

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Rodrigues, R. offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 367 and 368, insert:

5 Section 5. Paragraphs (l) through (o) of subsection (1) of  
6 section 381.986, Florida Statutes, are redesignated as  
7 paragraphs (m) through (p), respectively, paragraph (a) of  
8 subsection (3), paragraphs (a) and (f) of subsection (4),  
9 paragraphs (b) and (e) of subsection (8), and paragraph (a) of  
10 subsection (14) are amended, and a new paragraph (l) is added to  
11 subsection (1) and paragraph (h) is added to subsection (14) of  
12 that section, to read:

13 381.986 Medical use of marijuana.—

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

15 (1) "Potency" means the relative strength of cannabinoids,  
16 and the total amount, in milligrams, of tetrahydrocannabinol as  
17 the sum of (delta-9-tetrahydrocannabinol + (0.877 x  
18 tetrahydrocannabinolic acid)) and cannabidiol as the sum of  
19 (cannabidiol + (0.877 x cannabidiolic acid)) in the final  
20 product dispensed to a patient or caregiver.

21 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

22 (a) Before being approved as a qualified physician, as  
23 defined in paragraph (1)(n) ~~(1)(m)~~, and before each license  
24 renewal, a physician must successfully complete a 2-hour course  
25 and subsequent examination offered by the Florida Medical  
26 Association or the Florida Osteopathic Medical Association which  
27 encompass the requirements of this section and any rules adopted  
28 hereunder. The course and examination shall be administered at  
29 least annually and may be offered in a distance learning format,  
30 including an electronic, online format that is available upon  
31 request. The price of the course may not exceed \$500. A  
32 physician who has met the physician education requirements of  
33 former s. 381.986(4), Florida Statutes 2016, before June 23,  
34 2017, shall be deemed to be in compliance with this paragraph  
35 from June 23, 2017, until 90 days after the course and  
36 examination required by this paragraph become available.

37 (4) PHYSICIAN CERTIFICATION.—

38 (a) A qualified physician may issue a physician

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39 certification only if the qualified physician:

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

43 2. Diagnosed the patient with at least one qualifying  
44 medical condition.

45 3. Determined that the medical use of marijuana would  
46 likely outweigh the potential health risks for the patient, and  
47 such determination must be documented in the patient's medical  
48 record. If a patient is younger than 18 years of age, a second  
49 physician must concur with this determination, and such  
50 concurrence must be documented in the patient's medical record.

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

55 5. Reviewed the patient's controlled drug prescription  
56 history in the prescription drug monitoring program database  
57 established pursuant to s. 893.055.

58 6. Reviews the medical marijuana use registry and  
59 confirmed that the patient does not have an active physician  
60 certification from another qualified physician.

61 7. Registers as the issuer of the physician certification  
62 for the named qualified patient on the medical marijuana use  
63 registry in an electronic manner determined by the department,

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64 and:

65 a. Enters into the registry the contents of the physician  
66 certification, including all of the patient's qualifying  
67 conditions ~~condition~~ and the dosage not to exceed the daily dose  
68 amount authorized under paragraph (f) ~~determined by the~~  
69 ~~department~~, the amount and forms of marijuana authorized for the  
70 patient, and any types of marijuana delivery devices needed by  
71 the patient for the medical use of marijuana.

72 b. Updates the registry within 7 days after any change is  
73 made to the original physician certification to reflect such  
74 change.

75 c. Deactivates the registration of the qualified patient  
76 and the patient's caregiver when the physician no longer  
77 recommends the medical use of marijuana for the patient.

78 8. Obtains the voluntary and informed written consent of  
79 the patient for medical use of marijuana each time the qualified  
80 physician issues a physician certification for the patient,  
81 which shall be maintained in the patient's medical record. The  
82 patient, or the patient's parent or legal guardian if the  
83 patient is a minor, must sign the informed consent acknowledging  
84 that the qualified physician has sufficiently explained its  
85 content. The qualified physician must use a standardized  
86 informed consent form adopted in rule by the Board of Medicine  
87 and the Board of Osteopathic Medicine, which must include, at a  
88 minimum, information related to:

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89 a. The Federal Government's classification of marijuana as  
90 a Schedule I controlled substance.

91 b. The approval and oversight status of marijuana by the  
92 Food and Drug Administration.

93 c. The current state of research on the efficacy of  
94 marijuana to treat the qualifying conditions set forth in this  
95 section.

96 d. The potential for addiction.

97 e. The potential effect that marijuana may have on a  
98 patient's coordination, motor skills, and cognition, including a  
99 warning against operating heavy machinery, operating a motor  
100 vehicle, or engaging in activities that require a person to be  
101 alert or respond quickly.

102 f. The potential side effects of marijuana use, including  
103 the negative health risks associated with smoking marijuana and  
104 the negative health effects of marijuana use on persons under 18  
105 years of age.

106 g. The risks, benefits, and drug interactions of  
107 marijuana.

108 h. That the patient's de-identified health information  
109 contained in the physician certification and medical marijuana  
110 use registry may be used for research purposes.

111 (f) A qualified physician may not issue a physician  
112 certification for more than three 70-day supply limits of  
113 marijuana, more than six 35-day supply limits of edibles, or

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114 more than six 35-day supply limits of marijuana in a form for  
115 smoking or, to a qualified patient under 21 years of age,  
116 marijuana that contains tetrahydrocannabiphorol or has a  
117 tetrahydrocannabinol potency, by weight or volume, of greater  
118 than 10 percent in the final product. However, a physician may  
119 certify such qualified patient for marijuana with any potency of  
120 tetrahydrocannabinol which contains tetrahydrocannabiphorol, if  
121 the qualified patient is diagnosed with a terminal condition and  
122 the qualified physician indicates such on the physician  
123 certification. The department shall quantify by rule a daily  
124 dose amount with equivalent dose amounts for each allowable form  
125 of marijuana, other than edibles and marijuana in a form for  
126 smoking, dispensed by a medical marijuana treatment center. The  
127 department shall use the daily dose amount to calculate a 70-day  
128 supply. The daily dose amount for edibles shall not exceed 200  
129 mg of tetrahydrocannabinol. The daily dose amount for marijuana  
130 in a form for smoking shall not exceed .08 ounces.

131 1. A qualified physician may request an exception to the  
132 daily dose amount limit, the 35-day supply limit for edibles,  
133 the 35-day supply limit of marijuana in a form for smoking, and  
134 the 4-ounce possession limit of marijuana in a form for smoking  
135 established in paragraph (14) (a), and the tetrahydrocannabinol  
136 concentration limits established in this paragraph. The request  
137 shall be made electronically on a form adopted by the department  
138 in rule and must include, at a minimum:

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

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

142 c. A description of how the patient will benefit from an  
143 increased amount.

144 d. The minimum daily dose amount of marijuana that would  
145 be sufficient for the treatment of the qualified patient's  
146 qualifying medical condition.

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

149 3. The department shall approve or disapprove the request  
150 within 14 days after receipt of the complete documentation  
151 required by this paragraph. The request shall be deemed approved  
152 if the department fails to act within this time period.

153 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

154 (b) An applicant for licensure as a medical marijuana  
155 treatment center shall apply to the department on a form  
156 prescribed by the department and adopted in rule. The department  
157 shall adopt rules pursuant to ss. 120.536(1) and 120.54  
158 establishing a procedure for the issuance and biennial renewal  
159 of licenses, including initial application and biennial renewal  
160 fees sufficient to cover the costs of implementing and  
161 administering this section, and establishing supplemental  
162 licensure fees for payment beginning May 1, 2018, sufficient to  
163 cover the costs of administering ss. 381.989 and 1004.4351. The

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164 department may not renew a medical marijuana treatment center's  
165 license if the medical marijuana treatment center has not begun  
166 dispensing marijuana by the date that the medical marijuana  
167 treatment center is required to renew its license. The  
168 department shall identify applicants with strong diversity plans  
169 reflecting this state's commitment to diversity and implement  
170 training programs and other educational programs to enable  
171 minority persons and minority business enterprises, as defined  
172 in s. 288.703, and veteran business enterprises, as defined in  
173 s. 295.187, to compete for medical marijuana treatment center  
174 licensure and contracts. Subject to the requirements in  
175 subparagraphs (a)2.-4., the department shall issue a license to  
176 an applicant if the applicant meets the requirements of this  
177 section and pays the initial application fee. The department  
178 shall renew the licensure of a medical marijuana treatment  
179 center biennially if the licensee meets the requirements of this  
180 section and pays the biennial renewal fee. An individual may not  
181 be an applicant, owner, officer, board member, or manager on  
182 more than one application for licensure as a medical marijuana  
183 treatment center. An individual or entity may not be awarded  
184 more than one license as a medical marijuana treatment center.  
185 An applicant for licensure as a medical marijuana treatment  
186 center must demonstrate:

- 187 1. That, for the 5 consecutive years before submitting the  
188 application, the applicant has been registered to do business in

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189 | the state.

190 |       2. Possession of a valid certificate of registration  
191 | issued by the Department of Agriculture and Consumer Services  
192 | pursuant to s. 581.131.

193 |       3. The technical and technological ability to cultivate  
194 | and produce marijuana, including, but not limited to, low-THC  
195 | cannabis.

196 |       4. The ability to secure the premises, resources, and  
197 | personnel necessary to operate as a medical marijuana treatment  
198 | center.

199 |       5. The ability to maintain accountability of all raw  
200 | materials, finished products, and any byproducts to prevent  
201 | diversion or unlawful access to or possession of these  
202 | substances.

203 |       6. An infrastructure reasonably located to dispense  
204 | marijuana to registered qualified patients statewide or  
205 | regionally as determined by the department.

206 |       7. The financial ability to maintain operations for the  
207 | duration of the 2-year approval cycle, including the provision  
208 | of certified financial statements to the department.

209 |       a. Upon approval, the applicant must post a \$5 million  
210 | performance bond issued by an authorized surety insurance  
211 | company rated in one of the three highest rating categories by a  
212 | nationally recognized rating service. However, a medical  
213 | marijuana treatment center serving at least 1,000 qualified

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214 patients is only required to maintain a \$2 million performance  
215 bond.

216 b. In lieu of the performance bond required under sub-  
217 subparagraph a., the applicant may provide an irrevocable letter  
218 of credit payable to the department or provide cash to the  
219 department. If provided with cash under this sub-subparagraph,  
220 the department shall deposit the cash in the Grants and  
221 Donations Trust Fund within the Department of Health, subject to  
222 the same conditions as the bond regarding requirements for the  
223 applicant to forfeit ownership of the funds. If the funds  
224 deposited under this sub-subparagraph generate interest, the  
225 amount of that interest shall be used by the department for the  
226 administration of this section.

227 8. That all owners, officers, board members, and managers  
228 have passed a background screening pursuant to subsection (9).

229 9. The employment of a medical director to supervise the  
230 activities of the medical marijuana treatment center.

231 10. A diversity plan that promotes and ensures the  
232 involvement of minority persons and minority business  
233 enterprises, as defined in s. 288.703, or veteran business  
234 enterprises, as defined in s. 295.187, in ownership, management,  
235 and employment. An applicant for licensure renewal must show the  
236 effectiveness of the diversity plan by including the following  
237 with his or her application for renewal:

238 a. Representation of minority persons and veterans in the

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239 | medical marijuana treatment center's workforce;

240 |       b. Efforts to recruit minority persons and veterans for  
241 | employment; and

242 |       c. A record of contracts for services with minority  
243 | business enterprises and veteran business enterprises.

244 |       (e) A licensed medical marijuana treatment center shall  
245 | cultivate, process, transport, and dispense marijuana for  
246 | medical use. A licensed medical marijuana treatment center may  
247 | not contract for services directly related to the cultivation,  
248 | processing, and dispensing of marijuana or marijuana delivery  
249 | devices, except that a medical marijuana treatment center  
250 | licensed pursuant to subparagraph (a)1. may contract with a  
251 | single entity for the cultivation, processing, transporting, and  
252 | dispensing of marijuana and marijuana delivery devices. A  
253 | licensed medical marijuana treatment center must, at all times,  
254 | maintain compliance with the criteria demonstrated and  
255 | representations made in the initial application and the criteria  
256 | established in this subsection. Upon request, the department may  
257 | grant a medical marijuana treatment center a variance from the  
258 | representations made in the initial application. Consideration  
259 | of such a request shall be based upon the individual facts and  
260 | circumstances surrounding the request. A variance may not be  
261 | granted unless the requesting medical marijuana treatment center  
262 | can demonstrate to the department that it has a proposed  
263 | alternative to the specific representation made in its

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264 application which fulfills the same or a similar purpose as the  
265 specific representation in a way that the department can  
266 reasonably determine will not be a lower standard than the  
267 specific representation in the application. A variance may not  
268 be granted from the requirements in subparagraph 2. and  
269 subparagraphs (b)1. and 2.

270 1. A licensed medical marijuana treatment center may  
271 transfer ownership to an individual or entity who meets the  
272 requirements of this section. A publicly traded corporation or  
273 publicly traded company that meets the requirements of this  
274 section is not precluded from ownership of a medical marijuana  
275 treatment center. To accommodate a change in ownership:

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

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

283 c. Upon receipt of an application for a license, the  
284 department shall examine the application and, within 30 days  
285 after receipt, notify the applicant in writing of any apparent  
286 errors or omissions and request any additional information  
287 required.

288 d. Requested information omitted from an application for

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289 licensure must be filed with the department within 21 days after  
290 the department's request for omitted information or the  
291 application shall be deemed incomplete and shall be withdrawn  
292 from further consideration and the fees shall be forfeited.

293

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

296 2. A medical marijuana treatment center, and any  
297 individual or entity who directly or indirectly owns, controls,  
298 or holds with power to vote 5 percent or more of the voting  
299 shares of a medical marijuana treatment center, may not acquire  
300 direct or indirect ownership or control of any voting shares or  
301 other form of ownership of any other medical marijuana treatment  
302 center.

303 3. A medical marijuana treatment center may not enter into  
304 any form of profit-sharing arrangement with the property owner  
305 or lessor of any of its facilities where cultivation,  
306 processing, storing, or dispensing of marijuana and marijuana  
307 delivery devices occurs.

308 4. All employees of a medical marijuana treatment center  
309 must be 21 years of age or older and have passed a background  
310 screening pursuant to subsection (9).

311 5. Each medical marijuana treatment center must adopt and  
312 enforce policies and procedures to ensure employees and  
313 volunteers receive training on the legal requirements to

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314 dispense marijuana to qualified patients.

315 6. When growing marijuana, a medical marijuana treatment  
316 center:

317 a. May use pesticides determined by the department, after  
318 consultation with the Department of Agriculture and Consumer  
319 Services, to be safely applied to plants intended for human  
320 consumption, but may not use pesticides designated as  
321 restricted-use pesticides pursuant to s. 487.042.

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

324 c. Must inspect seeds and growing plants for plant pests  
325 that endanger or threaten the horticultural and agricultural  
326 interests of the state in accordance with chapter 581 and any  
327 rules adopted thereunder.

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

331 7. Each medical marijuana treatment center must produce  
332 and make available for purchase at least one low-THC cannabis  
333 product.

334 8. A medical marijuana treatment center that produces  
335 edibles must hold a permit to operate as a food establishment  
336 pursuant to chapter 500, the Florida Food Safety Act, and must  
337 comply with all the requirements for food establishments  
338 pursuant to chapter 500 and any rules adopted thereunder.

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339 Edibles may not contain more than 200 milligrams of  
340 tetrahydrocannabinol, and a single serving portion of an edible  
341 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles  
342 may have a potency variance of no greater than 15 percent of the  
343 10 milligrams of tetrahydrocannabinol per single serving limit  
344 or the 200 milligrams of tetrahydrocannabinol per product limit.

345 Edibles may not be attractive to children; be manufactured in  
346 the shape of humans, cartoons, or animals; be manufactured in a  
347 form that bears any reasonable resemblance to products available  
348 for consumption as commercially available candy; or contain any  
349 color additives. To discourage consumption of edibles by  
350 children, the department shall determine by rule any shapes,  
351 forms, and ingredients allowed and prohibited for edibles.

352 Medical marijuana treatment centers may not begin processing or  
353 dispensing edibles until after the effective date of the rule.

354 The department shall also adopt sanitation rules providing the  
355 standards and requirements for the storage, display, or  
356 dispensing of edibles.

357 9. Within 12 months after licensure, a medical marijuana  
358 treatment center must demonstrate to the department that all of  
359 its processing facilities have passed a Food Safety Good  
360 Manufacturing Practices, such as Global Food Safety Initiative  
361 or equivalent, inspection by a nationally accredited certifying  
362 body. A medical marijuana treatment center must immediately stop  
363 processing at any facility which fails to pass this inspection

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364 until it demonstrates to the department that such facility has  
365 met this requirement.

366 10. A medical marijuana treatment center that produces  
367 prerolled marijuana cigarettes may not use wrapping paper made  
368 with tobacco or hemp.

369 11. When processing marijuana, a medical marijuana  
370 treatment center must:

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

373 b. Comply with department rules when processing marijuana  
374 with hydrocarbon solvents or other solvents or gases exhibiting  
375 potential toxicity to humans. The department shall determine by  
376 rule the requirements for medical marijuana treatment centers to  
377 use such solvents or gases exhibiting potential toxicity to  
378 humans.

379 c. Comply with federal and state laws and regulations and  
380 department rules for solid and liquid wastes. The department  
381 shall determine by rule procedures for the storage, handling,  
382 transportation, management, and disposal of solid and liquid  
383 waste generated during marijuana production and processing. The  
384 Department of Environmental Protection shall assist the  
385 department in developing such rules.

386 ~~12.d.~~ A medical marijuana treatment center must test the  
387 ~~processed~~ marijuana using a medical marijuana testing laboratory  
388 before it is dispensed. Results must be verified and signed by

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389 two medical marijuana treatment center employees. Before  
390 dispensing, the medical marijuana treatment center must  
391 determine that the test results indicate that low-THC cannabis  
392 meets the definition of low-THC cannabis, the concentration of  
393 tetrahydrocannabinol meets the potency requirements of this  
394 section, the labeling of the concentration of  
395 tetrahydrocannabinol and cannabidiol is accurate, and all  
396 marijuana is safe for human consumption and free from  
397 contaminants that are unsafe for human consumption. The  
398 department shall determine by rule which contaminants must be  
399 tested for and the maximum levels of each contaminant which are  
400 safe for human consumption. The Department of Agriculture and  
401 Consumer Services shall assist the department in developing the  
402 testing requirements for contaminants that are unsafe for human  
403 consumption in edibles. The department shall also determine by  
404 rule the procedures for the treatment of marijuana that fails to  
405 meet the testing requirements of this section, s. 381.988, or  
406 department rule. The department may select ~~a~~ random samples of  
407 marijuana, sample from edibles available in a cultivation  
408 facility or processing facility, or for purchase in a dispensing  
409 facility which shall be tested by the department to determine  
410 that the marijuana edible meets the potency requirements of this  
411 section, is safe for human consumption, and the labeling of the  
412 tetrahydrocannabinol and cannabidiol concentration is accurate.  
413 A medical marijuana treatment center may not require payment

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414 from the department for the sample. A medical marijuana  
415 treatment center must recall edibles, including all edibles made  
416 from the same batch of marijuana, which fail to meet the potency  
417 requirements of this section, which are unsafe for human  
418 consumption, or for which the labeling of the  
419 tetrahydrocannabinol and cannabidiol concentration is  
420 inaccurate. The medical marijuana treatment center must retain  
421 records of all testing and samples of each homogenous batch of  
422 marijuana for at least 9 months. The medical marijuana treatment  
423 center must contract with a marijuana testing laboratory to  
424 perform audits on the medical marijuana treatment center's  
425 standard operating procedures, testing records, and samples and  
426 provide the results to the department to confirm that the  
427 marijuana or low-THC cannabis meets the requirements of this  
428 section and that the marijuana or low-THC cannabis is safe for  
429 human consumption. A medical marijuana treatment center shall  
430 reserve two processed samples from each batch and retain such  
431 samples for at least 9 months for the purpose of such audits. A  
432 medical marijuana treatment center may use a laboratory that has  
433 not been certified by the department under s. 381.988 until such  
434 time as at least one laboratory holds the required  
435 certification, but in no event later than July 1, 2020 ~~2018~~.

436 13. When packaging marijuana, a medical marijuana  
437 treatment center must:

438 a.e. Package the marijuana in compliance with the United

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439 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.  
440 1471 et seq.

441 ~~b.f.~~ Package the marijuana in a receptacle that has a  
442 firmly affixed and legible label stating the following  
443 information:

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

446 (II) The name of the medical marijuana treatment center  
447 from which the marijuana originates.

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

450 (IV) The name of the physician who issued the physician  
451 certification.

452 (V) The name of the patient.

453 (VI) The product name, if applicable, and dosage form,  
454 including concentration of tetrahydrocannabinol and cannabidiol.  
455 The product name may not contain wording commonly associated  
456 with products marketed by or to children.

457 (VII) The recommended dose.

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

460 (IX) A marijuana universal symbol developed by the  
461 department.

462 ~~14.12.~~ The medical marijuana treatment center shall  
463 include in each package a patient package insert with

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464 information on the specific product dispensed related to:

- 465 a. Clinical pharmacology.  
466 b. Indications and use.  
467 c. Dosage and administration.  
468 d. Dosage forms and strengths.  
469 e. Contraindications.  
470 f. Warnings and precautions.  
471 g. Adverse reactions.

472 ~~15.13.~~ In addition to the packaging and labeling  
473 requirements specified in subparagraphs 13. and 14., ~~11. and~~  
474 ~~12.~~, marijuana in a form for smoking must be packaged in a  
475 sealed receptacle with a legible and prominent warning to keep  
476 away from children and a warning that states marijuana smoke  
477 contains carcinogens and may negatively affect health. Such  
478 receptacles for marijuana in a form for smoking must be plain,  
479 opaque, and white without depictions of the product or images  
480 other than the medical marijuana treatment center's department-  
481 approved logo and the marijuana universal symbol.

482 ~~16.14.~~ The department shall adopt rules to regulate the  
483 types, appearance, and labeling of marijuana delivery devices  
484 dispensed from a medical marijuana treatment center. The rules  
485 must require marijuana delivery devices to have an appearance  
486 consistent with medical use.

487 ~~17.15.~~ Each edible shall be individually sealed in plain,  
488 opaque wrapping marked only with the marijuana universal symbol.

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489 Where practical, each edible shall be marked with the marijuana  
490 universal symbol. In addition to the packaging and labeling  
491 requirements in subparagraphs 13. and 14.11. and 12., edible  
492 receptacles must be plain, opaque, and white without depictions  
493 of the product or images other than the medical marijuana  
494 treatment center's department-approved logo and the marijuana  
495 universal symbol. The receptacle must also include a list of all  
496 the edible's ingredients, storage instructions, an expiration  
497 date, a legible and prominent warning to keep away from children  
498 and pets, and a warning that the edible has not been produced or  
499 inspected pursuant to federal food safety laws.

500 ~~18.16.~~ When dispensing marijuana or a marijuana delivery  
501 device, a medical marijuana treatment center:

502 a. May dispense any active, valid order for low-THC  
503 cannabis, medical cannabis and cannabis delivery devices issued  
504 pursuant to former s. 381.986, Florida Statutes 2016, which was  
505 entered into the medical marijuana use registry before July 1,  
506 2017.

507 b. May not dispense more than a 70-day supply of marijuana  
508 within any 70-day period to a qualified patient or caregiver.  
509 May not dispense more than a 35-day supply of edibles within any  
510 35-day period to a qualified patient or caregiver. A 35-day  
511 supply of edibles may not exceed 7000 mg of tetrahydrocannabinol  
512 unless an exception to this amount is approved by the department  
513 pursuant to paragraph (4) (f). May not dispense more than one 35-

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514 day supply of marijuana in a form for smoking within any 35-day  
515 period to a qualified patient or caregiver. A 35-day supply of  
516 marijuana in a form for smoking may not exceed 2.5 ounces unless  
517 an exception to this amount is approved by the department  
518 pursuant to paragraph (4) (f).

519 c. Must have the medical marijuana treatment center's  
520 employee who dispenses the marijuana or a marijuana delivery  
521 device enter into the medical marijuana use registry his or her  
522 name or unique employee identifier.

523 d. Must verify that the qualified patient and the  
524 caregiver, if applicable, each have an active registration in  
525 the medical marijuana use registry and an active and valid  
526 medical marijuana use registry identification card, the amount  
527 and type of marijuana dispensed matches the physician  
528 certification in the medical marijuana use registry for that  
529 qualified patient, and the physician certification has not  
530 already been filled.

531 e. May not dispense marijuana to a qualified patient who  
532 is younger than 18 years of age. If the qualified patient is  
533 younger than 18 years of age, marijuana may only be dispensed to  
534 the qualified patient's caregiver.

535 f. May not dispense marijuana that contains  
536 tetrahydrocannabiphorol or has a tetrahydrocannabinol potency,  
537 by weight or volume, of greater than 10 percent in the final  
538 product to a qualified patient ages 18 through 21 years, to his

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539 or her caregiver, or to the caregiver of a qualified patient  
540 younger than 18 years of age, for the qualified patient's  
541 medical use, unless the qualified patient has an applicable  
542 exception approved by the department under paragraph (4) (f) or  
543 the qualified physician certification indicates that the  
544 qualified patient has been diagnosed with a terminal condition.

545 ~~g.f.~~ May not dispense or sell any other type of cannabis,  
546 alcohol, or illicit drug-related product, including pipes or  
547 wrapping papers made with tobacco or hemp, other than a  
548 marijuana delivery device required for the medical use of  
549 marijuana and which is specified in a physician certification.

550 ~~h.g.~~ Must, upon dispensing the marijuana or marijuana  
551 delivery device, record in the registry the date, time,  
552 quantity, and form of marijuana dispensed; the type of marijuana  
553 delivery device dispensed; and the name and medical marijuana  
554 use registry identification number of the qualified patient or  
555 caregiver to whom the marijuana delivery device was dispensed.

556 ~~i.h.~~ Must ensure that patient records are not visible to  
557 anyone other than the qualified patient, his or her caregiver,  
558 and authorized medical marijuana treatment center employees.

559 (14) EXCEPTIONS TO OTHER LAWS.-

560 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
561 any other provision of law, but subject to the requirements of  
562 this section, a qualified patient and the qualified patient's  
563 caregiver may purchase from a medical marijuana treatment center

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564 for the patient's medical use a marijuana delivery device and up  
565 to the amount of marijuana authorized in the physician  
566 certification, but may not possess more than a 35-day supply of  
567 edibles, a 70-day supply of marijuana, or the greater of 4  
568 ounces of marijuana in a form for smoking or an amount of  
569 marijuana in a form for smoking approved by the department  
570 pursuant to paragraph (4) (f), at any given time and all  
571 marijuana purchased must remain in its original packaging.

572 (h) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
573 any other provision of law, but subject to the requirements of  
574 this section, the department, including an employee of the  
575 department acting within the scope of his or her employment, may  
576 acquire, possess, test, transport, and lawfully dispose of  
577 marijuana as provided in this section.

578 Section 6. Subsection (11) of section 381.988, Florida  
579 Statutes, is renumbered as subsection (12), and a new subsection  
580 (11) is added to that section, to read:

581 381.988 Medical marijuana testing laboratories; marijuana  
582 tests conducted by a certified laboratory.-

583 (11) A certified medical marijuana testing laboratory and  
584 its officers, directors, and employees may not have a direct or  
585 indirect economic interest in, or financial relationship with, a  
586 medical marijuana treatment center. Nothing in this subsection  
587 may be construed to prohibit a certified medical marijuana

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588 testing laboratory from contracting with a medical marijuana  
589 treatment center to provide testing services.

590

591 -----

592

**T I T L E   A M E N D M E N T**

593

Remove line 20 and insert:

594

Centers Program; s. 381.986; providing a definition;

595

revising a provision requiring certain information to

596

be entered into the medical marijuana use registry;

597

revising a provision relating to the informed consent

598

form to include the negative health effects of

599

marijuana use on certain persons; providing daily dose

600

amount limits for edibles and marijuana in a form for

601

smoking; prohibiting physicians from certifying a

602

certain potency of tetrahydrocannabinol in marijuana

603

for certain patients; providing an exception;

604

authorizing the Department of Health to possess and

605

test marijuana samples from medical marijuana

606

treatment centers; authorizing medical marijuana

607

treatment centers to contract with certain medical

608

marijuana testing laboratories; prohibiting the

609

department from renewing a medical marijuana treatment

610

center's license under certain circumstances;

611

providing limits on the potency of

612

tetrahydrocannabinol in marijuana and edibles

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613 dispensed by a medical marijuana treatment center;  
614 prohibiting a medical marijuana treatment center from  
615 dispensing a medical marijuana product containing  
616 tetrahydrocannabinol; providing applicability;  
617 authorizing the department and certain employees to  
618 acquire, possess, test, transport, and dispose of  
619 marijuana; amending s. 381.988, F.S.; prohibiting a  
620 certified medical marijuana testing laboratory from  
621 having an economic interest in or financial  
622 relationship with a medical marijuana treatment  
623 center; providing construction; amending s. 401.35,  
624 F.S.; revising

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