

The background is a solid teal color with a subtle, wavy pattern that resembles water ripples or sand dunes. The text is centered in the lower half of the image.

Florida Association of County Managers
Medical Marijuana Revisited

November 8, 2016 – Amendment 2, a citizen's initiative was approved by the voters of the state (71.32%)

Became Article X, Section 29 of the Florida Constitution

Prior to 2016 there was the Compassionate Medical Cannabis Act of 2014 (non-smokable, low THC)

SECTION 29. Medical marijuana production, possession and use.—(a) PUBLIC POLICY.(1) The medical use of marijuana by a qualifying patient or caregiver in compliance with this section is not subject to criminal or civil liability or sanctions under Florida law.

- (c) LIMITATIONS.(1) Nothing in this section allows for a violation of any law other than for conduct in compliance with the provisions of this section.
- (2) Nothing in this section shall affect or repeal laws relating to non-medical use, possession, production, or sale of marijuana.
- (3) Nothing in this section authorizes the use of medical marijuana by anyone other than a qualifying patient.
- (4) Nothing in this section shall permit the operation of any vehicle, aircraft, train or boat while under the influence of marijuana.
- (5) Nothing in this section requires the violation of federal law or purports to give immunity under federal law.
- (6) Nothing in this section shall require any accommodation of any on-site medical use of marijuana in any correctional institution or detention facility or place of education or employment, or of smoking medical marijuana in any public place.
- (7) Nothing in this section shall require any health insurance provider or any government agency or authority to reimburse any person for expenses related to the medical use of marijuana.

(c) LIMITATIONS.(1) Nothing in this section allows for a violation of any law other than for conduct in compliance with the provisions of this section.

(4) Nothing in this section shall permit the operation of any vehicle, aircraft, train or boat while under the influence of marijuana.

(6) Nothing in this section shall require any accommodation of any on-site medical use of marijuana in any correctional institution or detention facility or place of education or employment, or of smoking medical marijuana in any public place.

381.986 Medical use of marijuana.—

(15) APPLICABILITY.—

(a) This section does not limit the ability of an employer to establish, continue, or enforce a drug-free workplace program or policy.

(b) This section does not require an employer to accommodate the medical use of marijuana in any workplace or any employee working while under the influence of marijuana.

(c) This section does not create a cause of action against an employer for wrongful discharge or discrimination.

Issues:

- **Drug and Alcohol-Free Policy - Standard**
- **Worker Comp - Claims**
- **Medical Marijuana Cards -**
- **Liability Insurance - Policy Provisions**

Drug Free Workplace

6. MEDICAL MARIJUANA USE Pursuant to Section 381.986(15), Florida Statutes, the County retains the right to enforce a drugfree workplace pursuant to this Policy. Accordingly, the use of medical marijuana is prohibited under this Policy. Nothing in this Policy shall be construed to allow employees to use marijuana, medical or otherwise. (Leon County Policy 16-1)

Jones v Grace Healthcare

320 So.3d 191 (2021 - 1st DCA)

Jones injured his lower back in a work-related accident in 2001. His employer accepted compensability and authorized Dr. to provide pain management for Jones's diagnosed chronic pain syndrome. At the final hearing on his petition before a judge of compensation claims ("JCC"), Jones presented testimony from doctors that the referral for a medical marijuana evaluation was medically necessary and causally related to Jones's workplace accident. Grace Healthcare presented no contrary testimony; instead, it argued that state law precludes marijuana from being reimbursable and federal law prohibits an employer from paying for medical marijuana.

Jones v Grace Healthcare

320 So.3d 191 (2021 - 1st DCA)

Court found CSA (Controlled Substances Act) trumps state law - no accepted medical use in US.

“Simply put, Jones cannot force Grace Healthcare to pay for an evaluation by a health care provider that has as its sole purpose the facilitation of marijuana treatment, which is not reimbursable and has no accepted, safe, medical use. As a matter of law, the evaluation is not, and cannot be, medically necessary.”

Medical Marijuana Cards - What to do?

Liability Provisions - Policy Documents

Looking forward - Changes?