

A scroll with a wooden rod on the left and right sides, tied with a blue ribbon. The scroll is yellowed and has some cracks. The text is written in blue ink.

**Constitutional  
Amendment 2**  
Use of Marijuana for Certain  
Medical Conditions  
&

**Florida Statutes**

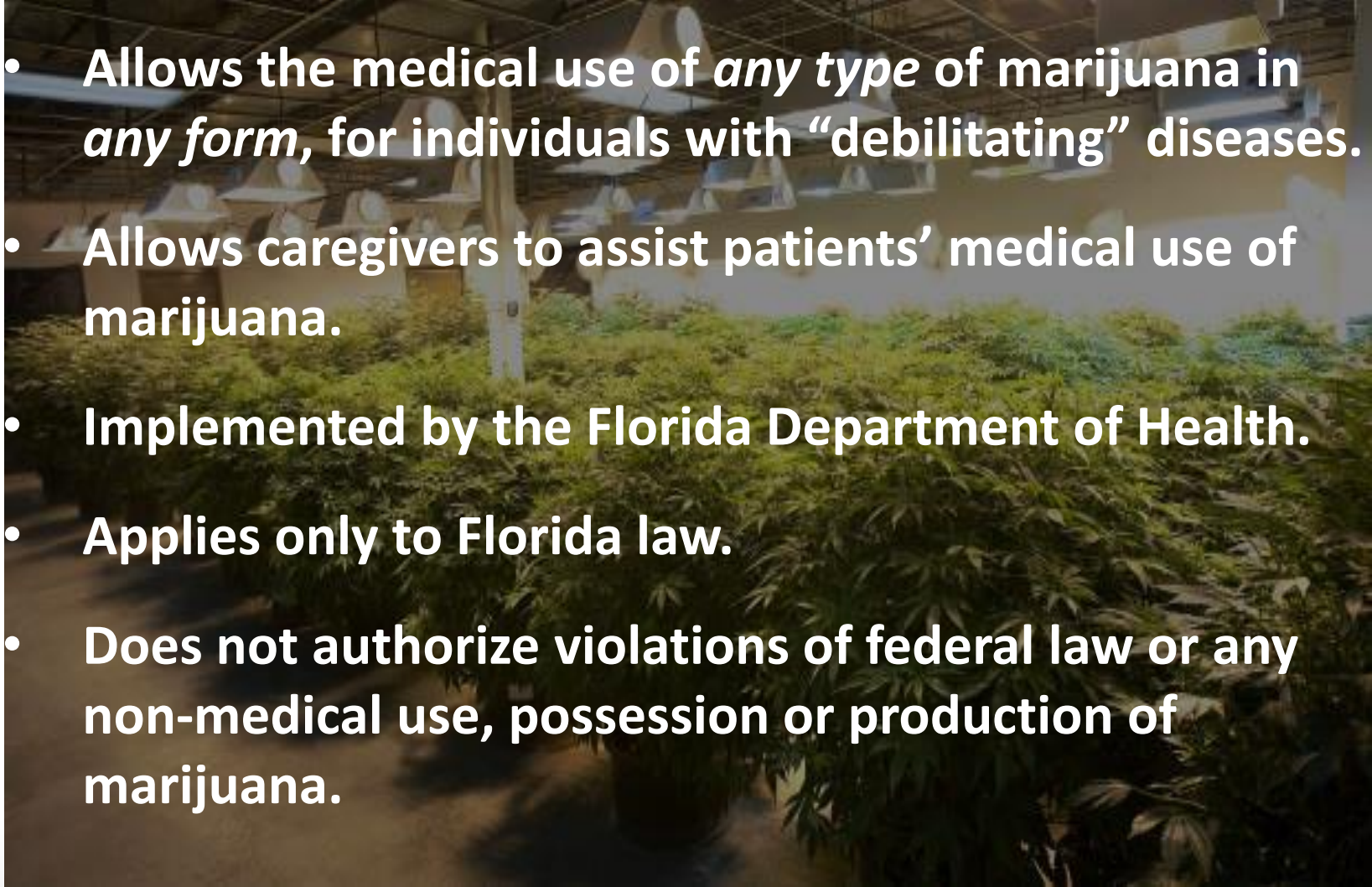
**§ 381.986**

Compassionate Use of  
Low-THC Cannabis

**2014**

# Amendment 2

## Use of Marijuana for Certain Medical Conditions

- Allows the medical use of *any type* of marijuana in *any form*, for individuals with “debilitating” diseases.
  - Allows caregivers to assist patients’ medical use of marijuana.
  - Implemented by the Florida Department of Health.
  - Applies only to Florida law.
  - Does not authorize violations of federal law or any non-medical use, possession or production of marijuana.
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# Amendment 2

## Use of Marijuana for Certain Medical Conditions

- **How will it work?**

- Patient must obtain a physician certification from a licensed Florida physician for treatment of a “**Debilitating Medical Condition**”
- A Qualified Patient or a personal caregiver with an identification card, may obtain medical marijuana for the Qualifying Patient’s use
- Medical marijuana will be obtained from “**Medical Marijuana Treatment Centers**” (“Treatment Centers”)



# Amendment 2

## Use of Marijuana for Certain Medical Conditions

### “Debilitating Medical Condition”

“Cancer, glaucoma, positive HIV, AIDS, hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn’s disease, Parkinson’s disease, multiple sclerosis or other conditions for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient.”



# Approved State Legislation

## § 381.986 Florida Statutes

**“Compassionate Medical Cannabis Act of 2014 / Compassionate Use of Low-THC Cannabis” - aka “Charlotte’s Web”**

- Low THC Cannabis (Non-euphoric - “Charlottes’s Web” is just one brand/blend)
- No smoking
- Limited qualifying illnesses - cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms
- Up to 5 dispensing organizations

# Amendment 2 vs. Existing State Law

- Existing state law provides a much narrower framework for growing, selling, and using medical marijuana than the Amendment
- Existing state law limits the type of marijuana that can be grown and who may grow it, prohibits smoking as a method of consumption, integrates the use into research studies, and greatly limits the qualifying conditions for use of the marijuana

# Interaction with Federal Law

- The Federal Controlled Substances Act (CSA) prohibits the production, distribution and use of marijuana, for medical or recreational purposes
- CSA and Federal Government still have regulatory and enforcement standing throughout the Country – regardless of State regulations allowing the use of marijuana
- All organizations and states point out that everyone who uses, produces, or distributes marijuana – whether for medical or recreational use – is subject to federal law

# Prohibition Based on Federal Supremacy

## The Proposed Ordinances:

1. Affirm the City's commitment to the enforcement of state AND federal law
2. Allow a Medical Marijuana Retail Center ONLY if permitted under state AND Federal law, as a conditional use, subject to a two-year renewal
3. Establish land use controls, permitting requirements and business regulations which will safeguard the City in the event the Federal rules change
4. Prohibit the public consumption of Marijuana in any form



# Zoning Ordinance

## Land use requirements

- Retail only – no cultivation, processing, etc.
- Located only in the C zoning district
- Not in the Central Business District (CBD)
- 500 feet from SFR or MF1 zoning district
- 1,000 feet from schools, day care, parks, place of worship
- 1,000 feet from another Medical Marijuana Retail Center

## On-site Parking

- 1 space per 150 square feet of floor area; plus
- 1 space per full time employee; plus
- 1 space for every two part-time employees

## Procedure

- Conditional use - must be renewed every two years

# Being Prepared if Federal Law Changes

- **Business regulations**

- Annual Medical Marijuana Permit requirements;
- Applicant, owner and employee level 2 background screening requirements
- Hours of operation
- Increased maintenance of the business premises and surrounding areas
- No on-site consumption of marijuana or alcohol
- No outdoor activities
- No live plants
- Odor mitigation
- Signage
- No queueing or loitering



# Being Prepared if Federal Law Changes

- Security
  - Operations plan
  - Video surveillance
  - Display and storage security planning requirements
  - Cash storage and protection planning requirements
  - Alarm system
  - Implementation of Police Crime Prevention Through Environmental Design\_Review (CPTED) standards
  - On-site security 24/7
- Fees
  - Application
  - Permitting