

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Gaetz offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 381.987, Florida Statutes, is created
6 to read:

7 381.987 Public records exemption for personal identifying
8 information in the compassionate use registry.-

9 (1) A patient's personal identifying information held by
10 the department in the compassionate use registry established
11 under s. 381.986, including, but not limited to, the patient's
12 name, address, telephone number, and government-issued
13 identification number, and all information pertaining to the
14 physician's order for low-THC cannabis and the dispensing

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15 thereof are confidential and exempt from s. 119.07(1) and s.
16 24(a), Art. I of the State Constitution.

17 (2) A physician's identifying information held by the
18 department in the compassionate use registry established under
19 s. 381.986, including, but not limited to, the physician's name,
20 address, telephone number, government-issued identification
21 number, and Drug Enforcement Administration number, and all
22 information pertaining to the physician's order for low-THC
23 cannabis and the dispensing thereof are confidential and exempt
24 from s. 119.07(1) and s. 24(a), Art. I of the State
25 Constitution.

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

28 (a) A law enforcement agency that is investigating a
29 violation of law regarding cannabis in which the subject of the
30 investigation claims an exception established under s. 381.986.

31 (b) A dispensing organization approved by the department
32 pursuant to s. 381.986 which is attempting to verify the
33 authenticity of a physician's order for low-THC cannabis,
34 including whether the order had been previously filled and
35 whether the order was written for the person attempting to have
36 it filled.

37 (c) A physician who has written an order for low-THC
38 cannabis for the purpose of monitoring the patient's use of such
39 cannabis or for the purpose of determining, before issuing an
40 order for low-THC cannabis, whether another physician has

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41 ordered the patient's use of low-THC cannabis. The physician may
42 access the confidential and exempt information only for the
43 patient for whom he or she has ordered or is determining whether
44 to order the use of low-THC cannabis pursuant to s. 381.986.

45 (d) An employee of the department for the purposes of
46 maintaining the registry and periodic reporting or disclosure of
47 information that has been redacted to exclude personal
48 identifying information.

49 (e) The department's relevant health care regulatory
50 boards responsible for the licensure, regulation, or discipline
51 of a physician if he or she is involved in a specific
52 investigation of a violation of s. 381.986. If a health care
53 regulatory board's investigation reveals potential criminal
54 activity, the board may provide any relevant information to the
55 appropriate law enforcement agency.

56 (f) A person engaged in bona fide research if the person
57 agrees:

58 1. To submit a research plan to the department which
59 specifies the exact nature of the information requested and the
60 intended use of the information;

61 2. To maintain the confidentiality of the records or
62 information if personal identifying information is made
63 available to the researcher;

64 3. To destroy any confidential and exempt records or
65 information obtained after the research is concluded; and

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66 4. Not to contact, directly or indirectly, for any
67 purpose, a patient or physician whose information is in the
68 registry.

69 (4) All information released from the registry under
70 subsection (3) remains confidential and exempt, and a person who
71 receives access to such information must maintain the
72 confidential and exempt status of the information received.

73 (5) A person who willfully and knowingly violates this
74 section commits a felony of the third degree, punishable as
75 provided in s. 775.082, s. 775.083, or s. 775.084.

76 (6) This section is subject to the Open Government Sunset
77 Review Act in accordance with s. 119.15 and shall stand repealed
78 on October 2, 2019, unless reviewed and saved from repeal
79 through reenactment by the Legislature.

80 Section 2. The Legislature finds that it is a public
81 necessity that identifying information of patients and
82 physicians held by the Department of Health in the compassionate
83 use registry established under s. 381.986, Florida Statutes, be
84 made confidential and exempt from s. 119.07(1), Florida
85 Statutes, and s. 24(a), Article I of the State Constitution.
86 Specifically, the Legislature finds that it is a public
87 necessity to make confidential and exempt from public records
88 requirements the names, addresses, telephone numbers, and
89 government-issued identification numbers of patients and
90 physicians and any other information on or pertaining to a
91 physician's order for low-THC cannabis written pursuant to s.

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92 381.986, Florida Statutes, which are held in the registry. The
93 choice made by a physician and his or her patient to use low-THC
94 cannabis to treat that patient's medical condition or symptoms
95 is a personal and private matter between those two parties. The
96 availability of such information to the public could make the
97 public aware of both the patient's use of low-THC cannabis and
98 the patient's diseases or other medical conditions for which the
99 patient is using low-THC cannabis. The knowledge of the
100 patient's use of low-THC cannabis, the knowledge that the
101 physician ordered the use of low-THC cannabis, and the knowledge
102 of the patient's medical condition could be used to embarrass,
103 humiliate, harass, or discriminate against the patient and the
104 physician. This information could be used as a discriminatory
105 tool by an employer who disapproves of the patient's use of low-
106 THC cannabis or of the physician's ordering such use. However,
107 despite the potential hazards of collecting such information,
108 maintaining the compassionate use registry established under s.
109 381.986, Florida Statutes, is necessary to prevent the diversion
110 and nonmedical use of any low-THC cannabis as well as to aid and
111 improve research done on the efficacy of low-THC cannabis. Thus,
112 the Legislature finds that it is a public necessity to make
113 confidential and exempt from public records requirements the
114 identifying information of patients and physicians held by the
115 Department of Health in the compassionate use registry
116 established under s. 381.986, Florida Statutes.

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117 Section 3. This act shall take effect on the same date that
118 SB 1030, or similar legislation establishing an electronic
119 system to record a physician's orders for, and a patient's use
120 of, low-THC cannabis takes effect, if such legislation is
121 adopted in the same legislative session or an extension thereof
122 and becomes a law.

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

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Remove everything before the enacting clause and insert:

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A bill to be entitled

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An act relating to public records; creating s.

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381.987, F.S.; exempting from public records

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requirements personal identifying information of

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patients and physicians held by the Department of

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Health in the compassionate use registry; exempting

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information related to ordering and dispensing low-THC

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cannabis; authorizing specified persons and entities

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access to the exempt information; requiring that

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information released from the registry remain

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confidential; providing a criminal penalty; providing

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for future legislative review and repeal; providing a

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statement of public necessity; providing a contingent

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effective date.

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