

By Senator Brodeur

10-00320-23

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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 authorizing qualified physicians to perform patient  
5 examinations and evaluations through telehealth for  
6 renewals of physician certifications for the medical  
7 use of marijuana; providing an effective date.

8  
9 Be It Enacted by the Legislature of the State of Florida:

10  
11 Section 1. Paragraphs (a) and (g) of subsection (4) of  
12 section 381.986, Florida Statutes, are amended to read:

13 381.986 Medical use of marijuana.—

14 (4) PHYSICIAN CERTIFICATION.—

15 (a) A qualified physician may issue a physician  
16 certification only if the qualified physician:

17 1. Conducted an ~~a physical~~ examination of ~~while physically~~  
18 ~~present in the same room as~~ the patient and a full assessment of  
19 the medical history of the patient. For an initial  
20 certification, the examination must be a physical examination  
21 conducted in person with the patient. For a certification  
22 renewal, the examination may be conducted through telehealth as  
23 defined in s. 456.47.

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

26 3. Determined that the medical use of marijuana would  
27 likely outweigh the potential health risks for the patient, and  
28 such determination must be documented in the patient's medical  
29 record. If a patient is younger than 18 years of age, a second

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30 physician must concur with this determination, and such  
31 concurrence must be documented in the patient's medical record.

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

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

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

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

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

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

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

58 8. Obtains the voluntary and informed written consent of

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

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

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

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

76 d. The potential for addiction.

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

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

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

85 h. That the patient's deidentified health information  
86 contained in the physician certification and medical marijuana  
87 use registry may be used for research purposes.

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88 (g) A qualified physician must evaluate an existing  
89 qualified patient at least once every 30 weeks before issuing a  
90 new physician certification. The evaluation may be conducted  
91 through telehealth as defined in s. 456.47. A physician must:

92 1. Determine if the patient still meets the requirements to  
93 be issued a physician certification under paragraph (a).

94 2. Identify and document in the qualified patient's medical  
95 records whether the qualified patient experienced either of the  
96 following related to the medical use of marijuana:

97 a. An adverse drug interaction with any prescription or  
98 nonprescription medication; or

99 b. A reduction in the use of, or dependence on, other types  
100 of controlled substances as defined in s. 893.02.

101 3. Submit a report with the findings required pursuant to  
102 subparagraph 2. to the department. The department shall submit  
103 such reports to the Consortium for Medical Marijuana Clinical  
104 Outcomes Research established pursuant to s. 1004.4351.

105 Section 2. This act shall take effect July 1, 2023.