

Mission:

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



Ron DeSantis
Governor

Joseph A. Ladapo, MD, PhD
State Surgeon General

Vision: To be the **Healthiest State** in the Nation

Sent via Electronic Delivery

August 12, 2022

ACS Laboratory, LLC
c/o Aixia Sun
721 Cortaro Drive
Sun City Center, FL 33573
asun@acslabtest.com

Re: Notice of Violation

Reference Number – 00009152

Dear Ms. Sun,

The Florida Department of Health (“Department”) has determined that ACS Laboratory, LLC (“ACS”), a Certified Marijuana Testing Laboratory (“CMTL”) engaged in an activity that was not in compliance with Emergency Rule 64ER20-39.

On July 19, 2022, the Department received a failing Certificate of Analysis (“COA”) from ACS for Trulieve TruFlower Mandarin Cookies, Retail Batch #19200_0002665944 (“Retail Batch 1”), CMTL Batch # AADC123. On July 26, 2022, the Department received a data package from ACS for the retesting of Retail Batch 1. The original COA (CMTL Batch # AADC123) and the retesting COAs (CMTL Batch #s AADD115 and AADD116) all show Usable Whole Flower potency calculated in percentage at dry weight and the total milligrams THC reported at wet weight.

On July 28, 2022, the Department received a data package from ACS for Trulieve TruFlower Dream Hunter, Retail Batch #29413_0002443796 (“Retail Batch 2”), CMTL Batch # AADD781. In the data package for Retail Batch 2, the retesting COAs (CMTL Batch #s AADD780 and AADD781) also show Usable Whole Flower potency calculated in percentage at dry weight and the total milligrams THC reported at wet weight.

Emergency Rule 64ER20-39(3) states that “Usable Whole Flower Potency must be reported at the CMTL-tested Moisture content.” A CMTL that reports false or inaccurate information on a COA is subject to penalties ranging from \$1,000 to \$10,000 per violation. *Emergency Rule 64ER22-5(11)(xx)*.

Based on the forgoing, the Department is fining ACS as follows:

- \$3,000.00 for reporting false or inaccurate information on three COAs for Trulieve’s TruFlower Mandarin Cookies, Retail Batch #46925_0002641021(CMTL Batch #s AADC123, AADD115, and AADD116); and

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- \$2,000 for reporting false or inaccurate information on two COAs for Trulieve's TruFlower Dream Hunter, Retail Batch #29413_0002443796 (CMTL Batch #s AADD780 and AADD781).

ACS must deliver to the Department a total payment of \$5,000.00 no later than 21 calendar days from the date of this letter. The reference number noted above must be included with payment to ensure it is applied appropriately.

Further, ACS must submit a written corrective action plan to resolve the identified violations, compliant with Emergency Rule 64ER22-5(4), within 7 calendar days of receipt of this letter.

If any responses contain confidential information, ACS must identify the specific public records exemption claimed at the time of submittal and provide an accompanying redacted version of the document(s) with only the confidential portion redacted, by submitting to OMMUlabs@flhealth.gov.

If you have any questions, please contact the Department directly for assistance.

Please mail the check to:

Florida Department of Health
Attn: Office of Medical Marijuana Use
4052 Bald Cypress Way, Bin M-01
Tallahassee, FL 32399

Sincerely,

Christopher Ferguson

Christopher Ferguson, Director
Office of Medical Marijuana Use

cc:

NOTICE OF RIGHTS

This letter is agency action for purposes of section 120.569, Florida Statutes. A party whose substantial interest is affected by this action may petition for an administrative hearing pursuant to sections 120.569 and 120.57, Florida Statutes. A petition must be filed in writing and must be received by the Agency Clerk within twenty-one (21) days from receipt of this notice.

The petition may be mailed to the Agency Clerk, Department of Health, 4052 Bald Cypress Way, BIN #A-02, Tallahassee, FL 32399- 1703; hand delivered to the Agency Clerk, Department of Health, 2585 Merchants Row Blvd., Prather Building, Suite 110, Tallahassee, FL; or sent by facsimile to (850) 413-8743. Such petition must be filed in conformance with Florida Administrative Code Rules 28-106.201 or 28-106.301, as applicable.

Mediation is not available.

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Failure to file a petition within 21 days shall constitute a waiver of the right to a hearing on this agency action.