

1                   A bill to be entitled  
2       An act relating to medical use of marijuana; amending  
3       s. 381.986, F.S.; authorizing a patient prescribed  
4       certain opioid drugs to qualify to receive marijuana  
5       or a marijuana delivery device; requiring a qualified  
6       physician to conduct an in-person or telehealth  
7       examination before issuing or renewing a certification  
8       to a patient; requiring a qualified physician to  
9       submit certain documentation to the Board of Medicine  
10      or the Board of Osteopathic Medicine, as applicable,  
11      for patients prescribed certain opioid drugs; revising  
12      supply limits a qualified physician may issue and the  
13      frequency of patient evaluations required for issuance  
14      of a new physician certification; revising penalties;  
15      requiring medical marijuana use registry  
16      identification cards to be renewed biennially rather  
17      than annually; requiring the Department of Health to  
18      establish processes and procedures for the issuance  
19      and registration of medical marijuana use registry  
20      identification cards for certain nonresidents;  
21      authorizing visiting qualified patients to engage in  
22      in all conduct authorized for a qualified patient;  
23      requiring the waiver of certain fees for honorably  
24      discharged veterans; providing an effective date.  
25

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

**Section 1. Paragraph (k) of subsection (2), paragraphs (a), (b), (f), (g), and (i) of subsection (4), and paragraphs (a) and (d) of subsection (7) of section 381.986, Florida Statutes, are amended to read:**

381.986 Medical use of marijuana.—

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

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

(4) PHYSICIAN CERTIFICATION.—

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

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

51 ~~may conduct subsequent examinations of that patient through~~  
52 ~~telehealth as defined in s. 456.47. For the purposes of this~~  
53 ~~subparagraph, the term "in-person physical examination" means an~~  
54 ~~examination conducted by a qualified physician while the~~  
55 ~~physician is physically present in the same room as the patient.~~

56 2. Diagnosed the patient with at least one qualifying  
57 medical condition.

58 3. Determined that the medical use of marijuana would  
59 likely outweigh the potential health risks for the patient, and  
60 such determination must be documented in the patient's medical  
61 record. If a patient is younger than 18 years of age, a second  
62 physician must concur with this determination, and such  
63 concurrence must be documented in the patient's medical record.

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

68 5. Reviewed the patient's controlled drug prescription  
69 history in the prescription drug monitoring program database  
70 established pursuant to s. 893.055.

71 6. Reviews the medical marijuana use registry and  
72 confirmed that the patient does not have an active physician  
73 certification from another qualified physician.

74 7. Registers as the issuer of the physician certification  
75 for the named qualified patient on the medical marijuana use

76 registry in an electronic manner determined by the department,  
77 and:

78       a. Enters into the registry the contents of the physician  
79 certification, including the patient's qualifying condition and  
80 the dosage not to exceed the daily dose amount determined by the  
81 department, the amount and forms of marijuana authorized for the  
82 patient, and any types of marijuana delivery devices needed by  
83 the patient for the medical use of marijuana.

84       b. Updates the registry within 7 days after any change is  
85 made to the original physician certification to reflect such  
86 change.

87       c. Deactivates the registration of the qualified patient  
88 and the patient's caregiver when the physician no longer  
89 recommends the medical use of marijuana for the patient.

90       8. Obtains the voluntary and informed written consent of  
91 the patient for medical use of marijuana each time the qualified  
92 physician issues a physician certification for the patient,  
93 which shall be maintained in the patient's medical record. The  
94 patient, or the patient's parent or legal guardian if the  
95 patient is a minor, must sign the informed consent acknowledging  
96 that the qualified physician has sufficiently explained its  
97 content. The qualified physician must use a standardized  
98 informed consent form adopted in rule by the Board of Medicine  
99 and the Board of Osteopathic Medicine, which must include, at a  
100 minimum, information related to:

101           a. The Federal Government's classification of marijuana as  
102 a Schedule I controlled substance.

103           b. The approval and oversight status of marijuana by the  
104 Food and Drug Administration.

105           c. The current state of research on the efficacy of  
106 marijuana to treat the qualifying conditions set forth in this  
107 section.

108           d. The potential for addiction.

109           e. The potential effect that marijuana may have on a  
110 patient's coordination, motor skills, and cognition, including a  
111 warning against operating heavy machinery, operating a motor  
112 vehicle, or engaging in activities that require a person to be  
113 alert or respond quickly.

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

116           g. The risks, benefits, and drug interactions of  
117 marijuana.

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

121           (b) If a qualified physician issues a physician  
122 certification for a qualified patient diagnosed with a  
123 qualifying medical condition pursuant to paragraph (2)(k), the  
124 physician must submit the following to the applicable board  
125 within 14 days after issuing the physician certification:

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

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

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

4. Any other documentation as required by board rule.

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

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

1. A qualified physician may request an exception to the

151 daily dose amount limit, the 35-day supply limit of marijuana in  
152 a form for smoking, and the 4-ounce possession limit of  
153 marijuana in a form for smoking established in paragraph  
154 (14) (a). The request shall be made electronically on a form  
155 adopted by the department in rule and must include, at a  
156 minimum:

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

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

160 c. A description of how the patient will benefit from an  
161 increased amount.

162 d. The minimum daily dose amount of marijuana that would  
163 be sufficient for the treatment of the qualified patient's  
164 qualifying medical condition.

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

167 3. The department shall approve or disapprove the request  
168 within 14 days after receipt of the complete documentation  
169 required by this paragraph. The request shall be deemed approved  
170 if the department fails to act within this time period.

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

176 ~~may conduct the evaluation through telehealth as defined in s.~~

177 ~~456.47.~~ A physician must:

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

180 2. Identify and document in the qualified patient's  
181 medical records whether the qualified patient experienced either  
182 of the following related to the medical use of marijuana:

183 a. An adverse drug interaction with any prescription or  
184 nonprescription medication; or

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

187 3. Submit a report with the findings required pursuant to  
188 subparagraph 2. to the department. The department shall submit  
189 such reports to the Consortium for Medical Marijuana Clinical  
190 Outcomes Research established pursuant to s. 1004.4351.

191 (i) The department shall monitor physician registration in  
192 the medical marijuana use registry and the issuance of physician  
193 certifications for practices that could facilitate unlawful  
194 diversion or misuse of marijuana or a marijuana delivery device  
195 and shall take disciplinary action as appropriate. The  
196 department may suspend the registration of a qualified physician  
197 in the medical marijuana use registry for a period of up to 2  
198 years if the qualified physician

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

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



201 ~~before July 1, 2023.~~

202 (7) IDENTIFICATION CARDS.—

203 (a) The department shall issue medical marijuana use  
204 registry identification cards for qualified patients and  
205 caregivers who are residents of this state, which must be  
206 renewed biennially ~~annually~~. The department shall establish  
207 processes and procedures for issuing medical marijuana use  
208 registry identification cards to, and registering as visiting  
209 qualified patients, nonresidents who are actively enrolled in  
210 the medical cannabis program of another jurisdiction recognized  
211 by the department within 1 business day. A visiting qualified  
212 patient may engage in all conduct authorized for a qualified  
213 patient. The identification cards must be resistant to  
214 counterfeiting and tampering and must include, at a minimum, the  
215 following:

216 1. The name, address, and date of birth of the qualified  
217 patient or caregiver.

218 2. A full-face, passport-type, color photograph of the  
219 qualified patient or caregiver taken within the 90 days  
220 immediately preceding registration or the Florida driver license  
221 or Florida identification card photograph of the qualified  
222 patient or caregiver obtained directly from the Department of  
223 Highway Safety and Motor Vehicles.

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

225 4. The unique numeric identifier used for the qualified

226 patient in the medical marijuana use registry.

227 5. For a caregiver, the name and unique numeric identifier  
228 of the caregiver and the qualified patient or patients that the  
229 caregiver is assisting.

230 6. The expiration date of the identification card.

231 (d) Applications for identification cards must be  
232 submitted on a form prescribed by the department. The department  
233 may charge a reasonable fee associated with the issuance,  
234 replacement, and renewal of identification cards. However, all  
235 such fees shall be waived for any veteran who was honorably  
236 discharged from the United States Armed Forces. The department  
237 shall allocate \$10 of the identification card fee to the  
238 Division of Research at Florida Agricultural and Mechanical  
239 University for the purpose of educating minorities about  
240 marijuana for medical use and the impact of the unlawful use of  
241 marijuana on minority communities. The department shall contract  
242 with a third-party vendor to issue identification cards. The  
243 vendor selected by the department must have experience  
244 performing similar functions for other state agencies.

245 **Section 2.** This act shall take effect July 1, 2026.