RESOLUTION 14-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA OPPOSING AMENDMENT #2 AND LIMITING POINTS OF SALE/DISTRIBUTION

WHEREAS, the Florida Right to Medical Marijuana Initiative, Amendment 2 is on the November 4, 2014 ballot in the State of Florida as an initiated constitutional amendment.

WHEREAS, the measure, upon voter approval, would legalize medical marijuana. Specifically, the measure would guarantee the following:

- That medical use of marijuana by a qualifying patient is not subject to criminal or civil liability or sanctions under state law.
- That a licensed physician or caregivers are not subject to criminal or civil liability or sanctions for issuing medical marijuana to a person diagnosed with a "debilitating medical condition" under state law.
- That registered medical marijuana treatment centers are not subject to criminal or civil liability or sanctions under state law.

WHEREAS, the measure defines a "debilitating medical condition" or other conditions for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient.

THEREFORE, BE IT BE RESOLVED THAT in the event that Amendment #2 is adopted, the following matters need to be addressed by the City:

Section 1. Amendment 2 authors define "debilitating medical condition" as any condition such as but not limited to back pain or trouble sleeping.

Section 2. Amendment 2 allows "caregivers" to dispense medical marijuana. Medical training for caregivers is undefined. It is unclear whether caregivers can have a criminal record.

Section 3. Under Amendment 2, minors may be able to legally obtain medical marijuana without their parents' consent.

Section 4. Amendment 2 places no restriction on the location of points of sale/distribution. Points of sale/distribution can spring up next to parks, schools and churches.

Section 5. If Amendment #2, is approved by the voters, only full service pharmacies open to the public a minimum of 60 hours per week with ground level

parking access adjacent to the pharmacy and such pharmacy shall be licensed by the Federal Government for dispensing narcotics shall be locations authorized to dispense medical marijuana within the corporate limits of the City of Marco Island.

Passed in open and regular session of the City Council of the Marco Island, Florida this 20th day of October, 2014.

Attest:

Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

BY: Kenneth E. Honecker, Chairman

Approved as to form and legal sufficiency:

Burt L Saunders, City Attorney