlotte's Web is a strain of marijuana that is low in THC, the ingredient in marijuana that makes users "high," and . . . high in CBD, an ingredient in marijuana that has been found to provide great relief to persons (and children in particular) with seizure-inducing illnesses. The title, Charlotte's Web, is named after a young girl, Charlotte Figi, who is diagnosed with the severe seizure-causing illness, Dravet syndrome. In pursuance of any medicine that would help their suffering child, the Figi's turned to the low-THC, high-CBD strain of marijuana. It's dramatically positive impact on Charlotte, reducing her seizures from hundreds per week to just a few (if any), has brought much deserved attention to the strain. State legislators throughout the nation, who would otherwise turn their heads to medical marijuana, are now paying close attention.

This is particularly true in Florida, where this past May the state passed CS/CS/SB 1030 (now s. 381.986, F.S.), which legalized Charlotte's Web throughout Florida for particular patients. Broadly, the law calls for the Florida Department of Health to issue five licenses—one for a qualified applicant in each of five regions throughout the state (NE, NW, C, SE, SW). The law describes a qualified applicant at minimum as a nursery that has continuously held a certificate of registration for at least thirty years and has an inventory of at least 400,000 plants. The Department of Health has until January 1, 2015 to put in place the proper processes and regulations to carry out the law, which brings us back to Monday's meeting.

The standing-room only affair full of lobbyists, lawyers, businessmen and nurserymen throughout the state and beyond listened intently and commented extensively during the eight hour public meeting. The most common issues raised in the meeting included the following: 1) the availability of only five-licenses and the relegation of each license holder to operate within one region; 2) the lottery process (as opposed to a merit-based process) that will determine which applicant receives the license in each region; 3) the time limits for submitting the application (currently 10 days from the finalization of the rules) and for cultivation of the plant (currently 120 days); and 4) the corporate organization requirements of the applicant—e.g., whether the entity that currently holds a certificate of registration as a nursery has to be the applicant or whether such entity has to hold a majority interest in the applicant-entity, etc.

In short, the Department has a lot of work on its hands. A second draft rules will likely come out in the next few weeks along with another long and character-filled meeting. Hopefully more clarity is on its way. Until then, however, there are other moving parts to which you should pay close attention.

For example, it remains to be seen what voters will decide this November when they choose whether to legalize medical marijuana in general. If the amendment does pass, how much of the regulatory scheme to implement it will be taken from the Charlotte's Web/nursery approach? Finally, what will happen on the federal level? The U.S. House

has passed a bill that would remove medical marijuana as a schedule 1 narcotic. Will the U.S. Senate consider the bill?

As some questions are answered, more are sure to come. In the meantime, stay tuned—we'll keep an ear to the ground for you.

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The Ioppolo Law Group, PLLC (“ILG”) has been representing both Florida-based and national groups in their pursuance of medical marijuana licenses for the past year. ILG’s representation ranges from government affairs and business consulting to creating corporate and financial structures and building teams. Please do not hesitate to contact us at 407 936 3672 or alukis@ioppololawgroup.com for a consultation. Also, please feel free to visit our website at ioppololawgroup.com to explore our medical marijuana resource page and to sign up to receive our alerts.

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