

By Senator Brandes

24-00944-22

2022744__

1 A bill to be entitled
2 An act relating to the medical use of marijuana by
3 out-of-state visitors; amending s. 381.986, F.S.;
4 defining the term "short-term visitor"; requiring the
5 Department of Health to create a separate section in
6 the medical marijuana use registry for short-term
7 visitors; establishing criteria for short-term
8 visitors from states that have legalized medical
9 marijuana to receive authorization to possess medical
10 marijuana and marijuana delivery devices in this
11 state; requiring short-term visitors to pay a
12 reciprocity fee to the department; authorizing short-
13 term visitors registered in the medical marijuana use
14 registry to purchase and receive a specified supply of
15 marijuana for medical use from a medical marijuana
16 treatment center in this state; requiring the
17 department to immediately make available in the
18 medical marijuana use registry the registration
19 certificate of a short-term visitor; requiring the
20 department to immediately issue to a short-term
21 visitor an electronic copy of his or her registration
22 certificate; providing that a short-term visitor's
23 registration certificate serves as verification that
24 he or she is authorized to possess, purchase, and use
25 marijuana for medical use and possess and use
26 marijuana delivery devices in this state; requiring
27 medical marijuana treatment centers to verify the
28 validity of a short-term visitor's registration
29 certificate before dispensing marijuana to such

24-00944-22

2022744__

30 visitor; requiring short-term visitors to be in
31 immediate possession of the electronic copy of their
32 registration certificate at specified times;
33 specifying content requirements for electronic copies
34 of registration certificates; conforming a provision
35 to changes made by the act; requiring the department
36 to adopt rules governing the electronic collection of
37 certain fees; revising criminal penalties to conform
38 to changes made by the act; requiring the department
39 to deposit reciprocity fees in the Tourism Promotional
40 Trust Fund; providing an effective date.

41

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

43

44 Section 1. Present paragraphs (n) and (o) of subsection (1)
45 of section 381.986, Florida Statutes, are redesignated as
46 paragraphs (o) and (p), respectively, a new paragraph (n) is
47 added to that subsection, and subsection (5), paragraphs (a),
48 (b), and (d) of subsection (7), paragraph (e) of subsection
49 (12), and subsection (16) of that section are amended, to read:

50 381.986 Medical use of marijuana.—

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

52 (n) "Short-term visitor" means a person who is a resident
53 of another state that has legalized the medical use of
54 marijuana, has a valid order for marijuana for medical use from
55 a licensed physician in such state, is visiting this state for
56 30 or fewer consecutive days, and is authorized pursuant to
57 paragraph (5) (c) to engage in the medical use of marijuana in
58 this state.

24-00944-22

2022744__

59 (5) MEDICAL MARIJUANA USE REGISTRY.—

60 (a) The department shall create and maintain a secure,
61 electronic, and online medical marijuana use registry for
62 physicians, patients, ~~and caregivers,~~ and short-term visitors as
63 provided under this section. The medical marijuana use registry
64 must be accessible to law enforcement agencies, qualified
65 physicians, and medical marijuana treatment centers to verify
66 the authorization of a qualified patient or a caregiver to
67 possess marijuana or a marijuana delivery device and record the
68 marijuana or marijuana delivery device dispensed. The medical
69 marijuana use registry must also be accessible to practitioners
70 licensed to prescribe prescription drugs to ensure proper care
71 for patients before medications that may interact with the
72 medical use of marijuana are prescribed. The medical marijuana
73 use registry must prevent an active registration of a qualified
74 patient by multiple physicians. The department shall create a
75 separate section of the registry for short-term visitors.

76 (b) The department shall determine whether an individual is
77 a resident of this state for the purpose of registration of
78 qualified patients and caregivers in the medical marijuana use
79 registry. ~~To prove residency:~~

80 1. To prove residency, an adult resident must provide the
81 department with a copy of his or her valid Florida driver
82 license issued under s. 322.18 or a copy of a valid Florida
83 identification card issued under s. 322.051.

84 2. An adult seasonal resident who cannot meet the
85 requirements of subparagraph 1. may provide the department with
86 a copy of two of the following that show proof of residential
87 address:

24-00944-22

2022744__

88 a. A deed, mortgage, monthly mortgage statement, mortgage
89 payment booklet, or residential rental or lease agreement.

90 b. One proof of residential address from the seasonal
91 resident's parent, stepparent ~~step-parent~~, legal guardian, or
92 other person with whom the seasonal resident resides and a
93 statement from the person with whom the seasonal resident
94 resides stating that the seasonal resident does reside with him
95 or her.

96 c. A utility hookup or work order dated within 60 days
97 before registration in the medical use registry.

98 d. A utility bill, not more than 2 months old.

99 e. Mail from a financial institution, including checking,
100 savings, or investment account statements, not more than 2
101 months old.

102 f. Mail from a federal, state, county, or municipal
103 government agency, not more than 2 months old.

104 g. Any other documentation that provides proof of
105 residential address as determined by department rule.

106 3. To prove residency, a minor must provide the department
107 with a certified copy of his or her ~~a~~ birth certificate or ~~a~~
108 current record of registration from a Florida K-12 school and
109 must have a parent or legal guardian who meets the requirements
110 of subparagraph 1.

111
112 For the purposes of this paragraph, the term "seasonal resident"
113 means any person who temporarily resides in this state for a
114 period of at least 31 consecutive days in each calendar year,
115 maintains a temporary residence in this state, returns to the
116 state or jurisdiction of his or her residence at least one time

24-00944-22

2022744__

117 during each calendar year, and is registered to vote or pays
118 income tax in another state or jurisdiction.

119 (c) The department shall record in a separate section of
120 the medical marijuana use registry a short-term visitor who does
121 not meet the requirements of paragraph (b) if the short-term
122 visitor possesses a valid order for marijuana for medical use or
123 a marijuana delivery device which was issued by a physician who
124 is lawfully licensed in the visitor's state of residence. The
125 department shall register a short-term visitor in the medical
126 marijuana use registry upon receipt of a \$10 reciprocity fee. A
127 short-term visitor registered in the medical marijuana use
128 registry may purchase and receive marijuana for medical use from
129 a medical marijuana treatment center in this state in a dosage
130 not to exceed a 30-day supply.

131 1. The department shall immediately make available in the
132 medical marijuana use registry a registration certificate for a
133 short-term visitor who meets the requirements of this paragraph
134 and shall provide the short-term visitor with an electronic copy
135 of the registration certificate in accordance with subsection
136 (7). The registration certificate shall serve as verification
137 that the short-term visitor is authorized to possess, purchase,
138 and use marijuana for medical use or possess or use a marijuana
139 delivery device in this state.

140 2. Before dispensing marijuana to a short-term visitor
141 under this section, a medical marijuana treatment center must
142 verify the validity of his or her registration certificate.

143 3. A short-term visitor must be in immediate possession of
144 the electronic copy of his or her registration certificate at
145 all times when in possession of marijuana or a marijuana

24-00944-22

2022744__

146 delivery device and must present the electronic copy upon the
147 request of a law enforcement officer.

148 (d)~~(e)~~ The department may suspend or revoke the
149 registration of a qualified patient or caregiver if the
150 qualified patient or caregiver:

151 1. Provides misleading, incorrect, false, or fraudulent
152 information to the department;

153 2. Obtains a supply of marijuana in an amount greater than
154 the amount authorized by the physician certification;

155 3. Falsifies, alters, or otherwise modifies an
156 identification card;

157 4. Fails to timely notify the department of any changes to
158 his or her qualified patient status; or

159 5. Violates the requirements of this section or any rule
160 adopted under this section.

161 (e)~~(d)~~ The department shall immediately suspend the
162 registration of a qualified patient charged with a violation of
163 chapter 893 until final disposition of any alleged offense.
164 Thereafter, the department may extend the suspension, revoke the
165 registration, or reinstate the registration.

166 (f)~~(e)~~ The department shall immediately suspend the
167 registration of any caregiver charged with a violation of
168 chapter 893 until final disposition of any alleged offense. The
169 department must ~~shall~~ revoke a caregiver registration if the
170 caregiver does not meet the requirements of subparagraph
171 (6) (b) 6.

172 (g)~~(f)~~ The department may revoke the registration of a
173 qualified patient or caregiver who cultivates marijuana or who
174 acquires, possesses, or delivers marijuana from any person or

24-00944-22

2022744__

175 entity other than a medical marijuana treatment center.

176 (h)~~(g)~~ The department shall revoke the registration of a
177 qualified patient, and the patient's associated caregiver, upon
178 notification that the patient no longer meets the criteria of a
179 qualified patient.

180 (i)~~(h)~~ The department may adopt rules pursuant to ss.
181 120.536(1) and 120.54 to implement this subsection.

182 (7) IDENTIFICATION CARDS.—

183 (a)1. The department shall issue medical marijuana use
184 registry identification cards to ~~for~~ qualified patients and
185 caregivers who are residents of this state, which must be
186 renewed annually. The identification cards must be resistant to
187 counterfeiting and tampering and must include, at a minimum, the
188 following:

189 a.1. The name, address, and date of birth of the qualified
190 patient or caregiver.

191 b.2. A fullface ~~full-face~~, passport-type, color photograph
192 of the qualified patient or caregiver taken within the 90 days
193 immediately preceding registration or the Florida driver license
194 or Florida identification card photograph of the qualified
195 patient or caregiver obtained directly from the Department of
196 Highway Safety and Motor Vehicles.

197 c.3. Identification as a qualified patient or a caregiver.

198 d.4. The unique numeric identifier used for the qualified
199 patient in the medical marijuana use registry.

200 e.5. For a caregiver, the name and unique numeric
201 identifier of the caregiver and the qualified patient or
202 patients that the caregiver is assisting.

203 f.6. The expiration date of the identification card.

24-00944-22

2022744__

204 2. The department shall immediately issue to a short-term
205 visitor an electronic copy of his or her registration
206 certificate in the medical marijuana use registry. The
207 electronic copy must include, at a minimum, all of the
208 following:

209 a. The name, in-state and out-of-state addresses, and date
210 of birth of the short-term visitor.

211 b. A fullface, passport-type, color photograph of the
212 short-term visitor taken within the 90 days immediately before
213 registration.

214 c. The unique numeric identifier used for the short-term
215 visitor in the medical marijuana use registry.

216 d. The amount and form of marijuana for medical use
217 authorized by the short-term visitor's physician in his or her
218 state of residence.

219 e. The date of issuance of the registration certificate.

220 f. The expiration date of the registration certificate,
221 which must be no later than 30 days after the date of issuance.

222 (b) The department must receive written consent from the a
223 qualified patient's parent or legal guardian of a qualified
224 patient or a short-term visitor who meets the requirements of
225 paragraph (5) (c) before it may issue an identification card or
226 electronic copy of his or her registration certificate to a
227 minor who is a qualified patient or a short-term visitor ~~who is~~
228 ~~a minor.~~

229 (d) Applications for identification cards must be submitted
230 on a form prescribed by the department. The department may
231 charge a reasonable fee associated with the issuance,
232 replacement, and renewal of identification cards. The department

24-00944-22

2022744__

233 shall adopt rules to provide for the electronic collection of
234 such fees. The department shall allocate \$10 of the
235 identification card fee to the Division of Research at Florida
236 Agricultural and Mechanical University for the purpose of
237 educating minorities about marijuana for medical use and the
238 impact of the unlawful use of marijuana on minority communities.
239 The department shall contract with a third-party vendor to issue
240 identification cards. The vendor selected by the department must
241 have experience performing similar functions for other state
242 agencies.

243 (12) PENALTIES.—

244 (e)1. A qualified patient, a ~~or~~ caregiver, or a short-term
245 visitor in possession of marijuana or a marijuana delivery
246 device who fails or refuses to present his or her marijuana use
247 registry identification card or the electronic copy of his or
248 her registration certificate upon the request of a law
249 enforcement officer commits a misdemeanor of the second degree,
250 punishable as provided in s. 775.082 or s. 775.083, unless it
251 can be determined through the medical marijuana use registry
252 that the person is authorized to be in possession of that
253 marijuana or marijuana delivery device.

254 2. A person charged with a violation of this paragraph may
255 not be convicted if, before or at the time of his or her court
256 or hearing appearance, the person produces in court or to the
257 clerk of the court in which the charge is pending a medical
258 marijuana use registry identification card issued to him or her
259 which is valid at the time of his or her arrest. The clerk of
260 the court is authorized to dismiss such case at any time before
261 the defendant's appearance in court. The clerk of the court may

24-00944-22

2022744__

262 assess a fee of \$5 for dismissing the case under this paragraph.

263 (16) FINES AND FEES.—Fines and fees collected by the
264 department under this section shall be deposited in the Grants
265 and Donations Trust Fund within the Department of Health, except
266 that the \$10 reciprocity fee collected under paragraph (5)(c)
267 shall be deposited in the Tourism Promotional Trust Fund created
268 in s. 288.122.

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