

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

July, 26 2022

ACS Laboratory, LLC
c/o Yasmin Lee
721 Cortaro Drive
Sun City Center, FL 33573
ylee@acslabtest.com

Re: Notice of Violation

Reference Number: 00008925

Dear Ms. Lee,

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 7, 2022, the Department received a notification of destruction from Trulieve regarding TruPod-1G-CO2-SIP, Retail Batch #46925_0002641021 ("retail batch"). The Certificate of Analysis (COA) provided by Trulieve indicated that testing for the retail batch was completed on June 18, 2022. Prior to Trulieve's notification, the Department had not received information regarding failed testing for this retail batch.

Emergency Rule 64ER20-39(1)(e) states that "[a]ll failures must be reported to the department by providing the COA for the failed Retail Batch via email to OMMUlabs@flhealth.gov within 24 hours of verification of the COA. For the purposes of this rule, a test result is considered verified when the Laboratory Director, or other qualified and authorized Employee, confirms the accuracy of the results in the COA."

Further, Emergency Rule 64ER22-5(11)(ddd) states failing to report testing failures to the department is a violation with penalties ranging from \$5,000 to \$10,000 fine.

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

- \$5,000 for failure to provide notice to the Department, as required, regarding the failed testing status of TruPod-1G-CO2-SIP, Retail Batch #46925_0002641021.

ACS must deliver to the Department a total payment of \$5000.00, 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.

ACS Laboratory
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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.

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