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November 6, 2024

From: Jason K. Castro, Esq.
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To: Chief Administrative Law Judge John J. Mulrooney, II
Office of Administrative Law Judges
Drug Enforcement Administration
8701 Morrissette Drive
Springfield, VA 22152
Email: ECF-DEA@dea.gov

Subject: **Notice of Intention to Participate in DEA Hearing on Proposed Rescheduling of Marijuana (Docket No. DEA-1362) individually and on behalf of The Doc App, Inc., and Notice of Appearance as Counsel as attorney for Nicholas Garulay, and The Doc App, Inc.**

Dear Chief Judge Mulrooney,

In compliance with the Preliminary Order issued on October 31, 2024, I am submitting this Notice of Intention to Participate in the DEA hearing on the proposed rescheduling of marijuana from Schedule I to Schedule III of the Controlled Substances Act.

1. Name, Address, Phone Number, and General Nature of Business:

- **Name:** Jason K. Castro, Esq.
- **For:** Individually and on behalf of Nicholas Garulay, and The Doc App, Inc.
- **Business Address:** 4055 1st Ave SW, Naples, FL 34119
- **Phone:** (833) 665-3279
- **Email:** JasonCastro@MyFloridaGreen.com

- **General Nature of Business:** I am the In-House Counsel for The Doc App, Inc., doing business as My Florida Green. Our platform, serving over 41,000 medical marijuana patients in Florida, empowers patients with data-driven insights through our **Condition Database** and **Drug Database**, which provide comprehensive information on strain efficacy, side effects, and dosage recommendations tailored to various conditions. This enables patients to make informed decisions about strains, dosages, and delivery methods. Our mission is to bring safety, transparency, affordability, and compliance to medical marijuana treatment, particularly for veterans and other vulnerable populations who rely on real-time analytics to navigate their treatment safely. These services are provided while also preserving patient privacy standards in a HIPPA compliant platform.

2. Notice of Appearance:

I wish to participate in this hearing individually and as attorney for Nicholas Garulay and The Doc App, Inc., a technology company operating in the medical marijuana sector. As an attorney licensed in Florida (Fla. Bar No. 118604), an Army veteran, and a former law enforcement officer, I bring a unique perspective on regulatory needs for medical marijuana, with a particular focus on veterans' healthcare, patient safety, and market accessibility.

3. Date of Request for Hearing/Participation Filed with DEA:

The initial Notice of Intention to Participate was filed with the DEA on September 24, 2024, per the NPRM and General Notice of Hearing.

4. How We Are Adversely Affected or Aggrieved:

While rescheduling marijuana to Schedule III is a positive step, several critical issues must be addressed to ensure a fair, accessible, and patient-centric medical marijuana market:

- **Licensing Affordability and Accessibility:** A federally approved medical marijuana system must ensure that licensing fees are reasonable, allowing new and smaller businesses, not just mega-dispensaries, to enter the market. Licensing should be affordable for growers, sellers, and testing labs alike, so the industry does not become dominated by a few well-funded players. Accessible licensing would foster healthy competition, allowing patients to choose from a range of dispensaries, products, and providers, which is essential for a safe, effective marketplace.
- **Problems with Vertical Integration:** The federal approved medical marijuana industry should avoid a vertically integrated model, where the same entity controls cultivation, processing, and sales. Vertical integration risks creating monopolies, reduces market competition, and may compromise patient care by prioritizing profit over safety. A fair licensing system that separates these roles would benefit patients by ensuring that each stage—growing, testing, and selling—is held to high standards and open to a diverse array of businesses focused on patient care.
- **The Self-Treatment Model and the Need for Real-Time Analytics:** Marijuana is unique in its varied effects on individuals, with no universal strain, dose, or ingestion method that works consistently for everyone. For this reason, medical marijuana should remain a self-

treatment model, where patients have the freedom to select strains and methods that best meet their needs. However, for this model to be safe and effective, patients must have access to real-time analytics on strain options, effects, and availability. Platforms like The Doc App provide patients with the tools to make these informed decisions at dispensaries, supporting self-treatment with reliable, data-backed insights.

- **Distinguishing Medical Marijuana in Federal Healthcare Programs:** Rescheduling marijuana opens the potential for its inclusion under federal healthcare programs like the VA and Medicare, particularly for veterans managing PTSD, chronic pain, and other complex conditions. Including medical marijuana in federal healthcare coverage would expand equitable access for patients who rely on these programs, setting a precedent for integrating medical marijuana into mainstream healthcare.
- **Federal Research Mandates for Evidence-Based Standards:** To create a safe and effective market, rescheduling should come with federally supported research mandates focused on establishing evidence-based standards around strain efficacy, dosing, and delivery methods. By collaborating with approved dispensaries and patient platforms like The Doc App, the federal government can develop reliable guidelines, ensuring that patients and providers have the data they need to make informed choices.
- **Patient Safety and Education Programs:** Ensuring responsible medical marijuana usage requires that federally approved dispensaries offer patient education initiatives. Partnering with platforms like The Doc App to educate patients on strain types, dosages, and ingestion methods would be invaluable, especially for veterans and other patients navigating complex conditions. Federally approved dispensaries should be required to incorporate education into their services to ensure that patients have the information necessary for safe and effective treatment.

5. Position on the Rescheduling Action:

While I support rescheduling marijuana to Schedule III, I strongly urge the DEA to consider the following actions to support a fair, accessible, and patient-focused medical marijuana market:

- **Set Affordable and Accessible Licensing Standards:** Ensure that licensing fees for dispensaries, growers, and testing labs are affordable to encourage competition and prevent market dominance by a few large players. Keeping entry costs reasonable will support a diverse, patient-centered marketplace.
- **Prohibit Vertical Integration to Foster Market Competition:** Implement a regulatory framework that separates cultivation, testing, and retail sales, promoting a fair and diverse market that prioritizes patient safety over corporate profit.
- **Maintain a Self-Treatment Model Supported by Real-Time Data:** Federal approval should encourage a self-treatment approach, supported by platforms like The Doc App that provide patients with real-time analytics on strain efficacy, dosage, and delivery options. This ensures that patients, especially those with unique medical needs, have the tools to make informed decisions in dispensaries.
- **Distinguish Medical Marijuana under Federal Healthcare Programs:** Advocate for the inclusion of medical marijuana under federal healthcare programs, making it accessible for veterans and low-income patients who rely on federal programs for essential treatments.

- **Implement Federal Research Mandates:** Establish federal research initiatives focused on evidence-based standards for dosing, strain efficacy, and safe treatment protocols, leveraging patient data and insights from dispensaries and platforms like The Doc App.
- **Require Patient Education Programs in Federally Approved Dispensaries:** Mandate that dispensaries, insurance companies, Medicaid programs, and most importantly the Veterans Administration, partner with platforms like The Doc App or implement their own education programs, ensuring patients are informed on strain selection, real-time product data, safe dosing, and ingestion methods to support a safe self-treatment model.

6. Known Conflicts of Interest:

I have no known conflicts of interest with DEA or DOJ personnel.

Sincerely,

/s/ Jason K. Castro, Esq.

Jason K. Castro
Fla. Bar.: 118604

cc: Nicholas Garulay, Individually and as President and CEO, The Doc App, Inc.