



## Legislation Text

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**File #:** 9050-17, **Version:** 1

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### **SUBJECT/RECOMMENDATION:**

Approve an extension on the temporary moratorium for medical marijuana dispensing organizations established by Ordinance 8995-17 and pass Ordinance 9050-17 on first reading.

### **SUMMARY:**

On November 8, 2016, Florida voters approved an amendment to the Florida Constitution, titled "Use of Marijuana for Debilitating Medical Conditions" (Amendment 2). Amendment 2 became effective on January 3, 2017. Amendment 2 has legalized under state law throughout the State of Florida the medical use of cannabis for a "Debilitating Medical Condition," which is defined to mean "cancer, epilepsy, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), post-traumatic stress disorder (PTSD), amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis, or other debilitating medical conditions of the same kind or class as or comparable to those enumerated, and for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient."

Amendment 2 has also legalized under state law throughout the State of Florida the operation of a "Medical Marijuana Treatment Center" (MMTC), which is defined to mean "an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Department [of Health]."

Amendment 2 required the Florida Department of Health to adopt specified regulations pertaining to MMTCs within 6 months from the effective date of the amendment, such as procedures for the registration of MMTCs that include procedures pertaining to the issuance, renewal, suspension and revocation of registration, and standards ensuring proper security, record keeping, testing, labeling, inspection, and safety, as well as regulations defining the amount of marijuana that could reasonably be presumed to be an adequate supply for qualifying patients' medical use, based on the best available evidence. Amendment 2 also authorized the Florida legislature to enact laws consistent with the Department of Health's constitutional duties.

In order to promote effective land use planning, the City Council imposed a temporary moratorium in Ordinance 8775-17 until July 2, 2017 on the operation of MMTCs or the operation of any additional "Dispensing Organizations within the City of Clearwater to preserve the status quo while awaiting the promulgation of regulations by the Florida Department of Health and the possible adoption of laws by the Florida legislature pertaining to MMTCs so that the Department of Planning and Development for the City of Clearwater would have an opportunity to review such rules and laws and to research, study and analyze the potential impact of MMTCs and "Dispensing Organizations" upon adjacent uses and the surrounding area and

the effect of MMTCs and “Dispensing Organizations” on the general welfare.

The Florida legislature, however, ended its 2017 regular session without enacting any laws regulating MMTCs, leaving it to the Florida Department of Health to adopt specified regulations pertaining to MMTCs. Moreover, the Florida Department of Health as of May 9, 2017 has not yet adopted specified regulations and has until July 2, 2017 to do so.

Due to the historical prohibition of cannabis, the City of Clearwater does not currently have any land development regulations governing the use of real property for purposes of cultivating, processing, distributing, or selling cannabis. In fact, one dispensary of cannabis is already operating within the City of Clearwater pursuant to Section 381.986, Florida Statutes.

Without knowing what regulations the Florida Department of Health may adopt, the Department of Planning and Development for the City of Clearwater is unable to adequately formulate land development regulations that appropriately govern the use of real property for purposes of cultivating, processing, distributing, or selling marijuana or for related activities.

An extension of the temporary moratorium imposed by Ordinance 8775-17 for an additional ninety days will enable the City of Clearwater a sufficient period of time to analyze the regulations adopted by the Florida Department of Health and then formulate and adopt land development regulations that appropriately govern the use of real property for purposes of cultivating, processing, distributing, or selling marijuana or for related activities

**APPROPRIATION CODE AND AMOUNT: N/A**

**USE OF RESERVE FUNDS: N/A**