



466428

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/04/2016	.	
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The Committee on Fiscal Policy (Bradley) recommended 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) "Caregiver" means an individual who is 21 years of age  
or older, a permanent resident of the state, and registered with



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11 the Department of Health to assist a patient with the medical  
12 use of low-THC cannabis.

13 (b)(a) "Dispensing organization" means an organization  
14 approved by the department to cultivate, process, and dispense  
15 low-THC cannabis pursuant to this section.

16 (c) "Independent testing laboratory" means a laboratory,  
17 and the managers, employees, or contractors of the laboratory,  
18 which has no direct or indirect interest in a dispensing  
19 organization.

20 (d)(b) "Low-THC cannabis" means a plant of the genus  
21 *Cannabis*, the dried flowers of which contain 0.8 percent or less  
22 of tetrahydrocannabinol and more than 10 percent of cannabidiol  
23 weight for weight; the seeds thereof; the resin extracted from  
24 any part of such plant; or any compound, manufacture, salt,  
25 derivative, mixture, or preparation of such plant or its seeds  
26 or resin that is dispensed only from a dispensing organization.

27 (e)(e) "Medical use" means administration of the ordered  
28 amount of cannabis or low-THC cannabis. The term does not  
29 include:

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

31 2. ~~The term also does not include~~ The transfer of low-THC  
32 cannabis to a person other than the qualified patient for whom  
33 it was ordered or the qualified patient's caregiver ~~legal~~  
34 ~~representative~~ on behalf of the qualified patient.

35 3. The use or administration of cannabis, low-THC cannabis,  
36 or low-THC cannabis products:

37 a. On any form of public transportation.

38 b. In any public place.

39 c. In a registered qualified patient's place of work, if



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40 restricted by his or her employer.

41 d. In a correctional facility.

42 e. On the grounds of any preschool, primary school, or  
43 secondary school.

44 f. On a school bus.

45 (f) ~~(d)~~ "Qualified patient" means a resident of this state  
46 who has been added to the compassionate use registry by a  
47 physician licensed under chapter 458 or chapter 459 to receive  
48 low-THC cannabis from a dispensing organization.

49 (g) ~~(e)~~ "Smoking" means burning or igniting a substance and  
50 inhaling the smoke. Smoking does not include the use of a  
51 vaporizer.

52 (2) PHYSICIAN ORDERING. ~~Effective January 1, 2015,~~ A  
53 physician licensed under chapter 458 or chapter 459 who has  
54 examined and is treating a patient suffering from cancer or a  
55 physical medical condition that chronically produces symptoms of  
56 seizures or severe and persistent muscle spasms may order for  
57 the patient's medical use low-THC cannabis to treat such  
58 disease, disorder, or condition or to alleviate symptoms of such  
59 disease, disorder, or condition, if no other satisfactory  
60 alternative treatment options exist for that patient. A  
61 physician licensed under chapter 458 or chapter 459 may order  
62 cannabis for the use of patients as established in s. 499.0295.  
63 Before a physician orders cannabis or low-THC cannabis, and all  
64 of the following conditions must apply:

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

66 (b) The physician determines that the risks of ordering  
67 cannabis or low-THC cannabis are reasonable in light of the  
68 potential benefit for that patient. For low-THC cannabis, if a



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69 patient is younger than 18 years of age, a second physician must  
70 concur with this determination, and such determination must be  
71 documented in the patient's medical record.

72 (c) The physician registers as the orderer of cannabis or  
73 low-THC cannabis for the named patient on the compassionate use  
74 registry maintained by the department and updates the registry  
75 to reflect the contents of the order. The physician must also  
76 register the patient and the patient's caregiver. The physician  
77 shall deactivate the patient's and his or her caregiver's  
78 registrations ~~registration~~ when treatment is discontinued.

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

83 (e) The physician submits the patient treatment plan  
84 quarterly to the University of Florida College of Pharmacy for  
85 research on the safety and efficacy of low-THC cannabis on  
86 patients.

87 (f) The physician obtains the voluntary informed consent of  
88 the patient or the patient's legal guardian to treatment with  
89 cannabis or low-THC cannabis after sufficiently explaining the  
90 current state of knowledge in the medical community of the  
91 effectiveness of treatment of the patient's condition with low-  
92 THC cannabis, the medically acceptable alternatives, and the  
93 potential risks and side effects.

94 (g) The physician is not a medical director employed by a  
95 dispensing organization.

96 (3) PENALTIES.—

97 (a) A physician commits a misdemeanor of the first degree,



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98 punishable as provided in s. 775.082 or s. 775.083, if the  
99 physician orders cannabis or low-THC cannabis for a patient  
100 without a reasonable belief that the patient is suffering from:

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

104 2. Symptoms of cancer or a physical medical condition that  
105 chronically produces symptoms of seizures or severe and  
106 persistent muscle spasms that can be alleviated with low-THC  
107 cannabis;or

108 3. For the ordering of cannabis, a condition that meets the  
109 requirements specified in s. 499.0295.

110 (b) Any person who fraudulently represents that he or she  
111 has cancer, ~~or~~ a physical medical condition that chronically  
112 produces symptoms of seizures or severe and persistent muscle  
113 spasms, or a condition that meets the requirements specified in  
114 s. 499.0295 to a physician for the purpose of being ordered  
115 cannabis or low-THC cannabis by such physician commits a  
116 misdemeanor of the first degree, punishable as provided in s.  
117 775.082 or s. 775.083.

118 (c) A physician who orders cannabis or low-THC cannabis and  
119 receives compensation from a dispensing organization related to  
120 the ordering of cannabis or low-THC cannabis is subject to  
121 disciplinary action under the applicable practice act and s.  
122 456.072 (1) (n) .

123 (4) PHYSICIAN EDUCATION.—

124 (a) Before ordering low-THC cannabis for use by a patient  
125 in this state, the appropriate board shall require the ordering  
126 physician licensed under chapter 458 or chapter 459 to



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127 successfully complete an 8-hour course and subsequent  
128 examination offered by the Florida Medical Association or the  
129 Florida Osteopathic Medical Association that encompasses the  
130 clinical indications for the appropriate use of low-THC  
131 cannabis, the appropriate delivery mechanisms, the  
132 contraindications for such use, as well as the relevant state  
133 and federal laws governing the ordering, dispensing, and  
134 possessing of this substance. The ~~first~~ course and examination  
135 shall ~~be presented by October 1, 2014, and shall~~ be administered  
136 at least annually ~~thereafter~~. Successful completion of the  
137 course may be used by a physician to satisfy 8 hours of the  
138 continuing medical education requirements required by his or her  
139 respective board for licensure renewal. This course may be  
140 offered in a distance learning format.

141 (b) The appropriate board shall require the medical  
142 director of each dispensing organization approved under  
143 subsection (5) to successfully complete a 2-hour course and  
144 subsequent examination offered by the Florida Medical  
145 Association or the Florida Osteopathic Medical Association that  
146 encompasses appropriate safety procedures and knowledge of low-  
147 THC cannabis.

148 (c) Successful completion of the course and examination  
149 specified in paragraph (a) is required for every physician who  
150 orders low-THC cannabis each time such physician renews his or  
151 her license. In addition, successful completion of the course  
152 and examination specified in paragraph (b) is required for the  
153 medical director of each dispensing organization each time such  
154 physician renews his or her license.

155 (d) A physician who fails to comply with this subsection



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156 and who orders low-THC cannabis may be subject to disciplinary  
157 action under the applicable practice act and under s.  
158 456.072(1)(k).

159 (5) DUTIES AND POWERS OF THE DEPARTMENT. ~~By January 1,~~  
160 ~~2015, The department shall:~~

161 (a) The department shall create a secure, electronic, and  
162 online compassionate use registry for the registration of  
163 physicians, ~~and~~ patients, and caregivers as provided under this  
164 section and s. 499.0295. The registry must be accessible to law  
165 enforcement agencies and to a dispensing organization in order  
166 to verify patient authorization for cannabis or low-THC cannabis  
167 and record the cannabis or low-THC cannabis dispensed. The  
168 registry must prevent an active registration of a patient or  
169 caregiver by multiple physicians.

170 (b) The department shall establish a system for issuing and  
171 renewing patient and caregiver registration cards; establish the  
172 circumstances under which the cards may be revoked by, or must  
173 be returned to, the department; and establish fees to implement  
174 such system. The department must require, at a minimum, the  
175 registration cards to:

176 1. Provide the name, address, and date of birth of the  
177 patient or caregiver.

178 2. Have a full-face, passport-type, color photograph of the  
179 patient or caregiver taken within the 90 days before  
180 registration.

181 3. Identify whether the cardholder is a patient or  
182 caregiver.

183 4. List a unique numeric identifier for the patient or  
184 caregiver which is matched to the identifier used for such



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185 person in the department's compassionate use registry.  
186 5. Provide the expiration date, which shall be 1 year after  
187 the date of the physician's initial order of low-THC cannabis.  
188 6. For the caregiver, provide the name and unique numeric  
189 identifier of the patient that the caregiver is assisting.  
190 7. Be resistant to counterfeiting or tampering.  
191 (c) ~~(b)~~ The department shall authorize the establishment of  
192 five dispensing organizations to ensure reasonable statewide  
193 accessibility and availability as necessary for patients  
194 registered in the compassionate use registry and who are ordered  
195 low-THC cannabis under this section, one in each of the  
196 following regions: northwest Florida, northeast Florida, central  
197 Florida, southeast Florida, and southwest Florida. The  
198 department shall develop an application form and impose an  
199 initial application and biennial renewal fee that is sufficient  
200 to cover the costs of administering this section. An applicant  
201 for approval as a dispensing organization must be able to  
202 demonstrate:  
203 1. The technical and technological ability to cultivate and  
204 produce low-THC cannabis. The applicant must possess a valid  
205 certificate of registration issued by the Department of  
206 Agriculture and Consumer Services pursuant to s. 581.131 that is  
207 issued for the cultivation of more than 400,000 plants, be  
208 operated by a nurseryman as defined in s. 581.011, and have been  
209 operated as a registered nursery in this state for at least 30  
210 continuous years.  
211 2. The ability to secure the premises, resources, and  
212 personnel necessary to operate as a dispensing organization.  
213 3. The ability to maintain accountability of all raw





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214 materials, finished products, and any byproducts to prevent  
215 diversion or unlawful access to or possession of these  
216 substances.

217 4. An infrastructure reasonably located to dispense low-THC  
218 cannabis to registered patients statewide or regionally as  
219 determined by the department.

220 5. The financial ability to maintain operations for the  
221 duration of the 2-year approval cycle, including the provision  
222 of certified financials to the department. Upon approval, the  
223 applicant must post a \$5 million performance bond.

224 6. That all owners and managers have been fingerprinted and  
225 have successfully passed a level 2 background screening pursuant  
226 to s. 435.04.

227 7. The employment of a medical director who is a physician  
228 licensed under chapter 458 or chapter 459 to supervise the  
229 activities of the dispensing organization.

230 (d) The department must inspect each dispensing  
231 organization's properties, cultivation facilities, processing  
232 facilities, and retail facilities before the organization begins  
233 operations and at least biennially upon renewal of the  
234 dispensing organization's approval. The department may conduct  
235 announced or unannounced inspections, including followup  
236 inspections, at reasonable hours in order to ensure that such  
237 property and facilities maintain compliance with this section  
238 and s. 499.0295 and to ensure that the dispensing organization  
239 has not committed any act that would endanger the health,  
240 safety, or security of a qualified patient, the dispensing  
241 organization staff, or the community in which the dispensing  
242 organization is located. Approval under this section constitutes



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243 permission for the department to enter and inspect the premises  
244 and facilities of any dispensing organization. The department  
245 may inspect any approved dispensing organization, and a  
246 dispensing organization must make all facility premises,  
247 equipment, documents, cannabis, low-THC cannabis, and low-THC  
248 cannabis products available to the department upon inspection.

249 (e) The department must ensure that each dispensing  
250 organization adheres to the testing and labeling requirements  
251 for cannabis, low-THC cannabis, and low-THC cannabis products  
252 established in subsection (7). The department may test any  
253 cannabis, low-THC cannabis, or low-THC cannabis product in order  
254 to ensure that it is safe for human consumption and that it  
255 meets the requirements in this section and section 499.0295.

256 (f)1. Subject to subparagraph 2., the department may impose  
257 an administrative penalty not to exceed \$10,000 for each  
258 instance of the following violations:

259 a. Violating this section, s. 499.0295, or department rule.

260 b. Failing to maintain qualifications for approval.

261 c. Endangering the health, safety, or security of a  
262 qualified patient.

263 d. Improperly disclosing personal and confidential  
264 information of the qualified patient.

265 e. Attempting to procure a license by bribery or fraudulent  
266 misrepresentation.

267 f. Being convicted or found guilty of, or entering a plea  
268 of nolo contendere to, regardless of adjudication, a crime in  
269 any jurisdiction which directly relates to the business of a  
270 dispensing organization.

271 g. Making or filing a report or record that the dispensing



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272 organization knows to be false.  
273 h. Willfully failing to maintain a record required by this  
274 section or a rule of the department.  
275 i. Willfully impeding or obstructing an employee or agent  
276 of the department in the furtherance of his or her official  
277 duties.  
278 j. Engaging in fraud or deceit, negligence, incompetence,  
279 or misconduct in the business practices of a dispensing  
280 organization.  
281 k. Making misleading, deceptive, or fraudulent  
282 representations in or related to the business practices of a  
283 dispensing organization.  
284 l. Having a license or the authority to engage in any  
285 regulated profession, occupation, or business that is related to  
286 the business practices of a dispensing organization revoked,  
287 suspended, or otherwise acted against, including the denial of  
288 licensure, by the licensing authority of any jurisdiction,  
289 including its agencies or subdivisions, for a violation that  
290 would constitute a violation under state law. A licensing  
291 authority's acceptance of a relinquishment of licensure or a  
292 stipulation, consent order, or other settlement, offered in  
293 response to or in anticipation of the filing of charges against  
294 the license, shall be construed as an action against the  
295 license.  
296 m. Violating a lawful order of the department or an agency  
297 of the state, or failing to comply with a lawfully issued  
298 subpoena of the department or an agency of the state.  
299 2. Before imposing an administrative penalty under this  
300 paragraph, the department shall provide to the dispensing



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301 organization notice of the alleged violation and allow 20  
302 business days for the dispensing organization to take corrective  
303 action to cure the alleged violation and, if applicable, to  
304 implement corrective action to prevent a future violation. If  
305 the dispensing organization takes appropriate corrective action  
306 to cure the alleged violation and, if applicable, takes  
307 appropriate corrective action to prevent a future violation, the  
308 violation shall be deemed cured and an administrative penalty  
309 may not be imposed. If the violation is not cured, the  
310 department may impose an administrative penalty on the  
311 dispensing organization and may suspend, revoke, deny, or refuse  
312 to renew the approval of the dispensing organization.

313 (g) The department shall renew the approval of a dispensing  
314 organization biennially if the dispensing organization meets the  
315 requirements of this section, pays the biennial renewal fee,  
316 and, if applicable, has cured each violation alleged under  
317 paragraph (f).

318 (h)~~(e)~~ The department shall monitor physician registration  
319 and ordering of cannabis and low-THC cannabis for ordering  
320 practices that could facilitate unlawful diversion or misuse of  
321 cannabis or low-THC cannabis and take disciplinary action as  
322 indicated.

323 (i)~~(d)~~ The department shall adopt rules necessary to  
324 implement this section.

325 (6) DISPENSING ORGANIZATION.—

326 (a) An approved dispensing organization shall maintain  
327 compliance with the criteria demonstrated for selection and  
328 approval as a dispensing organization under subsection (5) at  
329 all times. Before dispensing low-THC cannabis to a qualified



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330 patient or his or her caregiver or cannabis to a patient or his  
331 or her caregiver who qualifies under the requirements in s.  
332 499.0295, the dispensing organization shall verify that the  
333 patient or caregiver has an identification card for cannabis or  
334 low-THC cannabis issued by the department, active registration  
335 in the compassionate use registry, the order presented matches  
336 the order contents as recorded in the registry, and the order  
337 has not already been filled. Upon dispensing the cannabis or  
338 low-THC cannabis, the dispensing organization shall record in  
339 the registry the date, time, quantity, and form of cannabis or  
340 low-THC cannabis dispensed.

341 (b) A dispensing organization may have cultivation  
342 facilities, processing facilities, and retail facilities.

343 1. All regulation of cultivation facilities and processing  
344 facilities is preempted to the state.

345 2. The cultivation facilities and processing facilities  
346 must be closed to the public.

347 3. A municipality may determine by ordinance the criteria  
348 for the number and location of, and other permitting  
349 requirements that do not conflict with state law or rule for,  
350 all retail facilities located within its municipal boundaries. A  
351 county may determine by ordinance the criteria for the number,  
352 location, and other permitting requirements that do not conflict  
353 with state law or rule for all retail facilities located within  
354 the unincorporated areas of that county.

355 4. Retail facilities must have all utilities and resources  
356 necessary to store and dispense cannabis, low-THC cannabis, and  
357 cannabis and low-THC cannabis products.

358 5. Retail facilities must be secured and have theft-



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359 prevention systems, including an alarm system, cameras, and 24-  
360 hour security personnel.

361 6. Before a retail facility may dispense cannabis, low-THC  
362 cannabis or a low-THC cannabis product, the dispensing  
363 organization must have a computer network compliant with the  
364 federal Health Insurance Portability and Accountability Act of  
365 1996 which is able to access and upload data to the  
366 compassionate use registry and which shall be used by all retail  
367 facilities operated by that dispensing organization.

368 7. Other than cannabis, low-THC cannabis, and cannabis and  
369 low-THC cannabis products, a dispensing organization may not  
370 dispense or sell any other type of retail product other than the  
371 paraphernalia required for the medical use of cannabis or low-  
372 THC cannabis in the form required on the physician's order for  
373 such cannabis.

374 (c) Within 15 days after such information becomes  
375 available, a dispensing organization must provide the department  
376 with updated information, as applicable, including:

377 1. The location and a detailed description of any new or  
378 proposed facilities.

379 2. The updated contact information, including electronic  
380 and voice communication, for all dispensing organization  
381 facilities.

382 3. The registration information for any vehicles used for  
383 the transportation of cannabis, low-THC cannabis, and cannabis  
384 and low-THC cannabis products, including confirmation that all  
385 such vehicles have tracking and security systems.

386 4. A plan for the recall of any or all cannabis, low-THC  
387 cannabis, or cannabis and low-THC cannabis products.



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388 (d) To ensure the safe transport of cannabis and low-THC  
389 cannabis to dispensing organization facilities, laboratories, or  
390 patients, the dispensing organization must:

391 1. Maintain a transportation manifest, which must be  
392 retained for at least 1 year.

393 2. Ensure only vehicles in good working order are used to  
394 transport low-THC cannabis.

395 3. Lock cannabis and low-THC cannabis in separate  
396 compartments or containers within the vehicle.

397 4. Require at least two persons to be in a vehicle  
398 transporting cannabis or low-THC cannabis, and require at least  
399 one person to remain in the vehicle while the cannabis or low-  
400 THC cannabis is being delivered.

401 5. Provide specific safety and security training to  
402 employees transporting or delivering cannabis or low-THC  
403 cannabis.

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

405 (a) All cannabis, low-THC cannabis, and cannabis and low-  
406 THC cannabis products must be tested by an independent testing  
407 laboratory before the dispensing organization may dispense them.  
408 The independent testing laboratory shall provide the dispensing  
409 organization with test results. Before dispensing, the  
410 dispensing organization must determine that the test results  
411 indicate that the low-THC cannabis or low-THC cannabis product  
412 meets the definition of low-THC cannabis or low-THC cannabis  
413 product, that all cannabis and low-THC cannabis is safe for  
414 human consumption, and that all cannabis and low-THC cannabis is  
415 free from contaminants that are unsafe for human consumption.

416 (b) All cannabis, low-THC cannabis, and cannabis and low-



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417 THC cannabis products must be labeled before dispensing. The  
418 label must include, at a minimum:

419 1. For low-THC cannabis and low-THC cannabis products, a  
420 statement that the low-THC cannabis or low-THC cannabis product  
421 meets the requirements in paragraph (a);

422 2. The name of the independent testing laboratory that  
423 tested the cannabis, low-THC cannabis, or cannabis or low-THC  
424 cannabis product;

425 3. The name of the cultivation and processing facility  
426 where the cannabis, low-THC cannabis, or cannabis or low-THC  
427 cannabis product originates; and

428 4. The batch number and harvest number from which the  
429 cannabis, low-THC cannabis, or cannabis or low-THC cannabis  
430 product originates.

431 (8) Persons who have direct or indirect interest in the  
432 dispensing organization and the dispensing organization's  
433 managers, employees, and contractors who directly interact with  
434 cannabis, low-THC cannabis, or cannabis or low-THC cannabis  
435 products are prohibited from ordering cannabis, low-THC  
436 cannabis, or cannabis or low-THC cannabis products, offering  
437 prescriptions, or providing medical advice to qualified  
438 patients.

439 (9) ~~(7)~~ EXCEPTIONS TO OTHER LAWS.-

440 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
441 any other provision of law, but subject to the requirements of  
442 this section, a qualified patient and the qualified patient's  
443 caregiver ~~legal representative~~ may purchase and possess for the  
444 patient's medical use up to the amount of low-THC cannabis  
445 ordered for the patient.





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446 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
447 any other provision of law, but subject to the requirements of  
448 this section, an approved dispensing organization and its  
449 owners, managers, and employees may manufacture, possess, sell,  
450 deliver, distribute, dispense, and lawfully dispose of  
451 reasonable quantities, as established by department rule, of  
452 low-THC cannabis. For purposes of this subsection, the terms  
453 "manufacture," "possession," "deliver," "distribute," and  
454 "dispense" have the same meanings as provided in s. 893.02.

455 (c) An approved dispensing organization and its owners,  
456 managers, and employees are not subject to licensure or  
457 regulation under chapter 465 for manufacturing, possessing,  
458 selling, delivering, distributing, dispensing, or lawfully  
459 disposing of reasonable quantities, as established by department  
460 rule, of low-THC cannabis.

461 Section 2. Paragraph (b) of subsection (2) of section  
462 499.0295, Florida Statutes, is amended, and subsection (10) is  
463 added to that section, to read:

464 499.0295 Experimental treatments for terminal conditions.-

465 (2) As used in this section, the term:

466 (b) "Investigational drug, biological product, or device"  
467 means:

468 1. A drug, biological product, or device that has  
469 successfully completed phase 1 of a clinical trial but has not  
470 been approved for general use by the United States Food and Drug  
471 Administration and remains under investigation in a clinical  
472 trial approved by the United States Food and Drug  
473 Administration; or

474 2. Cannabis, as defined in s. 893.02, that is manufactured



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475 and sold by an approved dispensing organization as defined in s.  
476 381.986.

477 (10) (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147,  
478 or any other law an eligible patient and the eligible patient's  
479 caregiver, as defined in s. 381.986, may purchase and possess  
480 cannabis, for the patient's medical use, as defined in s.  
481 381.986, if:

482 1. The patient meets all the requirements of this section;

483 2. The patient is added to the compassionate use registry  
484 established under s. 381.986 by a physician who has met the  
485 training requirements for ordering low-THC cannabis established  
486 in s. 381.986(4); and

487 3. All cannabis purchased and possessed by the patient and  
488 his or her caregiver is obtained from an approved dispensing  
489 organization as defined in s. 381.986.

490 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
491 any other law, but subject to the requirements of this section,  
492 an approved dispensing organization and its owners, managers,  
493 employees and contractors may cultivate, manufacture, possess,  
494 sell, deliver, distribute, dispense, and lawfully dispose of  
495 cannabis as defined in s. 893.02.

496 1. Before dispensing cannabis to an eligible patient or his  
497 or her caregiver pursuant to this section, a dispensing  
498 organization must require the eligible patient or his or her  
499 legal caregiver to produce his or her identification card as  
500 issued by the Department of Health and must verify that the  
501 eligible patient has an active registration on the compassionate  
502 use registry.

503 2. Before dispensing, all cannabis must be tested by an



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504 independent testing laboratory, as defined in s. 381.986(1)(b),  
505 and must meet all testing and labeling criteria established for  
506 low-THC cannabis in s. 381.986(7) and by the department in rule  
507 other than criteria regarding percentages of  
508 tetrahydrocannabinol or cannabidiol.

509 3. When manufacturing, selling, delivering, dispensing,  
510 distributing, and lawfully disposing of cannabis, as defined in  
511 s. 893.02, pursuant to this section an approved dispensing  
512 organization must meet all criteria established in s. 381.986  
513 applicable to cultivating, manufacturing, selling, delivering,  
514 dispensing, distributing, and lawfully disposing of low-THC  
515 cannabis except that cannabis produced pursuant to this section  
516 is not restricted as to the amount of tetrahydrocannabinol or  
517 cannabidiol.

518 (c) An approved dispensing organization as defined in s.  
519 381.986 and its owners, managers, employees and contractors are  
520 not subject to licensure or regulation under chapter 465 or  
521 chapter 499 for manufacturing, possessing, selling, delivering,  
522 distributing, dispensing, or lawfully disposing of cannabis.

523 (d) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
524 any other law, but subject to the requirements of this section  
525 and s. 381.986, an independent testing laboratory and its  
526 employees may receive and possess cannabis for the sole purpose  
527 of testing the cannabis to ensure compliance with this section  
528 and s. 381.986(7).

529 (e) As used in this subsection, the terms "manufacture,"  
530 "possession," "deliver," "distribute," and "dispense" have the  
531 same meanings as provided in s. 893.02.

532 (f) This section does not impair the approval of a



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533 dispensing organization under s. 381.986.

534 Section 3. This act shall take effect July 1, 2016.

535

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

537 And the title is amended as follows:

538 Delete everything before the enacting clause

539 and insert:

540 A bill to be entitled

541 An act relating to the medical use of cannabis;  
542 amending s. 381.986, F.S.; defining terms; restricting  
543 the use of cannabis and low-THC cannabis in certain  
544 areas; establishing that a physician may order  
545 cannabis for the use of certain patients; requiring  
546 physicians to register patients and their caregivers  
547 on the compassionate use registry; restricting  
548 dispensing organization medical directors from  
549 ordering cannabis and low-THC cannabis; specifying  
550 that cannabis may be ordered only for conditions that  
551 meet the requirements of s. 499.0295, F.S.;

552 establishing a licensure violation for physicians who  
553 order cannabis or low-THC cannabis and receive  
554 compensation from a dispensing organization; requiring  
555 the Department of Health to establish a system for  
556 issuing identification cards to patients and  
557 caregivers; specifying what information must be  
558 included on the identification cards; requiring the  
559 department to inspect a dispensing organization's  
560 properties and facilities; requiring the department to  
561 ensure that each dispensing organization adheres to



562 testing and labeling requirements for cannabis, low-  
563 THC cannabis, and low-THC cannabis products;  
564 establishing fines for violations; establishing  
565 violations for which fines may be imposed; requiring  
566 the department to provide 20 business days for a  
567 dispensing organization to cure a violation; allowing  
568 the department to impose an administrative penalty on,  
569 or suspend, revoke, or deny the approval of, a  
570 dispensing organization when violations are not cured;  
571 requiring the department to biennially renew the  
572 approval of a dispensing organization; specifying that  
573 dispensing organizations may have certain types of  
574 facilities; preempting the regulation of cultivation  
575 facilities and processing facilities to the state;  
576 requiring that cultivation facilities and processing  
577 facilities be closed to the public; allowing local  
578 governments to determine the location and other  
579 permitting requirements for retail facilities; placing  
580 certain requirements on retail facilities; restricting  
581 dispensing organizations from selling retail products  
582 other than paraphernalia required for the use of  
583 cannabis or low-THC cannabis as ordered; requiring  
584 dispensing organizations to update the department with  
585 certain information within 15 days; requiring  
586 dispensing organizations to meet specified  
587 requirements for the transportation of cannabis and  
588 low-THC cannabis; establishing testing and labeling  
589 requirements for cannabis and low-THC cannabis; making  
590 technical and conforming changes; amending s.



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591 499.0295, F.S.; revising the term "investigational  
592 drug, biological product, or device" to include  
593 cannabis, as defined in s. 893.02, F.S., under certain  
594 circumstances; authorizing certain patients to  
595 purchase and medically use cannabis under certain  
596 circumstances; allowing dispensing organizations to  
597 cultivate, manufacture, possess, sell, deliver,  
598 distribute, dispense, and lawfully dispose of cannabis  
599 under certain circumstances and when meeting certain  
600 criteria; exempting dispensing organizations and their  
601 owners, managers, employees and contractors from  
602 certain licensure requirements; exempting independent  
603 testing laboratories from criminal prohibitions for  
604 the purpose of testing cannabis; stating that certain  
605 terms are defined in s. 893.02, F.S.; clarifying that  
606 the provisions in the section do not impair the  
607 approval of a dispensing organization under 381.986,  
608 F.S.; providing an effective date.