

Bist, Kevin

From: Buford, Rivers <BufordR@ficpa.org>
Sent: Thursday, February 05, 2015 8:52 AM
To: Nelson, Patricia A
Subject: still working on it

The word "true" is what is concerning us. We are evaluating alternate language that we hope will get you to the same place.

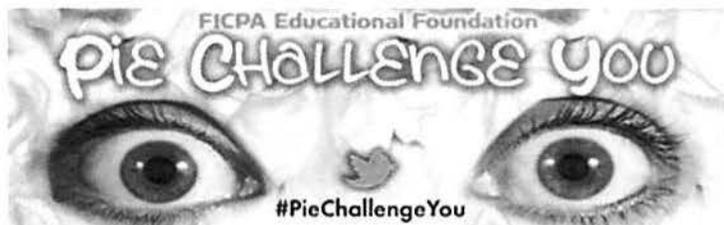
I will email it to you when we have it. We also hope to be out there a little after 10.

Rivers

Rivers H. Buford III, DPL | Director of Governmental Affairs
Florida Institute of CPAs | 325 W. College Ave. | Tallahassee, FL 32301
800.342.3197, | 850.224.2727, x203 | Fax : 850.222.8190 | www.ficpa.org
Cell 850-528-8815 (text enabled)



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The Fun Way To Benefit Accounting Students – Are You Up to it?



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Bist, Kevin

From: Buford, Rivers <BufordR@ficpa.org>
Sent: Thursday, February 05, 2015 10:52 AM
To: Nelson, Patricia A
Cc: Brown, Paul; Curry, Deborah
Subject: Financial Statements

Importance: High

Ms. Nelson,

The word "true" in (6) is still the issue. A CPA cannot attest that financials are "true." The financials are the responsibility of the management of the entity. CPA's can attest that those financials are fairly stated in all material respects.

They can attest they were audited in accordance with Generally Accepted Auditing Standards (GAAS). This is a recognized standard that will allow for all financials from the different entities to be consistent in the way they were prepared.

Suggested language:

Certified Financials- Financial statements that have been audited in accordance with Generally Accepted Auditing Standards (GAAS) by a Certified Public Accountant, licensed pursuant to chapter 473 F.S.

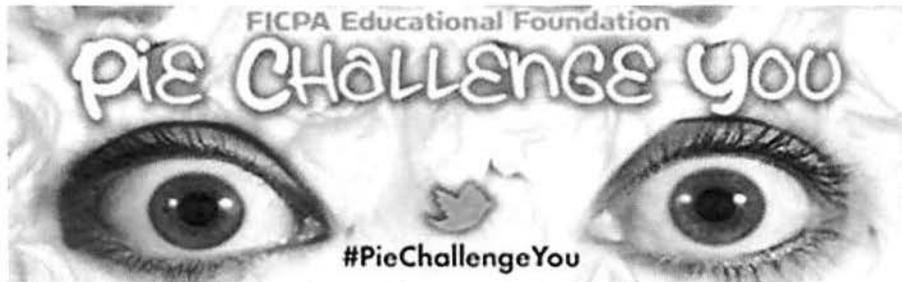
Paul Brown, CPA, our technical services director and I are on the way out to the workshop now. He may be able to answer any technical questions the committee members have.

Rivers Buford

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Bist, Kevin

From: zzzz Feedback, Health
Sent: Thursday, February 05, 2015 1:27 PM
To: rboyer1@cfl.rr.com
Subject: Rule Comments

Thank you for writing to the Department of Health. Your email has been forwarded to our Office of Compassionate Use.

Florida Department of Health

OUR MISSION

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.

NOTE:

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-----Original Message-----

From: No, Reply
Sent: Wednesday, February 04, 2015 10:29 PM
To: zzzz Feedback, Health
Subject: Contacts Feedback

Department of Health Contacts / Feedback Feedback for: Office of Compassionate Use
Sent to: Health@doh.state.fl.us

1. Message Type: Suggestion
2. Comments: Input for CMC Act Negotiated Rulemaking – 02/05/15 Suggestion for Batch Numbering on label

Besides the amount of THC and CBD per dose appearing on the packaging, two other numbers would appear:

1. BN: Batch Number: XXXXXXXXX

a. Refers to and identifies the complete growth and processing history as well as the complete active and inactive content. This information is proprietary but made available to the university for research purposes and to the prescribing physician if necessary. (Physician certification training would educate them as to the meaning behind the Batch and Medicinal Content numbers.)

2. MC: Medicinal Content Number: A01, A04, A08, B03, B15, CXX, or DXX, etc.

a. This is the number that is meaningful to the patient/caregiver and prescribing physician. "A08" worked best for daytime use, A04 for bedtime. B03 produced anxiety". The patient/caregiver and prescribing physician are then able to assess the effectiveness of a particular MC and dosage and be assured that new prescriptions are filled to the same product standard across differing batches over time.

3. Rating: Excellent

4. Name: Richard Boyer

5. Email: rboyer1@cfl.rr.com

6. Telephone:

7. Address:

8. City: Sanford

9. State: FL

10. Zip:

11. Fax:

12. Contact Now: No

(User selected 'Please contact me as soon as possible regarding this matter.')

13. Contact: No

(User selected 'Mail me more information.')

Bist, Kevin

From: Nelson, Patricia A
Sent: Thursday, February 05, 2015 9:55 PM
To: diamoyand@gmail.com
Subject: RE: Criminal History Record Check ORI Number

Thank you!

From: Domingo Moya [mailto:diamoyand@gmail.com]
Sent: Wednesday, February 04, 2015 4:23 PM
To: Nelson, Patricia A
Subject: Fwd: Criminal History Record Check ORI Number

This was the ORI# that the dept gave interested parties.

Domingo Moya

Sent from my iPhone

Begin forwarded message:

From: "McMullen, Linda N" <Linda.McMullen@flhealth.gov>
Date: September 15, 2014 at 9:42:14 AM EDT
To: DL 64-4 Interested Parties <DL64-4InterestedParties@flhealth.gov>
Cc: "Bist, Kevin" <Kevin.Bist@flhealth.gov>, "Sachs, Taylor" <Taylor.Sachs@flhealth.gov>
Subject: Criminal History Record Check ORI Number

Dear Compassionate Use Interested Party,

The Office of Compassionate Use (OCU) has been assigned an ORI number. The number, **FL924890Z (DOH – OFFICE OF COMPASSIONATE USE)**, has been entered into the Florida Department of Law Enforcement (FDLE) production system and is ready for use.

Those needing a Level 2 criminal history record check for purposes of submitting an application for approval as a dispensing organization pursuant to the Compassionate Medical Cannabis Act of 2014 should present this number to the FDLE or one of its approved vendors for fingerprinting. Payment for the background check will be made directly to FDLE or the approved vendor. (Please note that if a person chooses to make electronic submissions via a Livescan service provider, the service provider may assess a fee in addition to the record check fee.) Results of the criminal history check will be provided to the OCU and not to the person being checked. The OCU will notify any person who does not successfully pass the criminal history record check.

For more information and answers to Frequently Asked Questions regarding criminal history background checks, please visit the FDLE website at <http://www.fdle.state.fl.us/Content/getdoc/1acc7c3e-dac7-45d4-8739-0d221749d8ce/FAQ.aspx>

A list of Livescan service providers can be found at <http://www.fdle.state.fl.us/content/criminal-history/livescan-service-providers-and-device-vendors.aspx>

Best regards,

Linda McMullen, Director
Office of Compassionate Use
Florida Department of Health
4052 Bald Cypress Way, Bin #A-06
Tallahassee, Florida 32399-1708
850-245-4657
850-245-4662 (Fax)

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DOH Mission: To protect, promote & improve the health of all people in Florida through integrated state, county, & community efforts.

DOH Vision: Healthiest State in the Nation

DOH Values: (ICARE)

I nnovation: We search for creative solutions and manage resources wisely.

C ollaboration: We use teamwork to achieve common goals & solve problems.

A ccountability: We perform with integrity & respect.

R esponsiveness: We achieve our mission by serving our customers & engaging our partners.

E xcellence: We promote quality outcomes through learning and continuous performance improvement.

Bist, Kevin

From: Domingo Moya <diamoyand@gmail.com>
Sent: Thursday, February 05, 2015 10:05 PM
To: Nelson, Patricia A
Subject: Re: Criminal History Record Check ORI Number

You are welcome. I had to pop in and out today. Did you give an anticipated timeline for publishing and challenges and ratification if required?

Thanks

Domingo Moya

Ps good job

Sent from my iPhone

On Feb 5, 2015, at 9:55 PM, Nelson, Patricia A <Patricia.Nelson@flhealth.gov> wrote:

Thank you!

From: Domingo Moya [<mailto:diamoyand@gmail.com>]
Sent: Wednesday, February 04, 2015 4:23 PM
To: Nelson, Patricia A
Subject: Fwd: Criminal History Record Check ORI Number
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A list of Livescan service providers can be found at <http://www.fdle.state.fl.us/content/criminal-history/livescan-service-providers-and-device-vendors.aspx>

Best regards,

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Office of Compassionate Use
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R esponsiveness: We achieve our mission by serving our customers & engaging our partners.

E xcellence: We promote quality outcomes through learning and continuous performance improvement.

Bist, Kevin

From: anthonyardizzone <anthonyardizzone@comcast.net>
Sent: Thursday, February 05, 2015 10:47 PM
To: Nelson, Patricia A

Patty,

Just a thought while I was driving home, I believe dispensing organizations were given state wide dispensaries. I don't know if FDOH has the authority to add to the new rule, thinking something like. A dispensing organization must provide infrastructure that ensures reasonable accessibility regionally to dispense low THC cannabis derivative product to registered patients in their region of licensure, before it places a dispensary in any other regions

I hope you understand what I am getting at

And again great job it nice to see a professional at work, and that you did!

Anthony Ardizzone

Ed Miller & Son
772- 201- 3065

Sent from my Verizon Wireless 4G LTE Tablet

Bist, Kevin

From: Jeffrey Sharkey <jeffreyshark@gmail.com>
Sent: Friday, February 06, 2015 11:47 AM
To: Nelson, Patricia A
Subject: sharkey

Patti

I know you are super exhausted. Very thorough and productive rule meetings.

I have a few comments which I will send in writing, but one that you might want to explore is the scoring tie issue. Florida Housing deals with this all the time and because of the subjectivity of scoring, they have several tie breakers that are clearly defined that provide a quantitative decision which will eliminate some of the challenge options.

I would urge you to talk with Steve Auger or Wellington to discuss to give yourself some cover.

Rescoring or having reviewers review tied applications opens you up to the perception of politics.

Just trying to be helpful

Jeff

Dr. Jeffrey Sharkey
Managing Partner
Capitol Alliance Group, Inc
106 E. College Avenue, Suite 640
Tallahassee, FL 32301
850.224.1660 office
850.224.6785 fax
850.443.3355 cell
jeffreyshark@gmail.com

www.capitolalliancegroup.com

Bist, Kevin

From: Gary Abrahams <garyabrahams@comcast.net>
Sent: Friday, February 06, 2015 6:02 PM
To: Nelson, Patricia A
Subject: Compassionate Care rules and regulations discussed during two day meeting Feb 4&5, 2015

Dear Ms. Nelson,

I attended the past 2 day meeting, as well as previous sessions. I have generally sat quietly just to absorb knowledge that would help us put together the best presentation in the application process. I currently work with a smaller nursery in the central district.

I applaud the effort the department has put into this process, and how you have quickly pushed this process forward. There has been a great deal of progress over the past two days, but in some areas where this committee lacked expertise important technical decisions were made that gave me great concern. Although these comments are late to be heard in the process, many did not come to light until the past two days and no one in the audience was given a chance to speak to the committee. I understand that the committee was under a time constraint but I believe that not taking any feedback from the audience did a disservice to the people and the process. There was a great deal of knowledge and expertise in the audience.

I was concerned that after seeing the committee that it appears that the Department selected the “biggest” growers in each district. It would be naive to think that these nurseries would be the “best” candidates to move forward with. or that they would not form the rules to favor themselves. It gave an unfair advantage to the large nurseries to be able to vote on rules or definitions that would best serve themselves. I was disappointed that the Department did not select a cross section of growers that would qualify under the statute, so that a fair playing field was represented. Backgrounds and expertise of “non-growers” at times had members speaking on topics that they were under qualified to speak to. For example a lab expert discussing financial statements, or bonding.

There will be much to judge in selecting best applicants, most important have been highlighted in the scorecard. Financing by the inclusion of investors and the expertise they bring to a venture could well have the smallest of nurseries having the most to offer. We all have the ability to purchase and use current technology, but who might bring to the table the ability to move this forward and move Florida to the forefront on the application of cannabis medicine? The groups with the best researchers and pharmaceutical backgrounds. There is much to consider.

In our case and many of the nurseries, the banking issue, is a non-issue, as we will replace the bank credit the nursery currently uses, with personal funds. This might be a problem for other nurseries with large loans from traditional banks, but rules cannot bend the intentions of the statute, which was to give all qualifying nurseries a fair chance to obtain a license if they could provide the patients with the best medicine and, a promise of financial stability which, in turn, assures access.

I think the Department and most of the committee missed the legislative intent in the financial statement requirement and the words of the ALJ. The only statement that a nursery without a prior audit can be attested to as true is the actual present financial ability. While we will take whatever actions that are necessary to meet the criteria, I believe that this requirement is improper. As a CPA with past experience with Big Eight accounting firms I will inform you that the purpose of a successful “audit” is to get an unqualified opinion. This states the financials represent a fair and accurate presentation of financial information conforming to “Generally Accepted

Accounting Principles". Those that have not had audited statements in the past, almost everyone, will only be able to obtain a qualified opinion on a twelve month statement as beginning balances on inventory cannot be verified in addition to other short comings. These applicants could get a clean audited opinion on a current statement of position (balance sheet). This is all the department should be concerned with as it represents the current position upon which future pro-formas will be constructed. At every single meeting Costa farms has been demanding, begging and pleading for this past auditing requirement. This is because they already had to have one to support their large bank loans. It is not something the others have and it weighted the process in their favor. What is important to the patients is that the dispensary organization have the verified resources to meet the commitments of their business plans. This is the audited and or attested financials that most nurseries that have not had audits in the past year will be able to present, and therefore they should not be penalized by a biased scoring system

The "performance bond" has been changed into a penalty bond for a licensed being revoked. This is onerous, and cannot be rated for risk by the insurance company.

There are many items that a license could be revoked for if a waiver was not obtained or leniency provided by the Department. An insurance company could not rely upon future positions the department may take in an appeals process in assessing risk. For example, a disgruntled employee sabotaging a water filter system, or destroying a crop, could cause non delivery or product not meeting standards etc. An employee doing something outside the guidelines when making delivery, which would have the firm dismiss the employee, but could allow the Department to revoke the license triggering the bond. Although it seems that the department would take those actions into account, the fact that the department or the general revenue fund will receive a windfall of \$5,000,000.00 can cause the bonding company to rate the cost of the bond to a prohibitive number. The bond should be revised as a performance bond that would decrease as the work was completed. I do not believe the legislative intent was to give the bonding companies and the state of Florida a windfall and increase the cost of the medicine. I believe it was to assure performance. The state's budget for the two years is approximately \$900,000.00, one fifth of that is attributable to the applicant. The cost of getting a replacement applicant would be less as the infrastructure in the department will already be in place and paid for. Therefore this \$5,000,000.00 cannot be for the purpose of protecting the state. If it is a performance bond, set it up as one. If you are worried about the renewal bond It also will be a \$5,000,000.00 performance bond with the condition that all new work has to be bonded and lowered as work is being done or if no work is being done that the \$5,000,000.00 bond will be immediately stepped down upon notification from your office of performance or lesser need requirements.

Can you imagine if a medical director knew a bond of \$5,000,000 was at risk, and if he was unhappy with his arrangement, he could blackmail by threatening to leave and shut down the business, calling for the state to cause the bond to be called. Even with a backup director, this is a very disturbing condition. One that doing prudent business would not be acceptable.

The high bar that the state wants to set is realized when the applicant spends the large sums necessary to set up this operation. The financial risk of losing the investment, which is a real possibility and which is dependent upon political whims make this a very precarious investment. Therefore the five million dollar penalty bond is not only unreasonable, it raises the cost of the medicine to such a degree that the business may be completely unsustainable. Qualified nursery men that are good businessmen know that they cannot risk everything on the dubious conditions , some out of their control, as presently set forth in this penalty bond.

I do look forward to being able to provide a quality and quantity of medicine at a reasonable price that the compassionate care act envisions. Please review the regulations and revise them in such a manner as to allow the best and the most capable to apply for the licenses. We believe that it is morally reprehensible for these patients to have to continue to suffer and look forward to working with you in bringing this endeavor to fruition.

The language I suggest for the bond is:

1. The Applicant must provide a \$5,000,000.00 performance bond within 10 business days of being notified that he has been chosen as the dispensing organization for his district. The conditions of this bond are:

\$2,000,000.00 shall be released upon completion of the Grow Facility. If the business plan has more than 1 grow facility the release shall be pro rata based upon the number of facilities to be built.

\$1,000,000.00 shall be released upon the completion of the laboratory facilities. If the business plan has more than 1 laboratory the release shall be pro rata based upon the number of facilities to be built.

\$1,000,000.00 shall be released upon the completion of the dispensing facilities. If the business plan has more than 1 dispensary the release shall be pro rata based upon the number of facilities to be built.

\$250,000.00 shall be released upon completion of the delivery plan as specified in business plan.

\$750,000 shall remain in the bond to secure business performance. The conditions of this part of the bond cover:

a. If a dispensary operation closes up to \$125,000.00 will be for the disposal and or destruction of any crop, product or hazardous materials.

b. If any, officer or director or manager is found to knowingly have sold, gifted or transferred any Low THC product to anyone who does not have the proper documentation as required by the state of Florida must be fired upon and removed from any interest in the company when the company receives knowledge of such action. Failure to fire and remove the persons interest and to ban the person from the premise shall result in a partial bond forfeiture in the amount of \$250,000.00.

c. Failure to sell any product prior to that product being batch tested shall result in a bond forfeiture in the amount of \$250,000.00.

d. If any employee who has passed the required CBI background check is convicted of any felony, other than the federal crime of working at a state authorized dispensary operation and carrying out the normal operations of such job, he shall be terminated upon the dispensary organization learning of such conviction. Failure to terminate shall result in bond forfeiture in the amount of \$125,000.00

Last item I would like to comment on is the application fee. It should cover the costs of the Department to issue and review applications and the issue of initial licenses. Any unused funds should not be used to pay for expenses of those getting licenses into the future. I do believe you have the authority to use funds raised by those not receiving licenses to the future benefit of those who receive licenses. I think more should be done to investigate how the Department would raise revenue from those receiving licenses to cover future expenses if required by statute and not in the Department's budget.

Please feel free to contact me with any questions or if you believe I may be of assistance in any way.

Thank you for your consideration,

Gary Abrahams

Phone 301-674-4441

Bist, Kevin

From: zzzz Feedback, Health
Sent: Monday, February 09, 2015 9:10 AM
To: randsney@gmail.com
Subject: FW: Pesticides and other chemicals in medical marijuana

Thank you for writing to the Florida Department of Health. Your email has been forwarded to our Office of Compassionate Use for follow up.

Florida Department of Health

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From: Ronald Ney [mailto:randsney@gmail.com]
Sent: Friday, February 06, 2015 4:25 PM
To: zzzz Feedback, Health; zzzz Feedback, Health; adam putnam; dblanton@radelylaw.com
Cc: Ron & Sue McClure Ney
Subject: Pesticides and other chemicals in medical marijuana

To: John H. Armstrong, MD, FACS, Surgeon General and Secretary of Health for the State of Florida health@flhealth.gov

To: Patricia Nelson Director of Health's Office of Compassionate, Health@doh.state.fl.us

To: Adam H. Putnam, Commissioner, adam.putnam@freshfromflorida.com

Florida Department of Agricultural and Consumers Service

To: Donna E. Blanton, Radey Law Firm, dblanton@radelylaw.com

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To: Adam H. Putnam, Commissioner, adam.putnam@freshfromflorida.com

Florida Department of Agricultural and Consumers Service

To: Donna E. Blanton, Radey Law Firm, dblanton@radelylaw.com

From: Ronald E. Ney, Jr., PhD, and Advocate for Valid Science

Subject: Marijuana

First let me state I am fully in favor of medical marijuana.

I have concerns I wish to bring to your attention about growing marijuana for medical use.

Marijuana grown for medical use in nurseries may be contaminated with pesticides used in the nursery or pesticides may even be applied to the marijuana.

I read in the newspaper that the pesticide Paclobutrazol (which is a suspected carcinogen) and Daminozide (also a suspected carcinogen) has been used on marijuana plants grown for medical use.

Any of these chemical structures can be predicted to be a carcinogen.

- Can Paclobutrazol form ortho-, meta- and/or para-chlorophenol which may cause damage to the liver and immune system and may have other toxic hazards.
 - 3-Amino-1,2,4-triazole (3-AT) is also a triazol like Paclobutrazol and 3-AT was known for its toxic problems. I remember 3-AT and the cranberry scare.
 - Tebuconazole which is very similar in chemical structure to Paclobutrazol is considered a possible carcinogen.
- To my knowledge there are no registered pesticides for use on marijuana grown for medical use so any use of a pesticide on medical marijuana would be illegal under FIFRA.

Questions;

1. What will prevent marijuana grown for medical use from being contaminated with pesticides used at the nursery on other plants?

- Pesticides can drift during spraying, can volatilize and can sublime thus contaminating marijuana plants with parent chemical and degradates.
- Degradates in this case may also be photodegradation products.

2. What chemicals are present in the soil that can be taken up by marijuana plants grown for medical purposes?

- This includes those residues (parent and degradation products) which are adsorbed (bound in soil organic matter) and absorbed in soil.
- This includes chemicals present that are not pesticides.

3. Will the marijuana plants and the extract used for medical purposes be analyzed for pesticides and other contaminants?

- This includes analysis for residues of parent chemical and its degradation products.

4. Will FDACS or FDOH protect children and adults from possible pesticides and toxic chemicals in marijuana plants grown for medical use and if not, why not?

Regards,

Dr. Ron Ney

- Certificate of Achievement and entered into the 16th edition of AMERICAN MEN AND WOMEN OF SCIENCE, January 1987.
- In 1994-1995, included in Marquis WHO'S WHO IN SCIENCE AND ENGINEERING, Marquis WHO'S WHO in America.
- In 1997, included in the International Who's Who in Cambridge, England.

- Retired Supervisory Chemist USEPA (USDA & FDA), and a former NREP & Registered Environmental Professional in the State of California.
- Science Advisor in the Office of Solid Waste Disposal, USEPA; Liaison to EPS's Office of Research and Development, and Universities Centers of Excellence Research.
- USEPA Office of Solid Waste and Emergency Response Environmental Remediation Technologies Student Manual (5201G) December 2011 refers to the book by Ronald E. Ney, Jr., Ph.D. Where Did That Chemical Go? to be used for clean-up of sites.
- Chief of Environmental Chemistry, USEPA; for Fate and Transport of Pesticides in Air, Water, Soil, Plants and Animals, and Modeling. I wrote the data requirements for 40CFR § 158.290 and § 158.1300 Subpart N.
- Department of Agriculture's Pesticide Registration Division, Supervisory Chemist for Pesticide Tolerance Review for Pesticides in or on food, meat, dairy, eggs, etc. and started the regulations on Fate and Transport of Pesticides in Air, Water, Soil, Plants and Animals.
- Food and Drug Administration, Analytical Chemist for analysis of phenoxy herbicides, aldrin, dieldrin and endrin, Laboratory Group Leader for Total Mercury Analysis.
- Assistant Referee for the Association of Official Analytical Chemist for Total Mercury determination in treated seed.
- Collegiate Professional Teaching Certificate for chemistry, science and biology.
- Adjunct Assistant Professor/Instructor for College Chemistry (general, organic and biochemistry), Topics in Environmental Issues, Topics in Environmental Risk in Real Estate Transactions and Real Estate Appraisal.
- Principal Real Estate Broker and Certified Real Estate Appraiser.
- Author of Where Did That Chemical Go?, Fate and Transport of Organic Chemicals in the Environment (third edition), Your Guide to Safety and Chemicals: What you need to know.
- Served as a member on the Dioxin Disposal Advisory Group in the USEPA in the early 1980's.

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- Letter of Commendation from Bruce E. Titus, Chief of the Information and Privacy Section Division of the Justice Department for pre-trial advice and expertise given, September 1977.
- Appointed by Lake County Commissioners, Lake County, Florida to serve on Solid Waste Advisory Committee.
- Science Advisor to Lake County Solid Waste Alternative

Task Force (SWATF)

1. I have reviewed and/or supervised the review of data on plants, animals, air, soil and water to make regulatory decisions and enforcement decisions (actions) and other type reviews.
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Bist, Kevin

From: Bist, Kevin
Sent: Tuesday, February 10, 2015 9:54 AM
To: Nelson, Patricia A
Subject: FW: Pesticides and other chemicals in medical marijuana

FYI.

From: zzzz Feedback, Health
Sent: Monday, February 09, 2015 9:10 AM
To: randsney@gmail.com
Subject: FW: Pesticides and other chemicals in medical marijuana

Thank you for writing to the Florida Department of Health. Your email has been forwarded to our Office of Compassionate Use for follow up.

Florida Department of Health

OUR MISSION

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.

NOTE:

Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your email communication may therefore be subject to public disclosure.

From: Ronald Ney [<mailto:randsney@gmail.com>]
Sent: Friday, February 06, 2015 4:25 PM
To: zzzz Feedback, Health; zzzz Feedback, Health; adam putman; dblanton@radelylaw.com
Cc: Ron & Sue McClure Ney
Subject: Pesticides and other chemicals in medical marijuana

To: John H. Armstrong, MD, FACS, Surgeon General and Secretary of Health for the State of Florida health@flhealth.gov

To: Patricia Nelson Director of Health's Office of Compassionate, Health@doh.state.fl.us

To: Adam H. Putnam, Commissioner, adam.putnam@freshfromflorida.com

Florida Department of Agricultural and Consumers Service

To: Donna E. Blanton, Radey Law Firm, dblanton@radelylaw.com

From: Ronald E. Ney, Jr., PhD, and Advocate for Valid Science

Subject: Marijuana

First let me state I am fully in favor of medical marijuana.

I have concerns I wish to bring to your attention about growing marijuana for medical use.

Marijuana grown for medical use in nurseries may be contaminated with pesticides used in the nursery or pesticides may even be applied to the marijuana.

I read in the newspaper that the pesticide Paclobutrazol (which is a suspected carcinogen) and Daminozide (also a suspected carcinogen) has been used on marijuana plants grown for medical use.

Any of these chemical structures can be predicted to be a carcinogen.

- Can Paclobutrazol form ortho-, meta- and/or para-chlorophenol which may cause damage to the liver and immune system and may have other toxic hazards.
 - 3-Amino-1,2,4-triazole (3-AT) is also a triazol like Paclobutrazol and 3-AT was known for its toxic problems. I remember 3-AT and the cranberry scare.
 - Tebuconazole which is very similar in chemical structure to Paclobutrazol is considered a possible carcinogen.
- To my knowledge there are no registered pesticides for use on marijuana grown for medical use so any use of a pesticide on medical marijuana would be illegal under FIFRA.

Questions;

1. What will prevent marijuana grown for medical use from being contaminated with pesticides used at the nursery on other plants?

- Pesticides can drift during spraying, can volatilize and can sublime thus contaminating marijuana plants with parent chemical and degradates.
- Degradates in this case may also be photodegradation products.

2. What chemicals are present in the soil that can be taken up by marijuana plants grown for medical purposes?

- This includes those residues (parent and degradation products) which are adsorbed (bound in soil organic matter) and absorbed in soil.
- This includes chemicals present that are not pesticides.

3. Will the marijuana plants and the extract used for medical purposes be analyzed for pesticides and other contaminants?

- This includes analysis for residues of parent chemical and its degradation products.

4. Will FDACS or FDOH protect children and adults from possible pesticides and toxic chemicals in marijuana plants grown for medical use and if not, why not?

Regards,

Dr. Ron Ney

➤ Certificate of Achievement and entered into the 16th edition of AMERICAN MEN AND WOMEN OF SCIENCE, January 1987.

➤ In 1994-1995, included in Marquis WHO'S WHO IN SCIENCE AND ENGINEERING, Marquis WHO'S WHO in America.

➤ In 1997, included in the International Who's Who in Cambridge, England.

- Retired Supervisory Chemist USEPA (USDA & FDA), and a former NREP & Registered Environmental Professional in the State of California.
- Science Advisor in the Office of Solid Waste Disposal, USEPA; Liaison to EPS's Office of Research and Development, and Universities Centers of Excellence Research.
- USEPA Office of Solid Waste and Emergency Response Environmental Remediation Technologies Student Manual (5201G) December 2011 refers to the book by Ronald E. Ney, Jr., Ph.D. Where Did That Chemical Go? to be used for clean-up of sites.
- Chief of Environmental Chemistry, USEPA; for Fate and Transport of Pesticides in Air, Water, Soil, Plants and Animals, and Modeling. I wrote the data requirements for 40CFR § 158.290 and § 158.1300 Subpart N.
- Department of Agriculture's Pesticide Registration Division, Supervisory Chemist for Pesticide Tolerance Review for Pesticides in or on food, meat, dairy, eggs, etc. and started the regulations on Fate and Transport of Pesticides in Air, Water, Soil, Plants and Animals.
- Food and Drug Administration, Analytical Chemist for analysis of phenoxy herbicides, aldrin, dieldrin and endrin, Laboratory Group Leader for Total Mercury Analysis.
- Assistant Referee for the Association of Official Analytical Chemist for Total Mercury determination in treated seed.
- Collegiate Professional Teaching Certificate for chemistry, science and biology.
- Adjunct Assistant Professor/Instructor for College Chemistry (general, organic and biochemistry), Topics in Environmental Issues, Topics in Environmental Risk in Real Estate Transactions and Real Estate Appraisal.
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Bist, Kevin

From: Latresia Wilson <redbirdllc@gmail.com>
Sent: Tuesday, February 10, 2015 10:58 AM
To: Nelson, Patricia A
Subject: Re: 64-4 Notice of Proposed Rule

Thanks. I did get an opportunity to see most of it and was impressed with the level of conversation. I think you all were able to get allot done in the marathon. If I had one comment and that would be that the medical directors role was greatly dismished to 5% compared to the role written in the law. Hopefully perhaps this can still be rectified.

Great job.

Dr Latresia Wilson

On Tuesday, February 10, 2015, Nelson, Patricia A <Patricia.Nelson@flhealth.gov> wrote:

Hello, Everyone!

I am so sorry for the delay. In all the excitement, I forgot to send an email to the Interested Parties. Below you will find the Department's official press release regarding the negotiation and its results. I really am very pleased with our product and optimistic about this rule. There is a link to the publication in the release.

Have a great day!

Patty

Patricia Nelson

Director

Office of Compassionate Use

Florida Department of Health



The Florida Department of Health Announces Successful Negotiated Rulemaking Session

TALLAHASSEE—After two days of a marathon rulemaking workshop, the Office of Compassionate Use with the Florida Department of Health announced today the successful negotiation of a proposed rule to implement the Compassionate Medical Cannabis Act. This rulemaking negotiation is part of the department's commitment

to working with all stakeholders to deliver this product to children with intractable epilepsy and people with advanced cancer as safely and quickly as possible.

"We came in with an unprecedented opportunity to collaborate and create a complete set of rules in just two days, and we did so successfully," said Patricia Nelson, director of the Office of Compassionate Use. "This rule brings us much closer to providing this product safely and efficiently to children and families dealing with intractable epilepsy and patients dealing with advanced cancer."

The 12 committee members who successfully negotiated the rule included nurseries, patient advocates, out-of-state experts and other interested parties. Highlights of the rule include a scorecard to guide the selection of applicants, timeline requirements for product development and application fees.

A copy of the rule is available at https://www.flrules.org/Gateway/View_notice.asp?id=15645147. A public hearing, if requested, is scheduled for March 2, 2015, in Tallahassee.

The department works to protect, promote and improve the health of all people in Florida through integrated state, county and community efforts. Follow us on Twitter at [@HealthyFla](#) and on [Facebook](#). For more information about the Florida Department of Health please visit www.floridahealth.gov.

Bist, Kevin

From: Joel Ewusiak <joel@ewusiaklaw.com>
Sent: Wednesday, February 11, 2015 4:08 PM
To: Nelson, Patricia A
Subject: RE: 64-4 Notice of Proposed Rule - Bond Requirement

Patty: Thanks for the email - and your efforts. With respect to the performance bond requirement, are you aware of any companies willing to provide the bond? If so, I'd greatly appreciate any contact information. –Joel

Joel Ewusiak

Ewusiak Law, P.A.

100 Main St., Suite 205

Safety Harbor, FL 34695

P: 727.286.3559 | F: 727.286.3219 | www.ewusiaklaw.com

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From: Nelson, Patricia A [<mailto:Patricia.Nelson@flhealth.gov>]

Sent: Tuesday, February 10, 2015 10:48 AM

To: DL 64-4 Interested Parties; DL 64-4 Interested Parties 2

Cc: Cowie, Tiffany C; Dunn, Nathan P

Subject: 64-4 Notice of Proposed Rule

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Bist, Kevin

From: Gary Abrahams <garyabrahams@comcast.net>
Sent: Thursday, February 12, 2015 9:28 AM
To: Nelson, Patricia A
Subject: FW: Compassionate Care rules and regulations discussed during two day meeting Feb 4 &5, 2015

Some folks have told me they got a response to their emails you had received them. I just wanted to make sure my email of 2/6 reached you.

I will be at the next meeting and intend to speak to the issues below.

Thank you, and if you can respond that this email has been received I would appreciate it.

From: Gary Abrahams [mailto:garyabrahams@comcast.net]
Sent: Friday, February 6, 2015 6:02 PM
To: 'patricia.nelson@flhealth.gov'
Subject: Compassionate Care rules and regulations discussed during two day meeting Feb 4&5, 2015

Dear Ms. Nelson,

I attended the past 2 day meeting, as well as previous sessions. I have generally sat quietly just to absorb knowledge that would help us put together the best presentation in the application process. I currently work with a smaller nursery in the central district.

I applaud the effort the department has put into this process, and how you have quickly pushed this process forward. There has been a great deal of progress over the past two days, but in some areas where this committee lacked expertise important technical decisions were made that gave me great concern. Although these comments are late to be heard in the process, many did not come to light until the past two days and no one in the audience was given a chance to speak to the committee. I understand that the committee was under a time constraint but I believe that not taking any feedback from the audience did a disservice to the people and the process. There was a great deal of knowledge and expertise in the audience.

I was concerned that after seeing the committee that it appears that the Department selected the "biggest" growers in each district. It would be naive to think that these nurseries would be the "best" candidates to move forward with. or that they would not form the rules to favor themselves. It gave an unfair advantage to the large nurseries to be able to vote on rules or definitions that would best serve themselves. I was disappointed that the Department did not select a cross section of growers that would qualify under the statute, so that a fair playing field was represented. Backgrounds and expertise of "non-growers" at times had members speaking on topics that they were under qualified to speak to. For example a lab expert discussing financial statements, or bonding.

There will be much to judge in selecting best applicants, most important have been highlighted in the scorecard. Financing by the inclusion of investors and the expertise they bring to a venture could well have the smallest of nurseries having the most to offer. We all have the ability to purchase and use current technology, but who might bring to the table the ability to move this forward and move Florida to the forefront on the application of cannabis medicine? The groups with the best researchers and pharmaceutical backgrounds. There is much to consider.

In our case and many of the nurseries, the banking issue, is a non-issue, as we will replace the bank credit the nursery currently uses, with personal funds. This might be a problem for other nurseries with large loans from traditional banks, but rules cannot bend the intentions of the statute, which was to give all qualifying nurseries a fair chance to obtain a license if they could provide the patients with the best medicine and, a promise of financial stability which, in turn, assures access.

I think the Department and most of the committee missed the legislative intent in the financial statement requirement and the words of the ALJ. The only statement that a nursery without a prior audit can be attested to as true is the actual present financial ability. While we will take whatever actions that are necessary to meet the criteria, I believe that this requirement is improper. As a CPA with past experience with Big Eight accounting firms I will inform you that the purpose of a successful "audit" is to get an unqualified opinion. This states the financials represent a fair and accurate presentation of financial information conforming to "Generally Accepted Accounting Principles". Those that have not had audited statements in the past, almost everyone, will only be able to obtain a qualified opinion on a twelve month statement as beginning balances on inventory cannot be verified in addition to other shortcomings. These applicants could get a clean audited opinion on a current statement of position (balance sheet). This is all the department should be concerned with as it represents the current position upon which future pro-formas will be constructed. At every single meeting Costa farms has been demanding, begging and pleading for this past auditing requirement. This is because they already had to have one to support their large bank loans. It is not something the others have and it weighted the process in their favor. What is important to the patients is that the dispensary organization have the verified resources to meet the commitments of their business plans. This is the audited and or attested financials that most nurseries that have not had audits in the past year will be able to present, and therefore they should not be penalized by a biased scoring system

The "performance bond" has been changed into a penalty bond for a licensed being revoked. This is onerous, and cannot be rated for risk by the insurance company.

There are many items that a license could be revoked for if a waiver was not obtained or leniency provided by the Department. An insurance company could not rely upon future positions the department may take in an appeals process in assessing risk. For example, a disgruntled employee sabotaging a water filter system, or destroying a crop, could cause non delivery or product not meeting standards etc. An employee doing something outside the guidelines when making delivery, which would have the firm dismiss the employee, but could allow the Department to revoke the license triggering the bond. Although it seems that the department would take those actions into account, the fact that the department or the general revenue fund will receive a windfall of \$5,000,000.00 can cause the bonding company to rate the cost of the bond to a prohibitive number. The bond should be revised as a performance bond that would decrease as the work was completed. I do not believe the legislative intent was to give the bonding companies and the state of Florida a windfall and increase the cost of the medicine. I believe it was to assure performance. The state's budget for the two years is approximately \$900,000.00, one fifth of that is attributable to the applicant. The cost of getting a replacement applicant would be less as the infrastructure in the department will already be in place and paid for. Therefore this \$5,000,000.00 cannot be for the purpose of protecting the state. If it is a performance bond, set it up as one. If you are worried about the renewal bond It also will be a \$5,000,000.00 performance bond with the condition that all new work has to be bonded and lowered as work is being done or if no work is being done that the \$5,000,000.00 bond will be immediately stepped down upon notification from your office of performance or lesser need requirements.

Can you imagine if a medical director knew a bond of \$5,000,000 was at risk, and if he was unhappy with his arrangement, he could blackmail by threatening to leave and shut down the business, calling for the state to cause the bond to be called. Even with a backup director, this is a very disturbing condition. One that doing prudent business would not be acceptable.

The high bar that the state wants to set is realized when the applicant spends the large sums necessary to set up this operation. The financial risk of losing the investment, which is a real possibility and which is dependent upon political whims make this a very precarious investment. Therefore the five million dollar penalty bond is not only unreasonable, it raises the cost of the medicine to such a degree that the business may be completely unsustainable. Qualified nursery men that are good businessmen know that they cannot risk everything on the dubious conditions , some out of their control, as presently set forth in this penalty bond.

I do look forward to being able to provide a quality and quantity of medicine at a reasonable price that the compassionate care act envisions. Please review the regulations and revise them in such a manner as to allow the best and the most capable to apply for the licenses. We believe that it is morally reprehensible for these patients to have to continue to suffer and look forward to working with you in bringing this endeavor to fruition.

The language I suggest for the bond is:

1. The Applicant must provide a \$5,000,000.00 performance bond within 10 business days of being notified that he has been chosen as the dispensing organization for his district. The conditions of this bond are:

\$2,000,000.00 shall be released upon completion of the Grow Facility. If the business plan has more than 1 grow facility the release shall be pro rata based upon the number of facilities to be built.

\$1,000,000.00 shall be released upon the completion of the laboratory facilities. If the business plan has more than 1 laboratory the release shall be pro rata based upon the number of facilities to be built.

\$1,000,000.00 shall be released upon the completion of the dispensing facilities. If the business plan has more than 1 dispensary the release shall be pro rata based upon the number of facilities to be built.

\$250,000.00 shall be released upon completion of the delivery plan as specified in business plan.

\$750,000 shall remain in the bond to secure business performance. The conditions of this part of the bond cover:

a. If a dispensary operation closes up to \$125,000.00 will be for the disposal and or destruction of any crop, product or hazardous materials.

b. If any, officer or director or manager is found to knowingly have sold, gifted or transferred any Low THC product to anyone who does not have the proper documentation as required by the state of Florida must be fired upon and removed from any interest in the company when the company receives knowledge of such action. Failure to fire and remove the persons interest and to ban the person from the premise shall result in a partial bond forfeiture in the amount of \$250,000.00.

c. Failure to sell any product prior to that product being batch tested shall result in a bond forfeiture in the amount of \$250,000.00.

d. If any employee who has passed the required CBI background check is convicted of any felony, other than the federal crime of working at a state authorized dispensary operation and carrying out the normal operations of such job, he shall be terminated upon the dispensary organization learning of such conviction. Failure to terminate shall result in bond forfeiture in the amount of \$125,000.00

Last item I would like to comment on is the application fee. It should cover the costs of the Department to issue and review applications and the issue of initial licenses. Any unused funds should not be used to pay for

expenses of those getting licenses into the future. I do believe you have the authority to use funds raised by those not receiving licenses to the future benefit of those who receive licenses. I think more should be done to investigate how the Department would raise revenue from those receiving licenses to cover future expenses if required by statute and not in the Department's budget.

Please feel free to contact me with any questions or if you believe I may be of assistance in any way.

Thank you for your consideration,

Gary Abrahams

Phone 301-674-4441

Bist, Kevin

From: Nelson, Patricia A
Sent: Thursday, February 12, 2015 9:55 AM
To: 'Gary Abrahams'
Subject: RE: Compassionate Care rules and regulations discussed during two day meeting Feb 4 & 5, 2015

Gary,

I don't always get a chance to respond, but I do get comments and make sure they are reviewed.

Thank you for your participation!

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The “performance bond” has been changed into a penalty bond for a licensed being revoked. This is onerous, and cannot be rated for risk by the insurance company.

There are many items that a license could be revoked for if a waiver was not obtained or leniency provided by the Department. An insurance company could not rely upon future positions the department may take in an appeals process in assessing risk. For example, a disgruntled employee sabotaging a water filter system, or destroying a crop, could cause non delivery or product not meeting standards etc. An employee doing something outside the guidelines when making delivery, which would have the firm dismiss the employee, but could allow the Department to revoke the license triggering the bond. Although it seems that the department would take those actions into account, the fact that the department or the general revenue fund will receive a windfall of \$5,000,000.00 can cause the bonding company to rate the cost of the bond to a prohibitive number. The bond should be revised as a performance bond that would decrease as the work was completed. I do not believe the legislative intent was to give the bonding companies and the state of Florida a windfall and increase the cost of the medicine. I believe it was to assure performance. The state’s budget for the two years is approximately \$900,000.00, one fifth of that is attributable to the applicant. The cost of getting a replacement

applicant would be less as the infrastructure in the department will already be in place and paid for. Therefore this \$5,000,000.00 cannot be for the purpose of protecting the state. If it is a performance bond, set it up as one. If you are worried about the renewal bond It also will be a \$5,000,000.00 performance bond with the condition that all new work has to be bonded and lowered as work is being done or if no work is being done that the \$5,000,000.00 bond will be immediately stepped down upon notification from your office of performance or lesser need requirements.

Can you imagine if a medical director knew a bond of \$5,000,000 was at risk, and if he was unhappy with his arrangement, he could blackmail by threatening to leave and shut down the business, calling for the state to cause the bond to be called. Even with a backup director, this is a very disturbing condition. One that doing prudent business would not be acceptable.

The high bar that the state wants to set is realized when the applicant spends the large sums necessary to set up this operation. The financial risk of losing the investment, which is a real possibility and which is dependent upon political whims make this a very precarious investment. Therefore the five million dollar penalty bond is not only unreasonable, it raises the cost of the medicine to such a degree that the business may be completely unsustainable. Qualified nursery men that are good businessmen know that they cannot risk everything on the dubious conditions , some out of their control, as presently set forth in this penalty bond.

I do look forward to being able to provide a quality and quantity of medicine at a reasonable price that the compassionate care act envisions. Please review the regulations and revise them in such a manner as to allow the best and the most capable to apply for the licenses. We believe that it is morally reprehensible for these patients to have to continue to suffer and look forward to working with you in bringing this endeavor to fruition.

The language I suggest for the bond is:

1. The Applicant must provide a \$5,000,000.00 performance bond within 10 business days of being notified that he has been chosen as the dispensing organization for his district. The conditions of this bond are:

\$2,000,000.00 shall be released upon completion of the Grow Facility. If the business plan has more than 1 grow facility the release shall be pro rata based upon the number of facilities to be built.

\$1,000,000.00 shall be released upon the completion of the laboratory facilities. If the business plan has more than 1 laboratory the release shall be pro rata based upon the number of facilities to be built.

\$1,000,000.00 shall be released upon the completion of the dispensing facilities. If the business plan has more than 1 dispensary the release shall be pro rata based upon the number of facilities to be built.

\$250,000.00 shall be released upon completion of the delivery plan as specified in business plan.

\$750,000 shall remain in the bond to secure business performance. The conditions of this part of the bond cover:

a. If a dispensary operation closes up to \$125,000.00 will be for the disposal and or destruction of any crop, product or hazardous materials.

b. If any, officer or director or manager is found to knowingly have sold, gifted or transferred any Low THC product to anyone who does not have the proper documentation as required by the state of Florida must be fired upon and removed from any interest in the company when the company receives knowledge of such action.

Failure to fire and remove the persons interest and to ban the person from the premise shall result in a partial bond forfeiture in the amount of \$250,000.00.

c. Failure to sell any product prior to that product being batch tested shall result in a bond forfeiture in the amount of \$250,000.00.

d. If any employee who has passed the required CBI background check is convicted of any felony, other than the federal crime of working at a state authorized dispensary operation and carrying out the normal operations of such job, he shall be terminated upon the dispensary organization learning of such conviction. Failure to terminate shall result in bond forfeiture in the amount of \$125,000.00

Last item I would like to comment on is the application fee. It should cover the costs of the Department to issue and review applications and the issue of initial licenses. Any unused funds should not be used to pay for expenses of those getting licenses into the future. I do believe you have the authority to use funds raised by those not receiving licenses to the future benefit of those who receive licenses. I think more should be done to investigate how the Department would raise revenue from those receiving licenses to cover future expenses if required by statute and not in the Department's budget.

Please feel free to contact me with any questions or if you believe I may be of assistance in any way.

Thank you for your consideration,

Gary Abrahams

Phone 301-674-4441

Bist, Kevin

From: Sherry Center <sherrycenter@gmail.com>
Sent: Thursday, February 12, 2015 2:47 PM
To: zzzz Feedback, Compassionate Use
Subject: New Rules

Dear Patty,

I am Sherry Center, the nurse practitioner who spoke at the December 30th meeting re: the department of agriculture working with the doh to assist growers in QI. There was nothing mentioned in the new rules regarding reporting adverse reactions to the registry etc. Perhaps this does not need to be a rule at this time. However, I feel a format for this must exist so that all growers can benefit and the patients' needs can be best met.

I did not mention at the meeting that I intend to have a dispensary. My company name is Therapeutic Cannabis Inc. I ran into a snafu with the city of Orlando zoning this week. In determining where appropriate sites for zoning dispensaries the only certain bet (because they have not made a determination) was Industrial Commercial which is where Orlando mandates pain clinics. The city planner and zoning officials indicated that this zoning designation would be likely for the dispensaries. I have begun to search the maps for locations; however, I'm finding it all but impossible to meet your appropriate criteria (near population centers and near patient populations) in the industrial commercial zones. At the December 30th meeting it was mentioned the possibility of creating a rule stating it should be zone like a medical office. After all 3 doctors seeing 4-8 patients an hour would create more traffic than a dispensary in all likelihood.

Although, I want to have a dispensary, my first concern is now, and always has been the patient. I want to be able to have a business in an appropriate, convenient area for those who require our service. Is there anything the doh can do to help this?

I did not attend the recent meeting as I did not see it on your website. Is there anything I can do to be made aware of any future meetings?

Lastly, I want to compliment you on all you have accomplished. I feel the rules over all are excellent. Your determination to move forward for the patients in need is admirable. One question, unless someone is willing to admit to breaking the law (which is certainly not who I would choose to be a legal grower), how is a grower to show experience growing cannabis if he has operated a business in Florida for 30 years? Doesn't this give international companies an unfair advantage? Will there be an area in the registry so that dispensaries can see who the doctors are in there area who are participating?

Thank you for all your diligent work on the behalf of some of Florida's most vulnerable citizens.

truly,
Sherry Center MSN, ARNP, FNP-C

Bist, Kevin

From: zzzz Feedback, Compassionate Use
Sent: Thursday, February 12, 2015 4:33 PM
To: 'Sherry Center'
Subject: RE: New Rules

Sherry,

The Notice of Negotiated Rulemaking was on our website. Perhaps the name of the meeting threw you a little.

I'm confused as to how you are going to have a dispensary. Are you joining an eligible nursery?

Regarding experience, the rule language has said this since the first draft on January 27:

(2) An explanation or written documentation, as applicable, showing how the Applicant meets the statutory criteria listed in section 381.986(5)(b), F.S. In any explanation, the Applicant must address each item listed for each criterion below. The Applicant must disclose the name, position, and resume of the employee(s) who provides the knowledge or experience explained for each item.

Everyone has assumed since the bill was written that nurseries would have to hire people with experience growing cannabis.

Patty

From: Sherry Center [<mailto:sherrycenter@gmail.com>]
Sent: Thursday, February 12, 2015 2:47 PM
To: zzzz Feedback, Compassionate Use
Subject: New Rules

Dear Patty,

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Bist, Kevin

From: Sherry Center <sherrycenter@gmail.com>
Sent: Thursday, February 12, 2015 4:49 PM
To: zzzz Feedback, Compassionate Use
Subject: Re: New Rules

Dear Patty,

Since a grower is only obligated to own 25% of a dispensary it has been our desire to partner to be in compliance with the law. We are having positive response to our inquiries to growers. It seems overwhelming for the state to expect a "nurseryman" to have expertise in growing, extracting, transporting, retail sales and most importantly patient care. I hope your ZZZZ was not in response to my email.

You didn't respond to the zoning difficulties we are having. Since we are, it would be a good guess that it will be a problem that could potentially delay delivery to patients.

Looking forward to working with the doh to care for patients effectively who our registered in the compassionate use registry. thanks.

Sherry Center

On Thu, Feb 12, 2015 at 4:32 PM, zzzz Feedback, Compassionate Use <CompassionateUse@flhealth.gov> wrote:

Sherry,

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Patty

From: Sherry Center [mailto:sherrycenter@gmail.com]

Sent: Thursday, February 12, 2015 2:47 PM

To: zzzz Feedback, Compassionate Use

Subject: New Rules

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truly,

Sherry Center MSN, ARNP, FNP-C

Bist, Kevin

From: Gary Knipe <Gary.Knipe@arishort.com>
Sent: Friday, February 13, 2015 2:54 PM
To: Nelson, Patricia A
Subject: Aris Horticulture, Inc. Ownership Question
Attachments: Copy of Shareholder Listing as of October 21 2014.xls

Hello Patricia,

In reviewing the video of the 2/05 Rule making session and the latest Rules Draft for 1030, the Rule appears to require all owners of the Applicant to be fingerprinted. In past drafts the 5% ownership threshold was used.

I am sending you the attached shareholder list of shareholders for Aris Horticulture, Inc.. Aris is nearly 100 years old so over time shares have been dispersed to children and grandchildren over several generations.

While this may not be the case for all potential applicants it is my assumption many companies will have minority shareholders with no direct involvement or even interest in the company.

I would ask for you to consider the 5% threshold or some other way to avoid the burden of asking parents to fingerprint their children, or anyone else not having an active or significant role in the applicant company.

I look forward to hearing your thoughts.

Thanks

Gary Knipe
Managing Director
Aris Horticulture, Inc.
2201 Owanita Rd.
Alva, FL 33920
Office: 800-232-9557 ext.3317
Cell: 239-633-6867
Fax: 239-728-3172
Arishort.com



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SHAREHOLDER LISTING

ARIS HORTICULTURE, INC.

NEED TO APPLY NEW VENDOR NUMBERS WHEN DIVIDENDS START TO BE ISSUED AGAIN
 VENDOR # SHAREHOLDER

	(300400)			(220100)
	NO OF SHARES	DIVIDEND	AMOUNT % OF SHARES	WITHOLDING
Brad B. Yoder and G. Ramsey Yoder, Co-Trustees of the Brad B. Yoder Trust dates June 5, 1991	9,503.4	\$0.00	\$0.00	22.29%
C. Shane Yoder and G. Ramsey Yoder, Co-Trustees of the C. Shane Yoder Trust dated May 22, 1991	9,503.4	\$0.00	\$0.00	22.29%
Megan L. Lynch-Wiskind, as Trustee of the Megan L. Lynch Living Trust dated May 26, 2004	4,574.4	\$0.00	\$0.00	10.73%
Rebecca Lynch-Janssen	4,574.4	\$0.00	\$0.00	10.73%
David L. Gallotto or Jill R. Gallotto Trustees of the David L. Gallotto and Jill R. Gallotto 2001 Inter Vivos Trust u/a/d 11/9/2001	3,935.4	\$0.00	\$0.00	9.23%
G. Ramsey Yoder, Trustee of the G. Ramsey Yoder Trust (First Restatement) dated June 1, 2006	3,455	\$0.00	\$0.00	8.10%
28 Richard J. Yoder	1,640	\$0.00	\$0.00	3.85%
Edwin P. Lynch and Leslie Y. Lynch, as Trustees of the Edwin P. Lynch and Leslie Y. Lynch Family Trust Agreement, dated May 31,	1,539	\$0.00	\$0.00	3.61%
Virginia Yoder (POA Margo Yoder)	641	\$0.00	\$0.00	1.50%
Joanne Dearth	450	\$0.00	\$0.00	1.06%
Robert Yoder	450	\$0.00	\$0.00	1.06%
Jill Renee Gallotto, as Custodian for Shannon R. Gallotto	319	\$0.00	\$0.00	0.75%
Jill Renee Gallotto, as Custodian for Alexandra N. Gallotto	319	\$0.00	\$0.00	0.75%
Tracy Yoder	286	\$0.00	\$0.00	0.67%
John I. Yoder	276	\$0.00	\$0.00	0.65%
Brad McClain	141	\$0.00	\$0.00	0.33%
Ned McClain	141	\$0.00	\$0.00	0.33%
Johnathan Yoder Hicks	130	\$0.00	\$0.00	0.30%
Lisa Louise Hicks	130	\$0.00	\$0.00	0.30%
Thomas Harry Hicks	130	\$0.00	\$0.00	0.30%
Paul McClain (DECEASED)	129	\$0.00	\$0.00	0.30%
Jack Yoder	111	\$0.00	\$0.00	0.26%
Sam Yoder	111	\$0.00	\$0.00	0.26%
Heidi McClain	47	\$0.00	\$0.00	0.11%
Margo Yoder	47	\$0.00	\$0.00	0.11%
Gary Fleak	34	\$0.00	\$0.00	0.08%
Wendy Yoder	22	\$0.00	\$0.00	0.05%
Total Outstanding Shares	42,617	\$0.00	\$0.00	100.00%
Total Treasury Stock	40,979			
Total Shares 07/29/10	83,596			

As of October 21, 2014

Bist, Kevin

From: Mary Thomas <MThomas@flmedical.org>
Sent: Monday, February 16, 2015 7:45 AM
To: Nelson, Patricia A
Cc: jasonpirozzolo@yahoo.com; Nobo MD, Ralph; hmiller@flmedical.org; Jeff Scott
Subject: FMA Comments - Scorecard Weight

Dear Patricia Nelson,

I write on behalf of the Florida Medical Association to submit comments in response to the scoring percentages attributed to each requirement for a qualified applicant. We were very pleased that the Department of Health was able to thoroughly describe the attributes of a high quality medical director that not only possesses the appropriate knowledge, but the valuable experience needed to oversee the activities of a dispensing organization.

However, based on the negotiated rulemaking committee meeting, only a 5% scoring weight was assigned to the medical director component. This would dramatically marginalize the legislative intent of SB 1030 as applicants would be free to neglect that component of their application.

There are 50,000 licensed physicians in Florida. The state will need to rely on only 5 of those 50,000 to oversee the activities of the dispensing organizations. Why not utilize the application process to attract only the best physicians to serve in this capacity? This can only be done by increasing the weight of the medical director component of the application.

The Florida Medical Association is dedicated to promoting a high standard of quality of care for patients and does not believe that the 5% weight adequately reflects the importance of this role.

Thank you for your thoughtful consideration in this matter. Please do not hesitate to contact me if you have any questions.

Best,

Mary Thomas
Assistant General Counsel
Florida Medical Association