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LEGISLATIVE ACTION

Senate

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House

Senator Rouson moved the following:

Senate Amendment

Delete lines 612 - 676
and insert:
physical or electronic compassionate use registry identification
cards for patients and caregivers. The department may charge a
reasonable fee associated with the issuance and renewal of
patient and caregiver identification cards. The fee may not
exceed \$75. Of each issuance or renewal fee, the department
shall allocate \$10 to the Division of Research at Florida
Agricultural and Mechanical University for the purpose of



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12 educating minorities about marijuana for medical use and for the
13 prevention of unlawful uses of marijuana. By October 3, 2017,
14 the department shall begin issuing identification cards to adult
15 patients who have a physician certification that meets the
16 requirements of subsection (3); patients under the age of 18 who
17 have a physician certification that meets the requirements of
18 subsection (3) and the written consent of a parent or legal
19 guardian; and caregivers registered pursuant to subsection (6).

20 1. Before issuing an identification card to a patient, the
21 department must determine that:

22 a. The patient is a permanent resident of the state or, for
23 a patient under the age of 18, the patient's parent or legal
24 guardian is a permanent resident of the state. The patient, or
25 the parent or legal guardian of the patient, must prove
26 permanent residency by providing the department with a copy of a
27 valid Florida driver license or Florida identification card, a
28 copy of a utility bill in his or her name issued within the
29 prior 90 days which shows an address in this state, or a copy of
30 his or her Florida voter information card.

31 b. If the patient is not a permanent resident of the state:

32 (I) He or she is eligible to receive marijuana in his or
33 her state of permanent residence; and

34 (II) He or she will be remaining in this state for at least
35 3 consecutive months.

36 (A) An adult patient may provide the department with
37 documentation that may include, but is not limited to, a rental
38 agreement for a property in this state for period of at least 3
39 months, an employment contract based in this state which
40 indicates the employment is for a period of at least 3 months,



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41 or a receipt for paid tuition at a school in this state for a
42 period of at least 3 months.

43 (B) A parent or legal guardian of a patient who is under
44 the age of 18 must provide documentation as described in sub-
45 sub-sub-subparagraph (A) or in department rule and provide
46 additional documentation that the patient is his or her child or
47 ward.

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49 The department shall adopt in rule a list of documents that a
50 patient may provide to qualify for an identification card under
51 this subparagraph.

52 2. Patient and caregiver identification cards must be
53 resistant to counterfeiting and tampering and must include at
54 least the following:

55 a. The name, address, and date of birth of the patient or
56 caregiver, as appropriate;

57 b. A full-face, passport-type, color photograph of the
58 patient or caregiver, as appropriate, taken within the 90 days
59 immediately preceding registration;

60 c. Designation of the cardholder as a patient or caregiver;

61 d. A unique identification number for the patient or
62 caregiver which is matched to the identification number used for
63 such person in the department's compassionate use registry. A
64 caregiver's identification number and file in the compassionate
65 use registry must be linked to the file of the patient or
66 patients the caregiver is assisting so that the caregiver's
67 status may be verified for each patient individually;

68 e. The expiration date, which shall be 1 year after the
69 date of issuance of the identification card or the date



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70 treatment ends, as provided in the patient's physician
71 certification, whichever occurs first; and
72 f. For caregivers who are assisting three or fewer
73 qualifying patients, the name and identification number, or
74 names and identification numbers, of the qualifying patient or
75 patients that the caregiver is assisting.
76 3. Electronic patient and caregiver identification cards
77 must comply with the Health Insurance Portability and
78 Accountability Act (HIPAA) as it pertains to protected health
79 information and all other relevant state and federal privacy and
80 security laws and regulations. Such electronic cards must:
81 a. Contain the technology to automatically expire and be
82 remotely terminated by the department;
83 b. Collect timestamped, geotagged data to be uploaded in
84 real time into the compassionate use registry; and
85 c. Maintain compatibility with smartphone and web-based
86 platforms.