

By the Committee on Health Policy; and Senators Bradley, Bean, Brandes, Galvano, Sobel, Soto, Gardiner, Stargel, and Simpson

588-02462-14

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A bill to be entitled
An act relating to low-THC marijuana and cannabis;
creating s. 456.60, F.S.; defining terms; authorizing
specified physicians to order low-THC marijuana for
use by specified patients; providing conditions;
providing duties of the Department of Health;
requiring the department to create a compassionate use
registry; providing requirements for the registry;
requiring the department to authorize a specified
number of dispensing organizations; providing
requirements and duties for a dispensing organization;
providing exceptions to specified laws; amending s.
893.02, F.S.; revising the definition of the term
"cannabis" for purposes of the Florida Comprehensive
Drug Abuse Prevention and Control Act and as
applicable to certain criminal offenses proscribing
the sale, manufacture, delivery, possession, or
purchase of cannabis, to which penalties apply;
providing an effective date.

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

Section 1. Section 456.60, Florida Statutes, is created to
read:

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.

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30 (b) "Low-THC marijuana" means a substance that contains no
31 more than 0.5 percent of any tetrahydrocannabinol and at least
32 15 percent cannabidiol and that is dispensed only from a
33 dispensing organization.

34 (c) "Medical use" means administration of the ordered
35 amount of low-THC marijuana. The term does not include the
36 possession, use, or administration by smoking. The term also
37 does not include the transfer of low-THC marijuana to a person
38 other than the qualified patient for whom it was ordered or the
39 qualified patient's legal representative on behalf of the
40 qualified patient.

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

45 (e) "Smoking" means burning or igniting a substance and
46 inhaling the smoke. Smoking does not include the use of a
47 vaporizer.

48 (2) PHYSICIAN ORDERING.—A physician licensed under chapter
49 458 or chapter 459 who has examined and treated a patient
50 suffering from a physical medical condition, or from treatment
51 for a medical condition, which chronically produces symptoms of
52 seizures or severe and persistent muscle spasms may order for
53 the patient's medical use low-THC marijuana to treat or
54 alleviate such symptoms if no other satisfactory alternative
55 treatment options exist for that patient and all of the
56 following conditions apply:

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

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

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

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

63 (d) The physician determines the risks of ordering low-THC
64 marijuana are reasonable in light of the potential benefit for
65 that patient. If a patient is younger than 18 years of age, a
66 second physician must concur with this determination, and such
67 determination must be documented in the patient's medical
68 record.

69 (e) The physician registers as the orderer of low-THC
70 marijuana for the named patient on the compassionate use
71 registry maintained by the department and updates the registry
72 to reflect the contents of the order. The physician shall
73 inactivate the patient's registration when treatment is
74 discontinued.

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

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

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

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

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88 order to verify patient authorization for low-THC marijuana and
89 record the low-THC marijuana dispensed. The registry must
90 prevent an active registration of a patient by multiple
91 physicians.

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

101 1. The technical and technological ability to cultivate and
102 produce low-THC marijuana.

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

105 3. The ability to maintain accountability of all raw
106 materials, finished product, and any byproducts to prevent
107 diversion or unlawful access to or possession of these
108 substances.

109 4. An infrastructure reasonably located to dispense low-THC
110 marijuana to registered patients statewide or regionally as
111 determined by the department.

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

114 6. That all owners, managers, and employees have been
115 fingerprinted and successfully passed background screening
116 pursuant to s. 435.04.

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117 7. Additional criteria determined by the department to be
118 necessary to safely implement this section.

119 (c) Monitor physician registration and ordering of low-THC
120 marijuana for ordering practices which could facilitate unlawful
121 diversion or misuse of low-THC marijuana, and take disciplinary
122 action as indicated.

123 (4) DISPENSING ORGANIZATION.—An approved dispensing
124 organization shall maintain compliance with the criteria
125 demonstrated for selection and approval under subsection (3) as
126 a dispensing organization at all times. Before dispensing low-
127 THC marijuana to a qualified patient, the dispensing
128 organization shall verify that the patient has an active
129 registration in the compassionate use registry, the order
130 presented matches the order contents as recorded in the
131 registry, and the order has not already been filled. Upon
132 dispensing the low-THC marijuana, the dispensing organization
133 shall record in the registry the date, time, quantity, and form
134 of low-THC marijuana dispensed.

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

136 (a) Notwithstanding any other section of law, but subject
137 to the requirements of this section, a qualified patient and the
138 qualified patient's legal representative may purchase, acquire,
139 and possess for the patient's medical use up to the amount of
140 low-THC marijuana ordered to the patient.

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

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

(c) An approved dispensing organization is not subject to licensure and regulation under chapter 465, and the owners, managers, and employees of a dispensing organization are not subject to licensure and regulation for the practice of pharmacy under chapter 465.

Section 2. Subsection (3) of section 893.02, Florida Statutes, is amended to read:

893.02 Definitions.—The following words and phrases as used in this chapter shall have the following meanings, unless the context otherwise requires:

(3) "Cannabis" means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. The term does not include any plant of the genus *Cannabis* that contains 0.5 percent or less of tetrahydrocannabinol and more than 15 percent of cannabidiol; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin, if possessed or used in conformance with s. 456.60.

Section 3. This act shall take effect July 1, 2014.