



456218

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/05/2019	.	
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The Committee on Health Policy (Harrell) recommended the following:

**Senate Amendment (with directory and title amendments)**

Between lines 50 and 51

insert:

(4) PHYSICIAN CERTIFICATION.—

(a) A qualified physician may issue a physician certification only if the qualified physician:

1. Conducted a physical examination while physically present in the same room as the patient and a full assessment of the medical history of the patient.



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11           2. Diagnosed the patient with at least one qualifying  
12 medical condition.

13           3. Determined that the medical use of marijuana would  
14 likely outweigh the potential health risks for the patient, and  
15 such determination must be documented in the patient's medical  
16 record. If a patient is younger than 18 years of age, a second  
17 physician must concur with this determination, and such  
18 concurrence must be documented in the patient's medical record.

19           4. Determined whether the patient is pregnant and  
20 documented such determination in the patient's medical record. A  
21 physician may not issue a physician certification, except for  
22 low-THC cannabis, to a patient who is pregnant.

23           5. Reviewed the patient's controlled drug prescription  
24 history in the prescription drug monitoring program database  
25 established pursuant to s. 893.055.

26           6. Reviews the medical marijuana use registry and confirmed  
27 that the patient does not have an active physician certification  
28 from another qualified physician.

29           7. Registers as the issuer of the physician certification  
30 for the named qualified patient on the medical marijuana use  
31 registry in an electronic manner determined by the department,  
32 and:

33           a. Enters into the registry the contents of the physician  
34 certification, including the patient's qualifying condition and  
35 the dosage not to exceed the daily dose amount determined by the  
36 department, the amount and forms of marijuana authorized for the  
37 patient, and any types of marijuana delivery devices needed by  
38 the patient for the medical use of marijuana.

39           b. Updates the registry within 7 days after any change is



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40 made to the original physician certification to reflect such  
41 change.

42 c. Deactivates the registration of the qualified patient  
43 and the patient's caregiver when the physician no longer  
44 recommends the medical use of marijuana for the patient.

45 8. Obtains the voluntary and informed written consent of  
46 the patient for medical use of marijuana each time the qualified  
47 physician issues a physician certification for the patient,  
48 which shall be maintained in the patient's medical record. The  
49 patient, or the patient's parent or legal guardian if the  
50 patient is a minor, must sign the informed consent acknowledging  
51 that the qualified physician has sufficiently explained its  
52 content. The qualified physician must use a standardized  
53 informed consent form adopted in rule by the Board of Medicine  
54 and the Board of Osteopathic Medicine, which must include, at a  
55 minimum, information related to:

56 a. The Federal Government's classification of marijuana as  
57 a Schedule I controlled substance.

58 b. The approval and oversight status of marijuana by the  
59 Food and Drug Administration.

60 c. The current state of research on the efficacy of  
61 marijuana to treat the qualifying conditions set forth in this  
62 section.

63 d. The potential for addiction.

64 e. The potential effect that marijuana may have on a  
65 patient's coordination, motor skills, and cognition, including a  
66 warning against operating heavy machinery, operating a motor  
67 vehicle, or engaging in activities that require a person to be  
68 alert or respond quickly.



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- 69 f. The potential side effects of marijuana use.
- 70 g. The risks, benefits, and drug interactions of marijuana.
- 71 h. The risks specifically associated with smoking
- 72 marijuana.

73 ~~i.h.~~ That the patient's de-identified health information  
74 contained in the physician certification and medical marijuana  
75 use registry may be used for research purposes.

76  
77 For a patient not diagnosed with a terminal condition, if the  
78 patient is younger than 18 years of age and the certifying  
79 physician intends to certify the patient's medical use of  
80 marijuana by way of smoking, the certifying physician must  
81 determine that smoking is the only means of administering  
82 medical marijuana that is likely to benefit the patient and a  
83 second physician must concur with that determination. The second  
84 physician must not be registered with the department as a  
85 certifying physician for any qualified patients. Such  
86 determination and concurrence must be documented in the  
87 patient's medical record.

88  
89 ===== DIRECTORY CLAUSE AMENDMENT =====

90 And the directory clause is amended as follows:

91 Delete lines 13 - 14

92 and insert:

93 Section 1. Paragraph (j) of subsection (1), paragraph (a)  
94 of subsection (4), and paragraph (e) of subsection (8) of  
95 section 381.986, Florida Statutes, are

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97 ===== TITLE AMENDMENT =====



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98 And the title is amended as follows:

99       Between lines 6 and 7

100 insert:

101       requiring a patient's informed consent form to include  
102       the risks specifically associated with smoking  
103       marijuana; requiring a certifying physician to make a  
104       determination in concurrence with a second physician  
105       who meets specified requirements before certifying a  
106       patient younger than 18 years of age who is not  
107       diagnosed with a terminal condition to smoke marijuana  
108       for medical use;