

By Senator Brandes

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1 A bill to be entitled
2 An act relating to physician certifications for the
3 medical use of marijuana; amending s. 381.986, F.S.;
4 deleting a requirement that qualified physicians be
5 physically present in the same room as their patients
6 when conducting an examination for physician
7 certification for the medical use of marijuana;
8 authorizing qualified physicians to conduct such
9 examinations through telehealth; providing an
10 effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Paragraph (a) of subsection (4) of section
15 381.986, Florida Statutes, is amended to read:

16 381.986 Medical use of marijuana.—

17 (4) PHYSICIAN CERTIFICATION.—

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

20 1. Conducted an ~~a physical~~ examination of ~~while physically~~
21 ~~present in the same room as~~ the patient and a full assessment of
22 the medical history of the patient. The examination of the
23 patient may be conducted through telehealth as defined in s.
24 456.47.

25 2. Diagnosed the patient with at least one qualifying
26 medical condition.

27 3. Determined that the medical use of marijuana would
28 likely outweigh the potential health risks for the patient, and
29 such determination must be documented in the patient's medical

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30 record. If a patient is younger than 18 years of age, a second
31 physician must concur with this determination, and such
32 concurrence must be documented in the patient's medical record.

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

37 5. Reviewed the patient's controlled drug prescription
38 history in the prescription drug monitoring program database
39 established pursuant to s. 893.055.

40 6. Reviews the medical marijuana use registry and confirmed
41 that the patient does not have an active physician certification
42 from another qualified physician.

43 7. Registers as the issuer of the physician certification
44 for the named qualified patient on the medical marijuana use
45 registry in an electronic manner determined by the department,
46 and:

47 a. Enters into the registry the contents of the physician
48 certification, including the patient's qualifying condition and
49 the dosage not to exceed the daily dose amount determined by the
50 department, the amount and forms of marijuana authorized for the
51 patient, and any types of marijuana delivery devices needed by
52 the patient for the medical use of marijuana.

53 b. Updates the registry within 7 days after any change is
54 made to the original physician certification to reflect such
55 change.

56 c. Deactivates the registration of the qualified patient
57 and the patient's caregiver when the physician no longer
58 recommends the medical use of marijuana for the patient.

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59 8. Obtains the voluntary and informed written consent of
60 the patient for medical use of marijuana each time the qualified
61 physician issues a physician certification for the patient,
62 which shall be maintained in the patient's medical record. The
63 patient, or the patient's parent or legal guardian if the
64 patient is a minor, must sign the informed consent acknowledging
65 that the qualified physician has sufficiently explained its
66 content. The qualified physician must use a standardized
67 informed consent form adopted in rule by the Board of Medicine
68 and the Board of Osteopathic Medicine, which must include, at a
69 minimum, information related to:

70 a. The Federal Government's classification of marijuana as
71 a Schedule I controlled substance.

72 b. The approval and oversight status of marijuana by the
73 Food and Drug Administration.

74 c. The current state of research on the efficacy of
75 marijuana to treat the qualifying conditions set forth in this
76 section.

77 d. The potential for addiction.

78 e. The potential effect that marijuana may have on a
79 patient's coordination, motor skills, and cognition, including a
80 warning against operating heavy machinery, operating a motor
81 vehicle, or engaging in activities that require a person to be
82 alert or respond quickly.

83 f. The potential side effects of marijuana use, including
84 the negative health risks associated with smoking marijuana.

85 g. The risks, benefits, and drug interactions of marijuana.

86 h. That the patient's de-identified health information
87 contained in the physician certification and medical marijuana

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88 use registry may be used for research purposes.

89 Section 2. This act shall take effect July 1, 2022.