

January 18, 2019

The Florida Department of Health (DOH) continues to focus on the health and safety of Florida's families and is dedicated to ensuring patients have safe access to low-THC cannabis and medical marijuana. We are pleased to provide this weekly update on the DOH Office of Medical Marijuana Use's (OMMU) diligent work implementing the many requirements in Amendment 2 and those set by the Florida Legislature in section 381.986, F.S. (2018).

OMMU UPDATES

<p>Qualified Patients: (Active ID Card): 173,333 Total Patients: 219,436</p> <p>Processing Time for Complete Application*: 5 business days Processing Time for ID Card Printing: 5 business days</p> <p><i>*Applications are not deemed to be complete until payment has successfully cleared – up to 5 business days.</i></p>	<p>Check your application status: https://mmuregistry.flhealth.gov/</p> <p>OMMU Call Center: 1-800-808-9580</p>
<p>Qualified Ordering Physicians: 1,970</p>	<p>Verify your qualified ordering physician: http://www.flhealthsource.gov/</p>
<p>Weekly Highlights:</p> <ul style="list-style-type: none"> ▪ Low-THC cannabis and medical marijuana has been and continues to be available for qualified patients. Patients may search for qualified ordering physicians using the new search tool on the OMMU Patients Page. Patients and caregivers may fill their orders at any of the 90 dispensing locations, or via delivery from approved MMTCs below. ▪ The mailing address for Patient and Caregiver ID card applications is: Office of Medical Marijuana Use PO Box 31313 Tampa, FL 33631-3313 	

Medical Marijuana Treatment Centers Updates:

Approved medical marijuana treatment centers are the only businesses allowed to grow, process or sell medical marijuana in Florida.

Amount of Medical Marijuana Dispensed (January 11 – January 17):	53,375,284 mgs
Amount of Low-THC Cannabis Dispensed (January 11 – January 17):	2,263,876 mgs
Approved Dispensing Locations:	90

MMTC Name	Dispensing Locations
Trulieve	Boynton Beach, Bradenton, Clearwater, Dania Beach, Deerfield Beach, Edgewater, Fort Myers, Gainesville, Jacksonville, Lady Lake, Miami (1), Miami (2), New Port Richey, Orlando, Palm Coast, Pensacola, Sarasota, St. Augustine, St. Petersburg, Tallahassee, Tampa, Venice Beach, Vero Beach, West Palm Beach, delivery
Surterra Wellness	Deltona, Jacksonville, Lakeland, Largo, Miami Beach, New Port Richey, North Port, Ocala, Orange Park, Orlando, Palm Bay, Palm Beach, Pensacola, Port Orange, Port St. Lucie, Tallahassee, Tampa, St. Petersburg, delivery
Curaleaf	Bonita Springs, Daytona, Deerfield Beach, Ft. Myers, Fort Pierce, Jacksonville, Kendall, Lakeland, Lake Worth, Lutz, Miami (1), Miami (2), Ocala, Orlando (1), Orlando (2), Palm Bay, Palm Harbor, St. Petersburg, Tallahassee, Tampa, Titusville, delivery
Knox Medical	Fort Walton Beach, Gainesville, Jacksonville, Lake Worth, North Miami Beach, Orlando, St. Petersburg, Tallahassee, delivery
Liberty Health Sciences	Merritt Island, Miami, Palm Harbor, Port St. Lucie, St. Petersburg, Summerfield, Tampa, Winter Haven, delivery
Vidacann	Bradenton, Deerfield Beach, Holly Hill, Palm Bay, Tampa, delivery
AltMed Florida (MüV)	Apollo Beach, Sarasota, Tampa, delivery
GrowHealthy	Brandon, West Palm Beach, delivery
Harvest	Kissimmee, delivery
Columbia Care Florida	Dispensing via delivery
GTI (Rise Dispensaries)	Dispensing via delivery
MedMen	Dispensing via delivery
Cannabis Cures Investments, LLC	<i>Cultivation Authorization only</i>
Green Owl Pharms	N/A

Legal Updates

The implementation of Amendment 2 and section 381.986, F.S. (2018) continues to be frequently litigated. While some of these lawsuits have little impact on our progress, others – particularly those regarding the constitutionality of the law we are tasked with executing – have significant impact on DOH’s ability to implement certain requirements of section 381.986, F.S. (2018).

Home Grow	Redner v. DOH, et. al., 13th Judicial Circuit Case No. 17-CA-5677 and 1st District Court of Appeal Case No. 1D18-1505 <i>Court of Appeal reinstated the stay and noted that Redner was unlikely to succeed on the merits of the case. Redner appealed to the Florida Supreme court by filing a Petition to Invoke “All Writs” Jurisdiction. Florida Supreme Court issued an Order denying the petition to invoke all writs jurisdiction on May 25. Request for oral</i>
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	<i>argument was granted on December 31, 2018; oral argument is set for February 12, 2019.</i>
Smoking Ban	<p>People United for Medical Marijuana v. DOH, et. al., 2nd Judicial Circuit Case No. 2017-CA-1394</p> <p><i>Court of Appeal reinstated the stay and noted that Plaintiffs were unlikely to succeed on the merits of the case. The lower court's order is not currently in effect. Appellants filed request for oral argument on October 23. Oral argument took place, as scheduled, on January 8, 2019. Joint Motion to Hold Case in Abeyance filed January 17, 2019.</i></p>
Application Process	<p>Bill's Nursery, Inc. v. DOH, 2nd Judicial Circuit Case No. 2017-CA-002411</p> <p><i>Order denying the Motion to Dismiss issued on May 24.</i></p>
MMTC Licensure	<p>Nature's Way v. DOH Case No. 17-5801 and 18-0721</p> <p><i>Settlement agreement and Final Order issued on July 13 in Case No. 18-0271, granting Nature's Way a license and registration as a MMTC. Case No. 17-5801 is on appeal (Case No. 1D18-2929).</i></p>
Constitutionality of Law	<p>Florigrown LLC v. DOH Case No. 2017-CA-002549</p> <p><i>Hearing on Plaintiff's Motion for Temporary Restraining Order set for July 19. Hearing on injunctive relief completed. On October 3, the case management conference was held. On October 5, the Court issued a temporary injunction prohibiting the Department from proceeding with issuing MMTC licenses under Section 381.986, Florida Statutes, and requiring the Department to issue MMTC registrations pursuant to Article X, Section 29 of the Florida Constitution, including one to Florigrown, by October 19, 2018. Florida House of Representatives Motion to Intervene denied on November 29. Order granting in part, denying in part Department's Motion to Dismiss entered on November 29.</i></p> <p><i>The Department filed a Notice of Appeal on October 19 (Case No. 1D18-4471). On December 18, the Order from the Circuit Court vacating the automatic stay was quashed by the First District Court of Appeal; stay provided by rules of appellate procedure remains in place pending final disposition.</i></p>
Application Process	<p>Patients and Producers Alliance, Inc. v. DOH Case No. 2018-CA-000336</p> <p><i>Case filed February 14, 2018 and has been assigned to Judge Dodson. Reassigned to Judge Cooper on June 30.</i></p>
Constitutionality of Law	<p>Trulieve v. DOH Case No. 2018-CA-000698</p> <p><i>Hearing held on August 27. Proposed orders filed on August 31. Order Requesting Input issued on November 8. Responses due on November 30. Order issued on January 2, 2019, denying</i></p>

	<p><i>Department's motion for summary judgement and granting the Plaintiff's request for declaratory relief as to the unconstitutionality of the 2017 statute. Motion for Clarification or Rehearing filed by Trulieve on January 14, 2019. Motion for Rehearing filed by DOH on January 17, 2019.</i></p>
Administrative Challenge to Application Rule	<p>Del Favero v. DOH, DOAH 18-2838 <i>Administrative challenge to citrus preference in application rule. Final order issued by administrative law judge on August 6, finding that Rule 64-4.002 is an invalid exercise of delegated legislative authority. Notice of Appeal was filed by Mecca Farms (intervenor in case below) on September 4 (Case No. 1D18-3761).</i></p>
Constitutionality of Law (Pigford License)	<p>Tingle v. DOH, 1st Judicial Circuit Case No. 18-CA-3143 <i>Native American Farmer filed complaint for declaratory judgment. (Prior complaint voluntarily dismissed in Case No.18-CA-2092). Motion to Dismiss filed on October 30.</i></p>
Petition for Licensure	<p>Spring Oaks v. DOH, DOAH 18-4471 <i>DOH filed a motion to consolidate related cases. Del Favero and East Coast Packers have filed petitions to intervene. Liner Source, Inc. and Caribbean Distillers, LLC filed petitions to intervene. Order to Show Cause Why Jurisdiction should not be relinquished to DOH for issuance of a Final Order issued on September 28, 2018. Department's Response to Order to Show Cause was filed on October 9. Order Closing File and Relinquishing Jurisdiction to the Department was issued on October 18.</i></p>
Petition for Licensure	<p>Perkins v. DOH, DOAH 18-4473 <i>DOH filed a motion to consolidate related cases. Del Favero and East Coast Packers have filed petitions to intervene. Liner Source, Inc. and Caribbean Distillers, LLC filed petitions to intervene. Order to Show Cause Why Jurisdiction should not be relinquished to DOH for issuance of a Final Order issued on September 28, 2018. Department's Response to Order to Show Cause was filed on October 9. Order Closing File and Relinquishing Jurisdiction to the Department was issued on October 18.</i></p>
Petition for Licensure	<p>Bill's Nursery v. DOH, DOAH 18-4474 <i>DOH filed a motion to consolidate related cases. Del Favero and East Coast Packers have filed petitions to intervene. Liner Source, Inc. and Caribbean Distillers, LLC filed petitions to intervene. Order to Show Cause Why Jurisdiction should not be relinquished to DOH for issuance of a Final Order issued on September 28, 2018. Department's Response to Order to Show Cause was filed on October 9. Order Closing File and Relinquishing Jurisdiction to the Department was issued on October 18.</i></p>

<p>Petition for Licensure</p>	<p>Dewar Nurseries v. DOH, DOAH 18-4463</p> <p><i>DOH filed a motion to consolidate related cases. Del Favero and East Coast Packers have filed petitions to intervene. Liner Source, Inc. and Caribbean Distillers, LLC filed petitions to intervene. Order to Show Cause Why Jurisdiction should not be relinquished to DOH for issuance of a Final Order issued on September 28, 2018. Department's Response to Order to Show Cause was filed on October 9. Order Closing File and Relinquishing Jurisdiction to the Department was issued on October 18.</i></p>
<p>Petition for Licensure</p>	<p>Tree-King Tree Farm Inc. v. DOH, DOAH 18-4472</p> <p><i>DOH filed a motion to consolidate related cases. Del Favero and East Coast Packers have filed petitions to intervene. Liner Source, Inc. and Caribbean Distillers, LLC filed petitions to intervene. Order to Show Cause Why Jurisdiction should not be relinquished to DOH for issuance of a Final Order issued on September 28, 2018. Department's Response to Order to Show Cause was filed on October 9. Order Closing File and Relinquishing Jurisdiction to the Department was issued on October 18.</i></p>
<p>Petition for Licensure</p>	<p>Tropiflora v. DOH, DOAH 18-4697</p> <p><i>Del Favero and East Coast Packers have filed petitions to intervene. Liner Source, Inc. and Caribbean Distillers, LLC filed petitions to intervene. Order to Show Cause Why Jurisdiction should not be relinquished to DOH for issuance of a Final Order issued on September 28, 2018. Department's Response to Order to Show Cause was filed on October 9. Order Closing File and Relinquishing Jurisdiction to the Department was issued on October 18.</i></p>
<p>Petition for Licensure</p>	<p>DeLeon's Bromeliads v. DOH, DOAH 18-4698</p> <p><i>Del Favero and East Coast Packers have filed petitions to intervene. Liner Source, Inc. and Caribbean Distillers, LLC filed petitions to intervene. Order to Show Cause Why Jurisdiction should not be relinquished to DOH for issuance of a Final Order issued on September 28, 2018. Department's Response to Order to Show Cause was filed on October 9. Order Closing File and Relinquishing Jurisdiction to the Department was issued on October 18.</i></p>
<p>Administrative Challenge to Application Rule (64-4.026)</p>	<p>Aardvark Plant Services, Inc., v. DOH, DOAH 18-4585RP</p> <p><i>Assigned to Administrative Law Judge on September 6. October 4 hearing postponed, DOH to file status update no later than October 17, 2018. Order Granting Extension of Time issued on October 18, extending date for status update to October 22. Motion to Stay filed by DOH on November 30. Case has been placed in abeyance; parties to advise of status by March 25, 2019.</i></p>

	<p>Miller & Sons v. DOH 2016-CA-0700</p> <p><i>Department's Motion for Summary Judgment denied. Writ filed in First DCA (Case No.: 1D18-4110) The First DCA entered a show cause order, requiring respondents to show cause why the writ should not be granted.</i></p>
MMTC Licensure	<p>Liner Source v. DOH, et.al., 2nd Judicial Circuit Case No. 18-CA-1932</p> <p><i>Petitioner filed complaint for writ of mandamus and declaratory relief. DOH filed Motion to Dismiss on November 13, 2018.</i></p>
Petition for Licensure	<p>K N Y Medical Care, LLC v. DOH, 2nd Judicial Circuit Case No. 18-CA-2372.</p> <p><i>Petitioner filed complaint for writ of mandamus and declaratory relief. DOH filed a Motion to Dismiss and Alternative Motion to Abate on January 17, 2019.</i></p>

General Background Information

Medical Marijuana ID Card Application Process: Once a patient has been diagnosed by a qualified ordering physician and entered into the Medical Marijuana Use Registry, they can immediately begin the identification card application process. The department encourages applicants to complete the process online as this decreases processing time. Patients receive an email from OMMU once their email is added to the registry by their qualified ordering physician which directs them to the application. Once an application is reviewed and approved, patients receive an approval email which can be used to fill an order at an approved MMTC while they await their physical card.

Medical Marijuana Use Registry: All orders for medical marijuana are recorded and dispensed via the Medical Marijuana Use Registry. The Medical Marijuana Use Registry is accessible online, with real time information to ordering physicians, law enforcement and medical marijuana treatment center staff. Patients and caregivers may also access the Medical Marijuana Use Registry to submit a Medical Marijuana Use Registry Identification Card application, and check the status of their application.

Medical Marijuana Treatment Centers: Approved medical marijuana treatment centers are the only businesses allowed to grow, process, or sell medical marijuana in Florida. Each medical marijuana treatment center must receive authorization at three stages, (1) cultivation authorization, (2) processing authorization and (3) dispensing authorization, prior to dispensing low-THC cannabis or medical marijuana. Medical marijuana cannot be mailed.

For more information visit www.flhealth.gov/ommu