

By the Committee on Health Policy; and Senator Brodeur

588-03213-23

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A bill to be entitled

An act relating to physician certifications for the medical use of marijuana; amending s. 381.986, F.S.; authorizing qualified physicians to perform patient examinations and evaluations through telehealth for renewals of physician certifications for the medical use of marijuana, subject to certain conditions; authorizing the Department of Health to suspend the registration of a qualified physician in the medical marijuana use registry for a specified timeframe for noncompliance with the act; providing an effective date.

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

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

381.986 Medical use of marijuana.—

(4) PHYSICIAN CERTIFICATION.—

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

1. Conducted an a physical examination of ~~while physically present in the same room as~~ the patient and a full assessment of the medical history of the patient. For an initial certification, the examination must be a physical examination conducted in person with the patient. For a certification renewal, the examination may be conducted through telehealth as defined in s. 456.47, provided it is with the qualified physician who performed the initial in-person examination.

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30           2. Diagnosed the patient with at least one qualifying  
31 medical condition.

32           3. Determined that the medical use of marijuana would  
33 likely outweigh the potential health risks for the patient, and  
34 such determination must be documented in the patient's medical  
35 record. If a patient is younger than 18 years of age, a second  
36 physician must concur with this determination, and such  
37 concurrence must be documented in the patient's medical record.

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

42           5. Reviewed the patient's controlled drug prescription  
43 history in the prescription drug monitoring program database  
44 established pursuant to s. 893.055.

45           6. Reviews the medical marijuana use registry and confirmed  
46 that the patient does not have an active physician certification  
47 from another qualified physician.

48           7. Registers as the issuer of the physician certification  
49 for the named qualified patient on the medical marijuana use  
50 registry in an electronic manner determined by the department,  
51 and:

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

58           b. Updates the registry within 7 days after any change is

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59 made to the original physician certification to reflect such  
60 change.

61 c. Deactivates the registration of the qualified patient  
62 and the patient's caregiver when the physician no longer  
63 recommends the medical use of marijuana for the patient.

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

75 a. The Federal Government's classification of marijuana as  
76 a Schedule I controlled substance.

77 b. The approval and oversight status of marijuana by the  
78 Food and Drug Administration.

79 c. The current state of research on the efficacy of  
80 marijuana to treat the qualifying conditions set forth in this  
81 section.

82 d. The potential for addiction.

83 e. The potential effect that marijuana may have on a  
84 patient's coordination, motor skills, and cognition, including a  
85 warning against operating heavy machinery, operating a motor  
86 vehicle, or engaging in activities that require a person to be  
87 alert or respond quickly.

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

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

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

94 (g) A qualified physician must evaluate an existing  
95 qualified patient at least once every 30 weeks before issuing a  
96 new physician certification. The evaluation may be conducted  
97 through telehealth as defined in s. 456.47, provided it is with  
98 the qualified physician who performed the initial in-person  
99 examination of the qualified patient. A physician must:

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

102 2. Identify and document in the qualified patient's medical  
103 records whether the qualified patient experienced either of the  
104 following related to the medical use of marijuana:

105 a. An adverse drug interaction with any prescription or  
106 nonprescription medication; or

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

109 3. Submit a report with the findings required pursuant to  
110 subparagraph 2. to the department. The department shall submit  
111 such reports to the Consortium for Medical Marijuana Clinical  
112 Outcomes Research established pursuant to s. 1004.4351.

113 (i) The department shall monitor physician registration in  
114 the medical marijuana use registry and the issuance of physician  
115 certifications for practices that could facilitate unlawful  
116 diversion or misuse of marijuana or a marijuana delivery device

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117 and shall take disciplinary action as appropriate. The  
118 department may suspend the registration of a qualified physician  
119 in the medical marijuana use registry for a period of up to 2  
120 years if the qualified physician:

121 1. Fails to comply with this section; or  
122 2. Provides, advertises, or markets telehealth services  
123 before July 1, 2023.

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