

# Medical Marijuana Business and Osceola County

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As of January 3rd, 2016, the amendment titled Use of Marijuana for Debilitating Medical Conditions will be in effect in the state of Florida. This amendment will allow the distribution and use of marijuana for medical purposes. This amendment also hands regulation powers over to the Florida Department of Health. The amendment states under Section (d)(1).b, that "the Department shall issue reasonable regulations necessary for the implementation and enforcement of this section. The purpose of the regulations is to ensure the availability and safe use of medical marijuana by qualifying patients. It is the duty of the Department to promulgate regulations in a timely fashion". The 2014 Compassionate Medical Cannabis Act (CMCA) also hands the responsibility of "overseeing the regulatory infrastructure for medical cannabis in the state." to the Florida Department of Health. The CMCA prompted the creation of the Office of Compassionate Use (OCU) this office is responsible for overseeing compliance of the CMCA with the six businesses allowed to cultivate, process, and dispense medical cannabis. Lastly, Governor Rick Scott in the 2016 legislative session, signed HB307 allowing cultivators to cultivate, process, and distribute cannabis with a higher tetrahydrocannabinol (THC) content, also defining anything with a 0.8 or lower THC content as "low-THC cannabis"

and anything above 0.8 as "medical cannabis". The mentioned legislation, departments, and amendment itself, have created the proper regulations and safety checks to allow for the proper use of medical marijuana and avoid mishandling of the medical product.

On October 17th, 2016 The County Commission of Osceola County in response to the then; upcoming amendment, voted on by the residents of Florida and executed by the State of Florida, signed Resolution 2016-97. This further restricted the distribution and use of medical cannabis within the county itself. The ordinance states that, this is in order to avoid an adverse impact in the form of "offensive odors, trespassing, theft, fire hazard, increased crime in or about the medical marijuana treatment center, robberies, negative impacts on nearby businesses, [and] nuisance problems". This statement within the ordinance assumes that most residents within the county are prone to these kinds of behaviors if left to their own devices. Medical cannabis has not been shown to have any real effect on crime where it has been legalized though. According to the 2016 policy analysis Dose of Reality, by Angela Dills, Sietse Goffard, and Jeffrey Miron of the CATO Institute, states that, "legalization in Washington and the opening of stores there did not produce rising crime rates across the border. Elsewhere in Oregon, we see no discernible changes in crime trends before and after legalization or medical marijuana liberalization." This means that the Osceola County ordinance is stating crime as a reason to further control Cannabis, but as stated by research this is a false narrative.

What this ordinance does do, is have an adverse impact on the residents of Osceola County and their ability to open their own business without impediment. Section 14-142. (2). (l). explains that the application for a Certificate of Approval will ask, how many dispensaries an applicant has

operated, and how many years have they been operating dispensaries for. This question automatically places most residents of Osceola County behind anyone coming from states where medical or recreational cannabis is already available and much easier to establish a business in.

This application will also be left up to the "Application Review Committee" to review and recommend applications based on their standards to the county commission. This committee will be appointed by the county manager or a designee appointed by the county manager. The county manager or designee will then have the power as set forth by the county ordinance to make the rules by which this committee will abide by. Any application that then passes; the rules set by the county manager or designee, and the committee, will then be put forth for a vote to the county commission. This bureaucratic system was unintentionally built in a way that allows for corruption and favoritism. It leaves the power to; in a basic sense, place any application the county Manager or designee sees fit in front of the county commission by undermining the committee through the power of setting the committee rules, and appointing the committee members.

This ordinance also duplicates much of the work already done by the health department and the OCU by asking for further background checks of those wishing to open dispensaries within the county. This ordinance's background checks encompasses owners, investors, managers, and security personnel. It bars felons from holding any of these positions. This is an extension from the state's already established owner and manager background checks established by § 381.986 (5) (b) 6.

According to the ordinance the reasons given as to why this is needed are the same ones that have been given in the past by opponents to cannabis liberalization.

The ordinance assumes that with the liberalization of cannabis, the community will fall, as crime and drug use increase. As stated before, this is not the fact, and according to the same paper mentioned before, the only area where a difference can be seen, is in the increase in tax revenue. Another short paper written by Gavin Ekins, Joseph Henchman of the Tax Foundation titled Marijuana Legalization and Taxes: Federal Revenue Impact states as a key finding that "A mature marijuana industry could generate up to \$28 billion in tax revenues for federal, state, and local government". Osceola County has increased taxes in a variety of areas within the past 3 years. This includes a 5 cent gas tax increase and a 1/2 sales tax increase on behalf of the county school board. A new revenue stream could lead to a decrease in these taxes without the need of decreasing services.

This ordinance does nothing at all to help the residents within Osceola County and simply adds to the bureaucratic system in a way that could possibly lead to loop holes that will allow a specific few to prosper while others suffer. The ordinance will do nothing to eliminate crime and only diminishes the possibility of the county increasing its revenue. The county must think as to what its priorities are. Whether to continue a failed drug war at the county level or try to further the goals of the county of maintaining a livable community where people can open new business without the hindrance of an exorbitant tax responsibility or large barriers to entry.

## Citations:

Ekins, Gavin; Henchman, Joseph (2016). Marijuana Legalization and Taxes: Federal Revenue Impact. Washington D.C.: Tax Foundation.

Dills, Angela; Goffard, Sietse; Miron, Jeffrey (2016). Dose of Reality The Effect of State Marijuana Legalizations. Washington D.C.: CATO Institute.

(Florida Health). About Us. Retrieved from <http://www.floridahealth.gov/programs-and-services/office-of-compassionate-use/about-us/index.html>

Fl. Const., Art. X, Sec. 29

Compassionate Medical Cannabis Act of 2014, Fl. State Statute § 381.986 et seq