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LEGISLATIVE ACTION

Senate

.

House

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Floor: WD/2R

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06/08/2017 06:08 PM

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Senator Rouson moved the following:

Senate Amendment

Delete lines 29 - 170

and insert:

information and any timestamped geotagged data held by the
department in the medical marijuana ~~compassionate~~ use registry
established under s. 381.986, including, but not limited to, the
patient's or caregiver's name, address, date of birth,
photograph, and telephone number.

(b) All personal identifying information collected for the
purpose of issuing a patient's or caregiver's medical marijuana



659774

12 use registry identification card described in s. 381.896. ~~and~~
13 ~~government-issued identification number, and~~

14 (c) All ~~personal identifying~~ information pertaining to the
15 ~~physician certification physician's order for marijuana low-THC~~
16 ~~cannabis and the dispensing thereof held by the department,~~
17 ~~including, but not limited to, information related to the~~
18 ~~patient's diagnosis, exception requests to the daily dose amount~~
19 ~~limit, and the qualified patient's experience related to the~~
20 ~~medical use of marijuana are confidential and exempt from s.~~
21 ~~119.07(1) and s. 24(a), Art. I of the State Constitution.~~

22 (d)~~(2)~~ A ~~qualified~~ physician's ~~identifying information~~ Drug
23 ~~Enforcement Administration number, residential held by the~~
24 ~~department in the compassionate use registry established under~~
25 ~~s. 381.986, including, but not limited to, the physician's name,~~
26 ~~address, and telephone number, government-issued identification~~
27 ~~card number, and Drug Enforcement Administration number, and all~~
28 ~~information pertaining to the physician's order for low-THC~~
29 ~~cannabis and the dispensing thereof are confidential and exempt~~
30 ~~from s. 119.07(1) and s. 24(a), Art. I of the State~~
31 ~~Constitution.~~

32 (2)~~(3)~~ The department shall allow access to the
33 ~~confidential and exempt information in the medical marijuana use~~
34 ~~registry, including access to confidential and exempt~~
35 ~~information, to:~~

36 (a) A law enforcement agency that is investigating a
37 ~~violation of law regarding marijuana cannabis in which the~~
38 ~~subject of the investigation claims an exception established~~
39 ~~under s. 381.986, except for information related to the~~
40 ~~patient's diagnosis.~~



659774

41 (b) A medical marijuana treatment center ~~dispensing~~
42 ~~organization~~ approved by the department pursuant to s. 381.986
43 which is attempting to verify the authenticity of a physician
44 certification ~~physician's order~~ for marijuana ~~low-THC cannabis~~,
45 including whether the certification ~~order~~ had been previously
46 filled and whether the certification ~~order~~ was issued ~~written~~
47 for the person attempting to have it filled, except for
48 information related to the patient's diagnosis.

49 (c) A physician who has issued a certification for
50 marijuana ~~written an order for low-THC cannabis~~ for the purpose
51 of monitoring the patient's use of such marijuana ~~cannabis~~ or
52 for the purpose of determining, before issuing a certification
53 for marijuana ~~an order for low-THC cannabis~~, whether another
54 physician has issued a certification for ~~ordered~~ the patient's
55 use of marijuana ~~low-THC cannabis~~. The physician may access the
56 confidential and exempt information only for the patient for
57 whom he or she has issued a certification ~~ordered~~ or is
58 determining whether to issue a certification for ~~order~~ the use
59 of marijuana ~~low-THC cannabis~~ pursuant to s. 381.986.

60 (d) A practitioner licensed to prescribe prescription
61 medications to ensure proper care of a patient before
62 prescribing medication to that patient which may interact with
63 marijuana.

64 ~~(e)-(d)~~ An employee of the department for the purposes of
65 maintaining the registry and periodic reporting or disclosure of
66 information that has been redacted to exclude personal
67 identifying information.

68 (f) An employee of the department for the purposes of
69 reviewing physician registration and the issuance of physician



659774

70 certifications to monitor practices that could facilitate
71 unlawful diversion or the misuse of marijuana or a marijuana
72 delivery device.

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

80 (h) The Coalition for Medical Marijuana Research and
81 Education established in s. 1004.4351(4).

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

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

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

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

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

94 (3) The department shall allow access to the confidential
95 and exempt information pertaining to the physician certification
96 for marijuana and the dispensing thereof, whether in the
97 registry or otherwise held by the department, to:

98 (a) An employee of the department for the purpose of



659774

99 approving or disapproving a request for an exception to the
100 daily dose amount limit for a qualified patient; and

101 (b) The Coalition for Medical Marijuana Research and
102 Education pursuant to s. 381.986 for the purpose of conducting
103 research regarding the medical use of marijuana.

104 (4) All information released by the department ~~from the~~
105 ~~registry~~ under subsections subsection (2) and (3) remains
106 confidential and exempt, and a person who receives access to
107 such information must maintain the confidential and exempt
108 status of the information received.

109 (5) A person who willfully and knowingly violates this
110 section commits a felony of the third degree, punishable as
111 provided in s. 775.082 or, s. 775.083, ~~or s. 775.084.~~

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

116 Section 2. The Legislature finds that it is a public
117 necessity that personal identifying information of patients,
118 caregivers, and physicians, and timestamped geotagged data,
119 including the name, residential address, date of birth,
120 photograph, telephone number, government-issued identification
121 card, Drug Enforcement Administration number, and other personal
122 identifying information collected for purposes of issuing a
123 medical marijuana use registry identification card issued under
124 s. 381.986, Florida Statutes, held by the Department of Health
125 in the medical marijuana use registry established under s.
126 381.986, Florida Statutes, be made confidential and exempt from
127 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the



659774

128 State Constitution. The Legislature further finds that it is a
129 public necessity to make confidential and exempt from s.
130 119.07(1), Florida Statutes, and s. 24(a), Article I of the
131 State Constitution all personal identifying information,
132 including but not limited to information related to the
133 qualified patient's diagnosis, exception requests to the daily
134 dose amount limit, and the qualified patient's experience
135 related to the medical use of marijuana, held in the medical
136 marijuana use registry or by the department which pertains to a
137 physician certification for marijuana and the dispensing thereof
138 pursuant to s. 381.986, Florida Statutes. The choice made by a
139 physician to certify, and by his or her patient to use,
140 marijuana to treat the patient's medical condition or symptoms
141 and the choice made by a caregiver to assist a qualifying
142 patient with the medical use of marijuana is a personal and
143 private matter between such parties. The availability of such
144 information could make the public aware of both the patient's
145 and caregiver's location, the patient's use of marijuana, and
146 the patient's diseases or other medical conditions for which the
147 patient is using marijuana. The knowledge of the patient's and
148 the caregiver's location, the patient's use of marijuana, the
149 knowledge that