

## **How Are the New Medical Cannabis Limitations Working for Patients?**

**By: Aaron Bloom, CEO, DocMJ**

It has been six years since medical marijuana was legalized by Florida voters and three years since smokable cannabis was legalized in the state for medicinal use. Emergency Rule 64ER22-8 wasn't a surprise to anyone, and there had been several previous attempts to legislate limitations for patients.

After years of discussion, the speed with which the changes were implemented did surprise the medical cannabis community. Many patients were caught off guard by the new restrictions because the changes were implemented by the Florida Department of Health (DOH) as an Emergency Rule with minimal notice to providers, patient advocates, or the public.

Medical cannabis dispensaries and health evaluation providers had to pivot quickly on August 29, 2022, to comply with [Emergency Rule 64ER22-8](#). Patients needed to comply, with short notice, with the new 35-day and 70-day supply limits, which varied depending on the route of administration.

Three months after the implementation of the emergency rule, practitioners are still inundated with exception requests. That is because the unilateral limitation to purchase quantities of medical marijuana (while intended for patient safety) does not universally apply to each patient. This is why the ability to apply for an exception was allowed, even though it is an arduous process.

## **How Much Medical Cannabis Are Patients Allowed to Purchase?**

As Florida's largest medical cannabis health evaluation provider, once Emergency Rule 64ER22-8 was publicized, we experienced a high volume of patient communication. People were understandably concerned about how the new limitations would impact their ability to moderate symptoms effectively.

DocMJ quickly moved to [communicate with our patients](#) and help them understand the terms of the new medical cannabis purchase limitations. Many patients with moderate to severe or intractable pain were very concerned. As well as patients with debilitating symptoms of PTSD, Epilepsy, and individuals receiving Cancer treatments.

# Tips for Understanding Florida's New THC Limits

## Know

The routes affected by this change are the edible, inhalation, oral, sublingual, suppository, and topical routes.

**Smokable flower and CBD are NOT affected by these limits.**



## Understand

You can purchase from any route, up to 24,500 mgs total for each 70-day period.

Route of Administration	Daily Dose Amount	70-Day Supply Limit*
Edibles	60 mg THC	4,200 mg THC
Inhalation (e.g., vaporization)	350 mg THC	24,500 mg THC
Oral (e.g., capsules, tinctures)	200 mg THC	14,000 mg THC
Sublingual (e.g., sublingual tinctures)	190 mg THC	13,300 mg THC
Suppository	195 mg THC	13,650 mg THC
Topical (e.g., creams)	150 mg THC	10,500 mg THC
Marijuana in a form for smoking	2.025 grams	N/A

## Don't Panic!

The "Daily Dose Amount" will not limit how much medication you can purchase in one day! This number is simply used to calculate a 70-day supply.



## Exemptions

**IT IS NOT AN EXEMPTION...It is an EXCEPTION**

Exceptions may be requested, but are not guaranteed. You are able to discuss this with your physician at your regular Follow-Up Visit or by completing a "Change Order Request" on the DocMJ website under Patient Resources and in the Patient Portal. Your Doctor will review this within 7 business days. If approved, your physician will submit your "Request for Exception" form to the state, and **the state will approve or deny your request within 14 business days.**

If you have any questions, you can contact the OMMU at [MedicalMarijuanaUse@FlHealth.gov](mailto:MedicalMarijuanaUse@FlHealth.gov) or call their support line at (850) 245-4657, option 1.

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One of the 'catch-22' situations that the Emergency Rule created was that it would not apply to patients who were currently registered with a valid card. However, the new limitations would take effect once their follow-up appointment and update to their medical cannabis recommendation were completed.

Will this prevent patients from updating their recommendation? Or worse yet, will it lead to attrition or patients resigning from the medical cannabis registry in the state of Florida? It is too soon to tell.

### **What is the Patient's Right to Request an Exception?**

One of the challenges of legislating limits to medical cannabis is accommodating patients with individual needs. Medical marijuana laws in Florida apply to all patients in the OMMU registry. But is it possible to determine a single limitation to purchase quantities that will meet the needs of all patients?

The right to request an exception to Emergency Rule 64ER22-8 was an accommodation for patients and a method to address their needs with a physician and explain how the new restrictions inhibit their ability to manage symptoms. However, many patients felt that the request for an exception would be automatically granted, which was not the case.

Patients who did qualify for a "Change Order Request" with a DocMJ physician were able to complete the "[Request for Exception](#)" (RFE) with the Florida Office of Medical Marijuana Use (OMMU) and then wait for a decision from the OMMU.

### **Some Patients Are Struggling With the New Restrictions**

Every day, our [team of providers](#) and staff support patients who are currently registered medical card holders and individuals looking to join the patient registry. Since the implementation of the Emergency Rule, the feedback from patients has been frequently negative.

Some patients are struggling to "stretch" the new limited quantities of cannabis by minimizing their doses where possible. Imagine having a heart condition and trying to adjust your medication, so you do not run out. The risks associated with poorly controlled physical or mental health symptoms are great.

But that is the reality for many patients with debilitating symptoms. It is not just an inconvenience; it can impede their ability to work, self-care activities, and overall quality of life. For a great number of patients in Florida, the new restrictions have created a substantial hardship.

## **Understanding the Impact on Patients Who Rely on Medical Cannabis**

This sentiment was mirrored by Florida Commissioner of Agriculture and Consumer Services Nikki Fried. On September 8, 2022, Fried wrote a letter urging the Florida Department of Health (DOH) to roll back the new dosage restrictions.

In her [letter to Florida Surgeon General](#) Dr. Ladapo, Nikki Fried states:

*“By limiting patients to purchasing only a maximum of 24,500 milligrams of THC over a 70-day period and a limit of 2.5 ounces of smokable cannabis in a 35-day period, the state is overriding the professional judgment of doctors and endangering the health of patients. Many patients require the ability to purchase a higher dosage in multiple forms in order to test combinations and find the best balance to treat their particular condition in consultation with their doctor.”*

DocMJ is assisting patients who qualify for an exception to Emergency Rule 64ER22-8. However, the growing sentiment is that some patients, unable to acquire medical marijuana through dispensaries, will seek out alternative methods.

This could present an even greater risk to public health and safety, with an increase in Floridians using cannabis without medical supervision and guidance.