

1                                   A bill to be entitled  
2           An act relating to marijuana; repealing ch. 1 of 2017-  
3           232, Laws of Florida; amending s. 381.986, F.S.;  
4           revising qualifying medical conditions to include a  
5           condition for which a patient is prescribed specified  
6           opioid drugs; revising examination requirements for  
7           the issuance or renewal of certification; revising the  
8           amount of supply limits a qualified physician may  
9           issue; revising the frequency at which a qualified  
10          physician must evaluate an existing qualified patient  
11          before issuing a new physician certification; revising  
12          reasons the Department of Health may suspend the  
13          registration of a qualified physician; requiring  
14          medical marijuana use registry identifications cards  
15          to be renewed biennially; requiring the department to  
16          establish processes and procedures to issue medical  
17          marijuana use registry identification cards to, and to  
18          register as a visiting qualified patient, nonresidents  
19          under certain circumstances; providing requirements  
20          for such registration; providing a waiver of certain  
21          fees for certain veterans; authorizing certain persons  
22          to home cultivate a specified number of cannabis  
23          plants under specified circumstances; requiring  
24          rulemaking; providing penalties; creating s. 381.9861,  
25          F.S.; providing definitions; requiring the Department

26 of Health to authorize each medical marijuana  
 27 treatment center to operate as a cultivator,  
 28 processor, distributor, or retailer; requiring the  
 29 department to initiate an application process to issue  
 30 a specified number of certain licenses; providing  
 31 requirements for an applicant for licensure as a  
 32 marijuana licensee; providing requirements for  
 33 modifications to a marijuana licensee's operations and  
 34 ownership, and change of ownership; providing  
 35 requirements for inspections by the department;  
 36 authorizing the department to impose certain fees  
 37 under certain circumstances; providing for preemption;  
 38 providing penalties; prohibiting unlicensed activity  
 39 by marijuana licensees; providing exceptions and  
 40 applicability; requiring the department to deposit  
 41 certain fines or fees into the Grants and Donations  
 42 Trust Fund within the department; requiring rulemaking  
 43 and providing for the expiration of such rulemaking  
 44 authority; providing an effective date.

45  
 46 Be It Enacted by the Legislature of the State of Florida:

47  
 48 **Section 1.** Section 1 of chapter 2017-232, Laws of Florida,  
 49 is repealed.

50 **Section 2. Subsections (9) through (17) of section**

51 **381.986, Florida Statutes, are renumbered as subsections (10)**  
 52 **through (18), respectively, paragraph (k) of subsection (2),**  
 53 **paragraphs (a), (b), (f), (g), and (i) of subsection (4),**  
 54 **paragraph (b) of subsection (6), and paragraphs (a) through (d)**  
 55 **of subsection (7) are amended, and a new subsection (9) is added**  
 56 **to that section, to read:**

57 381.986 Medical use of marijuana.—

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

61 (k) Medical conditions of the same kind or class as or  
 62 comparable to those enumerated in paragraphs (a)-(j), or for  
 63 which the patient is prescribed an opioid drug listed as a  
 64 Schedule II controlled substance in s. 893.03 or 21 U.S.C. s.  
 65 812.

66 (4) PHYSICIAN CERTIFICATION.—

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

69 1. Conducted an examination of the patient and a full  
 70 assessment of the medical history of the patient. Before issuing  
 71 or renewing a certification ~~an initial certification to a~~  
 72 ~~patient,~~ the qualified physician must conduct an ~~in-person~~  
 73 ~~physical~~ examination of the patient in-person or via. ~~For~~  
 74 ~~certification renewals, a qualified physician who has issued a~~  
 75 ~~certification to a patient after conducting an in-person~~

76 ~~physical examination may conduct subsequent examinations of that~~  
77 ~~patient through telehealth as defined in s. 456.47. For the~~  
78 ~~purposes of this subparagraph, the term "in-person physical~~  
79 ~~examination" means an examination conducted by a qualified~~  
80 ~~physician while the physician is physically present in the same~~  
81 ~~room as the patient.~~

82       2. Diagnosed the patient with at least one qualifying  
83 medical condition.

84       3. Determined that the medical use of marijuana would  
85 likely outweigh the potential health risks for the patient, and  
86 such determination must be documented in the patient's medical  
87 record. If a patient is younger than 18 years of age, a second  
88 physician must concur with this determination, and such  
89 concurrence must be documented in the patient's medical record.

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

94       5. Reviewed the patient's controlled drug prescription  
95 history in the prescription drug monitoring program database  
96 established pursuant to s. 893.055.

97       6. Reviews the medical marijuana use registry and  
98 confirmed that the patient does not have an active physician  
99 certification from another qualified physician.

100       7. Registers as the issuer of the physician certification

101 for the named qualified patient on the medical marijuana use  
102 registry in an electronic manner determined by the department,  
103 and:

104 a. Enters into the registry the contents of the physician  
105 certification, including the patient's qualifying condition and  
106 the dosage not to exceed the daily dose amount determined by the  
107 department, the amount and forms of marijuana authorized for the  
108 patient, and any types of marijuana delivery devices needed by  
109 the patient for the medical use of marijuana.

110 b. Updates the registry within 7 days after any change is  
111 made to the original physician certification to reflect such  
112 change.

113 c. Deactivates the registration of the qualified patient  
114 and the patient's caregiver when the physician no longer  
115 recommends the medical use of marijuana for the patient.

116 8. Obtains the voluntary and informed written consent of  
117 the patient for medical use of marijuana each time the qualified  
118 physician issues a physician certification for the patient,  
119 which shall be maintained in the patient's medical record. The  
120 patient, or the patient's parent or legal guardian if the  
121 patient is a minor, must sign the informed consent acknowledging  
122 that the qualified physician has sufficiently explained its  
123 content. The qualified physician must use a standardized  
124 informed consent form adopted in rule by the Board of Medicine  
125 and the Board of Osteopathic Medicine, which must include, at a

126 | minimum, information related to:

127 |       a. The Federal Government's classification of marijuana as

128 | a Schedule I controlled substance.

129 |       b. The approval and oversight status of marijuana by the

130 | Food and Drug Administration.

131 |       c. The current state of research on the efficacy of

132 | marijuana to treat the qualifying conditions set forth in this

133 | section.

134 |       d. The potential for addiction.

135 |       e. The potential effect that marijuana may have on a

136 | patient's coordination, motor skills, and cognition, including a

137 | warning against operating heavy machinery, operating a motor

138 | vehicle, or engaging in activities that require a person to be

139 | alert or respond quickly.

140 |       f. The potential side effects of marijuana use, including

141 | the negative health risks associated with smoking marijuana.

142 |       g. The risks, benefits, and drug interactions of

143 | marijuana.

144 |       h. That the patient's deidentified health information

145 | contained in the physician certification and medical marijuana

146 | use registry may be used for research purposes.

147 |       (b) If a qualified physician issues a physician

148 | certification for a qualified patient diagnosed with a

149 | qualifying medical condition pursuant to paragraph (2)(k), the

150 | physician must submit the following to the applicable board

- 151 within 14 days after issuing the physician certification:
- 152 1. Documentation supporting the qualified physician's
  - 153 opinion that the medical condition is of the same kind or class
  - 154 as the conditions in paragraphs (2) (a)-(j), or for which the
  - 155 patient is prescribed an opioid drug listed as a Schedule II
  - 156 controlled substance in s. 893.03 or 21 U.S.C. s. 812.
  - 157 2. Documentation that establishes the efficacy of
  - 158 marijuana as treatment for the condition.
  - 159 3. Documentation supporting the qualified physician's
  - 160 opinion that the benefits of medical use of marijuana would
  - 161 likely outweigh the potential health risks for the patient.
  - 162 4. Any other documentation as required by board rule.

163

164 The department must submit such documentation to the Consortium

165 for Medical Marijuana Clinical Outcomes Research established

166 pursuant to s. 1004.4351.

167 (f) A qualified physician may not issue a physician

168 certification for more than ten ~~three~~ 70-day supply limits of

169 marijuana or more than twenty ~~six~~ 35-day supply limits of

170 marijuana in a form for smoking. The department shall quantify

171 by rule a daily dose amount with equivalent dose amounts for

172 each allowable form of marijuana dispensed by a medical

173 marijuana treatment center. The department shall use the daily

174 dose amount to calculate a 70-day supply.

- 175 1. A qualified physician may request an exception to the

176 daily dose amount limit, the 35-day supply limit of marijuana in  
177 a form for smoking, and the 4-ounce possession limit of  
178 marijuana in a form for smoking established in paragraph (15) (a)  
179 ~~(14) (a)~~. The request shall be made electronically on a form  
180 adopted by the department in rule and must include, at a  
181 minimum:

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

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

185 c. A description of how the patient will benefit from an  
186 increased amount.

187 d. The minimum daily dose amount of marijuana that would  
188 be sufficient for the treatment of the qualified patient's  
189 qualifying medical condition.

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

192 3. The department shall approve or disapprove the request  
193 within 14 days after receipt of the complete documentation  
194 required by this paragraph. The request shall be deemed approved  
195 if the department fails to act within this time period.

196 (g) A qualified physician must evaluate an existing  
197 qualified patient at least once every 104 ~~30~~ weeks before  
198 issuing a new physician certification. ~~A qualified physician who~~  
199 ~~has issued a certification to the patient after conducting an~~  
200 ~~in-person physical examination as defined in subparagraph (a)1.~~



201 ~~may conduct the evaluation through telehealth as defined in s.~~  
 202 ~~456.47.~~ A physician must:

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

205 2. Identify and document in the qualified patient's  
 206 medical records whether the qualified patient experienced either  
 207 of the following related to the medical use of marijuana:

208 a. An adverse drug interaction with any prescription or  
 209 nonprescription medication; or

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

212 3. Submit a report with the findings required pursuant to  
 213 subparagraph 2. to the department. The department shall submit  
 214 such reports to the Consortium for Medical Marijuana Clinical  
 215 Outcomes Research established pursuant to s. 1004.4351.

216 (i) The department shall monitor physician registration in  
 217 the medical marijuana use registry and the issuance of physician  
 218 certifications for practices that could facilitate unlawful  
 219 diversion or misuse of marijuana or a marijuana delivery device  
 220 and shall take disciplinary action as appropriate. The  
 221 department may suspend the registration of a qualified physician  
 222 in the medical marijuana use registry for a period of up to 2  
 223 years if the qualified physician

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

225 ~~2. Provides, advertises, or markets telehealth services~~

226 ~~before July 1, 2023.~~

227 (6) CAREGIVERS.—

228 (b) A caregiver must:

229 1. Not be a qualified physician and not be employed by or  
230 have an economic interest in a medical marijuana treatment  
231 center or a marijuana testing laboratory.

232 2. Be 21 years of age or older and a resident of this  
233 state.

234 3. Agree in writing to assist with the qualified patient's  
235 medical use of marijuana.

236 4. Be registered in the medical marijuana use registry as  
237 a caregiver for no more than one qualified patient, except as  
238 provided in this paragraph.

239 5. Successfully complete a caregiver certification course  
240 developed and administered by the department or its designee,  
241 which must be renewed biennially. The price of the course may  
242 not exceed \$100.

243 6. Pass a background screening pursuant to subsection (10)  
244 ~~(9)~~, unless the patient is a close relative of the caregiver.

245 (7) IDENTIFICATION CARDS.—

246 (a) The department shall issue medical marijuana use  
247 registry identification cards for qualified patients and  
248 caregivers who are residents of this state, which must be  
249 renewed biennially. Additionally, the department shall establish  
250 processes and procedures to issue medical marijuana use registry

251 identification cards to, and to register as a visiting qualified  
252 patient, nonresidents who are actively enrolled in the medical  
253 cannabis program of another jurisdiction recognized by the  
254 department within 1 business day after application for  
255 registration. A visiting qualified patient may engage in all  
256 conduct authorized for a qualified patient ~~annually~~. The  
257 identification cards must be resistant to counterfeiting and  
258 tampering and must include, at a minimum, the following:

- 259 1. The name, address, and date of birth of the qualified  
260 patient or caregiver.
- 261 2. A full-face, passport-type, color photograph of the  
262 qualified patient or caregiver taken within the 90 days  
263 immediately preceding registration or the Florida driver license  
264 or Florida identification card photograph of the qualified  
265 patient or caregiver obtained directly from the Department of  
266 Highway Safety and Motor Vehicles.
- 267 3. Identification as a qualified patient or a caregiver.
- 268 4. The unique numeric identifier used for the qualified  
269 patient in the medical marijuana use registry.
- 270 5. For a caregiver, the name and unique numeric identifier  
271 of the caregiver and the qualified patient or patients that the  
272 caregiver is assisting.
- 273 6. The expiration date of the identification card.

274 (b) The department must receive written consent from a  
275 qualified patient's parent or legal guardian before it may issue

276 an identification card to a qualified patient who is a minor.

277 (c) The department shall adopt rules pursuant to ss.  
278 120.536(1) and 120.54 establishing procedures for the issuance,  
279 renewal, suspension, replacement, surrender, and revocation of  
280 medical marijuana use registry identification cards pursuant to  
281 this section and shall begin issuing qualified patient  
282 identification cards by October 3, 2017.

283 (d) Applications for identification cards must be  
284 submitted on a form prescribed by the department. The department  
285 may charge a reasonable fee associated with the issuance,  
286 replacement, and renewal of identification cards. However, all  
287 such fees shall be waived for any veteran who was honorably  
288 discharged from the United States Armed Forces. The department  
289 shall allocate \$10 of the identification card fee to the  
290 Division of Research at Florida Agricultural and Mechanical  
291 University for the purpose of educating minorities about  
292 marijuana for medical use and the impact of the unlawful use of  
293 marijuana on minority communities. The department shall contract  
294 with a third-party vendor to issue identification cards. The  
295 vendor selected by the department must have experience  
296 performing similar functions for other state agencies.

297 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

298 (b) An applicant for licensure as a medical marijuana  
299 treatment center shall apply to the department on a form  
300 prescribed by the department and adopted in rule. The department

301 shall adopt rules pursuant to ss. 120.536(1) and 120.54  
302 establishing a procedure for the issuance and biennial renewal  
303 of licenses, including initial application and biennial renewal  
304 fees sufficient to cover the costs of implementing and  
305 administering this section, and establishing supplemental  
306 licensure fees for payment beginning May 1, 2018, sufficient to  
307 cover the costs of administering ss. 381.989 and 1004.4351. The  
308 department shall identify applicants with strong diversity plans  
309 reflecting this state's commitment to diversity and implement  
310 training programs and other educational programs to enable  
311 minority persons and minority business enterprises, as defined  
312 in s. 288.703, and veteran business enterprises, as defined in  
313 s. 295.187, to compete for medical marijuana treatment center  
314 licensure and contracts. Subject to the requirements in  
315 subparagraphs (a)2.-4., the department shall issue a license to  
316 an applicant if the applicant meets the requirements of this  
317 section and pays the initial application fee. The department  
318 shall renew the licensure of a medical marijuana treatment  
319 center biennially if the licensee meets the requirements of this  
320 section and pays the biennial renewal fee. However, the  
321 department may not renew the license of a medical marijuana  
322 treatment center that has not begun to cultivate, process, and  
323 dispense marijuana by the date that the medical marijuana  
324 treatment center is required to renew its license. An individual  
325 may not be an applicant, owner, officer, board member, or

326 manager on more than one application for licensure as a medical  
327 marijuana treatment center. An individual or entity may not be  
328 awarded more than one license as a medical marijuana treatment  
329 center. An applicant for licensure as a medical marijuana  
330 treatment center must demonstrate:

331 1. That, for the 5 consecutive years before submitting the  
332 application, the applicant has been registered to do business in  
333 the state.

334 2. Possession of a valid certificate of registration  
335 issued by the Department of Agriculture and Consumer Services  
336 pursuant to s. 581.131.

337 3. The technical and technological ability to cultivate  
338 and produce marijuana, including, but not limited to, low-THC  
339 cannabis.

340 4. The ability to secure the premises, resources, and  
341 personnel necessary to operate as a medical marijuana treatment  
342 center.

343 5. The ability to maintain accountability of all raw  
344 materials, finished products, and any byproducts to prevent  
345 diversion or unlawful access to or possession of these  
346 substances.

347 6. An infrastructure reasonably located to dispense  
348 marijuana to registered qualified patients statewide or  
349 regionally as determined by the department.

350 7. The financial ability to maintain operations for the

351 duration of the 2-year approval cycle, including the provision  
352 of certified financial statements to the department.

353 a. Upon approval, the applicant must post a \$5 million  
354 performance bond issued by an authorized surety insurance  
355 company rated in one of the three highest rating categories by a  
356 nationally recognized rating service. However, a medical  
357 marijuana treatment center serving at least 1,000 qualified  
358 patients is only required to maintain a \$2 million performance  
359 bond.

360 b. In lieu of the performance bond required under sub-  
361 subparagraph a., the applicant may provide an irrevocable letter  
362 of credit payable to the department or provide cash to the  
363 department. If provided with cash under this sub-subparagraph,  
364 the department shall deposit the cash in the Grants and  
365 Donations Trust Fund within the Department of Health, subject to  
366 the same conditions as the bond regarding requirements for the  
367 applicant to forfeit ownership of the funds. If the funds  
368 deposited under this sub-subparagraph generate interest, the  
369 amount of that interest shall be used by the department for the  
370 administration of this section.

371 8. That all owners, officers, board members, and managers  
372 have passed a background screening pursuant to subsection (10)  
373 ~~(9)~~.

374 9. The employment of a medical director to supervise the  
375 activities of the medical marijuana treatment center.

376           10. A diversity plan that promotes and ensures the  
377 involvement of minority persons and minority business  
378 enterprises, as defined in s. 288.703, or veteran business  
379 enterprises, as defined in s. 295.187, in ownership, management,  
380 and employment. An applicant for licensure renewal must show the  
381 effectiveness of the diversity plan by including the following  
382 with his or her application for renewal:

383           a. Representation of minority persons and veterans in the  
384 medical marijuana treatment center's workforce;

385           b. Efforts to recruit minority persons and veterans for  
386 employment; and

387           c. A record of contracts for services with minority  
388 business enterprises and veteran business enterprises.

389           (e) A licensed medical marijuana treatment center shall  
390 cultivate, process, transport, and dispense marijuana for  
391 medical use. A licensed medical marijuana treatment center may  
392 not contract for services directly related to the cultivation,  
393 processing, and dispensing of marijuana or marijuana delivery  
394 devices, except that a medical marijuana treatment center  
395 licensed pursuant to subparagraph (a)1. may contract with a  
396 single entity for the cultivation, processing, transporting, and  
397 dispensing of marijuana and marijuana delivery devices. A  
398 licensed medical marijuana treatment center must, at all times,  
399 maintain compliance with the criteria demonstrated and  
400 representations made in the initial application and the criteria



401 established in this subsection. Upon request, the department may  
402 grant a medical marijuana treatment center a variance from the  
403 representations made in the initial application. Consideration  
404 of such a request shall be based upon the individual facts and  
405 circumstances surrounding the request. A variance may not be  
406 granted unless the requesting medical marijuana treatment center  
407 can demonstrate to the department that it has a proposed  
408 alternative to the specific representation made in its  
409 application which fulfills the same or a similar purpose as the  
410 specific representation in a way that the department can  
411 reasonably determine will not be a lower standard than the  
412 specific representation in the application. A variance may not  
413 be granted from the requirements in subparagraph 2. and  
414 subparagraphs (b)1. and 2.

415 1. A licensed medical marijuana treatment center may  
416 transfer ownership to an individual or entity who meets the  
417 requirements of this section. A publicly traded corporation or  
418 publicly traded company that meets the requirements of this  
419 section is not precluded from ownership of a medical marijuana  
420 treatment center. To accommodate a change in ownership:

421 a. The licensed medical marijuana treatment center shall  
422 notify the department in writing at least 60 days before the  
423 anticipated date of the change of ownership.

424 b. The individual or entity applying for initial licensure  
425 due to a change of ownership must submit an application that

426 must be received by the department at least 60 days before the  
427 date of change of ownership.

428 c. Upon receipt of an application for a license, the  
429 department shall examine the application and, within 30 days  
430 after receipt, notify the applicant in writing of any apparent  
431 errors or omissions and request any additional information  
432 required.

433 d. Requested information omitted from an application for  
434 licensure must be filed with the department within 21 days after  
435 the department's request for omitted information or the  
436 application shall be deemed incomplete and shall be withdrawn  
437 from further consideration and the fees shall be forfeited.

438 e. Within 30 days after the receipt of a complete  
439 application, the department shall approve or deny the  
440 application.

441 2. A medical marijuana treatment center, and any  
442 individual or entity who directly or indirectly owns, controls,  
443 or holds with power to vote 5 percent or more of the voting  
444 shares of a medical marijuana treatment center, may not acquire  
445 direct or indirect ownership or control of any voting shares or  
446 other form of ownership of any other medical marijuana treatment  
447 center.

448 3. A medical marijuana treatment center may not enter into  
449 any form of profit-sharing arrangement with the property owner  
450 or lessor of any of its facilities where cultivation,

451 processing, storing, or dispensing of marijuana and marijuana  
452 delivery devices occurs.

453 4. All employees of a medical marijuana treatment center  
454 must be 21 years of age or older and have passed a background  
455 screening pursuant to subsection (10) ~~(9)~~.

456 5. Each medical marijuana treatment center must adopt and  
457 enforce policies and procedures to ensure employees and  
458 volunteers receive training on the legal requirements to  
459 dispense marijuana to qualified patients.

460 6. When growing marijuana, a medical marijuana treatment  
461 center:

462 a. May use pesticides determined by the department, after  
463 consultation with the Department of Agriculture and Consumer  
464 Services, to be safely applied to plants intended for human  
465 consumption, but may not use pesticides designated as  
466 restricted-use pesticides pursuant to s. 487.042.

467 b. Must grow marijuana within an enclosed structure and in  
468 a room separate from any other plant.

469 c. Must inspect seeds and growing plants for plant pests  
470 that endanger or threaten the horticultural and agricultural  
471 interests of the state in accordance with chapter 581 and any  
472 rules adopted thereunder.

473 d. Must perform fumigation or treatment of plants, or  
474 remove and destroy infested or infected plants, in accordance  
475 with chapter 581 and any rules adopted thereunder.

476           7. Each medical marijuana treatment center must produce  
477 and make available for purchase at least one low-THC cannabis  
478 product.

479           8. A medical marijuana treatment center that produces  
480 edibles must hold a permit to operate as a food establishment  
481 pursuant to chapter 500, the Florida Food Safety Act, and must  
482 comply with all the requirements for food establishments  
483 pursuant to chapter 500 and any rules adopted thereunder.  
484 Edibles may not contain more than 200 milligrams of  
485 tetrahydrocannabinol, and a single serving portion of an edible  
486 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles  
487 may have a potency variance of no greater than 15 percent.  
488 Marijuana products, including edibles, may not be attractive to  
489 children; be manufactured in the shape of humans, cartoons, or  
490 animals; be manufactured in a form that bears any reasonable  
491 resemblance to products available for consumption as  
492 commercially available candy; or contain any color additives. To  
493 discourage consumption of edibles by children, the department  
494 shall determine by rule any shapes, forms, and ingredients  
495 allowed and prohibited for edibles. Medical marijuana treatment  
496 centers may not begin processing or dispensing edibles until  
497 after the effective date of the rule. The department shall also  
498 adopt sanitation rules providing the standards and requirements  
499 for the storage, display, or dispensing of edibles.

500           9. Within 12 months after licensure, a medical marijuana

501 treatment center must demonstrate to the department that all of  
502 its processing facilities have passed a Food Safety Good  
503 Manufacturing Practices, such as Global Food Safety Initiative  
504 or equivalent, inspection by a nationally accredited certifying  
505 body. A medical marijuana treatment center must immediately stop  
506 processing at any facility which fails to pass this inspection  
507 until it demonstrates to the department that such facility has  
508 met this requirement.

509 10. A medical marijuana treatment center that produces  
510 prerolled marijuana cigarettes may not use wrapping paper made  
511 with tobacco or hemp.

512 11. When processing marijuana, a medical marijuana  
513 treatment center must:

514 a. Process the marijuana within an enclosed structure and  
515 in a room separate from other plants or products.

516 b. Comply with department rules when processing marijuana  
517 with hydrocarbon solvents or other solvents or gases exhibiting  
518 potential toxicity to humans. The department shall determine by  
519 rule the requirements for medical marijuana treatment centers to  
520 use such solvents or gases exhibiting potential toxicity to  
521 humans.

522 c. Comply with federal and state laws and regulations and  
523 department rules for solid and liquid wastes. The department  
524 shall determine by rule procedures for the storage, handling,  
525 transportation, management, and disposal of solid and liquid

526 waste generated during marijuana production and processing. The  
527 Department of Environmental Protection shall assist the  
528 department in developing such rules.

529 d. Test the processed marijuana using a medical marijuana  
530 testing laboratory before it is dispensed. Results must be  
531 verified and signed by two medical marijuana treatment center  
532 employees. Before dispensing, the medical marijuana treatment  
533 center must determine that the test results indicate that low-  
534 THC cannabis meets the definition of low-THC cannabis, the  
535 concentration of tetrahydrocannabinol meets the potency  
536 requirements of this section, the labeling of the concentration  
537 of tetrahydrocannabinol and cannabidiol is accurate, and all  
538 marijuana is safe for human consumption and free from  
539 contaminants that are unsafe for human consumption. The  
540 department shall determine by rule which contaminants must be  
541 tested for and the maximum levels of each contaminant which are  
542 safe for human consumption. The Department of Agriculture and  
543 Consumer Services shall assist the department in developing the  
544 testing requirements for contaminants that are unsafe for human  
545 consumption in edibles. The department shall also determine by  
546 rule the procedures for the treatment of marijuana that fails to  
547 meet the testing requirements of this section, s. 381.988, or  
548 department rule. The department may select samples of marijuana  
549 from a medical marijuana treatment center facility which shall  
550 be tested by the department to determine whether the marijuana

551 meets the potency requirements of this section, is safe for  
552 human consumption, and is accurately labeled with the  
553 tetrahydrocannabinol and cannabidiol concentration or to verify  
554 the result of marijuana testing conducted by a marijuana testing  
555 laboratory. The department may also select samples of marijuana  
556 delivery devices from a medical marijuana treatment center to  
557 determine whether the marijuana delivery device is safe for use  
558 by qualified patients. A medical marijuana treatment center may  
559 not require payment from the department for the sample. A  
560 medical marijuana treatment center must recall marijuana,  
561 including all marijuana and marijuana products made from the  
562 same batch of marijuana, that fails to meet the potency  
563 requirements of this section, that is unsafe for human  
564 consumption, or for which the labeling of the  
565 tetrahydrocannabinol and cannabidiol concentration is  
566 inaccurate. The department shall adopt rules to establish  
567 marijuana potency variations of no greater than 15 percent using  
568 negotiated rulemaking pursuant to s. 120.54(2)(d) which accounts  
569 for, but is not limited to, time lapses between testing, testing  
570 methods, testing instruments, and types of marijuana sampled for  
571 testing. The department may not issue any recalls for product  
572 potency as it relates to product labeling before issuing a rule  
573 relating to potency variation standards. A medical marijuana  
574 treatment center must also recall all marijuana delivery devices  
575 determined to be unsafe for use by qualified patients. The

576 medical marijuana treatment center must retain records of all  
577 testing and samples of each homogeneous batch of marijuana for  
578 at least 9 months. The medical marijuana treatment center must  
579 contract with a marijuana testing laboratory to perform audits  
580 on the medical marijuana treatment center's standard operating  
581 procedures, testing records, and samples and provide the results  
582 to the department to confirm that the marijuana or low-THC  
583 cannabis meets the requirements of this section and that the  
584 marijuana or low-THC cannabis is safe for human consumption. A  
585 medical marijuana treatment center shall reserve two processed  
586 samples from each batch and retain such samples for at least 9  
587 months for the purpose of such audits. A medical marijuana  
588 treatment center may use a laboratory that has not been  
589 certified by the department under s. 381.988 until such time as  
590 at least one laboratory holds the required certification, but in  
591 no event later than July 1, 2018.

592 e. Package the marijuana in compliance with the United  
593 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.  
594 1471 et seq.

595 f. Package the marijuana in a receptacle that has a firmly  
596 affixed and legible label stating the following information:

597 (I) The marijuana or low-THC cannabis meets the  
598 requirements of sub-subparagraph d.

599 (II) The name of the medical marijuana treatment center  
600 from which the marijuana originates.



601 (III) The batch number and harvest number from which the  
 602 marijuana originates and the date dispensed.

603 (IV) The name of the physician who issued the physician  
 604 certification.

605 (V) The name of the patient.

606 (VI) The product name, if applicable, and dosage form,  
 607 including concentration of tetrahydrocannabinol and cannabidiol.  
 608 The product name may not contain wording commonly associated  
 609 with products that are attractive to children or which promote  
 610 the recreational use of marijuana.

611 (VII) The recommended dose.

612 (VIII) A warning that it is illegal to transfer medical  
 613 marijuana to another person.

614 (IX) A marijuana universal symbol developed by the  
 615 department.

616 12. The medical marijuana treatment center shall include  
 617 in each package a patient package insert with information on the  
 618 specific product dispensed related to:

- 619 a. Clinical pharmacology.
- 620 b. Indications and use.
- 621 c. Dosage and administration.
- 622 d. Dosage forms and strengths.
- 623 e. Contraindications.
- 624 f. Warnings and precautions.
- 625 g. Adverse reactions.

626           13. In addition to the packaging and labeling requirements  
627 specified in subparagraphs 11. and 12., marijuana in a form for  
628 smoking must be packaged in a sealed receptacle with a legible  
629 and prominent warning to keep away from children and a warning  
630 that states marijuana smoke contains carcinogens and may  
631 negatively affect health. Such receptacles for marijuana in a  
632 form for smoking must be plain, opaque, and white without  
633 depictions of the product or images other than the medical  
634 marijuana treatment center's department-approved logo and the  
635 marijuana universal symbol.

636           14. The department shall adopt rules to regulate the  
637 types, appearance, and labeling of marijuana delivery devices  
638 dispensed from a medical marijuana treatment center. The rules  
639 must require marijuana delivery devices to have an appearance  
640 consistent with medical use.

641           15. Each edible must be individually sealed in plain,  
642 opaque wrapping marked only with the marijuana universal symbol.  
643 Where practical, each edible must be marked with the marijuana  
644 universal symbol. In addition to the packaging and labeling  
645 requirements in subparagraphs 11. and 12., edible receptacles  
646 must be plain, opaque, and white without depictions of the  
647 product or images other than the medical marijuana treatment  
648 center's department-approved logo and the marijuana universal  
649 symbol. The receptacle must also include a list of all the  
650 edible's ingredients, storage instructions, an expiration date,

651 a legible and prominent warning to keep away from children and  
652 pets, and a warning that the edible has not been produced or  
653 inspected pursuant to federal food safety laws.

654 16. When dispensing marijuana or a marijuana delivery  
655 device, a medical marijuana treatment center:

656 a. May dispense any active, valid order for low-THC  
657 cannabis, medical cannabis and cannabis delivery devices issued  
658 pursuant to former s. 381.986, Florida Statutes 2016, which was  
659 entered into the medical marijuana use registry before July 1,  
660 2017.

661 b. May not dispense more than a 70-day supply of marijuana  
662 within any 70-day period to a qualified patient or caregiver.  
663 May not dispense more than one 35-day supply of marijuana in a  
664 form for smoking within any 35-day period to a qualified patient  
665 or caregiver. A 35-day supply of marijuana in a form for smoking  
666 may not exceed 2.5 ounces unless an exception to this amount is  
667 approved by the department pursuant to paragraph (4)(f).

668 c. Must have the medical marijuana treatment center's  
669 employee who dispenses the marijuana or a marijuana delivery  
670 device enter into the medical marijuana use registry his or her  
671 name or unique employee identifier.

672 d. Must verify that the qualified patient and the  
673 caregiver, if applicable, each have an active registration in  
674 the medical marijuana use registry and an active and valid  
675 medical marijuana use registry identification card, the amount

676 and type of marijuana dispensed matches the physician  
677 certification in the medical marijuana use registry for that  
678 qualified patient, and the physician certification has not  
679 already been filled.

680 e. May not dispense marijuana to a qualified patient who  
681 is younger than 18 years of age. If the qualified patient is  
682 younger than 18 years of age, marijuana may only be dispensed to  
683 the qualified patient's caregiver.

684 f. May not dispense or sell any other type of cannabis,  
685 alcohol, or illicit drug-related product, including pipes or  
686 wrapping papers made with tobacco or hemp, other than a  
687 marijuana delivery device required for the medical use of  
688 marijuana and which is specified in a physician certification.

689 g. Must, upon dispensing the marijuana or marijuana  
690 delivery device, record in the registry the date, time,  
691 quantity, and form of marijuana dispensed; the type of marijuana  
692 delivery device dispensed; and the name and medical marijuana  
693 use registry identification number of the qualified patient or  
694 caregiver to whom the marijuana delivery device was dispensed.

695 h. Must ensure that patient records are not visible to  
696 anyone other than the qualified patient, his or her caregiver,  
697 and authorized medical marijuana treatment center employees.

698 (9) HOME CULTIVATION.—

699 (a) A qualified patient who is at least 21 years of age  
700 may cultivate up to two cannabis plants for personal

701 consumption, provided he or she holds a valid certificate from  
702 the Department of Agriculture and Consumer Services, which shall  
703 adopt rules pursuant to ss. 120.536(1) and 120.54 establishing  
704 procedures for the issuance, renewal, suspension, replacement,  
705 surrender, and revocation of such certificates; and rules  
706 providing for the inspection and registration of each cannabis  
707 plant by the department. For any property that is leased, the  
708 applicant must provide documentation to the department  
709 demonstrating that the property owner consents to marijuana  
710 cultivation on the property. If two or more qualified patients  
711 who are at least 21 years of age reside at the same residence,  
712 only two cannabis plants may be cultivated at that residence.

713 (b) Cannabis plants may not be cultivated in a location in  
714 which the plants are subject to public view, including a view  
715 from another private property, without the use of binoculars,  
716 aircraft, or other special aids.

717 (c) A qualified patient who cultivates cannabis shall  
718 ensure the plants are located in an enclosed, locked space to  
719 prevent access from unauthorized persons and persons under the  
720 age of 21 years. The use of cannabis cultivated for personal  
721 consumption is subject to s. 381.986(1)(k)5.

722 (d) A person who violates this section commits a  
723 misdemeanor of the first degree, punishable as provided in s.  
724 775.082 or s. 775.083.

725 **Section 3. Section 381.9861, Florida Statutes, is created**

726 **to read:**

727 381.9861 Personal use of marijuana.-

728 (1) DEFINITIONS.-As used in this section, the term:

729 (a) "Adult" means an individual 21 years of age or older.

730 (b) "Cultivator" means a person or entity licensed by the  
731 department to grow marijuana intended for retail sale to adults  
732 for personal use.

733 (c) "Distributor" means a person or entity licensed by the  
734 department to obtain marijuana from a processor or another  
735 distributor and to distribute marijuana and marijuana delivery  
736 devices at wholesale only to retailers.

737 (d) "Edibles" means commercially produced food items made  
738 with marijuana oil, but no other form of marijuana.

739 (e) "Marijuana" means all parts of any plant of the genus  
740 Cannabis, whether growing or not; the seeds thereof; the resin  
741 extracted from any part of the plant; and every compound,  
742 manufacture, salt, derivative, mixture, or preparation of the  
743 plant or its seeds or resin.

744 (f) "Marijuana delivery device" means an object used,  
745 intended for use, or designed for use in preparing, storing,  
746 ingesting, inhaling, or otherwise introducing marijuana into the  
747 human body.

748 (g) "Marijuana licensee" means a person or entity that  
749 holds a license as a cultivator, processor, distributor, or  
750 retailer.

751 (h) "Marijuana testing laboratory" means a facility that  
752 collects and analyzes marijuana samples from a cultivator or  
753 processor and has been certified by the department under s.  
754 381.988.

755 (i) "Medical marijuana treatment center" means a person or  
756 entity licensed under s. 381.986 to cultivate, process,  
757 transport, and dispense medical marijuana and marijuana delivery  
758 devices.

759 (j) "Personal use" means the possession, purchase, or use  
760 of marijuana or a marijuana delivery device by an adult for  
761 nonmedical, personal consumption by smoking, inhaling,  
762 ingesting, or otherwise. The term does not include:

763 1. Possession or use of marijuana that was not purchased  
764 or acquired from a retailer.

765 2. Transfer of marijuana to a person other than the adult  
766 to whom it was dispensed.

767 3. Use of marijuana in the following locations:

768 a. On any form of public transportation.

769 b. In any public place.

770 c. In the adult's place of employment, except when  
771 permitted by his or her employer.

772 d. In a state correctional institution, as defined in s.  
773 944.02, or a correctional institution, as defined in s. 944.241.

774 e. On the grounds of a preschool, primary school, or  
775 secondary school, except as provided in s. 1006.062.

776 f. In a school bus, a vehicle, an aircraft, or a  
777 motorboat.

778 3. The smoking of marijuana in an enclosed indoor  
779 workplace as defined in s. 386.203(5).

780 (k) "Processor" means a person or entity that holds a  
781 license from the department to obtain marijuana from a  
782 cultivator or another processor, and to process such marijuana  
783 into a product intended for retail sale.

784 (l) "Retailer" means a person or entity that holds a  
785 license from the department to obtain marijuana from a processor  
786 or distributor and to engage in the retail sale of marijuana and  
787 marijuana delivery devices to adults for personal use.

788 (m) "Smoking" means burning or igniting a substance and  
789 inhaling the smoke.

790 (2) LICENSURE AS A MARIJUANA LICENSEE.-

791 (a) Effective July 1, 2025, the department shall authorize  
792 each medical marijuana treatment center to operate as a  
793 cultivator, processor, distributor, or retailer under this  
794 section. A medical marijuana treatment center is not required to  
795 submit an application or pay a fee, other than any fees due  
796 under s. 381.986, to obtain such authorization under this  
797 section. Medical marijuana treatment centers are exempt from the  
798 license limit in paragraph (b), the cultivation square footage  
799 limit in subparagraph (e)2., and the retailer location limit in  
800 subparagraph (h)2.



801 (b) On July 1, 2025, and again on July 1, 2027, the  
802 department shall initiate an application process to issue five  
803 cultivator licenses, five processor licenses, three distributor  
804 licenses, and ten retailer licenses. The licenses issued  
805 pursuant to this section may not be issued to any person or  
806 entity holding a medical marijuana treatment center license.

807 (c) An applicant for licensure as a marijuana licensee  
808 shall apply to the department on a form prescribed by the  
809 department and adopted by department rule. The department shall  
810 issue a license to an applicant if the applicant meets the  
811 requirements of this section and pays the initial application  
812 fee. The department shall renew the licensure of a marijuana  
813 licensee biennially if the licensee meets the requirements of  
814 this section and pays the biennial renewal fee. Medical  
815 marijuana treatment centers shall be exempt from payment of the  
816 biennial renewal fee.

817 (d) An applicant for licensure as a marijuana licensee  
818 must:

819 1. Demonstrate the technical and technological ability to  
820 operate as a cultivator, processor, distributor, or retailer, as  
821 applicable.

822 2. Demonstrate the ability to secure the premises,  
823 resources, and personnel necessary to operate as a cultivator,  
824 processor, distributor, or retailer, as applicable.

825 3. Demonstrate the ability to maintain accountability of

826 all marijuana and any byproducts to prevent diversion or  
827 unlawful access to or possession of these substances.

828 4. Demonstrate the financial ability to maintain  
829 operations for the duration of the 2-year approval cycle,  
830 including the provision of certified financial statements to the  
831 department.

832 a. Upon approval, the applicant must post a performance  
833 bond in the following amount issued by an authorized surety  
834 insurance company rated in one of the three highest rating  
835 categories by a nationally recognized rating service:

836 (I) Cultivator license - \$500,000.

837 (II) Processor license - \$500,000.

838 (III) Distributor license - \$500,000.

839 (IV) Retailer license - \$250,000.

840 b. In lieu of the performance bond, the applicant may  
841 provide an irrevocable letter of credit in the above amount, as  
842 applicable, payable to the department.

843 5. Ensure all owners, officers, board members, managers,  
844 and employees have passed a background screening under s.  
845 381.986(9).

846 6. Use the department's seed-to-sale tracking system.

847 (e)1. In addition to the requirements of paragraph (c), an  
848 applicant for licensure as a cultivator must:

849 a. Possess a valid certificate of registration issued by  
850 the Department of Agriculture and Consumer Services under s.

851 581.131.

852 b. Comply with the applicable requirements of s.  
853 381.986(8) and any applicable rules adopted pursuant thereto, as  
854 determined by department rule.

855 2. A cultivator may not exceed 100,000 square feet of  
856 total canopy space for marijuana plants.

857 3. A person or an entity licensed as a cultivator may not  
858 be licensed as a distributor, processor, or retailer.

859 (f)1. In addition to the requirements of paragraph (c), an  
860 applicant for licensure as a processor must:

861 a. Demonstrate that all of its proposed processing  
862 facilities have passed a Food Safety Good Manufacturing  
863 Practices inspection, such as Global Food Safety Initiative or  
864 equivalent, by a nationally accredited certifying body.

865 b. If the processor intends on producing edibles, possess  
866 a permit to operate as a food establishment pursuant to chapter  
867 500.

868 c. Comply with the applicable requirements of s.  
869 381.986(8) and any applicable rules adopted pursuant thereto, as  
870 determined by department rule.

871 2. A person or an entity licensed as a processor may not  
872 be licensed as a cultivator, distributor, or retailer.

873 (g)1. In addition to the requirements of paragraph (d), an  
874 applicant for licensure as a distributor must:

875 a. Maintain warehouse space that is either owned or leased

876 by the distributor of at least 2,500 square feet to store  
877 marijuana and marijuana delivery devices.

878 b. Comply with the applicable requirements of s.  
879 381.986(8) and any applicable rules adopted pursuant thereto, as  
880 determined by department rule.

881 2. A distributor may transfer marijuana and marijuana  
882 delivery devices to another distributor for the wholesale sale  
883 to a retailer. A person or entity licensed as a distributor may  
884 not be licensed as a cultivator, processor or retailer.

885 (h)1. In addition to the requirements of paragraph (d), an  
886 applicant for licensure as a retailer must comply with the  
887 applicable requirements of s. 381.986(8) and any applicable  
888 rules adopted pursuant thereto, as determined by department  
889 rule.

890 2. A retailer licensee may operate up to three retail  
891 locations under its license.

892 3. A person or entity licensed as a retailer may not be  
893 licensed as a cultivator, processor, or distributor.

894 (i) A person or entity may not have an interest in more  
895 than one marijuana license.

896 (3) MODIFICATION TO MARIJUANA LICENSEE'S OPERATIONS OR  
897 OWNERSHIP.-A marijuana licensee must, at all times, maintain  
898 compliance with this section, the applicable requirements of s.  
899 381.986, and department rules. A marijuana licensee must request  
900 approval of a material modification to its operations or

901 ownership, as determined by department rule, before  
902 implementation of such modification. The department shall  
903 approve a material modification upon a determination that the  
904 proposed modification will comply with the requirements of this  
905 section, the applicable requirements of s. 381.986, and the  
906 rules of the department. A request for approval of a material  
907 modification under this subsection shall be governed by s.  
908 120.60. Upon a medical marijuana treatment center's licensure as  
909 a marijuana licensee, this subsection shall apply to  
910 modifications to the medical marijuana treatment center's  
911 operations and ownership and the variance requirements under s.  
912 381.986 no longer apply.

913 (4) CHANGE OF OWNERSHIP.—A marijuana licensee may transfer  
914 ownership to an individual or entity that meets the requirements  
915 of this section. A publicly traded corporation or publicly  
916 traded company that meets the requirements of this section is  
917 not precluded from ownership of a marijuana licensee. A change  
918 of ownership shall be in accordance with the procedure in s.  
919 381.986(8)(e)1.

920 (5) MARIJUANA LICENSEE INSPECTIONS; ADMINISTRATIVE  
921 ACTIONS.—

922 (a) The department shall conduct announced or unannounced  
923 inspections of marijuana licensees to determine compliance with  
924 this section or rules adopted pursuant to this section.

925 (b) Upon receiving a complaint or notice that a retailer

926 has dispensed marijuana containing mold, bacteria, or another  
927 contaminant that may cause or has caused an adverse effect to  
928 human health or the environment, the department shall inspect  
929 all marijuana licensees involved the in cultivation, processing,  
930 distributing, and retail sale of the marijuana.

931 (c) The department shall conduct at least a biennial  
932 inspection of each marijuana licensee to evaluate the licensee's  
933 records, personnel, equipment, processes, security measures,  
934 sanitation practices, and quality assurance practices.

935 (d) The Department of Agriculture and Consumer Services  
936 and the department shall enter into an interagency agreement to  
937 ensure cooperation and coordination in the performance of the  
938 obligations of each department under this section and the  
939 respective regulatory and authorizing laws. The department, the  
940 Department of Highway Safety and Motor Vehicles, and the  
941 Department of Law Enforcement may enter into interagency  
942 agreements for the purposes specified in this subsection.

943 (e) The department shall publish a list of all approved  
944 marijuana licensees on its website.

945 (f) The department may impose reasonable fines not to  
946 exceed \$10,000 on a marijuana licensee for any of the following  
947 violations:

- 948 1. Violating this section or department rule.
- 949 2. Failing to maintain qualifications for approval.
- 950 3. Endangering the health, safety, welfare of an adult.

951 4. Attempting to procure marijuana license by bribery,  
952 fraudulent misrepresentation, or extortion.

953 5. Being convicted or found guilty of, or entering a plea  
954 of guilty or nolo contendere to, regardless of adjudication, a  
955 crime in any jurisdiction which directly relates to the business  
956 of the marijuana licensee.

957 6. Making or filing a report or record that the marijuana  
958 licensee knows to be false.

959 7. Willfully failing to maintain a record required by this  
960 section or department rule.

961 8. Willfully impeding or obstructing an employee or agent  
962 of the department in the furtherance of his or her official  
963 duties.

964 9. Engaging in fraud or deceit, negligence, incompetence,  
965 or misconduct in the business practices of the marijuana  
966 licensee.

967 10. Making misleading, deceptive, or fraudulent  
968 representations in or related to the business practices of the  
969 marijuana licensee.

970 11. Having a license or the authority to engage in any  
971 regulated profession, occupation, or business that is related to  
972 the business practices of the marijuana licensee suspended,  
973 revoked, or otherwise acted against by the licensing authority  
974 of any jurisdiction, including its agencies or subdivisions, for  
975 a violation that would constitute a violation under general law.

976 12. Violating a lawful order of the department or an  
 977 agency of the state or failing to comply with a lawfully issued  
 978 subpoena of the department or an agency of the state.

979 (g) The department may suspend, revoke, or refuse to renew  
 980 a marijuana licensee if the licensee commits any of the  
 981 violations in paragraph (f).

982 (6) PREEMPTION.—Regulation of cultivation, processing,  
 983 dispensing, and delivery of marijuana by marijuana licensees is  
 984 preempted to the state except as provided in s. 381.986(11). The  
 985 provisions of s. 381.986(11) apply to marijuana licensees with  
 986 the same force and effect as such provisions apply to medical  
 987 marijuana treatment centers.

988 (7) PENALTIES.—

989 (a) A person under the age of 21 who fraudulently  
 990 represents himself or herself as an adult for purposes of  
 991 obtaining marijuana or a marijuana delivery device for personal  
 992 use commits a misdemeanor of the first degree, punishable as  
 993 provided in s. 775.082 or s. 775.083.

994 (b) A person who uses marijuana in plain view of or in a  
 995 place open to the general public; in a school bus, a vehicle, an  
 996 aircraft, or a boat; or on the grounds a preschool, primary  
 997 school, or secondary school, except as provided in s. 1006.062,  
 998 commits a misdemeanor of the first degree, punishable as  
 999 provided in s. 775.082 or s. 775.083.

1000 (c) Except as provided in s. 381.986, a person who



1001 purchases or acquires marijuana from any person or entity other  
 1002 than a retailer violates s. 893.13 and is subject to the  
 1003 penalties provided therein.

1004 (d) Except as provided in s. 381.986, a person or entity  
 1005 that cultivates, processes, distributes, sells, or dispenses  
 1006 marijuana, as defined in s. 29(b)(4), Art. X of the State  
 1007 Constitution, and is not properly licensed as a marijuana  
 1008 licensee violates s. 893.13 and is subject to the penalties  
 1009 provided therein.

1010 (e) A person who manufactures, distributes, sells, gives,  
 1011 or possesses with the intent to manufacture, distribute, sell,  
 1012 or give marijuana or a marijuana delivery device that he or she  
 1013 holds out to have originated from a marijuana licensee but that  
 1014 is counterfeit commits a felony of the third degree, punishable  
 1015 as provided in s. 775.082, s. 775.083, or s. 775.084. For the  
 1016 purposes of this paragraph, the term "counterfeit" means  
 1017 marijuana; a marijuana delivery device; or a marijuana or  
 1018 marijuana delivery device container, seal, or label which,  
 1019 without authorization, bears the trademark, trade name, or other  
 1020 identifying mark, imprint, or device, or any likeness thereof,  
 1021 of a marijuana licensee and which thereby falsely purports or is  
 1022 represented to be the product of that marijuana licensee.

1023 (8) UNLICENSED ACTIVITY.—The provisions of s. 381.986(13)  
 1024 apply to this section.

1025 (9) EXCEPTIONS TO OTHER LAWS.—

1026        (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1027 any other provision of law, but subject to the requirements of  
1028 this section, an adult may obtain from a retailer, use, and  
1029 possess at any given time marijuana delivery devices and up to  
1030 2.0 ounces of marijuana for personal use, except that no more  
1031 than five grams of marijuana may be in the form of concentrate,  
1032 and all marijuana obtained must remain in its original  
1033 packaging.

1034        (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1035 any other provision of law, but subject to the requirements of  
1036 this section, a marijuana licensee and its owners, managers, and  
1037 employees may manufacture, possess, sell, deliver, distribute,  
1038 dispense, or lawfully dispose of marijuana or a marijuana  
1039 delivery device in accordance with the applicable license and  
1040 the requirements of this section, s. 381.988, and department  
1041 rule. For the purposes of this subsection, the terms  
1042 "manufacture," "possession," "deliver," "distribute," and  
1043 "dispense" have the same meanings as provided in s. 893.02.

1044        (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1045 any other provision of law, but subject to the requirements of  
1046 this section, a certified marijuana testing laboratory,  
1047 including an employee of a certified marijuana testing  
1048 laboratory acting within the scope of his or her employment, may  
1049 acquire, possess, test, transport, and lawfully dispose of  
1050 marijuana as provided in this section, in s. 381.988, and by

1051 department rule.

1052 (d) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1053 any other law, but subject to the requirements of this section,  
1054 the department, including an employee of the department acting  
1055 within the scope of his or her employment, may acquire, possess,  
1056 test, transport, and lawfully dispose of marijuana and marijuana  
1057 delivery devices as provided in this section, in s. 381.988, and  
1058 by department rule.

1059 (e) A marijuana licensee and its owners, managers, and  
1060 employees are not subject to licensure or regulation under  
1061 chapter 465 or chapter 499 for manufacturing, possessing,  
1062 selling, delivering, distributing, dispensing, or lawfully  
1063 disposing of marijuana or a marijuana delivery device, as  
1064 provided in this section, in s. 381.988, and by department rule.

1065 (f) This subsection does not exempt a person from  
1066 prosecution for a criminal offense related to impairment or  
1067 intoxication resulting from the personal use of marijuana or  
1068 relieve a person from any requirement under law to submit to a  
1069 breath, blood, urine, or other test to detect the presence of a  
1070 controlled substance.

1071 (10) APPLICABILITY.—The provision of s. 381.986(15) apply  
1072 to this section.

1073 (11) FINES AND FEES.—Fines and fees collected by the  
1074 department under this section shall be deposited in the Grants  
1075 and Donations Trust Fund within the Department of Health.

1076        (12) RULES.—  
 1077        (a) The department shall adopt rules pursuant to ss.  
 1078 120.536(1) and 120.54 to establish a procedure for the issuance  
 1079 and biennial renewal of licenses, including initial application  
 1080 and biennial renewal fees sufficient to cover the costs of  
 1081 implementing and administering this section.  
 1082        (b) Rules adopted pursuant to this section before July 1,  
 1083 2026, are not subject to ss. 120.54(3)(b) and 120.541.  
 1084        (c) This subsection expires July 1, 2026.  
 1085        **Section 4.** This act shall take effect July 1, 2025.