A bill to be entitled

An act relating to compassionate use of low-THC

cannabis and marijuana; amending s. 381.986, F.S.;
defining and redefining terms; authorizing physicians
to issue physician certifications to specified
patients who meet certain conditions; authorizing
physicians to make specific determinations in
certifications; requiring physicians to meet certain
definitions in physician certifications; requiring
written consent of a parent or legal guardian for the
treatment of minors; requiring that certain physicians
annually reexamine and reassess patients and update
patient information in the compassionate use registry;
revising criminal penalties; authorizing a distance
learning format for a specified course and reducing
the number of hours required for the course; providing
that physicians who meet specified requirements are
grandfathered for the purpose of specified education
requirements; authorizing qualifying patients to
designate caregivers; requiring caregivers to meet
specified requirements; prohibiting a qualifying
patient from designating more than one caregiver at
any given time; providing exceptions; requiring the
Department of Health to register caregivers meeting
certain requirements on the compassionate use
registry; revising the entities to which the
compassionate use registry must be accessible;
requiring the department to adopt certain rules by a
specified date; authorizing the department to charge a
fee for identification cards; requiring the department
to begin issuing identification cards to qualified

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registrants by a specific date; providing requirements for the identification cards; requiring the department to register certain dispensing organizations as medical marijuana treatment centers by a certain date; requiring the department to register additional medical marijuana treatment centers in accordance with a specified schedule; deleting obsolete provisions; revising the operational requirements for medical marijuana treatment centers; authorizing the department to waive certain requirements under specified circumstances; requiring that certain receptacles be child proof; requiring that additional information be included on certain labels; requiring that a medical marijuana treatment center comply with certain standards in the production and dispensing of edible or food products; requiring a medical marijuana treatment center to enter additional information into the compassionate use registry; requiring a medical marijuana treatment center to keep a copy of a transportation manifest in certain vehicles at certain times; requiring the department to adopt rules related to ownership changes or changes in an owner’s investment interest; providing applicability; conforming provisions to changes made by the act; amending ss. 381.987, 385.211, 499.0295, and 1004.441, F.S.; conforming provisions to changes made by the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:
Section 1. Section 381.986, Florida Statutes, is amended to read:

381.986 Compassionate use of low-THC and medical cannabis and marijuana.—

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

(a) “Cannabis delivery device” means an object used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing marijuana low-THC cannabis or medical cannabis into the human body.

(b) “Caregiver” has the same meaning as provided in s. 29, Art. X of the State Constitution.

(c) “Chronic nonmalignant pain” means pain that is caused by a debilitating medical condition or that originates from a debilitating medical condition and persists beyond the usual course of that debilitating medical condition.

(d) “Close relative” means a spouse, parent, sibling, grandparent, child, or grandchild, whether related by whole or half-blood, by marriage, or by adoption.

(e) “Debilitating medical condition” has the same meaning as provided in s. 29, Art. X of the State Constitution.

“Dispensing organization” means an organization approved by the department to cultivate, process, transport, and dispense low-THC cannabis or medical cannabis pursuant to this section.

(f) “Independent testing laboratory” means a laboratory, including the managers, employees, or contractors of the laboratory, which has no direct or indirect interest in a medical marijuana treatment center or dispensing organization.

(g) “Legal representative” means the qualifying
qualified patient’s parent, legal guardian acting pursuant to a court’s authorization as required under s. 744.3215(4), health care surrogate acting pursuant to the qualifying qualified patient’s written consent or a court’s authorization as required under s. 765.113, or an individual who is authorized under a power of attorney to make health care decisions on behalf of the qualifying qualified patient.

(h)(e) “Low-THC cannabis” means a plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only by a medical marijuana treatment center from a dispensing organization.

(i)(f) “Marijuana” has the same meaning as provided in s. 29, Art. X of the State Constitution “Medical cannabis” means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation of the plant or its seeds or resin that is dispensed only from a dispensing organization for medical use by an eligible patient as defined in s. 499.0295.

(j) “Medical marijuana treatment center” or “MMTC” has the same meaning as provided in s. 29, Art. X of the State Constitution.

(k)(g) “Medical use” has the same meaning as provided in s. 29, Art. X of the State Constitution means administration of the ordered amount of low-THC cannabis or medical cannabis. The term
does not include the:

1. Possession, use, or administration of marijuana low-THC cannabis or medical cannabis by smoking.

2. Possession, use, or administration of marijuana that was not purchased or acquired from an MMTC registered with the Department of Health.

3.2. Transfer of marijuana low-THC cannabis or medical cannabis to a person other than the qualifying qualified patient for whom it was ordered or the qualifying qualified patient’s caregiver legal representative on behalf of the qualifying qualified patient.

4. Use or administration of any type or amount of marijuana not specified on the qualifying patient’s physician certification.

5.3. Use or administration of marijuana low-THC cannabis or medical cannabis:

a. On any form of public transportation.

b. In any public place.

c. In a qualifying qualified patient’s place of employment, if restricted by his or her employer.

d. In a state correctional institution as defined in s. 944.02 or a correctional institution as defined in s. 944.241.

e. On the grounds of a preschool, primary school, or secondary school.

f. On a school bus or in a vehicle, aircraft, or motorboat.

(1)(h) “Qualifying Qualified patient” has the same meaning as provided in s. 29, Art. X of the State Constitution but also includes eligible patients, as that term is defined in s. 499.0295, and patients who are issued a physician certification.
under subparagraph (2)(a)2. or subparagraph (2)(a)3. A patient is not a qualifying patient unless he or she is registered with the department and has been issued a compassionate use registry identification card means a resident of this state who has been added to the compassionate use registry by a physician licensed under chapter 458 or chapter 459 to receive low-THC cannabis or medical cannabis from a dispensing organization.

(m)(i) “Smoking” means burning or igniting a substance and inhaling the smoke. Smoking does not include the use of a vaporizer.

(2) PHYSICIAN CERTIFICATION ORDERING.—

(a) A physician is authorized to issue a physician certification to:

1. A patient suffering from a debilitating medical condition, which allows the patient to receive marijuana for the patient’s medical use;

2. A order low-THC cannabis to treat a qualified patient suffering from cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms, which allows the patient to receive low-THC cannabis for the patient’s medical use;

3. A patient suffering from chronic nonmalignant pain, if the physician has diagnosed an underlying debilitating medical condition as the cause of the pain, which allows the patient to receive marijuana for the patient’s medical use order low-THC cannabis to alleviate the patient’s pain symptoms of such disease, disorder, or condition, if no other satisfactory alternative treatment options exist for the qualified patient; or
4. Order medical cannabis to treat An eligible patient as defined in s. 499.0295, which allows the patient to receive marijuana for the patient’s medical use.†

(b) In the physician certification, the physician may also specify one or more of order a cannabis delivery devices to assist with device for the patient’s medical use of marijuana.

(c) A physician may certify a patient and specify a delivery device under paragraphs (a) and (b) only if the physician:

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

(b) Has treated the patient for at least 3 months immediately preceding the patient’s registration in the compassionate use registry;

2. (c) Has successfully completed the course and examination required under paragraph (4)(a);

3. Has conducted a physical examination and made a full assessment of the medical history of the patient;

4. Has determined that, in the physician’s professional opinion, the patient meets one or more of the criteria specified in paragraph (a);

5. (d) Has determined that the medical use of marijuana would likely outweigh the potential health risks to of treating the patient with low-THC cannabis or medical cannabis are reasonable in light of the potential benefit to the patient. If a patient is younger than 18 years of age, a second physician must concur with this determination, and such determination must be documented in the patient’s medical record;
6. (e) Registers as the patient’s physician orderer of low-THC cannabis or medical cannabis for the named patient on the compassionate use registry maintained by the department and updates the registry to reflect the contents of the order, including the amount of marijuana low-THC cannabis or medical cannabis that will provide the patient with not more than a 90-day 45-day supply and any a cannabis delivery device needed by the patient for the medical use of marijuana low-THC cannabis or medical cannabis. If the physician’s recommended amount of marijuana for a 90-day supply changes, the physician must also update the registry within 7 days after the any change is made to the original order to reflect the change. The physician shall deactivate the registration of the patient and the patient’s legal representative when the physician no longer recommends the medical use of marijuana for the patient treatment is discontinued;

7. (f) Maintains a patient treatment plan that includes the dose, route of administration, planned duration, and monitoring of the patient’s symptoms and other indicators of tolerance or reaction to the marijuana low-THC cannabis or medical cannabis;

8. (g) Submits the patient treatment plan quarterly to the University of Florida College of Pharmacy for research on the safety and efficacy of marijuana low-THC cannabis and medical cannabis on patients; and

9. (h) Obtains the voluntary written informed consent of the patient or the patient’s legal representative to treatment with marijuana low-THC cannabis after sufficiently explaining the current state of knowledge in the medical community of the effectiveness of treatment of the patient’s condition with
marijuana low-THC cannabis, the medically acceptable alternatives, and the potential risks and side effects. If the patient is a minor, the patient’s parent or legal guardian must consent to treatment in writing. If the patient is an eligible patient as defined in s. 499.0295, the physician must obtain written informed consent as defined in and required by s. 499.0295.†

(d) At least annually, a physician must recertify the qualifying patient pursuant to paragraph (c).

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

(e)(j) A physician may not issue a physician certification if the physician is not a medical director employed by an MMTC a dispensing organization.

(f) An order for low-THC cannabis or medical cannabis issued pursuant to former s. 381.986, Florida Statutes 2016 and registered with the compassionate use registry on the effective date of this act, shall be considered a physician certification issued pursuant to this subsection. The details and expiration date of such certification must be identical to the details and expiration date of the order as logged in the compassionate use registry. Until the department begins issuing compassionate use registry identification cards, all patients with such orders shall be considered qualifying patients, notwithstanding the requirement that a qualifying patient have a compassionate use registry identification card.

(3) PENALTIES.—

(a) A physician commits a misdemeanor of the first degree,
punishable as provided in s. 775.082 or s. 775.083, if the
physician issues a physician certification for marijuana to
orders low-THC cannabis for a patient in a manner other than as
required in subsection (2) without a reasonable belief that the
patient is suffering from:

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

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

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

(b)(c) A person who fraudulently represents that he or she
has a debilitating medical condition, a physical medical
condition that chronically produces symptoms of seizures or
severe and persistent muscle spasms, chronic nonmalignant pain,
or a terminal condition as defined in s. 499.0295 to a physician
for the purpose of being issued a physician certification for
marijuana ordered low-THC cannabis, medical cannabis, or a
cannabis delivery device by such physician commits a misdemeanor
of the first degree, punishable as provided in s. 775.082 or s.
775.083.

(c)(d) A qualifying patient, an eligible patient as defined
in s. 499.0295 who uses marijuana medical cannabis, and such
(d) A qualifying patient or caregiver who cultivates marijuana or who purchases or acquires marijuana from any person or entity other than an MMTC commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(e) A caregiver who violates any of the applicable provisions of this section or applicable department rules commits, upon the first offense, a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 and, upon the second and subsequent offenses, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

(4) PHYSICIAN EDUCATION.—

(a) Before a physician may issue a physician certification pursuant to subsection (2) ordering low-THC cannabis, medical cannabis, or a cannabis delivery device for medical use by a
patient in this state, the appropriate board shall require the ordering physician to successfully complete an 8-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association which encompasses the clinical indications for the appropriate use of marijuana low-THC cannabis and medical cannabis, the appropriate cannabis delivery devices, the contraindications for such use, and the relevant state and federal laws governing the issuance of physician certifications ordering, as well as dispensing and possessing of these substances and devices. The course and examination shall be administered at least quarterly annually. Successful completion of the course may be used by a physician to satisfy 4 hours 8 hours of the continuing medical education requirements required by his or her respective board for licensure renewal. This course may be offered in a distance learning format, including an electronic, online format that is available on request. Physicians who have completed an 8-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association which encompasses the clinical indications for the appropriate use of marijuana and who are registered in the compassionate use registry on the effective date of this act, are deemed to meet the requirements of this paragraph.

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

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

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

(5) CAREGIVERS.—

(a) During the course of registration with the department
for inclusion on the compassionate use registry, or at any time
while registered, a qualifying patient may designate an
individual as his or her caregiver to assist him or her with the
medical use of marijuana. The designated caregiver must be 21
years of age or older, unless the patient is a close relative of
the caregiver; must agree in writing to be the qualifying
patient’s caregiver; may not receive compensation, other than
actual expenses incurred, for assisting the qualifying patient
with the medical use of marijuana unless the caregiver is acting
pursuant to employment in a licensed facility in accordance with
subparagraph (c)2.; and must pass a level 2 screening pursuant
to chapter 435, unless the patient is a close relative of the
caregiver.

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

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

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

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

(d) The department must register a caregiver on the
compassionate use registry and issue him or her a caregiver
identification card if he or she is designated by a qualifying
patient pursuant to paragraph (a) and meets all of the
requirements of this subsection and department rule.

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as provided under this section. The registry must be accessible to:

1. Practitioners licensed under chapter 458 or chapter 459, to ensure proper care for patients requesting physician certifications;

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

3. Law enforcement agencies, to verify the authorization of a qualifying patient or a patient’s caregiver to possess marijuana or a cannabis delivery device; and

4. MMTCs, to a dispensing organization to verify the authorization of a qualifying patient or a patient’s caregiver legal representative to possess marijuana low-THC cannabis, medical cannabis, or a cannabis delivery device and to record the marijuana low-THC cannabis, medical cannabis, or cannabis delivery device dispensed.

The registry must prevent an active registration of a patient by multiple physicians.

(b) By July 3, 2017, adopt rules establishing procedures for the issuance, annual renewal, suspension, and revocation of compassionate use registry identification cards for patients and caregivers who are residents of this state. The department may charge a reasonable fee associated with the issuance and renewal of patient and caregiver identification cards. By October 3, 2017, the department shall begin issuing identification cards to adult patients who are residents of this state and who have a physician certification that meets the requirements of
subsection (2); minor patients who are residents of this state and who have a physician certification that meets the requirements of subsection (2) and the written consent of a parent or legal guardian; and caregivers registered pursuant to subsection (5). Patient and caregiver identification cards must be resistant to counterfeiting and tampering and must include at least the following:

1. The name, address, and date of birth of the patient or caregiver, as appropriate;

2. A full-face, passport-type, color photograph of the patient or caregiver, as appropriate, taken within the 90 days immediately preceding registration;

3. Designation of the cardholder as a patient or caregiver;

4. A unique numeric identifier for the patient or caregiver which is matched to the identifier used for such person in the department’s compassionate use registry. A caregiver’s identification number and file in the compassionate use registry must be linked to the file of the patient or patients the caregiver is assisting so that the caregiver’s status may be verified for each patient individually;

5. The expiration date, which shall be 1 year after the date of issuance of the identification card or the date treatment ends as provided in the patient’s physician certification, whichever occurs first; and

6. For caregivers who are assisting three or fewer qualifying patients, the names and unique numeric identifiers of the qualifying patient or patients that the caregiver is assisting.

(c) As soon as practicable after the effective date of this
act, update its records by registering each dispensing organization approved pursuant to chapter 2014-157, Laws of Florida, or chapter 2016-123, Laws of Florida, as an MMTC with an effective registration date that coincides with that dispensing organization’s date of approval as a dispensing organization. On the effective date of this act, all dispensing organizations approved pursuant to chapter 2014-157, Laws of Florida, or chapter 2016-123, Laws of Florida, are deemed to be registered MMTCs. The department may not require a dispensing organization approved pursuant to chapter 2014-157, Laws of Florida, or chapter 2016-123, Laws of Florida, to submit an application and may not charge the dispensing organization an application or registration fee for the initial registration of that dispensing organization as an MMTC pursuant to this section. For purposes of the requirement that an MMTC comply with the representations made in its application pursuant to subsection (7), an MMTC registered pursuant to this paragraph shall continue to comply with the representations made in its application for approval as a dispensing organization, including any revision authorized by the department before the effective date of this act. After the effective date of this act, the department may grant variances from the representations made in a dispensing organization’s application for approval pursuant to subsection (7). For purposes of the definition of the term “marijuana” in s. 29, of Art. X of the State Constitution, an MMTC is deemed to be a dispensing organization as that term is defined in former s. 381.986(1)(a), Florida Statutes 2014.
necessary for patients registered in the compassionate use registry and who are ordered low-THC cannabis, medical cannabis, or a cannabis delivery device under this section, one in each of the following regions: northwest Florida, northeast Florida, central Florida, southeast Florida, and southwest Florida.

(d) Within 6 months after the registration of 250,000 active qualifying patients in the compassionate use registry, the department must register five additional MMTCs, including, but not limited to, an applicant that is a recognized class member of Pigford v. Glickman, 185 F.R.D. 82 (D.D.C. 1999) or In re Black Farmers Litig., 856 F. Supp. 2d 1 (D.D.C. 2011) and a member of the Black Farmers and Agriculturalists Association. Additionally, the department must register an additional five MMTCs within 6 months after the registration of each of the following totals of the number of patients in the compassionate use registry: 350,000 qualifying patients; 400,000 qualifying patients; 500,000 qualifying patients; and then the registration of each additional 100,000 qualifying patients above 500,000, if a sufficient number of MMTC applicants meet the registration requirements established in this section and by department rule.

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

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

2. The ability to secure the premises, resources, and personnel necessary to operate as an MMTC dispensing organization.

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

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

5. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financials to the department. Upon approval, the applicant must post a $5 million performance bond. However, upon an MMTC dispensing organization’s serving at least 1,000 qualifying qualified patients, the MMTC dispensing organization is only required to maintain a $2 million performance bond.

6. That all owners and managers have been fingerprinted and have successfully passed a level 2 background screening pursuant to s. 435.04.

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

(c) Upon the registration of 250,000 active qualified patients in the compassionate use registry, approve three
dispensing organizations, including, but not limited to, an
applicant that is a recognized class member of Pigford v.
Glickman, 185 F.R.D. 82 (D.D.C. 1999), or In Re Black Farmers
Litig., 956 F. Supp. 2d 1 (D.D.C. 2011), and a member of the
Black Farmers and Agriculturalists Association, which must meet
the requirements of subparagraphs (b)2.-7. and demonstrate the
technical and technological ability to cultivate and produce
low-THC cannabis.

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

(g)(e) Monitor physician registration in the compassionate
use registry and the issuance of physician certifications
pursuant to subsection (2) ordering of low-THC cannabis, medical
cannabis, or a cannabis delivery device for ordering practices
that could facilitate unlawful diversion or misuse of marijuana
low-THC cannabis, medical cannabis, or a cannabis delivery
devices device and take disciplinary action as indicated.

(7)(6) MEDICAL MARIJUANA TREATMENT CENTERS DISPENSING
ORGANIZATION.—Each MMTC must register with the department. A
registered MMTC An approved dispensing organization must, at all
times, maintain compliance with paragraph (6)(e), the criteria
demonstrated for selection and approval as a dispensing
organization under subsection(5) and the criteria required in
this subsection, and all representations made to the department
in the MMTC’s application for registration. Upon request, the
department may grant an MMTC one or more variances from the
representations made in the MMTC’s application. Consideration of
such a variance shall be based upon the individual facts and circumstances surrounding the request. A variance may not be granted unless the requesting MMTC can demonstrate to the department that it has a proposed alternative to the specific representation made in its application which fulfills the same or a similar purpose as the specific representation in a way that the department can reasonably determine will not be a lower standard than the specific representation in the application.

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

1. May use pesticides determined by the department, after consultation with the Department of Agriculture and Consumer Services, to be safely applied to plants intended for human consumption, but may not use pesticides designated as restricted-use pesticides pursuant to s. 487.042.

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

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

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

(b) When processing marijuana low-THC cannabis or medical cannabis, an MMTC a dispensing organization must:
1. Process the marijuana low-THC cannabis or medical cannabis within an enclosed structure and in a room separate from other plants or products.

2. Test the processed marijuana low-THC cannabis and medical cannabis before it is dispensed. Results must be verified and signed by two MMTC dispensing organization employees. Before dispensing low-THC cannabis, the MMTC dispensing organization must determine that the test results indicate that the low-THC cannabis meets the definition of low-THC cannabis. Before dispensing marijuana, the MMTC must determine and, for medical cannabis and low-THC cannabis, that the marijuana all medical cannabis and low-THC cannabis is safe for human consumption and free from contaminants that are unsafe for human consumption. The MMTC dispensing organization must retain records of all testing and samples of each homogenous batch of marijuana cannabis and low-THC cannabis for at least 9 months. The MMTC dispensing organization must contract with an independent testing laboratory to perform audits on the MMTC’s dispensing organization’s standard operating procedures, testing records, and samples and provide the results to the department to confirm that the marijuana low-THC cannabis or medical cannabis meets the requirements of this section and that the marijuana medical cannabis and low-THC cannabis is safe for human consumption.


4. Package the marijuana low-THC cannabis or medical cannabis in a child-proof receptacle that has a firmly affixed
and legible label stating the following information:

a. A statement that the marijuana low-THC cannabis or medical cannabis meets the requirements of subparagraph 2.;

b. The name of the MMTC dispensing organization from which the marijuana medical cannabis or low-THC cannabis originates; and

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

d. The concentration of tetrahydrocannabinol and cannabidiol in the product.

5. Reserve two processed samples from each batch and retain such samples for at least 9 months for the purpose of testing pursuant to the audit required under subparagraph 2.

(c) When dispensing marijuana low-THC cannabis, medical cannabis, or a cannabis delivery device, the dispensing organization:

1. May not dispense more than a 90-day 45-day supply of marijuana low-THC cannabis or medical cannabis to a qualifying patient or caregiver the patient’s legal representative.

2. Must ensure its have the dispensing organization’s employee who dispenses the marijuana low-THC cannabis, medical cannabis, or a cannabis delivery device enters enter into the compassionate use registry his or her name or unique employee identifier.

3. Must verify that the qualifying patient and the caregiver, if applicable, both have an active and valid compassionate use registry identification card and that the amount and type of marijuana dispensed matches the physician’s certification in the compassionate use registry for that
qualifying patient that a physician has ordered the low-THC cannabis, medical cannabis, or a specific type of a cannabis delivery device for the patient.

4. Must label the low-THC cannabis or marijuana with the recommended dose for the qualifying patient receiving the low-THC cannabis or marijuana.

5. May not dispense or sell any other type of cannabis, alcohol, or illicit drug-related product, including pipes, bongs, or wrapping papers, other than a physician-ordered cannabis delivery device required for the medical use of marijuana that is specified in a physician certification low-THC cannabis or medical cannabis, while dispensing low-THC cannabis or medical cannabis. A registered MMTC may produce and dispense marijuana as an edible or food product but may not produce such items in a format designed to be attractive to children. In addition to the requirements of this section and department rule, food products produced by an MMTC must meet all food safety standards established in state and federal law, including, but not limited to, the identification of the serving size and the amount of THC in each serving.

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

6. Must, upon dispensing the marijuana low-THC cannabis, medical cannabis, or cannabis delivery device, record in the registry the date, time, quantity, and form of marijuana low-THC cannabis or medical cannabis dispensed; and the type of cannabis...
delivery device dispensed; and the name and compassionate use registry identification number of the qualifying patient or caregiver to whom the marijuana or cannabis delivery device was dispensed.

(d) To ensure the safety and security of its premises and any off-site storage facilities, and to maintain adequate controls against the diversion, theft, and loss of marijuana low-THC cannabis, medical cannabis, or cannabis delivery devices, an MMTC's dispensing organization shall:

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

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

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

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

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

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

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

3. Establish and maintain a tracking system approved by the department which traces the marijuana low-THC cannabis or medical cannabis from seed to sale. The tracking system must include notification of key events as determined by the department, including when cannabis seeds are planted, when cannabis plants are harvested and destroyed, and when marijuana low-THC cannabis or medical cannabis is transported, sold, stolen, diverted, or lost.

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

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

6. Require at least two of its employees, or two employees of a security agency with whom it contracts, to be on the premises at all times.

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

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

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

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

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

1. Maintain a transportation manifest, which must be retained for at least 1 year. A copy of the manifest must be in the vehicle at all times when transporting marijuana.

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

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

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

5. Provide specific safety and security training to employees transporting or delivering marijuana low-THC cannabis or medical cannabis.

(8)(7) DEPARTMENT AUTHORITY AND RESPONSIBILITIES.—
(a) The department may conduct announced or unannounced inspections of MMTCs dispensing organizations to determine compliance with this section or rules adopted pursuant to this section.

(b) The department shall inspect an MMTC a dispensing organization upon complaint or notice provided to the department that the MMTC dispensing organization has dispensed marijuana low-THC cannabis or medical cannabis containing any mold, bacteria, or other contaminant that may cause or has caused an adverse effect to human health or the environment.
(c) The department shall conduct at least a biennial inspection of each MMTC dispensing organization to evaluate the MMTC’s dispensing organization’s records, personnel, equipment, processes, security measures, sanitation practices, and quality assurance practices.

(d) The department shall adopt by rule a process for approving changes in MMTC ownership or a change in an MMTC owner’s investment interest. This process must include specific criteria for the approval or denial of an application for change of ownership or a change in investment interest and procedures for screening applicants’ criminal and financial histories.

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

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

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

1. Provide the name, address, and date of birth of the patient or legal representative.
2. Have a full-face, passport-type, color photograph of the patient or legal representative taken within the 90 days immediately preceding registration.
3. Identify whether the cardholder is a patient or legal representative.
4. List a unique numeric identifier for the patient or legal representative that is matched to the identifier used for such person in the department’s compassionate use registry.
5. Provide the expiration date, which shall be 1 year after the date of the physician’s initial order of low-THC cannabis or medical cannabis.
6. For the legal representative, provide the name and unique numeric identifier of the patient that the legal representative is assisting.
7. Be resistant to counterfeiting or tampering.

(g) The department may impose reasonable fines not to exceed $10,000 on a MMTC dispensing organization for any of the following violations:
1. Violating this section, s. 499.0295, or department rule.
2. Failing to maintain qualifications for registration with the department approval.
3. Endangering the health, safety, or security of a qualifying patient.
4. Improperly disclosing personal and confidential information of a qualifying patient.
5. Attempting to procure MMTC registration with the
6. Any owner or manager of the MMTC being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the business of an MMTC dispensing organization.

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

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

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

10. Engaging in fraud or deceit, negligence, incompetence, or misconduct in the business practices of an MMTC dispensing organization.

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

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

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

(h) The department may suspend, revoke, or refuse to renew an MMTC’s registration with the department a dispensing organization’s approval if the MMTC a dispensing organization commits a violation specified any of the violations in paragraph (g).

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

(j) The department may adopt rules necessary to implement this section.

(9)(8) PREEMPTION.—

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

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

(10)(9) EXCEPTIONS TO OTHER LAWS.—

(a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of

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CODING: Words stricken are deletions; words underlined are additions.
this section, a qualifying qualified patient, or a caregiver who has obtained a valid compassionate use registry identification card from the department, and the qualified patient’s legal representative may purchase from an MMTC, and possess for the qualifying patient’s medical use, up to the amount of marijuana in the physician’s certification low-THC cannabis or medical cannabis ordered for the patient, but not more than a 90-day 45-day supply, and a cannabis delivery device specified in the physician’s certification ordered for the qualifying patient.

(b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a registered MMTC an approved dispensing organization and its owners, managers, contractors, and employees may manufacture, possess, sell, deliver, distribute, dispense, administer, and lawfully dispose of reasonable quantities, as established by department rule, of marijuana low-THC cannabis, medical cannabis, or a cannabis delivery device. For purposes of this subsection, the terms “manufacture,” “possession,” “deliver,” “distribute,” and “dispense” have the same meanings as provided in s. 893.02.

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

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

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

(f) This subsection does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from the medical use of marijuana low-THC cannabis or medical cannabis or relieve a person from any requirement under law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance.

(g) This section does not limit the ability of an employer to establish, continue, or enforce a drug-free workplace program or policy.

Section 2. Paragraph (b) of subsection (3) of section 381.987, Florida Statutes, is amended to read:

381.987 Public records exemption for personal identifying information in the compassionate use registry.—

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

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

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

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

(1) As used in this section, the term “low-THC cannabis” means “low-THC cannabis” as defined in s. 381.986 which is dispensed only from a medical marijuana treatment center dispensing organization as defined in s. 381.986.

Section 4. Present paragraphs (b) and (c) of subsection (2) of section 499.0295, Florida Statutes, are redesignated as paragraphs (a) and (b), respectively, present paragraphs (a) and (c) of that subsection are amended, a new paragraph (c) is added to that subsection, and subsection (3) of that section is amended, to read:

499.0295 Experimental treatments for terminal conditions.—

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

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

(b) “Investigational drug, biological product, or device” means:

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

2. Marijuana medical cannabis that is manufactured and sold by an MMTC dispensing organization.

(c) “Medical marijuana treatment center” or “MMTC” means an organization registered with the Department of Health under s. 381.986.

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

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

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

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

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

1004.441 Refractory and intractable epilepsy treatment and research.—

(1) As used in this section, the term “low-THC cannabis” means “low-THC cannabis” as defined in s. 381.986 which is dispensed only from a medical marijuana treatment center
Section 6. The Division of Law Revision and Information is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date the act becomes a law.

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