



601680

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2017	.	
	.	
	.	
	.	

The Committee on Health Policy (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 263 - 318

and insert:

(3) PROHIBITED ACTS PENALTIES.—

(a) A physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the physician issues a physician certification for marijuana to orders low-THC cannabis for a patient in a manner other than as required in subsection (2) ~~without a reasonable belief that the~~



601680

11 ~~patient is suffering from:~~

12 ~~1. Cancer or A physical medical condition that chronically~~
13 ~~produces symptoms of seizures or severe and persistent muscle~~
14 ~~spasms that can be treated with low-THC cannabis; or~~

15 ~~2. Symptoms of cancer or a physical medical condition that~~
16 ~~chronically produces symptoms of seizures or severe and~~
17 ~~persistent muscle spasms that can be alleviated with low-THC~~
18 ~~cannabis.~~

19 ~~(b) A physician commits a misdemeanor of the first degree,~~
20 ~~punishable as provided in s. 775.082 or s. 775.083, if the~~
21 ~~physician orders medical cannabis for a patient without a~~
22 ~~reasonable belief that the patient has a terminal condition as~~
23 ~~defined in s. 499.0295.~~

24 ~~(b)-(e)~~ A person who fraudulently represents that he or she
25 has a debilitating medical condition ~~cancer~~, a physical medical
26 condition that chronically produces symptoms of seizures or
27 severe and persistent muscle spasms, chronic nonmalignant pain,
28 or a terminal condition as defined in s. 499.0295 to a physician
29 for the purpose of being issued a physician certification for
30 marijuana ~~ordered low-THC cannabis, medical cannabis,~~ or a
31 cannabis delivery device by such physician commits a misdemeanor
32 of the first degree, punishable as provided in s. 775.082 or s.
33 775.083.

34 ~~(c)-(d)~~ A qualifying patient ~~an eligible patient as defined~~
35 ~~in s. 499.0295~~ who uses marijuana ~~medical cannabis~~, and such
36 patient's caregiver ~~legal representative~~ who administers
37 marijuana ~~medical cannabis~~, in plain view of or in a place open
38 to the general public, on the grounds of a school, or in a
39 school bus, vehicle, aircraft, or motorboat, commits a



601680

40 misdemeanor of the first degree, punishable as provided in s.
41 775.082 or s. 775.083.

42 (d) A qualifying patient or caregiver who cultivates
43 marijuana or who purchases or acquires marijuana from any person
44 or entity other than an MMTC commits a misdemeanor of the first
45 degree, punishable as provided in s. 775.082 or s. 775.083.

46 (e) A caregiver who violates any of the applicable
47 provisions of this section or applicable department rules
48 commits, upon the first offense, a misdemeanor of the second
49 degree, punishable as provided in s. 775.082 or s. 775.083 and,
50 upon the second and subsequent offenses, a misdemeanor of the
51 first degree, punishable as provided in s. 775.082 or s.
52 775.083.

53 (f) ~~(e)~~ A physician who issues a physician certification for
54 marijuana ~~orders low-THC cannabis, medical cannabis,~~ or a
55 cannabis delivery device and receives compensation from an MMTC
56 a ~~dispensing organization~~ related to issuing the physician
57 certification for marijuana ~~the ordering of low-THC cannabis,~~
58 ~~medical cannabis,~~ or a cannabis delivery device is subject to
59 disciplinary action under the applicable practice act and s.
60 456.072(1)(n).

61 (g) An MMTC that advertises or holds out to the public that
62 it may provide services other than services for which it is
63 registered to provide violates this section, and the department
64 may impose a fine on the MMTC pursuant to paragraph (8)(g).

65 (h) A person or entity that offers or advertises services
66 as an MMTC without registering as an MMTC with the department
67 violates this section. The operation or maintenance of a
68 facility as an MMTC, or the performance of a service that



601680

69 requires registration, without proper registration is a
70 violation of this section.

71 1. If after receiving notification from the department,
72 such person or entity fails to cease operation, the department
73 may impose an administrative fine of up to \$10,000 per
74 violation. Each day of continued operation is a separate
75 offense.

76 2. The department or any state attorney may, in addition to
77 other remedies provided in this section, bring an action for an
78 injunction to restrain any unauthorized activity or to enjoin
79 the future operation or maintenance of the unauthorized
80 dispensing organization or entity or the performance of any
81 service in violation of this section until compliance with this
82 section and department rules has been demonstrated to the
83 satisfaction of the department.

84 3. If found to be in violation of this paragraph, the
85 department may assess reasonable investigative and legal costs
86 for prosecution of the violation against the person or entity.

87
88 ===== T I T L E A M E N D M E N T =====

89 And the title is amended as follows:

90 Delete line 15

91 and insert:

92 revising criminal penalties; prohibiting a medical
93 marijuana treatment center from advertising services
94 it is not authorized to provide; providing fines;
95 prohibiting a person or entity from advertising or
96 providing medical marijuana treatment center services
97 without being registered with the department as a



601680

98
99

medical marijuana treatment center; providing
penalties; authorizing a distance