

1 A bill to be entitled
2 An act relating to the medical use of marijuana;
3 creating s. 381.99, F.S.; providing a short title;
4 creating s. 381.991, F.S.; defining terms; creating s.
5 381.992, F.S.; allowing registered patients and
6 designated caregivers to purchase, acquire, and
7 possess medical-grade marijuana subject to specified
8 requirements; allowing a cultivation and processing
9 licensee, employee, or contractor to acquire,
10 cultivate, transport, and sell marijuana under certain
11 circumstances; allowing a retail licensee to purchase,
12 receive, possess, store, dispense, and deliver
13 marijuana under certain circumstances; allowing a
14 licensed laboratory to receive marijuana for
15 certification purposes; prohibiting certain actions
16 regarding the acquisition, possession, transfer, use,
17 and administration of marijuana; clarifying that a
18 person is prohibited from driving under the influence
19 of marijuana; creating s. 381.993, F.S.; specifying
20 registration requirements for a patient identification
21 card; allowing a qualified patient to designate a
22 caregiver subject to certain requirements; requiring
23 notification by the Department of Health of the denial
24 of a designated caregiver's registration; requiring
25 the department to create certain patient registration
26 and certification forms for availability by a

27 | specified date; requiring the department to update a
28 | patient registry and issue an identification card
29 | under certain circumstances within a specified
30 | timeframe; specifying the requirements of the
31 | identification card, including expiration and renewal
32 | requirements; providing notification and return
33 | requirements if the department removes the patient or
34 | caregiver from the registry; creating s. 381.994,
35 | F.S.; requiring the department to create an online
36 | patient registry by a specified date subject to
37 | certain requirements; creating s. 381.995, F.S.;
38 | requiring the department to establish standards and
39 | develop and accept licensure application forms for the
40 | cultivation, processing, and sale of marijuana by a
41 | specified date subject to certain requirements;
42 | providing for an initial application fee, a licensure
43 | fee, and a renewal fee for specified licenses;
44 | requiring the department to issue certain licenses by
45 | specified dates; specifying requirements for a
46 | cultivation and processing license, including
47 | expiration and renewal requirements; specifying
48 | facility requirements for a cultivation and processing
49 | licensee, including inspections and the issuance of
50 | cultivation and processing facility licenses; allowing
51 | a dispensing organization to use a contractor to
52 | cultivate and process marijuana subject to certain

53 requirements; directing a dispensing organization or
54 contractor to destroy all marijuana byproducts under
55 certain conditions within a specified timeframe;
56 allowing a cultivation and processing licensee to
57 sell, transport, and deliver marijuana products under
58 certain circumstances; prohibiting the Department of
59 Health from licensing retail facilities in a county
60 unless the board of county commissioners for that
61 county determines by ordinance the number and location
62 of retail facilities subject to certain limitations;
63 specifying the application requirements for a retail
64 license; requiring the department to consider certain
65 factors when issuing retail licenses to encourage a
66 competitive marketplace; providing expiration and
67 renewal requirements for a retail license; requiring
68 inspection of a retail facility before dispensing
69 marijuana; providing dispensing requirements; allowing
70 retail licensees to contract with certain types of
71 carriers to deliver marijuana under certain
72 circumstances; prohibiting a licensee from advertising
73 marijuana products; specifying inspection, license,
74 and testing requirements for certain facilities;
75 requiring the department to create standards and
76 impose penalties for a dispensing organization subject
77 to certain restrictions; requiring the department to
78 maintain a public, online list of all licensed retail

79 facilities; creating s. 381.996, F.S.; providing
80 patient certification requirements relating to
81 qualified patients; requiring a physician to transfer
82 an order and update the registry subject to certain
83 requirements and time restraints; requiring physician
84 education; creating s. 381.997, F.S.; requiring
85 testing, certification, and reporting of results by an
86 independent laboratory before distribution or sale of
87 marijuana or marijuana products; providing package and
88 label requirements; requiring the department to
89 establish quality standards and testing procedures by
90 a certain date; creating s. 381.998, F.S.; providing
91 criminal penalties; creating s. 381.999, F.S.;
92 establishing that this act does not require or
93 restrict health insurance coverage for the purchase of
94 medical-grade marijuana; creating s. 381.9991, F.S.;
95 providing rulemaking authority; providing an effective
96 date.

97
98 Be It Enacted by the Legislature of the State of Florida:

99
100 Section 1. Section 381.99, Florida Statutes, is created to
101 read:

102 381.99 Short title.—Sections 381.99–381.9991 may be cited
103 as "The Florida Medical Marijuana Act."

104 Section 2. Section 381.991, Florida Statutes, is created

105 to read:

106 381.991 Definitions.—As used in ss. 381.991-381.9991 the
107 term:

108 (1) "Allowed amount of medical-grade marijuana" means the
109 amount of medical-grade marijuana, or the equivalent amount in
110 processed form, which a physician may determine is necessary to
111 treat a registered patient's qualifying condition for 30 days.

112 (2) "Batch" means a specifically identified quantity of
113 processed marijuana that is uniform in strain; cultivated using
114 the same herbicides, pesticides, and fungicides; and harvested
115 at the same time from a single licensed cultivation and
116 processing facility.

117 (3) "Cultivation and processing facility" means a facility
118 licensed by the department for the cultivation of marijuana, the
119 processing of marijuana, or both.

120 (4) "Cultivation and processing license" means a license
121 issued by the department which authorizes the licensee to
122 cultivate or process, or to both cultivate and process,
123 marijuana at one or more cultivation and processing facilities.

124 (5) "Department" means the Department of Health.

125 (6) "Designated caregiver" means a person who is
126 registered with the department as the caregiver for one or more
127 registered patients.

128 (7) "Dispense" means the transfer or sale at a retail
129 facility of the allowed amount of medical-grade marijuana from a
130 dispensing organization to a registered patient or the patient's

131 designated caregiver.

132 (8) "Dispensing organization" means an organization that
133 holds a cultivation and processing license, a retail license, or
134 both.

135 (9) "Identification card" means a card issued by the
136 department only to registered patients and designated
137 caregivers.

138 (10) "Marijuana" has the same meaning as the term
139 "cannabis" in s. 893.02.

140 (11) "Medical-grade marijuana" means marijuana that has
141 been tested in accordance with s. 381.997; meets the standards
142 established by the department for sale to registered patients;
143 and is packaged, labeled, and ready to be dispensed.

144 (12) "Medical marijuana patient registry" means an online
145 electronic registry created and maintained by the department to
146 store identifying information for all registered patients and
147 designated caregivers.

148 (13) "Medical use" means the acquisition, possession,
149 transportation, use, and administration of the allowed amount of
150 medical-grade marijuana. The term does not include the use or
151 administration of medical-grade marijuana by, or possession of
152 medical-grade marijuana for, smoking.

153 (14) "Physician" means a physician who is licensed under
154 chapter 458 or chapter 459, has an effective federal Drug
155 Enforcement Administration Registration number, and meets the
156 requirements of s. 381.996(4).

157 (15) "Qualified patient" means a resident of this state
 158 who has been certified by a physician and diagnosed as suffering
 159 from:

160 (a) Cancer;

161 (b) Positive status for human immunodeficiency virus
 162 (HIV);

163 (c) Acquired immune deficiency syndrome (AIDS);

164 (d) Epilepsy;

165 (e) Amyotrophic lateral sclerosis (ALS);

166 (f) Multiple sclerosis;

167 (g) Crohn's disease;

168 (h) Parkinson's disease; or

169 (i) A terminal illness.

170 (16) "Registered patient" means a qualified patient who
 171 has registered with the department and has been issued a medical
 172 marijuana registry identification card.

173 (17) "Retail facility" means a facility licensed by the
 174 department to dispense medical-grade marijuana to registered
 175 patients and caregivers.

176 (18) "Retail license" means a license issued by the
 177 department which authorizes the licensee to dispense medical-
 178 grade marijuana to registered patients and caregivers from a
 179 retail facility.

180 (19) "Terminal illness" means a medical prognosis, as
 181 determined by a physician, with a life expectancy of 1 year or
 182 less if the illness runs its normal course.

183 Section 3. Section 381.992, Florida Statutes, is created
 184 to read:

185 381.992 Medical-grade marijuana.—

186 (1) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
 187 any other law, but subject to the requirements in ss. 381.991-
 188 381.9991, a registered patient or his or her designated
 189 caregiver may purchase, acquire, and possess up to the allowed
 190 amount of medical-grade marijuana, including paraphernalia, for
 191 that patient's medical use. In order to maintain the protections
 192 under this section, a registered patient or his or her
 193 designated caregiver must demonstrate that:

194 (a) He or she is legally in possession of the medical-
 195 grade marijuana, by producing his or her medical marijuana
 196 identification card; and

197 (b) Any marijuana in his or her possession is within the
 198 registered patient's allowed amount of marijuana, by producing a
 199 receipt from the dispensing organization.

200 (2) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
 201 any other law, but subject to the requirements in ss. 381.991-
 202 381.9991, a cultivation and processing licensee and an employee
 203 or contractor of a cultivation and processing licensee may
 204 acquire, cultivate, and possess marijuana while on the property
 205 of a cultivation and processing facility; may transport
 206 marijuana between licensed facilities owned by the licensee; may
 207 transport marijuana to independent laboratories for
 208 certification as medical-grade marijuana; and may transport and

209 sell medical-grade marijuana to retail facilities.

210 (3) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
211 any other law, but subject to the requirements in ss. 381.991-
212 381.9991, a retail licensee and an employee of a retail licensee
213 may purchase and receive medical-grade marijuana from a
214 cultivation and processing licensee or its employee or
215 contractor; may possess, store, and hold medical-grade marijuana
216 for retail sale; and may dispense the allowed amount of medical-
217 grade marijuana to a registered patient or designated caregiver
218 at a retail facility. A retail licensee and an employee or
219 contractor of a retail licensee may deliver medical-grade
220 marijuana to the residence of a registered patient.

221 (4) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
222 any other law, but subject to the requirements in ss. 381.991-
223 381.9991, a licensed laboratory and an employee of an
224 independent testing laboratory may receive and possess marijuana
225 for the sole purpose of testing the marijuana for certification
226 as medical-grade marijuana.

227 (5) This section does not authorize:

228 (a) The acquisition, purchase, transportation, use,
229 possession, or administration of any type of marijuana other
230 than medical-grade marijuana by a registered patient or
231 designated caregiver.

232 (b) The use of medical-grade marijuana by anyone other
233 than the registered patient for whom the medical-grade marijuana
234 was ordered.

235 (c) The transfer or administration of medical-grade
236 marijuana to anyone other than the registered patient for whom
237 the medical-grade marijuana was ordered.

238 (d) The acquisition or purchase of medical-grade marijuana
239 by a registered patient or designated caregiver from an entity
240 other than a dispensing organization that has a retail license.

241 (e) A registered patient or designated caregiver to
242 transfer medical-grade marijuana to a person other than the
243 patient for whom the medical-grade marijuana was ordered or to
244 any entity except for the purpose of returning unused medical-
245 grade marijuana to a dispensing organization.

246 (f) The recommendation of medical-grade marijuana to a
247 minor without the written consent of a parent or guardian.

248 (g) The use or administration of medical-grade marijuana:

249 1. On any form of public transportation.

250 2. In any public place.

251 3. In a registered patient's place of work, if restricted
252 by his or her employer.

253 (h) The possession, use, or administration of medical-
254 grade marijuana:

255 1. In a state correctional institution, as defined in s.
256 944.02(8), or a correctional institution, as defined in s.
257 944.241(2)(a);

258 2. On the grounds of any preschool, primary school, or
259 secondary school; or

260 3. On a school bus.

261 (6) This section does not exempt any person from the
262 prohibition against driving under the influence provided in s.
263 316.193.

264 Section 4. Section 381.993, Florida Statutes, is created
265 to read:

266 381.993 Medical marijuana patient and designated caregiver
267 registration.—

268 (1) In order to register for an identification card, a
269 qualified patient must submit to the department:

270 (a) A patient registration form;

271 (b) Proof of Florida residency; and

272 (c) A passport-style photograph taken within the previous
273 90 days.

274 (2) For a qualified patient to be registered and to
275 receive an identification card, a physician must submit a
276 patient-certification form directly to the department which
277 includes certification by the physician that the patient suffers
278 from one or more qualifying conditions specified in s.
279 381.991(15).

280 (3) If a qualified patient is under 21 years of age, a
281 second physician must also submit a patient-certification form
282 that meets the requirements of subsection (2).

283 (4) The patient-certification form may be submitted
284 through the department website.

285 (5) A qualified patient may, at initial registration or
286 while a registered patient, designate a caregiver to assist him

287 or her with the medical use of medical-grade marijuana. A
288 designated caregiver must be at least 21 years of age and must
289 meet the background screening requirements in s. 408.809 unless
290 the caregiver is assisting only his or her own spouse, parents,
291 children, or siblings. A designated caregiver may not be
292 registered to assist more than one patient at any given time
293 unless:

294 (a) All of the caregiver's registered patients are the
295 caregiver's parents, siblings, or children;

296 (b) All of the caregiver's registered patients are first
297 degree relations to each other who share a residence; and

298 (c) All of the caregiver's registered patients reside in
299 an assisted living facility, nursing home, or other such
300 facility and the caregiver is an employee of that facility.

301 (6) If the department determines, for any reason, that a
302 caregiver designated by a registered patient may not assist that
303 patient, the department must notify that patient of the denial
304 of the designated caregiver's registration.

305 (7) The department must create a registration form and a
306 patient-certification form and make the forms available to the
307 public by January 1, 2016. The registration form must require
308 the patient to include, at a minimum, the information required
309 to be on the patient's identification card and on his or her
310 designated caregiver's identification card if the patient is
311 designating a caregiver.

312 (8) Beginning on July 1, 2016, when the department

313 receives a registration form, the supporting patient-
314 certification form, and proof of the patient's residency, the
315 department must, within 14 days:

316 (a) Enter the qualified patient's and his or her
317 designated caregiver's information into the medical marijuana
318 patient registry; and

319 (b) Issue an identification card to the qualified patient
320 and to that patient's designated caregiver, if applicable. The
321 department is not required to issue an additional identification
322 card to a designated caregiver who already possesses a valid
323 identification card when that caregiver becomes registered as
324 the caregiver for additional registered patients unless the
325 required information has changed. The expiration date for a
326 designated caregiver's identification card must coincide with
327 the last occurring expiration date on the identification card of
328 the patient the caregiver is registered to assist.

329 (9) Identification cards issued to registered patients and
330 designated caregivers must be resistant to counterfeiting and
331 include, but not be limited to, all of the following
332 information:

333 (a) The person's full legal name.

334 (b) The person's photograph.

335 (c) A randomly assigned identification number.

336 (d) The expiration date of the identification card.

337 (10) Except as provided in paragraph (8)(b), patient and
338 caregiver identification cards expire 1 year after the date they

339 are issued. In order to renew an identification card, a
340 qualified patient must submit proof of continued residency and a
341 physician must certify to the department:

342 (a) That he or she has examined the patient during the
343 course of the patient's treatment with medical-grade marijuana.

344 (b) That the patient suffers from one or more qualifying
345 conditions.

346 (c) That, in the physician's good faith medical judgment,
347 the use of medical-grade marijuana gives the patient some relief
348 from the symptoms of the qualifying condition.

349 (d) The allowed amount of medical-grade marijuana that the
350 physician orders for the patient's use.

351 (11) Should the department become aware of information
352 that would disqualify a patient or caregiver from being
353 registered, the department must notify that person of the change
354 in his or her status as follows:

355 (a) For registered patients, the department must give
356 notice at least 30 days before removing that patient from the
357 registry. The patient must return all medical-grade marijuana,
358 medical-grade marijuana products, and his or her identification
359 card to a retail facility within 30 days after receiving such
360 notice. A dispensing organization must notify the department
361 within 24 hours after it has received such a return. Such
362 notification may be submitted electronically.

363 (b) For designated caregivers, the department must give
364 notice to the registered patient and the designated caregiver at

365 least 15 days before removing a caregiver from the registry. The
366 caregiver must return his or her identification card to a retail
367 facility within 15 days after receiving such notice. A
368 dispensing organization must notify the department within 24
369 hours after it has received such a return. Such notification may
370 be submitted electronically.

371 Section 5. Section 381.994, Florida Statutes, is created
372 to read:

373 381.994 Electronic medical marijuana patient registry.—

374 (1) By July 1, 2016, the department must create a secure,
375 online, electronic medical marijuana patient registry containing
376 a file for each registered patient and caregiver and for each
377 certifying physician consisting of, but not limited to, all of
378 the following:

379 (a) For patients and caregivers:

380 1. His or her full legal name;

381 2. His or her photograph;

382 3. The randomly assigned identification number on his or
383 her identification card; and

384 4. The expiration date of the identification card.

385 (b) For physicians, the physician's full legal name and
386 license number.

387 (c) For a registered patient:

388 1. The full legal name of his or her designated caregiver,
389 if any;

390 2. His or her allowed amount of medical-grade marijuana;

391 and

392 3. The concentration ranges of specified cannabinoids, if
393 any, ordered by the patient's certifying physician.

394 (d) For a designated caregiver:

395 1. The full legal name or names of all registered patients
396 whom the caregiver is registered to assist;

397 2. The allowed amount of medical-grade marijuana for each
398 patient the caregiver is registered to assist; and

399 3. The concentration ranges of specified cannabinoids, if
400 any, ordered by the certifying physician for each respective
401 patient the caregiver is registered to assist.

402 (e) The date and time of dispensing, and the allowed
403 amount of medical-grade marijuana dispensed, for each of that
404 registered patient's or caregiver's transactions with the
405 dispensing organization.

406 (2) The registry must be able to:

407 (a) Be accessed by a retail licensee or employee to verify
408 the authenticity of a patient identification card, to verify the
409 allowed amount and any specified type of medical-grade marijuana
410 ordered by his or her physician, and to determine the prior
411 dates on which and times at which medical-grade marijuana was
412 dispensed to the patient and the amount dispensed on each
413 occasion;

414 (b) Accept in real time the original and updated orders
415 for medical-grade marijuana from certifying physicians;

416 (c) Be accessed by law enforcement agencies in order to

417 verify patient or caregiver authorization for possession of an
418 allowed amount of medical-grade marijuana; and

419 (d) Accept and post initial and updated information to
420 each registered patient's file from the dispensing organization
421 that shows the date, time, and amount of medical-grade marijuana
422 dispensed to that patient at the point of sale.

423 Section 6. Section 381.995, Florida Statutes, is created
424 to read:

425 381.995 Dispensing organizations.—

426 (1) By January 1, 2016, the department shall establish
427 operating standards for the cultivation, processing, packaging,
428 and labeling of marijuana, establish standards for the sale of
429 medical-grade marijuana, develop licensure application forms for
430 cultivation and processing licenses and retail licenses, make
431 such forms available to the public, establish procedures and
432 requirements for cultivation facility licenses and renewals and
433 processing facility licenses and renewals, and begin accepting
434 applications for licensure. The department may charge an initial
435 application fee of up to \$100,000 for cultivation and processing
436 licenses and up to \$10,000 for retail licenses, a licensure fee,
437 and a license renewal fee as necessary to pay for all expenses
438 incurred by the department in administering this section.

439 (2) The department must begin issuing cultivation and
440 processing licenses by March 1, 2016, and retail licenses by
441 July 1, 2016.

442 (3) The department may issue a cultivation and processing

- 443 license to an applicant who provides:
- 444 (a) A completed cultivation and processing license
445 application form;
- 446 (b) The initial application fee;
- 447 (c) The legal name of the applicant;
- 448 (d) The physical address of each location where marijuana
449 will be cultivated and processed;
- 450 (e) The name, address, and date of birth of each principal
451 officer and board member, if applicable;
- 452 (f) The name, address, and date of birth of each of the
453 applicant's current employees who will participate in the
454 operations of the dispensing organization;
- 455 (g) Proof that all principals and employees of the
456 applicant have passed a level 2 background screening pursuant to
457 chapter 435 within the prior year;
- 458 (h) Proof of an established infrastructure or the ability
459 to establish an infrastructure in a reasonable amount of time
460 designed to cultivate, process, test, package, and label
461 marijuana and to deliver medical-grade marijuana to retail
462 facilities throughout the state;
- 463 (i) Proof that the applicant possesses the technical and
464 technological ability to cultivate and process medical-grade
465 marijuana;
- 466 (j) Proof of operating procedures designed to secure and
467 maintain accountability for all marijuana and marijuana-related
468 byproducts it may possess;

469 (k) Proof of the financial ability to maintain operations
470 for the duration of the license;

471 (l) Proof of at least \$1 million of hazard and liability
472 insurance for each cultivation and processing facility; and

473 (m) A \$5 million performance and compliance bond, to be
474 forfeited if the licensee fails to maintain its license for the
475 duration of the licensure period or fails to comply with the
476 substantive requirements of this subsection and applicable
477 agency rules for the duration of the licensure period.

478 (4) A cultivation and processing license expires 2 years
479 after the date it is issued. The licensee must apply for a
480 renewed license before the expiration date. In order to receive
481 a renewed license, a cultivation and processing licensee must
482 demonstrate continued compliance with the requirements in
483 subsection (3) and have no outstanding substantial violations of
484 the standards established by the department for the cultivation,
485 processing, packaging, and labeling of marijuana and medical-
486 grade marijuana.

487 (5) A cultivation and processing licensee may cultivate
488 marijuana at one or more facilities only if each facility used
489 for cultivation has been inspected by the department and issued
490 a cultivation facility license. A cultivation and processing
491 licensee may process marijuana at one or more processing
492 facilities only if each facility used for processing has been
493 inspected by the department and issued a processing facility
494 license. A cultivation and processing licensee may cultivate and

495 process marijuana at the same facility only if that facility has
496 been inspected by the department and issued both a cultivation
497 facility license and a processing facility license. Each
498 cultivation and processing facility must be secure and closed to
499 the public and may not be located within 1,000 feet of an
500 existing public or private elementary or secondary school, a
501 child care facility licensed under s. 402.302, or a licensed
502 service provider offering substance abuse services. The
503 department may establish by rule additional security and zoning
504 requirements for cultivation and processing facilities. All
505 matters regarding the licensure and regulation of cultivation
506 and processing facilities, including the location of such
507 facilities, are preempted to the state.

508 (6) Before beginning cultivation or processing at a
509 facility, that facility must be inspected and licensed as a
510 cultivation facility, a processing facility, or both by the
511 department. A cultivation and processing licensee may cultivate
512 and process marijuana only for the purpose of producing medical-
513 grade marijuana and may do so only at a licensed cultivation and
514 processing facility. Such processing may include, but is not
515 limited to, processing marijuana into medical-grade marijuana
516 and processing medical-grade marijuana into various forms
517 including, but not limited to, topical applications, oils, and
518 food products for a registered patient's use. A dispensing
519 organization may use a contractor to cultivate the marijuana, to
520 process marijuana into medical-grade marijuana, or to process

521 the medical-grade marijuana into other forms, but the dispensing
522 organization is responsible for all of the operations performed
523 by each contractor relating to the cultivation and processing of
524 marijuana and the physical possession of all marijuana and
525 medical-grade marijuana. All work done by a contractor must be
526 performed at a licensed cultivation and processing facility. All
527 marijuana byproducts that are unable to be processed or
528 reprocessed into medical-grade marijuana must be destroyed by
529 the dispensing organization or its contractor within 48 hours
530 after processing is completed.

531 (7) A cultivation and processing licensee may transport,
532 or contract to have transported, marijuana and marijuana
533 products to independent testing laboratories to be tested and
534 certified as medical-grade marijuana.

535 (8) A cultivation and processing licensee may sell,
536 transport, and deliver medical-grade marijuana and medical-grade
537 marijuana products to retail licensees throughout the state.

538 (9) The department may not license any retail facilities
539 in a county unless the board of county commissioners for that
540 county determines by ordinance the number and location of any
541 retail facilities that may be located within that county. A
542 retail facility may not be located on the same property as a
543 facility licensed for cultivation or processing of marijuana or
544 within 1,000 feet of an existing public or private elementary or
545 secondary school, a child care facility licensed under s.
546 402.302, or a licensed service provider that offers substance

547 abuse services.

548 (10) An applicant for a retail license must provide the
549 department with at least all of the following:

550 (a) A completed retail license application form.

551 (b) The initial application fee.

552 (c) The full legal name of the applicant.

553 (d) The physical address of the retail facility where
554 marijuana will be dispensed.

555 (e) Identifying information for all other current or
556 previous retail licenses held by the applicant.

557 (f) The name, address, and date of birth for each of the
558 applicant's principal officers and board members.

559 (g) The name, address, and date of birth of each of the
560 applicant's current employees who will participate in the
561 operations of the dispensing organization.

562 (h) Proof that all principals and employees of the
563 applicant have passed a level 2 background screening pursuant to
564 chapter 435 within the prior year.

565 (i) Proof of an established infrastructure or the ability
566 to establish an infrastructure in a reasonable amount of time
567 which is designed to receive medical-grade marijuana from
568 cultivation and processing facilities, the ability to maintain
569 the security of the retail facility to prevent theft or
570 diversion of any medical marijuana product received, the ability
571 to correctly dispense the allowed amount and specified type of
572 medical-grade marijuana to a registered patient or his or her

573 designated caregiver pursuant to a physician's order, the
574 ability to check the medical marijuana patient registry, and the
575 ability to electronically update the medical marijuana patient
576 registry with dispensing information.

577 (j) Proof of operating procedures designed to secure and
578 maintain accountability for all medical-grade marijuana and
579 products that it may receive and possess.

580 (k) Proof of the financial ability to maintain operations
581 for the duration of the license.

582 (l) Proof of at least \$500,000 of hazard and liability
583 insurance for each license.

584 (m) A \$1 million performance and compliance bond, for each
585 license, to be forfeited if the licensee fails to maintain the
586 license for the duration of the licensure period or fails to
587 comply with the requirements of this subsection for the duration
588 of the licensure period.

589 (11) The department may issue multiple retail licenses to
590 a single qualified entity; however, to encourage a competitive
591 marketplace, when multiple entities have applied for a license
592 in the same county, in addition to the qualifications of each
593 applicant, the department shall consider the number of retail
594 licenses currently held by each applicant and the number of
595 separate entities that hold retail licenses within the same
596 geographic area.

597 (12) A retail license expires 2 years after the date it is
598 issued. The retail licensee must reapply for renewed licensure

599 before the expiration date. In order to qualify for a renewed
600 license, a retail licensee must meet all the requirements for
601 initial licensure and have no outstanding substantial violations
602 of the applicable standards established by the department.

603 (13) Before beginning to dispense, each retail facility
604 must be inspected by the department. Retail licensees may
605 dispense the allowed amount of medical-grade marijuana to a
606 registered patient or the patient's designated caregiver only if
607 the dispensing organization's employee:

608 (a) Verifies the authenticity of the patient's or
609 caregiver's identification card with the medical marijuana
610 patient registry;

611 (b) Verifies the physician's order for medical-grade
612 marijuana with the medical marijuana patient registry;

613 (c) Determines that the registered patient has not been
614 dispensed the allowed amount of marijuana within the previous 30
615 days;

616 (d) Issues the registered patient or the patient's
617 caregiver a receipt that details the date and time of
618 dispensing, the amount of medical-grade marijuana dispensed, and
619 the person to whom the medical-grade marijuana was dispensed;
620 and

621 (e) Updates the medical marijuana patient registry with
622 the date and time of dispensing and the amount and type of
623 medical-grade marijuana being dispensed to the registered
624 patient before dispensing to that patient or that patient's

625 designated caregiver.

626 (14) Retail licensees may contract with licensed and
627 bonded carriers to transport medical-grade marijuana and
628 medical-grade marijuana products between properties owned by the
629 licensee and to deliver it to the residence of a registered
630 patient.

631 (15) A licensee under the Florida Medical Marijuana Act
632 may not advertise its marijuana products.

633 (16) The department must inspect and license each
634 dispensing organization's cultivation and processing facilities
635 and retail facilities before those facilities begin operations.
636 The department must also inspect each licensed facility at least
637 once every 2 years. The department may also conduct additional
638 announced or unannounced inspections at reasonable hours in
639 order to ensure that such facilities meet the standards set by
640 the department. The department may test any marijuana, marijuana
641 product, medical-grade marijuana, or medical-grade marijuana
642 product in order to ensure that such marijuana, marijuana
643 product, medical-grade marijuana, or medical-grade marijuana
644 product meets the standards established by the department. The
645 department may, by interagency agreement with the Department of
646 Business and Professional Regulation or with the Department of
647 Agriculture and Consumer Services, perform joint inspections of
648 such facilities with those agencies.

649 (17) The department must create a schedule of violations
650 in rule in order to impose reasonable fines not to exceed

651 \$10,000 on a dispensing organization. In determining the amount
652 of the fine to be levied for a violation, the department shall
653 consider:

654 (a) The severity of the violation;

655 (b) Any actions taken by the dispensing organization to
656 correct the violation or to remedy complaints; and

657 (c) Any previous violations.

658 (18) The department may suspend, revoke, or refuse to
659 renew the license of a dispensing organization or of an
660 individual facility for violations of the standards established
661 by the department.

662 (19) The department shall maintain a publicly available,
663 easily accessible list on its website of all licensed retail
664 facilities.

665 Section 7. Section 381.996, Florida Statutes, is created
666 to read:

667 381.996 Patient certification.—

668 (1) A physician may certify a patient to the department as
669 a qualified patient if:

670 (a) The physician has seen the patient on a regular basis
671 to treat a qualifying condition for a period of at least 3
672 months immediately preceding the patient's submission of a
673 patient registration form to the department.

674 (b) The physician believes, in his or her good faith
675 medical judgment, the patient suffers from one or more of the
676 qualifying conditions.

677 (2) After certifying a patient, the physician must
678 electronically transfer an original order for medical-grade
679 marijuana for that patient to the medical marijuana patient
680 registry. Such order must include, at a minimum, the allowed
681 amount of medical-grade marijuana and the concentration ranges
682 for individual cannabinoids, if any. The physician must also
683 update the registry with any changes in the specifications of
684 his or her order for that patient within 7 days.

685 (3) If the physician becomes aware that the patient no
686 longer suffers from his or her qualifying condition or if the
687 physician's order for the allowed amount of medical marijuana
688 changes for that patient, the physician must update the registry
689 with the new information within 7 days.

690 (4) In order to qualify to issue patient certifications
691 for medical-grade marijuana, and before ordering medical-grade
692 marijuana for any patient, a physician must successfully
693 complete an 8-hour course and subsequent examination offered by
694 the Florida Medical Association or the Florida Osteopathic
695 Medical Association, as appropriate, which encompasses the
696 clinical indications for the appropriate use of medical-grade
697 marijuana, the appropriate delivery mechanisms, the
698 contraindications of the use of medical-grade marijuana, and the
699 relevant state and federal laws governing ordering, dispensing,
700 and possession. The appropriate boards shall offer the first
701 course and examination by October 1, 2015, and shall administer
702 them at least annually thereafter. Successful completion of the

703 course may be used by a physician to satisfy 8 hours of the
704 continuing medical education requirements imposed by his or her
705 respective board for licensure renewal. This course may be
706 offered in a distance-learning format. Successful completion of
707 the course and examination is required for every physician who
708 orders medical-grade marijuana each time such physician renews
709 his or her license.

710 Section 8. Section 381.997, Florida Statutes, is created
711 to read:

712 381.997 Medical-grade marijuana testing and labeling.—

713 (1) A cultivation and processing licensee may not
714 distribute or sell medical-grade marijuana or product to a
715 retail licensee unless the batch of origin of that marijuana or
716 product has been tested by an independent testing laboratory and
717 the cultivation and processing licensee has received test
718 results from that laboratory which certify that the batch meets
719 the quality standards established by the department.

720 (2) When testing a batch of marijuana or product a testing
721 laboratory must, at a minimum, test for unsafe contaminants and
722 for presence and concentration of individual cannabinoids.

723 (3) Each testing laboratory must report its findings for
724 each batch tested to the cultivation and processing licensee
725 from which the batch originated and to the department. Such
726 findings must include, at a minimum, the license number or
727 numbers of the processing and cultivation facility from which
728 the batch originated, the size and batch number of the batch

729 tested, the types of tests performed on the batch, and the
730 results of each test.

731 (4) Before distribution or sale to a retail licensee, any
732 medical-grade marijuana that meets department testing standards
733 must be packaged in a child-resistant container and labeled with
734 at least the name and license number of the cultivation and
735 processing licensee, the license number of the facility or
736 facilities where the batch was harvested and processed, the
737 harvest or production batch number, the concentration range of
738 each individual cannabinoid present at testing, and any other
739 labeling requirements established in Florida or federal law or
740 rules for that form of the product. For the purposes of this
741 subsection, any oil-based extraction meant for direct
742 consumption in small quantities as a supplement need not be
743 labeled as a food product.

744 (5) Before sale to a registered patient or caregiver, a
745 retail licensee must affix an additional label to each product
746 that includes the licensee's name and license number.

747 (6) By January 1, 2016, the department must establish
748 standards for quality and testing procedures and for maximum
749 levels of unsafe contaminants. The department must also create a
750 list of individual cannabinoids that must be tested for,
751 concentrations that are considered significant for those
752 cannabinoids, and varying ranges of concentrations for each
753 cannabinoid upon which a physician may base his or her order for
754 a patient's use of a specific strain of medical-grade marijuana.

755 Section 9. Section 381.998, Florida Statutes, is created
756 to read:

757 381.998 Penalties.—

758 (1) A physician commits a misdemeanor of the first degree,
759 punishable as provided in s. 775.082 or s. 775.083, if he or she
760 orders medical-grade marijuana for a patient without a
761 reasonable belief that the patient is suffering from a condition
762 listed in s. 381.991(15).

763 (2) A person who fraudulently represents that he or she
764 has a medical condition listed in s. 381.991(15) for the purpose
765 of being ordered medical-grade marijuana by such physician
766 commits a misdemeanor of the first degree, punishable as
767 provided in s. 775.082 or s. 775.083.

768 Section 10. Section 381.999, Florida Statutes, is created
769 to read:

770 381.999 Insurance.—The Florida Medical Marijuana Act does
771 not require a governmental, private, or other health insurance
772 provider or health care services plan to cover a claim for
773 reimbursement for the purchase of medical-grade marijuana nor
774 does it restrict such coverage.

775 Section 11. Section 381.9991, Florida Statutes, is created
776 to read:

777 381.9991 Rulemaking.—The department may adopt rules
778 related to health, safety, and welfare as necessary to implement
779 this act.

780 Section 12. This act shall take effect July 1, 2015.