

By Senator Grimsley

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1                                   A bill to be entitled  
2       An act relating to medical use of marijuana; amending  
3       s. 381.986, F.S.; providing legislative intent;  
4       defining, redefining, and deleting terms; authorizing  
5       physicians to issue physician certifications to  
6       specified patients for the provision of marijuana and  
7       marijuana delivery devices; requiring physicians to  
8       meet certain conditions to be authorized to issue and  
9       make determinations in physician certifications;  
10      requiring certain physicians to annually reexamine and  
11      reassess patients and update patient information in  
12      the compassionate use registry; providing that a prior  
13      order issued for low-THC cannabis or medical cannabis  
14      is considered a physician certification under certain  
15      circumstances; providing requirements for such orders;  
16      revising criminal penalties; reducing the number of  
17      hours of coursework required of physicians who issue  
18      physician certifications; providing that physicians  
19      who meet specified requirements are grandfathered for  
20      the purpose of specified education requirements;  
21      authorizing qualifying patients to designate  
22      caregivers; requiring caregivers to meet specified  
23      requirements; prohibiting a qualifying patient from  
24      designating more than one caregiver at any given time;  
25      providing exceptions; requiring the Department of  
26      Health to register on the compassionate use registry a  
27      caregiver and to issue him or her a caregiver  
28      identification card if the caregiver meets certain  
29      requirements; revising the list of entities that have

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30 access to the compassionate use registry; requiring  
31 the department to adopt rules by a specified date;  
32 authorizing the department to charge a fee for  
33 identification cards; requiring the department to  
34 begin issuing identification cards to qualified  
35 registrants by a specific date; providing requirements  
36 for the identification cards; requiring the department  
37 to register certain dispensing organizations as  
38 medical marijuana treatment centers (MMTCs) by a  
39 certain date; requiring the department to register  
40 additional MMTCs in accordance with a specified  
41 schedule; providing an exception to certain  
42 registration requirements for certain applicants;  
43 authorizing certain performance bonds to be used only  
44 for reimbursement to the department for damages  
45 incurred as a result of the MMTC's failure to meet  
46 certain requirements or department rules; deleting  
47 obsolete provisions; revising the operational  
48 requirements for MMTCs; authorizing the department to  
49 waive certain requirements in the MMTC registration  
50 application under specified circumstances; providing  
51 requirements for MMTCs to grow, process, and dispense  
52 marijuana; providing a contract option that requires  
53 an independent testing laboratory to directly test an  
54 MMTC's marijuana final product; requiring that  
55 marijuana receptacles be childproof; reducing the time  
56 that samples are required to be retained; requiring  
57 verification of patient and caregiver identification  
58 cards, rather than registration cards, and amount and

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59 type of marijuana before dispensing; requiring MMTC  
60 compliance with certain standards in the production  
61 and dispensing of edibles or food products; requiring  
62 an MMTC to enter additional information into the  
63 compassionate use registry; providing requirements to  
64 ensure the safety and security of premises and  
65 facilities of MMTCs, rather than dispensing  
66 organizations, and the safe transport of marijuana;  
67 requiring a vehicle transporting marijuana to be  
68 legally parked under certain circumstances; revising  
69 the department authority and responsibilities;  
70 requiring the department to adopt rules relating to  
71 ownership changes or changes in an owner's investment  
72 interest; authorizing the department to suspend,  
73 revoke, or refuse to renew an MMTC's registration if  
74 the MMTC commits repeated violations that remain  
75 uncured within a specified time limit; authorizing  
76 emergency rulemaking procedures under certain  
77 circumstances; prohibiting a municipality or county  
78 from banning dispensing facilities; conforming  
79 provisions to changes made by the act; providing  
80 construction; authorizing certain institutes or state  
81 universities to possess, test, transport, or dispose  
82 of marijuana for research purposes; prohibiting a  
83 person from offering or advertising services, and from  
84 owning, operating, and maintaining certain facilities,  
85 without registration; providing penalties including an  
86 administrative fine imposed under certain  
87 circumstances; prohibiting importation of marijuana;

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88 authorizing exportation of marijuana and products  
89 containing marijuana under certain circumstances;  
90 amending ss. 381.987, 385.211, 499.0295, and 1004.441,  
91 F.S.; conforming provisions to changes made by the  
92 act; providing a directive to the Division of Law  
93 Revision and Information; providing an effective date.  
94

95 Be It Enacted by the Legislature of the State of Florida:  
96

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

99 381.986 Compassionate use of marijuana ~~low-THC and medical~~  
100 ~~cannabis~~.—

101 (1) LEGISLATIVE INTENT.—

102 (a) It is the intent of the Legislature to implement s. 29,  
103 Art. X of the State Constitution by creating a unified  
104 regulatory structure within the framework of this section for  
105 the acquisition, cultivation, possession, processing, transfer,  
106 transportation, sale, distribution, and dispensing of marijuana,  
107 products containing marijuana, related supplies, or educational  
108 materials to qualifying patients or their caregivers.

109 (b) The Legislature intends that all rules adopted by the  
110 Department of Health to implement this section be adopted  
111 pursuant to s. 120.536(1) or s. 120.54. The Legislature intends  
112 that the department use emergency rulemaking procedures pursuant  
113 to s. 120.54(4) to adopt rules under this section if necessary  
114 to meet any deadline for rulemaking established in s. 29, Art. X  
115 of the State Constitution.

116 (c) Further, the Legislature intends that all registrations

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117 for the purposes specified in paragraph (a) be issued solely in  
118 accordance with the requirements of this section and all rules  
119 adopted under this section.

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

121 (a) "Caregiver" means a person who:

122 1. Is at least 21 years of age unless he or she is a close  
123 relative of the qualifying patient;

124 2. Has agreed in writing to assist the qualifying patient  
125 with the qualifying patient's medical use of marijuana; and

126 3. Does not receive compensation, other than actual  
127 expenses incurred, for assisting the qualifying patient with the  
128 medical use of marijuana unless the caregiver is acting pursuant  
129 to employment in a licensed facility ~~"Cannabis delivery device"~~  
130 ~~means an object used, intended for use, or designed for use in~~  
131 ~~preparing, storing, ingesting, inhaling, or otherwise~~  
132 ~~introducing low-THC cannabis or medical cannabis into the human~~  
133 ~~body.~~

134 (b) "Close relative" means a spouse, parent, sibling,  
135 grandparent, child, or grandchild, whether related by whole or  
136 half blood, by marriage, or by adoption.

137 (c) ~~(b)~~ "Debilitating medical condition" means cancer,  
138 epilepsy, glaucoma, a positive status for human immunodeficiency  
139 virus, acquired immune deficiency syndrome, posttraumatic stress  
140 disorder, amyotrophic lateral sclerosis, Crohn's disease,  
141 Parkinson's disease, multiple sclerosis, a physical medical  
142 condition that chronically produces symptoms of seizures or  
143 severe and persistent muscle spasms, a terminal condition, or  
144 other debilitating medical conditions of the same kind or class  
145 as, or comparable to, those conditions enumerated in this

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146 paragraph and for which a physician believes that the use of  
147 marijuana would likely outweigh the potential health risks to a  
148 patient ~~"Dispensing organization" means an organization approved~~  
149 ~~by the department to cultivate, process, transport, and dispense~~  
150 ~~low-THC cannabis or medical cannabis pursuant to this section.~~

151 ~~(d)~~ (e) "Independent testing laboratory" means a laboratory,  
152 including the managers, employees, or contractors of the  
153 laboratory:<sup>7</sup>

154 1. Which has no direct or indirect interest in a medical  
155 marijuana treatment center; and

156 2. In which no medical marijuana treatment center has any  
157 direct or indirect interest ~~dispensing organization.~~

158 ~~(e)~~ (d) "Legal representative" means the qualifying  
159 ~~qualified~~ patient's parent, legal guardian acting pursuant to a  
160 court's authorization as required under s. 744.3215(4), health  
161 care surrogate acting pursuant to the qualifying ~~qualified~~  
162 patient's written consent or a court's authorization as required  
163 under s. 765.113, or an individual who is authorized under a  
164 power of attorney to make health care decisions on behalf of the  
165 qualifying ~~qualified~~ patient.

166 ~~(f)~~ (e) "Low-THC cannabis" means a plant of the genus  
167 *Cannabis*, the dried flowers of which contain 0.8 percent or less  
168 of tetrahydrocannabinol and more than 10 percent of cannabidiol  
169 weight for weight; the seeds thereof; the resin extracted from  
170 any part of such plant; or any compound, manufacture, salt,  
171 derivative, mixture, or preparation of such plant or its seeds  
172 or resin that is dispensed only by a medical marijuana treatment  
173 center ~~from a dispensing organization.~~

174 ~~(g)~~ (f) "Marijuana" has the same meaning as provided in s.

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175 29, Art. X of the State Constitution ~~“Medical cannabis” means~~  
176 ~~all parts of any plant of the genus Cannabis, whether growing or~~  
177 ~~not; the seeds thereof; the resin extracted from any part of the~~  
178 ~~plant; and every compound, manufacture, sale, derivative,~~  
179 ~~mixture, or preparation of the plant or its seeds or resin that~~  
180 ~~is dispensed only from a dispensing organization for medical use~~  
181 ~~by an eligible patient as defined in s. 499.0295.~~

182 (h) “Marijuana delivery device” means an object used,  
183 intended for use, or designed for use in preparing, storing,  
184 ingesting, inhaling, or otherwise introducing marijuana or low-  
185 THC cannabis into the human body.

186 (i) “Medical marijuana treatment center” or “MMTC” has the  
187 same meaning as provided in s. 29, Art. X of the State  
188 Constitution.

189 (j)(g) “Medical use” has the same meaning as provided in s.  
190 29, Art. X of the State Constitution ~~means administration of the~~  
191 ~~ordered amount of low-THC cannabis or medical cannabis. The term~~  
192 ~~does not include the:~~

193 1. The possession, use, or administration of marijuana low-  
194 THC cannabis or medical cannabis by smoking. As used in this  
195 subparagraph, the term “smoking” means burning or igniting a  
196 substance and inhaling the smoke. Smoking does not include the  
197 use of a vaporizer.

198 2. The possession, use, or administration of marijuana that  
199 is not purchased or acquired from a medical marijuana treatment  
200 center.

201 3. The transfer of marijuana low-THC cannabis or medical  
202 cannabis to a person other than the qualifying ~~qualified~~ patient  
203 for whom it was ordered or the qualifying ~~qualified~~ patient’s

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204 caregiver ~~legal representative~~ on behalf of the qualifying  
 205 ~~qualified~~ patient.

206 ~~4.3. The use or administration of marijuana ~~low-THC~~~~  
 207 ~~cannabis or medical cannabis:~~

208 a. On any form of public transportation.

209 b. In any public place.

210 c. In a qualifying ~~qualified~~ patient's place of employment,  
 211 if restricted by his or her employer.

212 d. In a state correctional institution as defined in s.  
 213 944.02 or a correctional institution as defined in s. 944.241.

214 e. On the grounds of a preschool, primary school, or  
 215 secondary school.

216 f. On a school bus or in a vehicle, aircraft, or motorboat.

217 ~~(k)(h)~~ "Qualifying patient" has the same meaning as  
 218 provided in s. 29, Art. X of the State Constitution. The term  
 219 also includes eligible patients, as defined in s. 499.0295, and  
 220 patients who are issued a physician certification under  
 221 subsection (3). A patient is not a qualifying patient unless he  
 222 or she is registered with the department and has been issued a  
 223 ~~"Qualified patient" means a resident of this state who has been~~  
 224 ~~added to the compassionate use registry identification card by a~~  
 225 ~~physician licensed under chapter 458 or chapter 459 to receive~~  
 226 ~~low-THC cannabis or medical cannabis from a dispensing~~  
 227 ~~organization.~~

228 ~~(i) "Smoking" means burning or igniting a substance and~~  
 229 ~~inhaling the smoke. Smoking does not include the use of a~~  
 230 ~~vaporizer.~~

231 ~~(3)(2)~~ PHYSICIAN CERTIFICATION ORDERING.—A physician is  
 232 authorized to issue a physician certification for the provision



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233 ~~of marijuana and marijuana delivery devices order low-THC~~  
234 ~~cannabis to treat a qualified patient suffering from cancer or a~~  
235 ~~physical medical condition that chronically produces symptoms of~~  
236 ~~seizures or severe and persistent muscle spasms; order low-THC~~  
237 ~~cannabis to alleviate symptoms of such disease, disorder, or~~  
238 ~~condition, if no other satisfactory alternative treatment~~  
239 ~~options exist for the qualified patient; order medical cannabis~~  
240 ~~to treat a qualifying an eligible patient as defined in s.~~  
241 ~~499.0295; or order a cannabis delivery device for the medical~~  
242 ~~use of low-THC cannabis or medical cannabis, only if the~~  
243 ~~physician:~~

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

246 (b) ~~Has treated the patient for at least 3 months~~  
247 ~~immediately preceding the patient's registration in the~~  
248 ~~compassionate use registry;~~

249 ~~(c)~~ Has successfully completed the course and examination  
250 required under paragraph (6) (a) ~~(4) (a);~~

251 (c) Has conducted a physical examination and made a full  
252 assessment of the medical history of the patient;

253 (d) Has determined that the medical use of marijuana would  
254 likely outweigh the potential health risks ~~of treating the~~  
255 ~~patient with low-THC cannabis or medical cannabis are reasonable~~  
256 ~~in light of the potential benefit to the patient. If a patient~~  
257 ~~is younger than 18 years of age, a second physician must concur~~  
258 ~~with this determination, and such determination must be~~  
259 ~~documented in the patient's medical record;~~

260 (e) Registers as the patient's physician ~~orderer of low-THC~~  
261 ~~cannabis or medical cannabis for the named patient on the~~

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262 compassionate use registry maintained by the department and  
263 updates the registry to reflect ~~the contents of the order,~~  
264 ~~including~~ the amount of marijuana which low-THC cannabis or  
265 ~~medical cannabis that~~ will provide the patient with not more  
266 than a 45-day supply and any marijuana a cannabis delivery  
267 device needed by the patient for the medical use of marijuana  
268 ~~low-THC cannabis or medical cannabis.~~ A physician may certify an  
269 amount greater than a 45-day supply of marijuana if the  
270 physician has a reasonable belief that the patient will use the  
271 additional marijuana in a medically appropriate way. The  
272 physician must ~~also~~ update the registry within 7 days after any  
273 change is made to the physician certification ~~original~~ order to  
274 reflect the change. The physician shall deactivate the  
275 registration of the patient ~~and the patient's legal~~  
276 ~~representative~~ when the physician no longer recommends the  
277 medical use of marijuana for the patient ~~treatment is~~  
278 ~~discontinued;~~

279 (f) At least annually, recertifies the qualifying patient  
280 pursuant to this subsection ~~Maintains a patient treatment plan~~  
281 ~~that includes the dose, route of administration, planned~~  
282 ~~duration, and monitoring of the patient's symptoms and other~~  
283 ~~indicators of tolerance or reaction to the low-THC cannabis or~~  
284 ~~medical cannabis; and~~

285 (g) ~~Submits the patient treatment plan quarterly to the~~  
286 ~~University of Florida College of Pharmacy for research on the~~  
287 ~~safety and efficacy of low-THC cannabis and medical cannabis on~~  
288 ~~patients;~~

289 (h) ~~Obtains the voluntary written informed consent of the~~  
290 ~~patient or the patient's legal representative to treatment with~~

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291 ~~low-THC cannabis after sufficiently explaining the current state~~  
292 ~~of knowledge in the medical community of the effectiveness of~~  
293 ~~treatment of the patient's condition with low-THC cannabis, the~~  
294 ~~medically acceptable alternatives, and the potential risks and~~  
295 ~~side effects;~~

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

299 ~~(g)-(j) Is not a medical director employed by an MMTC a~~  
300 ~~dispensing organization.~~

301 ~~(4)-(3) GRANDFATHERING.—An order for low-THC cannabis or~~  
302 ~~medical cannabis issued pursuant to former s. 381.986, Florida~~  
303 ~~Statutes 2016, and registered with the compassionate use~~  
304 ~~registry on or before the effective date of this act shall be~~  
305 ~~considered a physician certification issued pursuant to this~~  
306 ~~section. The details and expiration date of such certification~~  
307 ~~must be identical to the details and expiration date of the~~  
308 ~~order as logged in the compassionate use registry. Until the~~  
309 ~~department begins issuing compassionate use registry~~  
310 ~~identification cards, all patients with such orders shall be~~  
311 ~~considered qualifying patients, notwithstanding the requirement~~  
312 ~~that a qualifying patient have a compassionate use registry~~  
313 ~~identification card.~~

314 ~~(5) PENALTIES.—~~

315 ~~(a) A physician commits a misdemeanor of the first degree,~~  
316 ~~punishable as provided in s. 775.082 or s. 775.083, if the~~  
317 ~~physician issues a physician certification for marijuana to~~  
318 ~~orders low-THC cannabis for a patient without a reasonable~~  
319 ~~belief that the patient is suffering from a debilitating medical~~

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320 ~~condition.~~

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

324 ~~2. Symptoms of cancer or a physical medical condition that~~  
325 ~~chronically produces symptoms of seizures or severe and~~  
326 ~~persistent muscle spasms that can be alleviated with low-THC~~  
327 ~~cannabis.~~

328 ~~(b) A physician commits a misdemeanor of the first degree,~~  
329 ~~punishable as provided in s. 775.082 or s. 775.083, if the~~  
330 ~~physician orders medical cannabis for a patient without a~~  
331 ~~reasonable belief that the patient has a terminal condition as~~  
332 ~~defined in s. 499.0295.~~

333 ~~(c) A person who fraudulently represents that he or she has~~  
334 ~~a debilitating cancer, a physical medical condition that~~  
335 ~~chronically produces symptoms of seizures or severe and~~  
336 ~~persistent muscle spasms, or a terminal condition to a physician~~  
337 ~~for the purpose of being issued a physician certification for~~  
338 ~~marijuana ordered low-THC cannabis, medical cannabis, or a~~  
339 ~~marijuana cannabis delivery device by such physician commits a~~  
340 ~~misdemeanor of the first degree, punishable as provided in s.~~  
341 ~~775.082 or s. 775.083.~~

342 ~~(c)(d) A qualifying An eligible patient as defined in s.~~  
343 ~~499.0295 who uses marijuana medical cannabis, and such patient's~~  
344 ~~caregiver legal representative who administers marijuana medical~~  
345 ~~cannabis, in plain view of or in a place open to the general~~  
346 ~~public, on the grounds of a place of education school, or in an~~  
347 ~~aircraft, a motorboat, a school bus, a train, or a vehicle,~~  
348 ~~aircraft, or motorboat, commits a misdemeanor of the first~~

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349 degree, punishable as provided in s. 775.082 or s. 775.083.

350 (d) Except as provided in paragraph (c), a caregiver who  
351 violates any provision of this section or applicable department  
352 rule commits, upon the first offense, a misdemeanor of the  
353 second degree, punishable as provided in s. 775.082 or s.  
354 775.083, and, upon the second and subsequent offenses, a  
355 misdemeanor of the first degree, punishable as provided in s.  
356 775.082 or s. 775.083.

357 (e) A physician who issues a physician certification for  
358 marijuana ~~orders low-THC cannabis, medical cannabis,~~ or a  
359 marijuana cannabis delivery device and receives compensation  
360 from an MMTC ~~a dispensing organization~~ related to issuing the  
361 physician certification for marijuana ~~the ordering of low-THC~~  
362 ~~cannabis, medical cannabis,~~ or a marijuana cannabis delivery  
363 device is subject to disciplinary action under the applicable  
364 practice act and s. 456.072(1)(n).

365 (6)-(4) PHYSICIAN EDUCATION.-

366 (a) Before a physician may issue a physician certification  
367 pursuant to subsection (3) ~~ordering low-THC cannabis, medical~~  
368 ~~cannabis, or a cannabis delivery device for medical use by a~~  
369 ~~patient in this state,~~ the appropriate board shall require the  
370 ordering physician to successfully complete a 4-hour ~~an 8-hour~~  
371 course and subsequent examination offered by the Florida Medical  
372 Association or the Florida Osteopathic Medical Association which  
373 ~~that~~ encompasses the clinical indications for the appropriate  
374 use of marijuana ~~low-THC cannabis and medical cannabis,~~ the  
375 appropriate marijuana cannabis delivery devices, the  
376 contraindications for such use, and the relevant state and  
377 federal laws governing the issuance of physician certifications,

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378 as well as the ~~ordering,~~ dispensing, and possessing of these  
379 substances and devices. The course and examination shall be  
380 administered at least quarterly ~~annually~~. Successful completion  
381 of the course may be used by a physician to satisfy 4 hours &  
382 ~~hours~~ of the continuing medical education ~~requirements~~ required  
383 by his or her respective board for licensure renewal. This  
384 course may be offered in a distance learning format. A physician  
385 who has completed an 8-hour course and subsequent examination  
386 offered by the Florida Medical Association or the Florida  
387 Osteopathic Medical Association which encompasses the clinical  
388 indications for the appropriate use of marijuana and who is  
389 registered in the compassionate use registry on the effective  
390 date of this act is deemed to meet the requirements of this  
391 paragraph.

392 (b) The appropriate board shall require the medical  
393 director of each MMTC ~~dispensing organization~~ to hold an active,  
394 unrestricted license as a physician under chapter 458 or as an  
395 osteopathic physician under chapter 459 and successfully  
396 complete a 2-hour course and subsequent examination offered by  
397 the Florida Medical Association or the Florida Osteopathic  
398 Medical Association which ~~that~~ encompasses appropriate safety  
399 procedures and knowledge of marijuana ~~low-THC cannabis, medical~~  
400 ~~cannabis,~~ and marijuana ~~cannabis~~ delivery devices.

401 ~~(c) Successful completion of the course and examination~~  
402 ~~specified in paragraph (a) is required for every physician who~~  
403 ~~orders low-THC cannabis, medical cannabis, or a cannabis~~  
404 ~~delivery device each time such physician renews his or her~~  
405 ~~license. In addition, successful completion of the course and~~  
406 ~~examination specified in paragraph (b) is required for the~~

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407 ~~medical director of each dispensing organization each time such~~  
408 ~~physician renews his or her license.~~

409 ~~(d)~~ A physician who fails to comply with this subsection  
410 and who issues a physician certification for marijuana orders  
411 ~~low-THC cannabis, medical cannabis, or a marijuana cannabis~~  
412 delivery device may be subject to disciplinary action under the  
413 applicable practice act and under s. 456.072(1)(k).

414 (7) CAREGIVERS.—

415 (a) During the course of registration with the department  
416 for inclusion on the compassionate use registry, or at any time  
417 while registered, a qualifying patient may designate an  
418 individual as his or her caregiver to assist him or her with the  
419 medical use of marijuana. The designated caregiver must pass a  
420 level 2 screening pursuant to chapter 435 unless the patient is  
421 a close relative of the caregiver.

422 (b) A qualifying patient may have only one designated  
423 caregiver at any given time unless all of the qualifying  
424 patient's caregivers are his or her close relatives or legal  
425 representatives.

426 (c) A caregiver may assist only one qualifying patient at  
427 any given time unless:

428 1. All qualifying patients the caregiver is assisting are  
429 close relatives of each other and the caregiver is the legal  
430 representative of at least one of the patients; or

431 2. All qualifying patients the caregiver is assisting are  
432 receiving hospice services, or are residents in the same  
433 assisted living facility, nursing home, or other licensed  
434 facility and have requested the assistance of that caregiver  
435 with the medical use of marijuana; the caregiver is an employee

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436 of the hospice or licensed facility; and the caregiver provides  
437 personal care or services directly to clients of the hospice or  
438 licensed facility as a part of his or her employment duties at  
439 the hospice or licensed facility.

440 (d) The department must register a caregiver on the  
441 compassionate use registry and issue him or her a caregiver  
442 identification card if he or she:

443 1. Is designated by a qualifying patient, provides hospice  
444 services to a qualifying patient, or is requested by a  
445 qualifying patient in a licensed facility for assistance with  
446 the medical use of marijuana; and

447 2. Meets all of the requirements of this subsection and  
448 department rules.

449 (8)~~(5)~~ DUTIES OF THE DEPARTMENT.—The department shall:

450 (a) Create and maintain a secure, electronic, and online  
451 compassionate use registry for the registration of physicians,  
452 qualifying patients, and caregivers ~~the legal representatives of~~  
453 ~~patients~~ as provided under this section. The registry must be  
454 accessible to:

455 1. Physicians licensed under chapter 458 or chapter 459, to  
456 ensure proper care for patients requesting physician  
457 certifications;

458 2. Practitioners licensed to prescribe prescription drugs,  
459 to ensure proper care for patients before prescribing  
460 medications that may interact with the medical use of marijuana;

461 3. Law enforcement agencies, to verify the authorization of  
462 a qualifying patient or a qualifying patient's caregiver to  
463 possess marijuana or a marijuana delivery device; and

464 4. MMTCs, ~~to a dispensing organization~~ to verify the



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465 authorization of a qualifying patient or a qualifying patient's  
466 caregiver ~~legal representative~~ to possess marijuana ~~low-THC~~  
467 ~~cannabis, medical cannabis,~~ or a marijuana ~~cannabis~~ delivery  
468 device and to record the marijuana ~~low-THC cannabis, medical~~  
469 ~~cannabis,~~ or marijuana ~~cannabis~~ delivery device dispensed. The  
470 registry must prevent ~~an~~ active registration of a qualifying  
471 patient by multiple physicians.

472 (b) By July 3, 2017, adopt rules, pursuant to s. 120.536(1)  
473 or s. 120.54, establishing procedures for the issuance, annual  
474 renewal, suspension, and revocation of compassionate use  
475 registry identification cards for qualifying patients and  
476 caregivers who are residents of this state. The department may  
477 use emergency rulemaking procedures pursuant to s. 120.54(4) to  
478 adopt rules under this section as necessary to ensure that rules  
479 are adopted on or before July 3, 2017. The department may charge  
480 a reasonable fee associated with the issuance and renewal of  
481 patient and caregiver identification cards. By October 3, 2017,  
482 the department shall begin issuing identification cards to adult  
483 patients who are residents of this state and who have a  
484 physician certification that meets the requirements of  
485 subsection (3); minor patients who are residents of this state  
486 and who have a physician certification that meets the  
487 requirements of subsection (3) and the written consent of a  
488 parent or legal guardian; and caregivers registered pursuant to  
489 subsection (7). Patient and caregiver identification cards must  
490 be resistant to counterfeiting and tampering and must include at  
491 least the following:

492 1. The name, address, and date of birth of the patient or  
493 caregiver, as appropriate;

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494 2. Designation of the cardholder as a patient or caregiver;

495 3. A unique numeric identifier for the patient or caregiver  
496 which is matched to the identifier used for such person in the  
497 department's compassionate use registry. A caregiver's numeric  
498 identifier and file in the compassionate use registry must be  
499 linked to the file of the patient or patients the caregiver is  
500 assisting so that the caregiver's status may be verified for  
501 each patient individually;

502 4. The expiration date, which must be 1 year after the date  
503 of issuance of the identification card or the date treatment  
504 ends as provided in the patient's physician certification,  
505 whichever occurs first; and

506 5. For a caregiver who is assisting three or fewer  
507 qualifying patients, the names and unique numeric identifiers of  
508 the qualifying patient or patients that the caregiver is  
509 assisting.

510 (c) Deem a dispensing organization approved under s. 2,  
511 chapter 2014-157, Laws of Florida, or s. 3, chapter 2016-123,  
512 Laws of Florida, before June 1, 2017, to meet the requirements  
513 for approval as an MMTC under this section. The department shall  
514 presume such dispensing organization to be registered with the  
515 department as an MMTC and shall authorize such dispensing  
516 organization to acquire, cultivate, possess, and process  
517 marijuana or products containing marijuana, including developing  
518 related products such as food, tinctures, aerosols, oils, or  
519 ointments, for sale to qualifying patients and their caregivers;  
520 and to transfer, transport, sell, distribute, or dispense  
521 marijuana, products containing marijuana, related supplies, and  
522 educational materials to qualifying patients or their

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523 caregivers. The department must renew the registration of such  
524 dispensing organization as an MMTC biennially upon the  
525 dispensing organization's payment of the biennial renewal fee,  
526 unless the dispensing organization is required to hold a valid  
527 certificate of registration from the Department of Agriculture  
528 and Consumer Services pursuant to s. 581.131 and fails to  
529 maintain such registration ~~Authorize the establishment of five~~  
530 ~~dispensing organizations to ensure reasonable statewide~~  
531 ~~accessibility and availability as necessary for patients~~  
532 ~~registered in the compassionate use registry and who are ordered~~  
533 ~~low-THC cannabis, medical cannabis, or a cannabis delivery~~  
534 ~~device under this section, one in each of the following regions:~~  
535 ~~northwest Florida, northeast Florida, central Florida, southeast~~  
536 ~~Florida, and southwest Florida.~~

537 (d) Within 6 months after the registration of each  
538 occurrence of 250,000 active qualifying patients in the  
539 compassionate use registry, begin the application process for  
540 registering three additional MMTCs, including, but not limited  
541 to, one applicant per occurrence which is a recognized class  
542 member of *Pigford v. Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or  
543 *In re Black Farmers Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011), and  
544 which is a member of the Black Farmers and Agriculturalists  
545 Association. Each applicant must meet the requirements in this  
546 subsection and in subsection (9) and be an entity registered to  
547 do business in this state for at least 5 consecutive years as of  
548 the date of the application. Notwithstanding any other  
549 provisions of this subsection, applicants who are recognized  
550 class members of *Pigford v. Glickman*, 185 F.R.D. 82 (D.D.C.  
551 1999), or *In re Black Farmers Litig.*, 856 F. Supp. 2d 1 (D.D.C.

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552 2011), and which are members of the Black Farmers and  
553 Agriculturalists Association need not have been operated as a  
554 registered nursery in this state for at least 30 continuous  
555 years.

556 (e) The department shall Develop an application form for  
557 registration as an MMTC and impose an initial application and  
558 biennial renewal fee that is sufficient to cover the costs of  
559 administering this section. To be registered as an MMTC, the An  
560 applicant for approval as a dispensing organization must be able  
561 to demonstrate:

562 1. The technical and technological ability to cultivate and  
563 produce marijuana low-THC cannabis. The applicant must possess a  
564 valid certificate of registration issued by the Department of  
565 Agriculture and Consumer Services pursuant to s. 581.131 ~~that is~~  
566 ~~issued~~ for the cultivation of more than 400,000 plants, be  
567 operated by a nurseryman as defined in s. 581.011, and have been  
568 operated as a registered nursery in this state for at least 30  
569 continuous years.

570 2. The ability to secure the premises, resources, and  
571 personnel necessary to operate as an MMTC ~~a dispensing~~  
572 ~~organization~~.

573 3. The ability to maintain accountability of all raw  
574 materials, finished products, and any byproducts to prevent  
575 diversion or unlawful access to or possession of these  
576 substances.

577 4. An infrastructure reasonably located to dispense  
578 marijuana low-THC cannabis to registered qualifying patients  
579 ~~statewide or regionally as determined by the department~~.

580 5. The financial ability to maintain operations for the

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581 duration of the 2-year approval cycle, including the provision  
582 of certified financials to the department. Upon approval, the  
583 applicant must post a \$5 million performance bond. However, upon  
584 an MMTC's ~~a dispensing organization's~~ serving at least 1,000  
585 qualifying ~~qualified~~ patients, the MMTC ~~dispensing organization~~  
586 is ~~only~~ required to maintain only a \$2 million performance bond.  
587 A performance bond posted under this subparagraph may be used  
588 only for reimbursement to the department for any damages  
589 incurred by the department as a result of an MMTC's failure to  
590 perform its obligations under this section or department rules.

591 Such damages include:

592 a. All costs and expenses incurred by the department to  
593 nonrenew or revoke the applicant's registration for cause and to  
594 register a replacement MMTC; and

595 b. All costs and expenses incurred by qualifying patients  
596 for transportation and delivery of marijuana which would not  
597 have been incurred but for the revocation of the applicant's  
598 registration, if claims for such costs and expenses are  
599 submitted to the department.

600 6. That all owners with a 5 percent or greater share in the  
601 applicant and managers have been fingerprinted and have  
602 successfully passed a level 2 background screening pursuant to  
603 s. 435.04.

604 7. The employment of a medical director to supervise the  
605 activities of the MMTC ~~dispensing organization.~~

606 ~~(c) Upon the registration of 250,000 active qualified~~  
607 ~~patients in the compassionate use registry, approve three~~  
608 ~~dispensing organizations, including, but not limited to, an~~  
609 ~~applicant that is a recognized class member of *Pigford v.*~~

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610 ~~Glickman, 185 F.R.D. 82 (D.D.C. 1999), or In Re Black Farmers~~  
 611 ~~Litig., 856 F. Supp. 2d 1 (D.D.C. 2011), and a member of the~~  
 612 ~~Black Farmers and Agriculturalists Association, which must meet~~  
 613 ~~the requirements of subparagraphs (b)2. 7. and demonstrate the~~  
 614 ~~technical and technological ability to cultivate and produce~~  
 615 ~~low-THC cannabis.~~

616 ~~(f)(d)~~ Allow an MMTC ~~a dispensing organization~~ to make a  
 617 wholesale purchase of marijuana ~~low-THC cannabis or medical~~  
 618 ~~eannabis~~ from, or a distribution of marijuana ~~low-THC cannabis~~  
 619 ~~or medical cannabis~~ to, another MMTC dispensing organization.

620 ~~(g)(e)~~ Monitor physician registration in the compassionate  
 621 use registry and the issuance of physician certifications  
 622 pursuant to subsection (3) and ordering of low-THC cannabis,  
 623 medical cannabis, or a cannabis delivery device for ordering  
 624 practices that could facilitate unlawful diversion or misuse of  
 625 marijuana ~~low-THC cannabis, medical cannabis,~~ or a marijuana  
 626 ~~eannabis~~ delivery device and take disciplinary action as  
 627 indicated.

628 ~~(9)(6)~~ MEDICAL MARIJUANA TREATMENT CENTERS DISPENSING  
 629 ORGANIZATION. ~~In order to be an MMTC, an entity must register~~  
 630 with the department. An MMTC ~~An approved dispensing organization~~  
 631 ~~must, at all times, maintain compliance with the criteria~~  
 632 ~~demonstrated for selection and approval as a dispensing~~  
 633 ~~organization under subsection (5) and the criteria required in~~  
 634 ~~this subsection and all representations made to the department~~  
 635 in the MMTC's application for registration. Upon request, the  
 636 department may grant an MMTC one or more variances from the  
 637 representations made in the MMTC's application. Consideration of  
 638 such a variance shall be based upon the facts and circumstances

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639 surrounding the request. A variance may not be granted unless  
640 the requesting MMTC can demonstrate to the department that it  
641 has a proposed alternative to the specific representation made  
642 in its application which fulfills the same or a similar purpose  
643 as the specific representation in a way that the department can  
644 reasonably determine will not be a lower standard than the  
645 specific representation in the application. An MMTC is not  
646 required to obtain a variance for deviations from the MMTC's  
647 application for registration which do not materially affect the  
648 MMTC's operations or the quality of the marijuana dispensed by  
649 the MMTC or for deviations from the MMTC's application which are  
650 needed to conform to current statutes or rules.

651 (a) When growing marijuana ~~low-THC cannabis or medical~~  
652 ~~cannabis, an MMTC a dispensing organization:~~

653 1. May use pesticides determined by the department, after  
654 consultation with the Department of Agriculture and Consumer  
655 Services, to be safely applied to plants intended for human  
656 consumption, but may not use pesticides designated as  
657 restricted-use pesticides pursuant to s. 487.042.

658 2. Must grow marijuana ~~low-THC cannabis or medical cannabis~~  
659 ~~within an enclosed structure and in a room separate from any~~  
660 ~~other plant.~~

661 3. Must inspect seeds and growing plants for plant pests  
662 that endanger or threaten the horticultural and agricultural  
663 interests of the state, notify the Department of Agriculture and  
664 Consumer Services within 10 calendar days after a determination  
665 that a plant is infested or infected by such plant pest, and  
666 implement and maintain phytosanitary policies and procedures.

667 4. Must perform fumigation or treatment of plants, or the

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668 removal and destruction of infested or infected plants, in  
669 accordance with chapter 581 and any rules adopted thereunder.

670 (b) When processing marijuana, an MMTC ~~low-THC cannabis or~~  
671 ~~medical cannabis~~, a ~~dispensing organization~~ must:

672 1. Process the marijuana ~~low-THC cannabis or medical~~  
673 ~~cannabis~~ within an enclosed structure ~~and in a room separate~~  
674 ~~from other plants or products~~.

675 2. Test the processed marijuana ~~low-THC cannabis and~~  
676 ~~medical cannabis~~ before it is ~~they are~~ dispensed. Results must  
677 be verified and signed by two ~~MMTC dispensing organization~~  
678 employees. Before dispensing marijuana ~~low-THC cannabis~~, the  
679 ~~MMTC dispensing organization~~ must determine that the marijuana  
680 ~~test results indicate that the low-THC cannabis meets the~~  
681 ~~definition of low-THC cannabis and, for medical cannabis and~~  
682 ~~low-THC cannabis, that all medical cannabis and low-THC cannabis~~  
683 ~~is safe for human consumption and free from contaminants that~~  
684 ~~are unsafe for human consumption~~. The MMTC dispensing  
685 ~~organization~~ must retain records of all testing and samples of  
686 each homogenous batch of marijuana ~~cannabis and low-THC cannabis~~  
687 for at least 6 ~~9~~ months. The MMTC dispensing organization must  
688 contract with an independent testing laboratory to:

689 a. Perform audits on the MMTC's ~~dispensing organization's~~  
690 standard operating procedures, testing records, and samples and  
691 provide the results to the department to confirm that the  
692 marijuana ~~low-THC cannabis or medical cannabis~~ meets the  
693 requirements of this section and that the marijuana ~~medical~~  
694 ~~cannabis and low-THC cannabis~~ is safe for human consumption; or

695 b. Directly test the marijuana final product to ensure that  
696 it meets the requirements of this section and is safe for human



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697 consumption before it is dispensed or distributed.

698 3. Package the marijuana ~~low-THC cannabis or medical~~  
699 ~~cannabis~~ in compliance with the United States Poison Prevention  
700 Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

701 4. Package the marijuana ~~low-THC cannabis or medical~~  
702 ~~cannabis~~ in a childproof receptacle that has a firmly affixed  
703 and legible label stating the following information:

704 a. A statement that the marijuana ~~low-THC cannabis or~~  
705 ~~medical cannabis~~ meets the requirements of subparagraph 2.;

706 b. The name of the MMTC ~~dispensing organization~~ from which  
707 the marijuana ~~medical cannabis or low-THC cannabis~~ originates;  
708 and

709 c. The batch number and harvest number from which the  
710 marijuana ~~medical cannabis or low-THC cannabis~~ originates.

711 5. Reserve two processed samples from each batch and retain  
712 such samples for at least 6 ~~9~~ months for the purpose of testing  
713 pursuant to the audit required under subparagraph 2.

714 (c) When dispensing marijuana ~~low-THC cannabis, medical~~  
715 ~~cannabis,~~ or a marijuana ~~cannabis~~ delivery device, an MMTC a  
716 ~~dispensing organization~~:

717 1. May not dispense more than the ~~a 45-day~~ supply of  
718 marijuana ~~low-THC cannabis or medical cannabis~~ to a qualifying  
719 patient or the qualifying patient's caregiver which is indicated  
720 on the qualifying patient's physician certification ~~legal~~  
721 ~~representative.~~

722 2. Must ensure that ~~have the dispensing organization's~~  
723 employee who dispenses the marijuana ~~low-THC cannabis, medical~~  
724 ~~cannabis,~~ or marijuana ~~a cannabis~~ delivery device enters ~~enter~~  
725 into the compassionate use registry his or her name or unique

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726 employee identifier.

727       3. Must verify that the qualifying patient and the  
728 caregiver, if applicable, both have an active and valid  
729 compassionate use registry identification card and that the  
730 amount and type of marijuana dispensed match the physician's  
731 certification in the compassionate use registry for that  
732 qualifying patient ~~that a physician has ordered the low-THC~~  
733 ~~cannabis, medical cannabis, or a specific type of a cannabis~~  
734 ~~delivery device for the patient.~~

735       4. May not dispense or sell any other type of marijuana  
736 ~~cannabis~~, alcohol, or illicit drug-related product, including  
737 pipes, bongs, or wrapping papers, other than a marijuana  
738 ~~physician-ordered cannabis~~ delivery device required for the  
739 medical use of marijuana which is specified in the physician  
740 certification. An MMTC may produce and dispense marijuana as an  
741 edible or food product but may not produce such items in a  
742 format designed to be attractive to children. In addition to the  
743 requirements of this section and department rule, food products  
744 produced by an MMTC must meet all food safety standards  
745 established in state and federal law, including, but not limited  
746 to, the identification of the serving size and the amount of  
747 tetrahydrocannabinol in each serving ~~low-THC cannabis or medical~~  
748 ~~cannabis, while dispensing low-THC cannabis or medical cannabis.~~

749       5. ~~Must verify that the patient has an active registration~~  
750 ~~in the compassionate use registry, the patient or patient's~~  
751 ~~legal representative holds a valid and active registration card,~~  
752 ~~the order presented matches the order contents as recorded in~~  
753 ~~the registry, and the order has not already been filled.~~

754       5.6. Must, upon dispensing the marijuana ~~low-THC cannabis,~~

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755 ~~medical cannabis,~~ or marijuana cannabis delivery device, record  
756 in the registry the date, time, quantity, and form of marijuana  
757 ~~low-THC cannabis or medical cannabis~~ dispensed; and the type of  
758 marijuana cannabis delivery device dispensed; and the name and  
759 compassionate use registry numeric identifier of the qualifying  
760 patient or caregiver to whom the marijuana or marijuana delivery  
761 device was dispensed.

762 (d) To ensure the safety and security of its premises and  
763 any off-site storage facilities, and to maintain adequate  
764 controls against the diversion, theft, and loss of marijuana  
765 ~~low-THC cannabis, medical cannabis,~~ or marijuana cannabis  
766 delivery devices, an MMTCC a dispensing organization shall:

767 1.a. Maintain a fully operational security alarm system  
768 that secures all entry points and perimeter windows and is  
769 equipped with motion detectors; pressure switches; and duress,  
770 panic, and hold-up alarms; or

771 b. Maintain a video surveillance system that records  
772 continuously 24 hours each day and meets at least one of the  
773 following criteria:

774 (I) Cameras are fixed in a place that allows for the clear  
775 identification of persons and activities in controlled areas of  
776 the premises. Controlled areas include grow rooms, processing  
777 rooms, storage rooms, disposal rooms or areas, and point-of-sale  
778 rooms;

779 (II) Cameras are fixed in entrances and exits to the  
780 premises, which shall record from both indoor and outdoor, or  
781 ingress and egress, vantage points;

782 (III) Recorded images must clearly and accurately display  
783 the time and date; or

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- 784 (IV) Retain video surveillance recordings for a minimum of  
785 45 days or longer upon the request of a law enforcement agency.
- 786 2. Ensure that the MMTC's ~~organization's~~ outdoor premises  
787 have sufficient lighting from dusk until dawn.
- 788 3. Establish and maintain a tracking system approved by the  
789 department which ~~that~~ traces the marijuana ~~low-THC cannabis or~~  
790 ~~medical cannabis~~ from seed to sale. The tracking system must  
791 ~~shall~~ include notification of key events as determined by the  
792 department, including when marijuana ~~cannabis~~ seeds are planted,  
793 when marijuana ~~cannabis~~ plants are harvested and destroyed, and  
794 when marijuana ~~low-THC cannabis or medical cannabis~~ is  
795 transported, sold, stolen, diverted, or lost.
- 796 4. Not dispense from its premises marijuana ~~low-THC~~  
797 ~~cannabis, medical cannabis,~~ or a marijuana ~~cannabis~~ delivery  
798 device between the hours of 9 p.m. and 7 a.m., but may perform  
799 all other operations and deliver marijuana ~~low-THC cannabis and~~  
800 ~~medical cannabis~~ to qualifying ~~qualified~~ patients 24 hours each  
801 day.
- 802 5. Store marijuana ~~low-THC cannabis or medical cannabis~~ in  
803 a secured, locked room or a vault.
- 804 6. Require at least two of its employees, or two employees  
805 of a security agency with whom it contracts, to be on the  
806 premises of any cultivation or processing facilities at all  
807 times.
- 808 7. Require each employee or contractor to wear a photo  
809 identification badge at all times while on the premises.
- 810 8. Require each visitor to wear a visitor's pass at all  
811 times while on the premises.
- 812 9. Implement an alcohol and drug-free workplace policy.

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813 10. Report to local law enforcement within 24 hours after  
814 it is notified or becomes aware of the theft, diversion, or loss  
815 of marijuana ~~low-THC cannabis or medical cannabis~~.

816 (e) To ensure the safe transport of marijuana ~~low-THC~~  
817 ~~cannabis or medical cannabis~~ to MMTC dispensing organization  
818 facilities, independent testing laboratories, or qualifying  
819 patients, the MMTC dispensing organization must:

820 1. Maintain a transportation manifest, which must be  
821 retained for at least 1 year.

822 2. Ensure only vehicles in good working order are used to  
823 transport marijuana ~~low-THC cannabis or medical cannabis~~.

824 3. Lock marijuana ~~low-THC cannabis or medical cannabis~~ in a  
825 separate compartment or container within the vehicle.

826 4. Require at least two persons to be in a vehicle  
827 transporting marijuana ~~low-THC cannabis or medical cannabis~~, and  
828 require at least one person to remain in the vehicle while the  
829 marijuana ~~low-THC cannabis or medical cannabis~~ is being  
830 delivered.

831 5. Ensure that any vehicle transporting marijuana to a  
832 qualifying patient or caregiver is legally parked while  
833 marijuana is being delivered to the qualifying patient or  
834 caregiver.

835 ~~6.5.~~ Provide specific safety and security training to  
836 employees transporting or delivering marijuana ~~low-THC cannabis~~  
837 ~~or medical cannabis~~.

838 ~~(10)(7)~~ DEPARTMENT AUTHORITY AND RESPONSIBILITIES.—

839 (a) The department may conduct announced or unannounced  
840 inspections of MMTCs ~~dispensing organizations~~ to determine  
841 compliance with this section or rules adopted pursuant to this

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842 section.

843 (b) The department shall inspect an MMTC ~~a dispensing~~  
844 ~~organization~~ upon complaint or notice provided to the department  
845 that the MMTC ~~dispensing organization~~ has dispensed marijuana  
846 ~~low-THC cannabis or medical cannabis~~ containing any mold,  
847 bacteria, or other contaminant at a level that may cause or has  
848 caused an adverse effect to human health or the environment.

849 (c) The department shall conduct at least a biennial  
850 inspection of each MMTC ~~dispensing organization~~ to evaluate the  
851 MMTC's ~~dispensing organization's~~ records, personnel, equipment,  
852 processes, security measures, sanitation practices, and quality  
853 assurance practices.

854 (d) The department shall adopt by rule a process for  
855 approving changes in MMTC ownership or a change in an MMTC  
856 owner's investment interest of 5 percent or more. This process  
857 shall be limited to verifying compliance with subparagraph  
858 (8) (e) 6.

859 (e) The department may enter into interagency agreements  
860 with the Department of Agriculture and Consumer Services, the  
861 Department of Business and Professional Regulation, the  
862 Department of Law Enforcement, the Department of Transportation,  
863 the Department of Highway Safety and Motor Vehicles, and the  
864 Agency for Health Care Administration, and such agencies are  
865 authorized to enter into an interagency agreement with the  
866 department, to conduct inspections or perform other  
867 responsibilities assigned to the department under this section.

868 (f) ~~(e)~~ The department must make a list of all approved  
869 MMTCs, ~~dispensing organizations and qualified ordering~~  
870 physicians who are qualified to issue physician certifications,

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871 and medical directors of MMTCs publicly available on its  
872 website.

873 ~~(f) The department may establish a system for issuing and~~  
874 ~~renewing registration cards for patients and their legal~~  
875 ~~representatives, establish the circumstances under which the~~  
876 ~~cards may be revoked by or must be returned to the department,~~  
877 ~~and establish fees to implement such system. The department must~~  
878 ~~require, at a minimum, the registration cards to:~~

879 1. ~~Provide the name, address, and date of birth of the~~  
880 ~~patient or legal representative.~~

881 2. ~~Have a full face, passport type, color photograph of the~~  
882 ~~patient or legal representative taken within the 90 days~~  
883 ~~immediately preceding registration.~~

884 3. ~~Identify whether the cardholder is a patient or legal~~  
885 ~~representative.~~

886 4. ~~List a unique numeric identifier for the patient or~~  
887 ~~legal representative that is matched to the identifier used for~~  
888 ~~such person in the department's compassionate use registry.~~

889 5. ~~Provide the expiration date, which shall be 1 year after~~  
890 ~~the date of the physician's initial order of low-THC cannabis or~~  
891 ~~medical cannabis.~~

892 6. ~~For the legal representative, provide the name and~~  
893 ~~unique numeric identifier of the patient that the legal~~  
894 ~~representative is assisting.~~

895 7. ~~Be resistant to counterfeiting or tampering.~~

896 (g) The department may impose reasonable fines not to  
897 exceed \$10,000 on an MMTC ~~a dispensing organization~~ for any of  
898 the following violations:

899 1. Violating this section, s. 499.0295, or department rule.

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- 900           2. Failing to maintain qualifications for registration with  
901 the department approval.
- 902           3. Endangering the health, safety, or security of a  
903 qualifying ~~qualified~~ patient.
- 904           4. Improperly disclosing personal and confidential  
905 information of a qualifying ~~the qualified~~ patient.
- 906           5. Attempting to procure MMTC registration with the  
907 department ~~dispensing organization approval~~ by bribery,  
908 fraudulent misrepresentation, or extortion.
- 909           6. Any owner or manager of the MMTC being convicted or  
910 found guilty of, or entering a plea of guilty or nolo contendere  
911 to, regardless of adjudication, a crime in any jurisdiction  
912 which directly relates to the business of an MMTC ~~a dispensing~~  
913 ~~organization~~.
- 914           7. Making or filing a report or record that the MMTC  
915 ~~dispensing organization~~ knows to be false.
- 916           8. Willfully failing to maintain a record required by this  
917 section or department rule.
- 918           9. Willfully impeding or obstructing an employee or agent  
919 of the department in the furtherance of his or her official  
920 duties.
- 921           10. Engaging in fraud or deceit, negligence, incompetence,  
922 or misconduct in the business practices of an MMTC ~~a dispensing~~  
923 ~~organization~~.
- 924           11. Making misleading, deceptive, or fraudulent  
925 representations in or related to the business practices of an  
926 MMTC ~~a dispensing organization~~.
- 927           12. Having a license or the authority to engage in any  
928 regulated profession, occupation, or business that is related to



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929 the business practices of an MMTC ~~a dispensing organization~~  
930 suspended, revoked, or otherwise acted against by the licensing  
931 authority of any jurisdiction, including its agencies or  
932 subdivisions, for a violation that would constitute a violation  
933 under Florida law.

934 13. Violating a lawful order of the department or an agency  
935 of the state, or failing to comply with a lawfully issued  
936 subpoena of the department or an agency of the state.

937 (h) The department may suspend, revoke, or refuse to renew  
938 an MMTC's registration with the department ~~a dispensing~~  
939 ~~organization's approval~~ if the MMTC ~~a dispensing organization~~  
940 commits repeated violations specified ~~any of the violations~~ in  
941 paragraph (g) which remain uncured after 30 days' notice from  
942 the department. The department may not suspend, revoke, or  
943 refuse to renew an MMTC's registration due to an uncured  
944 violation if the MMTC begins taking action to cure the violation  
945 within 30 days after receiving a notice of the violation from  
946 the department and such action is pursuant to a corrective  
947 action plan filed by the MMTC with the department or if the MMTC  
948 takes reasonable steps to ensure that a future violation of a  
949 similar nature does not occur.

950 (i) The department shall renew an MMTC's registration with  
951 the department ~~the approval of a dispensing organization~~  
952 biennially if the MMTC ~~dispensing organization~~ meets the  
953 requirements of this section and pays the biennial renewal fee.

954 (j) The department may adopt rules necessary to implement  
955 this section pursuant to s. 120.536(1) or s. 120.54. The  
956 department may use emergency rulemaking procedures pursuant to  
957 s. 120.54(4) to adopt rules under this section if necessary to

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958 meet any deadline for rulemaking established in s. 29, Art. X of  
959 the State Constitution.

960 (11)(8) PREEMPTION.—

961 (a) All matters regarding the regulation of the cultivation  
962 and processing of marijuana ~~medical cannabis or low-THC cannabis~~  
963 by MMTCs ~~dispensing organizations~~ are preempted to the state.

964 (b) A municipality may determine by ordinance the criteria  
965 for the number and location of, and other permitting  
966 requirements that do not conflict with state law or department  
967 rule for, dispensing facilities of MMTCs ~~dispensing~~  
968 ~~organizations~~ located within its municipal boundaries. A county  
969 may determine by ordinance the criteria for the number,  
970 location, and other permitting requirements that do not conflict  
971 with state law or department rule for all dispensing facilities  
972 of MMTCs ~~dispensing organizations~~ located within the  
973 unincorporated areas of that county. A municipality or a county  
974 may not ban dispensing facilities within its boundaries or enact  
975 zoning or other such ordinances that would have the effect of  
976 banning dispensing facilities within its boundaries.

977 (12)(9) EXCEPTIONS TO OTHER LAWS.—

978 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
979 any other provision of law, but subject to the requirements of  
980 this section, a qualifying ~~qualified~~ patient, or a caregiver who  
981 has obtained a valid compassionate use registry identification  
982 card from the department, ~~and the qualified patient's legal~~  
983 ~~representative~~ may purchase from an MMTC and possess for the  
984 qualifying patient's medical use up to the amount of marijuana  
985 in the physician's certification ~~low-THC cannabis or medical~~  
986 ~~cannabis ordered for the patient,~~ but not more than a 45-day

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987 supply, except as provided in (3)(e), and a marijuana cannabis  
988 delivery device specified in the physician's certification  
989 ~~ordered~~ for the qualifying patient.

990 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
991 any other provision of law, but subject to the requirements of  
992 this section, an MMTC ~~an approved dispensing organization~~ and  
993 its owners, managers, and employees may manufacture, possess,  
994 sell, deliver, distribute, dispense, and lawfully dispose of  
995 reasonable quantities, as established by department rule, of  
996 marijuana low-THC cannabis, medical cannabis, or a marijuana  
997 ~~cannabis~~ delivery device. As used in ~~For purposes of~~ this  
998 subsection, the terms "manufacture," "possession," "deliver,"  
999 "distribute," and "dispense" have the same meanings as provided  
1000 in s. 893.02.

1001 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1002 any other provision of law, but subject to the requirements of  
1003 this section, an approved independent testing laboratory may  
1004 possess, test, transport, and lawfully dispose of marijuana low-  
1005 ~~THC cannabis or medical cannabis~~ as provided by department rule.

1006 (d) An MMTC ~~approved dispensing organization~~ and its  
1007 owners, managers, and employees are not subject to licensure or  
1008 regulation under chapter 465 or chapter 499 for manufacturing,  
1009 possessing, selling, delivering, distributing, dispensing, or  
1010 lawfully disposing of reasonable quantities, as established by  
1011 department rule, of marijuana low-THC cannabis, medical  
1012 ~~cannabis, or a marijuana cannabis~~ delivery device.

1013 (e) Exercise by an MMTC of ~~An approved dispensing~~  
1014 ~~organization that continues to meet the requirements for~~  
1015 ~~approval is presumed to be registered with the department and to~~

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1016 ~~meet the regulations adopted by the department or its successor~~  
1017 ~~agency for the purpose of dispensing medical cannabis or low-THC~~  
1018 ~~cannabis under Florida law. Additionally, the authority provided~~  
1019 ~~to a dispensing organization in s. 499.0295 does not impair its~~  
1020 ~~registration with the department ~~the approval of a dispensing~~~~  
1021 ~~organization.~~

1022 (f) This subsection does not exempt a person from  
1023 prosecution for a criminal offense related to impairment or  
1024 intoxication resulting from the medical use of marijuana ~~low-THC~~  
1025 ~~cannabis or medical cannabis~~ or relieve a person from any  
1026 requirement under law to submit to a breath, blood, urine, or  
1027 other test to detect the presence of a controlled substance.

1028 (g) This section does not affect or repeal laws relating to  
1029 negligence or professional malpractice on the part of a  
1030 caregiver, a physician, or an MMTC or its agents and employees.

1031 (h) This section does not require a health insurance  
1032 provider or a governmental agency or authority to reimburse a  
1033 person for expenses related to the use of marijuana.

1034 (i) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1035 any other provision of law, but subject to the requirements of  
1036 this section, a research institute established by a public  
1037 postsecondary educational institution, such as the H. Lee  
1038 Moffitt Cancer Center and Research Institute established in s.  
1039 1004.43, or a state university that has achieved the preeminent  
1040 state research university designation pursuant to s. 1001.7065,  
1041 may possess, test, transport, and lawfully dispose of marijuana  
1042 for research purposes as provided by department rule.

1043 (13) PROHIBITED ACTIVITIES.—

1044 (a) A person or entity may not offer or advertise services

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1045 as an MMTC without registering as an MMTC with the department.  
1046 An MMTC may not advertise or hold out to the public that it  
1047 holds a registration for other than that for which it actually  
1048 holds the license.

1049 (b) The operation or maintenance of an unauthorized  
1050 dispensing organization or entity or the performance of a  
1051 service that requires registration without proper registration  
1052 is a violation of this section. The department or any state  
1053 attorney may, in addition to other remedies provided in this  
1054 section, bring an action for an injunction to restrain any  
1055 unauthorized activity or to enjoin the future operation or  
1056 maintenance of the unauthorized dispensing organization or  
1057 entity or the performance of any service in violation of this  
1058 section until compliance with this section and department rules  
1059 has been demonstrated to the satisfaction of the department.

1060 (c) If after receiving notification from the department,  
1061 such person or entity fails to cease operation, the department  
1062 may impose an administrative fine of up to \$10,000 per  
1063 violation, in addition to other penalties as prescribed by this  
1064 section or applicable criminal law. In addition, the department  
1065 may assess reasonable investigative and legal costs for  
1066 prosecution of the violation against the person or entity. Each  
1067 day of continued operation is a separate offense.

1068 (14) IMPORTATION AND EXPORTATION OF MARIJUANA.—

1069 (a) Marijuana may not be imported from outside this state.

1070 (b) Marijuana and products containing marijuana which are  
1071 cultivated and produced in accordance with this section may be  
1072 exported as authorized by federal law and the laws of the states  
1073 or countries to which they are exported.

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1074 Section 2. Subsections (1) and (2) of section 381.987,  
 1075 Florida Statutes, are amended, and paragraphs (b) and (c) of  
 1076 subsection (3) of that section are amended, to read:

1077 381.987 Public records exemption for personal identifying  
 1078 information in the compassionate use registry.—

1079 (1) A patient's personal identifying information held by  
 1080 the department in the compassionate use registry established  
 1081 under s. 381.986, including, but not limited to, the patient's  
 1082 name, address, telephone number, and government-issued  
 1083 identification number, and all information pertaining to the  
 1084 physician certification ~~physician's order~~ for marijuana ~~low-THC~~  
 1085 ~~cannabis~~ and the dispensing thereof are confidential and exempt  
 1086 from s. 119.07(1) and s. 24(a), Art. I of the State  
 1087 Constitution.

1088 (2) A physician's identifying information held by the  
 1089 department in the compassionate use registry established under  
 1090 s. 381.986, including, but not limited to, the physician's name,  
 1091 address, telephone number, government-issued identification  
 1092 number, and Drug Enforcement Administration number, and all  
 1093 information pertaining to the physician certification  
 1094 ~~physician's order~~ for marijuana ~~low-THC cannabis~~ and the  
 1095 dispensing thereof are confidential and exempt from s. 119.07(1)  
 1096 and s. 24(a), Art. I of the State Constitution.

1097 (3) The department shall allow access to the registry,  
 1098 including access to confidential and exempt information, to:

1099 (b) A medical marijuana treatment center ~~dispensing~~  
 1100 ~~organization~~ approved by the department pursuant to s. 381.986  
 1101 which is attempting to verify the authenticity of a physician  
 1102 certification ~~physician's order~~ for marijuana ~~low-THC cannabis~~,

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1103 including whether the physician certification ~~order~~ had been  
1104 previously filled and whether the physician certification ~~order~~  
1105 was written for the person attempting to have it filled.

1106 (c) A physician who has issued a physician certification  
1107 ~~written an order~~ for marijuana ~~low-THC cannabis~~ for the purpose  
1108 of monitoring the patient's use of such cannabis or for the  
1109 purpose of determining, before issuing an order for marijuana  
1110 ~~low-THC cannabis~~, whether another physician has ordered the  
1111 patient's use of marijuana ~~low-THC cannabis~~. The physician may  
1112 access the confidential and exempt information only for the  
1113 patient for whom he or she has ordered or is determining whether  
1114 to order the use of marijuana ~~low-THC cannabis~~ pursuant to s.  
1115 381.986.

1116 Section 3. Subsection (1) of section 385.211, Florida  
1117 Statutes, is amended to read:

1118 385.211 Refractory and intractable epilepsy treatment and  
1119 research at recognized medical centers.—

1120 (1) As used in this section, the term "low-THC cannabis"  
1121 means "low-THC cannabis" as defined in s. 381.986 which ~~that~~ is  
1122 dispensed only from a medical marijuana treatment center  
1123 ~~dispensing organization~~ as defined in s. 381.986.

1124 Section 4. Subsections (2) and (3) of section 499.0295,  
1125 Florida Statutes, are amended to read:

1126 499.0295 Experimental treatments for terminal conditions.—

1127 (2) As used in this section, the term:

1128 ~~(a) "Dispensing organization" means an organization~~  
1129 ~~approved by the Department of Health under s. 381.986(5) to~~  
1130 ~~cultivate, process, transport, and dispense low-THC cannabis,~~  
1131 ~~medical cannabis, and cannabis delivery devices.~~

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1132 (a)~~(b)~~ "Eligible patient" means a person who:

1133 1. Has a terminal condition that is attested to by the  
1134 patient's physician and confirmed by a second independent  
1135 evaluation by a board-certified physician in an appropriate  
1136 specialty for that condition;

1137 2. Has considered all other treatment options for the  
1138 terminal condition currently approved by the United States Food  
1139 and Drug Administration;

1140 3. Has given written informed consent for the use of an  
1141 investigational drug, biological product, or device; and

1142 4. Has documentation from his or her treating physician  
1143 that the patient meets the requirements of this paragraph.

1144 (b)~~(e)~~ "Investigational drug, biological product, or  
1145 device" means:

1146 ~~1.~~ a drug, biological product, or device that has  
1147 successfully completed phase 1 of a clinical trial but has not  
1148 been approved for general use by the United States Food and Drug  
1149 Administration and remains under investigation in a clinical  
1150 trial approved by the United States Food and Drug  
1151 Administration; ~~or~~

1152 ~~2. Medical cannabis that is manufactured and sold by a  
1153 dispensing organization.~~

1154 (c)~~(d)~~ "Terminal condition" means a progressive disease or  
1155 medical or surgical condition that causes significant functional  
1156 impairment, is not considered by a treating physician to be  
1157 reversible even with the administration of available treatment  
1158 options currently approved by the United States Food and Drug  
1159 Administration, and, without the administration of life-  
1160 sustaining procedures, will result in death within 1 year after



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1161 diagnosis if the condition runs its normal course.

1162 (d)~~(e)~~ "Written informed consent" means a document that is  
1163 signed by a patient, a parent of a minor patient, a court-  
1164 appointed guardian for a patient, or a health care surrogate  
1165 designated by a patient and includes:

1166 1. An explanation of the currently approved products and  
1167 treatments for the patient's terminal condition.

1168 2. An attestation that the patient concurs with his or her  
1169 physician in believing that all currently approved products and  
1170 treatments are unlikely to prolong the patient's life.

1171 3. Identification of the specific investigational drug,  
1172 biological product, or device that the patient is seeking to  
1173 use.

1174 4. A realistic description of the most likely outcomes of  
1175 using the investigational drug, biological product, or device.  
1176 The description shall include the possibility that new,  
1177 unanticipated, different, or worse symptoms might result and  
1178 death could be hastened by the proposed treatment. The  
1179 description shall be based on the physician's knowledge of the  
1180 proposed treatment for the patient's terminal condition.

1181 5. A statement that the patient's health plan or third-  
1182 party administrator and physician are not obligated to pay for  
1183 care or treatment consequent to the use of the investigational  
1184 drug, biological product, or device unless required to do so by  
1185 law or contract.

1186 6. A statement that the patient's eligibility for hospice  
1187 care may be withdrawn if the patient begins treatment with the  
1188 investigational drug, biological product, or device and that  
1189 hospice care may be reinstated if the treatment ends and the

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1190 patient meets hospice eligibility requirements.

1191 7. A statement that the patient understands he or she is  
 1192 liable for all expenses consequent to the use of the  
 1193 investigational drug, biological product, or device and that  
 1194 liability extends to the patient's estate, unless a contract  
 1195 between the patient and the manufacturer of the investigational  
 1196 drug, biological product, or device states otherwise.

1197 (3) Upon the request of an eligible patient, a manufacturer  
 1198 may, or, upon the issuance of a physician certification a  
 1199 ~~physician's order~~ pursuant to s. 381.986, an MMTC a dispensing  
 1200 ~~organization~~ may:

1201 (a) Make its investigational drug, biological product, or  
 1202 device available under this section.

1203 (b) Provide an investigational drug, biological product,  
 1204 device, or marijuana cannabis delivery device as defined in s.  
 1205 381.986 to an eligible patient without receiving compensation.

1206 (c) Require an eligible patient to pay the costs of, or the  
 1207 costs associated with, the manufacture of the investigational  
 1208 drug, biological product, device, or marijuana cannabis delivery  
 1209 device as defined in s. 381.986.

1210 Section 5. Subsection (1) of section 1004.441, Florida  
 1211 Statutes, is amended to read:

1212 1004.441 Refractory and intractable epilepsy treatment and  
 1213 research.—

1214 (1) As used in this section, the term "low-THC cannabis"  
 1215 means "low-THC cannabis" as defined in s. 381.986 which ~~that~~ is  
 1216 dispensed only from a medical marijuana treatment center  
 1217 ~~dispensing organization~~ as defined in s. 381.986.

1218 Section 6. The Division of Law Revision and Information is

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1219 directed to replace the phrase "the effective date of this act"  
1220 wherever it occurs in this act with the date the act becomes a  
1221 law.

1222 Section 7. This act shall take effect upon becoming a law.