

TOWN OF DAVIE
MEDICAL MARIJUANA WORKSHOP
MARCH 1, 2017

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 5:05 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Paul, Vice-Mayor Luis and Councilmembers Caletka, Hattan and Starkey. Also present were Town Administrator Lemack, Deputy Town Administrator Lewis, Assistant Town Administrator Holste, Town Attorney Rayson and Deputy Town Clerk Esquenazi recording the meeting.

3. MEDICAL MARIJUANA WORKSHOP

Mr. Rayson reported he had reviewed Pompano Beach and Hollywood's ordinances before drafting the Town's ordinance. He provided a Power Point presentation on the history of the State's Medical Marijuana law.

Mr. Rayson stated Amendment 2 was passed in 2016, allowing the use of medical marijuana, when prescribed by a physician, for certain medical conditions for Florida patients who were entered into a medical marijuana registry. He noted that marijuana was still a Class 1 banned substance according to the federal government. Currently, there were seven organizations in the State licensed to grow, process and dispense medical marijuana, but the number could increase. Local governments were responsible to regulate dispensaries and should consider zoning, distance separation, hours of operation, signage, number of dispensaries and security issues. The draft ordinance addressed all of these.

Mr. Rayson distributed copies of the draft ordinance to Councilmembers. He also provided a zoning map, and pointed out areas of B3 zoning where the dispensaries could be located and said separations had been built in. Council agreed to locating the dispensaries in the B3 zoning districts.

Mr. Rayson said he, Mr. Weinthal and Mr. Quigley had met with the growers in Homestead who wanted the dispensaries to be free-standing, low-key and secure.

Vice-Mayor Luis asked if an employee could be fired from a drug-free workplace if he/she was a medical marijuana user. Mr. Rayson confirmed that Davie was a drug-free workplace and an employee could not use medical marijuana at work. He added that people using medical marijuana were those with debilitating and/or terminal illnesses. Mr. Weinthal said detection on a drug test would depend on the sensitivity of the test. He explained that the low-THC (non-euphoric) marijuana could be prescribed for less serious illnesses such as Crohn's disease, ALS and MS. Euphoric medical marijuana would be prescribed for those with terminal conditions. Mr. Weinthal stated the "case law is all over the place" regarding drug testing and low-THC medical marijuana. Mr. Rayson said he would leave it to Town Council to devise policy regarding this.

Mr. Rayson related some of the requirements incorporated in the ordinance such as:

- State approvals required
- One dispensary allowed per 60,000 residents
- No slang used in advertising
- No vending machines
- No drive-through dispensing
- Licensed security guard or police officer must be on duty during all business hours
- Sufficient parking must be provided
- No consumption on premises
- Burglar, fire and silent alarms must be installed

- Hardwired smoke detectors, emergency lighting and video recording devices must be installed
- Safe, vault or other cash management device must be on premises
- Proof of compliance with all regulations required

Mr. Rayson had also devised regulations for growing the marijuana, in the event that the number of growing facilities was expanded by the State:

- Growing facility must be entirely indoors
- Facility must have security/safety features
- Must comply with manufacturing and zoning regulations
- State approval must be provided

Councilmember Starkey asked if a licensed grower could open another growing operation. Mr. Rayson replied that this was under the State’s control and the seven companies that had been approved were well established and well capitalized. He thought it a remote possibility that a growing location would be located in Davie.

Councilmember Caletka asked what would happen if the federal government drew a hard line against all forms of marijuana. Mr. Rayson said, “Let’s cross that bridge when we come to it” and they must be prepared to regulate what was coming due to the State Statute.

Councilmember Starkey was concerned about what the federal government might do. Mayor Paul agreed and did not want to actually enact an ordinance until the State finished passing any pertinent legislation this session. Mr. Rayson said he had a good idea of where the State was headed. Regarding the federal government, Mr. Rayson stated, “It seems that this administration likes to send messages” but he felt medical marijuana would not be a priority. Mr. Lemack reminded Council that the Town’s Zoning in Progress moratorium would be in place until June, after the legislative session was over.

Councilmember Starkey asked if there would be a business license category dedicated to this use, and what the cost would be. Mr. Quigley said they could put this under an existing category or create a new one and Council agreed to using an existing category, such as pharmacy. Councilmember Starkey requested information on the business licenses while they were discussing the ordinance.

4. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 5:53 p.m.

Approved _____

Mayor/Councilmember

Town Clerk