



480078

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2014	.	
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The Committee on Health Policy (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 25 - 147

and insert:

456.60 Compassionate use of low-THC marijuana.-

(1) DEFINITIONS.-As used in this section, the term:

(a) "Dispensing organization" means an organization

approved by the department to cultivate, process, and dispense

low-THC marijuana pursuant to this section.

(b) "Low-THC marijuana" means a substance that contains no



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11 more than 0.5 percent of any tetrahydrocannabinol and at least
12 15 percent cannabidiol and that is dispensed only from a
13 dispensing organization.

14 (c) "Medical use" means administration of the ordered
15 amount of low-THC marijuana. The term does not include the
16 possession, use, or administration by smoking. The term also
17 does not include the transfer of low-THC marijuana to a person
18 other than the qualified patient for whom it was ordered or the
19 qualified patient's legal representative on behalf of the
20 qualified patient.

21 (d) "Qualified patient" means a resident of this state who
22 has been added to the compassionate use registry by a physician
23 licensed under chapter 458 or chapter 459 to receive low-THC
24 marijuana from a dispensing organization.

25 (e) "Smoking" means burning or igniting a substance and
26 inhaling the smoke. Smoking does not include the use of a
27 vaporizer.

28 (2) PHYSICIAN ORDERING.—A physician licensed under chapter
29 458 or chapter 459 who has examined and treated a patient
30 suffering from a physical medical condition, or from treatment
31 for a medical condition, which chronically produces symptoms of
32 seizures or severe and persistent muscle spasms may order for
33 the patient's medical use low-THC marijuana to treat or
34 alleviate such symptoms if no other satisfactory alternative
35 treatment options exist for that patient and all of the
36 following conditions apply:

37 (a) The patient is a permanent resident of this state.

38
39 (b) The physician has treated the patient for his or her



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40 symptoms or a medical condition in which his or her symptoms
41 were present for at least 6 months.

42 (c) The physician has tried alternate treatment options
43 that have not alleviated the patient's symptoms.

44 (d) The physician determines the risks of ordering low-THC
45 marijuana are reasonable in light of the potential benefit for
46 that patient. If a patient is younger than 18 years of age, a
47 second physician must concur with this determination, and such
48 determination must be documented in the patient's medical
49 record.

50 (e) The physician registers as the orderer of low-THC
51 marijuana for the named patient on the compassionate use
52 registry maintained by the department and updates the registry
53 to reflect the contents of the order. The physician shall
54 inactivate the patient's registration when treatment is
55 discontinued.

56 (f) The physician maintains a patient treatment plan that
57 includes the dose, route of administration, planned duration,
58 and monitoring of the patient's symptoms and other indicators of
59 tolerance or reaction to the low-THC marijuana.

60 (g) The physician submits the patient treatment plan
61 quarterly to the University of Florida College of Pharmacy for
62 research on the safety and efficacy of low-THC marijuana on
63 patients with such symptoms.

64 (3) DUTIES OF THE DEPARTMENT.—The department shall:

65 (a) Create a secure, electronic, and online compassionate
66 use registry for the registration of physicians and patients as
67 provided under this section. The registry must be accessible to
68 law enforcement agencies and to a dispensing organization in



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69 order to verify patient authorization for low-THC marijuana and
70 record the low-THC marijuana dispensed. The registry must
71 prevent an active registration of a patient by multiple
72 physicians.

73 (b) Authorize at least one, but no more than four,
74 dispensing organizations, to ensure reasonable statewide
75 accessibility and availability as necessary for patients
76 registered in the compassionate use registry and who are ordered
77 low-THC marijuana under this section. The department shall
78 develop an application form and impose an initial application
79 and biennial renewal fee that is sufficient to cover the costs
80 of administering this section. An applicant for approval as a
81 dispensing organization must be able to demonstrate:

82 1. The technical and technological ability to cultivate and
83 produce low-THC marijuana.

84 2. The ability to secure the premises, resources, and
85 personnel necessary to operate as a dispensing organization.

86 3. The ability to maintain accountability of all raw
87 materials, finished product, and any byproducts to prevent
88 diversion or unlawful access to or possession of these
89 substances.

90 4. An infrastructure reasonably located to dispense low-THC
91 marijuana to registered patients statewide or regionally as
92 determined by the department.

93 5. The financial ability to maintain operations for the
94 duration of the 2-year approval cycle.

95 6. That all owners, managers, and employees have been
96 fingerprinted and successfully passed background screening
97 pursuant to s. 435.04.



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98 7. Additional criteria determined by the department to be
99 necessary to safely implement this section.

100 (c) Monitor physician registration and ordering of low-THC
101 marijuana for ordering practices which could facilitate unlawful
102 diversion or misuse of low-THC marijuana, and take disciplinary
103 action as indicated.

104 (4) DISPENSING ORGANIZATION.—An approved dispensing
105 organization shall maintain compliance with the criteria
106 demonstrated for selection and approval under subsection (3) as
107 a dispensing organization at all times. Before dispensing low-
108 THC marijuana to a qualified patient, the dispensing
109 organization shall verify that the patient has an active
110 registration in the compassionate use registry, the order
111 presented matches the order contents as recorded in the
112 registry, and the order has not already been filled. Upon
113 dispensing the low-THC marijuana, the dispensing organization
114 shall record in the registry the date, time, quantity, and form
115 of low-THC marijuana dispensed.

116 (5) EXCEPTIONS TO OTHER SECTIONS OF LAW.—

117 (a) Notwithstanding any other section of law, but subject
118 to the requirements of this section, a qualified patient and the
119 qualified patient's legal representative may purchase, acquire,
120 and possess for the patient's medical use up to the amount of
121 low-THC marijuana ordered to the patient.

122 (b) Notwithstanding any other section of law, but subject
123 to the requirements of this section, an approved dispensing
124 organization and its owners, managers, and employees may
125 acquire, possess, cultivate, and lawfully dispose of excess
126 product in reasonable quantities to produce low-THC marijuana



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127 and possess, process, and dispense low-THC marijuana.

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129

130 ===== T I T L E A M E N D M E N T =====

131 And the title is amended as follows:

132 Delete lines 2 - 5

133 and insert:

134

135 An act relating to low-THC marijuana and cannabis;
136 creating s. 456.60, F.S.; defining terms; authorizing
137 specified physicians to order low-THC marijuana for
138 use by specified patients; providing