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LEGISLATIVE ACTION

Senate

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House

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Floor: 5/F/2R

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03/04/2016 10:58 AM

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Senator Sachs moved the following:

Senate Amendment

Delete lines 184 - 255

and insert:

defined in s. 499.0295; order medical cannabis to treat a
qualified patient suffering from chronic, persistent, and
debilitating pain; or order a cannabis delivery device for the
medical use of low-THC cannabis or medical cannabis, only if the
physician and all of the following conditions apply:

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



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12 (b) Has treated the patient for at least 3 months
13 immediately preceding the patient's registration in the
14 compassionate use registry;
15 (c) Has successfully completed the course and examination
16 required under paragraph (4) (a);
17 ~~(a) The patient is a permanent resident of this state.~~
18 (d) ~~(b)~~ Has determined ~~The physician determines~~ that the
19 risks of treating the patient with ~~ordering~~ low-THC cannabis or
20 medical cannabis are reasonable in light of the potential
21 benefit to the ~~for that~~ patient. If a patient is younger than 18
22 years of age, a second physician must concur with this
23 determination, and such determination must be documented in the
24 patient's medical record; ~~-~~
25 ~~(e) ~~(c)~~ The physician~~ Registers as the orderer of low-THC
26 cannabis or medical cannabis for the named patient on the
27 compassionate use registry maintained by the department and
28 updates the registry to reflect the contents of the order,
29 including the amount of low-THC cannabis or medical cannabis
30 that will provide the patient with not more than a 45-day supply
31 and a cannabis delivery device needed by the patient for the
32 medical use of low-THC cannabis or medical cannabis. The
33 physician must also update the registry within 7 days after any
34 change is made to the original order to reflect the change. The
35 physician shall deactivate the registration of the patient and
36 the patient's legal representative ~~patient's registration~~ when
37 treatment is discontinued; ~~-~~
38 (f) ~~(d)~~ The physician Maintains a patient treatment plan
39 that includes the dose, route of administration, planned
40 duration, and monitoring of the patient's symptoms and other



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41 indicators of tolerance or reaction to the low-THC cannabis or
42 medical cannabis;-

43 (g) (e) The physician Submits the patient treatment plan
44 quarterly to the University of Florida College of Pharmacy for
45 research on the safety and efficacy of low-THC cannabis and
46 medical cannabis on patients;-

47 (h) (f) The physician Obtains the voluntary written informed
48 consent of the patient or the patient's legal representative
49 guardian to treatment with low-THC cannabis after sufficiently
50 explaining the current state of knowledge in the medical
51 community of the effectiveness of treatment of the patient's
52 condition with low-THC cannabis, the medically acceptable
53 alternatives, and the potential risks and side effects;

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

57 (j) Is not a medical director employed by a dispensing
58 organization.

59 (3) PENALTIES.-

60 (a) A physician commits a misdemeanor of the first degree,
61 punishable as provided in s. 775.082 or s. 775.083, if the
62 physician orders low-THC cannabis for a patient without a
63 reasonable belief that the patient is suffering from:

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

67 2. Symptoms of cancer or a physical medical condition that
68 chronically produces symptoms of seizures or severe and
69 persistent muscle spasms that can be alleviated with low-THC



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70 cannabis.

71 (b) A physician commits a misdemeanor of the first degree,
72 punishable as provided in s. 775.082 or s. 775.083, if the
73 physician orders medical cannabis for a patient without a
74 reasonable belief that the patient has a terminal condition as
75 defined in s. 499.0295 or suffers from chronic, persistent, and
76 debilitating pain.

77 (c) ~~(b)~~ A ~~Any~~ person who fraudulently represents that he or
78 she has cancer or suffers from chronic, persistent, and
79 debilitating pain, or a physical medical condition that
80 chronically