

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; authorizing the Department of Health
 8 to suspend the registration of a qualified physician
 9 in the medical marijuana use registry for a specified
 10 timeframe under certain circumstances; providing an
 11 effective date.

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 13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Paragraphs (a), (g), and (i) of subsection (4)
 16 of section 381.986, Florida Statutes, are amended to read:

17 381.986 Medical use of marijuana.—

18 (4) PHYSICIAN CERTIFICATION.—

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

21 1. Conducted an a physical examination of ~~while physically~~
 22 ~~present in the same room as~~ the patient and a full assessment of
 23 the medical history of the patient. For an initial physician
 24 certification, the examination must be a physical examination
 25 conducted while physically present in the same room as the

26 patient. For a physician certification renewal, the examination
27 may be conducted through telehealth as defined in s. 456.47(1).

28 2. Diagnosed the patient with at least one qualifying
29 medical condition.

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

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

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

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

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

50 a. Enters into the registry the contents of the physician

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

56 b. Updates the registry within 7 days after any change is
57 made to the original physician certification to reflect such
58 change.

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

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

73 a. The Federal Government's classification of marijuana as
74 a Schedule I controlled substance.

75 b. The approval and oversight status of marijuana by the

76 Food and Drug Administration.

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

80 d. The potential for addiction.

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

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

88 g. The risks, benefits, and drug interactions of
89 marijuana.

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

93 (g) A qualified physician must evaluate an existing
94 qualified patient at least once every 30 weeks before issuing a
95 new physician certification. The evaluation may be conducted
96 through telehealth as defined in s. 456.47(1). A physician must:

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

99 2. Identify and document in the qualified patient's
100 medical records whether the qualified patient experienced either

101 of the following related to the medical use of marijuana:

102 a. An adverse drug interaction with any prescription or

103 nonprescription medication; or

104 b. A reduction in the use of, or dependence on, other

105 types of controlled substances as defined in s. 893.02.

106 3. Submit a report with the findings required pursuant to

107 subparagraph 2. to the department. The department shall submit

108 such reports to the Consortium for Medical Marijuana Clinical

109 Outcomes Research established pursuant to s. 1004.4351.

110 (i) The department shall monitor physician registration in

111 the medical marijuana use registry and the issuance of physician

112 certifications for practices that could facilitate unlawful

113 diversion or misuse of marijuana or a marijuana delivery device

114 and shall take disciplinary action as appropriate. The

115 department may suspend the registration of a qualified physician

116 in the medical marijuana use registry for a period of up to 2

117 years if the qualified physician:

118 1. Fails to comply with this section; or

119 2. Provides, advertises, or markets telehealth services

120 before July 1, 2023.

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