

February 8, 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): 182,470 Total Patients: 230,670</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: 2,048</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 96 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 (February 1 – February 7):	62,808,285 mgs
Amount of Low-THC Cannabis Dispensed (February 1 – February 7):	2,706,175 mgs
Approved Dispensing Locations:	96

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	Bonita Springs, Brandon, 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 (1), Tampa (2), 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	Clearwater, 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, Orlando, Palm Bay, Tampa, delivery
AltMed Florida (MüV)	Apollo Beach, Sarasota, Tampa, delivery
GrowHealthy	Brandon, West Palm Beach, delivery
Harvest	Kissimmee, delivery
GTI (Rise Dispensaries)	Deerfield Beach, delivery
Columbia Care Florida	Dispensing via delivery
MedMen	Dispensing via delivery
Cannabis Cures Investments, LLC	<i>Cultivation Authorization only</i>
Acreage Florida, Inc.	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).

Constitutional Challenges	
Home Grow, Redner v. DOH, et. al., 2nd Judicial	Final Judgment entered April 11, 2018. DOH appealed April 11, 2018. 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

<p>Circuit Case No. 17-CA-2403</p> <p>First DCA 1D18-1505 & 1D18-3743</p>	<p>Court issued an Order denying the petition to invoke all writs jurisdiction on May 25. Request for oral argument was granted on December 31, 2018; oral argument is set for February 12, 2019.</p>
<p>Smoking Ban, People United for Medical Marijuana v. DOH, et. al., 2nd Judicial Circuit Case No. 2017-CA-1394</p> <p>First DCA 1D18-2206</p>	<p>Final Judgment entered May 25, 2018, DOH appealed June 6, 2018. 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 held January 8, 2019. Joint Motion to Stay filed January 24, 2019. Order Granting Joint Motion to Stay until March 15, 2019, entered January 29, 2019.</p>
<p>Florigrown LLC v. DOH, 2nd Judicial Circuit Case No. 2017-CA-002549</p> <p>First DCA 1D18-4471 & 1D18-4994</p>	<p>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. The Department filed a Notice of Appeal on October 19, Florigrown filed Motion to Relinquish Jurisdiction from First DCA on January 9, 2019. 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. Various Motions to Intervene as plaintiffs granted, DOH responses to intervenors complaints due February 13, 2019.</p>
<p>Trulieve v. DOH Case No. 2018-CA-000698</p>	<p>Hearing held on August 27. Proposed orders filed on August 31. Final Judgment entered January 7, 2019. DOH filed for rehearing January 17. Trulieve filed Motion for Clarification January 24. House of Representatives filed Motion to Intervene January 25. Case Management Conference held January 29. Court entered order denying the House's Motion to Intervene on January 30. Order on Case Management Conference and Final Judgment entered February 1, 2019.</p>
<p>Tingle v. DOH, 1st Judicial Circuit Case No. 18-CA-3143</p>	<p>Native American Farmer filed complaint for declaratory judgment challenging the provision for <i>Pigford</i> class applicants in 381.986(8)(a)2.,b. on August 28, 2018. DOH Filed Motion to Dismiss on October 30, 2018.</p>

Administrative Rule Challenges

<p>Del Favero v. DOH, DOAH 18-2838</p> <p>First DCA 1D18-3761</p>	<p>Administrative challenge to citrus preference in application rule 64-4.002, Florida Administrative Code. 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). Initial brief from Mecca due January 28, 2019, Mecca filed Amended Motion to Stay on January 25, 2019. DOH filed response in opposition to stay on February 7, 2019.</p>
<p>Aardvark Plant Services, Inc., v. DOH, DOAH 18-4585RP</p>	<p>Challenge to proposed rule 64-4.026, Florida Administrative Code. 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. Order placing case in abeyance entered December 10, 2018. Parties to advise of status on or before March 25, 2019.</p>

MMTC Application & Licensure

<p>Bill's Nursery, Inc. v. DOH, 2nd Judicial Circuit Case No. 2017-CA-002411</p>	<p>Order denying the Motion to Dismiss issued on May 24.</p>
<p>Nature's Way v. DOH, DOAH Case No. 17-5801 and 18-0721</p> <p>First DCA 1D18-2929.</p>	<p>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. Initial Brief filed by DOH December 20, 2018. Nature's Way filed Notice of No Answer Brief on December 10, 2018.</p>
<p>Patients and Producers Alliance, Inc. v. DOH Case No. 2018-CA000336</p>	<p>Case filed February 14, 2018. DOH filed Answer and Affirmative Defenses on May 4, 2018. House of Representatives filed Motion to Intervene on January 18, 2019. Judge Cooper entered Order of Recusal on January 22, 2019. Case was reassigned to Judge Dodson on January 25, 2019.</p>
<p>Tropiflora, LLC v. DOH/OCU Second Judicial Circuit Case No. 2016-CA-1330</p> <p>First DCA 1D17-2796</p>	<p>Complaint filed June 15, 2016. DOH filed Motion to Dismiss August 1, 2016. Amended Complaint filed July 6, 2017. DOH filed Petition for Writ of Prohibition in First DCA on July 14, 2017. First DCA entered Order Denying Writ on January 24, 2019. On February 7, 2019, Circuit Court issued</p>

	Order Setting Case Management Conference to Set Trial for February 13, 2019.
Spring Oaks v. DOH, DOAH Case No. 18-4471	Order Closing File and Relinquishing Jurisdiction to the Department was issued on October 18.
Perkins v. DOH, DOAH Case No. 18-4473	Order Closing File and Relinquishing Jurisdiction to the Department was issued on October 18.
Bill's Nursery v. DOH, DOAH Case No. 18-4474	Order Closing File and Relinquishing Jurisdiction to the Department was issued on October 18.
Dewar Nurseries v. DOH, DOAH Case No. 18-4463	Order Closing File and Relinquishing Jurisdiction to the Department was issued on October 18.
Tree-King Tree Farm Inc. v. DOH, DOAH Case No. 18-4472	Order Closing File and Relinquishing Jurisdiction to the Department was issued on October 18.
Tropiflora v. DOH, DOAH Case No. 18-4697	Order Closing File and Relinquishing Jurisdiction to the Department was issued on October 18.
DeLeon's Bromeliads v. DOH, DOAH Case No. 18-4698	Order Closing File and Relinquishing Jurisdiction to the Department was issued on October 18.
Miller & Sons v. DOH, 2nd Judicial Circuit Case No. 2016-CA-0700 First DCA 1D18-4110	Department's Motion for Summary Judgment denied. Writ filed in First DCA. The First DCA entered a show cause order on September 28, 2018, requiring respondents to show cause why the writ should not be granted. Reply to Order to Show Cause filed by Miller & Sons on December 7, 2018.
Liner Source v. DOH, et.al., 2nd Judicial Circuit Case No. 18-CA-1932	Petitioner filed complaint for writ of mandamus and declaratory relief on August 30, 2018. Petitioner filed Motion to Transfer case to Judge Dodson on October 17, 2018. DOH filed Motion to Dismiss on November 13, 2018, and Response to Motion to Transfer on November 16, 2018.

K N Y Medical Care, LLC v. DOH, 2nd Judicial Circuit Case No. 18-CA-2372.

Petitioner filed complaint for writ of mandamus and declaratory relief on November 5, 2018. DOH filed Motion to Dismiss and Motion to Abate on January 17, 2019. Florida House of Representatives filed Motion to Intervene on January 18, 2019. Motion hearing scheduled for March 6, 2019.

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

