

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/HB 387 — Medical Use of Marijuana

by Health and Human Services Committee; Healthcare Regulation Subcommittee; and Rep. Roach and others (CS/SB 344 by Health Policy Committee and Senators Brodeur and Davis)

The bill amends s. 381.986, F.S., to allow a qualified physician to conduct an examination by telehealth for a patient’s medical marijuana certification renewal if the physician previously conducted an in-person exam of the patient for the purpose of certification. The bill also authorizes the Department of Health (DOH) to suspend a qualified physician’s registration with the medical marijuana use registry for a period of up to two years if the physician fails to comply with the provisions of that statutory section or provides, advertises, or markets telehealth services before July 1, 2023.

Additionally, the bill directs the DOH to license as a medical marijuana treatment center (MMTC) any applicant who applied for the license available exclusively for class members of *Pigford v. Glickman* or *In re Black Farmers Litg.* under s. 381.986(8)(a)2.b., F.S., and:

- Received a letter granting or denying the license which did not cite any deficiencies, regardless of the applicant’s final score; or
- Receives a final determination resulting from a challenge to the application process that the applicant met all necessary licensure requirements.

The bill requires the DOH to grant each such applicant 90 days to cure any deficiencies with his or her application and, if the applicant does so, grant the applicant a license. The bill also specifies that an applicant’s death during a legal challenge does not invalidate the challenge and, if such a challenge is successful, the DOH must issue the license to the applicant’s estate.

The bill provides that any licenses issued pursuant to the provisions above must be subtracted from licenses that are, or will become, available at a later date under statutory parameters and may not be subtracted from the 22 licenses for which the DOH accepted applications between April 24, 2023, and April 28, 2023.

If approved by the Governor, or allowed to become law without the Governor’s signature, the provisions related to physician renewals of a patient’s medical marijuana certification take effect July 1, 2023, and the provisions related to MMTC licenses take effect upon becoming law.

Vote: Senate 38-0; House 105-8