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LEGISLATIVE ACTION

Senate

House

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Floor: NC/2R

03/04/2016 10:08 AM

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Senator Sachs moved the following:

**Senate Amendment**

Delete lines 180 - 250

and insert:

defined in s. 499.0295; order medical cannabis to treat a  
qualified patient suffering from chronic, persistent, and  
debilitating pain; or order a cannabis delivery device for the  
medical use of low-THC cannabis or medical cannabis, only if the  
physician and all of the following conditions apply:

(a) Holds an active, unrestricted license as a physician  
under chapter 458 or an osteopathic physician under chapter 459;



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12           (b) Has treated the patient for at least 3 months  
13 immediately preceding the patient's registration in the  
14 compassionate use registry;  
15           (c) Has successfully completed the course and examination  
16 required under paragraph (4) (a);  
17           ~~(a) The patient is a permanent resident of this state.~~  
18           (d) Has determined ~~The physician determines~~ that the  
19 risks of treating the patient with ~~ordering~~ low-THC cannabis or  
20 medical cannabis are reasonable in light of the potential  
21 benefit to the ~~for that~~ patient. If a patient is younger than 18  
22 years of age, a second physician must concur with this  
23 determination, and such determination must be documented in the  
24 patient's medical record; ~~-~~  
25           ~~(e) The physician~~ Registers as the orderer of low-THC  
26 cannabis or medical cannabis for the named patient on the  
27 compassionate use registry maintained by the department and  
28 updates the registry to reflect the contents of the order,   
29 including the amount of low-THC cannabis or medical cannabis  
30 that will provide the patient with not more than a 45-day supply  
31 and a cannabis delivery device needed by the patient for the  
32 medical use of low-THC cannabis or medical cannabis. The  
33 physician must also update the registry within 7 days after any  
34 change is made to the original order to reflect the change. The  
35 physician shall deactivate the registration of the patient and  
36 the patient's legal representative ~~patient's registration~~ when  
37 treatment is discontinued; ~~-~~  
38           ~~(f) The physician~~ Maintains a patient treatment plan  
39 that includes the dose, route of administration, planned  
40 duration, and monitoring of the patient's symptoms and other



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41 indicators of tolerance or reaction to the low-THC cannabis or  
42 medical cannabis;-

43 (g) (e) The physician Submits the patient treatment plan  
44 quarterly to the University of Florida College of Pharmacy for  
45 research on the safety and efficacy of low-THC cannabis and  
46 medical cannabis on patients;-

47 (h) (f) The physician Obtains the voluntary written informed  
48 consent of the patient or the patient's legal representative  
49 guardian to treatment with low-THC cannabis after sufficiently  
50 explaining the current state of knowledge in the medical  
51 community of the effectiveness of treatment of the patient's  
52 condition with low-THC cannabis, the medically acceptable  
53 alternatives, and the potential risks and side effects;

54 (i) Obtains written informed consent as defined in and  
55 required under s. 499.0295, if the physician is ordering medical  
56 cannabis for an eligible patient pursuant to that section; and

57 (j) Is not a medical director employed by a dispensing  
58 organization.

59 (3) PENALTIES.-

60 (a) A physician commits a misdemeanor of the first degree,  
61 punishable as provided in s. 775.082 or s. 775.083, if the  
62 physician orders low-THC cannabis for a patient without a  
63 reasonable belief that the patient is suffering from:

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

67 2. Symptoms of cancer or a physical medical condition that  
68 chronically produces symptoms of seizures or severe and  
69 persistent muscle spasms that can be alleviated with low-THC



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70 cannabis.

71 (b) A physician commits a misdemeanor of the first degree,  
72 punishable as provided in s. 775.082 or s. 775.083, if the  
73 physician orders medical cannabis for a patient without a  
74 reasonable belief that the patient has a terminal condition as  
75 defined in s. 499.0295 or suffers from chronic, persistent, and  
76 debilitating pain.

77 (c) ~~(b)~~ A Any person who fraudulently represents that he or  
78 she has cancer or suffers from chronic, persistent, and  
79 debilitating pain, or a physical medical condition that  
80 chronically