

MEDICAL MARIJUANA BECOMES FLORIDA LAW

By Lori Fayhee

Lawmakers passed the Medical Marijuana bill (SB 8-A) during a special session, and Governor Scott signed the bill into law this month.

The new law provides a plan to license ten new dispensaries by October, bringing the statewide total to seventeen. As many as eight dispensary licenses have been held for specific groups, including five for previous applicants to the existing, limited cannabis program, one for a member of the Florida Black Farmers and Agriculturalists Association and two for citrus processing companies, which will get priority, not a guaranteed license. Cities and counties can ban dispensaries, but they are not allowed to block delivery of cannabis or limit where dispensaries can open more strictly than they limit pharmacies.

Qualifying patients will receive either low-THC cannabis or full strength Medical Marijuana through cannabis pills, oils, edibles and “vape” pens with a doctor’s approval but the law still bans smoking. Patients can qualify to receive a prescription if they have chronic pain but only if that pain is connected to another qualifying medical condition. To qualify to receive MMJ, a patient must be diagnosed with at least one of the following conditions: Cancer, Epilepsy, Glaucoma, HIV, acquired immune deficiency syndrome, PTSD, ALS, Crohn’s disease, Parkinson’s disease, MS, medical conditions of the same kind or class as or comparable to these, a terminal condition diagnosed by a physician other than the qualified physician issuing the physician certification, or chronic nonmalignant pain. Patients may receive an order for three 70-day supplies before having to visit a doctor again to get re-examined. A physician must recertify a patient at least once every 30 weeks instead of once every 90 days. The requirement for a patient to be in the care of a certified doctor for 90 days has been removed. Doctors are required to go through a training program offered by the Florida Medical Association before they will be allowed to certify a patient as eligible for medical marijuana.

Although the Florida House and Senate reached an agreement, and Governor Scott signed the implementation of Medical Marijuana into Florida law, the controversy continues.

Qualified Florida residents with prescriptions for legalized Medical Marijuana may not carry their prescribed medicine in some Orlando airports. Under federal legislation, Marijuana is still classified as a Schedule I drug under the Controlled Substances Act, alongside heroin and LSD, while other, highly addictive substances including oxycodone and methamphetamine are less stringently regulated under Schedule II of the law. The Greater Orlando Aviation Authority Board, the governmental board that operates Orlando International Airport, approved an operational policy that bans Medical Marijuana on airport property, including both OIA and Orlando Executive Airport. On June 21, Phillip N. Brown, Executive Director of the Greater Orlando Aviation Authority Board, announced in a memo: “The Aviation Authority, under Grant Assurance 1, is obligated to ‘comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements.’ Consequently, the Aviation Authority must treat marijuana as a controlled substance and may not permit marijuana to be brought onto airport property,”

Additionally, The Miami Herald reported that ‘John Morgan, the Orlando trial lawyer who bankrolled the constitutional amendment’s campaign, has promised to sue over the smoking ban, and Tampa strip club magnate Joe Redner said he will file a suit because people cannot grow their own plants.’

Further information on Florida’s Medical Marijuana registry, physicians, dispensaries, and guidelines, can be accessed via the Office of Compassionate Use at <http://www.floridahealth.gov/programs-and-services/office-of-compassionate-use/>