

By Senator Braynon

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1                                   A bill to be entitled  
2       An act relating to medical use of marijuana; amending  
3       s. 381.986, F.S.; providing legislative intent;  
4       defining, redefining, and deleting terms; authorizing  
5       physicians to issue physician certifications to  
6       specified patients for the provision of marijuana and  
7       marijuana delivery devices; requiring physicians to  
8       meet certain conditions to be authorized to issue and  
9       make determinations in physician certifications;  
10      requiring certain physicians to annually reexamine and  
11      reassess patients and update patient information in  
12      the compassionate use registry; providing requirements  
13      for physician certification for patients who are non-  
14      Florida residents; providing that a prior order for  
15      low-THC cannabis or medical cannabis issued is  
16      considered a physician certification under certain  
17      circumstances; providing requirements for such  
18      certifications; revising criminal penalties; reducing  
19      the number of hours of coursework required of  
20      physicians who issue physician certifications;  
21      providing that physicians who meet specified  
22      requirements are grandfathered for the purpose of  
23      specified education requirements; authorizing  
24      qualifying patients over the age of 21 to designate or  
25      remove caregivers; requiring caregivers to meet  
26      specified requirements, including a 1-hour course on  
27      the administration of marijuana; authorizing a  
28      qualifying patient to designate only one caregiver at  
29      any given time; providing exceptions; authorizing a

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30 caregiver to assist only one qualifying patient at any  
31 given time; providing exceptions; requiring the  
32 Department of Health to register on the compassionate  
33 use registry a caregiver and to issue him or her a  
34 caregiver identification card if the caregiver meets  
35 certain requirements; providing requirements for  
36 assisting a qualifying patient who is under the age of  
37 18; revising the list of entities that have access to  
38 the compassionate use registry; requiring the  
39 department to adopt rules by a specified date;  
40 authorizing the department to charge a fee for  
41 identification cards; requiring the department to  
42 begin issuing identification cards to qualified  
43 registrants by a specific date; providing requirements  
44 for the identification cards; requiring the department  
45 to register certain dispensing organizations as  
46 medical marijuana treatment centers (MMTCs) by a  
47 certain date; deleting provisions to conform to  
48 changes made by the act; requiring the department to  
49 register additional MMTCs in accordance with a  
50 specified schedule; prohibiting an entity from being  
51 issued more than one MMTC registration; requiring the  
52 department to review the number of qualifying patients  
53 every 6 months; limiting the number of MMTCs;  
54 decreasing the required performance bond amount under  
55 certain circumstances; requiring the department to  
56 create a 30-minute educational program for qualifying  
57 patients; revising the operational requirements for  
58 MMTCs; authorizing the department to waive certain

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59 requirements in the MMTC registration application  
60 under specified circumstances; providing requirements  
61 for MMTCs to grow, process, and dispense marijuana,  
62 rather than requirements for dispensing organizations  
63 to grow, process, and dispense low-THC cannabis or  
64 medical cannabis; providing a contract option that  
65 requires an independent testing laboratory to directly  
66 test an MMTC's marijuana final product; requiring that  
67 marijuana receptacles be opaque, childproof, and  
68 tamper-evident; reducing the time that samples are  
69 required to be retained; requiring verification of  
70 patient and caregiver identification cards, rather  
71 than registration cards, and amount and type of  
72 marijuana before dispensing; requiring compliance with  
73 certain standards in the production and dispensing of  
74 edibles or food products; requiring an MMTC to enter  
75 additional information into the compassionate use  
76 registry; providing requirements to ensure the safety  
77 and security of premises and facilities of MMTCs,  
78 rather than the safety and security of premises and  
79 facilities of dispensing organizations; requiring an  
80 MMTC to register all owners and employees with the  
81 department; requiring an MMTC to present a floor plan  
82 to the department; defining terms to provide criteria  
83 on visitor access to MMTC areas; providing  
84 requirements to ensure the safe and sanitary transport  
85 of marijuana, rather than the safe transport of low-  
86 THC cannabis and medical cannabis; requiring a vehicle  
87 transporting marijuana to be legally parked under

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88 certain circumstances; revising the department's  
89 authority and responsibilities; requiring the  
90 department to adopt rules relating to ownership  
91 changes or changes in an owner's investment interest;  
92 conforming provisions to changes made by the act;  
93 providing circumstances under which the department may  
94 suspend, revoke, or refuse to renew an MMTC's  
95 registration; providing rulemaking authority;  
96 authorizing an MMTC employee to administer marijuana  
97 under certain circumstances; providing construction;  
98 conforming provisions to changes made by the act;  
99 providing that a physician who issues a physician  
100 certification is immune to civil claims and claims for  
101 medical malpractice under certain circumstances;  
102 providing that a health insurance provider or a  
103 governmental agency or authority is not required to  
104 reimburse expenses related to the use of marijuana;  
105 authorizing certain institutes or state universities  
106 to possess, test, transport, or dispose of marijuana  
107 for research purposes; prohibiting a person from  
108 offering, advertising, or performing services, and  
109 from owning, operating, and maintaining certain  
110 facilities, without registration; providing penalties;  
111 prohibiting the importation of marijuana; authorizing  
112 the exportation of marijuana and products containing  
113 marijuana under certain circumstances; providing  
114 severability; amending ss. 381.987, 385.211, 499.0295,  
115 and 1004.441, F.S.; conforming provisions to changes  
116 made by the act; providing a directive to the Division

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117 of Law Revision and Information; providing an  
118 effective date.

119

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

121

122 Section 1. Section 381.986, Florida Statutes, is amended to  
123 read:

124 381.986 Compassionate use of marijuana ~~low-THC and medical~~  
125 ~~eannabis~~.—

126 (1) LEGISLATIVE INTENT.—

127 (a) It is the intent of the Legislature to implement s. 29,  
128 Art. X of the State Constitution by creating a unified  
129 regulatory structure within the framework of this section for  
130 the acquisition, cultivation, possession, processing, transfer,  
131 transportation, sale, distribution, or dispensing of marijuana,  
132 products containing marijuana, related supplies, or educational  
133 materials to qualifying patients or their caregivers.

134 (b) The Legislature intends that all rules adopted by the  
135 Department of Health to implement this section be adopted  
136 pursuant to s. 120.536(1) or s. 120.54. The Legislature intends  
137 that the department use emergency rulemaking procedures pursuant  
138 to s. 120.54(4) to adopt rules under this section if necessary  
139 to meet any deadline for rulemaking established in s. 29, Art. X  
140 of the State Constitution.

141 (c) Further, the Legislature intends that all registrations  
142 for the purposes specified in paragraph (a) be issued solely in  
143 accordance with the requirements of this section and all rules  
144 adopted under this section.

145 (2) DEFINITIONS.—As used in this section, the term:

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146 (a) "Caregiver" means a person who:

147 1. Is at least 21 years old unless he or she is a close  
148 relative of the qualifying patient and the patient demonstrates  
149 a need for assistance with the medical use of marijuana;

150 2. Has agreed in writing to assist the qualifying patient  
151 with the qualifying patient's medical use of marijuana; and

152 3. Does not receive compensation, other than actual  
153 expenses incurred, for assisting the qualifying patient with the  
154 medical use of marijuana unless the caregiver is acting pursuant  
155 to employment in a licensed facility ~~"Cannabis delivery device"~~  
156 ~~means an object used, intended for use, or designed for use in~~  
157 ~~preparing, storing, ingesting, inhaling, or otherwise~~  
158 ~~introducing low-THC cannabis or medical cannabis into the human~~  
159 ~~body.~~

160 (b) "Close relative" means a spouse, parent, sibling,  
161 grandparent, child, or grandchild, whether related by whole or  
162 half blood, by marriage, or by adoption.

163 (c) ~~(b)~~ "Debilitating medical condition" means cancer,  
164 epilepsy, glaucoma, a positive status for human immunodeficiency  
165 virus, acquired immune deficiency syndrome, posttraumatic stress  
166 disorder, amyotrophic lateral sclerosis, Crohn's disease,  
167 Parkinson's disease, multiple sclerosis, a physical medical  
168 condition that chronically produces symptoms of seizures or  
169 severe and persistent muscle spasms, a terminal condition, or  
170 any other debilitating medical condition of the same kind or  
171 class as, or comparable to, those conditions enumerated in this  
172 paragraph and for which a physician believes that the use of  
173 medical cannabis would likely outweigh the potential health  
174 risks to a patient ~~"Dispensing organization" means an~~

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175 ~~organization approved by the department to cultivate, process,~~  
 176 ~~transport, and dispense low-THC cannabis or medical cannabis~~  
 177 ~~pursuant to this section.~~

178 (d)~~(e)~~ "Independent testing laboratory" means a laboratory,  
 179 including the managers, employees, or contractors of the  
 180 laboratory:<sup>7</sup>

181 1. Which has no direct or indirect interest in a medical  
 182 marijuana treatment center; and

183 2. In which no medical marijuana treatment center has any  
 184 direct or indirect interest ~~dispensing organization.~~

185 (e)~~(d)~~ "Legal representative" means the qualifying  
 186 ~~qualified~~ patient's parent, legal guardian acting pursuant to a  
 187 court's authorization as required under s. 744.3215(4), health  
 188 care surrogate acting pursuant to the qualifying ~~qualified~~  
 189 patient's written consent or a court's authorization as required  
 190 under s. 765.113, or an individual who is authorized under a  
 191 power of attorney to make health care decisions on behalf of the  
 192 qualifying ~~qualified~~ patient.

193 (f)~~(e)~~ "Low-THC cannabis" means a plant of the genus  
 194 *Cannabis*, the dried flowers of which contain 0.8 percent or less  
 195 of tetrahydrocannabinol and more than 10 percent of cannabidiol  
 196 weight for weight; the seeds thereof; the resin extracted from  
 197 any part of such plant; or any compound, manufacture, salt,  
 198 derivative, mixture, or preparation of such plant or its seeds  
 199 or resin that is dispensed only by a medical marijuana treatment  
 200 center ~~from a dispensing organization.~~

201 (g)~~(f)~~ "Marijuana" has the same meaning as provided in s.  
 202 29, Art. X of the State Constitution ~~"Medical cannabis"~~ means  
 203 ~~all parts of any plant of the genus Cannabis, whether growing or~~

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204 ~~not; the seeds thereof; the resin extracted from any part of the~~  
205 ~~plant; and every compound, manufacture, sale, derivative,~~  
206 ~~mixture, or preparation of the plant or its seeds or resin that~~  
207 ~~is dispensed only from a dispensing organization for medical use~~  
208 ~~by an eligible patient as defined in s. 499.0295.~~

209 (h) "Marijuana delivery device" means an object used,  
210 intended for use, or designed for use in preparing, storing,  
211 ingesting, inhaling, or otherwise introducing marijuana or low-  
212 THC cannabis into the human body.

213 (i) "Medical marijuana treatment center" or "MMTC" has the  
214 same meaning as provided in s. 29, Art. X of the State  
215 Constitution.

216 (j)(g) "Medical use" has the same meaning as provided in s.  
217 29, Art. X of the State Constitution ~~means administration of the~~  
218 ~~ordered amount of low-THC cannabis or medical cannabis.~~ The term  
219 does not include ~~the~~:

220 1. The possession, use, or administration of marijuana low-  
221 THC cannabis or medical cannabis by smoking. As used in this  
222 subparagraph, the term "smoking" means burning or igniting a  
223 substance and inhaling the smoke. Smoking does not include the  
224 use of a vaporizer.

225 2. The possession, use, or administration of marijuana that  
226 is not purchased or acquired from a medical marijuana treatment  
227 center.

228 3. The transfer of marijuana low-THC cannabis or medical  
229 cannabis to a person other than the qualifying ~~qualified~~ patient  
230 for whom it was ordered or the qualifying ~~qualified~~ patient's  
231 caregiver ~~legal representative~~ on behalf of the qualifying  
232 ~~qualified~~ patient.

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233       ~~4.3-~~ The use or administration of marijuana ~~low-THC~~  
 234 ~~cannabis or medical cannabis:~~

235       a. On any form of public transportation.  
 236       b. In any public place.  
 237       c. In a qualifying ~~qualified~~ patient's place of employment,  
 238 if restricted by his or her employer.  
 239       d. In a state correctional institution as defined in s.  
 240 944.02 or a correctional institution as defined in s. 944.241.  
 241       e. On the grounds of a preschool, primary school, or  
 242 secondary school.  
 243       f. On a school bus or in a vehicle, aircraft, or motorboat.

244       ~~(k)-(h)~~ "Qualifying patient" has the same meaning as  
 245 provided in s. 29, Art. X of the State Constitution. The term  
 246 also includes eligible patients, as defined in s. 499.0295. A  
 247 patient is not a qualifying patient unless he or she is  
 248 registered with the department and has been issued a "Qualified  
 249 patient" means a resident of this state who has been added to  
 250 the compassionate use registry identification card by a  
 251 physician licensed under chapter 458 or chapter 459 to receive  
 252 low-THC cannabis or medical cannabis from a dispensing  
 253 organization.

254       ~~(i) "Smoking" means burning or igniting a substance and~~  
 255 ~~inhaling the smoke. Smoking does not include the use of a~~  
 256 ~~vaporizer.~~

257       ~~(3)-(2)~~ PHYSICIAN CERTIFICATION ORDERING.-A physician is  
 258 authorized to issue a physician certification for the provision  
 259 of marijuana and marijuana delivery devices ~~order low-THC~~  
 260 ~~cannabis to treat a qualified patient suffering from cancer or a~~  
 261 ~~physical medical condition that chronically produces symptoms of~~

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262 ~~seizures or severe and persistent muscle spasms; order low-THC~~  
263 ~~cannabis to alleviate symptoms of such disease, disorder, or~~  
264 ~~condition, if no other satisfactory alternative treatment~~  
265 ~~options exist for the qualified patient; order medical cannabis~~  
266 ~~to treat a qualifying an eligible patient as defined in s.~~  
267 ~~499.0295; or order a cannabis delivery device for the medical~~  
268 ~~use of low-THC cannabis or medical cannabis, only if the~~  
269 ~~physician:~~

270 (a) Holds an active, unrestricted license as a physician  
271 under chapter 458 or an osteopathic physician under chapter 459;

272 (b) ~~Has treated the patient for at least 3 months~~  
273 ~~immediately preceding the patient's registration in the~~  
274 ~~compassionate use registry;~~

275 (c) ~~Has successfully completed the course and examination~~  
276 ~~required under paragraph (6) (a) (4) (a);~~

277 (d) Has conducted a physical examination and made a full  
278 assessment of the medical history of the patient;

279 (e) Has determined that the medical use of marijuana would  
280 likely outweigh the potential health risks of treating the  
281 patient with low-THC cannabis or medical cannabis are reasonable  
282 in light of the potential benefit to the patient. If a patient  
283 is younger than 18 years of age, a second physician must concur  
284 with this determination, and such determination must be  
285 documented in the patient's medical record;

286 (f) Registers as the patient's physician ~~orderer of low-THC~~  
287 ~~cannabis or medical cannabis for the named patient on the~~  
288 ~~compassionate use registry maintained by the department and~~  
289 ~~updates the registry to reflect the contents of the order,~~  
290 ~~including the amount of marijuana which low-THC cannabis or~~

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291 ~~medical cannabis that~~ will provide the patient with not more  
292 than a 90-day ~~45-day~~ supply and any marijuana ~~a cannabis~~  
293 delivery device needed by the patient for the medical use of  
294 marijuana ~~low-THC cannabis or medical cannabis~~. A physician may  
295 certify an amount greater than a 90-day supply of marijuana if  
296 the physician has a reasonable belief that the patient will use  
297 the additional marijuana in a medically appropriate way. The  
298 physician must ~~also~~ update the registry within 7 days after any  
299 change is made to the physician certification ~~original~~ order to  
300 reflect the change. The physician shall deactivate the  
301 registration of the patient ~~and the patient's legal~~  
302 ~~representative~~ when the physician no longer recommends the  
303 medical use of marijuana for the patient ~~treatment is~~  
304 ~~discontinued;~~

305 (f) At least annually, recertifies the qualifying patient  
306 pursuant to this subsection. The physician must require that a  
307 non-Florida resident be physically present during the initial  
308 exam and all followup exams. Before being issued a physician  
309 certification, a qualifying patient who is a non-Florida  
310 resident must:

311 1. Affirm that his or her stay in this state is for at  
312 least 30 days;

313 2. Provide proof that he or she holds a state-issued  
314 identification card or certification in another state with a  
315 medical marijuana program; or

316 3. Elect to wait 2 weeks after the date of receiving a  
317 physician certification to obtain marijuana. A non-Florida  
318 resident who elects to wait under this subparagraph may not be  
319 issued a physician certification for marijuana for more than 6

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320 months; and

321 ~~(g) Submits the patient treatment plan quarterly to the~~  
322 ~~University of Florida College of Pharmacy for research on the~~  
323 ~~safety and efficacy of low-THC cannabis and medical cannabis on~~  
324 ~~patients;~~

325 ~~(h) Obtains the voluntary written informed consent of the~~  
326 ~~patient or the patient's legal representative to treatment with~~  
327 ~~low-THC cannabis after sufficiently explaining the current state~~  
328 ~~of knowledge in the medical community of the effectiveness of~~  
329 ~~treatment of the patient's condition with low-THC cannabis, the~~  
330 ~~medically acceptable alternatives, and the potential risks and~~  
331 ~~side effects;~~

332 ~~(i) Obtains written informed consent as defined in and~~  
333 ~~required under s. 499.0295, if the physician is ordering medical~~  
334 ~~cannabis for an eligible patient pursuant to that section; and~~

335 ~~(g)-(j) Is not a medical director employed by an MMTC a~~  
336 ~~dispensing organization.~~

337 (4)-(3) GRANDFATHERING.—An order for low-THC cannabis or  
338 medical cannabis issued pursuant to former s. 381.986, Florida  
339 Statutes 2016, and registered with the compassionate use  
340 registry on or before the effective date of this act shall be  
341 considered a physician certification issued pursuant to this  
342 section. The details and expiration date of such certification  
343 must be identical to the details and expiration date of the  
344 order as logged in the compassionate use registry. Until the  
345 department begins issuing compassionate use registry  
346 identification cards, all patients with such orders shall be  
347 considered qualifying patients, notwithstanding the requirement  
348 that a qualifying patient have a compassionate use registry

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349 identification card.

350 (5) PENALTIES.—

351 (a) A physician commits a misdemeanor of the first degree,  
352 punishable as provided in s. 775.082 or s. 775.083, if the  
353 physician issues a physician certification for marijuana to  
354 ~~orders low-THC cannabis for~~ a patient without a reasonable  
355 belief that the patient is suffering from a debilitating medical  
356 condition†

357 1. ~~Cancer or a physical medical condition that chronically~~  
358 ~~produces symptoms of seizures or severe and persistent muscle~~  
359 ~~spasms that can be treated with low-THC cannabis; or~~

360 2. ~~Symptoms of cancer or a physical medical condition that~~  
361 ~~chronically produces symptoms of seizures or severe and~~  
362 ~~persistent muscle spasms that can be alleviated with low-THC~~  
363 ~~cannabis.~~

364 (b) ~~A physician commits a misdemeanor of the first degree,~~  
365 ~~punishable as provided in s. 775.082 or s. 775.083, if the~~  
366 ~~physician orders medical cannabis for a patient without a~~  
367 ~~reasonable belief that the patient has a terminal condition as~~  
368 ~~defined in s. 499.0295.~~

369 (c) ~~A person who fraudulently represents that he or she has~~  
370 ~~a debilitating cancer, a physical medical condition that~~  
371 ~~chronically produces symptoms of seizures or severe and~~  
372 ~~persistent muscle spasms, or a terminal condition to a physician~~  
373 ~~for the purpose of being issued a physician certification for~~  
374 ~~marijuana ordered low-THC cannabis, medical cannabis, or a~~  
375 ~~marijuana cannabis~~ delivery device by such physician commits a  
376 misdemeanor of the first degree, punishable as provided in s.  
377 775.082 or s. 775.083.

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378 ~~(c)~~ (d) A qualifying ~~An eligible patient as defined in s.~~  
 379 ~~499.0295~~ who uses marijuana ~~medical cannabis~~, and such patient's  
 380 caregiver ~~legal representative~~ who administers marijuana ~~medical~~  
 381 ~~cannabis~~, in plain view of or in a place open to the general  
 382 public, on the grounds of a place of education ~~school~~, or in an  
 383 aircraft, a motorboat, a school bus, a train, or a vehicle,  
 384 ~~aircraft, or motorboat,~~ commits a misdemeanor of the first  
 385 degree, punishable as provided in s. 775.082 or s. 775.083.

386 (d) Except as provided in paragraph (c), a caregiver who  
 387 violates any provision of this section or applicable department  
 388 rule commits, upon the first offense, a misdemeanor of the  
 389 second degree, punishable as provided in s. 775.082 or s.  
 390 775.083, and, upon the second and subsequent offenses, a  
 391 misdemeanor of the first degree, punishable as provided in s.  
 392 775.082 or s. 775.083.

393 (e) A physician who issues a physician certification for  
 394 marijuana ~~orders low-THC cannabis, medical cannabis,~~ or a  
 395 marijuana ~~cannabis~~ delivery device and receives compensation  
 396 from an MMTC ~~a dispensing organization~~ related to issuing the  
 397 physician certification for marijuana ~~the ordering of low-THC~~  
 398 ~~cannabis, medical cannabis,~~ or a marijuana ~~cannabis~~ delivery  
 399 device is subject to disciplinary action under the applicable  
 400 practice act and s. 456.072(1)(n).

401 (6) ~~(4)~~ PHYSICIAN EDUCATION.—

402 (a) Before a physician may issue a physician certification  
 403 pursuant to subsection (3) ~~ordering low-THC cannabis, medical~~  
 404 ~~cannabis, or a cannabis delivery device for medical use by a~~  
 405 ~~patient in this state,~~ the appropriate board shall require the  
 406 ~~ordering~~ physician to successfully complete a 4-hour ~~an 8-hour~~

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407 course and subsequent examination offered by the Florida Medical  
408 Association or the Florida Osteopathic Medical Association which  
409 ~~that~~ encompasses the clinical indications for the appropriate  
410 use of marijuana ~~low-THC cannabis and medical cannabis~~, the  
411 appropriate marijuana ~~cannabis~~ delivery devices, the  
412 contraindications for such use, and the relevant state and  
413 federal laws governing the issuance of physician certifications,  
414 as well as the ordering, ~~dispensing,~~ and possessing of these  
415 substances and devices. The course and examination shall be  
416 administered at least quarterly ~~annually~~. Successful completion  
417 of the course may be used by a physician to satisfy 4 hours ~~&~~  
418 ~~hours~~ of the continuing medical education requirements required  
419 by his or her respective board for licensure renewal. This  
420 course may be offered in a distance learning format. A physician  
421 who has completed a 4-hour course and subsequent examination  
422 offered by the Florida Medical Association or the Florida  
423 Osteopathic Medical Association which encompasses the clinical  
424 indications for the appropriate use of marijuana and who is  
425 registered in the compassionate use registry on the effective  
426 date of this act is deemed to meet the requirements of this  
427 paragraph.

428 (b) The appropriate board shall require the medical  
429 director of each MMTC ~~dispensing organization~~ to hold an active,  
430 unrestricted license as a physician under chapter 458 or as an  
431 osteopathic physician under chapter 459 and successfully  
432 complete a 2-hour course and subsequent examination offered by  
433 the Florida Medical Association or the Florida Osteopathic  
434 Medical Association which ~~that~~ encompasses appropriate safety  
435 procedures and knowledge of marijuana ~~low-THC cannabis, medical~~

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436 ~~eannabis,~~ and marijuana ~~eannabis~~ delivery devices.

437 ~~(c) Successful completion of the course and examination~~  
438 ~~specified in paragraph (a) is required for every physician who~~  
439 ~~orders low-THC cannabis, medical cannabis, or a cannabis~~  
440 ~~delivery device each time such physician renews his or her~~  
441 ~~license. In addition, successful completion of the course and~~  
442 ~~examination specified in paragraph (b) is required for the~~  
443 ~~medical director of each dispensing organization each time such~~  
444 ~~physician renews his or her license.~~

445 ~~(d)~~ A physician who fails to comply with this subsection  
446 and who issues a physician certification for marijuana ~~orders~~  
447 ~~low-THC cannabis, medical cannabis, or a marijuana~~ eannabis  
448 delivery device may be subject to disciplinary action under the  
449 applicable practice act and under s. 456.072(1)(k).

450 (7) CAREGIVERS.—

451 (a) During the course of registration with the department  
452 for inclusion on the compassionate use registry, or at any time  
453 while registered, a qualifying patient over the age of 21 may  
454 designate or remove an individual as his or her caregiver to  
455 assist him or her with the medical use of marijuana. The  
456 designated caregiver must pass a level 2 screening pursuant to  
457 chapter 435 unless the patient is a close relative of the  
458 caregiver and the patient demonstrates a need for assistance  
459 with the medical use of marijuana. The department shall create a  
460 1-hour course for caregivers and a subsequent examination that  
461 encompass basic information on the procedure and administration  
462 of marijuana. The department shall require the designated  
463 caregiver to successfully complete the course and pass the  
464 subsequent examination before registering an individual as a

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465 caregiver.

466 (b) A qualifying patient may have only one designated  
467 caregiver at any given time unless all of the qualifying  
468 patient's caregivers are his or her close relatives or legal  
469 representatives.

470 (c) A caregiver may assist only one qualifying patient at  
471 any given time unless:

472 1. All qualifying patients the caregiver is assisting are  
473 close relatives of each other and the caregiver is the legal  
474 representative of at least one of the patients; or

475 2. All qualifying patients the caregiver is assisting are  
476 receiving hospice services, or are residents in the same  
477 assisted living facility, nursing home, or other licensed  
478 facility and have requested the assistance of that caregiver  
479 with the medical use of marijuana; the caregiver is an employee  
480 of the hospice or licensed facility; and the caregiver provides  
481 personal care or services directly to clients of the hospice or  
482 licensed facility as a part of his or her employment duties at  
483 the hospice or licensed facility.

484 (d) The department must register a caregiver on the  
485 compassionate use registry and issue him or her a caregiver  
486 identification card if he or she:

487 1. Is designated by a qualifying patient, provides hospice  
488 services to a qualifying patient, or is requested by a  
489 qualifying patient in a licensed facility for assistance with  
490 the medical use of marijuana; and

491 2. Meets all of the requirements of this subsection and  
492 department rules.

493 (e) If a qualifying patient is under the age of 18, only a

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494 parent, legal guardian, caregiver, or health care provider may  
 495 assist the patient in the purchasing and administering of  
 496 marijuana for medical use. A qualifying patient under the age of  
 497 18 may not purchase marijuana.

498 (8)-(5) DUTIES OF THE DEPARTMENT.—The department shall:

499 (a) Create and maintain a secure, electronic, and online  
 500 compassionate use registry for the registration of physicians,  
 501 qualifying patients, and caregivers ~~the legal representatives of~~  
 502 ~~patients~~ as provided under this section. The registry must be  
 503 accessible to:

504 1. Physicians licensed under chapter 458 or chapter 459, to  
 505 ensure proper care for patients requesting physician  
 506 certifications;

507 2. Practitioners licensed to prescribe prescription drugs,  
 508 to ensure proper care for patients before prescribing  
 509 medications that may interact with the medical use of marijuana;

510 3. Law enforcement agencies, only for the purpose of  
 511 verifying the authorization of a qualifying patient or a  
 512 qualifying patient's caregiver to possess marijuana or a  
 513 marijuana delivery device; and

514 4. MMTCs, ~~to a dispensing organization~~ to verify the  
 515 authorization of a qualifying patient or a qualifying patient's  
 516 caregiver ~~legal representative~~ to possess marijuana ~~low-THC~~  
 517 ~~cannabis, medical cannabis,~~ or a marijuana cannabis delivery  
 518 device and to record the marijuana ~~low-THC cannabis, medical~~  
 519 ~~cannabis,~~ or marijuana cannabis delivery device dispensed. The  
 520 registry must prevent ~~an~~ active registration of a qualifying  
 521 patient by multiple physicians.

522 (b) By July 3, 2017, adopt rules, pursuant to s. 120.536(1)

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523 or s. 120.54, establishing procedures for the issuance, annual  
524 renewal, suspension, and revocation of compassionate use  
525 registry identification cards for qualifying patients and  
526 caregivers who are residents of this state. The department may  
527 use emergency rulemaking procedures pursuant to s. 120.54(4) to  
528 adopt rules under this section as necessary to ensure that rules  
529 are adopted on or before July 3, 2017. The department may charge  
530 a reasonable fee associated with the issuance and renewal of  
531 patient and caregiver identification cards. By October 3, 2017,  
532 the department shall begin issuing identification cards to adult  
533 patients who are residents of this state and who have a  
534 physician certification that meets the requirements of  
535 subsection (3); minor patients who are residents of this state  
536 and who have a physician certification that meets the  
537 requirements of subsection (3) and the written consent of a  
538 parent or legal guardian; and caregivers registered pursuant to  
539 subsection (7). Patient and caregiver identification cards must  
540 be resistant to counterfeiting and tampering and must include at  
541 least the following:

- 542 1. The name, address, and date of birth of the patient or  
543 caregiver, as appropriate;  
544 2. Designation of the cardholder as a patient or caregiver;  
545 3. A unique numeric identifier for the patient or caregiver  
546 which is matched to the identifier used for such person in the  
547 department's compassionate use registry. A caregiver's numeric  
548 identifier and file in the compassionate use registry must be  
549 linked to the file of the patient or patients the caregiver is  
550 assisting so that the caregiver's status may be verified for  
551 each patient individually;

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552 4. The expiration date, which must be 1 year after the date  
553 of issuance of the identification card or the date treatment  
554 ends as provided in the patient's physician certification,  
555 whichever occurs first; and

556 5. For a caregiver who is assisting three or fewer  
557 qualifying patients, the name and unique numeric identifier, or  
558 the names and unique numeric identifiers, of the qualifying  
559 patient, or the qualifying patients, that the caregiver is  
560 assisting.

561 (c) Deem a dispensing organization approved under s. 2,  
562 chapter 2014-157, Laws of Florida, or s. 3, chapter 2016-123,  
563 Laws of Florida, before June 1, 2017, to meet the requirements  
564 for approval as an MMTC under this section. The department shall  
565 presume such dispensing organization to be registered with the  
566 department as an MMTC and shall authorize such dispensing  
567 organization to acquire, cultivate, possess, or process  
568 marijuana or products containing marijuana, including developing  
569 related products such as food, tinctures, aerosols, oils, or  
570 ointments, for sale to qualifying patients and their caregivers;  
571 or to transfer, transport, sell, distribute, or dispense  
572 marijuana, products containing marijuana, related supplies, and  
573 educational materials to qualifying patients or their  
574 caregivers. If holding a valid certificate of registration by  
575 the Department of Agriculture and Consumer Services pursuant to  
576 s. 581.131 is not required for the renewal of the registration  
577 approval, the Department of Health shall renew the approval of  
578 such dispensing organization as an MMTC biennially upon payment  
579 by the dispensing organization of the biennial renewal fee  
580 ~~Authorize the establishment of five dispensing organizations to~~

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581 ~~ensure reasonable statewide accessibility and availability as~~  
582 ~~necessary for patients registered in the compassionate use~~  
583 ~~registry and who are ordered low-THC cannabis, medical cannabis,~~  
584 ~~or a cannabis delivery device under this section, one in each of~~  
585 ~~the following regions: northwest Florida, northeast Florida,~~  
586 ~~central Florida, southeast Florida, and southwest Florida.~~

587 (d) Register 10 additional MMTCs before October 3, 2017,  
588 including, but not limited to, 1 applicant per occurrence which  
589 is a recognized class member of *Pigford v. Glickman*, 185 F.R.D.  
590 82 (D.D.C. 1999), or *In re Black Farmers Litig.*, 856 F. Supp. 2d  
591 1 (D.D.C. 2011), and which is a member of the Black Farmers and  
592 Agriculturalists Association. All applicants must meet the  
593 requirements in this subsection and in subsection (9) and be an  
594 entity registered to do business in this state for at least 5  
595 consecutive years as of the date of the application. Upon the  
596 registration of every additional 25,000 active qualified  
597 patients in the compassionate use registry after January 1,  
598 2018, the department shall register 4 additional MMTCs.

599 1. An entity may not be issued more than 1 registration.

600 2. The department shall review the number of qualifying  
601 patients every 6 months.

602 3. The department may not register more than 1 MMTC for  
603 every 10 pharmacies licensed in this state.

604 (e) The department shall Develop an application form for  
605 registration as an MMTC and impose an initial application and  
606 biennial renewal fee that is sufficient to cover the costs of  
607 administering this section. To be registered as an MMTC, the ~~An~~  
608 applicant for approval as a dispensing organization must be able  
609 to demonstrate:

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610 1. The technical and technological ability to cultivate and  
611 produce marijuana ~~low-THC cannabis~~. The applicant must possess a  
612 valid certificate of registration issued by the Department of  
613 Agriculture and Consumer Services pursuant to s. 581.131 ~~that is~~  
614 ~~issued~~ for the cultivation of more than 400,000 plants, be  
615 operated by a nurseryman as defined in s. 581.011, and have been  
616 operated as a registered nursery in this state for at least 30  
617 continuous years.

618 2. The ability to secure the premises, resources, and  
619 personnel necessary to operate as an MMTC ~~a dispensing~~  
620 ~~organization~~.

621 3. The ability to maintain accountability of all raw  
622 materials, finished products, and any byproducts to prevent  
623 diversion or unlawful access to or possession of these  
624 substances.

625 4. An infrastructure reasonably located to dispense  
626 marijuana ~~low-THC cannabis~~ to registered qualifying patients  
627 statewide ~~or regionally as determined by the department~~.

628 5. The financial ability to maintain operations for the  
629 duration of the 2-year approval cycle, including the provision  
630 of certified financials to the department. Upon approval, the  
631 applicant must post a \$5 million performance bond. However, upon  
632 an MMTC's ~~a dispensing organization's~~ serving at least 1,000  
633 qualifying ~~qualified~~ patients, the dispensing organization is  
634 ~~only~~ required to maintain only a \$1 ~~\$2~~ million performance bond,  
635 to apply retroactively to all registrations.

636 6. That all owners with a 5 percent or greater share and  
637 all managers have been fingerprinted and have successfully  
638 passed a level 2 background screening pursuant to s. 435.04.

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639           7. The employment of a medical director to supervise the  
640 activities of the MMTC ~~dispensing organization~~.

641           ~~(c) Upon the registration of 250,000 active qualified~~  
642 ~~patients in the compassionate use registry, approve three~~  
643 ~~dispensing organizations, including, but not limited to, an~~  
644 ~~applicant that is a recognized class member of *Pigford v.*~~  
645 ~~*Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers*~~  
646 ~~*Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011), and a member of the~~  
647 ~~Black Farmers and Agriculturalists Association, which must meet~~  
648 ~~the requirements of subparagraphs (b)2.-7. and demonstrate the~~  
649 ~~technical and technological ability to cultivate and produce~~  
650 ~~low-THC cannabis.~~

651           ~~(f)~~~~(d)~~ Allow an MMTC ~~a dispensing organization~~ to make a  
652 wholesale purchase of marijuana ~~low-THC cannabis~~ or medical  
653 ~~cannabis~~ from, or a distribution of marijuana ~~low-THC cannabis~~  
654 ~~or medical cannabis~~ to, another MMTC ~~dispensing organization~~.

655           ~~(g)~~~~(e)~~ Monitor physician registration in the compassionate  
656 use registry and the issuance of physician certifications  
657 pursuant to subsection (3) and ordering of low-THC cannabis,  
658 medical cannabis, or a cannabis delivery device for ordering  
659 practices that could facilitate unlawful diversion or misuse of  
660 marijuana ~~low-THC cannabis, medical cannabis, or a~~ marijuana  
661 ~~cannabis~~ delivery device and take disciplinary action as  
662 indicated.

663           (h) Create a 30-minute educational program for qualifying  
664 patients on the responsible use of marijuana. The program must  
665 address the safe consumption of edible marijuana products and  
666 keeping the patient's marijuana from children and unauthorized  
667 users.

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668        (9) ~~(6)~~ MEDICAL MARIJUANA TREATMENT CENTERS DISPENSING  
 669 ORGANIZATION.—In order to be an MMTC, an entity must register  
 670 with the department. An MMTC An approved dispensing organization  
 671 must, at all times, maintain compliance with the criteria  
 672 demonstrated for selection and approval as a dispensing  
 673 organization under subsection (5) and the criteria required in  
 674 this subsection and all representations made to the department  
 675 in the MMTC's application for registration. Upon request, the  
 676 department may grant an MMTC one or more variances from the  
 677 representations made in the MMTC's application. Consideration of  
 678 such a variance shall be based upon the facts and circumstances  
 679 surrounding the request. A variance may not be granted unless  
 680 the requesting MMTC can demonstrate to the department that it  
 681 has a proposed alternative to the specific representation made  
 682 in its application which fulfills the same or a similar purpose  
 683 as the specific representation in a way that the department can  
 684 reasonably determine will not be a lower standard than the  
 685 specific representation in the application. An MMTC is not  
 686 required to obtain a variance for deviations from the MMTC's  
 687 application for registration which do not materially affect the  
 688 MMTC's operations or the quality of the marijuana dispensed by  
 689 the MMTC or for deviations from the MMTC's application which are  
 690 needed to conform to current statutes or rules.

691        (a) When growing marijuana ~~low-THC cannabis or medical~~  
 692 ~~cannabis, an MMTC a dispensing organization:~~

693            1. May use pesticides determined by the department, after  
 694 consultation with the Department of Agriculture and Consumer  
 695 Services, to be safely applied to plants intended for human  
 696 consumption, but may not use pesticides designated as

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697 restricted-use pesticides pursuant to s. 487.042.

698 2. Must grow marijuana ~~low-THC cannabis or medical cannabis~~  
699 within an enclosed structure ~~and in a room separate from any~~  
700 ~~other plant.~~

701 3. Must inspect seeds and growing plants for plant pests  
702 that endanger or threaten the horticultural and agricultural  
703 interests of the state, notify the Department of Agriculture and  
704 Consumer Services within 10 calendar days after a determination  
705 that a plant is infested or infected by such plant pest, and  
706 implement and maintain phytosanitary policies and procedures.

707 4. Must perform fumigation or treatment of plants, or the  
708 removal and destruction of infested or infected plants, in  
709 accordance with chapter 581 and any rules adopted thereunder.

710 (b) When processing marijuana, an MMTC ~~low-THC cannabis or~~  
711 ~~medical cannabis~~, a ~~dispensing organization~~ must:

712 1. Follow health and safety standards established by the  
713 department. The department shall require the use of food grade  
714 solvents, equipment, and procedures in the processing of  
715 marijuana to ensure safe consumption.

716 2. Process the marijuana ~~low-THC cannabis or medical~~  
717 ~~cannabis~~ within an enclosed structure and in a room separate  
718 from other plants or products.

719 ~~3.2.~~ Test the processed marijuana ~~low-THC cannabis and~~  
720 ~~medical cannabis~~ before it is ~~they are~~ dispensed. Results must  
721 be verified and signed by two MMTC ~~dispensing organization~~  
722 employees. Before dispensing marijuana ~~low-THC cannabis~~, the  
723 MMTC ~~dispensing organization~~ must determine that the marijuana  
724 ~~test results indicate that the low-THC cannabis meets the~~  
725 ~~definition of low-THC cannabis and, for medical cannabis and~~

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726 ~~low-THC cannabis, that all medical cannabis and low-THC cannabis~~  
727 ~~is safe for human consumption and free from contaminants that~~  
728 ~~are unsafe for human consumption.~~ The MMTC ~~dispensing~~  
729 ~~organization~~ must retain records of all testing and samples of  
730 each homogenous batch of marijuana ~~cannabis and low-THC cannabis~~  
731 for at least 6 ~~9~~ months. The MMTC ~~dispensing organization~~ must  
732 contract with an independent testing laboratory to:

733 a. Perform audits on the MMTC's dispensing organization's  
734 standard operating procedures, testing records, and samples and  
735 provide the results to the department to confirm that the  
736 marijuana ~~low-THC cannabis or medical cannabis~~ meets the  
737 requirements of this section and that the marijuana ~~medical~~  
738 ~~cannabis and low-THC cannabis~~ is safe for human consumption; or

739 b. Directly test the marijuana final product to ensure that  
740 it meets the requirements of this section and is safe for human  
741 consumption before it is dispensed or distributed.

742 4.3. Directly package the marijuana ~~low-THC cannabis or~~  
743 ~~medical cannabis~~ in compliance with the United States Poison  
744 Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

745 5.4. Package the marijuana ~~low-THC cannabis or medical~~  
746 ~~cannabis~~ in an opaque, childproof, and tamper-evident a  
747 receptacle that has a firmly affixed and legible label stating  
748 the following information:

749 a. A statement that the marijuana ~~low-THC cannabis or~~  
750 ~~medical cannabis~~ meets the requirements of subparagraphs 1.,  
751 subparagraph 2. and 3.;

752 b. The name of the MMTC ~~dispensing organization~~ from which  
753 the marijuana ~~medical cannabis or low-THC cannabis~~ originates  
754 and the MMTC's registration number; and

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755 c. The batch number and harvest number from which the  
756 ~~marijuana medical cannabis or low-THC cannabis~~ originates;

757 d. A universal symbol indicating that marijuana is  
758 contained in the package; and

759 e. Warning statements.

760 ~~6.5.~~ Reserve two processed samples from each batch and  
761 retain such samples for at least 6 ~~9~~ months for the purpose of  
762 testing pursuant to the audit required under subparagraph 3. 2.

763 (c) When dispensing ~~marijuana low-THC cannabis, medical~~  
764 ~~cannabis,~~ or a marijuana cannabis delivery device, an MMTC a  
765 dispensing organization:

766 1. May not dispense more than the a 45-day supply of  
767 ~~marijuana low-THC cannabis or medical cannabis~~ to a qualifying  
768 patient or the qualifying patient's caregiver which is indicated  
769 on the qualifying patient's physician certification legal  
770 representative.

771 2. Must ensure that have the ~~dispensing organization's~~  
772 employee who dispenses the ~~marijuana low-THC cannabis, medical~~  
773 ~~cannabis,~~ or a marijuana cannabis delivery device enters ~~enter~~  
774 into the compassionate use registry his or her name or unique  
775 employee identifier.

776 3. Must verify that the qualifying patient and the  
777 caregiver, if applicable, both have an active and valid  
778 compassionate use registry identification card and that the  
779 amount and type of marijuana dispensed match the physician's  
780 certification in the compassionate use registry for that  
781 qualifying patient that a physician has ordered the low-THC  
782 ~~cannabis, medical cannabis, or a specific type of a cannabis~~  
783 ~~delivery device for the patient.~~

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784 4. May not dispense or sell any other type of cannabis,  
785 alcohol, or illicit drug-related product, including pipes,  
786 bongs, or wrapping papers, other than a ~~physician-ordered~~  
787 marijuana cannabis delivery device required for the medical use  
788 of marijuana which is specified in the physician certification.  
789 An MMTC may produce and dispense marijuana as an edible or food  
790 product but may not produce such items in a format designed to  
791 be attractive to children. In addition to the requirements of  
792 this section and department rule, food products produced by an  
793 MMTC must meet all food safety standards established in state  
794 and federal law, including, but not limited to, the  
795 identification of the serving size and the amount of  
796 tetrahydrocannabinol in each serving ~~low-THC cannabis or medical~~  
797 cannabis, while dispensing ~~low-THC cannabis or medical cannabis.~~

798 ~~5. Must verify that the patient has an active registration~~  
799 ~~in the compassionate use registry, the patient or patient's~~  
800 ~~legal representative holds a valid and active registration card,~~  
801 ~~the order presented matches the order contents as recorded in~~  
802 ~~the registry, and the order has not already been filled.~~

803 ~~5.6.~~ Must, upon dispensing the marijuana ~~low-THC cannabis,~~  
804 medical cannabis, or marijuana cannabis delivery device, record  
805 in the registry the date, time, quantity, and form of marijuana  
806 ~~low-THC cannabis or medical cannabis~~ dispensed; and the type of  
807 marijuana cannabis delivery device dispensed; and the name and  
808 compassionate use registry numeric identifier of the qualifying  
809 patient or caregiver to whom the marijuana delivery device was  
810 dispensed.

811 (d) To ensure the safety and security of its premises and  
812 any off-site storage facilities, and to maintain adequate

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813 controls against the diversion, theft, and loss of marijuana  
814 ~~low-THC cannabis, medical cannabis, or marijuana cannabis~~  
815 delivery devices, an MMTC ~~a dispensing organization~~ shall:

816 1.a. Maintain a fully operational security alarm system  
817 that secures all entry points and perimeter windows and is  
818 equipped with motion detectors; pressure switches; and duress,  
819 panic, and hold-up alarms; or

820 b. Maintain a video surveillance system that records  
821 continuously 24 hours each day and meets at least one of the  
822 following criteria:

823 (I) Cameras are fixed in a place that allows for the clear  
824 identification of persons and activities in controlled areas of  
825 the premises. Controlled areas include grow rooms, processing  
826 rooms, storage rooms, disposal rooms or areas, and point-of-sale  
827 rooms;

828 (II) Cameras are fixed in entrances and exits to the  
829 premises, which shall record from both indoor and outdoor, or  
830 ingress and egress, vantage points;

831 (III) Recorded images must clearly and accurately display  
832 the time and date; or

833 (IV) Retain video surveillance recordings for a minimum of  
834 45 days or longer upon the request of a law enforcement agency.

835 2. Ensure that the MMTC's ~~organization's~~ outdoor premises  
836 have sufficient lighting from dusk until dawn.

837 3. Establish and maintain a tracking system approved by the  
838 department which ~~that~~ traces the marijuana ~~low-THC cannabis or~~  
839 ~~medical cannabis~~ from seed to sale. The tracking system must  
840 ~~shall~~ include notification of key events as determined by the  
841 department, including when marijuana ~~cannabis~~ seeds are planted,

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842 when marijuana ~~cannabis~~ plants are harvested and destroyed, and  
843 when marijuana ~~low-THC cannabis or medical cannabis~~ is  
844 transported, sold, stolen, diverted, or lost.

845 4. Not dispense from its premises marijuana ~~low-THC~~  
846 ~~cannabis, medical cannabis,~~ or a marijuana ~~cannabis~~ delivery  
847 device between the hours of 9 p.m. and 7 a.m., but may perform  
848 all other operations and deliver marijuana ~~low-THC cannabis and~~  
849 ~~medical cannabis~~ to qualifying ~~qualified~~ patients 24 hours each  
850 day.

851 5. Store marijuana ~~low-THC cannabis or medical cannabis~~ in  
852 a secured, locked room or a vault.

853 6. Require at least two of its employees, or two employees  
854 of a security agency with whom it contracts, to be on the  
855 premises of any cultivation or processing facilities at all  
856 times.

857 7. Require each employee or contractor to wear a photo  
858 identification badge at all times while on the premises.

859 8. Require each visitor to wear a visitor's pass at all  
860 times while on the premises.

861 9. Implement an alcohol and drug-free workplace policy.

862 10. Report to local law enforcement within 24 hours after  
863 it is notified or becomes aware of the theft, diversion, or loss  
864 of marijuana ~~low-THC cannabis or medical cannabis~~.

865 11. Register all MMTC owners and employees with the  
866 department.

867 12. Present a floor plan to the department which designates  
868 each area of the facility as a "limited access area,"  
869 "restricted access area," or "general access area." As used in  
870 this subparagraph, the term:

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871 a. "Limited access area" means the area within an MMTC  
872 where marijuana is cultivated, processed, stored, packaged, and  
873 sold to other MMTCs. This area is accessible only to employees  
874 and visitors escorted by an employee.

875 b. "Restricted access area" means the area within an MMTC  
876 where marijuana is sold to qualifying patients and caregivers.  
877 This area is accessible only to employees, qualifying patients,  
878 and caregivers and to visitors escorted by an employee.  
879 Individuals admitted into a restricted access area must provide  
880 a photo identification as required by the department.

881 c. "General access area" means the area within an MMTC  
882 where marijuana is not grown, cultivated, processed, stored,  
883 packaged, processed for sale, or sold. This area is accessible  
884 to visitors.

885 (e) To ensure the safe and sanitary transport of marijuana  
886 ~~low-THC cannabis or medical cannabis~~ to MMTC dispensing  
887 ~~organization~~ facilities, independent testing laboratories, or  
888 qualifying patients, the MMTC dispensing organization must:

889 1. Maintain a transportation manifest, which must be  
890 retained for at least 1 year.

891 2. Ensure only vehicles in good working order are used to  
892 transport marijuana ~~low-THC cannabis or medical cannabis~~.

893 3. Lock marijuana ~~low-THC cannabis or medical cannabis~~ in a  
894 separate compartment or container within the vehicle.

895 4. Require at least two persons to be in a vehicle  
896 transporting marijuana ~~low-THC cannabis or medical cannabis~~, and  
897 require at least one person to remain in the vehicle while the  
898 marijuana ~~low-THC cannabis or medical cannabis~~ is being  
899 delivered.

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900 5. Ensure that any vehicle transporting marijuana to a  
901 qualifying patient or caregiver is legally parked while  
902 marijuana is being delivered to the qualifying patient or  
903 caregiver.

904 ~~6.5. Provide specific safety and security training to~~  
905 ~~employees transporting or delivering marijuana ~~low-THC cannabis~~~~  
906 ~~or medical cannabis.~~

907 ~~(10)(7) DEPARTMENT AUTHORITY AND RESPONSIBILITIES.—~~

908 (a) The department may conduct announced or unannounced  
909 inspections of MMTCs ~~dispensing organizations~~ to determine  
910 compliance with this section or rules adopted pursuant to this  
911 section.

912 (b) The department shall inspect an MMTC ~~a dispensing~~  
913 ~~organization~~ upon complaint or notice provided to the department  
914 that the MMTC ~~dispensing organization~~ has dispensed marijuana  
915 ~~low-THC cannabis or medical cannabis~~ containing any mold,  
916 bacteria, or other contaminant at a level that may cause or has  
917 caused an adverse effect to human health or the environment.

918 (c) The department shall conduct at least a biennial  
919 inspection of each MMTC ~~dispensing organization~~ to evaluate the  
920 MMTC's ~~dispensing organization's~~ records, personnel, equipment,  
921 processes, security measures, sanitation practices, and quality  
922 assurance practices.

923 (d) The department shall adopt by rule a process for  
924 approving changes in MMTC ownership or a change in an MMTC  
925 owner's investment interest of 5 percent or more. This process  
926 must include specific criteria for the approval or denial of an  
927 application for change of ownership or a change in investment  
928 interest and procedures for screening applicants' criminal and

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929 financial histories.

930 (e) The department may enter into interagency agreements  
931 with the Department of Agriculture and Consumer Services, the  
932 Department of Business and Professional Regulation, the  
933 Department of Law Enforcement, the Department of Transportation,  
934 the Department of Highway Safety and Motor Vehicles, and the  
935 Agency for Health Care Administration, and such agencies are  
936 authorized to enter into an interagency agreement with the  
937 department, to conduct inspections or perform other  
938 responsibilities assigned to the department under this section.

939 (f) ~~(e)~~ The department must make a list of all approved  
940 MMTCs, dispensing organizations and qualified ordering  
941 physicians who are qualified to issue physician certifications,  
942 and medical directors of MMTCs publicly available on its  
943 website.

944 ~~(f) The department may establish a system for issuing and~~  
945 ~~renewing registration cards for patients and their legal~~  
946 ~~representatives, establish the circumstances under which the~~  
947 ~~cards may be revoked by or must be returned to the department,~~  
948 ~~and establish fees to implement such system. The department must~~  
949 ~~require, at a minimum, the registration cards to:~~

950 ~~1. Provide the name, address, and date of birth of the~~  
951 ~~patient or legal representative.~~

952 ~~2. Have a full-face, passport-type, color photograph of the~~  
953 ~~patient or legal representative taken within the 90 days~~  
954 ~~immediately preceding registration.~~

955 ~~3. Identify whether the cardholder is a patient or legal~~  
956 ~~representative.~~

957 ~~4. List a unique numeric identifier for the patient or~~

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958 ~~legal representative that is matched to the identifier used for~~  
959 ~~such person in the department's compassionate use registry.~~

960 ~~5. Provide the expiration date, which shall be 1 year after~~  
961 ~~the date of the physician's initial order of low-THC cannabis or~~  
962 ~~medical cannabis.~~

963 ~~6. For the legal representative, provide the name and~~  
964 ~~unique numeric identifier of the patient that the legal~~  
965 ~~representative is assisting.~~

966 ~~7. Be resistant to counterfeiting or tampering.~~

967 (g) The department may impose reasonable fines not to  
968 exceed \$10,000 on an MMTC ~~a dispensing organization~~ for any of  
969 the following violations:

970 1. Violating this section, s. 499.0295, or department rule.

971 2. Failing to maintain qualifications registration with the  
972 department ~~for approval~~.

973 3. Endangering the health, safety, or security of a  
974 qualifying ~~qualified~~ patient.

975 4. Improperly disclosing personal and confidential  
976 information of a qualifying ~~the qualified~~ patient.

977 5. Attempting to procure MMTC registration with the  
978 department ~~dispensing organization approval~~ by bribery,  
979 fraudulent misrepresentation, or extortion.

980 6. Any owner or manager of the MMTC being convicted or  
981 found guilty of, or entering a plea of guilty or nolo contendere  
982 to, regardless of adjudication, a crime in any jurisdiction  
983 which directly relates to the business of an MMTC ~~a dispensing~~  
984 ~~organization~~.

985 7. Making or filing a report or record that the MMTC  
986 ~~dispensing organization~~ knows to be false.

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987 8. Willfully failing to maintain a record required by this  
988 section or department rule.

989 9. Willfully impeding or obstructing an employee or agent  
990 of the department in the furtherance of his or her official  
991 duties.

992 10. Engaging in fraud or deceit, negligence, incompetence,  
993 or misconduct in the business practices of an MMTC ~~a dispensing~~  
994 ~~organization~~.

995 11. Making misleading, deceptive, or fraudulent  
996 representations in or related to the business practices of an  
997 MMTC ~~a dispensing organization~~.

998 12. Having a license or the authority to engage in any  
999 regulated profession, occupation, or business that is related to  
1000 the business practices of an MMTC ~~a dispensing organization~~  
1001 suspended, revoked, or otherwise acted against by the licensing  
1002 authority of any jurisdiction, including its agencies or  
1003 subdivisions, for a violation that would constitute a violation  
1004 under Florida law.

1005 13. Violating a lawful order of the department or an agency  
1006 of the state, or failing to comply with a lawfully issued  
1007 subpoena of the department or an agency of the state.

1008 (h) The department may suspend, revoke, or refuse to renew  
1009 an MMTC's registration with the department ~~a dispensing~~  
1010 ~~organization's approval~~ if the MMTC ~~a dispensing organization~~  
1011 commits repeated violations specified ~~any of the violations~~ in  
1012 paragraph (g) which remain uncured after 30 days' notice from  
1013 the department. The department may not suspend, revoke, or  
1014 refuse to renew an MMTC's registration due to an uncured  
1015 violation if the MMTC begins taking action to cure the violation

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1016 within 30 days after receiving a notice of the violation from  
1017 the department and such action is pursuant to a corrective  
1018 action plan filed by the MMTC with the department or if the MMTC  
1019 takes reasonable steps to ensure that a future violation of a  
1020 similar nature does not occur.

1021 (i) The department shall renew an MMTC's registration with  
1022 the department ~~the approval of a dispensing organization~~  
1023 ~~biennially if the MMTC dispensing organization~~ meets the  
1024 requirements of this section and pays the biennial renewal fee.

1025 (j) The department may adopt rules necessary to implement  
1026 this section pursuant to s. 120.536(1) or s. 120.54. The  
1027 department may use emergency rulemaking procedures pursuant to  
1028 s. 120.54(4) to adopt rules under this section if necessary to  
1029 meet any deadline for rulemaking established in s. 29, Art. X of  
1030 the State Constitution.

1031 (k) The department may adopt rules authorizing an MMTC to  
1032 have specified employees administer marijuana. Marijuana may be  
1033 administered only at an MMTC that is registered with the  
1034 department as an administration facility.

1035 ~~(11)-(8)~~ PREEMPTION.—

1036 (a) All matters regarding the regulation of the cultivation  
1037 and processing of marijuana ~~medical cannabis or low-THC cannabis~~  
1038 ~~by MMTCs dispensing organizations~~ are preempted to the state.

1039 (b) A municipality may determine by ordinance the criteria  
1040 for the number and location of, and other permitting  
1041 requirements that do not conflict with state law or department  
1042 rule for, dispensing facilities of MMTCs dispensing  
1043 ~~organizations~~ located within its municipal boundaries. A county  
1044 may determine by ordinance the criteria for the number,

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1045 location, and other permitting requirements that do not conflict  
1046 with state law or department rule for all dispensing facilities  
1047 of MMTCs ~~dispensing organizations~~ located within the  
1048 unincorporated areas of that county. This section does not  
1049 preempt any law or ordinance of any county or municipality which  
1050 imposes restrictions on the location of an MMTC if the law or  
1051 ordinance does not unreasonably interfere with the availability  
1052 of marijuana to qualifying patients.

1053 (12) ~~(9)~~ EXCEPTIONS TO OTHER LAWS.—

1054 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1055 any other provision of law, but subject to the requirements of  
1056 this section, a qualifying ~~qualified~~ patient, or a caregiver who  
1057 has obtained a valid compassionate use registry identification  
1058 card from the department, and the qualified patient's legal  
1059 representative may purchase from an MMTC and possess for the  
1060 qualifying patient's medical use, up to the amount of marijuana  
1061 in the physician certification ~~low-THC cannabis or medical~~  
1062 ~~cannabis ordered for the patient~~, but not more than a 90-day ~~45-~~  
1063 ~~day~~ supply, except as provided in (3)(e), and a marijuana  
1064 ~~cannabis~~ delivery device specified in the physician  
1065 certification ~~ordered~~ for the qualifying patient.

1066 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1067 any other provision of law, but subject to the requirements of  
1068 this section, an MMTC ~~an approved dispensing organization~~ and  
1069 its owners, managers, contractors, and employees may  
1070 manufacture, possess, sell, deliver, distribute, dispense, and  
1071 lawfully dispose of reasonable quantities, as established by  
1072 department rule, of marijuana ~~low-THC cannabis, medical~~  
1073 ~~cannabis~~, or a marijuana ~~cannabis~~ delivery device. As used in

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1074 ~~For purposes of~~ this subsection, the terms "manufacture,"  
1075 "possession," "deliver," "distribute," and "dispense" have the  
1076 same meanings as provided in s. 893.02.

1077 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1078 any other provision of law, but subject to the requirements of  
1079 this section, an approved independent testing laboratory may  
1080 possess, test, transport, and lawfully dispose of marijuana ~~low-~~  
1081 ~~THC cannabis or medical cannabis~~ as provided by department rule.

1082 (d) An MMTC ~~approved dispensing organization~~ and its  
1083 owners, managers, contractors, and employees are not subject to  
1084 licensure or regulation under chapter 465 or chapter 499 for  
1085 manufacturing, possessing, selling, delivering, distributing,  
1086 dispensing, or lawfully disposing of reasonable quantities, as  
1087 established by department rule, of marijuana ~~low-THC cannabis,~~  
1088 ~~medical cannabis,~~ or a marijuana ~~cannabis~~ delivery device.

1089 (e) Exercise by an MMTC of ~~An approved dispensing~~  
1090 ~~organization that continues to meet the requirements for~~  
1091 ~~approval is presumed to be registered with the department and to~~  
1092 ~~meet the regulations adopted by the department or its successor~~  
1093 ~~agency for the purpose of dispensing medical cannabis or low-THC~~  
1094 ~~cannabis under Florida law. Additionally,~~ the authority provided  
1095 to a dispensing organization in s. 499.0295 does not impair its  
1096 registration with the department ~~the approval of a dispensing~~  
1097 ~~organization.~~

1098 (f) This subsection does not exempt a person from  
1099 prosecution for a criminal offense related to impairment or  
1100 intoxication resulting from the medical use of marijuana ~~low-THC~~  
1101 ~~cannabis or medical cannabis~~ or relieve a person from any  
1102 requirement under law to submit to a breath, blood, urine, or

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1103 other test to detect the presence of a controlled substance.

1104 (g) This section does not affect or repeal laws relating to  
1105 negligence or professional malpractice on the part of a  
1106 caregiver, a physician, or an MMTC or its agents and employees.  
1107 However, a physician who issues a physician certification and  
1108 who fully complies with the requirements of this section is  
1109 immune from liability in civil actions and claims for medical  
1110 malpractice.

1111 (h) This section does not require a health insurance  
1112 provider or a governmental agency or authority to reimburse a  
1113 person for expenses related to the use of marijuana.

1114 (i) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1115 any other provision of law, but subject to the requirements of  
1116 this section, a research institute established by a public  
1117 postsecondary educational institution, such as the H. Lee  
1118 Moffitt Cancer Center and Research Institute established in s.  
1119 1004.43, or a state university that has achieved the preeminent  
1120 state research university designation pursuant to s. 1001.7065,  
1121 may possess, test, transport, and lawfully dispose of marijuana  
1122 for research purposes as provided by department rule.

1123 (13) PROHIBITED ACTIVITIES.-

1124 (a) A person or entity may not offer or advertise services  
1125 as an MMTC without registering as an MMTC with the department.  
1126 An MMTC may not advertise or hold out to the public that it  
1127 holds a registration for other than that for which it actually  
1128 holds the registration.

1129 (b) The ownership, operation, or maintenance of an  
1130 unauthorized dispensing organization or entity or the  
1131 performance of a service that requires registration without

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1132 proper registration is a violation of this section. The  
1133 department or any state attorney may, in addition to other  
1134 remedies provided in this section, bring an action for an  
1135 injunction to restrain any unauthorized activity or to enjoin  
1136 the future operation or maintenance of the unauthorized  
1137 dispensing organization or entity or the performance of any  
1138 service in violation of this section, until compliance with this  
1139 section and department rules has been demonstrated to the  
1140 satisfaction of the department.

1141 (c) If after receiving notification from the department,  
1142 such person, organization, or entity fails to cease operation,  
1143 the person, organization, or entity is subject to penalties as  
1144 prescribed by this section. Each day of continued operation is a  
1145 separate offense.

1146 (14) IMPORTATION AND EXPORTATION OF MARIJUANA.—

1147 (a) Marijuana may not be imported from outside this state.

1148 (b) Marijuana and products containing marijuana which are  
1149 cultivated and produced in accordance with this section may be  
1150 exported as authorized by federal law and the laws of the states  
1151 or countries to which they are exported.

1152 (15) SEVERABILITY CLAUSE.—If any provision of this section  
1153 or its application to any person or circumstance is held  
1154 invalid, the invalidity does not affect other provisions or  
1155 applications of this section which can be given effect without  
1156 the invalid provision or application, and to this end the  
1157 provisions of this section are severable.

1158 Section 2. Subsections (1) and (2) of section 381.987,  
1159 Florida Statutes, are amended, and paragraphs (b) and (c) of  
1160 subsection (3) of that section are amended, to read:

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1161 381.987 Public records exemption for personal identifying  
1162 information in the compassionate use registry.-

1163 (1) A patient's personal identifying information held by  
1164 the department in the compassionate use registry established  
1165 under s. 381.986, including, but not limited to, the patient's  
1166 name, address, telephone number, and government-issued  
1167 identification number, and all information pertaining to the  
1168 physician certification ~~physician's order~~ for marijuana low-THC  
1169 ~~cannabis~~ and the dispensing thereof are confidential and exempt  
1170 from s. 119.07(1) and s. 24(a), Art. I of the State  
1171 Constitution.

1172 (2) A physician's identifying information held by the  
1173 department in the compassionate use registry established under  
1174 s. 381.986, including, but not limited to, the physician's name,  
1175 address, telephone number, government-issued identification  
1176 number, and Drug Enforcement Administration number, and all  
1177 information pertaining to the physician certification  
1178 ~~physician's order~~ for marijuana low-THC cannabis and the  
1179 dispensing thereof are confidential and exempt from s. 119.07(1)  
1180 and s. 24(a), Art. I of the State Constitution.

1181 (3) The department shall allow access to the registry,  
1182 including access to confidential and exempt information, to:

1183 (b) A medical marijuana treatment center ~~dispensing~~  
1184 ~~organization~~ approved by the department pursuant to s. 381.986  
1185 which is attempting to verify the authenticity of a physician  
1186 certification ~~physician's order~~ for marijuana low-THC cannabis,  
1187 including whether the physician certification order had been  
1188 previously filled and whether the physician certification order  
1189 was written for the person attempting to have it filled.

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1190 (c) A physician who has issued a physician certification  
 1191 ~~written an order~~ for marijuana ~~low-THC cannabis~~ for the purpose  
 1192 of monitoring the patient's use of such cannabis or for the  
 1193 purpose of determining, before issuing an order for marijuana  
 1194 ~~low-THC cannabis~~, whether another physician has ordered the  
 1195 patient's use of marijuana ~~low-THC cannabis~~. The physician may  
 1196 access the confidential and exempt information only for the  
 1197 patient for whom he or she has ordered or is determining whether  
 1198 to order the use of marijuana ~~low-THC cannabis~~ pursuant to s.  
 1199 381.986.

1200 Section 3. Subsection (1) of section 385.211, Florida  
 1201 Statutes, is amended to read:

1202 385.211 Refractory and intractable epilepsy treatment and  
 1203 research at recognized medical centers.—

1204 (1) As used in this section, the term "low-THC cannabis"  
 1205 means "low-THC cannabis" as defined in s. 381.986 which ~~that~~ is  
 1206 dispensed only from a medical marijuana treatment center  
 1207 ~~dispensing organization~~ as defined in s. 381.986.

1208 Section 4. Subsections (2) and (3) of section 499.0295,  
 1209 Florida Statutes, are amended to read:

1210 499.0295 Experimental treatments for terminal conditions.—

1211 (2) As used in this section, the term:

1212 ~~(a) "Dispensing organization" means an organization~~  
 1213 ~~approved by the Department of Health under s. 381.986(5) to~~  
 1214 ~~cultivate, process, transport, and dispense low-THC cannabis,~~  
 1215 ~~medical cannabis, and cannabis delivery devices.~~

1216 (a) ~~(b)~~ "Eligible patient" means a person who:

1217 1. Has a terminal condition that is attested to by the  
 1218 patient's physician and confirmed by a second independent

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1219 evaluation by a board-certified physician in an appropriate  
1220 specialty for that condition;

1221 2. Has considered all other treatment options for the  
1222 terminal condition currently approved by the United States Food  
1223 and Drug Administration;

1224 3. Has given written informed consent for the use of an  
1225 investigational drug, biological product, or device; and

1226 4. Has documentation from his or her treating physician  
1227 that the patient meets the requirements of this paragraph.

1228 (b)~~(e)~~ "Investigational drug, biological product, or  
1229 device" means:

1230 ~~1.~~ a drug, biological product, or device that has  
1231 successfully completed phase 1 of a clinical trial but has not  
1232 been approved for general use by the United States Food and Drug  
1233 Administration and remains under investigation in a clinical  
1234 trial approved by the United States Food and Drug  
1235 Administration; ~~or~~

1236 ~~2. Medical cannabis that is manufactured and sold by a  
1237 dispensing organization.~~

1238 (c)~~(d)~~ "Terminal condition" means a progressive disease or  
1239 medical or surgical condition that causes significant functional  
1240 impairment, is not considered by a treating physician to be  
1241 reversible even with the administration of available treatment  
1242 options currently approved by the United States Food and Drug  
1243 Administration, and, without the administration of life-  
1244 sustaining procedures, will result in death within 1 year after  
1245 diagnosis if the condition runs its normal course.

1246 (d)~~(e)~~ "Written informed consent" means a document that is  
1247 signed by a patient, a parent of a minor patient, a court-

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1248 appointed guardian for a patient, or a health care surrogate  
1249 designated by a patient and includes:

1250 1. An explanation of the currently approved products and  
1251 treatments for the patient's terminal condition.

1252 2. An attestation that the patient concurs with his or her  
1253 physician in believing that all currently approved products and  
1254 treatments are unlikely to prolong the patient's life.

1255 3. Identification of the specific investigational drug,  
1256 biological product, or device that the patient is seeking to  
1257 use.

1258 4. A realistic description of the most likely outcomes of  
1259 using the investigational drug, biological product, or device.  
1260 The description shall include the possibility that new,  
1261 unanticipated, different, or worse symptoms might result and  
1262 death could be hastened by the proposed treatment. The  
1263 description shall be based on the physician's knowledge of the  
1264 proposed treatment for the patient's terminal condition.

1265 5. A statement that the patient's health plan or third-  
1266 party administrator and physician are not obligated to pay for  
1267 care or treatment consequent to the use of the investigational  
1268 drug, biological product, or device unless required to do so by  
1269 law or contract.

1270 6. A statement that the patient's eligibility for hospice  
1271 care may be withdrawn if the patient begins treatment with the  
1272 investigational drug, biological product, or device and that  
1273 hospice care may be reinstated if the treatment ends and the  
1274 patient meets hospice eligibility requirements.

1275 7. A statement that the patient understands he or she is  
1276 liable for all expenses consequent to the use of the

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1277 investigational drug, biological product, or device and that  
1278 liability extends to the patient's estate, unless a contract  
1279 between the patient and the manufacturer of the investigational  
1280 drug, biological product, or device states otherwise.

1281 (3) Upon the request of an eligible patient, a manufacturer  
1282 may, or, upon the issuance of a physician certification a  
1283 ~~physician's order~~ pursuant to s. 381.986, an MMTC a dispensing  
1284 ~~organization~~ may:

1285 (a) Make its investigational drug, biological product, or  
1286 device available under this section.

1287 (b) Provide an investigational drug, biological product,  
1288 device, or cannabis delivery device as defined in s. 381.986 to  
1289 an eligible patient without receiving compensation.

1290 (c) Require an eligible patient to pay the costs of, or the  
1291 costs associated with, the manufacture of the investigational  
1292 drug, biological product, device, or cannabis delivery device as  
1293 defined in s. 381.986.

1294 Section 5. Subsection (1) of section 1004.441, Florida  
1295 Statutes, is amended to read:

1296 1004.441 Refractory and intractable epilepsy treatment and  
1297 research.—

1298 (1) As used in this section, the term "low-THC cannabis"  
1299 means "low-THC cannabis" as defined in s. 381.986 which ~~that~~ is  
1300 dispensed only from a medical marijuana treatment center  
1301 ~~dispensing organization~~ as defined in s. 381.986.

1302 Section 6. The Division of Law Revision and Information is  
1303 directed to replace the phrase "the effective date of this act"  
1304 wherever it occurs in this act with the date the act becomes a  
1305 law.

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Section 7. This act shall take effect upon becoming a law.