

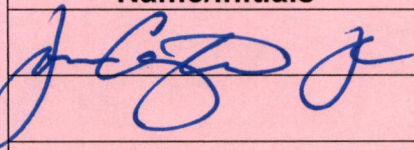
CITY OF GREENACRES

OFFICIAL MINUTES TRACKING

Council/Board: city Council Workshop
Meeting Date: 7-16-18
Transcribed by: muf No. of Pages: 9 Transcription Time: 4.75

REVIEW OF MINUTES

Reviewed By:

Name/Initials	Date	Revisions	
	<u>1/29/18</u>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No

APPROVAL OF MINUTES

Meeting Date: _____

Motion By: _____ Seconded By: _____

Check One: ☐ Approved ☐ Tabled ☐ Denied Vote: _____

Changes requested by Council or Board? ☐ Yes ☐ No

If yes, note changes: _____

Date Scanned and Filed: _____ By: _____

**PALM BEACH COUNTY
SHERIFF'S OFFICE**

RIC L. BRADSHAW, SHERIFF



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OFFICIAL MINUTES

CITY OF GREENACRES
5800 Melaleuca Lane
Greenacres, FL 33463

CITY COUNCIL WORKSHOP
Tuesday, January 16, 2018 – 6:30 P.M.

1. Call To Order and Roll Call.

Mayor Flores called the City Council Meeting of Tuesday, January 16, 2018 to order at 6:30 p.m. City Clerk Joanna Cunningham called the roll.

ROLL CALL:

Council Present:

Joel Flores, Mayor
Paula Bousquet, Deputy Mayor
John Tharp, Council Member
Peter A. Noble, Council Member
Judith Dugo, Council Member
Anderson Thelusme, Council Member

Attendees from Public:
Press:

Staff Present:

Andrea McCue, City Manager
James D. Stokes, City Attorney
Joanna Cunningham, City Clerk/PIO
Jim McInnis, Dir./Finance
Suzanne Skidmore, Dir./HR
Michele Thompson, Dir./Leisure Services
Kara L. Irwin-Ferris, Dir./Plng. & Eng.
Melody Larson, Assistant to the City Clerk
Capt. Tristram Moore/PBSO

2. Pledge of Allegiance to the Flag.

Mayor Joel Flores led the Pledge of Allegiance.

3. Comments From the Public for Agenda Items Only.

Mayor Flores asked if there were comments from the public; hearing none, he continued with the Agenda.

4. Agenda Approval.

- A.** Additions, deletions, or substitutions to the Agenda.
- B.** Motion to approve and adopt entire agenda as set.

Mayor Flores inquired if there were any additions, deletions or substitutions to the Agenda; hearing none, he called for a motion.

MOTION: Council Member Tharp made a motion to approve the Agenda. Deputy Mayor Bousquet seconded the motion.

VOTE ON THE MOTION: **In Favor:** Deputy Mayor Bousquet, Council Member Tharp, Council Member Noble, Council Member Dugo, and Council Member Thelusme.

Motion carried: 5 - 0.

5. Medical Marijuana.

- A. **Presentation:** Uriel Neto, JD, CAMS Task Force Coordinator, Palm Beach County Sheriff's Office.

Mr. Neto thanked the Mayor and Council for the opportunity to speak on this topic. He explained that the biggest change took place over the summer with the passing of Amendment 381.986, a 148-page Senate Bill.

Medical marijuana is governed by the Florida Department of Health (DOH), who is responsible for the Medical Marijuana Use Registry, an online registry for physician, patient and law enforcement access. Physicians will issue a "certification", (not a prescription), and enter in patient information into the registry. Patients can have their orders filled by an approved dispensary. There are currently 13 approved and bonded dispensaries statewide. Dispensaries not only fill orders but are also growers; they track "seed-to-sale" transactions.

Q: Council Member Noble asked if dispensaries can purchase medical marijuana elsewhere.

A: Mr. Neto said no, dispensaries cannot import product from outside of the state or country, they must grow their own product like Costa Farms in Miami, who is a licensed dispensary/grower.

Costs:

2-Hour class for physicians	\$250
Physician visit	\$250-\$500
DOH ID Card for patients	\$75
70-day Certified Supply of Medical Marijuana	\$120-\$250

A physician can certify a patient for a 3-month supply.

Q: Council Member Dugo asked if there is a monetary audit trail for dispensaries/ growers.

A: Mr. Neto reminded Council that under federal law the sale of marijuana is illegal. However, the Florida Department of Agriculture requires dispensaries to document everything from seed to sale and they are subject to inspection.

All M.D. and D.O. medical professionals can certify patients for medical marijuana use. The University of Florida has an audit trail for certifying physicians. All certifications are recorded online. The registry will allow law enforcement to verify whether a person is registered or not. No additional personal information of the patient will be made available.

Q: Mayor Flores asked for the current number of registrants.

A: 67,385 patients are in the registry as of January 12, 2018
45,000+ patients have approved ID cards
3,500 pending applications
Approximately 25 approved retail locations
13 state-approved dispensaries

Additional statistics: 40% of the registered physicians statewide are in Dade, Broward and Palm Beach counties. Boca Raton has the highest per capita ratio with one for every 4,115 residents.

Qualifications: Patients must be Florida residents, the physician must certify the patient, and the physician must enter in patient information into the DOH Medical Marijuana Registry.

Q: City Manager McCue asked if the patient ID cards had an expiration date.

A: Mr. Neto said no, since patients must return to see their physicians every 70 -210 days. Patients may have their certifications revoked yet still hold a valid medical marijuana ID card.

Qualifying Conditions: Cancer, epilepsy, glaucoma, and HIV/Aids were the original qualifying conditions; PTSD, ALS and other conditions were added later. Physicians must conduct an exam, make a diagnosis and determine that the benefits outweigh the risks. Physicians must also review the prescription drug history of each patient.

Q: Council Member Noble voiced his concerns over cancer patients having to return to their physician every 70 days.

A: Mr. Neto explained that patient certifications undergo a 14-day review by a third party known as the Coalition for Medical Marijuana Research and Education conducted by the University of Florida.

Q: Council Member Tharp asked if qualifying physicians could be housed within the dispensaries.

A: Mr. Neto noted that dispensaries operate under specific regulations and confirmed that in-house physicians were a possibility.

70-Day Supply: The DOH will determine the daily dose amount to calculate the 70-day supply; however, a physician may request an exception to DOH's determination.

Packaging: Packaging requirements for medical marijuana are more restrictive than vitamins. Products will include inserts. No logos and prominent warnings/caveats. Patients must keep medical marijuana in original packaging. Products cannot be made attractive to children, come in the shape of cartoons, animals or humans, resemble candy or contain color additives. Packaging must follow the U.S. Poison Prevention Packaging Act of 1970, provide the name of the treatment center, include the batch/harvest number, name of physician, patient name, product name, dosage, and list the THC concentration.

Forms of MJ: Low THC cannabis is comparable to ibuprophen or extra-strength Tylenol. Medical marijuana is comparable to prescribed Percocet. Edibles must meet the Florida Food Safety Act. The caveat is products have not be inspected and do not meet federal food safety laws.

Q: Council Member Noble noted that in his research, concerns over pesticides seemed to be a major concern.

A: Mr. Neto pointed out that pesticides fall under the Florida Department of Agriculture. Growers are subject to inspection and products can be traced back to the original batches.

Q: City Manager McCue asked if the doctor administering the order determines the level of THC for the patient?

A: Mr. Neto said, "correct".

Medical Uses: Involves using those devices prescribed by the physician. Cannot use medical marijuana in public places, schools or in places of employment unless allowed by policy. Patients cannot transport marijuana products outside of the state. Treatment centers that produce edibles must have a permit to operate as a food establishment.

Selling Medical Marijuana: Only licensed medical marijuana treatment center employees who have passed a background check and are at least 21 years old. Treatment centers must sell at least one low-grade THC cannabis product.

Licensed Treatment Centers: Centers cannot sell any other type of cannabis or drug-related products and cannot sell products from 9 pm - 7 am. Centers must remain open 24 hours daily and must have one consultation area separate from the waiting area. They must have a fully operational security system with video showing date and time stamp and videos must be kept for a minimum of 45 days or longer. They must maintain a transportation manifest for thee (3) years. No outside advertisement can be visible; however, they can have a window

sign. Centers must grow, process and dispense their own product. He urged the City to review its zoning regulations for pharmacies.

Disbursement: Medical marijuana cannot be mailed; however, it can be delivered 24 hours daily. It can be transported by two employees and must be contained in locked containers within the vehicle. Treatment center employees will wear ID cards.

ID Processing: Online applications take approximately 20 days; 30 days for paper applications.

Money Handling: These centers may have large amounts of cash onsite. Federal banking regulations have made it difficult for treatment centers to get ahead. This may make them a target for criminal activity. Bogus certifications, resale of the medical cannabis is possible. Florida charter banks are now reluctant to engage in this type of business.

Q. Mayor Flores asked if there was a limit to the amount of cash these facilities can handle and are they required to hire a company like Brinks or Wells Fargo to transport the cash.

A. Mr. Neto stated there is no legal requirement limiting the amount of cash dispensaries can handle or transport. Dispensaries can determine their own business model, create their own security safeguards and dictate how they want to handle their deposits. He cautioned Council in the event they planned to create regulations for dispensaries, they would have to be applicable to pharmacies as well. Discretion has been given to each state attorney, based on their resources, to prosecute offenders as they see fit.

Q. Council Member Dugo noted that any financial institution is required to report any cash transactions over \$10,000.

A. City Attorney Stokes pointed out that local governments are questioning how to deal with money it receives from the proceeds from the sale of medical cannabis e.g. business tax receipts, impact fees, etc. Cities have concerns comingling these funds with their General Fund.

Drug-Free Workplaces: HB 381.986 does not limit municipalities from enforcing their drug-free workplace policies and they are not required to accommodate the use of medical marijuana in the workplace.

Q. City Manager McCue asked if PBSO pulls someone under the influence of THC, would they will be prosecuted.

A. Mr. Neto explained that there are no blood or urine tests available to determine the levels of marijuana for a DUI arrest. Prosecutors would have to prove their normal faculties were impaired.

Q. Council Member Dugo asked for crime statistics for states who have approved medical marijuana delivering/dispensaries due to a potential hazard.

A. Mr. Neto pointed out that dispensaries do not create more or less of a target than any other business that is cash intensive, i.e. liquor store, casino, etc.

Q. Council Member Tharp asked if PBSO has made any recommendations regarding dispensaries.

A. Mr. Neto said "no", PBSO has left those decisions up to elected officials.

The Mayor, Council and staff reviewed the current zoning districts (Mixed Development-Commercial MXD-C, Mixed Development-Original Section MSD-OS, Commercial Neighborhood CN, Commercial General CG and Commercial Intensive CI), and the location of schools within those districts. Dispensaries are not permitted within 500 feet of a public or private school. The Village of Wellington recently approved a 1,000 ft. radius for both pharmacies and dispensaries.

Council Member Noble voiced concerns over the elderly with cancer having to go to a dispensary every 210 days.

Mayor Flores reminded Council that the purpose of this workshop is to see if bringing back Ordinance 2017-36 is necessary.

Council Member Dugo wanted staff to review current Code regulations governing pharmacies prior to making a decision.

City Manager McCue explained that once Council determines whether or not to allow dispensaries, staff must then review what the State allows and compare it with City Code requirements.

Mayor Flores called for a consensus on bringing Ordinance No. 2017-36 back to allow dispensaries in the City.

Council Member Thelusme: In favor.

Council Member Tharp: Opposed.

Council Member Noble: In favor.

Deputy Mayor Bousquet: Would like to move forward.

Council Member Dugo: Go forward.

City Manager McCue noted that one of the stipulations the Village of Wellington incorporated in their regulations was to limit one dispensary per retail development. This could be an option. The moratorium deadline is March 5th.

City Attorney Stokes pointed out that this issue is being seen as an attack on Home Rule power. The possibility exists that Tallahassee may give back some local control. The Legislative Session is underway and cities should hear something within the next few weeks.

Council Member Dugo wanted to see the 10,000 square foot requirement (except in shopping plazas) that was approved by Wellington to be incorporated into Ordinance 2017-36, she would like to see additional information provided to Council and be informed of the outcome of the Legislative Session regarding Home Rule.

Mayor Flores suggested adding Ordinance 2017-36 to the February agenda.

City Manager McCue noted that February 5th and 19th are regular Council meetings, however, due to the President's Day holiday, at the next Council meeting she planned to propose holding only one meeting on February 12th and two meetings in March. This would allow for discussion on what other municipalities have done on this subject.

B. **Medical Marijuana Employee Policy** – James Stokes, City Attorney.

City Attorney Stokes explained that with the passage of Amendment 2, it forced municipalities to consider the impact on employees in the workplace. If Council decides to allow dispensaries, it will also have to consider how the drug affects employees on the job. Most employment laws are federal laws, e.g. Family Medical Leave Act (FMLA), Americans with Disabilities Act (ADA). He reminded Council that marijuana is still considered an illegal substance at the federal level. The ADA requires the employer to provide reasonable accommodations to a qualified individual with a disability. The question becomes, does an employee using medical marijuana fall under that classification. This amendment will also impact worker compensation laws. He noted that insurance rates and unemployment compensation would also be affected. Interestingly, cities must adopt drug-free workplace policies in order to receive reduced worker compensation rates. Someone who loses their job due to the use of medical marijuana are not eligible for unemployment benefits.

Deputy Mayor Bousquet pointed out that urine tests will be unable to distinguish between the legal or illegal cannabis.

City Attorney Stokes suggested treating medical marijuana like any other prescription drug.

Council Member Dugo gave several different scenarios of employees with an approved DOH ID card using medical cannabis and asked why, as the employer, would she have to worry about worker compensation claims when it is comparable to Percocet.

City Attorney Stokes explained that if an employee obtained a DOH ID card, they could still be subject to termination; hence the purpose of establishing an employment policy.

Deputy Mayor Bousquet was concerned with distinguishing between legal and illegal use.

Council Member Tharp asked if the City allows employees to use medical cannabis, will the City's worker compensation rates rise.

City Attorney Stokes said, no, because there is a drug-free workplace policy already in place. Staff is recommending revisions to the existing personnel policy. He explained that employers have latitude to prohibit employee misconduct off-duty if it is unlawful. The City could inasmuch as prohibit employees from smoking tobacco products on and/or off duty. He wanted to verify how medical marijuana could affect receiving federal grant money. The City is complying with federal drug-free workplace policies which may prohibit marijuana; general employees are excluded from random drug-testing due to the Fourth Amendment;

Council and City Attorney Stokes discussed the drug-free workplace policy only applying to Fire Rescue, CDL drivers, and Emergency Medical Services personnel; disclosure of certain medications being mandatory prior to drug testing; is medical marijuana something the City wants to accommodate in the workplace; look at the impacts on FMLA; establish and define reasonable use; consider the legal risks if medical marijuana was prohibited; if medical marijuana were to be legalized at the federal level, it would eliminate most of these concerns; liability; the City's current personnel policy requiring employees to notify their supervisors if they are taking prescription or over-the-counter medications; focus on the ramifications of approving its use; impairment; reasonable suspicion testing is permitted by law; EMS and Fire Rescue personnel should be restricted due to the nature of their work; the terms and conditions of Fire Rescue and EMS personnel are more restrictive; unions; privacy issues and disciplinary action.

Mayor Flores suggested that staff prepare all pertinent documents prior to any workshop.

Council Member Dugo wanted to see a comparison of what other cities with dispensaries have done as far as creating or changing policies to address the medical marijuana issue.

Council Member Thelusme asked who reports an employee who is suspected of being medically impaired.

Human Resources Director Suzanne Skidmore explained there have been instances where an employee was reported by their supervisor to be impaired and the employee was sent for random drug-testing.

City Manager McCue pointed out that in those situations it would require some type of disciplinary action.

Council Member Dugo asked with approximately 130 employees, it appears the City has not had any problems with drugs. City Manager McCue agreed.

Discussion followed on creating a Council Policy clarifying Council and general employee benefits and penalties if applicable.

City Manager McCue asked if Council was looking for discussion on the findings of dispensaries in other cities, state mandates, etc. at the February 12th agenda.

Mayor Flores called for a consensus on Council direction to allow medical marijuana in the workplace:

Council Member Dugo: Yes.

Deputy Mayor Bousquet: Yes.

Council Member Noble: Yes.

Council Member Tharp: Yes, in restricting it.

Council Member Thelusme: Yes.

Consensus was to allow medical marijuana in the workplace and provide the findings of dispensaries in other cities, state mandates, etc. at the February 12th agenda.

5. **Adjournment.**

Deputy Mayor Bousquet moved to adjourn the meeting, seconded by Council Member Tharp.
The meeting adjourned at 8:22 p.m.

CITY COUNCIL

Respectfully submitted,


Joel Flores
Mayor




Joanna Cunningham, MMC
City Clerk

Date Approved: 2/5/2018

/mel

Attachments: Presentation by Uriel Neto, PBSO Task Force Coordinator (2)
City Maps of Impacted Zones
Administrative Directive 26 – Drug Free Workplace

Medical Marijuana

Law Enforcement Summary

History

381.986 Florida Statutes

Passed in 2014.

- Legalized low-THC medical cannabis to treat patients diagnosed with cancer, epilepsy, chronic seizures, or severe and persistent muscle spasms.
- Expanded in 2016 to include high-THC medical cannabis.

Amendment 2 passed by Florida voters in November 2016. Constitutionally permits use of medical cannabis by patients with debilitating conditions.

- Rules were created in conjunction with existing Fla.Stat. 381.986 by the Florida Department of Health.

Amendment to 381.986 - Senate Bill 8-A 2017

Office of Medical Marijuana Use

- The Florida Department of Health Office of Medical Marijuana Use is charged with writing and implementing the department's rules for medical marijuana, overseeing the statewide Medical Marijuana Use Registry, and licensing Florida businesses to cultivate, process, and dispense medical marijuana to qualified patients.
- The Florida Department of Health renamed the compassionate use registry the medical marijuana use registry.

How It Works

- Qualified physicians are allowed to "prescribe" marijuana for certain qualifying conditions to qualified Florida patients.
- A qualified physician is one that is registered with the Medical Marijuana Use Registry (A 2 hour course and exam required)
- A qualified physician can be a physician licensed under chapter 458 (M.D./Allopathic Physician) or chapter 459 (D.O./Osteopathic Physician).
- Must hold an active, unrestricted license as physician in the State of Florida.
- The Board of Medicine and Osteopathic Medicine are in charge of a physician certification pattern review panel that tracks the number of certifications, qualifying medical conditions, dosage, supply amount and form of marijuana certified.
- There are no paper prescriptions for an authorized order of low-THC or medical marijuana. Physicians make a recommendation and issue a certification.
- All orders of medical marijuana are recorded and dispensed via the Medical Marijuana Use Registry.
- The Medical Marijuana Use Registry is accessible online, with real time information to ordering physicians, law enforcement and dispensing organization staff.

How Does A Patient Qualify?

- A qualified patient must
 - 1) Be a Florida resident.
 - 2) Be diagnosed with at least one qualifying condition by a qualified physician.
 - 3) Have physician certification from a qualified physician.
 - 4) Patient must be registered with the Medical Marijuana Use Registry by the qualified physician.
 - 5) Have a qualified patient identification card.

Qualifying Conditions

Qualifying conditions include:

- Cancer
- Epilepsy
- Glaucoma
- HIV
- AIDS
- Post-traumatic stress disorder (PTSD)
- Amyotrophic lateral sclerosis (ALS)
- Crohn's disease
- Parkinson's disease
- Multiple sclerosis (MS)
- Medical conditions of the same kind or class as or comparable to those above.
- A terminal condition diagnosed by a physician other than the qualified physician issuing the physician certification.
- Chronic nonmalignant pain caused by a qualifying medical condition or that originates from a qualifying medical condition and persists beyond the usual course of that qualifying medical condition.

Qualifying Physician Responsibilities

- A qualified physician may issue a physician certification for a patient only if the qualified physician:
 - Conducts a physical examination while physically present in the same room as the patient and a full assessment of the medical history of the patient.
 - Diagnosed the patient with at least one qualifying medical condition.
 - Determine that the medical use of marijuana would likely outweigh the potential health risks for the patient, and document this determination in the patient's medical record.
 - Reviews the patient's controlled drug prescription history in the prescription drug monitoring program database.
 - Reviews the medical marijuana use registry and confirms that the patient does not have an active physician certification from another qualified physician.
 - Registers as the issuer of physician certification for the named qualified patient on the medical marijuana use registry.

Qualified Physician Certification

- Physician Certification contains the following:
 - Qualifying medical condition
 - Dosage
 - Supply Amount
 - Form of marijuana
 - Monitored by the physician certification pattern review panel.
- * DOH shall monitor physician registration in the medical marijuana use registry for the issuance of physician certifications for practices that could facilitate unlawful diversion or misuse of marijuana or marijuana delivery devices.

Other Qualifying Physician Responsibilities

- Obtain voluntary, written, informed consent from the patient each time the physician certification is issued.
- If the patient is under the age of 18, a second physician must agree, and the concurrence must be documented in the patient's medical record.
- The physician's certification cannot be for more than three 70-day supplies of marijuana.
- Submit the treatment plan for review within 14 days of issuing the physician certification to DOH which submits it to the Coalition for Medical Marijuana Research and Education.

What is a 70 Day Supply?

- DOH shall quantify by rule a daily dose amount with equivalent dose amounts for each allowable form of marijuana dispensed by a medical marijuana treatment center.
- DOH shall use the daily dose amount to calculate a 70-day supply.
- A qualified physician may request an exception to the daily dose amount limit.

What Form Does MJ Come In?

- Edibles
 - Commercially produced food items made with marijuana oil, but no other form of marijuana, that are produced by a medical marijuana treatment center.
 - Edibles may not contain more than 200 mg of THC.
 - A single serving portion may not exceed 10 mg THC.
 - Potency variance cannot be greater than 15%.
 - May not be attractive to children.
 - May not be manufactured in the shape of humans, cartoons, or animals.
 - May not resemble products available for consumption as commercially available candy.
 - May not contain color additives.
 - DOH shall determine by rule, any shapes, forms, and ingredients allowed and prohibited.

What Form?

Low-THC cannabis

- Plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of THC and more than 10% cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant, or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed from a medical marijuana treatment center.

Marijuana

- Means all part of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed from a medical marijuana treatment center for medical use by a qualified patient.

Packaging Requirements

- Packaging the marijuana must be in compliance with the United States Poison Prevention Packaging Act of 1970 (15 U.S.C. ss. 1471 et seq.)
- Packaging of the marijuana must be in a receptacle that has a firmly affixed and legible label stating the following information:
 - a. A statement that the medical marijuana has been properly tested.
 - b. The name of the medical treatment center from which the marijuana originates; and
 - c. The batch number and harvest number from which the marijuana originates
 - d. The name of the physician who issued the physician certification
 - e. The name of the patient.
 - f. The product name, and if applicable, dosage form including concentration of THC and cannabidiol.
 - g. May not contain wording commonly associated with products marketed by or to children.
 - h. The recommended dose.
 - i. A warning that it is illegal to transfer marijuana to another person.
 - j. A marijuana universal symbol developed by DOH.
 - k. Each package should contain a patient package insert.

Packaging Requirements Edibles

- Marijuana Edibles:
 - Individually sealed in plain, opaque wrapping marked only with the marijuana universal symbol created by DOH.
 - The aforementioned packaging and labeling requirements.
 - Receptacles must be plain, opaque, and white without depictions of the product or images other than the medical treatment center's logo and the marijuana universal DOH symbol.
 - List of all ingredients, storage instructions, expiration date, and a legible prominent warning to keep away from children and pets.
 - A warning that the edible has not been produced or inspected pursuant to federal food safety laws.

Medical Use Does Not Include

- Possession, use, or administration of marijuana that was not purchased or acquired from a medical marijuana treatment center.
- Possession, use, or administration of marijuana in a form for smoking.
 - Smoking means burning or igniting a substance and inhaling smoke.
 - Smoking does not include the use of a vaporizer.
- Possession, use, or administration of marijuana in the form of commercially produced food items other than edibles.
- Marijuana seeds or flower except for flower in a sealed, tamper-proof receptacle for vaping.
- "Medical use" means administration of the ordered amount of low-THC cannabis or medical cannabis through a prescribed cannabis delivery device.
- The use or administration of any form or amount of marijuana in a manner that is inconsistent with the qualified physician's directions or physician certification.

Medical Use Does Not Include

- The transfer to a person other than the qualified patient for whom it was ordered or their caregiver
- The use or administration on
 - Any form of public transportation, in any public place, except for low-THC cannabis.
 - In any public place, except for low-THC cannabis.
 - In a qualified patient's place of employment, if restricted by his/her employer,
 - In a state correctional institution.
 - On the grounds of a preschool, primary school, secondary school.
 - In a school bus, vehicle, aircraft or motorboat, except for low-THC cannabis.

Medical Use Does Not Include

- Florida patients travelling outside of Florida cannot transport marijuana products. If a qualified Florida patient transports marijuana products outside of the state, they may be in violation of drug possession laws.
- Growing your own marijuana.
- Florida law only allows the licensed medical treatment centers to grow, process and dispense marijuana.

Who Can Sell?

- Licensed medical marijuana treatment centers.
 - These cannot enter into profit sharing arrangements with the property owner or lessor of any of its facilities where cultivation, processing, storing, or dispensing of marijuana and marijuana delivery devices occurs.
 - All employees must be 21 years of age or older and passed a background check.
 - Must produce and make available at least one low-THC cannabis product.
 - May not dispense more than a 70-day supply of marijuana to a qualified patient or caregiver
 - Licensed medical marijuana treatment centers are the sole source from which a qualified patient may legally obtain marijuana.
 - Subject to announced and unannounced inspections by DOH. Inspections must be done at least once every two years.
 - A center that produces edibles must hold a permit to operate as a food establishment pursuant to the Florida Food Safety Act, chapter 500.

Licensed Medical Marijuana Treatment Centers Requirements

- Centers cannot dispense or sell any other type of cannabis, alcohol, or illicit drug-related product, including pipes, bongs, or wrapping papers, other than a marijuana delivery device required for the medical use of marijuana which is specified in a physician certification.
- No products may be displayed or dispensed in the waiting area.
- There must be at least one private consultation area that is isolated from the waiting area.
- Cannot dispense from its premises marijuana or a marijuana delivery device between the hours of 9 p.m. and 7 a.m.
- Delivery of marijuana to qualified patients can occur at any time 24 hours each day.
- All other operations may be performed at the centers.

Licensed Medical Marijuana Treatment Centers Requirements

- Maintain a fully operational security alarm system.
- Retain video surveillance recordings for a minimum of 45 days or longer upon the request of a law enforcement agency.
 - Recorded images must clearly and accurately display the time and date.
- Report to local law enforcement within 24 hours after it is notified or becomes aware of the theft, diversion, or loss of marijuana.
- Maintain a transportation manifest, which must be retained for at least 3 years.
 - Must be presented upon request by law enforcement along with employee photo identification card.
- Lock marijuana in a separate compartment or container within the vehicle.
- Require at least two persons to be in a vehicle transporting marijuana, and require at least one person to remain in the vehicle while the marijuana is being delivered.
- Employee photo identification cards should be worn at all times on premises.
- Cannot engage in advertising that is visible to members of the public from any street, sidewalk, park, or other public place, except:
 - May have an affixed sign on the outside or hanging in the window. The signage cannot contain images or wording associated with marketing targeted toward children or which promotes recreational use of marijuana.

Dispensary Employee ID Card



Robert Jones
Date Issued: 12/21/2016
Expiration Date: 12/21/2018



Front



A Medical Cannabis Company
Authorized by
The Florida Department of Health
Office of Compassionate Use
Florida Statutes § 381.988



Back

Who Can Sell?

- The Statutes allow for the transfer of plants and plant materials between nurseries and between facilities.
- Medical marijuana cannot be mailed.
- Aside from patients or their caregivers, dispensing organization employees are the only individuals allowed to transport medical marijuana.

Who Can Sell?

- Florida has 12 authorized dispensing organizations.
- Allowed to provide it to a qualified patient or a qualified patient's caregiver.
- The patient's information must be in the Medical Marijuana Use Registry inputted by the qualifying physician.
- The patient then contacts the dispensary to fulfill the order.
- The DOH Office of Medical Marijuana Use does not dispense medical marijuana.

Medical Use Does Not

- Does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from the medical use marijuana or relieve a person from any requirement under law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance.

Other Information

- Florida DOH has developed a Medical Marijuana Use Registry identification card program.
- Patient identification is required prior to entry and at the point of sale.
- DOH shall monitor and track all products from "Seed to Sale".

Patient or Caregiver Identification Cards

Requirements

- Provide the name, address, and date of birth of the qualified patient or caregiver.
- Have a full-face, passport-type, color photograph of the patient or legal representative taken within the 90 days immediately preceding registration.
- Identify whether the cardholder is a qualified patient or caregiver.
- List a unique numeric identifier for the qualified patient or caregiver that is matched to the identifier used for such person in the medical marijuana use registry.
- Provide the expiration date.
- For the caregiver, provide the name and unique numeric identifier of the caregiver and the qualified patient or patients that the caregiver is assisting.

Preemption

- All matters regarding the regulation of the cultivation, processing, and delivery of marijuana by medical marijuana treatment centers are preempted to the state.
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- A county may determine by ordinance the criteria for the number, location, and other permitting requirements that do not conflict with state law or department rule for all dispensing facilities of dispensing organizations located within the unincorporated areas of that county.
- A county or municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances for permitting or determining the locations of for pharmacies.

Criminal Activity Issues

- **Centers may have large quantities of cash on site.** Federal banking restrictions have created a difficult situation for marijuana businesses, and some have responded by keeping large amounts of cash. Criminals may target marijuana distribution centers and marijuana couriers.
- **Criminals may exploit legal marijuana business privileges and practices.** This may include operating illegal centers, disguising illegal product as legal by copying center packaging, creating false business documents and employee identification for roadway transportation, identifying qualified patients for theft or manipulation, etc.
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- **Exceptions made for low-THC products as it relates to usage in various locations.**
- 381.986(12) governs penalties – (a) through (l)

381.986(12)

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381.986(12)

- (b) A person who fraudulently represents that he or she has a qualifying medical condition to a qualified physician for the purpose of being issued a physician certification commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

381.986(12)

- (c) A qualified patient who uses marijuana, not including low-THC cannabis, or a caregiver who administers marijuana, not including low-THC cannabis, in plain view of or in a place open to the general public, in a school bus, a vehicle, an aircraft, or a boat; or on the grounds of a school on the grounds of a school, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

381.986(12)

- (d) A qualified patient or caregiver who cultivates marijuana or who purchases or acquires marijuana from any person or entity other than a medical marijuana treatment center violates s. 893.13 and is subject to the penalties provided therein.

381.986(12)

- (e)1. A qualified patient or caregiver in possession of marijuana or a marijuana delivery device who fails or refuses to present his or her marijuana use registry identification card upon the request of a law enforcement officer commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, unless it can be determined through the medical marijuana use registry that the person is authorized to be in possession of that marijuana or marijuana delivery device.

381.986(12)

- (h) A person transporting marijuana or marijuana delivery devices on behalf of a medical marijuana treatment center or marijuana testing laboratory who fails or refuses to present transportation manifest upon request of a law enforcement officer commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

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- (k) A person who manufactures, distributes, sells, gives, or possesses with the intent to manufacture, distribute, sell, or give marijuana or a marijuana delivery device that he or she holds out to have originated from a licensed medical marijuana treatment center but that is counterfeit commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083 or s. 775.084.

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Other issues
381.986(14)

- (a) A qualified patient may not possess more than a 70-day supply of marijuana at any given time.
- (a) All marijuana purchased must remain in its original packaging.

381.986(13)

- Unlicensed activity –
- DOH must notify local law enforcement of unlicensed activity for a determination of any criminal violation of chapter 893.

Pre Senate Bill - Packaging



Contact numbers:

- PBSO Narcotics Division- (561) 681-4440
- Task Force Coordinator Uriel Neto (561) 681-4417 netou@pbso.org
- <https://mmuregistry.flhealth.gov/>
- Office of Medical Marijuana Use at: (850) 245-4657



History

381.986 Florida Statutes

Passed in 2014.

- Legalized low-THC medical cannabis to treat patients diagnosed with cancer, epilepsy, chronic seizures, or severe and persistent muscle spasms.
- Expanded in 2016 to include high-THC medical cannabis.

Amendment 2 passed by Florida voters in November 2016. Constitutionally permits use of medical cannabis by patients with debilitating conditions.

- Rules were created in conjunction with existing Fla.Stat. 381.986 by the Florida Department of Health.

Amendment to 381.986 - Senate Bill 8-A 2017

Office of Medical Marijuana Use

- The Florida Department of Health Office of Medical Marijuana Use is charged with writing and implementing the department's rules for medical marijuana, overseeing the statewide Medical Marijuana Use Registry, and licensing Florida businesses to cultivate, process, and dispense medical marijuana to qualified patients.
- The Florida Department of Health renamed the compassionate use registry the medical marijuana use registry.

How It Works

- Qualified physicians are allowed to prescribe marijuana for certain qualifying conditions to qualified Florida patients.
- A qualified physician is one that is registered with the Medical Marijuana Use Registry. (A 2 hour course and exam required)
- A qualified physician can be a physician licensed under chapter 458 (M.D./Allopathic Physician) or chapter 459 (D.O./Osteopathic Physician).
- Must hold an active, unrestricted license as physician in the State of Florida.
- The Board of Medicine and Osteopathic Medicine are in charge of a physician certification pattern review panel that tracks the number of certifications, qualifying medical conditions, dosage, supply amount and form of marijuana certified.
- There are no paper prescriptions for an authorized order of low-THC or medical marijuana. Physicians make a recommendation and issue a certification.
- All orders of medical marijuana are recorded and dispensed via the Medical Marijuana Use Registry.
- The Medical Marijuana Use Registry is accessible online, with real time information to ordering physicians, law enforcement and dispensing organization staff.

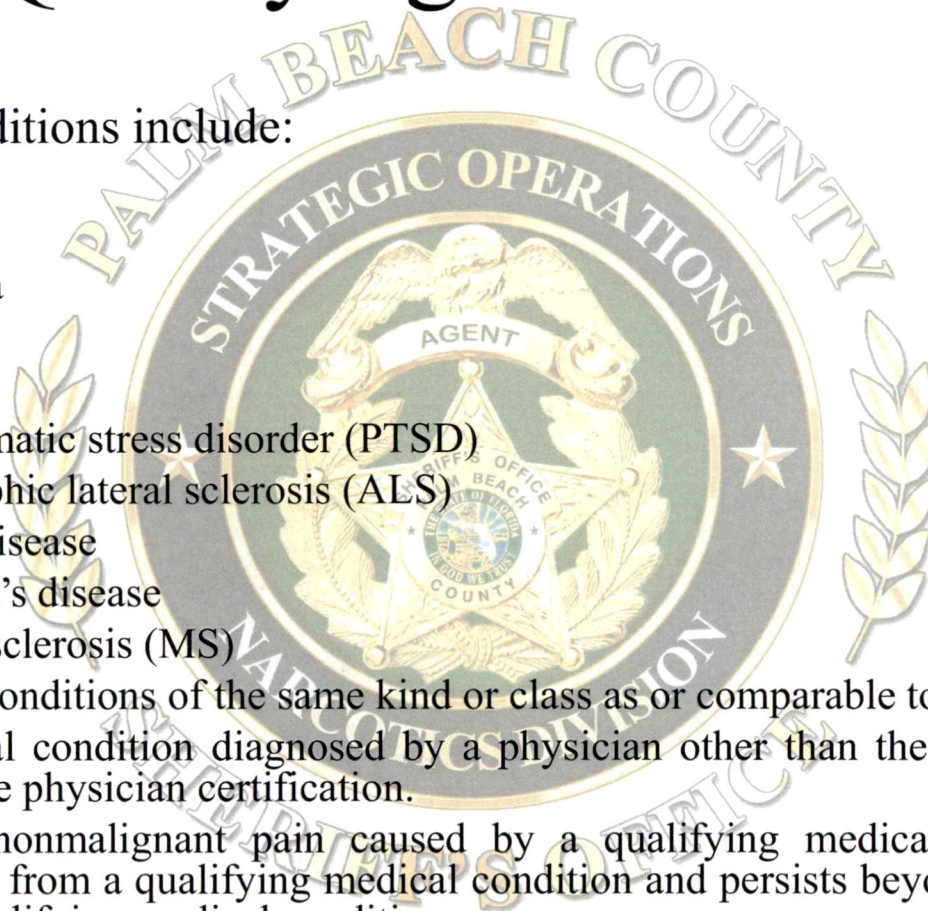
How Does A Patient Qualify?

- A qualified patient must
 - 1) Be a Florida resident.
 - 2) Be diagnosed with at least one qualifying condition by a qualified physician.
 - 3) Have physician certification from a qualified physician.
 - 4) Patient must be registered with the Medical Marijuana Use Registry by the qualified physician.
 - 5) Have a qualified patient identification card.

Qualifying Conditions

Qualifying conditions include:

- Cancer
- Epilepsy
- Glaucoma
- HIV
- AIDS
- Post-traumatic stress disorder (PTSD)
- Amyotrophic lateral sclerosis (ALS)
- Crohn's disease
- Parkinson's disease
- Multiple sclerosis (MS)
- Medical conditions of the same kind or class as or comparable to those above.
- A terminal condition diagnosed by a physician other than the qualified physician issuing the physician certification.
- Chronic nonmalignant pain caused by a qualifying medical condition or that originates from a qualifying medical condition and persists beyond the usual course of that qualifying medical condition.



Qualifying Physician Responsibilities

- A qualified physician may issue a physician certification for a patient only if the qualified physician:
 - Conducts a physical examination while physically present in the same room as the patient and a full assessment of the medical history of the patient.
 - Diagnosed the patient with at least one qualifying medical condition.
 - Determine that the medical use of marijuana would likely outweigh the potential health risks for the patient, and document this determination in the patient's medical record.
 - Reviews the patient's controlled drug prescription history in the prescription drug monitoring program database.
 - Reviews the medical marijuana use registry and confirms that the patient does not have an active physician certification from another qualified physician.
 - Registers as the issuer of physician certification for the named qualified patient on the medical marijuana use registry.

Qualified Physician Certification

- Physician Certification contains the following:
 - Qualifying medical condition
 - Dosage
 - Supply Amount
 - Form of marijuana
 - Monitored by the physician certification pattern review panel.
- * DOH shall monitor physician registration in the medical marijuana use registry for the issuance of physician certifications for practices that could facilitate unlawful diversion or misuse of marijuana or marijuana delivery devices.

Other Qualifying Physician Responsibilities

- Obtain voluntary, written, informed consent from the patient each time the physician certification is issued.
- If the patient is under the age of 18, a second physician must agree, and the concurrence must be documented in the patient's medical record.
- The physician's certification cannot be for more than three 70-day supplies of marijuana.
- Submit the treatment plan for review within 14 days of issuing the physician certification to DOH which submits it to the Coalition for Medical Marijuana Research and Education.

What is a 70 Day Supply?

- DOH shall quantify by rule a daily dose amount with equivalent dose amounts for each allowable form of marijuana dispensed by a medical marijuana treatment center.
- DOH shall use the daily dose amount to calculate a 70-day supply.
- A qualified physician may request an exception to the daily dose amount limit.

What Form Does MJ Come In?

- Edibles

- Commercially produced food items made with marijuana oil, but no other form of marijuana, that are produced by a medical marijuana treatment center.
- Edibles may not contain more than 200 mg of THC.
- A single serving portion may not exceed 10 mg THC.
- Potency variance cannot be greater than 15%.
- May not be attractive to children.
- May not be manufactured in the shape of humans, cartoons, or animals.
- May not resemble products available for consumption as commercially available candy.
- May not contain color additives.
- DOH shall determine by rule, any shapes, forms, and ingredients allowed and prohibited.

What Form?

Low-THC cannabis

- Plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of THC and more than 10% cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed from a medical marijuana treatment center.

Marijuana

- Means all part of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed from a medical marijuana treatment center for medical use by a qualified patient.

Packaging Requirements

- Packaging the marijuana must be in compliance with the United States Poison Prevention Packaging Act of 1970 (15 U.S.C. ss. 1471 et seq.)
- Packaging of the marijuana must be in a receptacle that has a firmly affixed and legible label stating the following information:
 - a. A statement that the medical marijuana has been properly tested.
 - b. The name of the medical treatment center from which the marijuana originates; and
 - c. The batch number and harvest number from which the marijuana originates.
 - d. The name of the physician who issued the physician certification
 - f. The name of the patient.
 - g. The product name, and if applicable, dosage form including concentration of THC and cannabidiol.
 - h. May not contain wording commonly associated with products marketed by or to children.
 - i. The recommended dose.
 - j. A warning that it is illegal to transfer marijuana to another person.
 - k. A marijuana universal symbol developed by DOH.
 - l. Each package should contain a patient package insert.

Packaging Requirements

Edibles

- Marijuana Edibles:
 - Individually sealed in plain, opaque wrapping marked only with the marijuana universal symbol created by DOH.
 - The aforementioned packaging and labeling requirements.
 - Receptacles must be plain, opaque, and white without depictions of the product or images other than the medical treatment center's logo and the marijuana universal DOH symbol.
 - List of all ingredients, storage instructions, expiration date, and a legible prominent warning to keep away from children and pets.
 - A warning that the edible has not been produced or inspected pursuant to federal food safety laws.

Medical Use Does Not Include

- Possession, use, or administration of marijuana that was not purchased or acquired from a medical marijuana treatment center.
- Possession, use, or administration of marijuana in a form for smoking.
 - Smoking means burning or igniting a substance and inhaling smoke.
 - Smoking does not include the use of a vaporizer.
- Possession, use, or administration of marijuana in the form of commercially produced food items other than edibles.
- **Marijuana seeds or flower except for flower in a sealed, tamper-proof receptacle for vaping.**
- “Medical use” means administration of the ordered amount of low-THC cannabis or medical cannabis through a prescribed cannabis delivery device.
- The use or administration of any form or amount of marijuana in a manner that is inconsistent with the qualified physician’s directions or physician certification.

Medical Use Does Not Include

- The transfer to a person other than the qualified patient for whom it was ordered or their caregiver.
- The use or administration on
 - Any form of public transportation, in any public place, **except for low-THC cannabis.**
 - In any public place, **except for low-THC cannabis.**
 - In a qualified patient's place of employment, if restricted by his/her employer,
 - In a state correctional institution.
 - On the grounds of a preschool, primary school, secondary school.
 - In a school bus, vehicle, aircraft or motorboat, **except for low-THC cannabis.**

Medical Use Does Not Include

- Florida patients travelling outside of Florida cannot transport marijuana products. If a qualified Florida patient transports marijuana products outside of the state, they may be in violation of drug possession laws.
- Growing your own marijuana.
- Florida law only allows the licensed medical treatment centers to grow, process and dispense marijuana.

Who Can Sell?

- Licensed medical marijuana treatment centers.
 - These cannot enter into profit sharing arrangements with the property owner or lessor of any of its facilities where cultivation, processing, storing, or dispensing of marijuana and marijuana delivery devices occurs.
 - All employees must be 21 years of age or older and passed a background check.
 - Must produce and make available at least one low-THC cannabis product.
 - May not dispense more than a 70-day supply of marijuana to a qualified patient or caregiver.
 - Licensed medical marijuana treatment centers are the sole source from which a qualified patient may legally obtain marijuana.
 - Subject to announced and unannounced inspections by DOH. Inspections must be done at least once every two years.
 - A center that produces edibles must hold a permit to operate as a food establishment pursuant to the Florida Food Safety Act, chapter 500.

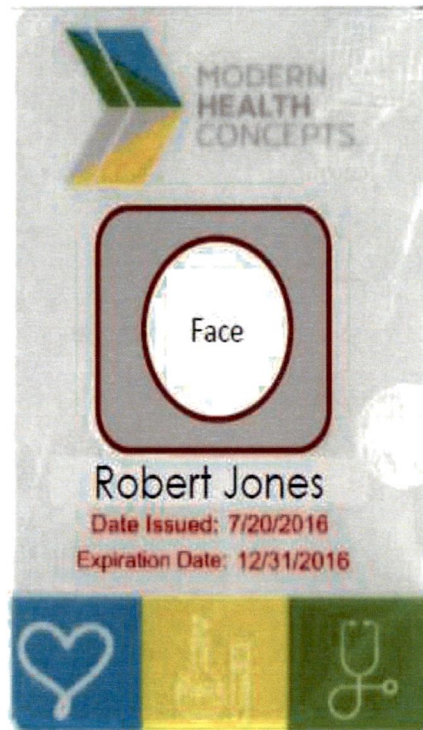
Licensed Medical Marijuana Treatment Centers Requirements

- Centers cannot dispense or sell any other type of cannabis, alcohol, or illicit drug-related product, including pipes, bongs, or wrapping papers, other than a marijuana delivery device required for the medical use of marijuana which is specified in a physician certification.
- No products may be displayed or dispensed in the waiting area.
- There must be at least one private consultation area that is isolated from the waiting area.
- Cannot dispense from its premises marijuana or a marijuana delivery device between the hours of 9 p.m. and 7 a.m.
- Delivery of marijuana to qualified patients can occur at any time 24 hours each day.
- All other operations may be performed at the centers.

Licensed Medical Marijuana Treatment Centers Requirements

- Maintain a fully operational security alarm system.
- Retain video surveillance recordings for a minimum of 45 days or longer upon the request of a law enforcement agency.
 - Recorded images must clearly and accurately display the time and date;
- Report to local law enforcement within 24 hours after it is notified or becomes aware of the theft, diversion, or loss marijuana.
- Maintain a transportation manifest, which must be retained for at least 3 years.
 - Must be presented upon request by law enforcement along with employee photo identification card.
- Lock marijuana in a separate compartment or container within the vehicle.
- Require at least two persons to be in a vehicle transporting marijuana, and require at least one person to remain in the vehicle while the marijuana is being delivered.
- Employee photo identification cards should be worn at all times on premises.
- Cannot engage in advertising that is visible to members of the public from any street, sidewalk, park or other public place, except:
 - May have an affixed sign on the outside or hanging in the window. The signage cannot contain images or wording associated with marketing targeted toward children or which promotes recreational use of marijuana.

Dispensary Employee ID Card



Front



A Medical Cannabis Company
Authorized by
The Florida Department of Health
Office of Compassionate Use

Florida Statutes § 381.986



Back

Who Can Sell?

- The Statutes allow for the transfer of plants and plant materials between nurseries and between facilities.
- Medical marijuana cannot be mailed.
- Aside from patients or their caregivers, dispensing organization employees are the only individuals allowed to transport medical marijuana.

Who Can Sell?

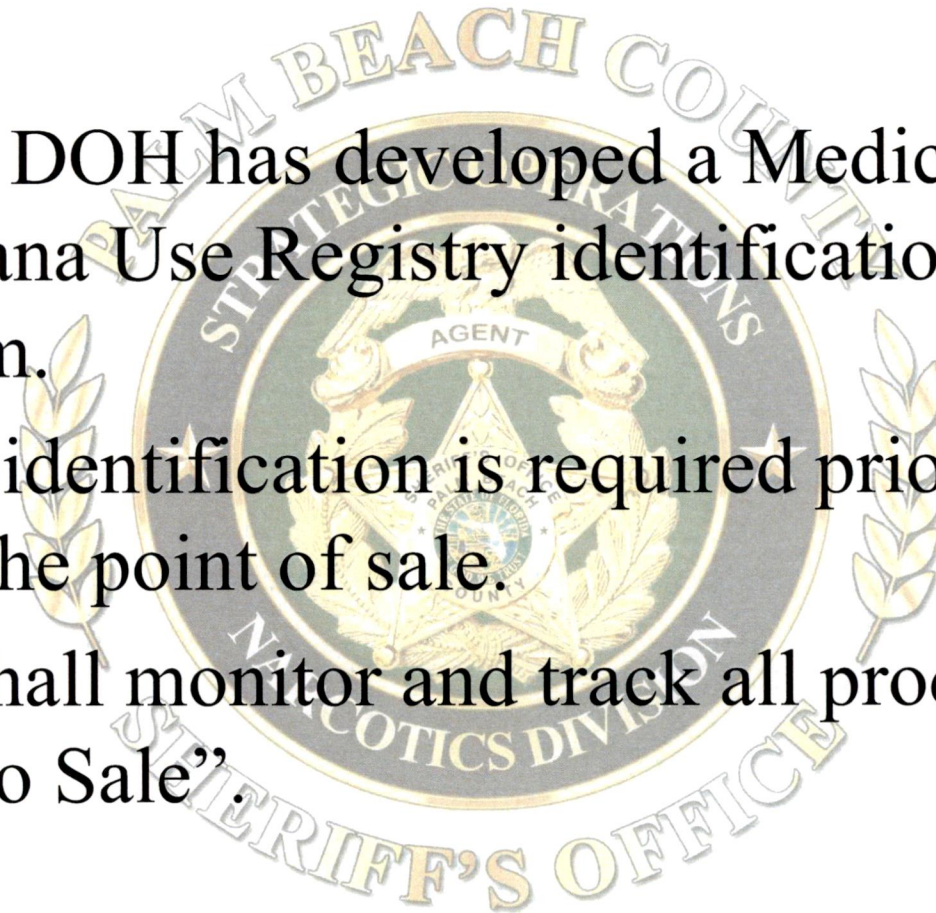
- Florida has 12 authorized dispensing organizations.
- Allowed to provide it to a qualified patient or a qualified patient's caregiver.
- The patient's information must be in the Medical Marijuana Use Registry inputted by the qualifying physician.
- The patient then contacts the dispensary to fulfill the order.
- The DOH Office of Medical Marijuana Use does not dispense medical marijuana.

Medical Use Does Not

- Does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from the medical use marijuana or relieve a person from any requirement under law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance.

Other Information

- Florida DOH has developed a Medical Marijuana Use Registry identification card program.
- Patient identification is required prior to entry and at the point of sale.
- DOH shall monitor and track all products from “Seed to Sale”.



Patient or Caregiver Identification Cards Requirements

- Provide the name, address, and date of birth of the qualified patient or caregiver.
- Have a full-face, passport-type, color photograph of the patient or legal representative taken within the 90 days immediately preceding registration.
- Identify whether the cardholder is a qualified patient or caregiver.
- List a unique numeric identifier for the qualified patient or caregiver that is matched to the identifier used for such person in the medical marijuana use registry.
- Provide the expiration date.
- For the caregiver, provide the name and unique numeric identifier of the caregiver and the qualified patient or patients that the caregiver is assisting.

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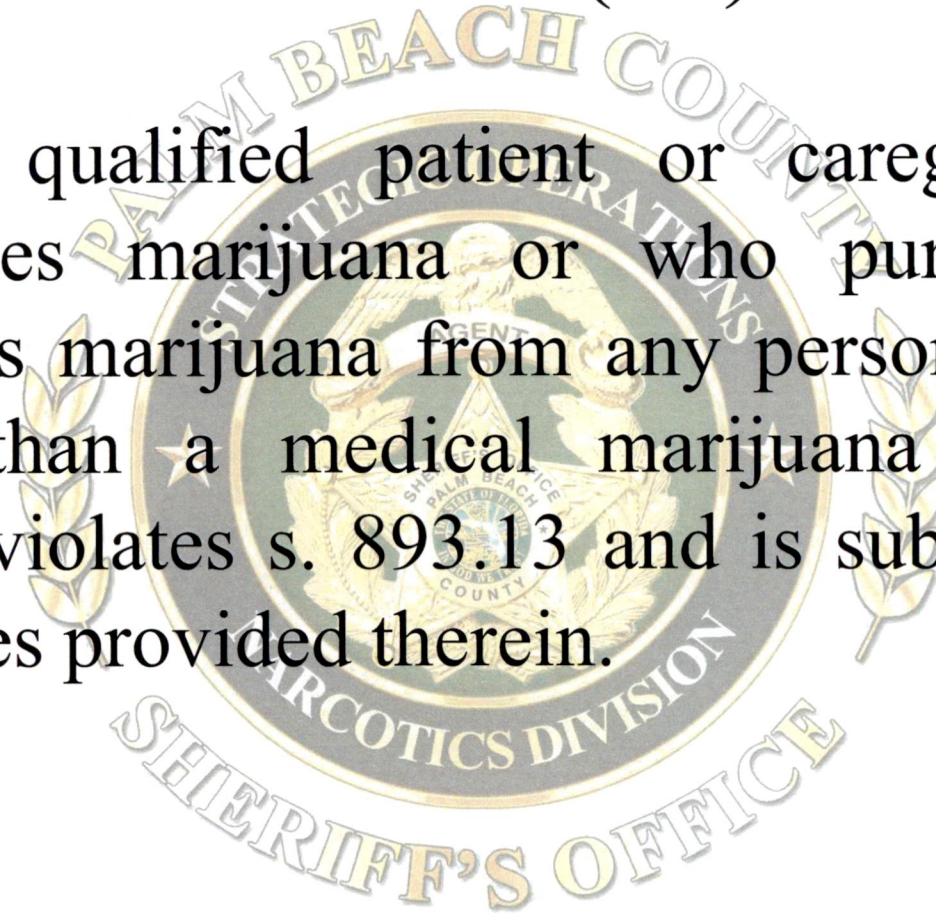
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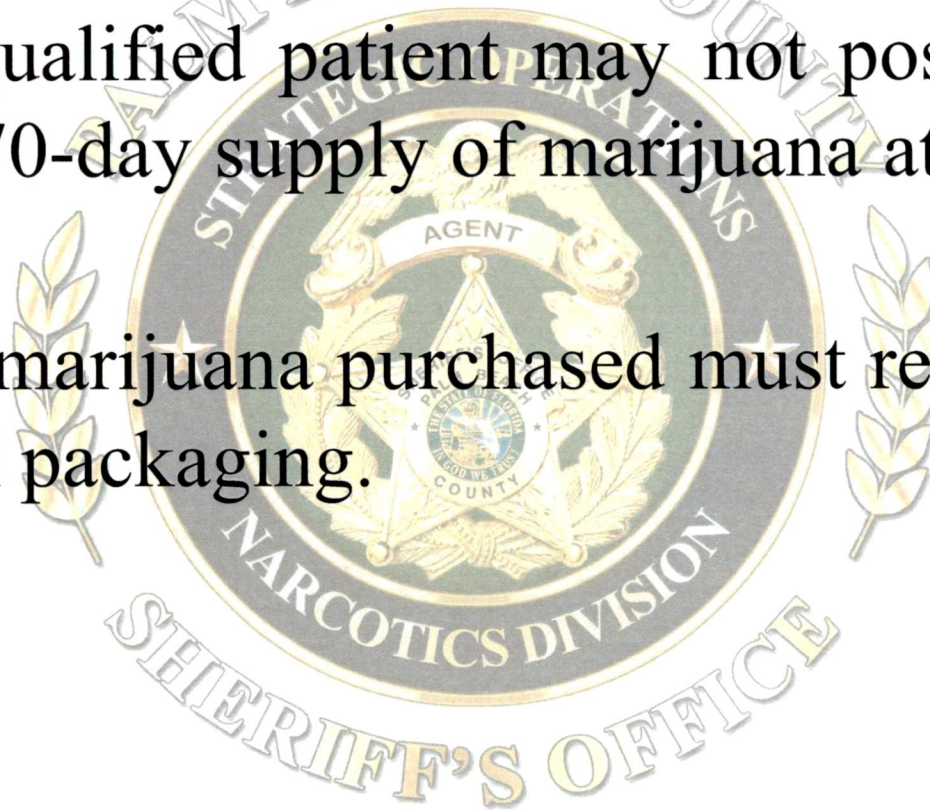
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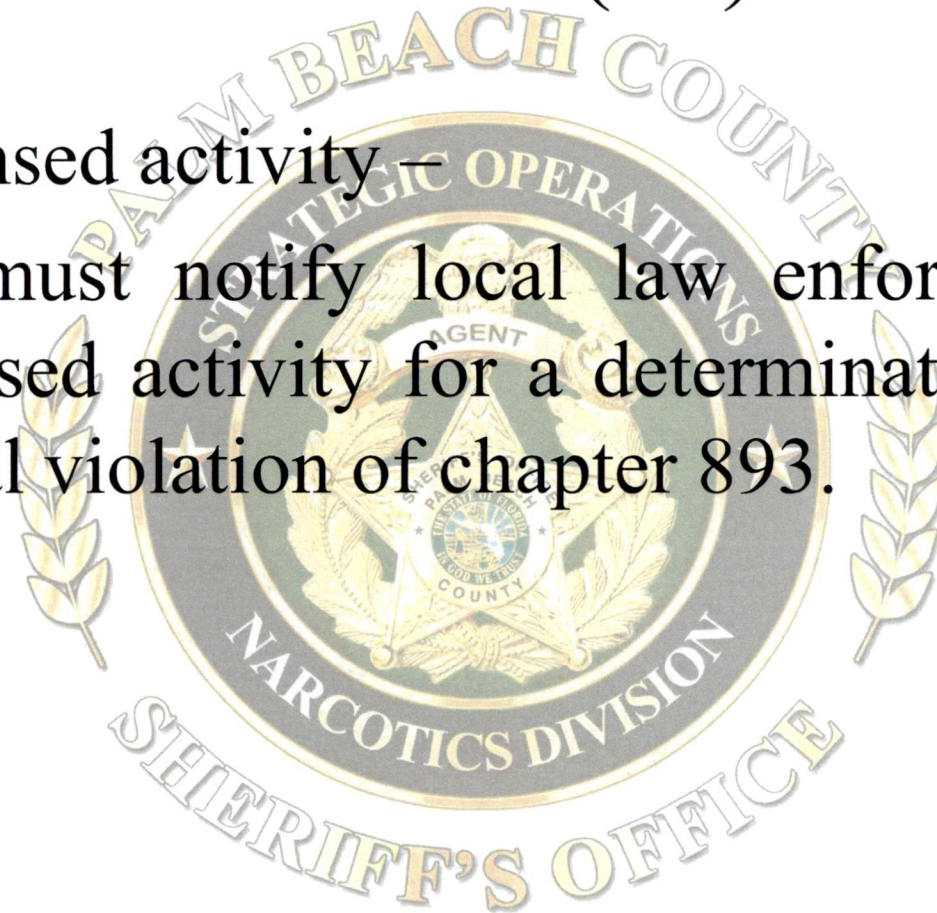
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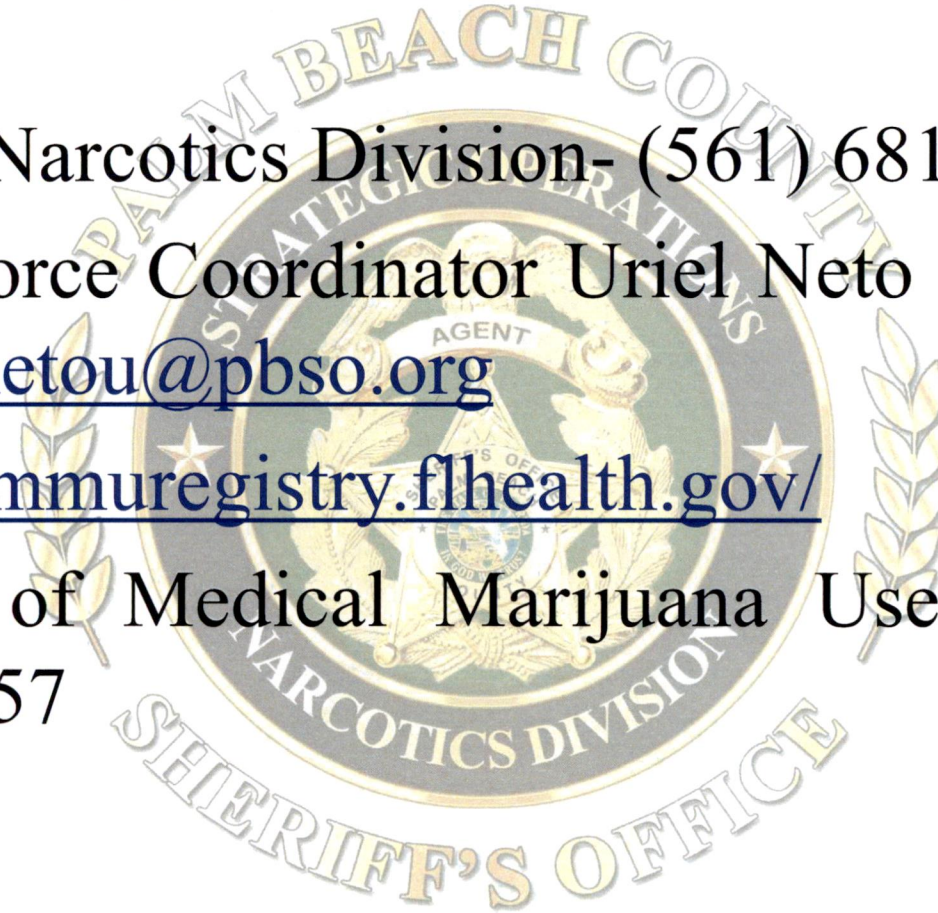


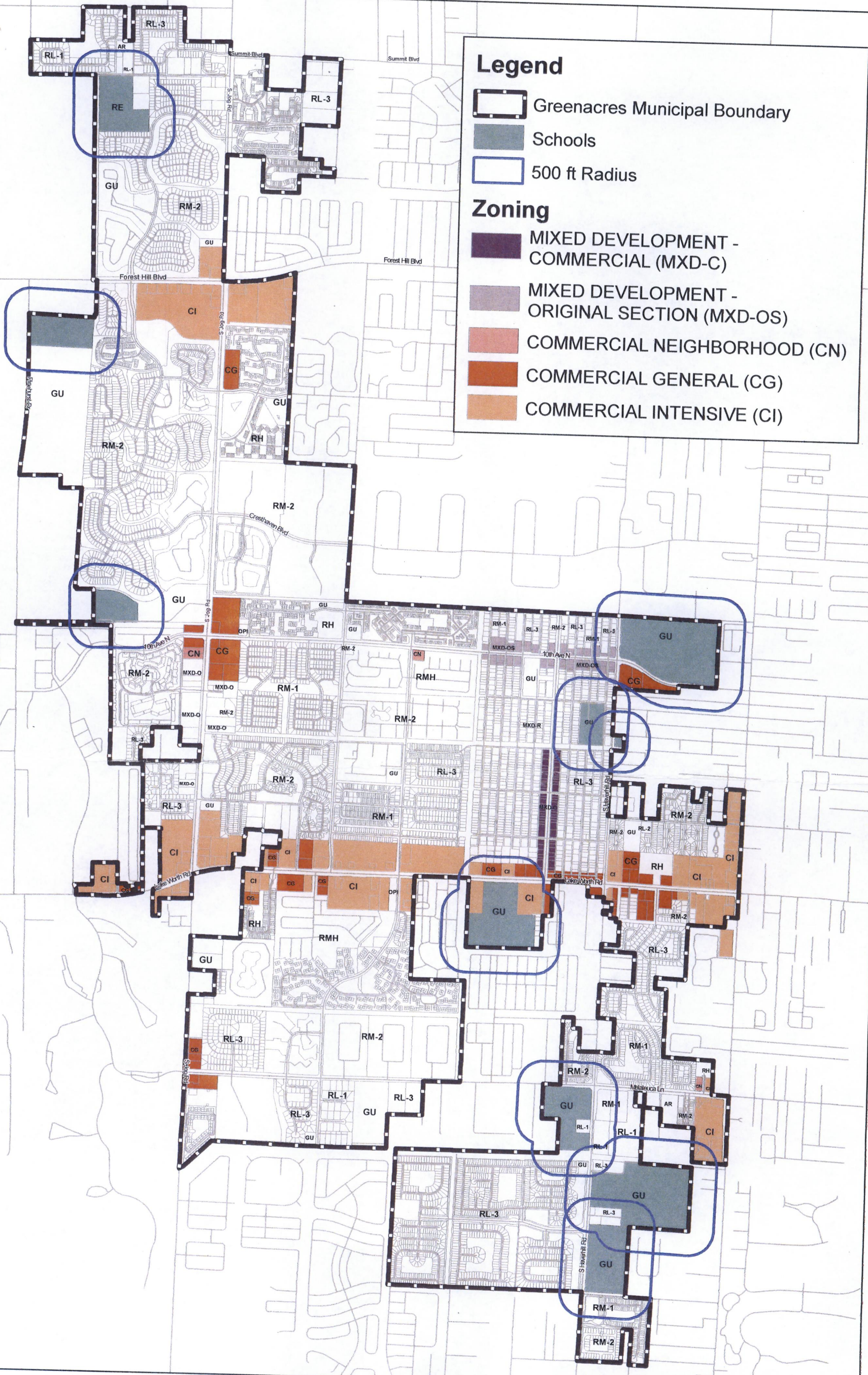
Pre Senate Bill - Packaging



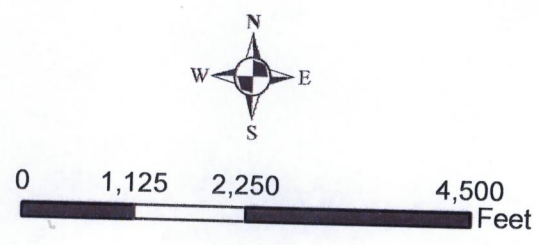
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City of Greenacres Impact Review



ADMINISTRATIVE DIRECTIVE NO. 26

DRUG FREE WORK PLACE

I. PURPOSE

Substance abuse threatens the health and safety of the employees and the public. To better provide a safe work place and provide the highest quality of services the City of Greenacres has established a Drug Free Work Place.

II. GENERAL POLICY

This directive of the City of Greenacres provides for definition of the employee's responsibilities and the City's right to drug test, and an implementation of a Employee Assistance Program (EAP).

All City employees are strictly prohibited from:

- A. Using, possessing, dispensing, or selling, a controlled substance, alcohol or otherwise illegal drug while at work, on Greenacres property, or in City vehicles. An exception is made for Public Safety Officers who are in possession as a professional and lawful exercise of duty.
- B. Reporting to work or performing work under the influence of alcohol or a mind-altering substance.
- C. Using City property or one's position to facilitate the manufacture, distribution, or sale of controlled substances.

If an employee is found to be in violation they will be subject to the disciplinary actions and procedures outlined in this section or otherwise in the Greenacres Personnel Policy Manual and as described in this directive. Appeals under this directive may be made pursuant to the grievance procedures section of the personnel manual.

This directive is designed to be in compliance with Florida Statutes 440.102 and applicable Federal Law on discrimination. To the extent that this directive or a part of this directive may be in conflict with Section 440.102 or other State or Federal laws, the conflicting part shall not control, but otherwise the directive shall remain in full force and effect.

An employee must notify their supervisor within five working days if they have been convicted of a criminal drug statute for activity outside of the work place.

III. CONFIDENTIALITY

All information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received by the City of Greenacres through this program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance

The City will use Florida Health and Rehabilitative Services (HRS) approved testing facilities. The City will follow the chain of custody guidelines put forth by HRS, Rule 10E-18.005 Florida Administrative code, on handling specimens.

It shall be the responsibility of the employee or job applicant to notify the testing laboratory of any administrative or civil action brought pursuant to section 440.102 Florida Statutes.

V. PRE-EMPLOYMENT TESTING

Applicants being considered for employment by the City must successfully pass a drug screen urinalysis. The failure to submit to the pre-employment drug test shall be deemed a request for withdrawal from employment consideration. If the applicant fails to pass the drug screen they will be disqualified from consideration.

The applicant who fails may contest or explain the result to the Department of Administration within five working days after written notification of the positive test result. If the explanation or challenge is deemed unsatisfactory then the applicant may contest the drug test result pursuant to rules adopted by the Florida Department of Labor and Employment Security Rule 38F-9.009. In any case the applicant must notify the laboratory that tested the sample.

The applicant may re-apply for employment after twelve months from the date of the initial positive test result provided that they pass the pre-employment drug screen.

VI. IDENTIFICATION OF REASONABLE SUSPICION OR UNUSUAL ACTIVITY

If a supervisor has reasonable suspicion that an employee is using illegal drugs, the Department Director shall be notified immediately. If the Department Director concurs with the supervisor about reasonable suspicion then the employee may be required to take a drug test. Reasonable suspicion is a belief that the employee is or has used drugs in violation of this directive drawn from specific articulated facts and reasonable inferences drawn from the facts in light of experience. These inferences may be based upon:

- A. Direct observation of drug use during work hours.
- B. The physical symptoms or manifestations of being under the influence of a drug, such as:
 - 1. Impairment of motor functions
 - 2. Slurred speech
 - 3. Incoherent or irrational state
 - 4. Drowsiness
 - 5. Smell of alcohol or marijuana
 - 6. Extreme weight loss
 - 7. Red eyes
 - 8. Excessive and persistent running nose or sniffing
 - 9. Frequent or extreme mood changes or erratic conduct
 - 10. Lack of physical coordination.

VIII. FOLLOW UP TESTING

An employee who tests positive and has successfully completed a drug rehabilitation program is subject to follow up testing. Follow-up testing will be administered through the city medical provider semiannually for a duration of two years.

IX. DRUG TESTING METHODOLOGY AND PROCEDURES

Employees subject to a test will give a blood sample for alcohol testing and a urine sample for drugs.

If the employee has been involved in an accident covered under the City's Workers' Compensation Insurance resulting in an injury, then no specimens will be taken prior to the administration of emergency medical care. The urine or blood specimens will be collected at the medical facility designated by the City or an agent of the facility. The chain of custody guidelines recommended by the Florida Health and Rehabilitative Services Department Rule 10E-18.005 will be met.

All testing will be done by a laboratory certified by the state of Florida as a medical and urine drug testing laboratory which complies with the Scientific and Technical Guidelines for Federal Drug Testing Programs and the Standards for Certification of Laboratories engaged in Drug Abuse and Mental Health Administration of the U.S. Department of Health and Human Services and is National Institute on Drug Abuse (NIDA) certified.

When an employee tests positive on the screening test (i.e. drugs are detected), a second test, the Gas Chromatography/Mass Spectrometry, will be run on the sample originally taken. If the test does not detect the presence of a drug or drugs, the second test shall prevail. These tests shall be made within 72 hours of sample collection. The employee may, when obliged to provide a specimen for testing, request that a specimen go to an independent laboratory chosen by him or her. The independent laboratory must test the sample with equal or greater sensitivity for the drug in question as the first laboratory. The employee shall bear the cost of the separate test. When a urine or blood specimen for testing is obtained from an employee by an independent medical facility selected by the City, a sufficient quantity of the specimen shall be obtained for testing by the contract laboratory and, if requested, a laboratory designated by the employee. The sample shall be transmitted to the contract laboratory and the independent medical facility.

X. STANDARDS OF TESTS

The following standards shall be used to determine what levels of substances shall be considered as positive on the initial drug screen:

<u>DRUG</u>	<u>COMMON NAME</u>	<u>TEST LEVEL</u> (nanogram per milliliter)
ALCOHOL	BOOZE	.05% BLOOD CONTENT
AMPHETAMINES	Speed	1000 ng/ml

The information will be reviewed by the MRO who will check for accuracy and compliance with the established chain of custody, interpret the test result with prescriptive or other relevant medical information, discuss any positive result with the employee to determine it's cause, then advise the City Department of Administration.

Samples large enough for 4 tests will be taken. If the test is positive the remaining sample will be maintained by the laboratory in the City's control for a period of at least one year.

XI. OVER-THE-COUNTER DRUGS

Employees will notify their supervisor if they are taking a prescribed or over-the-counter medication that may impair their ability to perform the job. These results shall be maintained in confidence as described in rule 800.325 of this directive. The Department Director and the Supervisor along with the proper medical authority will determine whether the employee may safely perform her duties. If it is determined that the employee should not work then the employee will be placed on sick leave, annual leave, or medical leave without pay until they are no longer impaired or taking the medication.

It may be possible that an administered drug test may return a false positive for a drug. False positives are usually caused by prescribed medications. Therefore it is to the employees benefit to reveal any and all medications prescribed prior to the drug screen. This will enable the testing laboratory to cross-reference the substance thereby reducing the possibility of a false positive.

Employees who are taking any medication are responsible for learning of its' side effects and informing their supervisor if any side effects could impair safe performance of their jobs.

Employees are cautioned that this responsibility is of special importance if operation of a motor vehicle, machinery or other dangerous equipment is part of the employee's duties. The employee or applicant may consult the testing lab and the City MRO for technical information regarding the effect of prescription or over the counter medication. Some prescription and over the counter medication that affect drug tests are listed below.

Alcohol

All liquid medications containing ethyl alcohol (ethanol). This is usually indicated on the label along with the percentage content. Vick's Nyquil is 25% alcohol, Comtrex is 20% alcohol, Contac Severe Cold formula Night Strength is 25% alcohol, Listerine is 26.9% alcohol.

AMPHETAMINES

Obetrol, Biphedamine, Desoxyn, Dexedrine, Didrex

CANNABINOIDS

Marinol (Dronabinol, THC)

City or its Workmans' Compensation carrier then the employee has the right to appeal to a judge of Workmans' Compensation claims.

XIV. REFERRAL FOR TREATMENT

The City maintains a list of places an employee may get help. This list is made available to anyone who asks from the Department of Administration.

EFFECTIVE DATE: This directive shall be effective on May 1, 1993.

/s/ David B. Farber
City Manager

DATE: 4/28/93

CRISIS LINES

SEXUAL ASSAULT HOTLINE	833-7273
North County Crisis Lines	547-1000
South County Crisis Line	243-1000
Glades Crisis Line	996-1121

C.A.R.P.

MEDICAL & 24 EMERGENCY ADMISSION	844-6400
6400 East Ave	
West Palm Beach, 33402	

OUTPATIENT & ADMISSION	642-8737
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Child Abuse and Neglect **355-2073**

The Sexual Assault Assistance Program, of the Palm Beach County Public Safety Department, Criminal Justice Division provides aid and counseling to children who have been victimized by sexual abuse. The Court Administration Guardian Ad Litem Program provides volunteers who serve as protectors and spokespersons for abused or neglected children during legal proceedings.

Parent Helpline **1-800-FLA-LOVE**

Parents Anonymous offers a statewide, 24-hour helpline for parents at risk of abusing or neglecting their children, or if the parent feels overwhelmed or stressed out.

Debtors Anonymous **622-0956**

Meetings 7:30 pm St. Mark's Church, 3395 Burns Road, Palm Beach Gardens in Art Classroom 317. Money management Seminar 6 p.m last Thursday of each month at 2230 S. Congress Ave. Suite 1A please call ahead at 434-2544 or 800-330-2227.

Couples and Family Help Line **392-1013**

For relationship, marriage or family and sibling problems by The Center for Psychological Services.

Al-Anon Family Groups **478-0335**

Helps those with a family member or a friend who has a problem with alcoholism. Call for meeting information in Spanish or English.

Alcoholics Anonymous **687-8800**

For people that have an alcohol problem. Call and they will set you up with someone to take you there and give you the nearest location. Some locations are Wednesday's at Our Club 9 north H street, Lake Worth at 8:30 and First Baptist Church, 201 Swain, Greenacres On Monday and Friday.

Narcotics Anonymous **848-NANA**

A 24-hour Helpline to help you live without Drugs. Meetings are held at 7:00 at The YMCA, 2085 S Congress on Tuesdays in the Blue Room.

Nar-A-Non Family **820-1980**

Support groups to help if you have a family member or friend who is an addict.

SUPPORT GROUP DIRECTORY

Adult Children of Alcoholics	588-7341; 833-7553
Adoption Support Group "Circle of Hope"	793-8843
(Adoptees/Birthparent)	967-7079
Alcoholics Anonymous	842-5287; 844-8800
Al Anon	478-0335; 968-2867
Al Anon - Beginners	800-833-5112; 588-7341
New Hope Al Anon (Christian)	965-4311
American Ass'n of Kidney Patients	744-3171; 588-8721
Alzheimer's Support Group	969-0778
Day Care	969-0778; 835-0971
Respite Program	684-1991
Adult Day Health Care	471-5111 ext 147
Bereavement Support Group	848-5200; 439-5653
Co-Dependent Anonymous- Choices	734-7113; 833-7553
CARP Parents Support Group	642-8737
(Drug/Alcohol Abuse)	276-3581
Child Abuse & Neglect	PBC 355-2073; 833-7273
Coping With Cancer Support Group	642-3959
Club oasis Family Outreach	694-1949
(Recovering alcoholics w/ families)	
Crisis Line of Palm Beach County	547-1000; 243-1000
Teen Crisis Hotline	547-8336
Divorced/Single Mothers Support Group	694-8329
Divorced/Separated Group (Rebuilders)	655-4554
Dealing with Divorce Support Group	800-833-5112 ext 544
Domestic Violence	355-2383
Domestic Assault Repeated	355-2277
Dysfunctional Families	800-926-9355
Emotions Anonymous	881-2601; 967-4041
Food Addicts Anonymous	835-9173; 586-8985
Getting Tough Support Group	478-2477
Handicapped Services (Transportation)	689-6961
Lighthouse for the Blind	586-5600
Mothers (Single) by Choice	998-0565
Nar-Anon Support Group	820-1980
Narcotics Anonymous	393-0303
Nicotine Anonymous	697-0998
Neurotics Anonymous	478-3931
Parents with Step-Children	844-3667
or Adopted Children	684-2745
Senior Services	355-4746
Sexual Assault	833-2073
24 hour hotline	833-7273
Social Services	355-4775
United Way	832-7300