



841422

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
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 certifying physician intends to certify the patient's medical
79 use of marijuana by way of smoking, the certifying physician
80 must determine that smoking is the only means of administering
81 medical marijuana that is likely to benefit the patient and a
82 second physician must concur with that determination. The second
83 physician must not be registered with the department as a
84 certifying physician for any qualified patients. Such
85 determination and concurrence must be documented in the
86 patient's medical record.

87

88 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

89 And the directory clause is amended as follows:

90 Delete lines 13 - 14

91 and insert:

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

95

96 ===== T I T L E A M E N D M E N T =====

97 And the title is amended as follows:



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98 Between lines 6 and 7

99 insert:

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