



Legislation Text

File #: D-2017-04, **Version:** 1

Discussion Regarding New State Preemptions And Regulations On Locations Of Medical Marijuana Dispensing Facilities.

Staff Recommends: Discussion

Explanation:

The recent state legislation regarding medical marijuana preempts to the state the regulation of cultivation, processing and delivery of medical marijuana in Florida, except as provided in subsection (11) of that legislation.

While subsection (11) contains a number of provisions clarifying the state preemption, it requires each municipality to decide between the following options:

- (1) Ban medical marijuana treatment center dispensing facilities from being located within the boundaries of the municipality, or
- (2) Determine the criteria for the location of dispensing facilities; provided, however, that (i) the municipality may not place specific limits on the number of dispensing facilities that may locate within the municipality; (ii) the criteria for the location of dispensing facilities may not be more restrictive than the criteria for the location of pharmacies, and (iii) a dispensing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the municipality approves the location through a formal proceeding open to the public at which the county or municipality determines that the location promotes the public health, safety, and general welfare of the community.

The criteria in the current City ordinance for the location of dispensing facilities are considerably more restrictive than the criteria for the location of pharmacies. Hopefully, the City Commission, after discussion, can reach a consensus on one of the two options. If the Commission can reach consensus, staff will know whether to prepare an ordinance banning dispensing facilities or an ordinance with criteria for the location of dispensing facilities that are exactly as restrictive as the criteria for the location of pharmacies.

Recommended for inclusion on the agenda by:
Dr. Wazir A. Ishmael, City Manager

Alan Fallik, Acting City Attorney
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