

By Senator Gruters

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1 A bill to be entitled
2 An act relating to medical marijuana; amending s.
3 381.986, F.S.; specifying additional medical
4 conditions that qualify an individual to receive
5 medical marijuana and medical marijuana delivery
6 devices; authorizing qualified physicians to use
7 telehealth to perform the initial certification
8 examination of patients for the medical use of
9 marijuana; conforming provisions related to
10 documentation a qualified physician is required to
11 submit to the Board of Medicine or Board of
12 Osteopathic Medicine, as applicable, to conform to
13 changes made by the act; increasing the number of
14 supply limits of marijuana a qualified physician may
15 issue in a single physician certification for the
16 medical use of marijuana; revising the frequency with
17 which qualified physicians must evaluate existing
18 qualified patients for a physician certification for
19 the medical use of marijuana; conforming provisions to
20 changes made by the act; deleting obsolete language;
21 revising the frequency with which qualified patient
22 and caregiver identification cards must be renewed,
23 from annually to biennially; requiring the Department
24 of Health to establish procedures and processes for
25 certain nonresidents to register as visiting qualified
26 patients and be issued identification cards within a
27 specified timeframe; providing that a visiting
28 qualified patient may engage in all conduct authorized
29 for qualified patients in this state; requiring the

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30 department to waive all fees associated with
31 identification cards for certain veterans of the
32 United States Armed Forces; prohibiting medical
33 marijuana treatment center dispensing facilities from
34 being located on the same parcel of land as retail
35 outlets; providing an effective date.
36

37 Be It Enacted by the Legislature of the State of Florida:
38

39 Section 1. Present paragraph (d) of subsection (11) of
40 section 381.986, Florida Statutes, is redesignated as paragraph
41 (e), a new paragraph (d) is added to that subsection, and
42 paragraph (k) of subsection (2), paragraphs (a), (b), (f), (g),
43 and (i) of subsection (4), and paragraphs (a) and (d) of
44 subsection (7) of that section are amended, to read:

45 381.986 Medical use of marijuana.—

46 (2) QUALIFYING MEDICAL CONDITIONS.—A patient must be
47 diagnosed with at least one of the following conditions to
48 qualify to receive marijuana or a marijuana delivery device:

49 (k) Medical conditions of the same kind or class as or
50 comparable to those enumerated in paragraphs (a)-(j) or medical
51 conditions for which the patient has been prescribed an opioid
52 drug listed as a Schedule II controlled substance in s. 893.03
53 or 21 U.S.C. s. 812.

54 (4) PHYSICIAN CERTIFICATION.—

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

57 1. Conducted an examination of the patient and a full
58 assessment of the medical history of the patient. Before issuing

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59 or renewing a ~~an initial~~ certification to a patient, the
60 qualified physician must conduct an ~~in-person physical~~
61 examination of the patient in person or. ~~For certification~~
62 ~~renewals, a qualified physician who has issued a certification~~
63 ~~to a patient after conducting an in-person physical examination~~
64 ~~may conduct subsequent examinations of that patient through~~
65 telehealth as defined in s. 456.47. ~~For the purposes of this~~
66 ~~subparagraph, the term "in-person physical examination" means an~~
67 ~~examination conducted by a qualified physician while the~~
68 ~~physician is physically present in the same room as the patient.~~

69 2. Diagnosed the patient with at least one qualifying
70 medical condition.

71 3. Determined that the medical use of marijuana would
72 likely outweigh the potential health risks for the patient, and
73 such determination must be documented in the patient's medical
74 record. If a patient is younger than 18 years of age, a second
75 physician must concur with this determination, and such
76 concurrence must be documented in the patient's medical record.

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

81 5. Reviewed the patient's controlled drug prescription
82 history in the prescription drug monitoring program database
83 established pursuant to s. 893.055.

84 6. Reviews the medical marijuana use registry and confirmed
85 that the patient does not have an active physician certification
86 from another qualified physician.

87 7. Registers as the issuer of the physician certification

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88 for the named qualified patient on the medical marijuana use
89 registry in an electronic manner determined by the department,
90 and:

91 a. Enters into the registry the contents of the physician
92 certification, including the patient's qualifying condition and
93 the dosage not to exceed the daily dose amount determined by the
94 department, the amount and forms of marijuana authorized for the
95 patient, and any types of marijuana delivery devices needed by
96 the patient for the medical use of marijuana.

97 b. Updates the registry within 7 days after any change is
98 made to the original physician certification to reflect such
99 change.

100 c. Deactivates the registration of the qualified patient
101 and the patient's caregiver when the physician no longer
102 recommends the medical use of marijuana for the patient.

103 8. Obtains the voluntary and informed written consent of
104 the patient for medical use of marijuana each time the qualified
105 physician issues a physician certification for the patient,
106 which shall be maintained in the patient's medical record. The
107 patient, or the patient's parent or legal guardian if the
108 patient is a minor, must sign the informed consent acknowledging
109 that the qualified physician has sufficiently explained its
110 content. The qualified physician must use a standardized
111 informed consent form adopted in rule by the Board of Medicine
112 and the Board of Osteopathic Medicine, which must include, at a
113 minimum, information related to:

114 a. The Federal Government's classification of marijuana as
115 a Schedule I controlled substance.

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

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117 Food and Drug Administration.

118 c. The current state of research on the efficacy of
119 marijuana to treat the qualifying conditions set forth in this
120 section.

121 d. The potential for addiction.

122 e. The potential effect that marijuana may have on a
123 patient's coordination, motor skills, and cognition, including a
124 warning against operating heavy machinery, operating a motor
125 vehicle, or engaging in activities that require a person to be
126 alert or respond quickly.

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

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

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

133 (b) If a qualified physician issues a physician
134 certification for a qualified patient diagnosed with a
135 qualifying medical condition pursuant to paragraph (2)(k), the
136 physician must submit the following to the applicable board
137 within 14 days after issuing the physician certification:

138 1. Documentation supporting the qualified physician's
139 opinion that the medical condition is of the same kind or class
140 as the conditions in paragraphs (2)(a)-(j) or is a condition for
141 which the patient was prescribed an opioid drug listed as a
142 Schedule II controlled substance in s. 893.03 or 21 U.S.C. s.
143 812.

144 2. Documentation that establishes the efficacy of marijuana
145 as treatment for the condition.

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146 3. Documentation supporting the qualified physician's
147 opinion that the benefits of medical use of marijuana would
148 likely outweigh the potential health risks for the patient.

149 4. Any other documentation as required by board rule.

150

151 The department must submit such documentation to the Consortium
152 for Medical Marijuana Clinical Outcomes Research established
153 pursuant to s. 1004.4351.

154 (f) A qualified physician may not issue a physician
155 certification for more than 10 ~~three~~ 70-day supply limits of
156 marijuana or more than 20 ~~six~~ 35-day supply limits of marijuana
157 in a form for smoking. The department shall quantify by rule a
158 daily dose amount with equivalent dose amounts for each
159 allowable form of marijuana dispensed by a medical marijuana
160 treatment center. The department shall use the daily dose amount
161 to calculate a 70-day supply.

162 1. A qualified physician may request an exception to the
163 daily dose amount limit, the 35-day supply limit of marijuana in
164 a form for smoking, and the 4-ounce possession limit of
165 marijuana in a form for smoking established in paragraph
166 (14) (a). The request must ~~shall~~ be made electronically on a form
167 adopted by the department in rule and must include, at a
168 minimum:

169 a. The qualified patient's qualifying medical condition.

170 b. The dosage and route of administration that was
171 insufficient to provide relief to the qualified patient.

172 c. A description of how the patient will benefit from an
173 increased amount.

174 d. The minimum daily dose amount of marijuana that would be

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175 sufficient for the treatment of the qualified patient's
176 qualifying medical condition.

177 2. A qualified physician must provide the qualified
178 patient's records upon the request of the department.

179 3. The department shall approve or disapprove the request
180 within 14 days after receipt of the complete documentation
181 required by this paragraph. The request is ~~shall be~~ deemed
182 approved if the department fails to act within this time period.

183 (g) A qualified physician must evaluate an existing
184 qualified patient at least once every 104 ~~30~~ weeks before
185 issuing a new physician certification. ~~A qualified physician who
186 has issued a certification to the patient after conducting an
187 in-person physical examination as defined in subparagraph (a)1.
188 may conduct the evaluation through telehealth as defined in s.
189 456.47.~~ A physician must:

190 1. Determine whether ~~if~~ the patient still meets the
191 requirements to be issued a physician certification under
192 paragraph (a).

193 2. Identify and document in the qualified patient's medical
194 records whether the qualified patient experienced either of the
195 following related to the medical use of marijuana:

196 a. An adverse drug interaction with any prescription or
197 nonprescription medication; or

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

200 3. Submit a report with the findings required pursuant to
201 subparagraph 2. to the department. The department shall submit
202 such reports to the Consortium for Medical Marijuana Clinical
203 Outcomes Research established pursuant to s. 1004.4351.

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204 (i) The department shall monitor physician registration in
205 the medical marijuana use registry and the issuance of physician
206 certifications for practices that could facilitate unlawful
207 diversion or misuse of marijuana or a marijuana delivery device
208 and shall take disciplinary action as appropriate. The
209 department may suspend the registration of a qualified physician
210 in the medical marijuana use registry for a period of up to 2
211 years if the qualified physician:

212 1. fails to comply with this section; ~~or~~

213 2. ~~Provides, advertises, or markets telehealth services~~
214 ~~before July 1, 2023.~~

215 (7) IDENTIFICATION CARDS.—

216 (a) The department shall issue medical marijuana use
217 registry identification cards for qualified patients and
218 caregivers who are residents of this state, which must be
219 renewed biennially ~~annually~~. Additionally, the department shall
220 establish procedures and processes for nonresidents who are
221 actively enrolled in the medical marijuana program of another
222 jurisdiction recognized by the department to register as
223 visiting qualified patients and be issued medical marijuana use
224 registry identification cards within 1 business day after such
225 request to register. A visiting qualified patient may engage in
226 all conduct authorized for a qualified patient in this state.

227 The identification cards must be resistant to counterfeiting and
228 tampering and must ~~include~~, at a minimum, include the following:

229 1. The name, address, and date of birth of the qualified
230 patient or caregiver.

231 2. A full-face, passport-type, color photograph of the
232 qualified patient or caregiver taken within the 90 days

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233 immediately preceding registration or the Florida driver license
234 or Florida identification card photograph of the qualified
235 patient or caregiver obtained directly from the Department of
236 Highway Safety and Motor Vehicles.

237 3. Identification as a qualified patient or a caregiver.

238 4. The unique numeric identifier used for the qualified
239 patient in the medical marijuana use registry.

240 5. For a caregiver, the name and unique numeric identifier
241 of the caregiver and the qualified patient or patients that the
242 caregiver is assisting.

243 6. The expiration date of the identification card.

244 (d) Applications for identification cards must be submitted
245 on a form prescribed by the department. The department may
246 charge a reasonable fee associated with the issuance,
247 replacement, and renewal of identification cards. However, the
248 department shall waive all such fees for any veteran who was
249 honorably discharged from the United States Armed Forces. The
250 department shall allocate \$10 of the identification card fee to
251 the Division of Research at Florida Agricultural and Mechanical
252 University for the purpose of educating minorities about
253 marijuana for medical use and the impact of the unlawful use of
254 marijuana on minority communities. The department shall contract
255 with a third-party vendor to issue identification cards. The
256 vendor selected by the department must have experience
257 performing similar functions for other state agencies.

258 (11) PREEMPTION.—Regulation of cultivation, processing, and
259 delivery of marijuana by medical marijuana treatment centers is
260 preempted to the state except as provided in this subsection.

261 (d) A medical marijuana treatment center dispensing

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262 facility may not be located on the same parcel of land as a
263 retail outlet as defined in s. 526.303.

264 Section 2. This act shall take effect July 1, 2025.