

26 ~~compassionate~~ use registry established under s. 381.986,
27 ~~including, but not limited to, the patient's name, address,~~
28 ~~telephone number, and government-issued identification number,~~
29 and all information pertaining to the physician's certification
30 ~~order~~ for marijuana ~~low-THC cannabis~~ and the dispensing thereof,
31 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
32 I of the State Constitution.

33 (2) A physician's personal identifying information and
34 Drug Enforcement Administration number held by the department in
35 the medical marijuana ~~compassionate~~ use registry established
36 under s. 381.986, ~~including, but not limited to, the physician's~~
37 ~~name, address, telephone number, government-issued~~
38 ~~identification number, and Drug Enforcement Administration~~
39 ~~number,~~ and all information pertaining to the physician's
40 certification ~~order~~ for marijuana ~~low-THC cannabis~~ and the
41 dispensing thereof, are confidential and exempt from s.
42 119.07(1) and s. 24(a), Art. I of the State Constitution.

43 (3) The department shall allow access to the confidential
44 and exempt information in the medical marijuana use registry,
45 ~~including access to confidential and exempt information,~~ to:

46 (a) A law enforcement agency that is investigating a
47 violation of law regarding marijuana ~~cannabis~~ in which the
48 subject of the investigation claims an exception established
49 under s. 381.986, except for information related to the
50 patient's diagnosis.

51 (b) A medical marijuana treatment center ~~dispensing~~
52 ~~organization~~ approved by the department pursuant to s. 381.986
53 which is attempting to verify the authenticity of a physician's
54 certification order for marijuana ~~low-THC cannabis~~, including
55 whether the certification order had been previously filled and
56 whether the certification order was issued ~~written~~ for the
57 person attempting to have it filled, except for information
58 related to the patient's diagnosis.

59 (c) A physician who has issued a certification for
60 marijuana ~~written an order for low-THC cannabis~~ for the purpose
61 of monitoring the patient's use of such marijuana ~~cannabis~~ or
62 for the purpose of determining, before issuing a certification
63 for marijuana ~~an order for low-THC cannabis~~, whether another
64 physician has issued a certification for ~~ordered~~ the patient's
65 use of marijuana ~~low-THC cannabis~~. The physician may access the
66 confidential and exempt information only for the patient for
67 whom he or she has issued a certification ~~ordered~~ or is
68 determining whether to issue a certification for ~~order~~ the use
69 of marijuana ~~low-THC cannabis~~ pursuant to s. 381.986.

70 (d) A practitioner licensed to prescribe prescription
71 medications.

72 (e) ~~(d)~~ An employee of the department for the purposes of
73 maintaining the registry and periodic reporting or disclosure of
74 information that has been redacted to exclude personal
75 identifying information.

76 (f)~~(e)~~ The department's relevant health care regulatory
77 boards responsible for the licensure, regulation, or discipline
78 of a physician if he or she is involved in a specific
79 investigation of a violation of s. 381.986. If a health care
80 regulatory board's investigation reveals potential criminal
81 activity, the board may provide any relevant information to the
82 appropriate law enforcement agency.

83 (g)~~(f)~~ A person engaged in bona fide research if the
84 person agrees:

85 1. To submit a research plan to the department which
86 specifies the exact nature of the information requested and the
87 intended use of the information;

88 2. To maintain the confidentiality of the records or
89 information if personal identifying information is made
90 available to the researcher;

91 3. To destroy any confidential and exempt records or
92 information obtained after the research is concluded; and

93 4. Not to contact, directly or indirectly, for any
94 purpose, a patient or physician whose information is in the
95 registry.

96 (4) All information released from the registry under
97 subsection (3) remains confidential and exempt, and a person who
98 receives access to such information must maintain the
99 confidential and exempt status of the information received.

100 (5) A person who willfully and knowingly violates this

101 section commits a felony of the third degree, punishable as
102 provided in s. 775.082 or, s. 775.083, ~~or s. 775.084.~~

103 (6) This section is subject to the Open Government Sunset
104 Review Act in accordance with s. 119.15 and shall stand repealed
105 on October 2, 2022 ~~2019~~, unless reviewed and saved from repeal
106 through reenactment by the Legislature.

107 Section 2. The Legislature finds that it is a public
108 necessity that personal identifying information of patients,
109 caregivers, and physicians held by the Department of Health in
110 the medical marijuana use registry established under s. 381.986,
111 Florida Statutes, be made confidential and exempt from s.
112 119.07(1), Florida Statutes, and s. 24(a), Article I of the
113 State Constitution. The Legislature further finds that it is a
114 public necessity to make confidential and exempt from s.
115 119.07(1), Florida Statutes, and s. 24(a), Article I of the
116 State Constitution all information held in the medical marijuana
117 use registry that pertains to a physician's certification for
118 marijuana and the dispensing thereof pursuant to s. 381.986,
119 Florida Statutes. The choice made by a physician to certify, and
120 his or her patient to use, marijuana to treat the patient's
121 medical condition or symptoms and the choice made by a caregiver
122 to assist a qualifying patient with the medical use of marijuana
123 is a personal and private matter between such parties. The
124 availability of such information could make the public aware of
125 both the patient's use of marijuana and the patient's diseases

126 or other medical conditions for which the patient is using
127 marijuana. The knowledge of the patient's use of marijuana, the
128 knowledge that the physician certified the use of marijuana, the
129 knowledge of the patient's diseases or other medical conditions,
130 and the knowledge that a caregiver is assisting a patient with
131 the medical use of marijuana could be used to embarrass,
132 humiliate, harass, or discriminate against the patient, the
133 caregiver, or the physician. This information could be used as a
134 discriminatory tool by an employer who disapproves of the
135 patient's use of marijuana, the caregiver's assistance in the
136 use of marijuana, or the physician's certification of such use.
137 However, despite the potential hazards of collecting such
138 information, maintaining the medical marijuana use registry
139 established under s. 381.986, Florida Statutes, is necessary to
140 prevent the diversion and nonmedical use of marijuana as well as
141 to aid and improve research on the efficacy of marijuana.
142 Therefore, the Legislature finds that it is a public necessity
143 to make confidential and exempt from public records requirements
144 the personal identifying information of patients, caregivers,
145 and physicians held by the Department of Health in the medical
146 marijuana use registry established under s. 381.986, Florida
147 Statutes, and all information held in the registry that pertains
148 to a physician's certification for marijuana and the dispensing
149 thereof pursuant to s. 381.986, Florida Statutes.

150 Section 3. This act shall take effect on the same date

151 | that CS/CS/HB 1397 or similar legislation takes effect, if such
152 | legislation is adopted in the same legislative session or an
153 | extension thereof and becomes a law.