

DEPARTMENT OF HEALTH
OFFICE OF MEDICAL MARIJUANA USE

CERTIFIED COPY

ADMINISTRATIVE RULE WORKSHOP

DATE TAKEN: May 29, 2026
TIME: 2:01 PM - 2:20 PM
LOCATION: Betty Easley Conference Center
4075 Esplanade Way #182
Tallahassee, Florida 32399

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APPEARANCES:

DEVON BAXTER, ESQUIRE, BAXTER LAW

JAMES LOVE, DEPARTMENT OF HEALTH

JESSICA ENGLE, GOLDFLOWER CANNABIS

CRAIG SIMPSON, THE LOCKWOOD FIRM

JOHN LOCKWOOD, THE LOCKWOOD FIRM

BRIAN GALLIAN, DEPARTMENT OF HEALTH

LILY BELL, TSE CONSULTING

JOHN WATERS, DEPARTMENT OF HEALTH

GENE MCGEE, GREEN THUMB INDUSTRY

MELISSA PASSET, OMMU

BENJAMIN LABELLE, OMMU

CRAIG VARN

P R O C E E D I N G S

(Thereupon, the following public meeting was held at 2:01 PM.)

POLICY MANAGER HAYES: Good afternoon everyone. This is a workshop on Rules 64-4.011, Medical Marijuana Use Registry Identification Cards; 64-4.22.5, MMTC, Marijuana Delivery Devices; and 64-4.22.6, MMTC Harvest Failures and Wholesale Transfers.

This workshop is being conducted on May 29th, 2026, at Betty Easley Conference Center, 4075 Esplanade Way, room 182, Tallahassee, Florida, 32399.

I'm conducting the workshop for the Department. My name is Meredith Hayes, and I am the Policy Manager for the Office of Medical Marijuana Use. Our address is Florida Department of Health, 4052 Bald Cypress Way, Bin M-01, Tallahassee, Florida 32399.

I am joined by Douglas Dolan, Chief Legal Counsel.

As we move through each rule, we will introduce program staff who specialize in each rule subject matter to the panel. These panel members may rotate throughout the workshop based on the

1 rule being discussed.

2 This workshop is being conducted in accordance
3 with Section 120.54, Florida Statutes. The notice
4 for this workshop was published in Volume 52,
5 Number 95 of the Florida Administrative Register on
6 May 15th, 2026.

7 The purpose of this workshop is to allow the
8 public an opportunity to participate in the rule
9 making process.

10 Before we begin, we ask that all comments that
11 include suggested rule language be submitted in
12 writing to the OMMU rules inbox at
13 OMMUrules@flhealth.gov before the end of the
14 comment period, which will be announced at the end
15 of the workshop.

16 Please be advised that this workshop is being
17 transcribed by a court reporter.

18 This rule making amends Rule 64-4.011.
19 Pursuant to Chapter 2025-204, Laws of Florida to
20 update the Medical Marijuana Use Registry
21 Identification Card process, incorporated forms,
22 and requirements for patients and caregivers.

23 This rulemaking also initiates non-emergency
24 rulemaking to replace emergency Rules 64ER24-4 and
25 64ER25-5. Pursuant to Chapter 2025-199, Section

1 15, Laws of Florida, adopted by the Department to
2 implement Section 381.986 Florida Statutes.

3 If you've indicated on the sign in sheet that
4 you wish to comment on a rule you will be called in
5 the order in which you signed in to speak on the
6 subject rule indicated. When your name or
7 affiliation is called, please approach the
8 microphone at the front of the room, or if we don't
9 have a mic, we have a podium.

10 We will ask that you state your name and
11 organization that you represent. In the interest
12 of time, we ask that you do not repeat the position
13 of the previous speaker. You may, however, for the
14 record, state that you agree with one or more of
15 the previous speakers. We also ask that you limit
16 your comments to no more than three minutes.

17 At this time, we would like to open the floor
18 for comment on Rule 64-4.011, Medical Marijuana Use
19 Registry Identification Cards, and we will only be
20 accepting comments on this rule at this time.

21 On the panel with me now is Casey Hurley, OMMU
22 IT Manager.

23 Gene McGee?

24 MR. MCGEE: Yes. GTI, Green Thumb Industries.
25 I apologize. I wasn't paying attention when I

1 checked all three boxes. I have no comment on any
2 of the three rules. I'm here to observe, but I did
3 check all the boxes. Thanks for giving me the
4 opportunity.

5 POLICY MANAGER HAYES: No problem.

6 John Waters.

7 MR. WATERS: I would like to echo the same
8 thing.

9 MR. MCGEE: He was right behind me.

10 POLICY MANAGER HAYES: Okay. If there are no
11 comments on this rule, we will move to the next
12 rule and open the floor for comment on Rule 64-
13 4.225, MMTC, Marijuana Delivery Devices. And we
14 will only be accepting comments on this rule at
15 this time. Joining the panel now is Melissa
16 Passet, Variance manager.

17 (Thereupon, Casey Hurley exited the dais, and
18 Melissa Passet joined the dais.)

19 POLICY MANAGER HAYES: Okay. Devon Baxter.

20 MS. BAXTER: I did mean to check that box.
21 Devon Baxter with Baxter Law. I'm here on behalf
22 of several MMTCs and CMTLs, and we support the goal
23 of the rule, which is safe delivery devices that
24 are not attractive to children and are consistent
25 with medical use.

1 We have a few issues with some of the proposed
2 wording that we think could be modified. So, the
3 term promoting the recreational use, or used for
4 enjoyment, don't tell MMTCs exactly what is
5 prohibited.

6 So, for example, in the past when it comes to
7 devices we know that OMMU will not approve, for
8 instance, a device of a certain height, right. If
9 it's above a certain height, the Department's
10 determined that it's not consistent with medical
11 use, but we don't know exactly what that height is.
12 So, when it comes to trying to conform with the
13 rule, I think more specifics would be helpful for
14 my clients.

15 The color restriction in the proposed text, we
16 also believe, is too broad. So, a single color
17 only rule isn't required by Section 381986, Florida
18 Statutes. Multiple non neon colors can serve
19 legitimate medical and operational purposes. It's
20 helpful, for patient safety, it's helpful to allow
21 patients to distinguish between different devices
22 and device compatibility. Also, for anti-
23 counterfeiting and for brand identification.

24 We also think that the branding restrictions
25 should be modified a bit. MMTCs should be allowed

1 to continue to use Department approved trade names,
2 logos, including MMTC owned in-house brands or
3 private label brands.

4 So, in the past I've had quite a few clients
5 that utilize different in-house brands across
6 devices. We'd like to be able to continue
7 utilizing those logos on devices, provided that
8 they're not attractive to children; they don't
9 encourage the recreational use of marijuana.

10 So, at a minimum, the rule should allow plain
11 text brand names and logos where brand
12 identification's long been permitted on related
13 packaging or product receptacles.

14 When it comes to the approval process, we
15 understand from this rule that MMTCs are expected
16 to come into compliance with the rule within 180
17 days, and I understand from previous conversations
18 with the Department that you all don't want us to
19 resubmit everything that's been previously approved
20 because it's a lot of work for everyone. But when
21 the rule isn't specific enough for us to know
22 exactly what's going to be -- continue to be
23 allowed, it puts us in a difficult position,
24 particularly where fines for devices could
25 potentially be assessed on a per-sale basis; if

1 there's some disagreement between MMTCs and the
2 OMMU on whether we believe it complies with the new
3 language of the rule. Also, those approvals now
4 often take 30 or 60 days to come back, which is a
5 really long time to, kind of wait to figure out,
6 particularly with devices that you're ordering from
7 overseas. They have long lead times and things
8 like that.

9 So, overall, our request to change is that the
10 rule be revised to use more objective standards to
11 allow MMTC in-house branding and logos, and
12 functional color use to. And also, that the OMMU
13 clarify what designs are -- shapes, exactly, are
14 prohibited and provide a workable transition for
15 existing inventory.

16 Thank you.

17 POLICY MANAGER HAYES: Thank you.

18 Craig Simpson.

19 MR. SIMPSON: Good afternoon. Craig Simpson
20 with the Lockwood Law Firm. We represent several
21 MMTCs across the State of Florida. We would start
22 by echoing Ms. Baxter's concerns about the
23 vagueness of the term "recreational use."

24 We would also add that the definition of
25 "recreational" using the word "recreation and

1 enjoyment" is circular usage and could apply to a
2 wide variety of items, and a frankly unclear number
3 of items, so that our clients are not on notice as
4 to what is and is not permitted.

5 Additionally, almost every television
6 commercial for pharmaceutical drugs depicts
7 individuals engaging in acts of enjoyment in one
8 way or another. The obvious reason is that people
9 are utilizing the medicine to enjoy their lives in
10 a way that they are unable to without their
11 medication. This is also true for medical
12 marijuana and has been shown to have significant
13 improvements in health-related quality of life by
14 reducing chronic pain, alleviating chemotherapy
15 induced nausea, reducing seizures, and improving
16 sleep habits. Therefore, we do not believe that
17 somebody using marijuana for enjoyment or shown
18 enjoying medical marijuana is necessarily using it
19 in a way that is inconsistent with medical use.

20 We also have concerns with form, the
21 requirement of Form DH0829 OMMU-12/2025. We
22 believe that this form is excessive and unnecessary
23 given the already extensive variance requirements.
24 The Department has evaluated delivery devices now
25 for many years without the requirement of this

1 form.

2 Our third concern is with the appearance of
3 delivery devices or the increased restrictions on
4 delivery devices, specifically those found in
5 paragraph sub 3, 4 and 11. We would echo Ms.
6 Baxter's comments about these, while also adding
7 that we believe that these new restrictions exceed
8 the Department's grant of statutory authority. The
9 specific issues that have been raised are beyond
10 what is allowed in the Statute and are not
11 mentioned specifically in the Statute.

12 We would also note that the Department has
13 specifically approved, through the variance
14 processes, all of the delivery devices that the
15 MMTCs have sold in Florida up until this point.
16 Adding additional restrictions suggests that all
17 approved delivery devices -- excuse me. This
18 suggests, by their acceptance of these devices, it
19 suggests that the Department agrees that all of
20 these devices are in compliance with Section
21 381.986. However, this rule appears to add
22 additional restrictions without any change in the
23 underlying statute, which we would argue is
24 evidence of expanding contravening the underlying
25 statute which would go beyond the Department's

1 underlying authority.

2 Our next concern concerns the additives. The
3 term "additive" is undefined and could apply to
4 almost anything. More importantly, however, it
5 doesn't make a lot of sense in this context. Most
6 delivery devices are smoking apparatuses, which can
7 be made of plastic or made of nearly anything and
8 are not meant for consumption. Therefore, it seems
9 illogical to ban additives for delivery devices
10 because many delivery devices require the the
11 addition of medical cannabis in the first place.
12 So, we recommend the Department provide greater
13 specificity into the additives that they seek to
14 prohibit.

15 Finally, our concern, as well as Ms. Baxter's,
16 is the "previously approved devices" statement.
17 The requirement represents a huge investment of
18 time and resources for MMTCs to have to resubmit
19 every previously submitted delivery device. This
20 also doesn't convey much benefit to the Department.
21 As with the new appearance requirements, the
22 Department has already confirmed that these
23 approved delivery devices comply with Section
24 381.986. The implication that the devices now need
25 additional approval would go beyond the

1 Department's statutory authority.

2 Thank you very much.

3 POLICY MANAGER HAYES: Thank you.

4 Are there any additional comments on this
5 rule?

6 Next, we would like to open the floor for
7 comment on Rule 64-4.226, MMTC, Harvest Failures
8 and Wholesale Transfers. And we will only be
9 accepting comments on this rule at this time.
10 Joining the panel now is Benjamin LaBelle, Field
11 Office Operations Manager.

12 (Thereupon, Melissa Passet exited the dais, and
13 Benjamin Labelle joined the dais.)

14 MS. BAXTER: For the record, Devon Baxter,
15 Baxter Law. This new rule makes MMTC to MMTC
16 purchasing in a harvest failure situation much
17 harder than Section 381.986 requires. And the
18 practical effect is going to be reduced supply
19 flexibility for patients without any clear public
20 health benefit. The proposed rule is very
21 restrictive. So, wholesale transfers are allowed
22 only after a certified harvest failure. And the
23 proposed definition requires a complete loss or
24 complete destruction of the harvest so that no
25 usable products can be derived from it.

1 And that's new from what's been approved in
2 the past, and it's an extremely narrow trigger.
3 The Statute doesn't require this many limits, and
4 this proposal adds restrictions that are not
5 clearly found in the statutory language, including
6 the 30 day certification deadline limits on how
7 often an MMTC can seek certification, separate
8 approval for the transfer itself, and limits on
9 completing one wholesale transfer before requesting
10 another. It also creates unnecessary delay.

11 An MMTC is going to first have to obtain the
12 harvest failure certification and then submit that
13 separate wholesale transfer request and the
14 Department historically asked for a lot of
15 information at each stage of that process. It can
16 take a long time. And it makes it very difficult
17 to actually complete the wholesale purchase
18 transfer with a product that doesn't have a very
19 long shelf life, it's expiring.

20 The actively dispensing requirement is
21 unnecessary. So, this proposed rule requires eight
22 consecutive weeks of dispensing before an MMTC can
23 receive a wholesale transfer. That's new. That
24 restriction hasn't been there in the past. And
25 this is going to -- we're on the verge, hopefully,

1 of quite a few new licensees joining our market.
2 This may exclude them while they're still
3 perfecting their processes and experimenting with
4 the SOPs that are going to work best. We all know
5 Florida has a very challenging climate. We face a
6 lot of pest pressure; so even expert experienced
7 operators sometimes face harvest loss in Florida.

8 We'd also like clarification on Paragraph
9 2(c), that's where it's a limitation on how often a
10 wholesale transfer can be requested. It says they
11 can request one harvest. We're not sure if it
12 means one harvest failure certification per year,
13 or what I think it means, which is one harvest
14 failure type per year. So, there could be multiple
15 certifications a year as long as they're not two
16 non-natural disaster types.

17 So, finally our request to change is that we
18 just broaden this rule to allow wholesale transfers
19 when reasonably necessary to maintain patient
20 access, remove the unnecessary frequency and
21 sequencing limits and clarify those crop loss
22 limitations on how they're going to be applied.

23 Thank you.

24 POLICY MANAGER HAYES: Thank you.

25 Craig Simpson.

1 MR. SIMPSON: Craig Simpson with the Lockwood
2 Law Firm.

3 For the record, we would echo Ms. Baxter's
4 concerns about the narrowness of the language of
5 the harvest failure definition, or what constitutes
6 a harvest failure.

7 We would also add that the Section 381.986
8 does not allow -- does not provide the authority
9 for the Department to adopt such a narrow
10 definition of harvest failure. And really does not
11 give the Department authority to adopt a definition
12 of harvest failure at all.

13 Another concern we have is with the
14 restriction that harvest failures cannot be caused
15 by an MMTC failing to follow standard operating
16 procedures. This requirement means that even a
17 small inadvertent mistake cannot trigger a harvest
18 failure, even if the MMTC takes reasonable steps to
19 prevent them.

20 We would suggest that the Department add
21 language requiring the failure to follow standard
22 operating procedures to be wanton, malicious and or
23 grossly negligent to cause such conduct to
24 invalidate a harvest failure. Thank you.

25 POLICY MANAGER HAYES: Thank you. Are there

1 any additional comments?

2 (No response.)

3 POLICY MANAGER HAYES: If there are no further
4 comments, I would like to thank you all for your
5 participation in this workshop. We will accept
6 written comments and material until 5:00 PM June
7 5th, 2026. Please submit your written comments
8 that include any suggested rule language to
9 OMMURULES@flhealth.gov.

10 There being no further comments, I would like
11 to thank you all for your participation and inform
12 you that this workshop is closed. Thank you.

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14 (Thereupon, at 2:20 PM the public meeting
15 concluded.)

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CERTIFICATE OF COURT REPORTER

THE STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

I, MARTHA SUTHERLAND-VIDAL, a Court Reporter
in and for the State of Florida at Large, do hereby
certify that I was authorized to and did report the
proceedings in the above-styled cause before the
Department of Health, at the time and place set forth;
that the foregoing pages, numbered from 1 through 18,
inclusive, constitute a true and complete record of my
notes.

I further certify that I am not a relative,
employee, attorney, or counsel of any of the parties,
nor am I a relative or employee of any of the parties'
attorney or counsel with the action, nor am I
financially interested in the action.

DATED on this 1st day of June 2026.



MARTHA SUTHERLAND-VIDAL,
Notary Public-State of Florida