

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Andrade offered the following:

2
3 **Amendment (with directory and title amendments)**

4 Between lines 17 and 18, insert:

5 (4) PHYSICIAN CERTIFICATION.—

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

8 1. Conducted an examination of the patient and a full
9 assessment of the medical history of the patient. Before issuing
10 or renewing a ~~an initial~~ certification ~~to a patient~~, the
11 qualified physician must conduct an ~~in-person physical~~
12 examination in person or ~~of the patient~~. ~~For certification~~
13 ~~renewals, a qualified physician who has issued a certification~~

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14 ~~to a patient after conducting an in-person physical examination~~
15 ~~may conduct subsequent examinations of that patient through~~
16 ~~telehealth as defined in s. 456.47. For the purposes of this~~
17 ~~subparagraph, the term "in-person physical examination" means an~~
18 ~~examination conducted by a qualified physician while the~~
19 ~~physician is physically present in the same room as the patient.~~

20 2. Diagnosed the patient with at least one qualifying
21 medical condition.

22 3. Determined that the medical use of marijuana would
23 likely outweigh the potential health risks for the patient, and
24 such determination must be documented in the patient's medical
25 record. If a patient is younger than 18 years of age, a second
26 physician must concur with this determination, and such
27 concurrence must be documented in the patient's medical record.

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

32 5. Reviewed the patient's controlled drug prescription
33 history in the prescription drug monitoring program database
34 established pursuant to s. 893.055.

35 6. Reviews the medical marijuana use registry and
36 confirmed that the patient does not have an active physician
37 certification from another qualified physician.

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38 7. Registers as the issuer of the physician certification
39 for the named qualified patient on the medical marijuana use
40 registry in an electronic manner determined by the department,
41 and:

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

48 b. Updates the registry within 7 days after any change is
49 made to the original physician certification to reflect such
50 change.

51 c. Deactivates the registration of the qualified patient
52 and the patient's caregiver when the physician no longer
53 recommends the medical use of marijuana for the patient.

54 8. Obtains the voluntary and informed written consent of
55 the patient for medical use of marijuana each time the qualified
56 physician issues a physician certification for the patient,
57 which shall be maintained in the patient's medical record. The
58 patient, or the patient's parent or legal guardian if the
59 patient is a minor, must sign the informed consent acknowledging
60 that the qualified physician has sufficiently explained its
61 content. The qualified physician must use a standardized
62 informed consent form adopted in rule by the Board of Medicine

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63 and the Board of Osteopathic Medicine, which must include, at a
64 minimum, information related to:

65 a. The Federal Government's classification of marijuana as
66 a Schedule I controlled substance.

67 b. The approval and oversight status of marijuana by the
68 Food and Drug Administration.

69 c. The current state of research on the efficacy of
70 marijuana to treat the qualifying conditions set forth in this
71 section.

72 d. The potential for addiction.

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

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

80 g. The risks, benefits, and drug interactions of
81 marijuana.

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

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D I R E C T O R Y A M E N D M E N T

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88 Remove lines 14-15 and insert:

89 **Section 1. Paragraph (a) of subsection (4) and paragraph**
90 **(a) of subsection (7) of section 381.986, Florida Statutes, are**
91 **amended, and paragraph (f) is**

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94 **T I T L E A M E N D M E N T**

95 Between lines 3 and 4, insert:

96 authorizing a physician to conduct an examination
97 through telehealth before issuing a certification to a
98 qualified patient;

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