

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Health Care Appropriations  
2 Subcommittee

3 Representative Smith, C. offered the following:

4  
5 **Amendment (with directory and title amendments)**

6 Remove lines 528-908 and insert:

7 use registry may be used for research purposes. The Office of  
8 Program Policy Analysis and Government Accountability shall  
9 research the use of high concentrate THC, including any adverse  
10 patient outcomes recorded as a result of the use of THC using  
11 existing data from the medical marijuana use registry and  
12 patients' de-identified health information. The office shall  
13 report its findings to the Governor, the President of the  
14 Senate, and the Speaker of the House of Representatives by  
15 October 1, 2021.

16 (d) A qualified physician may not issue a physician

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17 certification to a patient under 18 years of age for marijuana,  
18 except for low-THC cannabis, unless the qualified physician  
19 determines that marijuana other than low-THC cannabis is the  
20 most effective treatment for the patient and a second physician  
21 who is a board-certified pediatrician concurs with such  
22 determination. A qualified physician may not issue a physician  
23 certification for marijuana in a form for smoking to a patient  
24 under 18 years of age unless the patient is diagnosed with a  
25 terminal condition, the qualified physician determines that  
26 smoking is the most effective route of administration for the  
27 patient, and a second physician who is a board-certified  
28 pediatrician concurs with such determination. Such  
29 determinations ~~determination~~ and concurrences ~~eoneurrence~~ must  
30 be documented in the patient's medical record and in the medical  
31 marijuana use registry. The certifying physician must obtain the  
32 written informed consent of such patient's parent or legal  
33 guardian before issuing a physician certification to the patient  
34 for marijuana or marijuana in a form for smoking. The qualified  
35 physician must use a standardized informed consent form adopted  
36 in rule by the Board of Medicine and the Board of Osteopathic  
37 Medicine which must include information concerning the negative  
38 health effects of marijuana and smoking marijuana on persons  
39 under 18 years of age and an acknowledgment that the qualified  
40 physician has sufficiently explained the contents of the form.

41 (f) A qualified physician may not issue a physician

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42 certification for ~~more than three 70-day supply limits of~~  
43 ~~marijuana or~~ more than six 35-day supply limits of marijuana ~~in~~  
44 ~~a form for smoking~~. The department may ~~shall~~ quantify by rule a  
45 daily dose amount with equivalent dose amounts for each  
46 allowable form of marijuana dispensed by a medical marijuana  
47 treatment center. A 35-day supply of marijuana may not exceed  
48 54,250 milligrams of tetrahydrocannabinol ~~The department shall~~  
49 ~~use the daily dose amount to calculate a 70-day supply.~~

50 1. A qualified physician may request an exception to the  
51 daily dose amount limit, the 35-day supply limit of marijuana ~~in~~  
52 ~~a form for smoking~~, and the 4-ounce possession limit of  
53 marijuana in a form for smoking established in paragraph  
54 (14) (a). The request shall be made electronically on a form  
55 adopted by the department in rule and must include, at a  
56 minimum:

- 57 a. The qualified patient's qualifying medical condition.  
58 b. The dosage and route of administration that was  
59 insufficient to provide relief to the qualified patient.  
60 c. A description of how the patient will benefit from an  
61 increased amount.  
62 d. The minimum daily dose amount of marijuana that would  
63 be sufficient for the treatment of the qualified patient's  
64 qualifying medical condition.

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

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67 3. The department shall approve or disapprove the request  
68 within 14 days after receipt of the complete documentation  
69 required by this paragraph. The request shall be deemed approved  
70 if the department fails to act within this time period.

71 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

72 (e) A licensed medical marijuana treatment center shall  
73 cultivate, process, transport, and dispense marijuana for  
74 medical use. A licensed medical marijuana treatment center may  
75 not contract for services directly related to the cultivation,  
76 processing, and dispensing of marijuana or marijuana delivery  
77 devices, except that a medical marijuana treatment center  
78 licensed pursuant to subparagraph (a)1. may contract with a  
79 single entity for the cultivation, processing, transporting, and  
80 dispensing of marijuana and marijuana delivery devices. A  
81 licensed medical marijuana treatment center must, at all times,  
82 maintain compliance with the criteria demonstrated and  
83 representations made in the initial application and the criteria  
84 established in this subsection. Upon request, the department may  
85 grant a medical marijuana treatment center a variance from the  
86 representations made in the initial application. Consideration  
87 of such a request shall be based upon the individual facts and  
88 circumstances surrounding the request. A variance may not be  
89 granted unless the requesting medical marijuana treatment center  
90 can demonstrate to the department that it has a proposed  
91 alternative to the specific representation made in its

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92 application which fulfills the same or a similar purpose as the  
93 specific representation in a way that the department can  
94 reasonably determine will not be a lower standard than the  
95 specific representation in the application. A variance may not  
96 be granted from the requirements in subparagraph 2. and  
97 subparagraphs (b)1. and 2.

98 1. A licensed medical marijuana treatment center may  
99 transfer ownership to an individual or entity who meets the  
100 requirements of this section. A publicly traded corporation or  
101 publicly traded company that meets the requirements of this  
102 section is not precluded from ownership of a medical marijuana  
103 treatment center. To accommodate a change in ownership:

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

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

111 c. Upon receipt of an application for a license, the  
112 department shall examine the application and, within 30 days  
113 after receipt, notify the applicant in writing of any apparent  
114 errors or omissions and request any additional information  
115 required.

116 d. Requested information omitted from an application for

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117 licensure must be filed with the department within 21 days after  
118 the department's request for omitted information or the  
119 application shall be deemed incomplete and shall be withdrawn  
120 from further consideration and the fees shall be forfeited.

121

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

124 2. A medical marijuana treatment center, and any  
125 individual or entity who directly or indirectly owns, controls,  
126 or holds with power to vote 5 percent or more of the voting  
127 shares of a medical marijuana treatment center, may not acquire  
128 direct or indirect ownership or control of any voting shares or  
129 other form of ownership of any other medical marijuana treatment  
130 center.

131 3. A medical marijuana treatment center and any individual  
132 or entity that directly or indirectly owns, controls, or holds  
133 with power to vote 5 percent or more of the voting shares of a  
134 medical marijuana treatment center may not employ a qualified  
135 physician or have any direct or indirect economic interest in a  
136 qualified physician's practice or a marijuana testing  
137 laboratory.

138 4. A medical marijuana treatment center may not enter into  
139 any form of profit-sharing arrangement with the property owner  
140 or lessor of any of its facilities where cultivation,  
141 processing, storing, or dispensing of marijuana and marijuana

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142 delivery devices occurs.

143 5. All employees of a medical marijuana treatment center  
144 must be 21 years of age or older and have passed a background  
145 screening pursuant to subsection (9).

146 6. Each medical marijuana treatment center must adopt and  
147 enforce policies and procedures to ensure employees and  
148 volunteers receive training on the legal requirements to  
149 dispense marijuana to qualified patients.

150 7. When growing marijuana, a medical marijuana treatment  
151 center:

152 a. May use pesticides determined by the department, after  
153 consultation with the Department of Agriculture and Consumer  
154 Services, to be safely applied to plants intended for human  
155 consumption, but may not use pesticides designated as  
156 restricted-use pesticides pursuant to s. 487.042.

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

159 c. Must inspect seeds and growing plants for plant pests  
160 that endanger or threaten the horticultural and agricultural  
161 interests of the state in accordance with chapter 581 and any  
162 rules adopted thereunder.

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

166 8. Each medical marijuana treatment center must produce

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167 and make available for purchase at least one low-THC cannabis  
168 product.

169 9. A medical marijuana treatment center that produces  
170 edibles must hold a permit to operate as a food establishment  
171 pursuant to chapter 500, the Florida Food Safety Act, and must  
172 comply with all the requirements for food establishments  
173 pursuant to chapter 500 and any rules adopted thereunder.  
174 Edibles may not contain more than 200 milligrams of  
175 tetrahydrocannabinol, and a single serving portion of an edible  
176 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles  
177 may have a potency variance of no greater than 15 percent of the  
178 10 milligrams of tetrahydrocannabinol per single serving limit  
179 or 15 percent of the 200 milligrams of tetrahydrocannabinol per  
180 product limit. Edibles may not be attractive to children; be  
181 manufactured in the shape of humans, cartoons, or animals; be  
182 manufactured in a form that bears any reasonable resemblance to  
183 products available for consumption as commercially available  
184 candy; or contain any color additives. To discourage consumption  
185 of edibles by children, the department shall determine by rule  
186 any shapes, forms, and ingredients allowed and prohibited for  
187 edibles. Medical marijuana treatment centers may not begin  
188 processing or dispensing edibles until after the effective date  
189 of the rule. The department shall also adopt sanitation rules  
190 providing the standards and requirements for the storage,  
191 display, or dispensing of edibles.

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192           10. Within 12 months after licensure, a medical marijuana  
193 treatment center must demonstrate to the department that all of  
194 its processing facilities have passed a Food Safety Good  
195 Manufacturing Practices, such as Global Food Safety Initiative  
196 or equivalent, inspection by a nationally accredited certifying  
197 body. A medical marijuana treatment center must immediately stop  
198 processing at any facility which fails to pass this inspection  
199 until it demonstrates to the department that such facility has  
200 met this requirement.

201           11. A medical marijuana treatment center that produces  
202 prerolled marijuana cigarettes may not use wrapping paper made  
203 with tobacco or hemp.

204           12. When processing marijuana, a medical marijuana  
205 treatment center must:

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

208           b. Comply with department rules when processing marijuana  
209 with hydrocarbon solvents or other solvents or gases exhibiting  
210 potential toxicity to humans. The department shall determine by  
211 rule the requirements for medical marijuana treatment centers to  
212 use such solvents or gases exhibiting potential toxicity to  
213 humans.

214           c. Comply with federal and state laws and regulations and  
215 department rules for solid and liquid wastes. The department  
216 shall determine by rule procedures for the storage, handling,

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217 transportation, management, and disposal of solid and liquid  
218 waste generated during marijuana production and processing. The  
219 Department of Environmental Protection shall assist the  
220 department in developing such rules.

221 13. A medical marijuana treatment center must test  
222 marijuana using a medical marijuana testing laboratory before it  
223 is dispensed. Results must be verified and signed by two medical  
224 marijuana treatment center employees. Before dispensing, the  
225 medical marijuana treatment center must determine that the test  
226 results indicate that low-THC cannabis meets the definition of  
227 low-THC cannabis, the concentration of tetrahydrocannabinol  
228 meets the potency requirements of this section, the labeling of  
229 the concentration of tetrahydrocannabinol and cannabidiol is  
230 accurate, and all marijuana is safe for human consumption and  
231 free from contaminants that are unsafe for human consumption.  
232 The department shall determine by rule which contaminants must  
233 be tested for and the maximum levels of each contaminant which  
234 are safe for human consumption. The Department of Agriculture  
235 and Consumer Services shall assist the department in developing  
236 the testing requirements for contaminants that are unsafe for  
237 human consumption in edibles. The department shall also  
238 determine by rule the procedures for the treatment of marijuana  
239 that fails to meet the testing requirements of this section, s.  
240 381.988, or department rule. The department may select samples  
241 of marijuana available in a cultivation facility, processing

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242 facility, or for purchase in a dispensing facility which shall  
243 be tested by the department to determine that the marijuana  
244 meets the potency requirements of this section, is safe for  
245 human consumption, and the labeling of the tetrahydrocannabinol  
246 and cannabidiol concentration is accurate or to verify medical  
247 marijuana testing laboratory results. The department may also  
248 sample marijuana delivery devices from a dispensing facility to  
249 determine that the marijuana delivery device is safe for use by  
250 qualified patients. A medical marijuana treatment center may not  
251 require payment from the department for the sample. A medical  
252 marijuana treatment center must recall all marijuana which fails  
253 to meet the potency requirements of this section, which is  
254 unsafe for human consumption, or for which the labeling of the  
255 tetrahydrocannabinol and cannabidiol concentration is  
256 inaccurate. The medical marijuana treatment center must retain  
257 records of all testing and samples of each homogenous batch of  
258 marijuana for at least 9 months. The medical marijuana treatment  
259 center must contract with a marijuana testing laboratory to  
260 perform audits on the medical marijuana treatment center's  
261 standard operating procedures, testing records, and samples and  
262 provide the results to the department to confirm that the  
263 marijuana or low-THC cannabis meets the requirements of this  
264 section and that the marijuana or low-THC cannabis is safe for  
265 human consumption. A medical marijuana treatment center shall  
266 reserve two processed samples from each batch and retain such

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267 samples for at least 9 months for the purpose of such audits. A  
268 medical marijuana treatment center may use a laboratory that has  
269 not been certified by the department under s. 381.988 until such  
270 time as at least one laboratory holds the required  
271 certification, but in no event later than July 1, 2018.

272 14. When packaging marijuana, a medical marijuana  
273 treatment center must:

274 a. Package the marijuana in compliance with the United  
275 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.  
276 1471 et seq.

277 b. Package the marijuana in a receptacle that has a firmly  
278 affixed and legible label stating the following information:

279 (I) The marijuana or low-THC cannabis meets the  
280 requirements of subparagraph 13.

281 (II) The name of the medical marijuana treatment center  
282 from which the marijuana originates.

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

285 (IV) The name of the physician who issued the physician  
286 certification.

287 (V) The name of the patient.

288 (VI) The product name, if applicable, and dosage form,  
289 including concentration of tetrahydrocannabinol and cannabidiol.  
290 The product name may not contain wording commonly associated  
291 with products marketed by or to children.

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292 (VII) The recommended dose.

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

295 (IX) A marijuana universal symbol developed by the  
296 department.

297 15. The medical marijuana treatment center shall include  
298 in each package a patient package insert with information on the  
299 specific product dispensed related to:

- 300 a. Clinical pharmacology.
- 301 b. Indications and use.
- 302 c. Dosage and administration.
- 303 d. Dosage forms and strengths.
- 304 e. Contraindications.
- 305 f. Warnings and precautions.
- 306 g. Adverse reactions.

307 16. In addition to the packaging and labeling requirements  
308 specified in subparagraphs 14. and 15., marijuana in a form for  
309 smoking must be packaged in a sealed receptacle with a legible  
310 and prominent warning to keep away from children and a warning  
311 that states marijuana smoke contains carcinogens and may  
312 negatively affect health. Such receptacles for marijuana in a  
313 form for smoking must be plain, opaque, and white without  
314 depictions of the product or images other than the medical  
315 marijuana treatment center's department-approved logo and the  
316 marijuana universal symbol.

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317 17. The department shall adopt rules to regulate the  
318 types, appearance, and labeling of marijuana delivery devices  
319 dispensed from a medical marijuana treatment center. The rules  
320 must require marijuana delivery devices to have an appearance  
321 consistent with medical use.

322 18. Each edible shall be individually sealed in plain,  
323 opaque wrapping marked only with the marijuana universal symbol.  
324 Where practical, each edible shall be marked with the marijuana  
325 universal symbol. In addition to the packaging and labeling  
326 requirements in subparagraphs 14. and 15., edible receptacles  
327 must be plain, opaque, and white without depictions of the  
328 product or images other than the medical marijuana treatment  
329 center's department-approved logo and the marijuana universal  
330 symbol. The receptacle must also include a list of all the  
331 edible's ingredients, storage instructions, an expiration date,  
332 a legible and prominent warning to keep away from children and  
333 pets, and a warning that the edible has not been produced or  
334 inspected pursuant to federal food safety laws.

335 19. When dispensing marijuana or a marijuana delivery  
336 device, a medical marijuana treatment center:

337 a. May dispense any active, valid order for low-THC  
338 cannabis, medical cannabis and cannabis delivery devices issued  
339 pursuant to former s. 381.986, Florida Statutes 2016, which was  
340 entered into the medical marijuana use registry before July 1,  
341 2017.

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342           b. May not dispense more than two 35-day supplies ~~a 70-day~~  
343 ~~supply~~ of marijuana within any 70-day period to a qualified  
344 patient or caregiver. ~~May not dispense more than one 35-day~~  
345 ~~supply of marijuana in a form for smoking within any 35-day~~  
346 ~~period to a qualified patient or caregiver.~~ A 35-day supply of  
347 marijuana ~~in a form for smoking~~ may not exceed 54,250 milligrams  
348 of tetrahydrocannabinol ~~2.5 ounces~~ unless an exception to this  
349 amount is approved by the department pursuant to paragraph  
350 (4) (f).

351           c. Must have the medical marijuana treatment center's  
352 employee who dispenses the marijuana or a marijuana delivery  
353 device enter into the medical marijuana use registry his or her  
354 name or unique employee identifier.

355           d. Must verify that the qualified patient and the  
356 caregiver, if applicable, each have an active registration in  
357 the medical marijuana use registry and an active and valid  
358 medical marijuana use registry identification card, the amount  
359 and type of marijuana dispensed matches the physician  
360 certification in the medical marijuana use registry for that  
361 qualified patient, and the physician certification has not  
362 already been filled.

363           e. May not dispense marijuana to a qualified patient who  
364 is younger than 18 years of age. If the qualified patient is  
365 younger than 18 years of age, marijuana may only be dispensed to  
366 the qualified patient's caregiver.

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367 f. May not dispense or sell any other type of cannabis,  
368 alcohol, or illicit drug-related product, including pipes or  
369 wrapping papers made with tobacco or hemp, other than a  
370 marijuana delivery device required for the medical use of  
371 marijuana and which is specified in a physician certification.

372 g. Must, upon dispensing the marijuana or marijuana  
373 delivery device, record in the registry the date, time,  
374 quantity, and form of marijuana dispensed; the type of marijuana  
375 delivery device dispensed; and the name and medical marijuana  
376 use registry identification number of the qualified patient or  
377 caregiver to whom the marijuana delivery device was dispensed.

378 h. Must ensure that patient records are not visible to  
379

380 -----

381 **D I R E C T O R Y A M E N D M E N T**

382 Remove lines 450-456 and insert:

383 Section 2. Effective July 1, 2022, paragraphs (a), (d),  
384 and (f) of subsection (4), paragraph (e) of subsection (8), and  
385 paragraph (a) of subsection (14) of s. 381.986, Florida  
386 Statutes, are amended to read:

387

388 -----

389 **T I T L E A M E N D M E N T**

390 Remove lines 26-41 and insert:



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391 dispose of marijuana; requiring the Office of Program  
392 Policy Analysis and Government Accountability to  
393 research the use of high concentrate THC and report  
394 its findings to the Governor and Legislature by a  
395 specified date; prohibiting a qualified physician from  
396 issuing a physician certification to a minor patient  
397 for marijuana, except for low-THC cannabis; providing  
398 an exception; revising the supply limits of marijuana  
399 for which a physician certification may be issued;  
400 limiting the potency of tetrahydrocannabinol in such  
401 supply; prohibiting a medical marijuana treatment  
402 center from dispensing a certain daily supply within a  
403 specified period to conform to changes made by the  
404 act; amending s. 381.988, F.S.; prohibiting a