

Cannabis



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Florida's Medical Marijuana Rules Enter Their Next Phase

Florida's medical marijuana rules are finally moving into a more permanent posture.

That may sound like administrative housekeeping. It is not. For medical marijuana treatment centers ("MMTCs"), investors, lenders, landlords, vendors, and physicians participating in Florida's program, the shift from emergency rules to regular rulemaking is one of the more important regulatory developments in the state's medical cannabis market.

Florida's medical marijuana program has long been shaped by emergency rules. That structure traces back to the Legislature's 2017 implementation of Amendment 2 through SB 8-A, codified in part at section 381.986, Florida Statutes. The Legislature directed the Department of Health Office of Medical Marijuana Use (the "Department" or "OMMU") and applicable boards to adopt emergency rules to implement Florida's medical marijuana laws and, importantly, relieved the Department from the usual requirement to make findings of an immediate danger to the public health, safety, or welfare before using emergency rulemaking.

That technical carveout mattered. Under ordinary Florida administrative law, emergency rules are supposed to be reserved for true emergencies. Florida's medical marijuana framework was different. The Legislature gave the Department a special emergency-rule runway to get the program operating quickly after the constitutional amendment.

That implementation runway has now ended, and the rulebook is moving into its permanent phase.

WHY ARE THE EMERGENCY RULES BEING REPLACED?

Florida's special medical marijuana emergency-rule authority was never meant to be the permanent architecture of the program.

Chapter 2017-232 required emergency rules to implement the medical marijuana statute, but also contemplated that those emergency rules would be replaced through nonemergency rulemaking. The Joint Administrative Procedures Committee recognized this structure early on, noting that the Department was required to initiate nonemergency rulemaking to replace emergency rules adopted under the 2017 law.

The Legislature has continued to manage that transition. Chapter 2025-199 extended, for one fiscal year, the exemption of certain medical marijuana rules from specified rulemaking requirements and also addressed rules adopted to replace emergency rules.

That is the technical piece: OMMU is not merely “updating” rules. It is replacing a body of emergency rules that existed because the Legislature created a special implementation mechanism for the medical marijuana program.

WHAT IS MOVING INTO REGULAR RULEMAKING

OMMU has identified a broad set of rule topics for replacement of emergency rules, including:

- MMTC licensure
- MMTC renewal requirements
- Financial assurance
- Trade names and logos
- Packaging and labeling
- Website purchasing
- Seed-to-sale tracking system integration
- Seed-to-sale tracking procedures
- Caregiver background screening
- Dosing and supply limits
- Edibles
- Solvent-based extraction

These are not peripheral issues. They are core operating rules for the Florida medical marijuana market. For example, OMMU’s June 2026 workshop addressed proposed rules covering edibles, renewal requirements, financial assurance, trade name and logo, packaging and labeling, seed-to-sale tracking, and dosing limits.

That means operators should not view this as a background administrative project. The rule conversion process reaches licensing, product design, branding, inventory controls, patient access, and operational continuity.

WHY REGULAR RULEMAKING CHANGES THE BUSINESS DYNAMIC

Emergency rules move quickly. Regular rules create a different process. Under Florida’s Administrative Procedure Act, rulemaking is not a matter of agency discretion. Agency statements that qualify as rules must be adopted through the rulemaking process as soon as feasible and practicable, and that process is designed to give affected persons fair notice of agency procedures, standards, criteria, and decision-making principles.

That matters for MMTCs because regular rulemaking can create:

- more predictable regulatory standards;
- more developed administrative records;
- more opportunities for stakeholder comments;
- more room for cost and operational impact analysis;
- more formalized grounds for rule challenges; and
- less tolerance for informal “we have always done it this way” compliance practices.

In other words, as the rules become more permanent, compliance expectations become more concrete.

PRODUCT, BRANDING, AND DEVICE RULES DESERVE ATTENTION

The most immediate business impact may be in areas where regulatory requirements intersect with consumer-facing operations. Packaging and labeling remain high-risk areas because Florida law prohibits packaging and marketing practices that are “attractive to children,” including cartoons, toys, animals, food imagery, depictions of minors, or reasonable likenesses to commercially available candy.

Delivery devices also deserve attention. Florida’s emergency rule on marijuana delivery devices requires Department approval and imposes detailed appearance restrictions, including limits on colors, text, logos, and what may appear on the device.

Those requirements affect more than legal review. They affect procurement, packaging timelines, vendor management, inventory planning, marketing approval, and launch strategy.

WHAT MMTCS SHOULD BE DOING NOW

Florida operators should use this transition to tighten the connection between the rulebook and day-to-day practices.

A practical review should include:

- 1. Rule mapping.** Identify which emergency rules are being replaced and which parts of the business each proposed rule touches.
- 2. SOP reconciliation.** Compare written SOPs against actual operations. If the SOP says one thing and employees do another, fix the mismatch.
- 3. Product approval workflow.** Build a documented review process for packaging, labeling, trade names, logos, delivery devices, website content, and patient-facing materials.
- 4. Seed-to-sale controls.** Confirm that inventory tracking, reconciliation, exception handling, and reporting procedures match both the technology and the rule requirements.
- 5. Renewal and financial assurance calendars.** Treat renewal and financial assurance rules as board-level risk items, not purely compliance-department tasks.
- 6. Vendor alignment.** Make sure device suppliers, packaging vendors, labs, marketing teams, and consultants understand Florida-specific requirements.

THE FEDERAL BACKDROP

The Florida transition is happening while federal policy is also shifting. DOJ and DEA have placed FDA-approved marijuana products and certain state-licensed medical marijuana products in Schedule III, while a broader federal rescheduling process continues.

That does not displace Florida's rules. If anything, it makes clean state compliance more important. Any future federal framework will likely depend heavily on whether operators can demonstrate licensure, product controls, recordkeeping, and compliance with state medical programs.

THE BOTTOM LINE

Florida's medical marijuana program is not new anymore. Its rulebook is starting to reflect that. The move from emergency rules to regular rules is a technical administrative transition, but it has practical business consequences. The companies best positioned for the next phase will be those that treat this as more than a paperwork exercise.

For Florida MMTCs, the question is not simply whether the business is licensed. The better question is whether the business is ready to operate under a more permanent, more detailed, and more closely scrutinized regulatory framework.

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