

AGENDA
MEDICAL MARIJUANA ADVISORY BOARD (MMAB) MEETING
WEDNESDAY MAY 23RD, 2018 1:30PM

BROWARD COUNTY GOVERNMENTAL CENTER
115 South Andrews Avenue, Room 430, Ft. Lauderdale, FL 33301

- Advise and make recommendations to the Board of County Commissioners for improving operations and services for growing, processing, and selling medical marijuana for qualified patients and users;
 - Obtain information concerning medical marijuana and related matters within Broward County;
 - Provide recommendations to the Board of County Commissioners regarding regulations and fees related to medical marijuana treatment centers;
 - Develop programs to educate the citizens of Broward County as to the benefits and disadvantages of the use of medical marijuana;
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1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES – April 25th, 2018
4. CHAIR REPORT/COMMENTS
5. NEW BUSINESS
 - a. PRESENTATION – Nikki Fried, Esq. - Legal Update on Medical Marijuana Industry;
 - b. PRESENTATION – Jeff Greene – Medical Marijuana Educational Summit;
 - c. MOTION – Approving a recommendation to the County Commission endorse and commit resources to hold Broward County’s first “Medical Marijuana Educational Summit”;
 - i. Discussion;
 - ii. Public Comments;
 - iii. Motion;
 - iv. Vote;
6. OLD BUSINESS –
 - a. MOTION – Selection of MMAB Vice Chair;
 - i. Nominations for Vice Mayor;
 - ii. Vote;
 - b. MOTION – Setting MMAB meeting dates, times, and locations;
 - i. Discussion;
 - ii. Motion to approve dates, and times;
 - iii. Vote
7. PUBLIC COMMENTS
8. MMAB MEMBER REPORTS/COMMENTS
9. STAFF COORDINATOR REPORT/COMMENTS
10. ADJOURN



SUMMARY MINUTES (DRAFT)

Medical Marijuana Advisory Board
Government Center East, Room 430
115 S Andrews Avenue, Ft Lauderdale, FL 33301
Wednesday, April 25, 2018 1:30 pm

Board Members Present

Arby Barroso, Chair	Terrence Davis	Anthony Fabrizio
Abby M. Freedman	Nicole H. Fried	Seth A. Hyman
Ed Rebholz	Jay Work	

County Staff

Jo Sesodia, Director, PDMD	Maite Azcoitia, CAO
Chris Flynn, Admin, PDMD	Orlando Garcia, Boards Administrator
Cyril Saiphoo, Staff Coordinator, PDMD	

Attendees

Natlena Coleman, Ft. Lauderdale	Dodly Filius, N. Lauderdale
Jeff Greene, Weston	Scheril Murray Powell, Ft .Lauderdale
Rev. Jessie Scipio, Boulevard Gardens	Zandra Scipio, Boulevard Gardens

1. Call to Order

Prior to Call to Order Board members introduced themselves and provided brief background of experience in the medical marijuana industry. The meeting was called to order by Chair Arby Barroso at 1:46 PM.

2. Roll Call

Roll call was conducted by Staff Coordinator Cyril Saiphoo. A quorum was met with 8 members present.

3. Approval of Minutes - None

First Board meeting, no prior meeting minutes to approve.

4. Chair Report/Comments

No Chair report or comments.

5. New Business

a. Presentation – Advisory Board Procedures and Policies (Orlando Garcia)

Orlando Garcia, Broward County Boards Administrator from Office of Intergovernmental Affairs, presented a briefing to the Board on rules and requirements for serving on a board. A copy of the presentation was provided to each member.

b. Motion – Selection of MMAB Vice Chair

Chair requested delaying the selection of Vice Chair until next meeting or after, to allow Board members more time to get to know each other.

c. Motion – Setting MMAB meeting dates, times, and locations

List of proposed meeting dates given to each Board member to review and check their availability. Chair delayed vote on Motion to allow Board members time to check their schedules and availability.

6. Old Business

No old business.

7. Public Comments

The following persons commented during Public Comments:

Rev. Jessie Scipio, Ft. Lauderdale

Scheril Murray Powell, Ft. Lauderdale

Zandra Scipio, Ft. Lauderdale

8. MMAB Member Reports/Comments

The general consensus of the Members discussions focused on need for education and informing the public about the medical marijuana industry.

9. Staff Coordinator Report/Comments

Staff discussed proposed meeting dates with unanimous Board approval to hold next meeting on May 23. Some board members noted they may not be able to make proposed June 13 meeting.

Staff discussed with the Board remaining Board vacancies.

10. Adjournment

Meeting adjourned at 3:15 PM.

Medical Marijuana Advisory Board (MMAB):

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Disclosure: The above captioned minutes are transcribed in a summary format. To obtain a complete audio recording of the meeting, approved summary minutes, or any presentation or handout materials, submit a public records request through Planning and Development Management Division, 954-357-8695.

Compassionate Use Act of 2014

Created Low-THC regulatory framework in the State of Florida (**§381.986**)

- State broken into 5 regions - 1 license per region; completely vertically integrated (grow, manufacture, sell) “Seed to sale”
 - Had to be a nursery in the state of Florida for 30 continuous years
 - Plant capacity of 400,000
- Limited patient pool

qualified patient suffering from cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms

- 3 month relationship with the doctor immediately prior to the registration
- non-euphoric; not smoke-able
- Local jurisdictions have home rule regarding location, zoning, amount and regulations of the dispensaries.
- Each dispensing organization can open as many dispensaries as they wish anywhere in the state of Florida; original regions no longer exist
- initially lottery system for selection, but in November 2014, 5 months after the rule making process judge threw out the lottery and made the DOH make it merit based
- A year later 5 licenses were chosen of the 28 applicants

Administrative challenges in each region

- 13 challenges in all 5 regions
- Based on everything from the scoring process, qualification of the award winners, challenging the underlining rules
- Challenges ended up being dropped besides in 3 regions
- 1 challenge is still going on today, more than 2 years later

Right to Try Act in 2016

- Expanded to euphoric- no THC limit/requirements for terminal patients;
 - 2 doctors have to sign off that patient is terminal
- Grandfathered the 5 awarded license holders so they could continue to cultivate and move forward and requires health officials to grant licenses to organizations whose administrative or legal challenges are successful.
- And the law requires that any nursery that was the top scorer in a region must receive a license, even if health officials deemed it ineligible.
 - Under that provision, Gainesville-based San Felasco — was granted a license in May. San Felasco received the highest score in the Northeast

region, but health officials determined that the nursery was ineligible for a license because of a decade-old drug crime involving the nursery's director of research and development. An administrative law judge last February decided that agency wrongly rejected San Felasco's application.

- December 2016 a 7th license was awarded in the Central Region as an administrative judge found that a different applicant should have been scored higher.
- Another provision of the 2016 bill was that once patient base reaches 250,000, 3 additional licenses shall be given out without the 30 yr/400,000 plants requirements and not based on the regions
 - with 1 of those 3 going to a Plaintiff in the Federal Pigford law suit - was a class action lawsuit against the United States Department of Agriculture (USDA), alleging racial discrimination against African-American farmers in its allocation of farm loans and assistance between 1981 and 1996;
 - Claim is that those plaintiffs would have never qualified under the 30 year requirement

Amendment 2 passes, now what?

Regular Legislative Session 2017 to implement:

- Senate takes a more liberal approach
- House takes a more conservative (conflict on their conservative principles)
- Last minute senate amendment on caps, which ultimately takes down the bill

Special session:

- Come back in June for other issues (budget and education), throw it on the special session call
- Bill passes on the last day of session...
 - So what's in it?
 - Officially changed the name to Office of Medical Marijuana Use; Dispensing organization is now MMTCs
 - New licenses – 10; additional 4 every 100,000 – still vertical integration
 - First round in Aug – ended up giving out 6 based on previous suits
 - Second round by Oct
 - Citrus preference
 - Black Farmer – law suit and 2018 legislation
 - All need to be registered in the state as a corporation for 5 years (took out the 30 year nursery requirement)
 - Caps – 25 per, broken down by percentages; sunsets in 2020, get 5 more every 100,000 patients
 - Constitutional language regarding conditions
 - 70 day supply for patient and need to see dr every 30 weeks

- Drs only need 2 hours instead of 8 hours – has over 1,000 Drs registered
- Gets rid of the 90 day patient waiting period – even though there is significant back log for patients to go on the waiting list and getting their ID cards – about 42k patients
- Short term residents – snow birds (31 consecutive days)
- Requires third party laboratory testing and a certification program
- A licensed MMTC may transfer ownership to an individual or entity who meets the requirements of this section including a publicly traded corporation or publicly traded company.
- Level 2 background screening for all employees
- Diversity plans
- Delivery mechanisms – no smoking
- Huge change in the local pre-emption – (don't want them on every corner but don't want the moratoriums)
 - Pre-empt cultivation, manufacturing and delivery – can't mail

Outcome of the Local Preemption Changes

Pending lawsuits

- Morgan suit on the smoking
- MMTC license suits – 1 currently existing
- Redner lawsuit to home grow

Rulemaking updates – applications are out for the next round – not accepting submissions

- Changes the application process (blind grading, harder for lobbyist to get involved and influence the process)
- Big delays because of the pending suits
- Some other rules we are waiting on:
 - Pesticides
 - Fine and fee collection
 - Labeling and packaging standards – including universal symbol
 - Edibles Standards
 - Dosing guidelines
 - Testing lab certificates
 - Caps/regions

Still issues with banking!

Based on State of Florida Title XXIX, Chapter 381.986 titled the Medical Use of Marijuana, the State of Florida has directed the Counties and Cities on a course of action. With the feedback from a handful of Mayors and City Council members it has been determined that clarification and education is necessary.

The proposal is for an Education Summit to understand State Law, determine if local ordinances are necessary, determine if an inter-local agreement is prudent and follow up the Summit with calls for action.

The following is proposed.

September 20, 2108 at 6p Medical Marijuana Educational Summit

3 Hour Meeting

Venue for 200

- Doing Business in Broward County
- County Commission Room

Review State Law to determine if an Inter-local Agreement is necessary and prudent.

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Request for endorsement and announcement of event to all Countywide City elected officials

Advisory board will give list of presenters to the County upon approval

Type of presenters to include:

Industry
Health
Education
First Responder
Veteran/Armed Forces
City/County/State Elected Officials