

1 A bill to be entitled
2 An act relating to the medical use of marijuana;
3 creating s. 381.99, F.S.; providing a short title;
4 creating s. 381.991, F.S.; defining terms; creating s.
5 381.992, F.S.; allowing registered patients and
6 designated caregivers to purchase, acquire, and
7 possess medical-grade marijuana subject to specified
8 requirements; allowing a cultivation and processing
9 licensee, employee, or contractor to acquire,
10 cultivate, transport, and sell marijuana under certain
11 circumstances; allowing a retail licensee to purchase,
12 receive, possess, store, dispense, and deliver
13 marijuana under certain circumstances; allowing a
14 licensed laboratory to receive marijuana for
15 certification purposes; prohibiting certain actions
16 regarding the acquisition, possession, transfer, use,
17 and administration of marijuana; clarifying that a
18 person is prohibited from driving under the influence
19 of marijuana; creating s. 381.993, F.S.; specifying
20 registration requirements for a patient identification
21 card; allowing a qualified patient to designate a
22 caregiver subject to certain requirements; requiring
23 notification by the Department of Health of the denial
24 of a designated caregiver's registration; requiring
25 the department to create certain patient registration
26 and certification forms for availability by a

27 | specified date; requiring the department to update a
28 | patient registry and issue an identification card
29 | under certain circumstances within a specified
30 | timeframe; specifying the requirements of the
31 | identification card, including expiration and renewal
32 | requirements; providing notification and return
33 | requirements if the department removes the patient or
34 | caregiver from the registry; creating s. 381.994,
35 | F.S.; requiring the department to create an online
36 | patient registry by a specified date subject to
37 | certain requirements; creating s. 381.995, F.S.;
38 | requiring the department to establish standards and
39 | develop and accept licensure application forms for the
40 | cultivation, processing, and sale of marijuana by a
41 | specified date subject to certain requirements;
42 | providing for an initial application fee, a licensure
43 | fee, and a renewal fee for specified licenses;
44 | requiring the department to issue certain licenses by
45 | specified dates; specifying requirements for a
46 | cultivation and processing license, including
47 | expiration and renewal requirements; specifying
48 | facility requirements for a cultivation and processing
49 | licensee, including inspections and the issuance of
50 | cultivation and processing facility licenses; allowing
51 | a dispensing organization to use a contractor to
52 | cultivate and process marijuana subject to certain

53 requirements; directing a dispensing organization or
54 contractor to destroy all marijuana byproducts under
55 certain conditions within a specified timeframe;
56 allowing a cultivation and processing licensee to
57 sell, transport, and deliver marijuana products under
58 certain circumstances; prohibiting the Department of
59 Health from licensing retail facilities in a county
60 unless the board of county commissioners for that
61 county determines by ordinance the number and location
62 of retail facilities subject to certain limitations;
63 specifying the application requirements for a retail
64 license; requiring the department to consider certain
65 factors when issuing retail licenses to encourage a
66 competitive marketplace; providing expiration and
67 renewal requirements for a retail license; requiring
68 inspection of a retail facility before dispensing
69 marijuana; providing dispensing requirements; allowing
70 retail licensees to contract with certain types of
71 carriers to deliver marijuana under certain
72 circumstances; prohibiting a licensee from advertising
73 marijuana products; specifying inspection, license,
74 and testing requirements for certain facilities;
75 requiring the department to create standards and
76 impose penalties for a dispensing organization subject
77 to certain restrictions; requiring the department to
78 maintain a public, online list of all licensed retail

79 facilities; creating s. 381.996, F.S.; providing
 80 patient certification requirements; requiring a
 81 physician to transfer an order and update the registry
 82 subject to certain requirements and time restraints;
 83 requiring physician education; creating s. 381.997,
 84 F.S.; requiring testing, certification, and reporting
 85 of results by an independent laboratory before
 86 distribution or sale of marijuana or marijuana
 87 products; providing package and label requirements;
 88 requiring the department to establish quality
 89 standards and testing procedures by a certain date;
 90 creating s. 381.998, F.S.; providing criminal
 91 penalties; creating s. 381.999, F.S.; establishing
 92 that this act does not require or restrict health
 93 insurance coverage for the purchase of medical-grade
 94 marijuana; creating s. 381.9991, F.S.; providing
 95 rulemaking authority; providing an effective date.

96
 97 Be It Enacted by the Legislature of the State of Florida:

98
 99 Section 1. Section 381.99, Florida Statutes, is created to
 100 read:

101 381.99 Short title.—Sections 381.99–381.9991 may be cited
 102 as "The Florida Medical Marijuana Act."

103 Section 2. Section 381.991, Florida Statutes, is created
 104 to read:

105 381.991 Definitions.—As used in ss. 381.991-381.9991, the
106 term:

107 (1) "Allowed amount of medical-grade marijuana" means the
108 amount of medical-grade marijuana, or the equivalent amount in
109 processed form, which a physician may determine is necessary to
110 treat a registered patient's qualifying condition for 30 days.

111 (2) "Batch" means a specifically identified quantity of
112 processed marijuana that is uniform in strain; cultivated using
113 the same herbicides, pesticides, and fungicides; and harvested
114 at the same time from a single licensed cultivation and
115 processing facility.

116 (3) "Cultivation and processing facility" means a facility
117 licensed by the department for the cultivation of marijuana, the
118 processing of marijuana, or both.

119 (4) "Cultivation and processing license" means a license
120 issued by the department which authorizes the licensee to
121 cultivate or process, or to both cultivate and process,
122 marijuana at one or more cultivation and processing facilities.

123 (5) "Department" means the Department of Health.

124 (6) "Designated caregiver" means a person who is
125 registered with the department as the caregiver for one or more
126 registered patients.

127 (7) "Dispense" means the transfer or sale at a retail
128 facility of the allowed amount of medical-grade marijuana from a
129 dispensing organization to a registered patient or the patient's
130 designated caregiver.

131 (8) "Dispensing organization" means an organization that
132 holds a cultivation and processing license, a retail license, or
133 both.

134 (9) "Identification card" means a card issued by the
135 department only to registered patients and designated
136 caregivers.

137 (10) "Marijuana" has the same meaning as the term
138 "cannabis" in s. 893.02.

139 (11) "Medical-grade marijuana" means marijuana that has
140 been tested in accordance with s. 381.997; meets the standards
141 established by the department for sale to registered patients;
142 and is packaged, labeled, and ready to be dispensed.

143 (12) "Medical marijuana patient registry" means an online
144 electronic registry created and maintained by the department to
145 store identifying information for all registered patients and
146 designated caregivers.

147 (13) "Medical use" means the acquisition, possession,
148 transportation, use, and administration of the allowed amount of
149 medical-grade marijuana. The term does not include the use or
150 administration of medical-grade marijuana by, or possession of
151 medical-grade marijuana for, smoking.

152 (14) "Physician" means a physician who is licensed under
153 chapter 458 or chapter 459, has an effective federal Drug
154 Enforcement Administration Registration number, and meets the
155 requirements of s. 381.996(4).

156 (15) "Qualified patient" means a resident of this state

157 who has been certified by a physician and diagnosed as suffering
 158 from:

- 159 (a) Cancer;
- 160 (b) Positive status for human immunodeficiency virus
 161 (HIV);
- 162 (c) Acquired immune deficiency syndrome (AIDS);
- 163 (d) Epilepsy;
- 164 (e) Amyotrophic lateral sclerosis (ALS);
- 165 (f) Multiple sclerosis;
- 166 (g) Crohn's disease;
- 167 (h) Parkinson's disease; or
- 168 (i) A terminal illness.

169 (16) "Registered patient" means a qualified patient who
 170 has registered with the department and has been issued a medical
 171 marijuana registry identification card.

172 (17) "Retail facility" means a facility licensed by the
 173 department to dispense medical-grade marijuana to registered
 174 patients and caregivers.

175 (18) "Retail license" means a license issued by the
 176 department which authorizes the licensee to dispense medical-
 177 grade marijuana to registered patients and caregivers from a
 178 retail facility.

179 (19) "Terminal illness" means a medical prognosis, as
 180 determined by a physician, with a life expectancy of 1 year or
 181 less if the illness runs its normal course.

182 Section 3. Section 381.992, Florida Statutes, is created

183 to read:

184 381.992 Medical-grade marijuana.-

185 (1) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
186 any other law, but subject to the requirements in ss. 381.991-
187 381.9991, a registered patient or his or her designated
188 caregiver may purchase, acquire, and possess up to the allowed
189 amount of medical-grade marijuana, including paraphernalia, for
190 that patient's medical use. In order to maintain the protections
191 under this section, a registered patient or his or her
192 designated caregiver must demonstrate that:

193 (a) He or she is legally in possession of the medical-
194 grade marijuana, by producing his or her medical marijuana
195 identification card.

196 (b) Any marijuana in his or her possession is within the
197 registered patient's allowed amount of marijuana, by producing a
198 receipt from the dispensing organization.

199 (2) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
200 any other law, but subject to the requirements in ss. 381.991-
201 381.9991, a cultivation and processing licensee and an employee
202 or contractor of a cultivation and processing licensee may
203 acquire, cultivate, and possess marijuana while on the property
204 of a cultivation and processing facility; may transport
205 marijuana between licensed facilities owned by the licensee; may
206 transport marijuana to independent laboratories for
207 certification as medical-grade marijuana; and may transport and
208 sell medical-grade marijuana to retail facilities.

209 (3) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
 210 any other law, but subject to the requirements in ss. 381.991-
 211 381.9991, a retail licensee and an employee of a retail licensee
 212 may purchase and receive medical-grade marijuana from a
 213 cultivation and processing licensee or its employee or
 214 contractor; may possess, store, and hold medical-grade marijuana
 215 for retail sale; and may dispense the allowed amount of medical-
 216 grade marijuana to a registered patient or designated caregiver
 217 at a retail facility. A retail licensee and an employee or
 218 contractor of a retail licensee may deliver medical-grade
 219 marijuana to the residence of a registered patient.

220 (4) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
 221 any other law, but subject to the requirements in ss. 381.991-
 222 381.9991, a licensed laboratory and an employee of an
 223 independent testing laboratory may receive and possess marijuana
 224 for the sole purpose of testing the marijuana for certification
 225 as medical-grade marijuana.

226 (5) This section does not authorize:

227 (a) The acquisition, purchase, transportation, use,
 228 possession, or administration of any type of marijuana other
 229 than medical-grade marijuana by a registered patient or
 230 designated caregiver.

231 (b) The use of medical-grade marijuana by anyone other
 232 than the registered patient for whom the medical-grade marijuana
 233 was ordered.

234 (c) The transfer or administration of medical-grade

235 marijuana to anyone other than the registered patient for whom
 236 the medical-grade marijuana was ordered.

237 (d) The acquisition or purchase of medical-grade marijuana
 238 by a registered patient or designated caregiver from an entity
 239 other than a dispensing organization that has a retail license.

240 (e) A registered patient or designated caregiver to
 241 transfer medical-grade marijuana to a person other than the
 242 patient for whom the medical-grade marijuana was ordered or to
 243 any entity except for the purpose of returning unused medical-
 244 grade marijuana to a dispensing organization.

245 (f) The recommendation of medical-grade marijuana to a
 246 minor without the written consent of a parent or guardian.

247 (g) The use or administration of medical-grade marijuana:
 248 1. On any form of public transportation.
 249 2. In any public place.
 250 3. In a registered patient's place of work, if restricted
 251 by his or her employer.

252 (h) The possession, use, or administration of medical-
 253 grade marijuana:

254 1. In a state correctional institution, as defined in s.
 255 944.02, or a correctional institution, as defined in s. 944.241;
 256 2. On the grounds of any preschool, primary school, or
 257 secondary school; or
 258 3. On a school bus.

259 (6) This section does not exempt any person from the
 260 prohibitions against driving under the influence provided in s.

261 316.193 or boating under the influence provided in s. 327.35.

262 Section 4. Section 381.993, Florida Statutes, is created
263 to read:

264 381.993 Medical marijuana patient and designated caregiver
265 registration.—

266 (1) In order to register for an identification card, a
267 qualified patient must submit to the department:

268 (a) A patient registration form.

269 (b) Proof of Florida residency.

270 (c) A passport-style photograph taken within the previous
271 90 days.

272 (2) For a qualified patient to be registered and to
273 receive an identification card, a physician must submit a
274 patient-certification form directly to the department which
275 includes certification by the physician that the patient suffers
276 from one or more qualifying conditions specified in s.
277 381.991(15).

278 (3) If a qualified patient is under 21 years of age, a
279 second physician must also submit a patient-certification form
280 that meets the requirements of subsection (2).

281 (4) The patient-certification form may be submitted
282 through the department website.

283 (5) A qualified patient may, at initial registration or
284 while a registered patient, designate a caregiver to assist him
285 or her with the medical use of medical-grade marijuana. A
286 designated caregiver must be at least 21 years of age and must

287 meet the background screening requirements in s. 408.809 unless
288 the caregiver is assisting only his or her spouse, parents,
289 children, or siblings. A designated caregiver may not be
290 registered to assist more than one patient at any given time
291 unless:

292 (a) All of the caregiver's registered patients are the
293 caregiver's parents, siblings, or children.

294 (b) All of the caregiver's registered patients are first
295 degree relations to each other who share a residence.

296 (c) All of the caregiver's registered patients reside in
297 an assisted living facility, nursing home, or other such
298 facility and the caregiver is an employee of that facility.

299 (6) If the department determines, for any reason, that a
300 caregiver designated by a registered patient may not assist that
301 patient, the department must notify that patient of the denial
302 of the designated caregiver's registration.

303 (7) The department must create a registration form and a
304 patient-certification form and make the forms available to the
305 public by January 1, 2017. The registration form must require
306 the patient to include, at a minimum, the information required
307 to be on the patient's identification card and on his or her
308 designated caregiver's identification card if the patient is
309 designating a caregiver.

310 (8) Beginning on July 1, 2017, when the department
311 receives a registration form, the supporting patient-
312 certification form, and proof of the patient's residency, the

313 department must, within 14 days:

314 (a) Enter the qualified patient's and his or her
315 designated caregiver's information into the medical marijuana
316 patient registry.

317 (b) Issue an identification card to the qualified patient
318 and to that patient's designated caregiver, if applicable. The
319 department is not required to issue an additional identification
320 card to a designated caregiver who already possesses a valid
321 identification card when that caregiver becomes registered as
322 the caregiver for additional registered patients unless the
323 required information has changed. The expiration date for a
324 designated caregiver's identification card must coincide with
325 the last occurring expiration date on the identification card of
326 the patient the caregiver is registered to assist.

327 (9) Identification cards issued to registered patients and
328 designated caregivers must be resistant to counterfeiting and
329 include, but not be limited to, all of the following
330 information:

331 (a) The person's full legal name.

332 (b) The person's photograph.

333 (c) A randomly assigned identification number.

334 (d) The expiration date of the identification card.

335 (10) Except as provided in paragraph (8) (b), patient and
336 caregiver identification cards expire 1 year after the date they
337 are issued. In order to renew an identification card, a
338 qualified patient must submit proof of continued residency and a

339 physician must certify to the department:

340 (a) That he or she has examined the patient during the
341 course of the patient's treatment with medical-grade marijuana.

342 (b) That the patient suffers from one or more qualifying
343 conditions.

344 (c) That, in the physician's good faith medical judgment,
345 the use of medical-grade marijuana gives the patient some relief
346 from the symptoms of the qualifying condition.

347 (d) The allowed amount of medical-grade marijuana that the
348 physician orders for the patient's use.

349 (11) Should the department become aware of information
350 that would disqualify a patient or caregiver from being
351 registered, the department must notify that person of the change
352 in his or her status as follows:

353 (a) For registered patients, the department must give
354 notice at least 30 days before removing that patient from the
355 registry. The patient must return all medical-grade marijuana,
356 medical-grade marijuana products, and his or her identification
357 card to a retail facility within 30 days after receiving such
358 notice. A dispensing organization must notify the department
359 within 24 hours after it has received such a return. Such
360 notification may be submitted electronically.

361 (b) For designated caregivers, the department must give
362 notice to the registered patient and the designated caregiver at
363 least 15 days before removing a caregiver from the registry. The
364 caregiver must return his or her identification card to a retail

365 facility within 15 days after receiving such notice. A
366 dispensing organization must notify the department within 24
367 hours after it has received such a return. Such notification may
368 be submitted electronically.

369 Section 5. Section 381.994, Florida Statutes, is created
370 to read:

371 381.994 Electronic medical marijuana patient registry.—

372 (1) By July 1, 2017, the department must create a secure,
373 online, electronic medical marijuana patient registry containing
374 a file for each registered patient and caregiver and for each
375 certifying physician consisting of, but not limited to, all of
376 the following:

377 (a) For patients and caregivers:

378 1. His or her full legal name.

379 2. His or her photograph.

380 3. The randomly assigned identification number on his or
381 her identification card.

382 4. The expiration date of the identification card.

383 (b) For physicians, the physician's full legal name and
384 license number.

385 (c) For a registered patient:

386 1. The full legal name of his or her designated caregiver,
387 if any.

388 2. His or her allowed amount of medical-grade marijuana.

389 3. The concentration ranges of specified cannabinoids, if
390 any, ordered by the patient's certifying physician.

- 391 (d) For a designated caregiver:
- 392 1. The full legal name or names of all registered patients
- 393 whom the caregiver is registered to assist.
- 394 2. The allowed amount of medical-grade marijuana for each
- 395 patient the caregiver is registered to assist.
- 396 3. The concentration ranges of specified cannabinoids, if
- 397 any, ordered by the certifying physician for each respective
- 398 patient the caregiver is registered to assist.
- 399 (e) The date and time of dispensing, and the allowed
- 400 amount of medical-grade marijuana dispensed, for each of that
- 401 registered patient's or caregiver's transactions with the
- 402 dispensing organization.
- 403 (2) The registry must be able to:
- 404 (a) Be accessed by a retail licensee or employee to verify
- 405 the authenticity of a patient identification card, to verify the
- 406 allowed amount and any specified type of medical-grade marijuana
- 407 ordered by his or her physician, and to determine the prior
- 408 dates on which and times at which medical-grade marijuana was
- 409 dispensed to the patient and the amount dispensed on each
- 410 occasion.
- 411 (b) Accept in real time the original and updated orders
- 412 for medical-grade marijuana from certifying physicians.
- 413 (c) Be accessed by law enforcement agencies in order to
- 414 verify patient or caregiver authorization for possession of an
- 415 allowed amount of medical-grade marijuana.
- 416 (d) Accept and post initial and updated information to

417 each registered patient's file from the dispensing organization
418 that shows the date, time, and amount of medical-grade marijuana
419 dispensed to that patient at the point of sale.

420 Section 6. Section 381.995, Florida Statutes, is created
421 to read:

422 381.995 Dispensing organizations.—

423 (1) By January 1, 2017, the department shall establish
424 operating standards for the cultivation, processing, packaging,
425 and labeling of marijuana, establish standards for the sale of
426 medical-grade marijuana, develop licensure application forms for
427 cultivation and processing licenses and retail licenses, make
428 such forms available to the public, establish procedures and
429 requirements for cultivation facility licenses and renewals and
430 processing facility licenses and renewals, and begin accepting
431 applications for licensure. The department may charge an initial
432 application fee of up to \$100,000 for cultivation and processing
433 licenses and up to \$10,000 for retail licenses, a licensure fee,
434 and a license renewal fee as necessary to pay for all expenses
435 incurred by the department in administering this section.

436 (2) The department must begin issuing cultivation and
437 processing licenses by March 1, 2017, and retail licenses by
438 July 1, 2017.

439 (3) The department may issue a cultivation and processing
440 license to an applicant who provides:

441 (a) A completed cultivation and processing license
442 application form.

- 443 (b) The initial application fee.
- 444 (c) The legal name of the applicant.
- 445 (d) The physical address of each location where marijuana
446 will be cultivated and processed.
- 447 (e) The name, address, and date of birth of each principal
448 officer and board member, if applicable.
- 449 (f) The name, address, and date of birth of each of the
450 applicant's current employees who will participate in the
451 operations of the dispensing organization.
- 452 (g) Proof that all principals and employees of the
453 applicant have passed a level 2 background screening pursuant to
454 chapter 435 within the prior year.
- 455 (h) Proof of an established infrastructure or the ability
456 to establish an infrastructure in a reasonable amount of time
457 designed to cultivate, process, test, package, and label
458 marijuana and to deliver medical-grade marijuana to retail
459 facilities throughout the state.
- 460 (i) Proof that the applicant possesses the technical and
461 technological ability to cultivate and process medical-grade
462 marijuana.
- 463 (j) Proof of operating procedures designed to secure and
464 maintain accountability for all marijuana and marijuana-related
465 byproducts it may possess.
- 466 (k) Proof of the financial ability to maintain operations
467 for the duration of the license.
- 468 (l) Proof of at least \$1 million of hazard and liability

469 insurance for each cultivation and processing facility.

470 (m) A \$5 million performance and compliance bond, to be
471 forfeited if the licensee fails to maintain its license for the
472 duration of the licensure period or fails to comply with the
473 substantive requirements of this subsection and applicable
474 agency rules for the duration of the licensure period.

475 (4) A cultivation and processing license expires 2 years
476 after the date it is issued. The licensee must apply for a
477 renewed license before the expiration date. In order to receive
478 a renewed license, a cultivation and processing licensee must
479 demonstrate continued compliance with the requirements in
480 subsection (3) and have no outstanding substantial violations of
481 the standards established by the department for the cultivation,
482 processing, packaging, and labeling of marijuana and medical-
483 grade marijuana.

484 (5) A cultivation and processing licensee may cultivate
485 marijuana at one or more facilities only if each facility used
486 for cultivation has been inspected by the department and issued
487 a cultivation facility license. A cultivation and processing
488 licensee may process marijuana at one or more processing
489 facilities only if each facility used for processing has been
490 inspected by the department and issued a processing facility
491 license. A cultivation and processing licensee may cultivate and
492 process marijuana at the same facility only if that facility has
493 been inspected by the department and issued both a cultivation
494 facility license and a processing facility license. Each

495 cultivation and processing facility must be secure and closed to
496 the public and may not be located within 1,000 feet of an
497 existing public or private elementary or secondary school, a
498 child care facility licensed under s. 402.302, or a licensed
499 service provider offering substance abuse services. The
500 department may establish by rule additional security and zoning
501 requirements for cultivation and processing facilities. All
502 matters regarding the licensure and regulation of cultivation
503 and processing facilities, including the location of such
504 facilities, are preempted to the state.

505 (6) Before beginning cultivation or processing at a
506 facility, that facility must be inspected and licensed as a
507 cultivation facility, a processing facility, or both by the
508 department. A cultivation and processing licensee may cultivate
509 and process marijuana only for the purpose of producing medical-
510 grade marijuana and may do so only at a licensed cultivation and
511 processing facility. Such processing may include, but is not
512 limited to, processing marijuana into medical-grade marijuana
513 and processing medical-grade marijuana into various forms
514 including, but not limited to, topical applications, oils, and
515 food products for a registered patient's use. A dispensing
516 organization may use a contractor to cultivate the marijuana, to
517 process marijuana into medical-grade marijuana, or to process
518 the medical-grade marijuana into other forms, but the dispensing
519 organization is responsible for all of the operations performed
520 by each contractor relating to the cultivation and processing of

521 marijuana and the physical possession of all marijuana and
522 medical-grade marijuana. All work done by a contractor must be
523 performed at a licensed cultivation and processing facility. All
524 marijuana byproducts that are unable to be processed or
525 reprocessed into medical-grade marijuana must be destroyed by
526 the dispensing organization or its contractor within 48 hours
527 after processing is completed.

528 (7) A cultivation and processing licensee may transport,
529 or contract to have transported, marijuana and marijuana
530 products to independent testing laboratories to be tested and
531 certified as medical-grade marijuana.

532 (8) A cultivation and processing licensee may sell,
533 transport, and deliver medical-grade marijuana and medical-grade
534 marijuana products to retail licensees throughout the state.

535 (9) The department may not license any retail facilities
536 in a county unless the board of county commissioners for that
537 county determines by ordinance the number and location of any
538 retail facilities that may be located within that county. A
539 retail facility may not be located on the same property as a
540 facility licensed for cultivation or processing of marijuana or
541 within 1,000 feet of an existing public or private elementary or
542 secondary school, a licensed child care facility as defined in
543 s. 402.302, or a licensed service provider that offers substance
544 abuse services.

545 (10) An applicant for a retail license must provide the
546 department with at least all of the following:

- 547 (a) A completed retail license application form.
- 548 (b) The initial application fee.
- 549 (c) The full legal name of the applicant.
- 550 (d) The physical address of the retail facility where
551 marijuana will be dispensed.
- 552 (e) Identifying information for all other current or
553 previous retail licenses held by the applicant.
- 554 (f) The name, address, and date of birth for each of the
555 applicant's principal officers and board members.
- 556 (g) The name, address, and date of birth of each of the
557 applicant's current employees who will participate in the
558 operations of the dispensing organization.
- 559 (h) Proof that all principals and employees of the
560 applicant have passed a level 2 background screening pursuant to
561 chapter 435 within the prior year.
- 562 (i) Proof of an established infrastructure or the ability
563 to establish an infrastructure in a reasonable amount of time
564 which is designed to receive medical-grade marijuana from
565 cultivation and processing facilities, the ability to maintain
566 the security of the retail facility to prevent theft or
567 diversion of any medical marijuana product received, the ability
568 to correctly dispense the allowed amount and specified type of
569 medical-grade marijuana to a registered patient or his or her
570 designated caregiver pursuant to a physician's order, the
571 ability to check the medical marijuana patient registry, and the
572 ability to electronically update the medical marijuana patient

573 registry with dispensing information.

574 (j) Proof of operating procedures designed to secure and
575 maintain accountability for all medical-grade marijuana and
576 products that it may receive and possess.

577 (k) Proof of the financial ability to maintain operations
578 for the duration of the license.

579 (l) Proof of at least \$500,000 of hazard and liability
580 insurance for each license.

581 (m) A \$1 million performance and compliance bond, for each
582 license, to be forfeited if the licensee fails to maintain the
583 license for the duration of the licensure period or fails to
584 comply with the requirements of this subsection for the duration
585 of the licensure period.

586 (11) The department may issue multiple retail licenses to
587 a single qualified entity; however, to encourage a competitive
588 marketplace, when multiple entities have applied for a license
589 in the same county, in addition to the qualifications of each
590 applicant, the department shall consider the number of retail
591 licenses currently held by each applicant and the number of
592 separate entities that hold retail licenses within the same
593 geographic area.

594 (12) A retail license expires 2 years after the date it is
595 issued. The retail licensee must reapply for renewed licensure
596 before the expiration date. In order to qualify for a renewed
597 license, a retail licensee must meet all the requirements for
598 initial licensure and have no outstanding substantial violations

599 of the applicable standards established by the department.

600 (13) Before beginning to dispense, each retail facility
601 must be inspected by the department. Retail licensees may
602 dispense the allowed amount of medical-grade marijuana to a
603 registered patient or the patient's designated caregiver only if
604 the dispensing organization's employee:

605 (a) Verifies the authenticity of the patient's or
606 caregiver's identification card with the medical marijuana
607 patient registry.

608 (b) Verifies the physician's order for medical-grade
609 marijuana with the medical marijuana patient registry.

610 (c) Determines that the registered patient has not been
611 dispensed the allowed amount of marijuana within the previous 30
612 days.

613 (d) Issues the registered patient or the patient's
614 caregiver a receipt that details the date and time of
615 dispensing, the amount of medical-grade marijuana dispensed, and
616 the person to whom the medical-grade marijuana was dispensed.

617 (e) Updates the medical marijuana patient registry with
618 the date and time of dispensing and the amount and type of
619 medical-grade marijuana being dispensed to the registered
620 patient before dispensing to that patient or that patient's
621 designated caregiver.

622 (14) Retail licensees may contract with licensed and
623 bonded carriers to transport medical-grade marijuana and
624 medical-grade marijuana products between properties owned by the

625 licensee and to deliver it to the residence of a registered
626 patient.

627 (15) A licensee under the Florida Medical Marijuana Act
628 may not advertise its marijuana products.

629 (16) The department must inspect and license each
630 dispensing organization's cultivation and processing facilities
631 and retail facilities before those facilities begin operations.
632 The department must also inspect each licensed facility at least
633 once every 2 years. The department may also conduct additional
634 announced or unannounced inspections at reasonable hours in
635 order to ensure that such facilities meet the standards set by
636 the department. The department may test any marijuana, marijuana
637 product, medical-grade marijuana, or medical-grade marijuana
638 product in order to ensure that such marijuana, marijuana
639 product, medical-grade marijuana, or medical-grade marijuana
640 product meets the standards established by the department. The
641 department may, by interagency agreement with the Department of
642 Business and Professional Regulation or with the Department of
643 Agriculture and Consumer Services, perform joint inspections of
644 such facilities with those agencies.

645 (17) The department must create a schedule of violations
646 in rule in order to impose reasonable fines not to exceed
647 \$10,000 on a dispensing organization. In determining the amount
648 of the fine to be levied for a violation, the department shall
649 consider:

650 (a) The severity of the violation.

651 (b) Any actions taken by the dispensing organization to
652 correct the violation or to remedy complaints.

653 (c) Any previous violations.

654 (18) The department may suspend, revoke, or refuse to
655 renew the license of a dispensing organization or of an
656 individual facility for violations of the standards established
657 by the department.

658 (19) The department shall maintain a publicly available,
659 easily accessible list on its website of all licensed retail
660 facilities.

661 Section 7. Section 381.996, Florida Statutes, is created
662 to read:

663 381.996 Patient certification.—

664 (1) A physician may certify a patient to the department as
665 a qualified patient if:

666 (a) The physician has seen the patient on a regular basis
667 to treat a qualifying condition for a period of at least 3
668 months immediately preceding the patient's submission of a
669 patient registration form to the department.

670 (b) The physician believes, in his or her good faith
671 medical judgment, the patient suffers from one or more of the
672 qualifying conditions.

673 (2) After certifying a patient, the physician must
674 electronically transfer an original order for medical-grade
675 marijuana for that patient to the medical marijuana patient
676 registry. Such order must include, at a minimum, the allowed

677 amount of medical-grade marijuana and the concentration ranges
678 for individual cannabinoids, if any. The physician must also
679 update the registry with any changes in the specifications of
680 his or her order for that patient within 7 days.

681 (3) If the physician becomes aware that the patient no
682 longer suffers from his or her qualifying condition or if the
683 physician's order for the allowed amount of medical marijuana
684 changes for that patient, the physician must update the registry
685 with the new information within 7 days.

686 (4) In order to qualify to issue patient certifications
687 for medical-grade marijuana, and before ordering medical-grade
688 marijuana for any patient, a physician must successfully
689 complete an 8-hour course and subsequent examination offered by
690 the Florida Medical Association or the Florida Osteopathic
691 Medical Association, as appropriate, which encompasses the
692 clinical indications for the appropriate use of medical-grade
693 marijuana, the appropriate delivery mechanisms, the
694 contraindications of the use of medical-grade marijuana, and the
695 relevant state and federal laws governing ordering, dispensing,
696 and possession. The appropriate boards shall offer the first
697 course and examination by October 1, 2016, and shall administer
698 them at least annually thereafter. Successful completion of the
699 course may be used by a physician to satisfy 8 hours of the
700 continuing medical education requirements imposed by his or her
701 respective board for licensure renewal. This course may be
702 offered in a distance-learning format. Successful completion of

703 the course and examination is required for every physician who
704 orders medical-grade marijuana each time such physician renews
705 his or her license.

706 Section 8. Section 381.997, Florida Statutes, is created
707 to read:

708 381.997 Medical-grade marijuana testing and labeling.—

709 (1) A cultivation and processing licensee may not
710 distribute or sell medical-grade marijuana or product to a
711 retail licensee unless the batch of origin of that marijuana or
712 product has been tested by an independent testing laboratory and
713 the cultivation and processing licensee has received test
714 results from that laboratory which certify that the batch meets
715 the quality standards established by the department.

716 (2) When testing a batch of marijuana or product a testing
717 laboratory must, at a minimum, test for unsafe contaminants and
718 for presence and concentration of individual cannabinoids.

719 (3) Each testing laboratory must report its findings for
720 each batch tested to the cultivation and processing licensee
721 from which the batch originated and to the department. Such
722 findings must include, at a minimum, the license number or
723 numbers of the processing and cultivation facility from which
724 the batch originated, the size and batch number of the batch
725 tested, the types of tests performed on the batch, and the
726 results of each test.

727 (4) Before distribution or sale to a retail licensee, any
728 medical-grade marijuana that meets department testing standards

729 must be packaged in a child-resistant container and labeled with
730 at least the name and license number of the cultivation and
731 processing licensee, the license number of the facility or
732 facilities where the batch was harvested and processed, the
733 harvest or production batch number, the concentration range of
734 each individual cannabinoid present at testing, and any other
735 labeling requirements established in Florida or federal law or
736 rules for that form of the product. For the purposes of this
737 subsection, any oil-based extraction meant for direct
738 consumption in small quantities as a supplement need not be
739 labeled as a food product.

740 (5) Before sale to a registered patient or caregiver, a
741 retail licensee must affix an additional label to each product
742 that includes the licensee's name and license number.

743 (6) By January 1, 2017, the department must establish
744 standards for quality and testing procedures and for maximum
745 levels of unsafe contaminants. The department must also create a
746 list of individual cannabinoids that must be tested for,
747 concentrations that are considered significant for those
748 cannabinoids, and varying ranges of concentrations for each
749 cannabinoid upon which a physician may base his or her order for
750 a patient's use of a specific strain of medical-grade marijuana.

751 Section 9. Section 381.998, Florida Statutes, is created
752 to read:

753 381.998 Penalties.—

754 (1) A physician commits a misdemeanor of the first degree,

755 punishable as provided in s. 775.082 or s. 775.083, if he or she
 756 orders medical-grade marijuana for a patient without a
 757 reasonable belief that the patient is suffering from a condition
 758 listed in s. 381.991(15).

759 (2) A person who fraudulently represents that he or she
 760 has a medical condition listed in s. 381.991(15) for the purpose
 761 of being ordered medical-grade marijuana by such physician
 762 commits a misdemeanor of the first degree, punishable as
 763 provided in s. 775.082 or s. 775.083.

764 Section 10. Section 381.999, Florida Statutes, is created
 765 to read:

766 381.999 Insurance.—The Florida Medical Marijuana Act does
 767 not require a governmental, private, or other health insurance
 768 provider or health care services plan to cover a claim for
 769 reimbursement for the purchase of medical-grade marijuana nor
 770 does it restrict such coverage.

771 Section 11. Section 381.9991, Florida Statutes, is created
 772 to read:

773 381.9991 Rulemaking.—The department may adopt rules
 774 related to health, safety, and welfare as necessary to implement
 775 this act.

776 Section 12. This act shall take effect July 1, 2016.