



274940

LEGISLATIVE ACTION

Senate

.  
. .  
. .  
. .  
. .

House

---

Senator Clemens moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 381.986, Florida Statutes, is amended to  
read:

381.986 Compassionate use of low-THC cannabis.—

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

(a) “Applicant” means a person that has submitted an  
application to the department for licensure or renewal as a  
dispensing organization.



274940

12           (b) "Batch" means a specific quantity of low-THC cannabis  
13 product that is intended to have uniform character and quality,  
14 within specified limits, and is produced at the same time from  
15 one or more harvests.

16           (c) "Dispensing organization" means an applicant licensed  
17 organization approved by the department to cultivate or ~~or~~ r  
18 process low-THC cannabis, and or dispense low-THC cannabis  
19 through a retail facility pursuant to this section.

20           (d) "Harvest" means a specifically identified and numbered  
21 quantity of low-THC cannabis cultivated using the same  
22 herbicides, pesticides, and fungicides and harvested at the same  
23 time from a single facility.

24           (e) "Independent testing laboratory" means a laboratory,  
25 and the managers, employees, or contractors of the laboratory,  
26 which have no direct or indirect interest in a dispensing  
27 organization.

28           (f) ~~(b)~~ "Low-THC cannabis" means a plant of the genus  
29 Cannabis, the dried flowers of which contain 0.8 percent or less  
30 of tetrahydrocannabinol and more than 10 percent of cannabidiol  
31 weight for weight; the seeds thereof; the resin extracted from  
32 any part of such plant; or any compound, manufacture, salt,  
33 derivative, mixture, or preparation of such plant or its seeds  
34 or resin that is dispensed only from a dispensing organization.

35           (g) "Low-THC cannabis product" means any product derived  
36 from low-THC cannabis, including the resin extracted from any  
37 part of such plant or any compound, manufacture, salt,  
38 derivative, mixture, or preparation of such plant or its seeds  
39 or resin which is dispensed from a dispensing organization. Low-  
40 THC cannabis products include, but are not limited to, oils,



274940

41 tinctures, creams, encapsulations, and food products. Low-THC  
42 cannabis food products may not include candy or similar  
43 confectionary products that appeal to children. All low-THC  
44 cannabis products must maintain concentrations, weight for  
45 weight, of 0.8 percent or less of tetrahydrocannabinol and more  
46 than 10 percent of cannabidiol.

47 (h)-(e) "Medical use" means administration of the ordered  
48 amount of low-THC cannabis. The term does not include:

49 1. The possession, use, or administration by smoking.

50 2. ~~The term also does not include~~ The transfer of low-THC  
51 cannabis to a person other than the qualified patient for whom  
52 it was ordered or the qualified patient's legal representative  
53 who is registered in the compassionate use registry on behalf of  
54 the qualified patient.

55 3. The use or administration of low-THC cannabis or low-THC  
56 cannabis products:

57 a. On any form of public transportation.

58 b. In any public place.

59 c. In a registered qualified patient's place of work, if  
60 restricted by his or her employer.

61 d. In a correctional facility.

62 e. On the grounds of any preschool, primary school, or  
63 secondary school.

64 f. On a school bus.

65 (i)-(d) "Qualified patient" means a resident of this state  
66 who has been added to the compassionate use registry by a  
67 physician licensed under chapter 458 or chapter 459 to receive  
68 low-THC cannabis from a dispensing organization.

69 (j) "Retail facility" means a facility that is used by an



274940

70 applicant licensed to dispense low-THC cannabis.

71 (k)-(e) "Smoking" means burning or igniting a substance and  
72 inhaling the smoke. Smoking does not include the use of a  
73 vaporizer.

74 (2) PHYSICIAN ORDERING.—

75 (a) ~~Effective January 1, 2015,~~ A physician licensed under  
76 chapter 458 or chapter 459 who has examined and is treating a  
77 patient suffering from cancer, human immunodeficiency virus,  
78 acquired immune deficiency syndrome, epilepsy, amyotrophic  
79 lateral sclerosis, autism, multiple sclerosis, Crohn's disease,  
80 Parkinson's disease, paraplegia, quadriplegia, or terminal  
81 illness ~~a physical medical condition that chronically produces~~  
82 ~~symptoms of seizures or severe and persistent muscle spasms~~ may  
83 order for the patient's medical use low-THC cannabis to treat  
84 such disease, disorder, or condition; ~~or~~ to alleviate symptoms  
85 of such disease, disorder, or condition; or to alleviate  
86 symptoms caused by a treatment for such disease, disorder, or  
87 condition, if no other satisfactory alternative treatment  
88 options exist for that patient and all of the following  
89 ~~conditions~~ apply:

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

91 2.(b) The physician determines that the risks of ordering  
92 low-THC cannabis are reasonable in light of the potential  
93 benefit for that patient. If a patient is younger than 18 years  
94 of age, a second physician must concur with this determination,  
95 and such determination must be documented in the patient's  
96 medical record.

97 3.(e) The physician registers the patient, the patient's  
98 legal representative if requested by the patient, and himself or



274940

99 herself as the orderer of low-THC cannabis for the named patient  
100 on the compassionate use registry maintained by the department  
101 and updates the registry to reflect the contents of the order.  
102 If the patient is a minor, the physician must register a legal  
103 representative on the compassionate use registry. The physician  
104 shall deactivate the patient's registration when treatment is  
105 discontinued.

106 4.-(d) The physician maintains a patient treatment plan that  
107 includes the dose, route of administration, planned duration,  
108 and monitoring of the patient's symptoms and other indicators of  
109 tolerance or reaction to the low-THC cannabis.

110 5.-(e) The physician submits the patient treatment plan, as  
111 well as any other requested medical records, quarterly to the  
112 University of Florida College of Pharmacy for research on the  
113 safety and efficacy of low-THC cannabis on patients pursuant to  
114 subsection (8).

115 6.-(f) The physician obtains the voluntary informed consent  
116 of the patient or the patient's legal guardian to treatment with  
117 low-THC cannabis after sufficiently explaining the current state  
118 of knowledge in the medical community of the effectiveness of  
119 treatment of the patient's conditions or symptoms ~~condition~~ with  
120 low-THC cannabis, the medically acceptable alternatives, and the  
121 potential risks and side effects.

122 (b) A physician who improperly orders low-THC cannabis is  
123 subject to disciplinary action under the applicable practice act  
124 and under s. 456.072(1)(k).

125 (3) PENALTIES.—

126 (a) A physician commits a misdemeanor of the first degree,  
127 punishable as provided in s. 775.082 or s. 775.083, if the



274940

128 physician orders low-THC cannabis for a patient without a  
129 reasonable belief that the patient is suffering from at least  
130 one of the conditions listed in subsection (2).†

131 ~~1. Cancer or a physical medical condition that chronically~~  
132 ~~produces symptoms of seizures or severe and persistent muscle~~  
133 ~~spasms that can be treated with low-THC cannabis; or~~

134 ~~2. Symptoms of cancer or a physical medical condition that~~  
135 ~~chronically produces symptoms of seizures or severe and~~  
136 ~~persistent muscle spasms that can be alleviated with low-THC~~  
137 ~~cannabis.~~

138 (b) Any person who fraudulently represents that he or she  
139 has at least one condition listed in subsection (2) ~~cancer or a~~  
140 ~~physical medical condition that chronically produces symptoms of~~  
141 ~~seizures or severe and persistent muscle spasms~~ to a physician  
142 for the purpose of being ordered low-THC cannabis by such  
143 physician commits a misdemeanor of the first degree, punishable  
144 as provided in s. 775.082 or s. 775.083.

145 (4) PHYSICIAN EDUCATION.—

146 (a) Before ordering low-THC cannabis for use by a patient  
147 in this state, the appropriate board shall require the ordering  
148 physician licensed under chapter 458 or chapter 459 to  
149 successfully complete an 8-hour course and subsequent  
150 examination offered by the Florida Medical Association or the  
151 Florida Osteopathic Medical Association that encompasses the  
152 clinical indications for the appropriate use of low-THC  
153 cannabis, the appropriate delivery mechanisms, the  
154 contraindications for such use, as well as the relevant state  
155 and federal laws governing the ordering, dispensing, and  
156 possessing of this substance. The first course and examination



274940

157 shall be presented by October 1, 2014, and shall be administered  
158 at least annually thereafter. Successful completion of the  
159 course may be used by a physician to satisfy 8 hours of the  
160 continuing medical education requirements required by his or her  
161 respective board for licensure renewal. This course may be  
162 offered in a distance learning format.

163 (b) The appropriate board shall require the medical  
164 director of each dispensing organization approved under  
165 subsection (5) to successfully complete a 2-hour course and  
166 subsequent examination offered by the Florida Medical  
167 Association or the Florida Osteopathic Medical Association that  
168 encompasses appropriate safety procedures and knowledge of low-  
169 THC cannabis.

170 (c) Successful completion of the course and examination  
171 specified in paragraph (a) is required for every physician who  
172 orders low-THC cannabis each time such physician renews his or  
173 her license. In addition, successful completion of the course  
174 and examination specified in paragraph (b) is required for the  
175 medical director of each dispensing organization each time such  
176 physician renews his or her license.

177 (d) A physician who fails to comply with this subsection  
178 and who orders low-THC cannabis may be subject to disciplinary  
179 action under the applicable practice act and under s.  
180 456.072 (1) (k).

181 (5) DUTIES AND POWERS OF THE DEPARTMENT. ~~By January 1,~~  
182 ~~2015, The department shall:~~

183 (a) The department shall create a secure, electronic, and  
184 online compassionate use registry for the registration of  
185 physicians and patients as provided under this section. The



274940

186 registry must be accessible to law enforcement agencies and to a  
187 dispensing organization in order to verify patient authorization  
188 for low-THC cannabis and record the low-THC cannabis dispensed.  
189 The registry must prevent an active registration of a patient by  
190 multiple physicians.

191 (b)1. Beginning 7 days after the effective date of this  
192 act, the department shall accept applications for licensure as a  
193 dispensing organization. A dispensing organization may be  
194 licensed to cultivate or process low-THC cannabis or dispense  
195 low-THC cannabis through a retail facility. A dispensing  
196 organization may be licensed to conduct one or more of these  
197 activities. The department shall review each application to  
198 determine whether the applicant meets the criteria in subsection  
199 (6) and qualifies for licensure.

200 2. Within 10 days after receiving an application for  
201 licensure, the department shall examine the application, notify  
202 the applicant of any apparent errors or omissions, and request  
203 any additional information the department is allowed by law to  
204 require. An application for licensure must be filed with the  
205 department no later than 5 p.m. on the 30th day after the  
206 effective date of this act, and all applications must be  
207 complete no later than 5 p.m. on the 60th day after the  
208 effective date of this act.

209 3. Once licensed, applicants are authorized to operate in  
210 any region in the state, but a dispensing organization licensed  
211 to cultivate or process low-THC cannabis may not have  
212 cultivation or processing facilities outside the region in which  
213 it is licensed.

214 4. The department shall license a selected applicant unless





274940

215 the applicant fails to pay the licensure fee within 10 days of  
216 selection.

217 5. This section is exempt from s. 120.60(1) Authorize the  
218 establishment of five dispensing organizations to ensure  
219 reasonable statewide accessibility and availability as necessary  
220 for patients registered in the compassionate use registry and  
221 who are ordered low-THC cannabis under this section, one in each  
222 of the following regions: northwest Florida, northeast Florida,  
223 central Florida, southeast Florida, and southwest Florida.

224 (c) The department shall use develop an application form  
225 that requires the applicant to state, as applicable:

226 1. Whether the application is for initial licensure or  
227 renewal licensure;

228 2. Whether the application is for licensure as a  
229 cultivator, processor, or dispenser of low-THC cannabis;

230 3. The name, the physical address, and the mailing address  
231 of the applicant;

232 4. For a cultivating or processing license, the address  
233 listed on the Department of Agriculture and Consumer Services  
234 certificate required in paragraph (6) (b);

235 5. The name, address, license number, and contact  
236 information for the applicant's medical director; and

237 6. All information required to be included by subsection  
238 (6).

239 (d) The department shall and impose an initial application  
240 fee of \$10,000, an initial licensure fee of \$25,000, and a  
241 biennial renewal fee of \$25,000 that is sufficient to cover the  
242 costs of administering this section. An applicant for approval  
243 as a dispensing organization must be able to demonstrate:



274940

244 ~~1. The technical and technological ability to cultivate and~~  
245 ~~produce low-THC cannabis. The applicant must possess a valid~~  
246 ~~certificate of registration issued by the Department of~~  
247 ~~Agriculture and Consumer Services pursuant to s. 581.131 that is~~  
248 ~~issued for the cultivation of more than 400,000 plants, be~~  
249 ~~operated by a nurseryman as defined in s. 581.011, and have been~~  
250 ~~operated as a registered nursery in this state for at least 30~~  
251 ~~continuous years.~~

252 ~~2. The ability to secure the premises, resources, and~~  
253 ~~personnel necessary to operate as a dispensing organization.~~

254 ~~3. The ability to maintain accountability of all raw~~  
255 ~~materials, finished products, and any byproducts to prevent~~  
256 ~~diversion or unlawful access to or possession of these~~  
257 ~~substances.~~

258 ~~4. An infrastructure reasonably located to dispense low-THC~~  
259 ~~cannabis to registered patients statewide or regionally as~~  
260 ~~determined by the department.~~

261 ~~5. The financial ability to maintain operations for the~~  
262 ~~duration of the 2-year approval cycle, including the provision~~  
263 ~~of certified financials to the department. Upon approval, the~~  
264 ~~applicant must post a \$5 million performance bond.~~

265 ~~6. That all owners and managers have been fingerprinted and~~  
266 ~~have successfully passed a level 2 background screening pursuant~~  
267 ~~to s. 435.04.~~

268 ~~7. The employment of a medical director who is a physician~~  
269 ~~licensed under chapter 458 or chapter 459 to supervise the~~  
270 ~~activities of the dispensing organization.~~

271 (e) The department shall inspect each dispensing  
272 organization's properties, cultivation facilities, processing



274940

273 facilities, or retail facilities according to its licensure  
274 before they begin operations and at least once every 2 years  
275 thereafter. The department may conduct additional announced or  
276 unannounced inspections, including followup inspections, at  
277 reasonable hours in order to ensure that such properties or  
278 facilities maintain compliance with all applicable requirements  
279 in subsections (6) and (7) and to ensure that the dispensing  
280 organization has not committed any act that would endanger the  
281 health, safety, or security of a qualified patient, a dispensing  
282 organization staff member, or the community in which the  
283 dispensing organization is located. Licensure under this section  
284 constitutes permission for the department to enter and inspect  
285 the premises or facilities of any dispensing organization. A  
286 dispensing organization must make all facility premises,  
287 equipment, documents, low-THC cannabis, and low-THC cannabis  
288 products available, as applicable, to the department upon  
289 inspection. The department may test any low-THC cannabis or low-  
290 THC cannabis product in order to ensure that it is safe for  
291 human consumption and that it meets the requirements in this  
292 section.

293 (f) The department may suspend or revoke a license, deny or  
294 refuse to renew a license, or impose an administrative penalty  
295 not to exceed \$10,000 for the following acts or omissions:

- 296 1. Violating this section or department rule.
- 297 2. Failing to maintain qualifications for licensure.
- 298 3. Endangering the health, safety, or security of a  
299 qualified patient.
- 300 4. Improperly disclosing personal and confidential  
301 information of a qualified patient.



274940

302       5. Attempting to procure a license by bribery or fraudulent  
303 misrepresentation.

304       6. Being convicted or found guilty of, or entering a plea  
305 of nolo contendere to, regardless of adjudication, a crime in  
306 any jurisdiction which directly relates to the business of a  
307 dispensing organization.

308       7. Making or filing a report or record that the licensee  
309 knows to be false.

310       8. Willfully failing to maintain a record required by this  
311 section or department rule.

312       9. Willfully impeding or obstructing an employee or agent  
313 of the department in the furtherance of his or her official  
314 duties.

315       10. Engaging in fraud or deceit, negligence, incompetence,  
316 or misconduct in the business practices of a dispensing  
317 organization.

318       11. Making misleading, deceptive, or fraudulent  
319 representations in or related to the business practices of a  
320 dispensing organization.

321       12. Having a license or the authority to engage in any  
322 regulated profession, occupation, or business that is related to  
323 the business practices of a dispensing organization revoked,  
324 suspended, or otherwise acted against, including the denial of  
325 licensure, by the licensing authority of any jurisdiction,  
326 including its agencies or subdivisions, for a violation that  
327 would constitute a violation under state law. A licensing  
328 authority's acceptance of a relinquishment of licensure or a  
329 stipulation, consent order, or other settlement, offered in  
330 response to or in anticipation of the filing of charges against



274940

331 the license, shall be construed as an action against the  
332 license.

333 13. Violating a lawful order of the department or an agency  
334 of the state, or failing to comply with a lawfully issued  
335 subpoena of the department or an agency of the state.

336 (g) The department shall create a permitting process for  
337 all dispensing organization vehicles used for the transportation  
338 of low-THC cannabis or low-THC cannabis products.

339 (h) ~~(e)~~ The department shall monitor physician registration  
340 and ordering of low-THC cannabis for ordering practices that  
341 could facilitate unlawful diversion or misuse of low-THC  
342 cannabis and take disciplinary action as indicated.

343 (i) ~~(d)~~ The department shall adopt rules as necessary to  
344 implement this section.

345 (6) DISPENSING ORGANIZATION.—

346 (a) An applicant seeking licensure as a dispensing  
347 organization, or the renewal of its license, must submit an  
348 application to the department. An applicant may seek licensure  
349 as a dispensing organization to cultivate, process, or dispense  
350 low-THC cannabis. Each function of the dispensing organization  
351 requires separate licensure; however, an applicant may seek  
352 licensure for more than one function. The department must review  
353 all applications for completeness, including an appropriate  
354 inspection of the applicant's property or facilities, as  
355 applicable, to verify the authenticity of the information  
356 provided in, or in connection with, the application. An  
357 applicant authorizes the department to inspect his or her  
358 property or facilities for licensure by applying under this  
359 subsection.



274940

360 (b) In order to receive or maintain licensure as a  
361 dispensing organization, an applicant must provide proof that:

362 1. For a cultivating or processing license, the applicant,  
363 or a separate entity that is owned solely by the same persons or  
364 entities in the same ratio as the applicant, possesses a valid  
365 certificate of registration issued by the Department of  
366 Agriculture and Consumer Services pursuant to s. 581.131 for the  
367 cultivation of more than 400,000 plants.

368 2. For a cultivating or processing license, the personnel  
369 on staff or under contract for the applicant have experience  
370 cultivating and introducing multiple varieties of plants in this  
371 state, including plants that are not native to Florida;  
372 experience with propagating plants; and experience with genetic  
373 modification or breeding of plants.

374 3. For a cultivating or processing license, the personnel  
375 on staff or under contract for the applicant include at least  
376 one person who:

377 a. Has at least 5 years' experience with United States  
378 Department of Agriculture Good Agricultural Practices and Good  
379 Handling Practices;

380 b. Has at least 5 years' experience with United States Food  
381 and Drug Administration Good Manufacturing Practices for food  
382 production;

383 c. Has a doctorate degree in organic chemistry or  
384 microbiology;

385 d. Has at least 5 years' of experience with laboratory  
386 procedures which includes analytical laboratory quality control  
387 measures, chain of custody procedures, and analytical laboratory  
388 methods;



274940

389 e. Has experience with cannabis cultivation and processing,  
390 including cannabis extraction techniques and producing cannabis  
391 products;

392 f. Has experience and qualifications in chain of custody or  
393 other tracking mechanisms;

394 g. Works solely on inventory control; and

395 h. Works solely for security purposes.

396 4. The persons who have a direct or indirect interest in  
397 any dispensing organization and the applicant's managers,  
398 employees, and contractors who directly interact with low-THC  
399 cannabis or low-THC cannabis products have been fingerprinted  
400 and have successfully passed a level 2 background screening  
401 pursuant to s. 435.04.

402 5. For a cultivating or processing license, the applicant  
403 owns, or has at least a 2-year lease of, all properties,  
404 facilities, and equipment necessary for the cultivation and  
405 processing of low-THC cannabis. The applicant must provide a  
406 detailed description of each facility and its equipment, a  
407 cultivation and processing plan, and a detailed floor plan. The  
408 description must include proof that:

409 a. The applicant is capable of sufficient cultivation and  
410 processing to serve at least 15,000 patients with an assumed  
411 daily use of 1,000 mg per patient per day of low-THC cannabis or  
412 low-THC cannabis product;

413 b. The applicant has arranged for access to all utilities  
414 and resources necessary to cultivate or process low-THC cannabis  
415 at each listed facility; and

416 c. Each facility is secured and has theft-prevention  
417 systems including an alarm system, cameras, and 24-hour security



274940

418 personnel.  
419 6. The applicant has diversion and tracking prevention  
420 procedures, as applicable, including:  
421 a. A system for tracking low-THC material through  
422 cultivation, processing, or dispensing, including the use of  
423 batch and harvest numbers;  
424 b. An inventory control system for low-THC cannabis and  
425 low-THC cannabis products;  
426 c. A vehicle tracking and security system; and  
427 d. A cannabis waste-disposal plan.  
428 7. The applicant has recordkeeping policies and procedures  
429 in place.  
430 8. The applicant has a facility emergency management plan.  
431 9. For a dispensing license, the applicant has a plan for  
432 dispensing low-THC cannabis throughout the state. This plan must  
433 include planned retail facilities and a delivery plan for  
434 providing low-THC cannabis and low-THC cannabis products to  
435 qualified patients who cannot travel to a retail facility.  
436 10. The applicant has financial documentation, as  
437 applicable, including:  
438 a. Documentation that demonstrates the applicant's  
439 financial ability to operate. If the applicant's assets, credit,  
440 and projected revenues meet or exceed projected liabilities and  
441 expenses and the applicant provides independent evidence that  
442 the funds necessary for startup costs, working capital, and  
443 contingency financing exist and are available as needed, the  
444 applicant has demonstrated the financial ability to operate.  
445 Financial ability to operate must be documented by:  
446 I. The applicant's audited financial statements. If the





274940

447 applicant is a newly formed entity and does not have a financial  
448 history of business upon which audited financial statements may  
449 be submitted, the applicant must provide audited financial  
450 statements for the separate entity that is owned solely by the  
451 same persons or entities in the same ratio as the applicant;

452 II. The applicant's projected financial statements,  
453 including a balance sheet, an income and expense statement, and  
454 a statement of cash flow for the first 2 years of operation,  
455 which provides evidence that the applicant has sufficient  
456 assets, credit, and projected revenues to cover liabilities and  
457 expenses; and

458 III. A statement of the applicant's estimated startup costs  
459 and sources of funds, including a break-even projection and  
460 documentation demonstrating that the applicant has the ability  
461 to fund all startup costs, working capital costs, and  
462 contingency financing requirements.

463  
464 All documents required under this sub-subparagraph shall be  
465 prepared in accordance with generally accepted accounting  
466 principles and signed by a certified public accountant. The  
467 statements required by sub-sub-subparagraphs II. and III. may be  
468 presented as a compilation;

469 b. A list of all subsidiaries of the applicant;

470 c. A list of all lawsuits pending and completed within the  
471 past 7 years of which the applicant was a party; and

472 d. Proof of a \$1 million performance and compliance bond,  
473 or other equivalent means of security deemed equivalent by the  
474 department, such as an irrevocable letter of credit or a deposit  
475 in a trust account or financial institution, payable to the



274940

476 department, which must be posted once the applicant is approved  
477 as a dispensing organization. The purpose of the bond is to  
478 secure payment of any administrative penalties imposed by the  
479 department and any fees and costs incurred by the department  
480 regarding the dispensing organization license, such as the  
481 dispensing organization failing to pay 30 days after the fine or  
482 costs become final. The department may make a claim against such  
483 bond or security until 1 year after the dispensing  
484 organization's license ceases to be valid or until 60 days after  
485 any administrative or legal proceeding authorized in this  
486 section involving the dispensing organization concludes,  
487 including any appeal, whichever occurs later.

488 11. The employment of a medical director who is a physician  
489 licensed under chapter 458 or chapter 459 to supervise the  
490 activities of the dispensing organization.

491 (c) An approved dispensing organization shall maintain  
492 compliance with the criteria in paragraphs (b), (d), and (e) and  
493 subsection (7) ~~demonstrated for selection and approval as a~~  
494 ~~dispensing organization under subsection (5)~~ at all times.  
495 Before dispensing low-THC cannabis or low-THC cannabis products  
496 to a qualified patient or to the qualified patient's legal  
497 representative, the dispensing organization shall verify the  
498 identity of the qualified patient or the qualified patient's  
499 legal representative by requiring the qualified patient or the  
500 qualified patient's legal representative to produce a  
501 government-issued identification card and shall verify that the  
502 qualified patient and the qualified patient's legal  
503 representative have ~~has~~ an active registration in the  
504 compassionate use registry, that the order presented matches the



274940

505 order contents as recorded in the registry, and that the order  
506 has not already been filled. Upon dispensing the low-THC  
507 cannabis, the dispensing organization shall record in the  
508 registry the date, time, quantity, and form of low-THC cannabis  
509 dispensed.

510 (d) A dispensing organization may have cultivation  
511 facilities, processing facilities, or retail facilities.

512 1. All matters regarding the location of cultivation  
513 facilities and processing facilities are preempted to the state.  
514 Cultivation facilities and processing facilities must be closed  
515 to the public, and low-THC cannabis may not be dispensed on the  
516 premises of such facilities.

517 2. A municipality must determine by ordinance the criteria  
518 for the number and location of, and other permitting  
519 requirements for, all retail facilities located within its  
520 municipal boundaries. A retail facility may be established in a  
521 municipality only after such an ordinance has been created. A  
522 county must determine by ordinance the criteria for the number,  
523 location, and other permitting requirements for all retail  
524 facilities located within the unincorporated areas of that  
525 county. A retail facility may be established in the  
526 unincorporated areas of a county only after such an ordinance  
527 has been created. Retail facilities must have all utilities and  
528 resources necessary to store and dispense low-THC cannabis and  
529 low-THC cannabis products. Retail facilities must be secured and  
530 have theft-prevention systems, including an alarm system,  
531 cameras, and 24-hour security personnel. Retail facilities may  
532 not sell, or contract for the sale of, anything other than low-  
533 THC cannabis or low-THC cannabis products on the property of the



274940

534 retail facility. Before a retail facility may dispense low-THC  
535 cannabis or a low-THC cannabis product, the dispensing  
536 organization must have a computer network compliant with the  
537 federal Health Insurance Portability and Accountability Act of  
538 1996 which is able to access and upload data to the  
539 compassionate use registry and which shall be used by all retail  
540 facilities.

541 (e) Within 15 days after such information becoming  
542 available, a dispensing organization must provide the department  
543 with updated information, as applicable, including:

544 1. The location and a detailed description of any new or  
545 proposed facilities.

546 2. The updated contact information, including electronic  
547 and voice communication, for all dispensing organization  
548 facilities.

549 3. The registration information for any vehicles used for  
550 the transportation of low-THC cannabis and low-THC cannabis  
551 products, including confirmation that all such vehicles have  
552 tracking and security systems.

553 4. A plan for the recall of any or all low-THC cannabis or  
554 low-THC cannabis products.

555 (f)1. A dispensing organization may transport low-THC  
556 cannabis or low-THC cannabis products in vehicles departing from  
557 their places of business only in vehicles that are owned or  
558 leased by the licensee or by a person designated by the  
559 dispensing organization, and for which a valid vehicle permit  
560 has been issued for such vehicle by the department.

561 2. A vehicle owned or leased by the dispensing organization  
562 or a person designated by the dispensing organization and



274940

563 approved by the department must be operated by such person when  
564 transporting low-THC cannabis or low-THC products from the  
565 licensee's place of business.

566 3. A vehicle permit may be obtained by a dispensing  
567 organization upon application and payment of a fee of \$5 per  
568 vehicle to the department. The signature of the person  
569 designated by the dispensing organization to drive the vehicle  
570 must be included on the vehicle permit application. Such permit  
571 remains valid and does not expire unless the licensee or any  
572 person designated by the dispensing organization disposes of his  
573 or her vehicle, or the licensee's license is transferred,  
574 canceled, not renewed, or is revoked by the department,  
575 whichever occurs first. The department shall cancel a vehicle  
576 permit upon request of the licensee or owner of the vehicle.

577 4. By acceptance of a license issued under this section,  
578 the licensee agrees that the licensed vehicle is, at all times  
579 it is being used to transport low-THC cannabis or low-THC  
580 cannabis products, subject to inspection and search without a  
581 search warrant by authorized employees of the department,  
582 sheriffs, deputy sheriffs, police officers, or other law  
583 enforcement officers to determine that the licensee is  
584 transporting such products in compliance with this section.

585 (7) TESTING AND LABELING OF LOW-THC CANNABIS.—

586 (a) All low-THC cannabis and low-THC cannabis products must  
587 be tested by an independent testing laboratory before the  
588 dispensing organization may dispense them. The independent  
589 testing laboratory shall provide the dispensing organization  
590 with lab results. Before dispensing, the dispensing organization  
591 must determine that the lab results indicate that the low-THC



274940

592 cannabis or low-THC cannabis product meets the definition of  
593 low-THC cannabis or low-THC cannabis product, is safe for human  
594 consumption, and is free from harmful contaminants.

595 (b) All low-THC cannabis and low-THC cannabis products must  
596 be labeled before dispensing. The label must include, at a  
597 minimum:

598 1. A statement that the low-THC cannabis or low-THC  
599 cannabis product meets the requirements in paragraph (a);

600 2. The name of the independent testing laboratory that  
601 tested the low-THC cannabis or low-THC cannabis product;

602 3. The name of the cultivation and processing facility  
603 where the low-THC cannabis or low-THC cannabis product  
604 originates; and

605 4. The batch number and harvest number from which the low-  
606 THC cannabis or low-THC cannabis product originates.

607 (8) SAFETY AND EFFICACY RESEARCH FOR LOW-THC CANNABIS.—The  
608 University of Florida College of Pharmacy shall establish and  
609 maintain a safety and efficacy research program for the use of  
610 low-THC cannabis or low-THC cannabis products to treat  
611 qualifying conditions and symptoms. The program must include a  
612 fully integrated electronic information system for the broad  
613 monitoring of health outcomes and safety signal detection. The  
614 electronic information system must include information from the  
615 compassionate use registry; provider reports, including  
616 treatment plans, adverse event reports, and treatment  
617 discontinuation reports; patient reports of adverse impacts;  
618 event-triggered interviews and medical chart reviews performed  
619 by University of Florida clinical research staff; information  
620 from external databases, including Medicaid billing reports and



274940

621 information in the prescription drug monitoring database for  
622 registered patients; and all other medical reports required by  
623 the University of Florida to conduct the research required by  
624 this subsection. The department must provide access to  
625 information from the compassionate use registry and the  
626 prescription drug monitoring database, established in s.  
627 893.055, as needed by the University of Florida to conduct  
628 research under this subsection. The Agency for Health Care  
629 Administration must provide access to registered patient  
630 Medicaid records, to the extent allowed under federal law, as  
631 needed by the University of Florida to conduct research under  
632 this subsection.

633 (9) The persons who have direct or indirect interest in the  
634 dispensing organization and the dispensing organization's  
635 managers, employees, and contractors who directly interact with  
636 low-THC cannabis or low-THC cannabis products are prohibited  
637 from making recommendations, offering prescriptions, or  
638 providing medical advice to qualified patients.

639 (10) ~~(7)~~ EXCEPTIONS TO OTHER LAWS.-

640 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
641 any other ~~provision of~~ law, but subject to the requirements of  
642 this section, a qualified patient and the qualified patient's  
643 legal representative who is registered with the department on  
644 the compassionate use registry may purchase and possess for the  
645 patient's medical use up to the amount of low-THC cannabis  
646 ordered for the patient. Nothing in this section exempts any  
647 person from the prohibition against driving under the influence  
648 provided in s. 316.193.

649 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or



274940

650 any other provision of law, but subject to the requirements of  
651 this section, an approved dispensing organization and its  
652 owners, managers, ~~and~~ employees and the owners, managers, and  
653 employees of contractors who have direct contact with low-THC  
654 cannabis or low-THC cannabis product may manufacture, possess,  
655 sell, deliver, distribute, dispense, and lawfully dispose of  
656 reasonable quantities, as established by department rule, of  
657 low-THC cannabis in accordance with their licensure. For  
658 purposes of this subsection, the terms "manufacture,"  
659 "possession," "deliver," "distribute," and "dispense" have the  
660 same meanings as provided in s. 893.02.

661 (c) An approved dispensing organization and its owners,  
662 managers, and employees are not subject to licensure or  
663 regulation under chapter 465 or chapter 499 for manufacturing,  
664 possessing, selling, delivering, distributing, dispensing, or  
665 lawfully disposing of reasonable quantities, as established by  
666 department rule, of low-THC cannabis.

667 (d) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
668 any other law, but subject to the requirements of this section,  
669 a licensed laboratory and its employees may receive and possess  
670 low-THC cannabis for the sole purpose of testing the low-THC  
671 cannabis to ensure compliance with this section.

672 (11) Rules adopted by the department under this section are  
673 exempt from the requirement that they be ratified by the  
674 Legislature pursuant to s. 120.541(3).

675 Section 2. Paragraph (g) is added to subsection (3) of  
676 section 381.987, Florida Statutes, to read:

677 381.987 Public records exemption for personal identifying  
678 information in the compassionate use registry.-





274940

679 (3) The department shall allow access to the registry,  
680 including access to confidential and exempt information, to:

681 (g) Persons engaged in research at the University of  
682 Florida pursuant to s. 381.986(8).

683 Section 3. Paragraph (b) of subsection (7) of section  
684 893.055, Florida Statutes, is amended to read:

685 893.055 Prescription drug monitoring program.—

686 (7)

687 (b) A pharmacy, prescriber, or dispenser shall have access  
688 to information in the prescription drug monitoring program's  
689 database which relates to a patient of that pharmacy,  
690 prescriber, or dispenser in a manner established by the  
691 department as needed for the purpose of reviewing the patient's  
692 controlled substance prescription history. Persons engaged in  
693 research at the University of Florida pursuant to s. 381.986(8)  
694 shall have access to information in the prescription drug  
695 monitoring program's database which relates to qualified  
696 patients as defined in s. 381.986(1) for the purpose of  
697 conducting such research. Other access to the program's database  
698 shall be limited to the program's manager and to the designated  
699 program and support staff, who may act only at the direction of  
700 the program manager or, in the absence of the program manager,  
701 as authorized. Access by the program manager or such designated  
702 staff is for prescription drug program management only or for  
703 management of the program's database and its system in support  
704 of the requirements of this section and in furtherance of the  
705 prescription drug monitoring program. Confidential and exempt  
706 information in the database shall be released only as provided  
707 in paragraph (c) and s. 893.0551. The program manager,



708 designated program and support staff who act at the direction of  
709 or in the absence of the program manager, and any individual who  
710 has similar access regarding the management of the database from  
711 the prescription drug monitoring program shall submit  
712 fingerprints to the department for background screening. The  
713 department shall follow the procedure established by the  
714 Department of Law Enforcement to request a statewide criminal  
715 history record check and to request that the Department of Law  
716 Enforcement forward the fingerprints to the Federal Bureau of  
717 Investigation for a national criminal history record check.

718 Section 4. Paragraph (h) is added to subsection (3) of  
719 section 893.0551, Florida Statutes, to read:

720 893.0551 Public records exemption for the prescription drug  
721 monitoring program.—

722 (3) The department shall disclose such confidential and  
723 exempt information to the following persons or entities upon  
724 request and after using a verification process to ensure the  
725 legitimacy of the request as provided in s. 893.055:

726 (h) Persons engaged in research at the University of  
727 Florida pursuant to s. 381.986(8).

728 Section 5. The Division of Law Revision and Information is  
729 directed to replace the phrase "the effective date of this act"  
730 wherever it occurs in this act with the date the act becomes a  
731 law.

732 Section 6. This act shall take effect upon becoming a law.

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

735 And the title is amended as follows:

736 Delete everything before the enacting clause



274940

737 and insert:

738                   A bill to be entitled  
739           An act relating to low-THC cannabis; amending s.  
740           381.986, F.S.; defining terms; revising the illnesses  
741           and symptoms for which a physician may order a patient  
742           the medical use of low-THC cannabis in certain  
743           circumstances; providing that a physician who  
744           improperly orders low-THC cannabis is subject to  
745           specified disciplinary action; revising the duties of  
746           the Department of Health; requiring the department to  
747           create a secure, electronic, and online compassionate  
748           use registry; requiring the department to begin to  
749           accept applications for licensure as a dispensing  
750           organization according to a specified application  
751           process; authorizing a dispensing organization to be  
752           licensed to cultivate, to process, or to dispense low-  
753           THC cannabis; requiring the department to review all  
754           applications, notify applicants of deficient  
755           applications, and request any additional information  
756           within a specified period; requiring an application  
757           for licensure to be filed and complete by specified  
758           dates; authorizing licensed applicants to operate in  
759           any region of the state; prohibiting a dispensing  
760           organization licensed to cultivate or process low-THC  
761           cannabis from having cultivation or processing  
762           facilities outside the region in which it is licensed;  
763           requiring licensure fees to be paid within a specified  
764           timeframe; providing an exemption for the application  
765           process; requiring the department to use an



766 application form that requires specified information  
767 from the applicant; requiring the department to impose  
768 specified application fees; requiring the department  
769 to inspect each dispensing organization's properties,  
770 cultivation facilities, processing facilities, or  
771 retail facilities before those facilities may operate;  
772 authorizing followup inspections at reasonable hours;  
773 providing that licensure constitutes permission for  
774 the department to enter and inspect the premises or  
775 facilities of any dispensing organization; authorizing  
776 the department to inspect any licensed dispensing  
777 organization; requiring dispensing organizations to  
778 make all facility premises, equipment, documents, low-  
779 THC cannabis, and low-THC cannabis products, as  
780 applicable, available to the department upon  
781 inspection; authorizing the department to test low-THC  
782 cannabis or low-THC cannabis products; authorizing the  
783 department to suspend or revoke a license, deny or  
784 refuse to renew a license, or impose a maximum  
785 administrative penalty for specified acts or  
786 omissions; requiring the department to create a  
787 permitting process for vehicles used for the  
788 transportation of low-THC cannabis or low-THC cannabis  
789 products; requiring the department to adopt rules as  
790 necessary for implementation of specified provisions  
791 and procedures, and to provide specified guidance;  
792 providing procedures and requirements for an applicant  
793 seeking licensure as a dispensing organization or the  
794 renewal of its license; requiring the dispensing



795 organization to verify specified information of  
796 specified persons in certain circumstances;  
797 authorizing a dispensing organization to have  
798 cultivation facilities, processing facilities, or  
799 retail facilities; authorizing a retail facility to be  
800 established in a municipality only after such an  
801 ordinance has been created; authorizing a retail  
802 facility to be established in the unincorporated areas  
803 of a county only after such an ordinance has been  
804 created; requiring retail facilities to have all  
805 utilities and resources necessary to store and  
806 dispense low-THC and low-THC cannabis products;  
807 requiring retail facilities to be secured with  
808 specified theft-prevention systems; requiring a  
809 dispensing organization to provide the department with  
810 specified updated information within a specified  
811 period; authorizing a dispensing organization to  
812 transport low-THC cannabis or low-THC cannabis  
813 products in vehicles in certain circumstances;  
814 requiring such vehicles to be operated by specified  
815 persons in certain circumstances; requiring a fee for  
816 a vehicle permit; requiring the signature of the  
817 designated driver with a vehicle permit application;  
818 providing for expiration of the permit in certain  
819 circumstances; requiring the department to cancel a  
820 vehicle permit upon the request of specified persons;  
821 providing that the licensee authorizes the inspection  
822 and search of his or her vehicle without a search  
823 warrant by specified persons; requiring all low-THC



274940

824 cannabis and low-THC cannabis products to be tested by  
825 an independent testing laboratory before the  
826 dispensing organization may dispense it; requiring the  
827 independent testing laboratory to provide the lab  
828 results to the dispensing organization for a specified  
829 determination; requiring all low-THC cannabis and low-  
830 THC cannabis products to be labeled with specified  
831 information before dispensing; requiring the  
832 University of Florida College of Pharmacy to establish  
833 and maintain a specified safety and efficacy research  
834 program; providing program requirements; requiring the  
835 department to provide information from the  
836 prescription drug monitoring program to the University  
837 of Florida as needed; requiring the Agency for Health  
838 Care Administration to provide access to specified  
839 patient records under certain circumstances;  
840 prohibiting persons who have direct or indirect  
841 interest in a dispensing organization and the  
842 dispensing organization's managers, employees, and  
843 contractors who directly interact with low-THC  
844 cannabis and low-THC cannabis products from making  
845 recommendations, offering prescriptions, or providing  
846 medical advice to qualified patients; providing that  
847 the act does not provide an exception to the  
848 prohibition against driving under the influence;  
849 authorizing specified individuals to manufacture,  
850 possess, sell, deliver, distribute, dispense, and  
851 lawfully dispose of reasonable quantities of low-THC  
852 cannabis according to their licensure; authorizing a



274940

853 licensed laboratory and its employees to receive and  
854 possess low-THC cannabis in certain circumstances;  
855 providing that specified rules adopted by the  
856 department are exempt from the requirement to be  
857 ratified by the Legislature; amending s. 381.987,  
858 F.S.; requiring the department to allow specified  
859 persons engaged in research to access the  
860 compassionate use registry; amending s. 893.055, F.S.;  
861 providing that persons engaged in research at the  
862 University of Florida shall have access to specified  
863 information; amending s. 893.0551, F.S.; providing a  
864 specified public records exemption for persons engaged  
865 in research at the University of Florida; providing a  
866 directive to the Division of Law Revision and  
867 Information; providing an effective date.