

1 A bill to be entitled
2 An act relating to medical marijuana retail
3 facilities; amending s. 381.986, F.S.; defining the
4 term "medical marijuana retail facility"; revising
5 definitions, to conform; revising provisions to permit
6 licensed medical marijuana retail facilities to
7 dispense medical marijuana, marijuana delivery
8 devices, and edibles under certain conditions;
9 requiring the department to issue licenses to such
10 facilities; providing for license renewal and
11 revocation; providing conditions for change of
12 ownership; requiring such facilities to comply with
13 certain requirements when dispensing edibles;
14 requiring background screening of owners, officers,
15 board members, and managers of such facilities;
16 requiring the department to establish protocols and
17 procedures for operation, conduct periodic
18 inspections, and restrict the location of such
19 facilities; authorizing counties and municipalities to
20 determine the location of such facilities by ordinance
21 under certain conditions; providing penalties;
22 authorizing the department to impose sanctions on
23 persons or entities engaging in unlicensed activities;
24 providing that a person is not exempt from prosecution
25 for certain offenses and is not relieved from certain

26 requirements of law under certain circumstances;
27 amending s. 381.987, F.S.; authorizing specified
28 persons and entities access to personal identifying
29 information of patients, caregivers, and physicians
30 held by the Department of Health in the medical
31 marijuana use registry, and personal identifying
32 information relating to the physician certification
33 for marijuana and the dispensing thereof held by the
34 department, which is otherwise exempt from public
35 records requirements; providing an effective date.
36

37 Be It Enacted by the Legislature of the State of Florida:
38

39 Section 1. Subsections (9) through (17) of section
40 381.986, Florida Statutes, are renumbered as subsection (10)
41 through (18), respectively, subsections (1) and (3), paragraph
42 (c) of subsection (4), paragraphs (a) and (f) of subsection (5),
43 paragraph (b) of subsection (6), subsection (8), and present
44 subsections (10), (11), (12), and (14) are amended, and a new
45 subsection (9) is added to that section, to read:

46 381.986 Medical use of marijuana.—

47 (1) DEFINITIONS.—As used in this section, the term:

48 (a) "Caregiver" means a resident of this state who has
49 agreed to assist with a qualified patient's medical use of
50 marijuana, has a caregiver identification card, and meets the

51 requirements of subsection (6).

52 (b) "Chronic nonmalignant pain" means pain that is caused
53 by a qualifying medical condition or that originates from a
54 qualifying medical condition and persists beyond the usual
55 course of that qualifying medical condition.

56 (c) "Close relative" means a spouse, parent, sibling,
57 grandparent, child, or grandchild, whether related by whole or
58 half blood, by marriage, or by adoption.

59 (d) "Edibles" means commercially produced food items made
60 with marijuana oil, but no other form of marijuana, that are
61 produced and dispensed by a medical marijuana treatment center
62 or dispensed by a medical marijuana retail facility.

63 (e) "Low-THC cannabis" means a plant of the genus
64 Cannabis, the dried flowers of which contain 0.8 percent or less
65 of tetrahydrocannabinol and more than 10 percent of cannabidiol
66 weight for weight; the seeds thereof; the resin extracted from
67 any part of such plant; or any compound, manufacture, salt,
68 derivative, mixture, or preparation of such plant or its seeds
69 or resin that is dispensed from a medical marijuana treatment
70 center or a medical marijuana retail facility.

71 (f) "Marijuana" means all parts of any plant of the genus
72 Cannabis, whether growing or not; the seeds thereof; the resin
73 extracted from any part of the plant; and every compound,
74 manufacture, salt, derivative, mixture, or preparation of the
75 plant or its seeds or resin, including low-THC cannabis, which

76 are dispensed from a medical marijuana treatment center or a
77 medical marijuana retail facility for medical use by a qualified
78 patient.

79 (g) "Marijuana delivery device" means an object used,
80 intended for use, or designed for use in preparing, storing,
81 ingesting, inhaling, or otherwise introducing marijuana into the
82 human body, and which is dispensed from a medical marijuana
83 treatment center or a medical marijuana retail facility for
84 medical use by a qualified patient.

85 (h) "Marijuana testing laboratory" means a facility that
86 collects and analyzes marijuana samples from a medical marijuana
87 treatment center and has been certified by the department
88 pursuant to s. 381.988.

89 (i) "Medical director" means a person who holds an active,
90 unrestricted license as an allopathic physician under chapter
91 458 or osteopathic physician under chapter 459 and is in
92 compliance with the requirements of paragraph (3)(c).

93 (j) "Medical marijuana retail facility" means a facility
94 licensed by the department to dispense medical marijuana and
95 marijuana delivery devices acquired from a licensed medical
96 marijuana treatment center to qualified patients and caregivers.

97 (k)~~(j)~~ "Medical use" means the acquisition, possession,
98 use, delivery, transfer, or administration of marijuana
99 authorized by a physician certification. The term does not
100 include:

101 1. Possession, use, or administration of marijuana that
102 was not purchased or acquired from a medical marijuana treatment
103 center or a medical marijuana retail facility.

104 2. Possession, use, or administration of marijuana in a
105 form for smoking, in the form of commercially produced food
106 items other than edibles, or of marijuana seeds or flower,
107 except for flower in a sealed, tamper-proof receptacle for
108 vaping.

109 3. Use or administration of any form or amount of
110 marijuana in a manner that is inconsistent with the qualified
111 physician's directions or physician certification.

112 4. Transfer of marijuana to a person other than the
113 qualified patient for whom it was authorized or the qualified
114 patient's caregiver on behalf of the qualified patient.

115 5. Use or administration of marijuana in the following
116 locations:

117 a. On any form of public transportation, except for low-
118 THC cannabis.

119 b. In any public place, except for low-THC cannabis.

120 c. In a qualified patient's place of employment, except
121 when permitted by his or her employer.

122 d. In a state correctional institution, as defined in s.
123 944.02, or a correctional institution, as defined in s. 944.241.

124 e. On the grounds of a preschool, primary school, or
125 secondary school, except as provided in s. 1006.062.

126 f. In a school bus, a vehicle, an aircraft, or a
127 motorboat, except for low-THC cannabis.

128 (l)~~(k)~~ "Physician certification" means a qualified
129 physician's authorization for a qualified patient to receive
130 marijuana and a marijuana delivery device from a medical
131 marijuana treatment center or a medical marijuana retail
132 facility.

133 (m)~~(l)~~ "Qualified patient" means a resident of this state
134 who has been added to the medical marijuana use registry by a
135 qualified physician to receive marijuana or a marijuana delivery
136 device for a medical use and who has a qualified patient
137 identification card.

138 (n)~~(m)~~ "Qualified physician" means a person who holds an
139 active, unrestricted license as an allopathic physician under
140 chapter 458 or as an osteopathic physician under chapter 459 and
141 is in compliance with the physician education requirements of
142 subsection (3).

143 (o)~~(n)~~ "Smoking" means burning or igniting a substance and
144 inhaling the smoke.

145 (p)~~(o)~~ "Terminal condition" means a progressive disease or
146 medical or surgical condition that causes significant functional
147 impairment, is not considered by a treating physician to be
148 reversible without the administration of life-sustaining
149 procedures, and will result in death within 1 year after
150 diagnosis if the condition runs its normal course.

151 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

152 (a) Before being approved as a qualified physician, as
153 defined in paragraph (1)(n) ~~paragraph (1)(m)~~, and before each
154 license renewal, a physician must successfully complete a 2-hour
155 course and subsequent examination offered by the Florida Medical
156 Association or the Florida Osteopathic Medical Association which
157 encompass the requirements of this section and any rules adopted
158 hereunder. The course and examination shall be administered at
159 least annually and may be offered in a distance learning format,
160 including an electronic, online format that is available upon
161 request. The price of the course may not exceed \$500. A
162 physician who has met the physician education requirements of
163 former s. 381.986(4), Florida Statutes 2016, before June 23,
164 2017, shall be deemed to be in compliance with this paragraph
165 from June 23, 2017, until 90 days after the course and
166 examination required by this paragraph become available.

167 (b) A qualified physician may not be employed by, or have
168 any direct or indirect economic interest in, a medical marijuana
169 treatment center, a medical marijuana retail facility, or a
170 marijuana testing laboratory.

171 (c) Before being employed as a medical director, as
172 defined in paragraph (1)(i), and before each license renewal, a
173 medical director must successfully complete a 2-hour course and
174 subsequent examination offered by the Florida Medical
175 Association or the Florida Osteopathic Medical Association which

176 encompass the requirements of this section and any rules adopted
177 hereunder. The course and examination shall be administered at
178 least annually and may be offered in a distance learning format,
179 including an electronic, online format that is available upon
180 request. The price of the course may not exceed \$500.

181 (4) PHYSICIAN CERTIFICATION.—

182 (c) A qualified physician may not issue a physician
183 certification for more than three 70-day supply limits of
184 marijuana. The department shall quantify by rule a daily dose
185 amount with equivalent dose amounts for each allowable form of
186 marijuana dispensed by a medical marijuana treatment center or a
187 medical marijuana retail facility. The department shall use the
188 daily dose amount to calculate a 70-day supply.

189 1. A qualified physician may request an exception to the
190 daily dose amount limit. The request shall be made
191 electronically on a form adopted by the department in rule and
192 must include, at a minimum:

193 a. The qualified patient's qualifying medical condition.

194 b. The dosage and route of administration that was
195 insufficient to provide relief to the qualified patient.

196 c. A description of how the patient will benefit from an
197 increased amount.

198 d. The minimum daily dose amount of marijuana that would
199 be sufficient for the treatment of the qualified patient's
200 qualifying medical condition.

201 2. A qualified physician must provide the qualified
202 patient's records upon the request of the department.

203 3. The department shall approve or disapprove the request
204 within 14 days after receipt of the complete documentation
205 required by this paragraph. The request shall be deemed approved
206 if the department fails to act within this time period.

207 (5) MEDICAL MARIJUANA USE REGISTRY.—

208 (a) The department shall create and maintain a secure,
209 electronic, and online medical marijuana use registry for
210 physicians, patients, and caregivers as provided under this
211 section. The medical marijuana use registry must be accessible
212 to law enforcement agencies, qualified physicians, medical
213 marijuana retail facilities, and medical marijuana treatment
214 centers to verify the authorization of a qualified patient or a
215 caregiver to possess marijuana or a marijuana delivery device
216 and record the marijuana or marijuana delivery device dispensed.
217 The medical marijuana use registry must also be accessible to
218 practitioners licensed to prescribe prescription drugs to ensure
219 proper care for patients before medications that may interact
220 with the medical use of marijuana are prescribed. The medical
221 marijuana use registry must prevent an active registration of a
222 qualified patient by multiple physicians.

223 (f) The department may revoke the registration of a
224 qualified patient or caregiver who cultivates marijuana or who
225 acquires, possesses, or delivers marijuana from any person or

226 | entity other than a medical marijuana treatment center or a
227 | medical marijuana retail facility.

228 | (6) CAREGIVERS.—

229 | (b) A caregiver must:

230 | 1. Not be a qualified physician and not be employed by or
231 | have an economic interest in a medical marijuana treatment
232 | center, a medical marijuana retail facility, or a marijuana
233 | testing laboratory.

234 | 2. Be 21 years of age or older and a resident of this
235 | state.

236 | 3. Agree in writing to assist with the qualified patient's
237 | medical use of marijuana.

238 | 4. Be registered in the medical marijuana use registry as
239 | a caregiver for no more than one qualified patient, except as
240 | provided in this paragraph.

241 | 5. Successfully complete a caregiver certification course
242 | developed and administered by the department or its designee,
243 | which must be renewed biennially. The price of the course may
244 | not exceed \$100.

245 | 6. Pass a background screening pursuant to subsection (10)
246 | ~~(9)~~, unless the patient is a close relative of the caregiver.

247 | (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

248 | (a) The department shall license medical marijuana
249 | treatment centers to ensure reasonable statewide accessibility
250 | and availability as necessary for qualified patients registered

251 in the medical marijuana use registry and who are issued a
252 physician certification under this section.

253 1. As soon as practicable, but no later than July 3, 2017,
254 the department shall license as a medical marijuana treatment
255 center any entity that holds an active, unrestricted license to
256 cultivate, process, transport, and dispense low-THC cannabis,
257 medical cannabis, and cannabis delivery devices, under former s.
258 381.986, Florida Statutes 2016, before July 1, 2017, and which
259 meets the requirements of this section. In addition to the
260 authority granted under this section, these entities are
261 authorized to dispense low-THC cannabis, medical cannabis, and
262 cannabis delivery devices ordered pursuant to former s. 381.986,
263 Florida Statutes 2016, which were entered into the compassionate
264 use registry before July 1, 2017, and are authorized to begin
265 dispensing marijuana under this section on July 3, 2017. The
266 department may grant variances from the representations made in
267 such an entity's original application for approval under former
268 s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

269 2. The department shall license as medical marijuana
270 treatment centers 10 applicants that meet the requirements of
271 this section, under the following parameters:

272 a. As soon as practicable, but no later than August 1,
273 2017, the department shall license any applicant whose
274 application was reviewed, evaluated, and scored by the
275 department and which was denied a dispensing organization

276 license by the department under former s. 381.986, Florida
277 Statutes 2014; which had one or more administrative or judicial
278 challenges pending as of January 1, 2017, or had a final ranking
279 within one point of the highest final ranking in its region
280 under former s. 381.986, Florida Statutes 2014; which meets the
281 requirements of this section; and which provides documentation
282 to the department that it has the existing infrastructure and
283 technical and technological ability to begin cultivating
284 marijuana within 30 days after registration as a medical
285 marijuana treatment center.

286 b. As soon as practicable, but no later than October 3,
287 2017, the department shall license one applicant that is a
288 recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82
289 (D.D.C. 1999), or *In Re Black Farmers Litig.*, 856 F. Supp. 2d 1
290 (D.D.C. 2011) and is a member of the Black Farmers and
291 Agriculturalists Association-Florida Chapter. An applicant
292 licensed under this sub-subparagraph is exempt from the
293 requirements of subparagraphs (b)1. and 2.

294 c. As soon as practicable, but no later than October 3,
295 2017, the department shall license applicants that meet the
296 requirements of this section in sufficient numbers to result in
297 10 total licenses issued under this subparagraph, while
298 accounting for the number of licenses issued under sub-
299 subparagraphs a. and b.

300 3. For up to two of the licenses issued under subparagraph

301 2., the department shall give preference to applicants that
302 demonstrate in their applications that they own one or more
303 facilities that are, or were, used for the canning,
304 concentrating, or otherwise processing of citrus fruit or citrus
305 molasses and will use or convert the facility or facilities for
306 the processing of marijuana.

307 4. Within 6 months after the registration of 100,000
308 active qualified patients in the medical marijuana use registry,
309 the department shall license four additional medical marijuana
310 treatment centers that meet the requirements of this section.
311 Thereafter, the department shall license four medical marijuana
312 treatment centers within 6 months after the registration of each
313 additional 100,000 active qualified patients in the medical
314 marijuana use registry that meet the requirements of this
315 section.

316 5. Dispensing facilities are subject to the following
317 requirements:

318 a. A medical marijuana treatment center may not establish
319 or operate more than a statewide maximum of 25 dispensing
320 facilities, unless the medical marijuana use registry reaches a
321 total of 100,000 active registered qualified patients. A medical
322 marijuana treatment center may contract with a maximum of 10
323 licensed medical marijuana retail facilities pursuant to
324 subsection (9). When the medical marijuana use registry reaches
325 100,000 active registered qualified patients, and then upon each

326 further instance of the total active registered qualified
327 patients increasing by 100,000, the statewide maximum number of
328 dispensing facilities that each licensed medical marijuana
329 treatment center may establish and operate increases by five.

330 b. A medical marijuana treatment center may not establish
331 more than the maximum number of dispensing facilities allowed in
332 each of the Northwest, Northeast, Central, Southwest, and
333 Southeast Regions. The department shall determine a medical
334 marijuana treatment center's maximum number of dispensing
335 facilities allowed in each region by calculating the percentage
336 of the total statewide population contained within that region
337 and multiplying that percentage by the medical marijuana
338 treatment center's statewide maximum number of dispensing
339 facilities established under sub-subparagraph a., rounded to the
340 nearest whole number. The department shall ensure that such
341 rounding does not cause a medical marijuana treatment center's
342 total number of statewide dispensing facilities to exceed its
343 statewide maximum. The department shall initially calculate the
344 maximum number of dispensing facilities allowed in each region
345 for each medical marijuana treatment center using county
346 population estimates from the Florida Estimates of Population
347 2016, as published by the Office of Economic and Demographic
348 Research, and shall perform recalculations following the
349 official release of county population data resulting from each
350 United States Decennial Census. For the purposes of this

351 subparagraph:

352 (I) The Northwest Region consists of Bay, Calhoun,
 353 Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson,
 354 Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,
 355 Walton, and Washington Counties.

356 (II) The Northeast Region consists of Alachua, Baker,
 357 Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist,
 358 Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns,
 359 Suwannee, and Union Counties.

360 (III) The Central Region consists of Brevard, Citrus,
 361 Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco,
 362 Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia
 363 Counties.

364 (IV) The Southwest Region consists of Charlotte, Collier,
 365 DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee,
 366 Okeechobee, and Sarasota Counties.

367 (V) The Southeast Region consists of Broward, Miami-Dade,
 368 Martin, Monroe, and Palm Beach Counties.

369 c. If a medical marijuana treatment center establishes a
 370 number of dispensing facilities within a region that is less
 371 than the number allowed for that region under sub-subparagraph
 372 b., the medical marijuana treatment center may sell one or more
 373 of its unused dispensing facility slots to other licensed
 374 medical marijuana treatment centers. For each dispensing
 375 facility slot that a medical marijuana treatment center sells,

376 that medical marijuana treatment center's statewide maximum
377 number of dispensing facilities, as determined under sub-
378 subparagraph a., is reduced by one. The statewide maximum number
379 of dispensing facilities for a medical marijuana treatment
380 center that purchases an unused dispensing facility slot is
381 increased by one per slot purchased. Additionally, the sale of a
382 dispensing facility slot shall reduce the seller's regional
383 maximum and increase the purchaser's regional maximum number of
384 dispensing facilities, as determined in sub-subparagraph b., by
385 one for that region. For any slot purchased under this sub-
386 subparagraph, the regional restriction applied to that slot's
387 location under sub-subparagraph b. before the purchase shall
388 remain in effect following the purchase. A medical marijuana
389 treatment center that sells or purchases a dispensing facility
390 slot must notify the department within 3 days of sale.

391 d. This subparagraph shall expire on April 1, 2020.

392
393 If this subparagraph or its application to any person or
394 circumstance is held invalid, the invalidity does not affect
395 other provisions or applications of this act which can be given
396 effect without the invalid provision or application, and to this
397 end, the provisions of this subparagraph are severable.

398 (b) An applicant for licensure as a medical marijuana
399 treatment center shall apply to the department on a form
400 prescribed by the department and adopted in rule. The department

401 shall adopt rules pursuant to ss. 120.536(1) and 120.54
402 establishing a procedure for the issuance and biennial renewal
403 of licenses, including initial application and biennial renewal
404 fees sufficient to cover the costs of implementing and
405 administering this section, and establishing supplemental
406 licensure fees for payment beginning May 1, 2018, sufficient to
407 cover the costs of administering ss. 381.989 and 1004.4351. The
408 department shall identify applicants with strong diversity plans
409 reflecting this state's commitment to diversity and implement
410 training programs and other educational programs to enable
411 minority persons and minority business enterprises, as defined
412 in s. 288.703, and veteran business enterprises, as defined in
413 s. 295.187, to compete for medical marijuana treatment center
414 licensure and contracts. Subject to the requirements in
415 subparagraphs (a)2.-4., the department shall issue a license to
416 an applicant if the applicant meets the requirements of this
417 section and pays the initial application fee. The department
418 shall renew the licensure of a medical marijuana treatment
419 center biennially if the licensee meets the requirements of this
420 section and pays the biennial renewal fee. An individual may not
421 be an applicant, owner, officer, board member, or manager on
422 more than one application for licensure as a medical marijuana
423 treatment center. An individual or entity may not be awarded
424 more than one license as a medical marijuana treatment center.
425 An applicant for licensure as a medical marijuana treatment

426 center must demonstrate:

427 1. That, for the 5 consecutive years before submitting the
428 application, the applicant has been registered to do business in
429 the state.

430 2. Possession of a valid certificate of registration
431 issued by the Department of Agriculture and Consumer Services
432 pursuant to s. 581.131.

433 3. The technical and technological ability to cultivate
434 and produce marijuana, including, but not limited to, low-THC
435 cannabis.

436 4. The ability to secure the premises, resources, and
437 personnel necessary to operate as a medical marijuana treatment
438 center.

439 5. The ability to maintain accountability of all raw
440 materials, finished products, and any byproducts to prevent
441 diversion or unlawful access to or possession of these
442 substances.

443 6. An infrastructure reasonably located to dispense
444 marijuana to registered qualified patients statewide or
445 regionally as determined by the department.

446 7. The financial ability to maintain operations for the
447 duration of the 2-year approval cycle, including the provision
448 of certified financial statements to the department.

449 a. Upon approval, the applicant must post a \$5 million
450 performance bond issued by an authorized surety insurance

451 company rated in one of the three highest rating categories by a
452 nationally recognized rating service. However, a medical
453 marijuana treatment center serving at least 1,000 qualified
454 patients is only required to maintain a \$2 million performance
455 bond.

456 b. In lieu of the performance bond required under sub-
457 subparagraph a., the applicant may provide an irrevocable letter
458 of credit payable to the department or provide cash to the
459 department. If provided with cash under this sub-subparagraph,
460 the department shall deposit the cash in the Grants and
461 Donations Trust Fund within the Department of Health, subject to
462 the same conditions as the bond regarding requirements for the
463 applicant to forfeit ownership of the funds. If the funds
464 deposited under this sub-subparagraph generate interest, the
465 amount of that interest shall be used by the department for the
466 administration of this section.

467 8. That all owners, officers, board members, and managers
468 have passed a background screening pursuant to subsection (10)
469 ~~(9)~~.

470 9. The employment of a medical director to supervise the
471 activities of the medical marijuana treatment center.

472 10. A diversity plan that promotes and ensures the
473 involvement of minority persons and minority business
474 enterprises, as defined in s. 288.703, or veteran business
475 enterprises, as defined in s. 295.187, in ownership, management,

476 and employment. An applicant for licensure renewal must show the
477 effectiveness of the diversity plan by including the following
478 with his or her application for renewal:

479 a. Representation of minority persons and veterans in the
480 medical marijuana treatment center's workforce;

481 b. Efforts to recruit minority persons and veterans for
482 employment; and

483 c. A record of contracts for services with minority
484 business enterprises and veteran business enterprises.

485 (c) A medical marijuana treatment center may not make a
486 wholesale purchase of marijuana from, or a distribution of
487 marijuana to, another medical marijuana treatment center, unless
488 the medical marijuana treatment center seeking to make a
489 wholesale purchase of marijuana submits proof of harvest failure
490 to the department.

491 (d) The department shall establish, maintain, and control
492 a computer software tracking system that traces marijuana from
493 seed to sale and allows real-time, 24-hour access by the
494 department to data from all medical marijuana treatment centers,
495 medical marijuana retail facilities, and marijuana testing
496 laboratories. The tracking system must allow for integration of
497 other seed-to-sale systems and, at a minimum, include
498 notification of when marijuana seeds are planted, when marijuana
499 plants are harvested and destroyed, and when marijuana is
500 transported, sold, stolen, diverted, or lost. Each medical

501 marijuana treatment center and medical marijuana treatment
502 facility shall use the seed-to-sale tracking system established
503 by the department or integrate its own seed-to-sale tracking
504 system with the seed-to-sale tracking system established by the
505 department. Each medical marijuana treatment center may use its
506 own seed-to-sale system until the department establishes a seed-
507 to-sale tracking system. The department may contract with a
508 vendor to establish the seed-to-sale tracking system. The vendor
509 selected by the department may not have a contractual
510 relationship with the department to perform any services
511 pursuant to this section other than the seed-to-sale tracking
512 system. The vendor may not have a direct or indirect financial
513 interest in a medical marijuana treatment center, a medical
514 marijuana retail facility, or a marijuana testing laboratory.

515 (e) A licensed medical marijuana treatment center may
516 ~~shall~~ cultivate, process, transport, and dispense marijuana for
517 medical use. A licensed medical marijuana treatment center may
518 not contract for services directly related to the cultivation
519 ~~and, processing, and dispensing~~ of marijuana or marijuana
520 delivery devices. ~~., except that~~ A medical marijuana treatment
521 center licensed pursuant to subparagraph (a)1. may contract with
522 a maximum of 10 licensed medical marijuana retail facilities to
523 dispense medical ~~single entity for the cultivation, processing,~~
524 ~~transporting, and dispensing of marijuana,~~ and marijuana
525 delivery devices, and edibles pursuant to subsection (9). A

526 licensed medical marijuana treatment center must, at all times,
527 maintain compliance with the criteria demonstrated and
528 representations made in the initial application and the criteria
529 established in this subsection. Upon request, the department may
530 grant a medical marijuana treatment center a variance from the
531 representations made in the initial application. Consideration
532 of such a request shall be based upon the individual facts and
533 circumstances surrounding the request. A variance may not be
534 granted unless the requesting medical marijuana treatment center
535 can demonstrate to the department that it has a proposed
536 alternative to the specific representation made in its
537 application which fulfills the same or a similar purpose as the
538 specific representation in a way that the department can
539 reasonably determine will not be a lower standard than the
540 specific representation in the application. A variance may not
541 be granted from the requirements in subparagraph 2. and
542 subparagraphs (b)1. and 2.

543 1. A licensed medical marijuana treatment center may
544 transfer ownership to an individual or entity who meets the
545 requirements of this section. A publicly traded corporation or
546 publicly traded company that meets the requirements of this
547 section is not precluded from ownership of a medical marijuana
548 treatment center. To accommodate a change in ownership:

549 a. The licensed medical marijuana treatment center shall
550 notify the department in writing at least 60 days before the

551 anticipated date of the change of ownership.

552 b. The individual or entity applying for initial licensure
553 due to a change of ownership must submit an application that
554 must be received by the department at least 60 days before the
555 date of change of ownership.

556 c. Upon receipt of an application for a license, the
557 department shall examine the application and, within 30 days
558 after receipt, notify the applicant in writing of any apparent
559 errors or omissions and request any additional information
560 required.

561 d. Requested information omitted from an application for
562 licensure must be filed with the department within 21 days after
563 the department's request for omitted information or the
564 application shall be deemed incomplete and shall be withdrawn
565 from further consideration and the fees shall be forfeited.

566
567 Within 30 days after the receipt of a complete application, the
568 department shall approve or deny the application.

569 2. A medical marijuana treatment center, and any
570 individual or entity who directly or indirectly owns, controls,
571 or holds with power to vote 5 percent or more of the voting
572 shares of a medical marijuana treatment center, may not acquire
573 direct or indirect ownership or control of any voting shares or
574 other form of ownership of any other medical marijuana treatment
575 center. A medical marijuana treatment center may not directly or

576 indirectly own or operate a medical marijuana retail facility
 577 pursuant to subsection (9).

578 3. A medical marijuana treatment center may not enter into
 579 any form of profit-sharing arrangement with the property owner
 580 or lessor of any of its facilities where cultivation,
 581 processing, storing, or dispensing of marijuana and marijuana
 582 delivery devices occurs.

583 4. All employees of a medical marijuana treatment center
 584 must be 21 years of age or older and have passed a background
 585 screening pursuant to subsection (10) ~~(9)~~.

586 5. Each medical marijuana treatment center must adopt and
 587 enforce policies and procedures to ensure employees and
 588 volunteers receive training on the legal requirements to
 589 dispense marijuana to qualified patients.

590 6. When growing marijuana, a medical marijuana treatment
 591 center:

592 a. May use pesticides determined by the department, after
 593 consultation with the Department of Agriculture and Consumer
 594 Services, to be safely applied to plants intended for human
 595 consumption, but may not use pesticides designated as
 596 restricted-use pesticides pursuant to s. 487.042.

597 b. Must grow marijuana within an enclosed structure and in
 598 a room separate from any other plant.

599 c. Must inspect seeds and growing plants for plant pests
 600 that endanger or threaten the horticultural and agricultural

601 interests of the state in accordance with chapter 581 and any
602 rules adopted thereunder.

603 d. Must perform fumigation or treatment of plants, or
604 remove and destroy infested or infected plants, in accordance
605 with chapter 581 and any rules adopted thereunder.

606 7. Each medical marijuana treatment center must produce
607 and make available for purchase at least one low-THC cannabis
608 product.

609 8. A medical marijuana treatment center that produces
610 edibles must hold a permit to operate as a food establishment
611 pursuant to chapter 500, the Florida Food Safety Act, and must
612 comply with all the requirements for food establishments
613 pursuant to chapter 500 and any rules adopted thereunder.
614 Edibles may not contain more than 200 milligrams of
615 tetrahydrocannabinol, and a single serving portion of an edible
616 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
617 may have a potency variance of no greater than 15 percent.
618 Edibles may not be attractive to children; be manufactured in
619 the shape of humans, cartoons, or animals; be manufactured in a
620 form that bears any reasonable resemblance to products available
621 for consumption as commercially available candy; or contain any
622 color additives. To discourage consumption of edibles by
623 children, the department shall determine by rule any shapes,
624 forms, and ingredients allowed and prohibited for edibles.
625 Medical marijuana treatment centers may not begin processing or

626 dispensing edibles until after the effective date of the rule.
627 The department shall also adopt sanitation rules providing the
628 standards and requirements for the storage, display, or
629 dispensing of edibles.

630 9. Within 12 months after licensure, a medical marijuana
631 treatment center must demonstrate to the department that all of
632 its processing facilities have passed a Food Safety Good
633 Manufacturing Practices, such as Global Food Safety Initiative
634 or equivalent, inspection by a nationally accredited certifying
635 body. A medical marijuana treatment center must immediately stop
636 processing at any facility which fails to pass this inspection
637 until it demonstrates to the department that such facility has
638 met this requirement.

639 10. When processing marijuana, a medical marijuana
640 treatment center must:

641 a. Process the marijuana within an enclosed structure and
642 in a room separate from other plants or products.

643 b. Comply with department rules when processing marijuana
644 with hydrocarbon solvents or other solvents or gases exhibiting
645 potential toxicity to humans. The department shall determine by
646 rule the requirements for medical marijuana treatment centers to
647 use such solvents or gases exhibiting potential toxicity to
648 humans.

649 c. Comply with federal and state laws and regulations and
650 department rules for solid and liquid wastes. The department

651 shall determine by rule procedures for the storage, handling,
652 transportation, management, and disposal of solid and liquid
653 waste generated during marijuana production and processing. The
654 Department of Environmental Protection shall assist the
655 department in developing such rules.

656 d. Test the processed marijuana using a medical marijuana
657 testing laboratory before it is dispensed. Results must be
658 verified and signed by two medical marijuana treatment center
659 employees. Before dispensing, the medical marijuana treatment
660 center must determine that the test results indicate that low-
661 THC cannabis meets the definition of low-THC cannabis, the
662 concentration of tetrahydrocannabinol meets the potency
663 requirements of this section, the labeling of the concentration
664 of tetrahydrocannabinol and cannabidiol is accurate, and all
665 marijuana is safe for human consumption and free from
666 contaminants that are unsafe for human consumption. The
667 department shall determine by rule which contaminants must be
668 tested for and the maximum levels of each contaminant which are
669 safe for human consumption. The Department of Agriculture and
670 Consumer Services shall assist the department in developing the
671 testing requirements for contaminants that are unsafe for human
672 consumption in edibles. The department shall also determine by
673 rule the procedures for the treatment of marijuana that fails to
674 meet the testing requirements of this section, s. 381.988, or
675 department rule. The department may select a random sample from

676 | edibles available for purchase in a dispensing facility which
677 | shall be tested by the department to determine that the edible
678 | meets the potency requirements of this section, is safe for
679 | human consumption, and the labeling of the tetrahydrocannabinol
680 | and cannabidiol concentration is accurate. A medical marijuana
681 | treatment center may not require payment from the department for
682 | the sample. A medical marijuana treatment center must recall
683 | edibles, including all edibles made from the same batch of
684 | marijuana, which fail to meet the potency requirements of this
685 | section, which are unsafe for human consumption, or for which
686 | the labeling of the tetrahydrocannabinol and cannabidiol
687 | concentration is inaccurate. The medical marijuana treatment
688 | center must retain records of all testing and samples of each
689 | homogenous batch of marijuana for at least 9 months. The medical
690 | marijuana treatment center must contract with a marijuana
691 | testing laboratory to perform audits on the medical marijuana
692 | treatment center's standard operating procedures, testing
693 | records, and samples and provide the results to the department
694 | to confirm that the marijuana or low-THC cannabis meets the
695 | requirements of this section and that the marijuana or low-THC
696 | cannabis is safe for human consumption. A medical marijuana
697 | treatment center shall reserve two processed samples from each
698 | batch and retain such samples for at least 9 months for the
699 | purpose of such audits. A medical marijuana treatment center may
700 | use a laboratory that has not been certified by the department

701 under s. 381.988 until such time as at least one laboratory
 702 holds the required certification, but in no event later than
 703 July 1, 2018.

704 e. Package the marijuana in compliance with the United
 705 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
 706 1471 et seq.

707 f. Package the marijuana in a receptacle that has a firmly
 708 affixed and legible label stating the following information:

709 (I) The marijuana or low-THC cannabis meets the
 710 requirements of sub-subparagraph d.

711 (II) The name of the medical marijuana treatment center
 712 from which the marijuana originates.

713 (III) The batch number and harvest number from which the
 714 marijuana originates and the date dispensed.

715 (IV) The name of the physician who issued the physician
 716 certification.

717 (V) The name of the patient.

718 (VI) The product name, if applicable, and dosage form,
 719 including concentration of tetrahydrocannabinol and cannabidiol.
 720 The product name may not contain wording commonly associated
 721 with products marketed by or to children.

722 (VII) The recommended dose.

723 (VIII) A warning that it is illegal to transfer medical
 724 marijuana to another person.

725 (IX) A marijuana universal symbol developed by the

726 department.

727 11. The medical marijuana treatment center shall include
728 in each package a patient package insert with information on the
729 specific product dispensed related to:

- 730 a. Clinical pharmacology.
- 731 b. Indications and use.
- 732 c. Dosage and administration.
- 733 d. Dosage forms and strengths.
- 734 e. Contraindications.
- 735 f. Warnings and precautions.
- 736 g. Adverse reactions.

737 12. Each edible shall be individually sealed in plain,
738 opaque wrapping marked only with the marijuana universal symbol.
739 Where practical, each edible shall be marked with the marijuana
740 universal symbol. In addition to the packaging and labeling
741 requirements in subparagraphs 10. and 11., edible receptacles
742 must be plain, opaque, and white without depictions of the
743 product or images other than the medical marijuana treatment
744 center's department-approved logo and the marijuana universal
745 symbol. The receptacle must also include a list all of the
746 edible's ingredients, storage instructions, an expiration date,
747 a legible and prominent warning to keep away from children and
748 pets, and a warning that the edible has not been produced or
749 inspected pursuant to federal food safety laws.

750 13. When dispensing marijuana or a marijuana delivery

751 device, a medical marijuana treatment center:

752 a. May dispense any active, valid order for low-THC
753 cannabis, medical cannabis, and cannabis delivery devices issued
754 pursuant to former s. 381.986, Florida Statutes 2016, which was
755 entered into the medical marijuana use registry before July 1,
756 2017.

757 b. May not dispense more than a 70-day supply of marijuana
758 to a qualified patient or caregiver.

759 c. Must have the medical marijuana treatment center's
760 employee who dispenses the marijuana or a marijuana delivery
761 device enter into the medical marijuana use registry his or her
762 name or unique employee identifier.

763 d. Must verify that the qualified patient and the
764 caregiver, if applicable, each have an active registration in
765 the medical marijuana use registry and an active and valid
766 medical marijuana use registry identification card, the amount
767 and type of marijuana dispensed matches the physician
768 certification in the medical marijuana use registry for that
769 qualified patient, and the physician certification has not
770 already been filled.

771 e. May not dispense marijuana to a qualified patient who
772 is younger than 18 years of age. If the qualified patient is
773 younger than 18 years of age, marijuana may only be dispensed to
774 the qualified patient's caregiver.

775 f. May not dispense or sell any other type of cannabis,

776 alcohol, or illicit drug-related product, including pipes,
777 bongs, or wrapping papers, other than a marijuana delivery
778 device required for the medical use of marijuana and which is
779 specified in a physician certification.

780 g. Must, upon dispensing the marijuana or marijuana
781 delivery device, record in the registry the date, time,
782 quantity, and form of marijuana dispensed; the type of marijuana
783 delivery device dispensed; and the name and medical marijuana
784 use registry identification number of the qualified patient or
785 caregiver to whom the marijuana delivery device was dispensed.

786 h. Must ensure that patient records are not visible to
787 anyone other than the qualified patient, his or her caregiver,
788 and authorized medical marijuana treatment center employees.

789 (f) To ensure the safety and security of premises where
790 the cultivation, processing, storing, or dispensing of marijuana
791 occurs, and to maintain adequate controls against the diversion,
792 theft, and loss of marijuana or marijuana delivery devices, a
793 medical marijuana treatment center shall:

794 1.a. Maintain a fully operational security alarm system
795 that secures all entry points and perimeter windows and is
796 equipped with motion detectors; pressure switches; and duress,
797 panic, and hold-up alarms; and

798 b. Maintain a video surveillance system that records
799 continuously 24 hours a day and meets the following criteria:

800 (I) Cameras are fixed in a place that allows for the clear

801 identification of persons and activities in controlled areas of
802 the premises. Controlled areas include grow rooms, processing
803 rooms, storage rooms, disposal rooms or areas, and point-of-sale
804 rooms.

805 (II) Cameras are fixed in entrances and exits to the
806 premises, which shall record from both indoor and outdoor, or
807 ingress and egress, vantage points.

808 (III) Recorded images must clearly and accurately display
809 the time and date.

810 (IV) ~~Retain~~ Video surveillance recordings are retained for
811 at least 45 days or longer upon the request of a law enforcement
812 agency.

813 2. Ensure that the medical marijuana treatment center's
814 outdoor premises have sufficient lighting from dusk until dawn.

815 3. Ensure that the indoor premises where dispensing occurs
816 includes a waiting area with sufficient space and seating to
817 accommodate qualified patients and caregivers and at least one
818 private consultation area that is isolated from the waiting area
819 and area where dispensing occurs. A medical marijuana treatment
820 center may not display products or dispense marijuana or
821 marijuana delivery devices in the waiting area.

822 4. Not dispense from its premises marijuana or a marijuana
823 delivery device between the hours of 9 p.m. and 7 a.m., but may
824 perform all other operations and deliver marijuana to qualified
825 patients 24 hours a day.

- 826 5. Store marijuana in a secured, locked room or a vault.
- 827 6. Require at least two of its employees, or two employees
- 828 of a security agency with whom it contracts, to be on the
- 829 premises at all times where cultivation, processing, or storing
- 830 of marijuana occurs.
- 831 7. Require each employee or contractor to wear a photo
- 832 identification badge at all times while on the premises.
- 833 8. Require each visitor to wear a visitor pass at all
- 834 times while on the premises.
- 835 9. Implement an alcohol and drug-free workplace policy.
- 836 10. Report to local law enforcement within 24 hours after
- 837 the medical marijuana treatment center is notified or becomes
- 838 aware of the theft, diversion, or loss of marijuana.
- 839 (g) To ensure the safe transport of marijuana and
- 840 marijuana delivery devices to medical marijuana treatment
- 841 centers, marijuana testing laboratories, or qualified patients,
- 842 a medical marijuana treatment center must:
- 843 1. Maintain a marijuana transportation manifest in any
- 844 vehicle transporting marijuana. The marijuana transportation
- 845 manifest must be generated from a medical marijuana treatment
- 846 center's seed-to-sale tracking system and include the:
- 847 a. Departure date and approximate time of departure.
- 848 b. Name, location address, and license number of the
- 849 originating medical marijuana treatment center.
- 850 c. Name and address of the recipient of the delivery.

- 851 d. Quantity and form of any marijuana or marijuana
 852 delivery device being transported.
- 853 e. Arrival date and estimated time of arrival.
- 854 f. Delivery vehicle make and model and license plate
 855 number.
- 856 g. Name and signature of the medical marijuana treatment
 857 center employees delivering the product.
- 858 (I) A copy of the marijuana transportation manifest must
 859 be provided to each individual, medical marijuana treatment
 860 center, or marijuana testing laboratory that receives a
 861 delivery. The individual, or a representative of the center or
 862 laboratory, must sign a copy of the marijuana transportation
 863 manifest acknowledging receipt.
- 864 (II) An individual transporting marijuana or a marijuana
 865 delivery device must present a copy of the relevant marijuana
 866 transportation manifest and his or her employee identification
 867 card to a law enforcement officer upon request.
- 868 (III) Medical marijuana treatment centers and marijuana
 869 testing laboratories must retain copies of all marijuana
 870 transportation manifests for at least 3 years.
- 871 2. Ensure only vehicles in good working order are used to
 872 transport marijuana.
- 873 3. Lock marijuana and marijuana delivery devices in a
 874 separate compartment or container within the vehicle.
- 875 4. Require employees to have possession of their employee

876 identification card at all times when transporting marijuana or
 877 marijuana delivery devices.

878 5. Require at least two persons to be in a vehicle
 879 transporting marijuana or marijuana delivery devices, and
 880 require at least one person to remain in the vehicle while the
 881 marijuana or marijuana delivery device is being delivered.

882 6. Provide specific safety and security training to
 883 employees transporting or delivering marijuana and marijuana
 884 delivery devices.

885 (h) A medical marijuana treatment center may not engage in
 886 advertising that is visible to members of the public from any
 887 street, sidewalk, park, or other public place, except:

888 1. The dispensing location of a medical marijuana
 889 treatment center may have a sign that is affixed to the outside
 890 or hanging in the window of the premises which identifies the
 891 dispensary by the licensee's business name, a department-
 892 approved trade name, or a department-approved logo. A medical
 893 marijuana treatment center's trade name and logo may not contain
 894 wording or images commonly associated with marketing targeted
 895 toward children or which promote recreational use of marijuana.

896 2. A medical marijuana treatment center may engage in
 897 Internet advertising and marketing under the following
 898 conditions:

- 899 a. All advertisements must be approved by the department.
- 900 b. An advertisement may not have any content that

901 specifically targets individuals under the age of 18, including
902 cartoon characters or similar images.

903 c. An advertisement may not be an unsolicited pop-up
904 advertisement.

905 d. Opt-in marketing must include an easy and permanent
906 opt-out feature.

907 (i) Each medical marijuana treatment center that dispenses
908 marijuana and marijuana delivery devices shall make available to
909 the public on its website:

910 1. Each marijuana and low-THC product available for
911 purchase, including the form, strain of marijuana from which it
912 was extracted, cannabidiol content, tetrahydrocannabinol
913 content, dose unit, total number of doses available, and the
914 ratio of cannabidiol to tetrahydrocannabinol for each product.

915 2. The price for a 30-day, 50-day, and 70-day supply at a
916 standard dose for each marijuana and low-THC product available
917 for purchase.

918 3. The price for each marijuana delivery device available
919 for purchase.

920 4. If applicable, any discount policies and eligibility
921 criteria for such discounts.

922 ~~(j) Medical marijuana treatment centers are the sole~~
923 ~~source from which~~ A qualified patient may legally obtain
924 marijuana only from a medical marijuana treatment center or a
925 medical marijuana retail facility.

926 (k) The department may adopt rules pursuant to ss.
927 120.536(1) and 120.54 to implement this subsection.

928 (9) MEDICAL MARIJUANA RETAIL FACILITIES.—The department
929 shall license medical marijuana retail facilities to ensure
930 reasonable statewide accessibility and availability as necessary
931 for qualified patients registered in the medical marijuana use
932 registry and who are issued a physician certification. The
933 department shall begin issuing medical marijuana retail facility
934 licenses by August 1, 2018.

935 (a) An applicant for licensure as a medical marijuana
936 retail facility shall apply to the department on a form
937 prescribed by the department and adopted in rule. The department
938 shall adopt rules pursuant to ss. 120.536(1) and 120.54
939 establishing a procedure for the issuance and biennial renewal
940 of licenses, including initial application and biennial renewal
941 fees sufficient to cover the costs of implementing and
942 administering this subsection. The department shall identify
943 applicants with strong diversity plans reflecting this state's
944 commitment to diversity and implement training programs and
945 other educational programs to enable minority persons and
946 minority business enterprises, as defined in s. 288.703, and
947 veteran business enterprises, as defined in s. 295.187, to
948 qualify for medical marijuana retail facility licensure and
949 contracts. The department shall issue a license to an applicant
950 if the applicant meets the requirements of this subsection and

951 pays the initial application fee. The department shall renew the
952 licensure of a medical marijuana retail facility biennially if
953 the licensee meets the requirements of this subsection and pays
954 the biennial renewal fee. An individual may not be an applicant,
955 owner, officer, board member, or manager on more than one
956 application for licensure as a medical marijuana retail
957 facility. An individual or entity may not be awarded more than
958 one license as a medical marijuana retail facility. Each medical
959 marijuana retail facility license is valid for one physical
960 location. A medical marijuana treatment center may not be
961 awarded a license to operate a medical marijuana retail
962 facility.

963 (b) An applicant for licensure as a medical marijuana
964 retail facility must demonstrate:

965 1. The ability to secure the premises, resources, and
966 personnel necessary to operate as a medical marijuana retail
967 facility.

968 2. The ability to maintain accountability of all raw
969 materials, all finished products, and any byproducts to prevent
970 diversion or unlawful access to or possession of these
971 substances.

972 3. An infrastructure reasonably located to dispense
973 marijuana to registered qualified patients statewide or
974 regionally as determined by the department.

975 4. The financial ability to maintain operations for the

976 duration of the 2-year approval cycle, including the provision
977 of certified financial statements to the department.

978 5. That all owners, officers, board members, and managers
979 have passed a background screening pursuant to subsection (10).

980 6 The employment of a medical director to supervise the
981 activities of the medical marijuana retail facility.

982 7. A diversity plan that promotes and ensures the
983 involvement of minority persons and minority business
984 enterprises, as defined in s. 288.703, or veteran business
985 enterprises, as defined in s. 295.187, in ownership, management,
986 and employment. An applicant for licensure renewal must show the
987 effectiveness of the diversity plan by including the following
988 with his or her application for renewal:

989 a. Representation of minority persons and veterans in the
990 medical marijuana retail facility's workforce;

991 b. Efforts to recruit minority persons and veterans for
992 employment; and

993 c. A record of contracts for services with minority
994 business enterprises and veteran business enterprises.

995 8. Proof of liability insurance coverage of at least
996 \$250,000 for each facility that dispenses or stores medical
997 marijuana or medical marijuana delivery devices.

998 (c) A licensed medical marijuana retail facility may not
999 make a wholesale purchase of marijuana from a medical marijuana
1000 treatment center.

1001 (d) A licensed medical marijuana retail facility may not
1002 transport medical marijuana for medical use.

1003 (e) A licensed medical marijuana retail facility may not
1004 contract with more than one medical marijuana treatment center
1005 to dispense medical marijuana, marijuana delivery devices, and
1006 edibles to a qualified patient or caregiver.

1007 (f)1. A licensed medical marijuana retail facility may
1008 transfer ownership to an individual or entity who meets the
1009 requirements of this section. A publicly traded corporation or
1010 publicly traded company that meets the requirements of this
1011 section is not precluded from ownership of a medical marijuana
1012 retail facility. To accommodate a change in ownership:

1013 a. The licensed medical marijuana retail facility shall
1014 notify the department in writing at least 60 days before the
1015 anticipated date of the change of ownership.

1016 b. The individual or entity applying for initial licensure
1017 due to a change of ownership must submit an application that
1018 must be received by the department at least 60 days before the
1019 date of change of ownership.

1020 c. Upon receipt of an application for a license, the
1021 department shall examine the application and, within 30 days
1022 after receipt, notify the applicant in writing of any apparent
1023 errors or omissions and request any additional information
1024 required.

1025 d. Requested information omitted from an application for

1026 licensure must be filed with the department within 21 days after
1027 the department's request for omitted information or the
1028 application shall be deemed incomplete and shall be withdrawn
1029 from further consideration and the fees shall be forfeited.

1030

1031 Within 30 days after the receipt of a complete application, the
1032 department shall approve or deny the application.

1033 2. A medical marijuana retail facility, and any individual
1034 or entity who directly or indirectly owns, controls, or holds
1035 with power to vote 5 percent or more of the voting shares of a
1036 medical marijuana retail facility, may not acquire direct or
1037 indirect ownership or control of any voting shares or other form
1038 of ownership of any other medical marijuana retail facility.

1039 3. A medical marijuana retail facility may not enter into
1040 any form of profit-sharing arrangement with the property owner
1041 or lessor of any of its facilities where storing or dispensing
1042 of marijuana and marijuana delivery devices occurs.

1043 4. All employees of a medical marijuana retail facility
1044 must be 21 years of age or older and have passed a background
1045 screening pursuant to subsection (10).

1046 5. Each medical marijuana retail facility must adopt and
1047 enforce policies and procedures to ensure employees and
1048 volunteers receive training on the legal requirements to
1049 dispense marijuana to qualified patients.

1050 6. Each medical marijuana retail facility must make

1051 available for purchase at least one low-THC cannabis product.

1052 7. A medical marijuana retail facility may not repackage
1053 or modify any medical marijuana product or medical marijuana
1054 delivery device packaged for retail sale by a contracted medical
1055 marijuana treatment center.

1056 8. A medical marijuana retail facility may not process or
1057 produce edibles but may dispense edibles, in the original
1058 packaging and with the original labeling affixed, received from
1059 a contracted medical marijuana treatment center to a qualified
1060 patient or caregiver. Onsite consumption of marijuana or edibles
1061 at a medical marijuana retail facility is prohibited. The
1062 department may select a random sample from edibles available for
1063 purchase in a medical marijuana retail facility which shall be
1064 tested by the department to determine that the edible meets the
1065 potency requirements of subsection (8), is safe for human
1066 consumption, and the labeling of the tetrahydrocannabinol and
1067 cannabidiol concentration is accurate. A medical marijuana
1068 retail facility may not require payment from the department for
1069 the sample. A medical marijuana retail facility must recall
1070 edibles, including all edibles made from the same batch of
1071 marijuana, which fail to meet the potency requirements of this
1072 section, which are unsafe for human consumption, or for which
1073 the labeling of the tetrahydrocannabinol and cannabidiol
1074 concentration is inaccurate.

1075 9. When dispensing marijuana or a marijuana delivery

- 1076 device, a medical marijuana retail facility:
- 1077 a. May dispense any active, valid order for low-THC
- 1078 cannabis, medical cannabis, and cannabis delivery devices issued
- 1079 pursuant to former s. 381.986, Florida Statutes 2016, which was
- 1080 entered into the medical marijuana use registry before July 1,
- 1081 2017.
- 1082 b. May not dispense more than a 70-day supply of marijuana
- 1083 to a qualified patient or caregiver.
- 1084 c. Must have the medical marijuana retail facility's
- 1085 employee who dispenses the marijuana or a marijuana delivery
- 1086 device enter into the medical marijuana use registry his or her
- 1087 name or unique employee identifier.
- 1088 d. Must verify that the qualified patient and the
- 1089 caregiver, if applicable, each have an active registration in
- 1090 the medical marijuana use registry and an active and valid
- 1091 medical marijuana use registry identification card, the amount
- 1092 and type of marijuana dispensed matches the physician
- 1093 certification in the medical marijuana use registry for that
- 1094 qualified patient, and the physician certification has not
- 1095 already been filled.
- 1096 e. May not dispense marijuana to a qualified patient who
- 1097 is younger than 18 years of age. If the qualified patient is
- 1098 younger than 18 years of age, marijuana may only be dispensed to
- 1099 the qualified patient's caregiver.
- 1100 f. May not dispense or sell any other type of cannabis,

1101 alcohol, or illicit drug-related product, including pipes,
1102 bongs, or wrapping papers, other than a marijuana delivery
1103 device required for the medical use of marijuana and which is
1104 specified in a physician certification.

1105 g. Must, upon dispensing the marijuana or marijuana
1106 delivery device, record in the registry the date, time,
1107 quantity, and form of marijuana dispensed; the type of marijuana
1108 delivery device dispensed; and the name and medical marijuana
1109 use registry identification number of the qualified patient or
1110 caregiver to whom the marijuana or marijuana delivery device was
1111 dispensed.

1112 h. Must ensure that patient records are not visible to
1113 anyone other than the qualified patient, his or her caregiver,
1114 and authorized medical marijuana retail facility employees.

1115 (g) To ensure the safety and security of premises where
1116 the storing or dispensing of marijuana occurs, and to maintain
1117 adequate controls against the diversion, theft, and loss of
1118 marijuana or marijuana delivery devices, a medical marijuana
1119 retail facility shall:

1120 1.a. Maintain a fully operational security alarm system
1121 that secures all entry points and perimeter windows and is
1122 equipped with motion detectors; pressure switches; and duress,
1123 panic, and hold-up alarms; and

1124 b. Maintain a video surveillance system that records
1125 continuously 24 hours a day and meets the following criteria:

1126 (I) Cameras are fixed in a place that allows for the clear
1127 identification of persons and activities in controlled areas of
1128 the premises. Controlled areas include grow rooms, processing
1129 rooms, storage rooms, disposal rooms or areas, and point-of-sale
1130 rooms.

1131 (II) Cameras are fixed in entrances and exits to the
1132 premises and record from indoor and outdoor, or ingress and
1133 egress, vantage points.

1134 (III) Recorded images clearly and accurately display the
1135 time and date.

1136 (IV) Video surveillance recordings are retained for at
1137 least 45 days or longer upon the request of a law enforcement
1138 agency.

1139 2. Ensure that the outdoor premises have sufficient
1140 lighting from dusk until dawn.

1141 3. Ensure that the indoor premises where dispensing occurs
1142 includes a waiting area with sufficient space and seating to
1143 accommodate qualified patients and caregivers and at least one
1144 private consultation area that is isolated from the waiting area
1145 and area where dispensing occurs. A medical marijuana retail
1146 facility may not display products or dispense marijuana or
1147 marijuana delivery devices in the waiting area.

1148 4. Not dispense from its premises marijuana or a marijuana
1149 delivery device between the hours of 9 p.m. and 7 a.m. but may
1150 perform all other operations and deliver marijuana to qualified

1151 patients 24 hours a day.

1152 5. Store marijuana in a secured, locked room or a vault.

1153 6. Require at least two of its employees, or two employees
1154 of a security agency with whom it contracts, to be on the
1155 premises at all times where cultivation, processing, or storing
1156 of marijuana occurs.

1157 7. Require each employee or contractor to wear a photo
1158 identification badge at all times while on the premises.

1159 8. Require each visitor to wear a visitor pass at all
1160 times while on the premises.

1161 9. Implement an alcohol and drug-free workplace policy.

1162 10. Report to local law enforcement within 24 hours after
1163 being notified or becoming aware of the theft, diversion, or
1164 loss of marijuana.

1165 (h) A medical marijuana retail facility may not engage in
1166 Internet sales and delivery of medical marijuana and marijuana
1167 delivery devices to qualified patients or caregivers.

1168 (i) A medical marijuana retail facility may not engage in
1169 advertising that is visible to members of the public from any
1170 street, sidewalk, park, or other public place, except:

1171 1. A medical marijuana retail facility dispensing location
1172 may have a sign that is affixed to the outside or hanging in the
1173 window of the premises which identifies the facility by the
1174 licensee's business name, a department-approved trade name, or a
1175 department-approved logo. A medical marijuana retail facility's

1176 trade name and logo may not contain wording or images commonly
1177 associated with marketing targeted toward children or which
1178 promote recreational use of marijuana.

1179 2. A medical marijuana retail facility may engage in
1180 Internet advertising and marketing under the following
1181 conditions:

1182 a. All advertisements must be approved by the department.

1183 b. An advertisement may not have any content that
1184 specifically targets individuals under the age of 18, including
1185 cartoon characters or similar images.

1186 c. An advertisement may not be an unsolicited pop-up
1187 advertisement.

1188 d. Opt-in marketing must include an easy and permanent
1189 opt-out feature.

1190 (j) Each medical marijuana retail facility that dispenses
1191 marijuana and marijuana delivery devices shall make available to
1192 the public on its website:

1193 1. Each marijuana and low-THC product available for
1194 purchase, including the form, strain of marijuana from which it
1195 was extracted, cannabidiol content, tetrahydrocannabinol
1196 content, dose unit, total number of doses available, and the
1197 ratio of cannabidiol to tetrahydrocannabinol for each product.

1198 2. The price for a 30-day, 50-day, and 70-day supply at a
1199 standard dose for each marijuana and low-THC product available
1200 for purchase.

1201 3. The price for each marijuana delivery device available
 1202 for purchase.

1203 4. If applicable, any discount policies and eligibility
 1204 criteria for such discounts.

1205 (k) A qualified patient may legally obtain medical
 1206 marijuana only from a medical marijuana treatment center or a
 1207 medical marijuana retail facility.

1208 (l) The department may adopt rules pursuant to ss.
 1209 120.536(1) and 120.54 to implement this subsection.

1210 (11)-(10) MEDICAL MARIJUANA TREATMENT CENTER AND MEDICAL
 1211 MARIJUANA RETAIL FACILITY INSPECTIONS; ADMINISTRATIVE ACTIONS.-

1212 (a) The department shall conduct announced or unannounced
 1213 inspections of medical marijuana treatment centers and medical
 1214 marijuana retail facilities to determine compliance with this
 1215 section or rules adopted pursuant to this section.

1216 (b) The department shall inspect a medical marijuana
 1217 treatment center upon receiving a complaint or notice that the
 1218 medical marijuana treatment center has dispensed marijuana
 1219 containing mold, bacteria, or other contaminant that may cause
 1220 or has caused an adverse effect to human health or the
 1221 environment.

1222 (c) The department shall conduct at least a biennial
 1223 inspection of each medical marijuana treatment center and
 1224 medical marijuana retail facility to evaluate the medical
 1225 marijuana treatment center's and medical marijuana retail

1226 facility's records, personnel, equipment, processes, security
1227 measures, sanitation practices, and quality assurance practices.

1228 (d) The Department of Agriculture and Consumer Services
1229 and the department shall enter into an interagency agreement to
1230 ensure cooperation and coordination in the performance of their
1231 obligations under this section and their respective regulatory
1232 and authorizing laws. The department, the Department of Highway
1233 Safety and Motor Vehicles, and the Department of Law Enforcement
1234 may enter into interagency agreements for the purposes specified
1235 in this subsection or subsection (7).

1236 (e) The department shall publish a list of all approved
1237 medical marijuana treatment centers, medical marijuana retail
1238 facilities, medical directors, and qualified physicians on its
1239 website.

1240 (f) The department may impose reasonable fines not to
1241 exceed \$10,000 on a medical marijuana treatment center or a
1242 medical marijuana retail facility for any of the following
1243 violations:

- 1244 1. Violating this section or department rule.
- 1245 2. Failing to maintain qualifications for approval.
- 1246 3. Endangering the health, safety, or security of a
1247 qualified patient.
- 1248 4. Improperly disclosing personal and confidential
1249 information of the qualified patient.
- 1250 5. Attempting to procure medical marijuana treatment

1251 center or medical marijuana retail facility approval by bribery,
 1252 fraudulent misrepresentation, or extortion.

1253 6. Being convicted or found guilty of, or entering a plea
 1254 of guilty or nolo contendere to, regardless of adjudication, a
 1255 crime in any jurisdiction which directly relates to the business
 1256 of a medical marijuana treatment center or a medical marijuana
 1257 retail facility.

1258 7. Making or filing a report or record that the medical
 1259 marijuana treatment center or medical marijuana retail facility
 1260 knows to be false.

1261 8. Willfully failing to maintain a record required by this
 1262 section or department rule.

1263 9. Willfully impeding or obstructing an employee or agent
 1264 of the department in the furtherance of his or her official
 1265 duties.

1266 10. Engaging in fraud or deceit, negligence, incompetence,
 1267 or misconduct in the business practices of a medical marijuana
 1268 treatment center or a medical marijuana retail facility.

1269 11. Making misleading, deceptive, or fraudulent
 1270 representations in or related to the business practices of a
 1271 medical marijuana treatment center or a medical marijuana retail
 1272 facility.

1273 12. Having a license or the authority to engage in any
 1274 regulated profession, occupation, or business that is related to
 1275 the business practices of a medical marijuana treatment center

1276 or a medical marijuana retail facility suspended, revoked, or
1277 otherwise acted against by the licensing authority of any
1278 jurisdiction, including its agencies or subdivisions, for a
1279 violation that would constitute a violation under Florida law.

1280 13. Violating a lawful order of the department or an
1281 agency of the state, or failing to comply with a lawfully issued
1282 subpoena of the department or an agency of the state.

1283 (g) The department may suspend, revoke, or refuse to renew
1284 the license of a medical marijuana treatment center or a medical
1285 marijuana retail facility ~~license~~ if the medical marijuana
1286 treatment center or medical marijuana retail facility commits
1287 any of the violations in paragraph (f).

1288 (h) The department may adopt rules pursuant to ss.
1289 120.536(1) and 120.54 to implement this subsection.

1290 ~~(12)-(11)~~ PREEMPTION.—Regulation of cultivation,
1291 processing, and delivery of marijuana by medical marijuana
1292 treatment centers is preempted to the state except as provided
1293 in this subsection.

1294 (a) A medical marijuana treatment center cultivating or
1295 processing facility may not be located within 500 feet of the
1296 real property that comprises a public or private elementary
1297 school, middle school, or secondary school.

1298 (b)1. A county or municipality may, by ordinance, ban
1299 medical marijuana treatment center dispensing facilities or
1300 medical marijuana retail facilities from being located within

1301 the boundaries of that county or municipality. A county or
1302 municipality that does not ban dispensing facilities or medical
1303 marijuana retail facilities under this subparagraph may not
1304 place specific limits, by ordinance, on the number of dispensing
1305 facilities or medical marijuana retail facilities that may
1306 locate within that county or municipality.

1307 2. A municipality may determine by ordinance the criteria
1308 for the location of, and other permitting requirements that do
1309 not conflict with state law or department rule for, medical
1310 marijuana treatment center dispensing facilities or medical
1311 marijuana retail facilities located within the boundaries of
1312 that municipality. A county may determine by ordinance the
1313 criteria for the location of, and other permitting requirements
1314 that do not conflict with state law or department rule for, all
1315 such dispensing facilities and medical marijuana retail
1316 facilities located within the unincorporated areas of that
1317 county. Except as provided in paragraph (c), a county or
1318 municipality may not enact ordinances for permitting or for
1319 determining the location of dispensing facilities and medical
1320 marijuana retail facilities which are more restrictive than its
1321 ordinances permitting or determining the locations for
1322 pharmacies licensed under chapter 465. A municipality or county
1323 may not charge a medical marijuana treatment center or a medical
1324 marijuana retail facility a license or permit fee in an amount
1325 greater than the fee charged by such municipality or county to

1326 pharmacies. A dispensing facility location approved by a
 1327 municipality or county pursuant to former s. 381.986(8)(b),
 1328 Florida Statutes 2016, is not subject to the location
 1329 requirements of this subsection.

1330 (c) A medical marijuana treatment center dispensing
 1331 facility or a medical marijuana retail facility may not be
 1332 located within 500 feet of the real property that comprises a
 1333 public or private elementary school, middle school, or secondary
 1334 school unless the county or municipality approves the location
 1335 through a formal proceeding open to the public at which the
 1336 county or municipality determines that the location promotes the
 1337 public health, safety, and general welfare of the community.

1338 (d) This subsection does not prohibit any local
 1339 jurisdiction from ensuring medical marijuana treatment center
 1340 dispensing facilities and medical marijuana retail facilities
 1341 comply with the Florida Building Code, the Florida Fire
 1342 Prevention Code, or any local amendments to the Florida Building
 1343 Code or the Florida Fire Prevention Code.

1344 ~~(13)-(12)~~ PENALTIES.—

1345 (a) A qualified physician commits a misdemeanor of the
 1346 first degree, punishable as provided in s. 775.082 or s.
 1347 775.083, if the qualified physician issues a physician
 1348 certification for the medical use of marijuana for a patient
 1349 without a reasonable belief that the patient is suffering from a
 1350 qualifying medical condition.

1351 (b) A person who fraudulently represents that he or she
1352 has a qualifying medical condition to a qualified physician for
1353 the purpose of being issued a physician certification commits a
1354 misdemeanor of the first degree, punishable as provided in s.
1355 775.082 or s. 775.083.

1356 (c) A qualified patient who uses marijuana, not including
1357 low-THC cannabis, or a caregiver who administers marijuana, not
1358 including low-THC cannabis, in plain view of or in a place open
1359 to the general public; in a school bus, a vehicle, an aircraft,
1360 or a boat; or on the grounds of a school except as provided in
1361 s. 1006.062, commits a misdemeanor of the first degree,
1362 punishable as provided in s. 775.082 or s. 775.083.

1363 (d) A qualified patient or caregiver who cultivates
1364 marijuana or who purchases or acquires marijuana from any person
1365 or entity other than a medical marijuana treatment center or a
1366 medical marijuana retail facility violates s. 893.13 and is
1367 subject to the penalties provided therein.

1368 (e)1. A qualified patient or caregiver in possession of
1369 marijuana or a marijuana delivery device who fails or refuses to
1370 present his or her marijuana use registry identification card
1371 upon the request of a law enforcement officer commits a
1372 misdemeanor of the second degree, punishable as provided in s.
1373 775.082 or s. 775.083, unless it can be determined through the
1374 medical marijuana use registry that the person is authorized to
1375 be in possession of that marijuana or marijuana delivery device.

1376 2. A person charged with a violation of this paragraph may
1377 not be convicted if, before or at the time of his or her court
1378 or hearing appearance, the person produces in court or to the
1379 clerk of the court in which the charge is pending a medical
1380 marijuana use registry identification card issued to him or her
1381 which is valid at the time of his or her arrest. The clerk of
1382 the court is authorized to dismiss such case at any time before
1383 the defendant's appearance in court. The clerk of the court may
1384 assess a fee of \$5 for dismissing the case under this paragraph.

1385 (f) A caregiver who violates any of the applicable
1386 provisions of this section or applicable department rules, for
1387 the first offense, commits a misdemeanor of the second degree,
1388 punishable as provided in s. 775.082 or s. 775.083 and, for a
1389 second or subsequent offense, commits a misdemeanor of the first
1390 degree, punishable as provided in s. 775.082 or s. 775.083.

1391 (g) A qualified physician who issues a physician
1392 certification for marijuana or a marijuana delivery device and
1393 receives compensation from a medical marijuana treatment center
1394 related to the issuance of a physician certification for
1395 marijuana or a marijuana delivery device is subject to
1396 disciplinary action under the applicable practice act and s.
1397 456.072 (1) (n).

1398 (h) A person transporting marijuana or marijuana delivery
1399 devices on behalf of a medical marijuana treatment center or
1400 marijuana testing laboratory who fails or refuses to present a

1401 transportation manifest upon the request of a law enforcement
 1402 officer commits a misdemeanor of the second degree, punishable
 1403 as provided in s. 775.082 or s. 775.083.

1404 (i) Persons and entities conducting activities authorized
 1405 and governed by this section and s. 381.988 are subject to ss.
 1406 456.053, 456.054, and 817.505, as applicable.

1407 (j) A person or entity that cultivates, processes,
 1408 distributes, sells, or dispenses marijuana, as defined in s.
 1409 29(b)(4), Art. X of the State Constitution, and is not licensed
 1410 as a medical marijuana treatment center violates s. 893.13 and
 1411 is subject to the penalties provided therein.

1412 (k) A person or entity that distributes, sells, or
 1413 dispenses marijuana, as defined in s. 29(b)(4), Art. X of the
 1414 State Constitution, and is not licensed as a medical marijuana
 1415 retail facility violates s. 893.13 and is subject to the
 1416 penalties provided therein.

1417 (l)~~(k)~~ A person who manufactures, distributes, sells,
 1418 gives, or possesses with the intent to manufacture, distribute,
 1419 sell, or give marijuana or a marijuana delivery device that he
 1420 or she holds out to have originated from a licensed medical
 1421 marijuana treatment center but that is counterfeit commits a
 1422 felony of the third degree, punishable as provided in s.
 1423 775.082, s. 775.083, or s. 775.084. For the purposes of this
 1424 paragraph, the term "counterfeit" means marijuana; a marijuana
 1425 delivery device; or a marijuana or marijuana delivery device

1426 container, seal, or label which, without authorization, bears
 1427 the trademark, trade name, or other identifying mark, imprint,
 1428 or device, or any likeness thereof, of a licensed medical
 1429 marijuana treatment center and which thereby falsely purports or
 1430 is represented to be the product of, or to have been distributed
 1431 by, that licensed medical marijuana treatment center ~~facility~~.

1432 (m) A person who distributes, sells, gives, or possesses
 1433 with the intent to manufacture, distribute, sell, or give
 1434 marijuana or a marijuana delivery device that he or she holds
 1435 out to have originated from a licensed medical marijuana retail
 1436 facility but that is counterfeit commits a felony of the third
 1437 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1438 775.084. For the purposes of this paragraph, the term
 1439 "counterfeit" means marijuana; a marijuana delivery device; or a
 1440 marijuana or marijuana delivery device container, seal, or label
 1441 which, without authorization, bears the trademark, trade name,
 1442 or other identifying mark, imprint, or device, or any likeness
 1443 thereof, of a licensed medical marijuana retail facility and
 1444 which thereby falsely purports or is represented to be the
 1445 product of, or to have been distributed by, that licensed
 1446 medical marijuana retail facility.

1447 (n) ~~(l)~~ Any person who possesses or manufactures a blank,
 1448 forged, stolen, fictitious, fraudulent, counterfeit, or
 1449 otherwise unlawfully issued medical marijuana use registry
 1450 identification card commits a felony of the third degree,

1451 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1452 (15)~~(14)~~ EXCEPTIONS TO OTHER LAWS.—

1453 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1454 any other provision of law, but subject to the requirements of
1455 this section, a qualified patient and the qualified patient's
1456 caregiver may purchase from a medical marijuana treatment center
1457 or a medical marijuana retail facility for the patient's medical
1458 use a marijuana delivery device and up to the amount of
1459 marijuana authorized in the physician certification, but may not
1460 possess more than a 70-day supply of marijuana at any given time
1461 and all marijuana purchased must remain in its original
1462 packaging.

1463 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1464 any other provision of law, but subject to the requirements of
1465 this section, a licensed ~~an approved~~ medical marijuana treatment
1466 center and its owners, managers, and employees may manufacture,
1467 possess, sell, deliver, distribute, dispense, and lawfully
1468 dispose of marijuana or a marijuana delivery device as provided
1469 in this section, in s. 381.988, and by department rule. For the
1470 purposes of this subsection, the terms "manufacture,"
1471 "possession," "deliver," "distribute," and "dispense" have the
1472 same meanings as provided in s. 893.02.

1473 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1474 any other provision of law, but subject to the requirements of
1475 this section, a licensed medical marijuana retail facility and

1476 its owners, managers, and employees may possess, sell,
1477 distribute, dispense, and lawfully dispose of marijuana or a
1478 marijuana delivery device as provided in this section, in s.
1479 381.988, and by department rule. For the purposes of this
1480 subsection, the terms "possession," "distribute," and "dispense"
1481 have the same meanings as provided in s. 893.02.

1482 (d)~~(e)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,
1483 or any other provision of law, but subject to the requirements
1484 of this section, a certified marijuana testing laboratory,
1485 including an employee of a certified marijuana testing
1486 laboratory acting within the scope of his or her employment, may
1487 acquire, possess, test, transport, and lawfully dispose of
1488 marijuana as provided in this section, in s. 381.988, and by
1489 department rule.

1490 (e)~~(d)~~ A licensed medical marijuana treatment center and
1491 its owners, managers, and employees are not subject to licensure
1492 or regulation under chapter 465 or chapter 499 for
1493 manufacturing, possessing, selling, delivering, distributing,
1494 dispensing, or lawfully disposing of marijuana or a marijuana
1495 delivery device, as provided in this section, in s. 381.988, and
1496 by department rule.

1497 (f) A licensed medical marijuana retail facility and its
1498 owners, managers, and employees are not subject to licensure or
1499 regulation under chapter 465 or chapter 499 for possessing,
1500 selling, distributing, dispensing, or lawfully disposing of

1501 marijuana or a marijuana delivery device, as provided in this
1502 section, in s. 381.988, and by department rule.

1503 (g)~~(e)~~ This subsection does not exempt a person from
1504 prosecution for a criminal offense related to impairment or
1505 intoxication resulting from the medical use of marijuana or
1506 relieve a person from any requirement under law to submit to a
1507 breath, blood, urine, or other test to detect the presence of a
1508 controlled substance.

1509 (h)~~(f)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,
1510 or any other provision of law, but subject to the requirements
1511 of this section and pursuant to policies and procedures
1512 established pursuant to s. 1006.62(8), school personnel may
1513 possess marijuana that is obtained for medical use pursuant to
1514 this section by a student who is a qualified patient.

1515 (i)~~(g)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,
1516 or any other provision of law, but subject to the requirements
1517 of this section, a research institute established by a public
1518 postsecondary educational institution, such as the H. Lee
1519 Moffitt Cancer Center and Research Institute, Inc., established
1520 under s. 1004.43, or a state university that has achieved the
1521 preeminent state research university designation under s.
1522 1001.7065 may possess, test, transport, and lawfully dispose of
1523 marijuana for research purposes as provided by this section.

1524 Section 2. Section 381.987, Florida Statutes, is amended
1525 to read:

1526 381.987 Public records exemption for personal identifying
1527 information relating to medical marijuana held by the
1528 department.—

1529 (1) The following information is confidential and exempt
1530 from s. 119.07(1) and s. 24(a), Art. I of the State
1531 Constitution:

1532 (a) A patient's or caregiver's personal identifying
1533 information held by the department in the medical marijuana use
1534 registry established under s. 381.986, including, but not
1535 limited to, the patient's or caregiver's name, address, date of
1536 birth, photograph, and telephone number.

1537 (b) All personal identifying information collected for the
1538 purpose of issuing a patient's or caregiver's medical marijuana
1539 use registry identification card described in s. 381.896.

1540 (c) All personal identifying information pertaining to the
1541 physician certification for marijuana and the dispensing thereof
1542 held by the department, including, but not limited to,
1543 information related to the patient's diagnosis, exception
1544 requests to the daily dose amount limit, and the qualified
1545 patient's experience related to the medical use of marijuana.

1546 (d) A qualified physician's Drug Enforcement
1547 Administration number, residential address, and government-
1548 issued identification card.

1549 (2) The department shall allow access to the confidential
1550 and exempt information in the medical marijuana use registry to:

1551 (a) A law enforcement agency that is investigating a
1552 violation of law regarding marijuana in which the subject of the
1553 investigation claims an exception established under s. 381.986,
1554 except for information related to the patient's diagnosis.

1555 (b) A medical marijuana treatment center or a medical
1556 marijuana retail facility licensed ~~approved~~ by the department
1557 pursuant to s. 381.986 which is attempting to verify the
1558 authenticity of a physician certification for marijuana,
1559 including whether the certification had been previously filled
1560 and whether the certification was issued for the person
1561 attempting to have it filled, except for information related to
1562 the patient's diagnosis.

1563 (c) A physician who has issued a certification for
1564 marijuana for the purpose of monitoring the patient's use of
1565 such marijuana or for the purpose of determining, before issuing
1566 a certification for marijuana, whether another physician has
1567 issued a certification for the patient's use of marijuana. The
1568 physician may access the confidential and exempt information
1569 only for the patient for whom he or she has issued a
1570 certification or is determining whether to issue a certification
1571 for the use of marijuana pursuant to s. 381.986.

1572 (d) A practitioner licensed to prescribe prescription
1573 medications to ensure proper care of a patient before
1574 prescribing medication to that patient which may interact with
1575 marijuana.

1576 (e) An employee of the department for the purposes of
 1577 maintaining the registry and periodic reporting or disclosure of
 1578 information that has been redacted to exclude personal
 1579 identifying information.

1580 (f) An employee of the department for the purposes of
 1581 reviewing physician registration and the issuance of physician
 1582 certifications to monitor practices that could facilitate
 1583 unlawful diversion or the misuse of marijuana or a marijuana
 1584 delivery device.

1585 (g) The department's relevant health care regulatory
 1586 boards responsible for the licensure, regulation, or discipline
 1587 of a physician if he or she is involved in a specific
 1588 investigation of a violation of s. 381.986. If a health care
 1589 regulatory board's investigation reveals potential criminal
 1590 activity, the board may provide any relevant information to the
 1591 appropriate law enforcement agency.

1592 (h) The Coalition for Medical Marijuana Research and
 1593 Education established in s. 1004.4351(4).

1594 (i) A person engaged in bona fide research if the person
 1595 agrees:

1596 1. To submit a research plan to the department which
 1597 specifies the exact nature of the information requested and the
 1598 intended use of the information;

1599 2. To maintain the confidentiality of the records or
 1600 information if personal identifying information is made

1601 available to the researcher;

1602 3. To destroy any confidential and exempt records or
1603 information obtained after the research is concluded; and

1604 4. Not to contact, directly or indirectly, for any
1605 purpose, a patient or physician whose information is in the
1606 registry.

1607 (3) The department shall allow access to the confidential
1608 and exempt information pertaining to the physician certification
1609 for marijuana and the dispensing thereof, whether in the
1610 registry or otherwise held by the department, to:

1611 (a) An employee of the department for the purpose of
1612 approving or disapproving a request for an exception to the
1613 daily dose amount limit for a qualified patient; and

1614 (b) The Coalition for Medical Marijuana Research and
1615 Education pursuant to s. 381.986 for the purpose of conducting
1616 research regarding the medical use of marijuana.

1617 (4) All information released by the department under
1618 subsections (2) and (3) remains confidential and exempt, and a
1619 person who receives access to such information must maintain the
1620 confidential and exempt status of the information received.

1621 (5) A person who willfully and knowingly violates this
1622 section commits a felony of the third degree, punishable as
1623 provided in s. 775.082 or s. 775.083.

1624 (6) This section is subject to the Open Government Sunset
1625 Review Act in accordance with s. 119.15 and shall stand repealed

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1626 | on October 2, 2022, unless reviewed and saved from repeal
1627 | through reenactment by the Legislature.

1628 | Section 3. This act shall take effect upon becoming a law.