

Court rules against Florida officials on medical marijuana

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A Florida appellate court ruled that the state's approach to regulating marijuana is unconstitutional, possibly allowing more providers to jump into a market positioned to become one of the country's most lucrative.

If the ruling stands, it could force state officials to lift existing caps on how many medical marijuana treatment centers can operate in Florida.

Tuesday's ruling by the 1st District Court of Appeal in Tallahassee was another setback for Florida officials trying to regulate the burgeoning marijuana industry more tightly. It mostly affirmed a lower court's ruling that the caps and operational requirements violated the voter-approved constitutional amendment legalizing medical marijuana in 2016.

Ever since, the law has been a subject of debate in the legislature and courts. It was unclear whether Florida officials would appeal the ruling.

Florida now has more than 240,000 people registered with the state to legally use medicinal marijuana, according to the Office of Medical Marijuana Use. They are served by 142 dispensaries across the state, the majority operated by about a half-dozen medical marijuana treatment centers that grow their own crop, process it and sell it—a business model known as vertical integration.

That business model and the limited number of treatment centers were points of contention for Tampa-based Florigrown, which sued the state after being denied a license.

"The system in Florida was broken even before it got off the ground," Florigrown CEO Adam Elend said. "It's a big victory for us and a big victory for Florida ... and the patients of Florida."

In its ruling, the appellate court said the state's vertically integrated system conflicts with the voter-approved amendment and the existing caps were "unreasonable."

However, the court declined to order the state Department of Health, which runs the medicinal marijuana program, to begin approving licenses for any business that wants one.

"All this means is the state will have to go back to the drawing board if it decides not to appeal," said Sally Kent Peebles of the law firm Vicente Sederberg and a member of the Florida Medical Cannabis Advisory Committee. "What we do know is that the landscape in Florida is going to change."

Florida Commissioner of Agriculture Nikki Fried, the lone Democrat holding statewide office in Florida, hailed the ruling as "a victory for openness and the future of medical marijuana in Florida."

"When 71 percent of Floridians voted for access to this life-changing medicine, they didn't expect restrictive legislation that stood in the way of progress and open markets."

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