

In The News

# Jonathan Robbins, Kristen Morris Analyze Delay in Florida for Edible Marijuana Products in Article for *Highlife*

January 3, 2020

Jonathan Robbins, chair of Akerman’s Cannabis Practice, and Kristen Morris wrote an article for *Highlife* titled, “Oh, For The Love Of Edibles, It’s Been 3 Years Already!” analyzing the delay in Florida of edible marijuana products being available to consumers. Their analysis also looked at the steps that businesses must take before participating in the industry.

“In accordance with the Amendment’s language permitting the legislature to enact laws consistent with the Amendment, the Florida Legislature amended Section 381.986, Florida Statutes (“Medical Use of Marijuana”) in June of 2017 to, among other things, impose standards for the production of edible products. Accordingly, edibles have been allowed under Florida law for over 2½ years, but Medical Marijuana Treatment Centers cannot produce or dispense the products until the Department of Health issues its rules.”

“Since the passage of Amendment 2, patients have sat by the sidelines, waiting for the Department to issue its rules for the production of edibles, but have seen little progress beyond a ‘Notice of Development of Rulemaking,’ with no proposed text of the actual Rule.”

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Kristen F. Morris  
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“Additionally, only a licensed Medical Marijuana Treatment Center with a food establishment permit will be allowed to produce edibles, that is, once the rules are finally promulgated. Edibles producers will need to comply with food establishment regulations, just as any other food business would, meeting certain standards for health and safety.”

“History with Florida’s medical marijuana program tells us that the draft rules – if we ever see them – will invariably be subject to multiple legal and procedural challenges. Nevertheless, the State’s mandate for the Department of Health to promulgate rules for edibles production means that it is only a matter of time – the question is how much longer will patients have to wait? We wish we could say.”

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