

1 A bill to be entitled
2 An act relating to medical marijuana retail
3 facilities; amending s. 381.986, F.S.; revising
4 definitions of the terms "edibles," "low-THC
5 cannabis," "marijuana," and "marijuana delivery
6 device" to include items that are dispensed by a
7 medical marijuana retail facility; defining the term
8 "medical marijuana retail facility"; revising the
9 definition of the term "medical use" to include the
10 use of marijuana dispensed by a medical marijuana
11 retail facility; revising the definition of the term
12 "physician certification" to authorize a qualified
13 patient to receive marijuana and a marijuana delivery
14 device from a medical marijuana retail facility;
15 prohibiting qualified physicians and caregivers from
16 being employed by or having an economic interest in a
17 medical marijuana retail facility; requiring that the
18 medical marijuana use registry maintained by the
19 Department of Health be accessible to medical
20 marijuana retail facilities for certain verification
21 purposes; revising provisions to authorize medical
22 marijuana retail facilities to dispense marijuana,
23 marijuana delivery devices, and edibles under certain
24 conditions; providing that a medical marijuana retail
25 facility is not subject to certain dispensing facility

26 requirements; requiring that the computer seed-to-sale
27 marijuana tracking system that is maintained by the
28 department be used by medical marijuana retail
29 facilities; specifying that a medical marijuana
30 treatment center may contract with no more than a
31 specified number of medical marijuana retail
32 facilities; prohibiting a medical marijuana treatment
33 center from owning or operating a medical marijuana
34 retail facility; requiring the department to license
35 medical marijuana retail facilities, beginning on a
36 specified date, for a specified purpose; requiring the
37 department to adopt rules related to the application
38 form and establishing a procedure for the issuance and
39 biennial renewal of licenses; requiring that the
40 department identify applicants with strong diversity
41 plans and implement training and other educational
42 programs to enable certain minority persons and
43 enterprises to qualify for licensure; prohibiting an
44 individual identified as an applicant, owner, officer,
45 board member, or manager from being listed as such on
46 more than one application for licensure as a medical
47 marijuana retail facility; prohibiting an individual
48 or entity from being awarded more than one facility
49 license; providing that each such license is valid for
50 only one physical location; prohibiting a medical

51 marijuana treatment center from being awarded a
52 license as a medical marijuana retail facility;
53 requiring that applicants demonstrate that they
54 satisfy certain criteria; prohibiting a medical
55 marijuana retail facility from making a wholesale
56 purchase of marijuana from a medical marijuana
57 treatment center and from transporting marijuana,
58 marijuana delivery devices, or edibles; specifying
59 that a medical marijuana retail facility may contract
60 with only one medical marijuana treatment center;
61 providing requirements for the transfer of ownership
62 of a medical marijuana retail facility; prohibiting
63 medical marijuana retail facilities and any
64 individuals who control or have a certain ownership or
65 voting interest in such facilities from acquiring
66 certain direct or indirect ownership or control of
67 another medical marijuana retail facility; prohibiting
68 certain profit-sharing arrangements; providing
69 operational and dispensing requirements and
70 prohibitions for medical marijuana retail facilities;
71 prohibiting a medical marijuana retail facility from
72 engaging in Internet sales; prohibiting certain
73 medical marijuana retail facility advertising and
74 providing exceptions; requiring that certain
75 information be posted on a medical marijuana retail

76 facility website; authorizing the department to adopt
77 rules; requiring the department to establish
78 procedures for operation, conduct periodic
79 inspections, and restrict the location of such
80 facilities; authorizing counties and municipalities to
81 determine the location of such facilities by ordinance
82 under certain conditions; imposing criminal penalties
83 on persons or entities that engage in specified
84 unlicensed activities; providing that a medical
85 marijuana retail facility and its owners, managers,
86 and employees are exempt from prosecution for certain
87 offenses and from other specified regulations and
88 requirements; amending s. 381.987, F.S.; requiring the
89 department to allow a medical marijuana retail
90 facility to access confidential and exempt information
91 in the medical marijuana use registry for certain
92 verification purposes; providing an effective date.

93
94 Be It Enacted by the Legislature of the State of Florida:

95
96 Section 1. Present subsections (9) through (17) of section
97 381.986, Florida Statutes, are redesignated as subsections (10)
98 through (18), respectively, subsections (1) and (3), paragraph
99 (c) of subsection (4), paragraphs (a) and (f) of subsection (5),
100 paragraph (b) of subsection (6), subsection (8), and present

101 subsections (10), (11), (12), and (14) of that section are
102 amended, and a new subsection (9) is added to that section, to
103 read:

104 381.986 Medical use of marijuana.—

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

106 (a) "Caregiver" means a resident of this state who has
107 agreed to assist with a qualified patient's medical use of
108 marijuana, has a caregiver identification card, and meets the
109 requirements of subsection (6).

110 (b) "Chronic nonmalignant pain" means pain that is caused
111 by a qualifying medical condition or that originates from a
112 qualifying medical condition and persists beyond the usual
113 course of that qualifying medical condition.

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

117 (d) "Edibles" means commercially produced food items made
118 with marijuana oil, but no other form of marijuana, which ~~that~~
119 are produced and dispensed by a medical marijuana treatment
120 center or dispensed by a medical marijuana retail facility.

121 (e) "Low-THC cannabis" means a plant of the genus
122 *Cannabis*, the dried flowers of which contain 0.8 percent or less
123 of tetrahydrocannabinol and more than 10 percent of cannabidiol
124 weight for weight; the seeds thereof; the resin extracted from
125 any part of such plant; or any compound, manufacture, salt,

126 derivative, mixture, or preparation of such plant or its seeds
127 or resin that is dispensed from a medical marijuana treatment
128 center or a medical marijuana retail facility.

129 (f) "Marijuana" means all parts of any plant of the genus
130 *Cannabis*, whether growing or not; the seeds thereof; the resin
131 extracted from any part of the plant; and every compound,
132 manufacture, salt, derivative, mixture, or preparation of the
133 plant or its seeds or resin, including low-THC cannabis, which
134 are dispensed from a medical marijuana treatment center or a
135 medical marijuana retail facility for medical use by a qualified
136 patient.

137 (g) "Marijuana delivery device" means an object used,
138 intended for use, or designed for use in preparing, storing,
139 ingesting, inhaling, or otherwise introducing marijuana into the
140 human body, and which is dispensed from a medical marijuana
141 treatment center or a medical marijuana retail facility for
142 medical use by a qualified patient.

143 (h) "Marijuana testing laboratory" means a facility that
144 collects and analyzes marijuana samples from a medical marijuana
145 treatment center and has been certified by the department
146 pursuant to s. 381.988.

147 (i) "Medical director" means a person who holds an active,
148 unrestricted license as an allopathic physician under chapter
149 458 or osteopathic physician under chapter 459 and is in
150 compliance with the requirements of paragraph (3) (c).

151 (j) "Medical marijuana retail facility" means a facility
152 licensed by the department pursuant to subsection (9) to
153 dispense medical marijuana and marijuana delivery devices
154 acquired from a licensed medical marijuana treatment center to
155 qualified patients and caregivers.

156 (k)~~(j)~~ "Medical use" means the acquisition, possession,
157 use, delivery, transfer, or administration of marijuana
158 authorized by a physician certification. The term does not
159 include:

160 1. Possession, use, or administration of marijuana that
161 was not purchased or acquired from a medical marijuana treatment
162 center or a medical marijuana retail facility.

163 2. Possession, use, or administration of marijuana in a
164 form for smoking, in the form of commercially produced food
165 items other than edibles, or of marijuana seeds or flower,
166 except for flower in a sealed, tamper-proof receptacle for
167 vaping.

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

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

174 5. Use or administration of marijuana in the following
175 locations:

176 a. On any form of public transportation, except for low-
177 THC cannabis.

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

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

181 d. In a state correctional institution, as defined in s.
182 944.02, or a correctional institution, as defined in s. 944.241.

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

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

187 (l)~~(k)~~ "Physician certification" means a qualified
188 physician's authorization for a qualified patient to receive
189 marijuana and a marijuana delivery device from a medical
190 marijuana treatment center or a medical marijuana retail
191 facility.

192 (m)~~(l)~~ "Qualified patient" means a resident of this state
193 who has been added to the medical marijuana use registry by a
194 qualified physician to receive marijuana or a marijuana delivery
195 device for a medical use and who has a qualified patient
196 identification card.

197 (n)~~(m)~~ "Qualified physician" means a person who holds an
198 active, unrestricted license as an allopathic physician under
199 chapter 458 or as an osteopathic physician under chapter 459 and
200 is in compliance with the physician education requirements of

201 subsection (3).

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

204 (p)~~(e)~~ "Terminal condition" means a progressive disease or
205 medical or surgical condition that causes significant functional
206 impairment, is not considered by a treating physician to be
207 reversible without the administration of life-sustaining
208 procedures, and will result in death within 1 year after
209 diagnosis if the condition runs its normal course.

210 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

211 (a) Before being approved as a qualified physician, as
212 defined in paragraph (1)(n) ~~paragraph (1)(m)~~, and before each
213 license renewal, a physician must successfully complete a 2-hour
214 course and subsequent examination offered by the Florida Medical
215 Association or the Florida Osteopathic Medical Association which
216 encompass the requirements of this section and any rules adopted
217 hereunder. The course and examination shall be administered at
218 least annually and may be offered in a distance learning format,
219 including an electronic, online format that is available upon
220 request. The price of the course may not exceed \$500. A
221 physician who has met the physician education requirements of
222 former s. 381.986(4), Florida Statutes 2016, before June 23,
223 2017, shall be deemed to be in compliance with this paragraph
224 from June 23, 2017, until 90 days after the course and
225 examination required by this paragraph become available.

226 (b) A qualified physician may not be employed by, or have
227 any direct or indirect economic interest in, a medical marijuana
228 treatment center, a medical marijuana retail facility, or a
229 marijuana testing laboratory.

230 (c) Before being employed as a medical director, as
231 defined in paragraph (1)(i), and before each license renewal, a
232 medical director must successfully complete a 2-hour course and
233 subsequent examination offered by the Florida Medical
234 Association or the Florida Osteopathic Medical Association which
235 encompass the requirements of this section and any rules adopted
236 hereunder. The course and examination shall be administered at
237 least annually and may be offered in a distance learning format,
238 including an electronic, online format that is available upon
239 request. The price of the course may not exceed \$500.

240 (4) PHYSICIAN CERTIFICATION.—

241 (c) A qualified physician may not issue a physician
242 certification for more than three 70-day supply limits of
243 marijuana. The department shall quantify by rule a daily dose
244 amount with equivalent dose amounts for each allowable form of
245 marijuana dispensed by a medical marijuana treatment center or a
246 medical marijuana retail facility. The department shall use the
247 daily dose amount to calculate a 70-day supply.

248 1. A qualified physician may request an exception to the
249 daily dose amount limit. The request shall be made
250 electronically on a form adopted by the department in rule and

251 must include, at a minimum:

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

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

255 c. A description of how the patient will benefit from an
256 increased amount.

257 d. The minimum daily dose amount of marijuana that would
258 be sufficient for the treatment of the qualified patient's
259 qualifying medical condition.

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

262 3. The department shall approve or disapprove the request
263 within 14 days after receipt of the complete documentation
264 required by this paragraph. The request shall be deemed approved
265 if the department fails to act within this time period.

266 (5) MEDICAL MARIJUANA USE REGISTRY.—

267 (a) The department shall create and maintain a secure,
268 electronic, and online medical marijuana use registry for
269 physicians, patients, and caregivers as provided under this
270 section. The medical marijuana use registry must be accessible
271 to law enforcement agencies, qualified physicians, medical
272 marijuana retail facilities, and medical marijuana treatment
273 centers to verify the authorization of a qualified patient or a
274 caregiver to possess marijuana or a marijuana delivery device
275 and record the marijuana or marijuana delivery device dispensed.

276 The medical marijuana use registry must also be accessible to
277 practitioners licensed to prescribe prescription drugs to ensure
278 proper care for patients before medications that may interact
279 with the medical use of marijuana are prescribed. The medical
280 marijuana use registry must prevent an active registration of a
281 qualified patient by multiple physicians.

282 (f) The department may revoke the registration of a
283 qualified patient or caregiver who cultivates marijuana or who
284 acquires, possesses, or delivers marijuana from any person or
285 entity other than a medical marijuana treatment center or a
286 medical marijuana retail facility.

287 (6) CAREGIVERS.—

288 (b) A caregiver must:

289 1. Not be a qualified physician and not be employed by or
290 have an economic interest in a medical marijuana treatment
291 center, a medical marijuana retail facility, or a marijuana
292 testing laboratory.

293 2. Be 21 years of age or older and a resident of this
294 state.

295 3. Agree in writing to assist with the qualified patient's
296 medical use of marijuana.

297 4. Be registered in the medical marijuana use registry as
298 a caregiver for no more than one qualified patient, except as
299 provided in this paragraph.

300 5. Successfully complete a caregiver certification course

301 developed and administered by the department or its designee,
302 which must be renewed biennially. The price of the course may
303 not exceed \$100.

304 6. Pass a background screening pursuant to subsection (10)
305 ~~subsection (9)~~, unless the patient is a close relative of the
306 caregiver.

307 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

308 (a) The department shall license medical marijuana
309 treatment centers to ensure reasonable statewide accessibility
310 and availability as necessary for qualified patients registered
311 in the medical marijuana use registry and who are issued a
312 physician certification under this section.

313 1. As soon as practicable, but no later than July 3, 2017,
314 the department shall license as a medical marijuana treatment
315 center any entity that holds an active, unrestricted license to
316 cultivate, process, transport, and dispense low-THC cannabis,
317 medical cannabis, and cannabis delivery devices, under former s.
318 381.986, Florida Statutes 2016, before July 1, 2017, and which
319 meets the requirements of this section. In addition to the
320 authority granted under this section, these entities are
321 authorized to dispense low-THC cannabis, medical cannabis, and
322 cannabis delivery devices ordered pursuant to former s. 381.986,
323 Florida Statutes 2016, which were entered into the compassionate
324 use registry before July 1, 2017, and are authorized to begin
325 dispensing marijuana under this section on July 3, 2017. The

326 department may grant variances from the representations made in
327 such an entity's original application for approval under former
328 s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

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

332 a. As soon as practicable, but no later than August 1,
333 2017, the department shall license any applicant whose
334 application was reviewed, evaluated, and scored by the
335 department and which was denied a dispensing organization
336 license by the department under former s. 381.986, Florida
337 Statutes 2014; which had one or more administrative or judicial
338 challenges pending as of January 1, 2017, or had a final ranking
339 within one point of the highest final ranking in its region
340 under former s. 381.986, Florida Statutes 2014; which meets the
341 requirements of this section; and which provides documentation
342 to the department that it has the existing infrastructure and
343 technical and technological ability to begin cultivating
344 marijuana within 30 days after registration as a medical
345 marijuana treatment center.

346 b. As soon as practicable, the department shall license
347 one applicant that is a recognized class member of *Pigford v.*
348 *Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers*
349 *Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed
350 under this sub-subparagraph is exempt from the requirement of

351 subparagraph (b)2.

352 c. As soon as practicable, but no later than October 3,
353 2017, the department shall license applicants that meet the
354 requirements of this section in sufficient numbers to result in
355 10 total licenses issued under this subparagraph, while
356 accounting for the number of licenses issued under sub-
357 subparagraphs a. and b.

358 3. For up to two of the licenses issued under subparagraph
359 2., the department shall give preference to applicants that
360 demonstrate in their applications that they own one or more
361 facilities that are, or were, used for the canning,
362 concentrating, or otherwise processing of citrus fruit or citrus
363 molasses and will use or convert the facility or facilities for
364 the processing of marijuana.

365 4. Within 6 months after the registration of 100,000
366 active qualified patients in the medical marijuana use registry,
367 the department shall license four additional medical marijuana
368 treatment centers that meet the requirements of this section.
369 Thereafter, the department shall license four medical marijuana
370 treatment centers within 6 months after the registration of each
371 additional 100,000 active qualified patients in the medical
372 marijuana use registry that meet the requirements of this
373 section.

374 5. Dispensing facilities are subject to the following
375 requirements:

376 a. A medical marijuana treatment center may not establish
377 or operate more than a statewide maximum of 25 dispensing
378 facilities, unless the medical marijuana use registry reaches a
379 total of 100,000 active registered qualified patients. When the
380 medical marijuana use registry reaches 100,000 active registered
381 qualified patients, and then upon each further instance of the
382 total active registered qualified patients increasing by
383 100,000, the statewide maximum number of dispensing facilities
384 that each licensed medical marijuana treatment center may
385 establish and operate increases by five.

386 b. A medical marijuana treatment center may not establish
387 more than the maximum number of dispensing facilities allowed in
388 each of the Northwest, Northeast, Central, Southwest, and
389 Southeast Regions. The department shall determine a medical
390 marijuana treatment center's maximum number of dispensing
391 facilities allowed in each region by calculating the percentage
392 of the total statewide population contained within that region
393 and multiplying that percentage by the medical marijuana
394 treatment center's statewide maximum number of dispensing
395 facilities established under sub-subparagraph a., rounded to the
396 nearest whole number. The department shall ensure that such
397 rounding does not cause a medical marijuana treatment center's
398 total number of statewide dispensing facilities to exceed its
399 statewide maximum. The department shall initially calculate the
400 maximum number of dispensing facilities allowed in each region

401 for each medical marijuana treatment center using county
402 population estimates from the Florida Estimates of Population
403 2016, as published by the Office of Economic and Demographic
404 Research, and shall perform recalculations following the
405 official release of county population data resulting from each
406 United States Decennial Census. For the purposes of this
407 subparagraph:

408 (I) The Northwest Region consists of Bay, Calhoun,
409 Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson,
410 Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,
411 Walton, and Washington Counties.

412 (II) The Northeast Region consists of Alachua, Baker,
413 Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist,
414 Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns,
415 Suwannee, and Union Counties.

416 (III) The Central Region consists of Brevard, Citrus,
417 Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco,
418 Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia
419 Counties.

420 (IV) The Southwest Region consists of Charlotte, Collier,
421 DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee,
422 Okeechobee, and Sarasota Counties.

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

425 c. If a medical marijuana treatment center establishes a

426 number of dispensing facilities within a region that is less
427 than the number allowed for that region under sub-subparagraph
428 b., the medical marijuana treatment center may sell one or more
429 of its unused dispensing facility slots to other licensed
430 medical marijuana treatment centers. For each dispensing
431 facility slot that a medical marijuana treatment center sells,
432 that medical marijuana treatment center's statewide maximum
433 number of dispensing facilities, as determined under sub-
434 subparagraph a., is reduced by one. The statewide maximum number
435 of dispensing facilities for a medical marijuana treatment
436 center that purchases an unused dispensing facility slot is
437 increased by one per slot purchased. Additionally, the sale of a
438 dispensing facility slot shall reduce the seller's regional
439 maximum and increase the purchaser's regional maximum number of
440 dispensing facilities, as determined in sub-subparagraph b., by
441 one for that region. For any slot purchased under this sub-
442 subparagraph, the regional restriction applied to that slot's
443 location under sub-subparagraph b. before the purchase shall
444 remain in effect following the purchase. A medical marijuana
445 treatment center that sells or purchases a dispensing facility
446 slot must notify the department within 3 days of sale.

447 d. A medical marijuana retail facility is not subject to
448 the dispensing facility requirements of this subparagraph.

449 e.d. This subparagraph shall expire on April 1, 2020.
450

451 If this subparagraph or its application to any person or
452 circumstance is held invalid, the invalidity does not affect
453 other provisions or applications of this act which can be given
454 effect without the invalid provision or application, and to this
455 end, the provisions of this subparagraph are severable.

456 (b) An applicant for licensure as a medical marijuana
457 treatment center shall apply to the department on a form
458 prescribed by the department and adopted in rule. The department
459 shall adopt rules pursuant to ss. 120.536(1) and 120.54
460 establishing a procedure for the issuance and biennial renewal
461 of licenses, including initial application and biennial renewal
462 fees sufficient to cover the costs of implementing and
463 administering this section, and establishing supplemental
464 licensure fees for payment beginning May 1, 2018, sufficient to
465 cover the costs of administering ss. 381.989 and 1004.4351. The
466 department shall identify applicants with strong diversity plans
467 reflecting this state's commitment to diversity and implement
468 training programs and other educational programs to enable
469 minority persons and minority business enterprises, as defined
470 in s. 288.703, and veteran business enterprises, as defined in
471 s. 295.187, to compete for medical marijuana treatment center
472 licensure and contracts. Subject to the requirements in
473 subparagraphs (a)2.-4., the department shall issue a license to
474 an applicant if the applicant meets the requirements of this
475 section and pays the initial application fee. The department

476 shall renew the licensure of a medical marijuana treatment
477 center biennially if the licensee meets the requirements of this
478 section and pays the biennial renewal fee. An individual may not
479 be an applicant, owner, officer, board member, or manager on
480 more than one application for licensure as a medical marijuana
481 treatment center. An individual or entity may not be awarded
482 more than one license as a medical marijuana treatment center.
483 An applicant for licensure as a medical marijuana treatment
484 center must demonstrate:

485 1. That, for the 5 consecutive years before submitting the
486 application, the applicant has been registered to do business in
487 the state.

488 2. Possession of a valid certificate of registration
489 issued by the Department of Agriculture and Consumer Services
490 pursuant to s. 581.131.

491 3. The technical and technological ability to cultivate
492 and produce marijuana, including, but not limited to, low-THC
493 cannabis.

494 4. The ability to secure the premises, resources, and
495 personnel necessary to operate as a medical marijuana treatment
496 center.

497 5. The ability to maintain accountability of all raw
498 materials, finished products, and any byproducts to prevent
499 diversion or unlawful access to or possession of these
500 substances.

501 6. An infrastructure reasonably located to dispense
502 marijuana to registered qualified patients statewide or
503 regionally as determined by the department.

504 7. The financial ability to maintain operations for the
505 duration of the 2-year approval cycle, including the provision
506 of certified financial statements to the department.

507 a. Upon approval, the applicant must post a \$5 million
508 performance bond issued by an authorized surety insurance
509 company rated in one of the three highest rating categories by a
510 nationally recognized rating service. However, a medical
511 marijuana treatment center serving at least 1,000 qualified
512 patients is only required to maintain a \$2 million performance
513 bond.

514 b. In lieu of the performance bond required under sub-
515 subparagraph a., the applicant may provide an irrevocable letter
516 of credit payable to the department or provide cash to the
517 department. If provided with cash under this sub-subparagraph,
518 the department shall deposit the cash in the Grants and
519 Donations Trust Fund within the Department of Health, subject to
520 the same conditions as the bond regarding requirements for the
521 applicant to forfeit ownership of the funds. If the funds
522 deposited under this sub-subparagraph generate interest, the
523 amount of that interest shall be used by the department for the
524 administration of this section.

525 8. That all owners, officers, board members, and managers

526 | have passed a background screening pursuant to subsection (10)
 527 | ~~subsection (9)~~.

528 | 9. The employment of a medical director to supervise the
 529 | activities of the medical marijuana treatment center.

530 | 10. A diversity plan that promotes and ensures the
 531 | involvement of minority persons and minority business
 532 | enterprises, as defined in s. 288.703, or veteran business
 533 | enterprises, as defined in s. 295.187, in ownership, management,
 534 | and employment. An applicant for licensure renewal must show the
 535 | effectiveness of the diversity plan by including the following
 536 | with his or her application for renewal:

537 | a. Representation of minority persons and veterans in the
 538 | medical marijuana treatment center's workforce;

539 | b. Efforts to recruit minority persons and veterans for
 540 | employment; and

541 | c. A record of contracts for services with minority
 542 | business enterprises and veteran business enterprises.

543 | (c) A medical marijuana treatment center may not make a
 544 | wholesale purchase of marijuana from, or a distribution of
 545 | marijuana to, another medical marijuana treatment center, unless
 546 | the medical marijuana treatment center seeking to make a
 547 | wholesale purchase of marijuana submits proof of harvest failure
 548 | to the department.

549 | (d) The department shall establish, maintain, and control
 550 | a computer software tracking system that traces marijuana from

551 seed to sale and allows real-time, 24-hour access by the
552 department to data from all medical marijuana treatment centers,
553 medical marijuana retail facilities, and marijuana testing
554 laboratories. The tracking system must allow for integration of
555 other seed-to-sale systems and, at a minimum, include
556 notification of when marijuana seeds are planted, when marijuana
557 plants are harvested and destroyed, and when marijuana is
558 transported, sold, stolen, diverted, or lost. Each medical
559 marijuana treatment center and each medical marijuana retail
560 facility shall use the seed-to-sale tracking system established
561 by the department or integrate its own seed-to-sale tracking
562 system with the seed-to-sale tracking system established by the
563 department. Each medical marijuana treatment center and each
564 medical marijuana retail facility may use its own seed-to-sale
565 system until the department establishes a seed-to-sale tracking
566 system. The department may contract with a vendor to establish
567 the seed-to-sale tracking system. The vendor selected by the
568 department may not have a contractual relationship with the
569 department to perform any services pursuant to this section
570 other than the seed-to-sale tracking system. The vendor may not
571 have a direct or indirect financial interest in a medical
572 marijuana treatment center, a medical marijuana retail facility,
573 or a marijuana testing laboratory.

574 (e) A licensed medical marijuana treatment center may
575 ~~shall~~ cultivate, process, transport, and dispense marijuana for

576 | medical use. A licensed medical marijuana treatment center may
577 | not contract for services directly related to the cultivation
578 | and, ~~processing, and dispensing~~ of marijuana or marijuana
579 | delivery devices. ~~except that~~ A medical marijuana treatment
580 | center licensed pursuant to subparagraph (a)1. may contract with
581 | no more than 10 licensed medical marijuana retail facilities to
582 | dispense a single entity for the cultivation, processing,
583 | ~~transporting, and dispensing of marijuana,~~ and marijuana
584 | delivery devices, and edibles pursuant to subsection (9). A
585 | licensed medical marijuana treatment center must, at all times,
586 | maintain compliance with the criteria demonstrated and
587 | representations made in the initial application and the criteria
588 | established in this subsection. Upon request, the department may
589 | grant a medical marijuana treatment center a variance from the
590 | representations made in the initial application. Consideration
591 | of such a request shall be based upon the individual facts and
592 | circumstances surrounding the request. A variance may not be
593 | granted unless the requesting medical marijuana treatment center
594 | can demonstrate to the department that it has a proposed
595 | alternative to the specific representation made in its
596 | application which fulfills the same or a similar purpose as the
597 | specific representation in a way that the department can
598 | reasonably determine will not be a lower standard than the
599 | specific representation in the application. A variance may not
600 | be granted from the requirements in subparagraph 2. and

601 subparagraphs (b)1. and 2.

602 1. A licensed medical marijuana treatment center may
603 transfer ownership to an individual or entity who meets the
604 requirements of this section. A publicly traded corporation or
605 publicly traded company that meets the requirements of this
606 section is not precluded from ownership of a medical marijuana
607 treatment center. To accommodate a change in ownership:

608 a. The licensed medical marijuana treatment center shall
609 notify the department in writing at least 60 days before the
610 anticipated date of the change of ownership.

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

615 c. Upon receipt of an application for a license, the
616 department shall examine the application and, within 30 days
617 after receipt, notify the applicant in writing of any apparent
618 errors or omissions and request any additional information
619 required.

620 d. Requested information omitted from an application for
621 licensure must be filed with the department within 21 days after
622 the department's request for omitted information or the
623 application shall be deemed incomplete and shall be withdrawn
624 from further consideration and the fees shall be forfeited.

625

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

628 2. A medical marijuana treatment center, and any
629 individual or entity who directly or indirectly owns, controls,
630 or holds with power to vote 5 percent or more of the voting
631 shares of a medical marijuana treatment center, may not acquire
632 direct or indirect ownership or control of any voting shares or
633 other form of ownership of any other medical marijuana treatment
634 center. A medical marijuana treatment center may not directly or
635 indirectly own or operate a medical marijuana retail facility.

636 3. A medical marijuana treatment center may not enter into
637 any form of profit-sharing arrangement with the property owner
638 or lessor of any of its facilities where cultivation,
639 processing, storing, or dispensing of marijuana and marijuana
640 delivery devices occurs.

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

644 5. Each medical marijuana treatment center must adopt and
645 enforce policies and procedures to ensure employees and
646 volunteers receive training on the legal requirements to
647 dispense marijuana to qualified patients.

648 6. When growing marijuana, a medical marijuana treatment
649 center:

650 a. May use pesticides determined by the department, after

651 consultation with the Department of Agriculture and Consumer
652 Services, to be safely applied to plants intended for human
653 consumption, but may not use pesticides designated as
654 restricted-use pesticides pursuant to s. 487.042.

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

657 c. Must inspect seeds and growing plants for plant pests
658 that endanger or threaten the horticultural and agricultural
659 interests of the state in accordance with chapter 581 and any
660 rules adopted thereunder.

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

664 7. Each medical marijuana treatment center must produce
665 and make available for purchase at least one low-THC cannabis
666 product.

667 8. A medical marijuana treatment center that produces
668 edibles must hold a permit to operate as a food establishment
669 pursuant to chapter 500, the Florida Food Safety Act, and must
670 comply with all the requirements for food establishments
671 pursuant to chapter 500 and any rules adopted thereunder.
672 Edibles may not contain more than 200 milligrams of
673 tetrahydrocannabinol, and a single serving portion of an edible
674 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
675 may have a potency variance of no greater than 15 percent.

676 Edibles may not be attractive to children; be manufactured in
677 the shape of humans, cartoons, or animals; be manufactured in a
678 form that bears any reasonable resemblance to products available
679 for consumption as commercially available candy; or contain any
680 color additives. To discourage consumption of edibles by
681 children, the department shall determine by rule any shapes,
682 forms, and ingredients allowed and prohibited for edibles.
683 Medical marijuana treatment centers may not begin processing or
684 dispensing edibles until after the effective date of the rule.
685 The department shall also adopt sanitation rules providing the
686 standards and requirements for the storage, display, or
687 dispensing of edibles.

688 9. Within 12 months after licensure, a medical marijuana
689 treatment center must demonstrate to the department that all of
690 its processing facilities have passed a Food Safety Good
691 Manufacturing Practices, such as Global Food Safety Initiative
692 or equivalent, inspection by a nationally accredited certifying
693 body. A medical marijuana treatment center must immediately stop
694 processing at any facility which fails to pass this inspection
695 until it demonstrates to the department that such facility has
696 met this requirement.

697 10. When processing marijuana, a medical marijuana
698 treatment center must:

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

701 b. Comply with department rules when processing marijuana
702 with hydrocarbon solvents or other solvents or gases exhibiting
703 potential toxicity to humans. The department shall determine by
704 rule the requirements for medical marijuana treatment centers to
705 use such solvents or gases exhibiting potential toxicity to
706 humans.

707 c. Comply with federal and state laws and regulations and
708 department rules for solid and liquid wastes. The department
709 shall determine by rule procedures for the storage, handling,
710 transportation, management, and disposal of solid and liquid
711 waste generated during marijuana production and processing. The
712 Department of Environmental Protection shall assist the
713 department in developing such rules.

714 d. Test the processed marijuana using a medical marijuana
715 testing laboratory before it is dispensed. Results must be
716 verified and signed by two medical marijuana treatment center
717 employees. Before dispensing, the medical marijuana treatment
718 center must determine that the test results indicate that low-
719 THC cannabis meets the definition of low-THC cannabis, the
720 concentration of tetrahydrocannabinol meets the potency
721 requirements of this section, the labeling of the concentration
722 of tetrahydrocannabinol and cannabidiol is accurate, and all
723 marijuana is safe for human consumption and free from
724 contaminants that are unsafe for human consumption. The
725 department shall determine by rule which contaminants must be

726 | tested for and the maximum levels of each contaminant which are
727 | safe for human consumption. The Department of Agriculture and
728 | Consumer Services shall assist the department in developing the
729 | testing requirements for contaminants that are unsafe for human
730 | consumption in edibles. The department shall also determine by
731 | rule the procedures for the treatment of marijuana that fails to
732 | meet the testing requirements of this section, s. 381.988, or
733 | department rule. The department may select a random sample from
734 | edibles available for purchase in a dispensing facility which
735 | shall be tested by the department to determine that the edible
736 | meets the potency requirements of this section, is safe for
737 | human consumption, and the labeling of the tetrahydrocannabinol
738 | and cannabidiol concentration is accurate. A medical marijuana
739 | treatment center may not require payment from the department for
740 | the sample. A medical marijuana treatment center must recall
741 | edibles, including all edibles made from the same batch of
742 | marijuana, which fail to meet the potency requirements of this
743 | section, which are unsafe for human consumption, or for which
744 | the labeling of the tetrahydrocannabinol and cannabidiol
745 | concentration is inaccurate. The medical marijuana treatment
746 | center must retain records of all testing and samples of each
747 | homogenous batch of marijuana for at least 9 months. The medical
748 | marijuana treatment center must contract with a marijuana
749 | testing laboratory to perform audits on the medical marijuana
750 | treatment center's standard operating procedures, testing

751 records, and samples and provide the results to the department
752 to confirm that the marijuana or low-THC cannabis meets the
753 requirements of this section and that the marijuana or low-THC
754 cannabis is safe for human consumption. A medical marijuana
755 treatment center shall reserve two processed samples from each
756 batch and retain such samples for at least 9 months for the
757 purpose of such audits. A medical marijuana treatment center may
758 use a laboratory that has not been certified by the department
759 under s. 381.988 until such time as at least one laboratory
760 holds the required certification, but in no event later than
761 July 1, 2018.

762 e. Package the marijuana in compliance with the United
763 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
764 1471 et seq.

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

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

769 (II) The name of the medical marijuana treatment center
770 from which the marijuana originates.

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

773 (IV) The name of the physician who issued the physician
774 certification.

775 (V) The name of the patient.

776 (VI) The product name, if applicable, and dosage form,
 777 including concentration of tetrahydrocannabinol and cannabidiol.
 778 The product name may not contain wording commonly associated
 779 with products marketed by or to children.

780 (VII) The recommended dose.

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

783 (IX) A marijuana universal symbol developed by the
 784 department.

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

- 788 a. Clinical pharmacology.
- 789 b. Indications and use.
- 790 c. Dosage and administration.
- 791 d. Dosage forms and strengths.
- 792 e. Contraindications.
- 793 f. Warnings and precautions.
- 794 g. Adverse reactions.

795 12. Each edible shall be individually sealed in plain,
 796 opaque wrapping marked only with the marijuana universal symbol.
 797 Where practical, each edible shall be marked with the marijuana
 798 universal symbol. In addition to the packaging and labeling
 799 requirements in subparagraphs 10. and 11., edible receptacles
 800 must be plain, opaque, and white without depictions of the

801 product or images other than the medical marijuana treatment
802 center's department-approved logo and the marijuana universal
803 symbol. The receptacle must also include a list all of the
804 edible's ingredients, storage instructions, an expiration date,
805 a legible and prominent warning to keep away from children and
806 pets, and a warning that the edible has not been produced or
807 inspected pursuant to federal food safety laws.

808 13. When dispensing marijuana or a marijuana delivery
809 device, a medical marijuana treatment center:

810 a. May dispense any active, valid order for low-THC
811 cannabis, medical cannabis, and cannabis delivery devices issued
812 pursuant to former s. 381.986, Florida Statutes 2016, which was
813 entered into the medical marijuana use registry before July 1,
814 2017.

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

817 c. Must have the medical marijuana treatment center's
818 employee who dispenses the marijuana or a marijuana delivery
819 device enter into the medical marijuana use registry his or her
820 name or unique employee identifier.

821 d. Must verify that the qualified patient and the
822 caregiver, if applicable, each have an active registration in
823 the medical marijuana use registry and an active and valid
824 medical marijuana use registry identification card, the amount
825 and type of marijuana dispensed matches the physician

826 certification in the medical marijuana use registry for that
827 qualified patient, and the physician certification has not
828 already been filled.

829 e. May not dispense marijuana to a qualified patient who
830 is younger than 18 years of age. If the qualified patient is
831 younger than 18 years of age, marijuana may ~~only~~ be dispensed
832 only to the qualified patient's caregiver.

833 f. May not dispense or sell any other type of cannabis,
834 alcohol, or illicit drug-related product, including pipes,
835 bongs, or rolling ~~wrapping~~ papers, other than a marijuana
836 delivery device required for the medical use of marijuana and
837 which is specified in a physician certification.

838 g. Must, upon dispensing the marijuana or marijuana
839 delivery device, record in the registry the date, time,
840 quantity, and form of marijuana dispensed; the type of marijuana
841 delivery device dispensed; and the name and medical marijuana
842 use registry identification number of the qualified patient or
843 caregiver to whom the marijuana delivery device was dispensed.

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

847 (f) To ensure the safety and security of premises where
848 the cultivation, processing, storing, or dispensing of marijuana
849 occurs, and to maintain adequate controls against the diversion,
850 theft, and loss of marijuana or marijuana delivery devices, a

851 medical marijuana treatment center shall:

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

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

858 (I) Cameras are fixed in a place that allows for the clear
859 identification of persons and activities in controlled areas of
860 the premises. Controlled areas include grow rooms, processing
861 rooms, storage rooms, disposal rooms or areas, and point-of-sale
862 rooms.

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

866 (III) Recorded images must clearly and accurately display
867 the time and date.

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

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

873 3. Ensure that the indoor premises where dispensing occurs
874 includes a waiting area with sufficient space and seating to
875 accommodate qualified patients and caregivers and at least one

876 private consultation area that is isolated from the waiting area
877 and area where dispensing occurs. A medical marijuana treatment
878 center may not display products or dispense marijuana or
879 marijuana delivery devices in the waiting area.

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

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

885 6. Require at least two of its employees, or two employees
886 of a security agency with whom it contracts, to be on the
887 premises at all times where cultivation, processing, or storing
888 of marijuana occurs.

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

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

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

894 10. Report to local law enforcement within 24 hours after
895 the medical marijuana treatment center is notified or becomes
896 aware of the theft, diversion, or loss of marijuana.

897 (g) To ensure the safe transport of marijuana and
898 marijuana delivery devices to medical marijuana treatment
899 centers, marijuana testing laboratories, or qualified patients,
900 a medical marijuana treatment center must:

901 1. Maintain a marijuana transportation manifest in any
 902 vehicle transporting marijuana. The marijuana transportation
 903 manifest must be generated from a medical marijuana treatment
 904 center's seed-to-sale tracking system and include the:

905 a. Departure date and approximate time of departure.
 906 b. Name, location address, and license number of the
 907 originating medical marijuana treatment center.
 908 c. Name and address of the recipient of the delivery.
 909 d. Quantity and form of any marijuana or marijuana
 910 delivery device being transported.
 911 e. Arrival date and estimated time of arrival.
 912 f. Delivery vehicle make and model and license plate
 913 number.
 914 g. Name and signature of the medical marijuana treatment
 915 center employees delivering the product.

916 (I) A copy of the marijuana transportation manifest must
 917 be provided to each individual, medical marijuana treatment
 918 center, or marijuana testing laboratory that receives a
 919 delivery. The individual, or a representative of the center or
 920 laboratory, must sign a copy of the marijuana transportation
 921 manifest acknowledging receipt.

922 (II) An individual transporting marijuana or a marijuana
 923 delivery device must present a copy of the relevant marijuana
 924 transportation manifest and his or her employee identification
 925 card to a law enforcement officer upon request.

926 (III) Medical marijuana treatment centers and marijuana
927 testing laboratories must retain copies of all marijuana
928 transportation manifests for at least 3 years.

929 2. Ensure only vehicles in good working order are used to
930 transport marijuana.

931 3. Lock marijuana and marijuana delivery devices in a
932 separate compartment or container within the vehicle.

933 4. Require employees to have possession of their employee
934 identification card at all times when transporting marijuana or
935 marijuana delivery devices.

936 5. Require at least two persons to be in a vehicle
937 transporting marijuana or marijuana delivery devices, and
938 require at least one person to remain in the vehicle while the
939 marijuana or marijuana delivery device is being delivered.

940 6. Provide specific safety and security training to
941 employees transporting or delivering marijuana and marijuana
942 delivery devices.

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

946 1. The dispensing location of a medical marijuana
947 treatment center may have a sign that is affixed to the outside
948 or hanging in the window of the premises which identifies the
949 dispensary by the licensee's business name, a department-
950 approved trade name, or a department-approved logo. A medical

951 marijuana treatment center's trade name and logo may not contain
 952 wording or images commonly associated with marketing targeted
 953 toward children or which promote recreational use of marijuana.

954 2. A medical marijuana treatment center may engage in
 955 Internet advertising and marketing under the following
 956 conditions:

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

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

961 c. An advertisement may not be an unsolicited pop-up
 962 advertisement.

963 d. Opt-in marketing must include an easy and permanent
 964 opt-out feature.

965 (i) Each medical marijuana treatment center that dispenses
 966 marijuana and marijuana delivery devices shall make available to
 967 the public on its website:

968 1. Each marijuana and low-THC product available for
 969 purchase, including the form, strain of marijuana from which it
 970 was extracted, cannabidiol content, tetrahydrocannabinol
 971 content, dose unit, total number of doses available, and the
 972 ratio of cannabidiol to tetrahydrocannabinol for each product.

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

976 3. The price for each marijuana delivery device available
977 for purchase.

978 4. If applicable, any discount policies and eligibility
979 criteria for such discounts.

980 (j) ~~Medical marijuana treatment centers are the sole~~
981 ~~source from which~~ A qualified patient may legally obtain
982 marijuana only from a medical marijuana treatment center or a
983 medical marijuana retail facility.

984 (k) The department may adopt rules pursuant to ss.
985 120.536(1) and 120.54 to implement this subsection.

986 (9) MEDICAL MARIJUANA RETAIL FACILITIES.—The department
987 shall license medical marijuana retail facilities to ensure
988 reasonable statewide accessibility and availability as necessary
989 for qualified patients who are registered in the medical
990 marijuana use registry and who are issued a physician
991 certification under this section. The department shall begin
992 issuing medical marijuana retail facility licenses by August 1,
993 2019.

994 (a) An applicant for licensure as a medical marijuana
995 retail facility shall apply to the department on a form
996 prescribed by the department and adopted in rule. The department
997 shall adopt rules pursuant to ss. 120.536(1) and 120.54
998 establishing a procedure for the issuance and biennial renewal
999 of licenses. The department shall identify applicants with
1000 strong diversity plans reflecting this state's commitment to

1001 diversity and it shall implement training programs and other
1002 educational programs to enable minority persons and minority
1003 business enterprises, as defined in s. 288.703, and veteran
1004 business enterprises, as defined in s. 295.187, to qualify for
1005 medical marijuana retail facility licensure and contracts. The
1006 department shall issue a license to an applicant if the
1007 applicant meets the requirements of this subsection and rules
1008 adopted under this subsection. The department shall renew the
1009 licensure of a medical marijuana retail facility biennially if
1010 the licensee meets the requirements of this subsection and rules
1011 adopted under this subsection. An individual may not be an
1012 applicant, owner, officer, board member, or manager on more than
1013 one application for licensure as a medical marijuana retail
1014 facility. An individual or entity may not be awarded more than
1015 one license as a medical marijuana retail facility. Each medical
1016 marijuana retail facility license is valid for one physical
1017 location. A medical marijuana treatment center may not be
1018 awarded a license to operate a medical marijuana retail
1019 facility.

1020 (b) An applicant for licensure as a medical marijuana
1021 retail facility must demonstrate:

1022 1. The ability to secure the premises, resources, and
1023 personnel necessary to operate as a medical marijuana retail
1024 facility.

1025 2. The ability to maintain accountability for all raw

1026 materials, all finished products, and any byproducts to prevent
1027 diversion or unlawful access to or possession of these
1028 substances.

1029 3. An infrastructure reasonably located to dispense
1030 marijuana to registered qualified patients statewide or
1031 regionally, as determined by the department.

1032 4. The financial ability to maintain operations for the
1033 duration of the 2-year approval cycle, including the provision
1034 of certified financial statements to the department.

1035 5. That all owners, officers, board members, and managers
1036 have passed a background screening pursuant to subsection (10).

1037 6. The employment of a medical director to supervise the
1038 activities of the medical marijuana retail facility.

1039 7. A diversity plan that promotes and ensures the
1040 involvement of minority persons and minority business
1041 enterprises, as defined in s. 288.703, or veteran business
1042 enterprises, as defined in s. 295.187, in ownership, management,
1043 and employment. An applicant for licensure renewal must show the
1044 effectiveness of the diversity plan by including the following
1045 with his or her application for renewal:

1046 a. Representation of minority persons and veterans in the
1047 medical marijuana retail facility's workforce;

1048 b. Efforts to recruit minority persons and veterans for
1049 employment; and

1050 c. A record of contracts for services with minority

1051 business enterprises and veteran business enterprises.

1052 8. Proof of liability insurance coverage of at least
1053 \$250,000 for each facility that dispenses or stores marijuana or
1054 medical marijuana delivery devices.

1055 (c) A medical marijuana retail facility may not make a
1056 wholesale purchase of marijuana from a medical marijuana
1057 treatment center.

1058 (d) A medical marijuana retail facility may not transport
1059 marijuana, marijuana delivery devices, or edibles.

1060 (e) A medical marijuana retail facility may contract with
1061 only one medical marijuana treatment center to dispense
1062 marijuana, marijuana delivery devices, or edibles to a qualified
1063 patient or caregiver.

1064 (f)1. A medical marijuana retail facility may transfer
1065 ownership to an individual or entity that meets the requirements
1066 of this section. A publicly traded corporation or publicly
1067 traded company that meets the requirements of this section is
1068 not precluded from ownership of a medical marijuana retail
1069 facility. To accommodate a change in ownership:

1070 a. The medical marijuana retail facility shall notify the
1071 department in writing at least 60 days before the anticipated
1072 date of the change of ownership.

1073 b. The individual or entity applying for initial licensure
1074 due to a change of ownership must submit an application that
1075 must be received by the department at least 60 days before the

1076 date of the change of ownership.

1077 c. Upon receipt of an application for a license, the
1078 department shall examine the application and, within 30 days
1079 after receipt, notify the applicant in writing of any apparent
1080 errors or omissions and request any additional information
1081 required.

1082 d. Requested information omitted from an application for
1083 licensure must be filed with the department within 21 days after
1084 the department's request for omitted information or the
1085 application shall be deemed incomplete and must be withdrawn
1086 from further consideration, and any fees shall be forfeited.

1087
1088 Within 30 days after the receipt of a complete application, the
1089 department shall approve or deny the application.

1090 2. A medical marijuana retail facility, and any individual
1091 or entity that directly or indirectly owns, controls, or holds
1092 with power to vote 5 percent or more of the voting shares of a
1093 medical marijuana retail facility, may not acquire direct or
1094 indirect ownership or control of any voting shares or other form
1095 of ownership of any other medical marijuana retail facility.

1096 3. A medical marijuana retail facility may not enter into
1097 any form of profit-sharing arrangement with the property owner
1098 or lessor of any of its facilities where storing or dispensing
1099 of marijuana and marijuana delivery devices occurs.

1100 4. All employees of a medical marijuana retail facility

1101 must be 21 years of age or older and have passed a background
1102 screening pursuant to subsection (10).

1103 5. Each medical marijuana retail facility must adopt and
1104 enforce policies and procedures to ensure employees and
1105 volunteers receive training on the legal requirements to
1106 dispense marijuana to qualified patients.

1107 6. Each medical marijuana retail facility must make
1108 available for purchase at least one low-THC cannabis product.

1109 7. A medical marijuana retail facility may not repackage
1110 or modify marijuana or a medical marijuana delivery device
1111 packaged for retail sale by a contracted medical marijuana
1112 treatment center.

1113 8. A medical marijuana retail facility may not process or
1114 produce edibles, but it may dispense to a qualified patient or
1115 caregiver edibles in the original packaging and with the
1116 original labeling affixed as received from a contracted medical
1117 marijuana treatment center. Onsite consumption of marijuana or
1118 edibles at a medical marijuana retail facility is prohibited.
1119 The department may select a random sample from edibles available
1120 for purchase in a medical marijuana retail facility to be tested
1121 by the department to determine whether the edible meets the
1122 potency requirements of subparagraph (8)(e)8. and is safe for
1123 human consumption, and whether the labeling of the
1124 tetrahydrocannabinol and cannabidiol concentration is accurate.
1125 A medical marijuana retail facility may not require payment from

1126 the department for the sample. A medical marijuana retail
1127 facility must recall edibles, including all edibles made from
1128 the same batch of marijuana, which fail to meet the potency
1129 requirements, which are unsafe for human consumption, or for
1130 which the labeling of the tetrahydrocannabinol and cannabidiol
1131 concentration is inaccurate.

1132 9. When dispensing marijuana or a marijuana delivery
1133 device, a medical marijuana retail facility:

1134 a. May dispense any active, valid order for low-THC
1135 cannabis, medical cannabis, and cannabis delivery devices issued
1136 pursuant to former s. 381.986, Florida Statutes 2016, which was
1137 entered into the medical marijuana use registry before July 1,
1138 2017.

1139 b. May not dispense more than a 70-day supply of marijuana
1140 to a qualified patient or caregiver.

1141 c. Must require that its employee who dispenses the
1142 marijuana or a marijuana delivery device enter into the medical
1143 marijuana use registry his or her name or unique employee
1144 identifier.

1145 d. Must verify that the qualified patient and the
1146 caregiver, if applicable, each have an active registration in
1147 the medical marijuana use registry and an active and valid
1148 medical marijuana use registry identification card, that the
1149 amount and type of marijuana dispensed matches the physician
1150 certification in the medical marijuana use registry for that

1151 qualified patient, and that the physician certification has not
1152 already been filled.

1153 e. May not dispense marijuana to a qualified patient who
1154 is younger than 18 years of age. If the qualified patient is
1155 younger than 18 years of age, marijuana may be dispensed only to
1156 the qualified patient's caregiver.

1157 f. May not dispense or sell any other type of cannabis,
1158 alcohol, or illicit drug-related product, including pipes,
1159 bongs, or rolling papers, other than a marijuana delivery device
1160 required for the medical use of marijuana which is specified in
1161 a physician certification.

1162 g. Must, upon dispensing the marijuana or marijuana
1163 delivery device, record in the registry the date, time,
1164 quantity, and form of marijuana dispensed; the type of marijuana
1165 delivery device dispensed; and the name and medical marijuana
1166 use registry identification number of the qualified patient or
1167 caregiver to whom the marijuana or marijuana delivery device was
1168 dispensed.

1169 h. Must ensure that patient records are not visible to
1170 anyone other than the qualified patient, his or her caregiver,
1171 and authorized medical marijuana retail facility employees.

1172 (g) To ensure the safety and security of premises where
1173 the storing or dispensing of marijuana occurs, and to maintain
1174 adequate controls against the diversion, theft, and loss of
1175 marijuana or marijuana delivery devices, a medical marijuana

1176 retail facility shall:

1177 1.a. Maintain a fully operational security alarm system
1178 that secures all entry points and perimeter windows and is
1179 equipped with motion detectors; pressure switches; and duress,
1180 panic, and hold-up alarms; and

1181 b. Maintain a video surveillance system that records
1182 continuously, 24 hours a day, and meets the following criteria:

1183 (I) Cameras are fixed in a place that allows for the clear
1184 identification of persons and activities in controlled areas of
1185 the premises. Controlled areas include grow rooms, processing
1186 rooms, storage rooms, disposal rooms or areas, and point-of-sale
1187 rooms.

1188 (II) Cameras are fixed in entrances and exits to the
1189 premises and record from indoor and outdoor, or ingress and
1190 egress, vantage points.

1191 (III) Recorded images clearly and accurately display the
1192 time and date.

1193 (IV) Video surveillance recordings are retained for at
1194 least 45 days, or longer upon the request of a law enforcement
1195 agency.

1196 2. Ensure that the outdoor premises have sufficient
1197 lighting from dusk until dawn.

1198 3. Ensure that the indoor premises where dispensing occurs
1199 include a waiting area with sufficient space and seating to
1200 accommodate qualified patients and caregivers and at least one

1201 private consultation area that is isolated from the waiting area
1202 and the area where dispensing occurs. A medical marijuana retail
1203 facility may not display products or dispense marijuana or
1204 marijuana delivery devices in the waiting area.

1205 4. Not dispense from its premises marijuana or a marijuana
1206 delivery device between the hours of 9 p.m. and 7 a.m. but may
1207 perform all other operations and deliver marijuana to qualified
1208 patients 24 hours a day.

1209 5. Store marijuana in a secured, locked room or a vault.

1210 6. Require at least two of its employees, or two employees
1211 of a security agency with whom it contracts, to be on the
1212 premises at all times where cultivation, processing, or storing
1213 of marijuana occurs.

1214 7. Require each employee or contractor to wear a photo
1215 identification badge at all times while on the premises.

1216 8. Require each visitor to wear a visitor pass at all
1217 times while on the premises.

1218 9. Implement an alcohol- and drug-free workplace policy.

1219 10. Report to local law enforcement within 24 hours after
1220 being notified or becoming aware of the theft, diversion, or
1221 loss of marijuana.

1222 (h) A medical marijuana retail facility may not engage in
1223 Internet sales.

1224 (i) A medical marijuana retail facility may not engage in
1225 advertising that is visible to members of the public from any

1226 street, sidewalk, park, or other public place, except:

1227 1. A medical marijuana retail facility may have a sign

1228 that is affixed to the outside, or hanging in the window, of the

1229 premises which identifies the facility by the licensee's

1230 business name, a department-approved trade name, or a

1231 department-approved logo. A medical marijuana retail facility's

1232 trade name and logo may not contain wording or images commonly

1233 associated with marketing targeted toward children or which

1234 promote recreational use of marijuana.

1235 2. A medical marijuana retail facility may engage in

1236 Internet advertising and marketing under the following

1237 conditions:

1238 a. All advertisements must be approved by the department.

1239 b. An advertisement may not have any content that

1240 specifically targets individuals under the age of 18, including

1241 cartoon characters or similar images.

1242 c. An advertisement may not be an unsolicited pop-up

1243 advertisement.

1244 d. Opt-in marketing must include an easy and permanent

1245 opt-out feature.

1246 (j) Each medical marijuana retail facility that dispenses

1247 marijuana, marijuana delivery devices, or edibles shall make

1248 available to the public on its website:

1249 1. Information on each marijuana and low-THC cannabis

1250 product available for purchase, including the form, strain of

1251 marijuana from which it was extracted, cannabidiol content,
1252 tetrahydrocannabinol content, dose unit, and total number of
1253 doses available, and the ratio of cannabidiol to
1254 tetrahydrocannabinol for each such product.

1255 2. The price of a 30-day supply, 50-day supply, and 70-day
1256 supply at a standard dose for each marijuana and low-THC
1257 cannabis product available for purchase.

1258 3. The price for each marijuana delivery device available
1259 for purchase.

1260 4. If applicable, any discount policies and eligibility
1261 criteria for such discounts.

1262 (k) A qualified patient may legally obtain medical
1263 marijuana only from a medical marijuana treatment center or a
1264 medical marijuana retail facility.

1265 (l) The department may adopt rules pursuant to ss.
1266 120.536(1) and 120.54 to implement this subsection.

1267 (11)-(10) MEDICAL MARIJUANA TREATMENT CENTER AND MEDICAL
1268 MARIJUANA RETAIL FACILITY INSPECTIONS; ADMINISTRATIVE ACTIONS.-

1269 (a) The department shall conduct announced or unannounced
1270 inspections of medical marijuana treatment centers and medical
1271 marijuana retail facilities to determine compliance with this
1272 section or rules adopted pursuant to this section.

1273 (b) The department shall inspect a medical marijuana
1274 treatment center and a medical marijuana retail facility upon
1275 receiving a complaint or notice that the medical marijuana

1276 | treatment center or the medical marijuana retail facility has
1277 | dispensed marijuana containing mold, bacteria, or other
1278 | contaminant that may cause or has caused an adverse effect to
1279 | human health or the environment.

1280 | (c) The department shall conduct at least a biennial
1281 | inspection of each medical marijuana treatment center and each
1282 | medical marijuana retail facility to evaluate the medical
1283 | marijuana treatment center's or medical marijuana retail
1284 | facility's records, personnel, equipment, processes, security
1285 | measures, sanitation practices, and quality assurance practices.

1286 | (d) The Department of Agriculture and Consumer Services
1287 | and the department shall enter into an interagency agreement to
1288 | ensure cooperation and coordination in the performance of their
1289 | obligations under this section and their respective regulatory
1290 | and authorizing laws. The department, the Department of Highway
1291 | Safety and Motor Vehicles, and the Department of Law Enforcement
1292 | may enter into interagency agreements for the purposes specified
1293 | in this subsection or subsection (7).

1294 | (e) The department shall publish a list of all approved
1295 | medical marijuana treatment centers, medical directors, medical
1296 | marijuana retail facilities, and qualified physicians on its
1297 | website.

1298 | (f) The department may impose reasonable fines not to
1299 | exceed \$10,000 on a medical marijuana treatment center or a
1300 | medical marijuana retail facility for any of the following

- 1301 | violations:
- 1302 | 1. Violating this section or department rule.
- 1303 | 2. Failing to maintain qualifications for approval.
- 1304 | 3. Endangering the health, safety, or security of a
- 1305 | qualified patient.
- 1306 | 4. Improperly disclosing personal and confidential
- 1307 | information of the qualified patient.
- 1308 | 5. Attempting to procure medical marijuana treatment
- 1309 | center or medical marijuana retail facility approval by bribery,
- 1310 | fraudulent misrepresentation, or extortion.
- 1311 | 6. Being convicted or found guilty of, or entering a plea
- 1312 | of guilty or nolo contendere to, regardless of adjudication, a
- 1313 | crime in any jurisdiction which directly relates to the business
- 1314 | of a medical marijuana treatment center or a medical marijuana
- 1315 | retail facility.
- 1316 | 7. Making or filing a report or record that the medical
- 1317 | marijuana treatment center or medical marijuana retail facility
- 1318 | knows to be false.
- 1319 | 8. Willfully failing to maintain a record required by this
- 1320 | section or department rule.
- 1321 | 9. Willfully impeding or obstructing an employee or agent
- 1322 | of the department in the furtherance of his or her official
- 1323 | duties.
- 1324 | 10. Engaging in fraud or deceit, negligence, incompetence,
- 1325 | or misconduct in the business practices of a medical marijuana

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1326 treatment center or a medical marijuana retail facility.

1327 11. Making misleading, deceptive, or fraudulent
1328 representations in or related to the business practices of a
1329 medical marijuana treatment center or a medical marijuana retail
1330 facility.

1331 12. Having a license or the authority to engage in any
1332 regulated profession, occupation, or business that is related to
1333 the business practices of a medical marijuana treatment center
1334 or a medical marijuana retail facility suspended, revoked, or
1335 otherwise acted against by the licensing authority of any
1336 jurisdiction, including its agencies or subdivisions, for a
1337 violation that would constitute a violation under Florida law.

1338 13. Violating a lawful order of the department or an
1339 agency of the state, or failing to comply with a lawfully issued
1340 subpoena of the department or an agency of the state.

1341 (g) The department may suspend, revoke, or refuse to renew
1342 the license of a medical marijuana treatment center or a medical
1343 marijuana retail facility ~~license~~ if the medical marijuana
1344 treatment center or medical marijuana retail facility commits
1345 any of the violations in paragraph (f).

1346 (h) The department may adopt rules pursuant to ss.
1347 120.536(1) and 120.54 to implement this subsection.

1348 (12) ~~(11)~~ PREEMPTION.—Regulation of cultivation,
1349 processing, and delivery of marijuana by medical marijuana
1350 treatment centers is preempted to the state except as provided

1351 in this subsection.

1352 (a) A medical marijuana treatment center cultivating or
1353 processing facility may not be located within 500 feet of the
1354 real property that comprises a public or private elementary
1355 school, middle school, or secondary school.

1356 (b)1. A county or municipality may, by ordinance, ban
1357 medical marijuana treatment center dispensing facilities or
1358 medical marijuana retail facilities from being located within
1359 the boundaries of that county or municipality. A county or
1360 municipality that does not ban dispensing facilities or medical
1361 marijuana retail facilities under this subparagraph may not
1362 place specific limits, by ordinance, on the number of dispensing
1363 facilities or medical marijuana retail facilities that may
1364 locate within that county or municipality.

1365 2. A municipality may determine by ordinance the criteria
1366 for the location of, and other permitting requirements that do
1367 not conflict with state law or department rule for, medical
1368 marijuana treatment center dispensing facilities or medical
1369 marijuana retail facilities located within the boundaries of
1370 that municipality. A county may determine by ordinance the
1371 criteria for the location of, and other permitting requirements
1372 that do not conflict with state law or department rule for, all
1373 such dispensing facilities and medical marijuana retail
1374 facilities located within the unincorporated areas of that
1375 county. Except as provided in paragraph (c), a county or

1376 municipality may not enact ordinances for permitting or for
1377 determining the location of dispensing facilities and medical
1378 marijuana retail facilities which are more restrictive than its
1379 ordinances permitting or determining the locations for
1380 pharmacies licensed under chapter 465. A municipality or county
1381 may not charge a medical marijuana treatment center or a medical
1382 marijuana retail facility a license or permit fee in an amount
1383 greater than the fee charged by such municipality or county to
1384 pharmacies. A dispensing facility location approved by a
1385 municipality or county pursuant to former s. 381.986(8)(b),
1386 Florida Statutes 2016, is not subject to the location
1387 requirements of this subsection.

1388 (c) A medical marijuana treatment center dispensing
1389 facility or a medical marijuana retail facility may not be
1390 located within 500 feet of the real property that comprises a
1391 public or private elementary school, middle school, or secondary
1392 school unless the county or municipality approves the location
1393 through a formal proceeding open to the public at which the
1394 county or municipality determines that the location promotes the
1395 public health, safety, and general welfare of the community.

1396 (d) This subsection does not prohibit any local
1397 jurisdiction from ensuring that medical marijuana treatment
1398 center dispensing facilities and medical marijuana retail
1399 facilities comply with the Florida Building Code, the Florida
1400 Fire Prevention Code, or any local amendments to the Florida

1401 Building Code or the Florida Fire Prevention Code.

1402 (13)~~(12)~~ PENALTIES.—

1403 (a) A qualified physician commits a misdemeanor of the
 1404 first degree, punishable as provided in s. 775.082 or s.
 1405 775.083, if the qualified physician issues a physician
 1406 certification for the medical use of marijuana for a patient
 1407 without a reasonable belief that the patient is suffering from a
 1408 qualifying medical condition.

1409 (b) A person who fraudulently represents that he or she
 1410 has a qualifying medical condition to a qualified physician for
 1411 the purpose of being issued a physician certification commits a
 1412 misdemeanor of the first degree, punishable as provided in s.
 1413 775.082 or s. 775.083.

1414 (c) A qualified patient who uses marijuana, not including
 1415 low-THC cannabis, or a caregiver who administers marijuana, not
 1416 including low-THC cannabis, in plain view of or in a place open
 1417 to the general public; in a school bus, a vehicle, an aircraft,
 1418 or a boat; or on the grounds of a school except as provided in
 1419 s. 1006.062, commits a misdemeanor of the first degree,
 1420 punishable as provided in s. 775.082 or s. 775.083.

1421 (d) A qualified patient or caregiver who cultivates
 1422 marijuana or who purchases or acquires marijuana from any person
 1423 or entity other than a medical marijuana treatment center or a
 1424 medical marijuana retail facility violates s. 893.13 and is
 1425 subject to the penalties provided therein.

1426 (e)1. A qualified patient or caregiver in possession of
1427 marijuana or a marijuana delivery device who fails or refuses to
1428 present his or her marijuana use registry identification card
1429 upon the request of a law enforcement officer commits a
1430 misdemeanor of the second degree, punishable as provided in s.
1431 775.082 or s. 775.083, unless it can be determined through the
1432 medical marijuana use registry that the person is authorized to
1433 be in possession of that marijuana or marijuana delivery device.

1434 2. A person charged with a violation of this paragraph may
1435 not be convicted if, before or at the time of his or her court
1436 or hearing appearance, the person produces in court or to the
1437 clerk of the court in which the charge is pending a medical
1438 marijuana use registry identification card issued to him or her
1439 which is valid at the time of his or her arrest. The clerk of
1440 the court is authorized to dismiss such case at any time before
1441 the defendant's appearance in court. The clerk of the court may
1442 assess a fee of \$5 for dismissing the case under this paragraph.

1443 (f) A caregiver who violates any of the applicable
1444 provisions of this section or applicable department rules, for
1445 the first offense, commits a misdemeanor of the second degree,
1446 punishable as provided in s. 775.082 or s. 775.083 and, for a
1447 second or subsequent offense, commits a misdemeanor of the first
1448 degree, punishable as provided in s. 775.082 or s. 775.083.

1449 (g) A qualified physician who issues a physician
1450 certification for marijuana or a marijuana delivery device and

1451 receives compensation from a medical marijuana treatment center
1452 related to the issuance of a physician certification for
1453 marijuana or a marijuana delivery device is subject to
1454 disciplinary action under the applicable practice act and s.
1455 456.072(1)(n).

1456 (h) A person transporting marijuana or marijuana delivery
1457 devices on behalf of a medical marijuana treatment center or
1458 marijuana testing laboratory who fails or refuses to present a
1459 transportation manifest upon the request of a law enforcement
1460 officer commits a misdemeanor of the second degree, punishable
1461 as provided in s. 775.082 or s. 775.083.

1462 (i) Persons and entities conducting activities authorized
1463 and governed by this section and s. 381.988 are subject to ss.
1464 456.053, 456.054, and 817.505, as applicable.

1465 (j) A person or entity that cultivates, processes,
1466 distributes, sells, or dispenses marijuana, as defined in s.
1467 29(b)(4), Art. X of the State Constitution, and is not licensed
1468 as a medical marijuana treatment center or as a medical
1469 marijuana retail facility violates s. 893.13 and is subject to
1470 the penalties provided therein.

1471 (k) A person who manufactures, distributes, sells, gives,
1472 or possesses with the intent to manufacture, distribute, sell,
1473 or give marijuana or a marijuana delivery device that he or she
1474 holds out to have originated from a licensed medical marijuana
1475 treatment center but that is counterfeit commits a felony of the

1476 | third degree, punishable as provided in s. 775.082, s. 775.083,
1477 | or s. 775.084. For the purposes of this paragraph, the term
1478 | "counterfeit" means marijuana; a marijuana delivery device; or a
1479 | marijuana or marijuana delivery device container, seal, or label
1480 | which, without authorization, bears the trademark, trade name,
1481 | or other identifying mark, imprint, or device, or any likeness
1482 | thereof, of a licensed medical marijuana treatment center and
1483 | which thereby falsely purports or is represented to be the
1484 | product of, or to have been distributed by, that licensed
1485 | medical marijuana treatment center facility.

1486 | (1) A person who distributes, sells, gives, or possesses
1487 | with the intent to manufacture, distribute, sell, or give
1488 | marijuana or a marijuana delivery device that he or she holds
1489 | out to have been dispensed from a licensed medical marijuana
1490 | retail facility but that is counterfeit commits a felony of the
1491 | third degree, punishable as provided in s. 775.082, s. 775.083,
1492 | or s. 775.084. For the purposes of this paragraph, the term
1493 | "counterfeit" means marijuana; a marijuana delivery device; or a
1494 | marijuana or marijuana delivery device container, seal, or label
1495 | which, without authorization, bears the trademark, trade name,
1496 | or other identifying mark, imprint, or device, or any likeness
1497 | thereof, of a licensed medical marijuana retail facility and
1498 | which thereby falsely purports or is represented to be the
1499 | product of, or to have been distributed by, that licensed
1500 | medical marijuana retail facility.

1501 (m)~~(l)~~ Any person who possesses or manufactures a blank,
 1502 forged, stolen, fictitious, fraudulent, counterfeit, or
 1503 otherwise unlawfully issued medical marijuana use registry
 1504 identification card commits a felony of the third degree,
 1505 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1506 (15)~~(14)~~ EXCEPTIONS TO OTHER LAWS.—

1507 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
 1508 any other provision of law, but subject to the requirements of
 1509 this section, a qualified patient and the qualified patient's
 1510 caregiver may purchase from a medical marijuana treatment center
 1511 or a medical marijuana retail facility for the patient's medical
 1512 use a marijuana delivery device and up to the amount of
 1513 marijuana authorized in the physician certification, but may not
 1514 possess more than a 70-day supply of marijuana at any given time
 1515 and all marijuana purchased must remain in its original
 1516 packaging.

1517 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
 1518 any other provision of law, but subject to the requirements of
 1519 this section, a licensed ~~an approved~~ medical marijuana treatment
 1520 center and its owners, managers, and employees may manufacture,
 1521 possess, sell, deliver, distribute, dispense, and lawfully
 1522 dispose of marijuana or a marijuana delivery device as provided
 1523 in this section, in s. 381.988, and by department rule. For the
 1524 purposes of this subsection, the terms "manufacture,"
 1525 "possession," "deliver," "distribute," and "dispense" have the

1526 same meanings as provided in s. 893.02.

1527 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1528 any other provision of law, but subject to the requirements of
1529 this section, a medical marijuana retail facility and its
1530 owners, managers, and employees may possess, sell, distribute,
1531 dispense, and lawfully dispose of marijuana or a marijuana
1532 delivery device as provided in this section, in s. 381.988, and
1533 by department rule. For the purposes of this subsection, the
1534 terms "possession," "distribute," and "dispense" have the same
1535 meanings as provided in s. 893.02.

1536 (d)~~(e)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,
1537 or any other provision of law, but subject to the requirements
1538 of this section, a certified marijuana testing laboratory,
1539 including an employee of a certified marijuana testing
1540 laboratory acting within the scope of his or her employment, may
1541 acquire, possess, test, transport, and lawfully dispose of
1542 marijuana as provided in this section, in s. 381.988, and by
1543 department rule.

1544 (e)~~(d)~~ A licensed medical marijuana treatment center and
1545 its owners, managers, and employees are not subject to licensure
1546 or regulation under chapter 465 or chapter 499 for
1547 manufacturing, possessing, selling, delivering, distributing,
1548 dispensing, or lawfully disposing of marijuana or a marijuana
1549 delivery device, as provided in this section, in s. 381.988, and
1550 by department rule.

1551 (f) A licensed medical marijuana retail facility and its
1552 owners, managers, and employees are not subject to licensure or
1553 regulation under chapter 465 or chapter 499 for possessing,
1554 selling, distributing, dispensing, or lawfully disposing of
1555 marijuana or a marijuana delivery device, as provided in this
1556 section, in s. 381.988, and by department rule.

1557 (g)~~(e)~~ This subsection does not exempt a person from
1558 prosecution for a criminal offense related to impairment or
1559 intoxication resulting from the medical use of marijuana or
1560 relieve a person from any requirement under law to submit to a
1561 breath, blood, urine, or other test to detect the presence of a
1562 controlled substance.

1563 (h)~~(f)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,
1564 or any other provision of law, but subject to the requirements
1565 of this section and pursuant to policies and procedures
1566 established pursuant to s. 1006.62(8), school personnel may
1567 possess marijuana that is obtained for medical use pursuant to
1568 this section by a student who is a qualified patient.

1569 (i)~~(g)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,
1570 or any other provision of law, but subject to the requirements
1571 of this section, a research institute established by a public
1572 postsecondary educational institution, such as the H. Lee
1573 Moffitt Cancer Center and Research Institute, Inc., established
1574 under s. 1004.43, or a state university that has achieved the
1575 preeminent state research university designation under s.

1576 | 1001.7065 may possess, test, transport, and lawfully dispose of
 1577 | marijuana for research purposes as provided by this section.

1578 | Section 2. Section 381.987, Florida Statutes, is amended
 1579 | to read:

1580 | 381.987 Public records exemption for personal identifying
 1581 | information relating to medical marijuana held by the
 1582 | department.—

1583 | (1) The following information is confidential and exempt
 1584 | from s. 119.07(1) and s. 24(a), Art. I of the State
 1585 | Constitution:

1586 | (a) A patient's or caregiver's personal identifying
 1587 | information held by the department in the medical marijuana use
 1588 | registry established under s. 381.986, including, but not
 1589 | limited to, the patient's or caregiver's name, address, date of
 1590 | birth, photograph, and telephone number.

1591 | (b) All personal identifying information collected for the
 1592 | purpose of issuing a patient's or caregiver's medical marijuana
 1593 | use registry identification card described in s. 381.986.

1594 | (c) All personal identifying information pertaining to the
 1595 | physician certification for marijuana and the dispensing thereof
 1596 | held by the department, including, but not limited to,
 1597 | information related to the patient's diagnosis, exception
 1598 | requests to the daily dose amount limit, and the qualified
 1599 | patient's experience related to the medical use of marijuana.

1600 | (d) A qualified physician's Drug Enforcement

1601 Administration number, residential address, and government-
1602 issued identification card.

1603 (2) The department shall allow access to the confidential
1604 and exempt information in the medical marijuana use registry to:

1605 (a) A law enforcement agency that is investigating a
1606 violation of law regarding marijuana in which the subject of the
1607 investigation claims an exception established under s. 381.986,
1608 except for information related to the patient's diagnosis.

1609 (b) A medical marijuana treatment center or a medical
1610 marijuana retail facility that is licensed ~~approved~~ by the
1611 department pursuant to s. 381.986 which is attempting to verify
1612 the authenticity of a physician certification for marijuana,
1613 including whether the certification had been previously filled
1614 and whether the certification was issued for the person
1615 attempting to have it filled, except for information related to
1616 the patient's diagnosis.

1617 (c) A physician who has issued a certification for
1618 marijuana for the purpose of monitoring the patient's use of
1619 such marijuana or for the purpose of determining, before issuing
1620 a certification for marijuana, whether another physician has
1621 issued a certification for the patient's use of marijuana. The
1622 physician may access the confidential and exempt information
1623 only for the patient for whom he or she has issued a
1624 certification or is determining whether to issue a certification
1625 for the use of marijuana pursuant to s. 381.986.

1626 (d) A practitioner licensed to prescribe prescription
1627 medications to ensure proper care of a patient before
1628 prescribing medication to that patient which may interact with
1629 marijuana.

1630 (e) An employee of the department for the purposes of
1631 maintaining the registry and periodic reporting or disclosure of
1632 information that has been redacted to exclude personal
1633 identifying information.

1634 (f) An employee of the department for the purposes of
1635 reviewing physician registration and the issuance of physician
1636 certifications to monitor practices that could facilitate
1637 unlawful diversion or the misuse of marijuana or a marijuana
1638 delivery device.

1639 (g) The department's relevant health care regulatory
1640 boards responsible for the licensure, regulation, or discipline
1641 of a physician if he or she is involved in a specific
1642 investigation of a violation of s. 381.986. If a health care
1643 regulatory board's investigation reveals potential criminal
1644 activity, the board may provide any relevant information to the
1645 appropriate law enforcement agency.

1646 (h) The Coalition for Medical Marijuana Research and
1647 Education established in s. 1004.4351(4).

1648 (i) A person engaged in bona fide research if the person
1649 agrees:

1650 1. To submit a research plan to the department which

1651 specifies the exact nature of the information requested and the
1652 intended use of the information;

1653 2. To maintain the confidentiality of the records or
1654 information if personal identifying information is made
1655 available to the researcher;

1656 3. To destroy any confidential and exempt records or
1657 information obtained after the research is concluded; and

1658 4. Not to contact, directly or indirectly, for any
1659 purpose, a patient or physician whose information is in the
1660 registry.

1661 (3) The department shall allow access to the confidential
1662 and exempt information pertaining to the physician certification
1663 for marijuana and the dispensing thereof, whether in the
1664 registry or otherwise held by the department, to:

1665 (a) An employee of the department for the purpose of
1666 approving or disapproving a request for an exception to the
1667 daily dose amount limit for a qualified patient; and

1668 (b) The Coalition for Medical Marijuana Research and
1669 Education pursuant to s. 381.986 for the purpose of conducting
1670 research regarding the medical use of marijuana.

1671 (4) All information released by the department under
1672 subsections (2) and (3) remains confidential and exempt, and a
1673 person who receives access to such information must maintain the
1674 confidential and exempt status of the information received.

1675 (5) A person who willfully and knowingly violates this

1676 | section commits a felony of the third degree, punishable as
1677 | provided in s. 775.082 or s. 775.083.

1678 | (6) This section is subject to the Open Government Sunset
1679 | Review Act in accordance with s. 119.15 and shall stand repealed
1680 | on October 2, 2022, unless reviewed and saved from repeal
1681 | through reenactment by the Legislature.

1682 | Section 3. This act shall take effect upon becoming a law.