

By Senator Brandes

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1 A bill to be entitled
2 An act relating to medical marijuana; repealing s.
3 381.986, F.S., relating to the compassionate use of
4 low-THC and medical cannabis; creating s. 381.99,
5 F.S.; providing a short title; creating s. 381.991,
6 F.S.; defining terms; creating s. 381.992, F.S.;
7 authorizing a qualifying patient or his or her
8 caregiver to purchase, acquire, and possess up to the
9 allowed amount of marijuana, medical marijuana
10 products, and associated paraphernalia for a
11 qualifying patient's medical use; authorizing a
12 medical marijuana treatment center (MMTC), including
13 its employees and contractors, to perform certain
14 activities; authorizing certified independent testing
15 laboratories and their employees or contractors to
16 receive and process marijuana for the sole purpose of
17 testing the marijuana for compliance with the act;
18 specifying that certain provisions do not exempt
19 persons from the prohibition against driving under the
20 influence; providing that specified provisions apply
21 to the smoking of marijuana or medical marijuana
22 products; authorizing the department to restrict the
23 smoking of marijuana or such products at certain
24 facilities; creating s. 381.993, F.S.; providing that
25 a physician must certify, on a specified form, that a
26 patient is suffering from a debilitating medical
27 condition and that the benefits to the patient of
28 using marijuana outweigh the potential health risks
29 before a patient may register with the department and
30 obtain a registry identification card; requiring the
31 certification to specify the length of time
32 recommended for the use of marijuana or a medical

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33 marijuana product; specifying that the allowable
34 amount for any patient may not exceed a maximum
35 determined by department rule; authorizing physicians
36 to submit the physician certification form
37 electronically through the department's website or by
38 mail; providing criteria for the certification of
39 patients by physicians; requiring patients who wish to
40 use marijuana or medical marijuana products to
41 register with the department; providing requirements
42 for registration; authorizing adult qualifying
43 patients to authorize caregivers; requiring the
44 consent of a parent or legal guardian for minor
45 patients; providing requirements for caregivers;
46 prohibiting caregivers from registering to assist more
47 than one patient at any given time unless specified
48 circumstances are met; requiring the department to
49 designate the parent or legal guardian of a qualifying
50 minor patient as the patient's caregiver; prohibiting
51 qualifying minor patients from purchasing or acquiring
52 marijuana and medical marijuana products; requiring
53 the department to notify the qualifying patient that
54 the caregiver's application for registration is
55 disallowed; specifying the responsibilities of the
56 department; requiring the department to create a
57 patient and caregiver registration form and a
58 physician certification form and make those forms
59 available to the public by a specified date; requiring
60 the registration form to allow the patient to include
61 specified information; requiring the department to

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62 create and make available to the public a specified
63 caregiver training course by a specified date;
64 requiring the department to enter the information for
65 the qualifying patient or his or her caregiver into
66 the medical marijuana patient registry and to issue a
67 medical marijuana patient registry identification card
68 to the patient and the caregiver after the receipt of
69 specified documents; requiring that medical marijuana
70 registry identification cards be resistant to
71 counterfeiting and include specified information;
72 providing that patient and caregiver registration and
73 medical marijuana patient registry identification
74 cards expire 1 year after the date of issuance;
75 requiring a qualifying patient to submit proof of
76 continued Florida residency and a physician to certify
77 specified information in order to renew a registration
78 or medical marijuana patient registry identification
79 card; providing for the disqualification of patients
80 and caregivers; requiring the department to notify
81 specified persons of a change in registration status
82 in specified circumstances; requiring the department
83 to give notice within a specified timeframe to the
84 qualifying patient and the caregiver before removing
85 the patient or caregiver from the medical marijuana
86 patient registry; requiring the qualifying patient or
87 caregiver to return specified items within a specified
88 timeframe after receiving the notification; requiring
89 a retail facility to notify the department upon the
90 receipt of such items; authorizing the retail facility

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91 to notify the department electronically; requiring the
92 personal representative of a patient or a caregiver to
93 return the identification card of the patient or
94 caregiver to the retail facility after his or her
95 death; requiring the retail facility to update the
96 medical marijuana patient registry and notify the
97 department after the return of the identification
98 cards; authorizing the retail facility to notify the
99 department electronically; requiring the department,
100 on a quarterly basis, to compare all qualifying
101 patients and caregivers in the medical marijuana
102 patient registry with the records of deaths on file on
103 the electronic death registration system and to adjust
104 the file of the patient or caregiver accordingly
105 within a certain timeframe; requiring the department
106 to notify law enforcement of the expired or cancelled
107 identification card in certain circumstances;
108 authorizing the department to adopt rules to implement
109 a process for MMTCs to accept and dispose of returned
110 marijuana or medical marijuana products and registry
111 identification cards; creating s. 381.994, F.S.;

112 requiring that the department create a secure, online,
113 electronic medical marijuana patient registry
114 containing a file containing specified information for
115 each qualifying patient, caregiver, and certifying
116 physician; requiring that the medical marijuana
117 patient registry meet specified criteria; creating s.
118 381.995, F.S.; requiring the department to establish
119 operating standards for the cultivation, processing,

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120 packaging, and labeling of marijuana and procedures
121 and requirements for the registration of MMTCs by a
122 specified date; providing for the registration of
123 MMTCs and certain of their principles, employees and
124 contractors; requiring the department to charge
125 registration fees that may not exceed specified
126 amounts; requiring the department to develop a
127 registration form for MMTCs which must require the
128 applicant to provide specified information; requiring
129 the department to begin registering MMTCs by a
130 specified date; requiring MMTCs to provide specified
131 documentation and to pay a performance and compliance
132 bond in a specified amount, which is subject to
133 forfeiture; prohibiting registration from taking place
134 until all principals, employees, and contractors who
135 will participate in the operations of the MMTC have
136 registered with the department and have been issued
137 identification cards; providing a 2-year registration
138 period and requiring that renewals comply with a
139 process established by department rule; requiring
140 MMTCs to obtain certain licenses before engaging in
141 certain activities; authorizing the department to
142 charge application and license fees for cultivation
143 licenses; specifying fees for specified licenses and
144 facility permits; requiring the department to begin
145 issuing cultivation and processing licenses by a
146 specified date; authorizing MMTCs to apply for
147 cultivation and processing licenses; providing
148 application requirements; providing for expiration and

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149 renewal of licenses; requiring licensees to obtain an
150 operating permit from the department for each facility
151 before beginning cultivation and processing; requiring
152 the department to inspect facilities for which
153 operating permits are sought; requiring the department
154 to approve or disapprove applications within a
155 specified timeframe; prohibiting facilities from
156 certain operations if their permit has expired;
157 requiring cultivation and processing facilities to be
158 secure, closed to the public, and not within a
159 specified proximity to specified schools, child care
160 facilities, or specified licensed service providers;
161 authorizing the department to establish rules
162 providing additional security and zoning requirements;
163 providing that licensees may use contractors to assist
164 in the cultivation and processing of marijuana, but
165 holding licensees responsible for their actions;
166 requiring principals and employees of contractors who
167 participate in the operations of the licensee to be
168 registered with the department and to have MMTC
169 employee identification cards; requiring cultivation
170 and processing licensees to destroy certain marijuana
171 byproducts within a specified timeframe; requiring
172 MMTCs that transport or deliver marijuana outside of
173 the property owned by the licensee to hold a
174 transportation license; requiring the department to
175 begin issuing retail licenses by a specified date;
176 providing requirements for application; providing for
177 the expiration and renewal of licenses; requiring

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178 licensees to obtain an operating permit from the
179 department for each dispensing facility before
180 dispensing or storing marijuana or medical marijuana
181 products; providing a permitting process; requiring
182 the department to act on permit applications within a
183 certain timeframe; requiring an MMTC that holds a
184 retail license to have a separate operating permit for
185 each retail facility it operates; prohibiting the
186 department from granting an operating permit if a
187 proposed retail facility is located on the same
188 property as a cultivation or processing facility or if
189 it is located proximate to specified schools or
190 facilities; restricting the number of available retail
191 licenses in a county based on population; authorizing
192 a governing body of a county or municipality to refuse
193 to allow a retail facility within its jurisdiction;
194 prohibiting the department from licensing a retail
195 facility in a county or municipality that has
196 prohibited retail facilities by ordinance; authorizing
197 a county or municipality to levy a local business tax
198 on a retail facility; authorizing the department to
199 employ a lottery system for the issuance of permits in
200 certain circumstances; limiting the number of
201 operating permits that may be issued to a single MMTC
202 in those circumstances; providing for the expiration
203 and renewal of operating permits; providing
204 requirements for retail licensees and their employees
205 in the dispensing of marijuana to qualifying patients
206 and their caregivers; prohibiting a retail facility

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207 from repackaging or modifying a medical marijuana
208 product that has been packaged for retail sale by a
209 cultivation or processing licensee; authorizing retail
210 licensees to contract with certain MMTCs to transport
211 marijuana and medical marijuana products between
212 properties owned by the retail licensee and to make
213 deliveries to and pick up returns from the residences
214 of qualifying patients; prohibiting onsite consumption
215 of marijuana or medical marijuana products at retail
216 facilities; requiring the department to adopt rules
217 governing the issuance of transportation licenses to
218 MMTCs and the permitting of vehicles; authorizing
219 MMTCs to apply for retail licenses and providing
220 application requirements; prohibiting the
221 transportation of marijuana or medical marijuana
222 products on the property of an airport, seaport, or
223 spaceport; authorizing a transportation licensee to
224 transport marijuana or medical marijuana products in
225 specified permitted vehicles; specifying the fee for
226 vehicle permits; providing requirements for the
227 designation of drivers and requiring that designations
228 be displayed in a vehicle at all times; providing for
229 expiration of the permit in certain circumstances;
230 requiring the department to cancel a vehicle permit
231 upon the request of specified persons; providing that
232 the licensee authorizes the inspection and search of
233 his or her vehicle by certain persons without a search
234 warrant for purposes of determining compliance with
235 the act; authorizing certain MMTCs to deliver or

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236 contract for the delivery of marijuana and medical
237 marijuana products to qualifying patients and their
238 caregivers; providing requirements for and
239 restrictions on such delivery; prohibiting a county or
240 municipality from prohibiting deliveries; requiring
241 the department to adopt rules governing the delivery
242 of marijuana and medical marijuana products to
243 qualifying patients and their caregivers; authorizing
244 licensees to use contractors to assist with the
245 transportation of marijuana or medical marijuana
246 products; providing requirements for such
247 transportation; requiring that principals and
248 employees of contractors contracted by a licensee be
249 registered with the department and issued an employee
250 identification card; prohibiting MMTCs from
251 advertising marijuana or medical marijuana products;
252 defining the term "advertise"; providing that
253 inspections of MMTC facilities are preempted to the
254 state and may be conducted by the department;
255 requiring the department to inspect and license
256 specified facilities of MMTCs before those facilities
257 begin operations; requiring the department to conduct
258 such inspection at least once every 2 years;
259 authorizing the department to conduct additional or
260 unannounced inspections at reasonable hours;
261 authorizing the department to test marijuana or
262 medical marijuana products to ensure that they meet
263 the standards established by the department;
264 authorizing the department, through an interagency

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265 agreement, to perform joint inspections of such
266 facilities; requiring the department to adopt rules by
267 a specified date governing access to licensed
268 facilities which impose specified requirements on
269 limited access areas, restricted access areas, and
270 general access areas at all licensed facilities;
271 authorizing the department to adopt rules governing
272 visitor access; requiring the department to adopt
273 rules governing the registration of MMTC principals,
274 employees and contractors; authorizing the department
275 to charge a reasonable fee for MMTC employee
276 identification cards; requiring that MMTCs submit an
277 application for the registration of a person they
278 intend to hire or contract with in certain
279 circumstances; requiring the department to adopt by
280 rule a form for submitting an employee registration;
281 specifying the information that must be provided by
282 applicants; requiring the department to register
283 certain persons and to issue them MMTC employee
284 identification cards that meet certain requirements;
285 requiring MMTCs to notify the department of any
286 changes in status of such employees or contactors
287 within a specified timeframe; providing that MMTCs are
288 responsible for knowing and complying with specified
289 laws and rules; requiring that the licensed premises
290 comply with security and surveillance requirements
291 established by the department by rule before the
292 licensee can undertake specified actions; requiring
293 that specified areas of the licensed facility be

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294 clearly identified as such by signage approved by the
295 department; requiring that a licensee possess and
296 maintain possession of the premises for which the
297 license is issued; requiring a licensee to keep a
298 complete set of all records necessary to show fully
299 the business transactions of the licensee for
300 specified tax years; requiring a licensee to establish
301 an inventory tracking system that is approved by the
302 department; requiring that marijuana or medical
303 marijuana products meet the labeling and packaging
304 requirements established by department rule; requiring
305 the department to adopt by rule a schedule of
306 violations in order to impose fines not to exceed a
307 specified amount per violation; requiring the
308 department to consider specified factors in
309 determining the amount of the fine to be levied;
310 authorizing the department to suspend, revoke, deny,
311 or refuse to renew a license of an MMTC or impose a
312 specified administrative penalty for specified acts
313 and omissions; requiring the department to maintain a
314 publicly available, easily accessible list on its
315 website of all permitted retail facilities; providing
316 for the grandfathering of MMTCs that meet specified
317 requirements by a specified date; requiring the
318 department to issue specified licenses and permits;
319 creating s. 381.9951, F.S.; providing that the sale of
320 marijuana and medical marijuana products is subject to
321 the sales tax under ch. 212, F.S.; requiring the
322 Department of Revenue to deposit, in the same month as

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323 the Department of Revenue collects such taxes, all
324 proceeds of sales taxes collected on the sale of
325 marijuana and medical marijuana products into the
326 Education and General Student and Other Fees Trust
327 Fund; specifying the use of such funds; creating s.
328 381.996, F.S.; providing requirements for marijuana
329 testing and labeling; requiring the Department of
330 Health to adopt by rule a certification process and
331 testing standards for independent testing
332 laboratories; requiring the Department of Agriculture
333 and Consumer Services to provide resources to the
334 department; prohibiting cultivation licensees and
335 processing licensees from distributing or selling
336 marijuana or medical marijuana products to retail
337 licensees unless specified conditions are met;
338 providing that independent laboratories are not
339 required to be registered as MMTCs or to hold
340 transportation licenses to transport or receive
341 marijuana or medical marijuana products for testing
342 purposes; requiring independent testing laboratories
343 to conduct specified testing and to report specified
344 findings to the department; requiring that such
345 findings include specified information; requiring the
346 department to establish by rule a comprehensive
347 tracking and labeling system for marijuana plants and
348 products; authorizing the department to adopt rules
349 that establish qualifications for private entities
350 that provide product tracking services and to
351 establish a preferred vendor list; requiring that

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352 medical marijuana and medical marijuana products that
353 meet testing standards be packaged in a specified
354 manner; providing an exception; requiring a retail
355 licensee to affix an additional label to each medical
356 marijuana product which includes specified
357 information; requiring the department to establish
358 specified standards for quality, testing procedures,
359 and maximum levels of unsafe contaminants by a
360 specified date; requiring the department to create a
361 list of individual cannabinoids for which marijuana
362 and medical marijuana products must be tested;
363 creating s. 381.997, F.S.; providing penalties for
364 specified violations; creating s. 381.998, F.S.;

365 providing that this act does not require specified
366 insurance providers or a health care services plan to
367 cover a claim for reimbursement for the purchase of
368 medical marijuana; providing that the act does not
369 restrict such coverage; creating s. 381.9981, F.S.;

370 authorizing the department to adopt rules to implement
371 this act; amending ss. 385.211, 499.0295, 893.02, and
372 1004.441, F.S.; conforming provisions to changes made
373 by the act; authorizing the University of Florida, in
374 consultation with a veterinary research organization,
375 to conduct specified research for treatment of animals
376 with seizure disorders or other life-limiting
377 illnesses; prohibiting the use of state funds for such
378 research; providing for severability; providing
379 effective dates.

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381 Be It Enacted by the Legislature of the State of Florida:

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383 Section 1. Section 381.986, Florida Statutes, is repealed.

384 Section 2. Section 381.99, Florida Statutes, is created to
385 read:

386 381.99 Short title.—Sections 381.99–381.9981 may be cited
387 as the “Florida Medical Marijuana Act.”

388 Section 3. Section 381.991, Florida Statutes, is created to
389 read:

390 381.991 Definitions.—As used in ss. 381.99–381.9981, the
391 term:

392 (1) “Allowed amount of marijuana” means the amount of
393 marijuana, or the equivalent amount of marijuana products, which
394 a physician determines is necessary to treat a qualifying
395 patient’s debilitating medical condition for 90 days.

396 (2) “Batch” means a specifically identified quantity of
397 marijuana or medical marijuana product that is uniform in
398 strain; cultivated using the same herbicides, pesticides, and
399 fungicides; and harvested from or produced at the same time at a
400 single permitted facility.

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

403 (4) “Cultivation” means the growth and harvesting of
404 marijuana.

405 (5) “Cultivation license” means a license issued to a
406 medical marijuana treatment center (MMTC) which grants authority
407 to the MMTC to cultivate marijuana.

408 (6) “Debilitating medical condition” means cancer,
409 epilepsy, glaucoma, positive status for human immunodeficiency

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410 virus (HIV), acquired immune deficiency syndrome (AIDS), post-
411 traumatic stress disorder (PTSD), amyotrophic lateral sclerosis
412 (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis,
413 paraplegia, quadriplegia, a terminal condition, or other
414 debilitating medical conditions of the same kind or class as, or
415 comparable to, those enumerated and for which a physician
416 believes that the medical use of marijuana would likely outweigh
417 the potential health risks of that use to a patient.

418 (7) "Department" means the Department of Health.

419 (8) "Dispense" means the transfer or sale of marijuana from
420 an MMTC to a qualifying patient or to the qualifying patient's
421 caregiver and may include the delivery of such marijuana
422 transferred or sold.

423 (9) "Independent testing laboratory" means a laboratory,
424 and the managers, employees, and contractors of the laboratory,
425 which does not have a direct or indirect interest in, and is not
426 owned by or affiliated with, an MMTC.

427 (10) "Marijuana" has the same meaning as provided in s. 29,
428 Art. X of the State Constitution but is limited to that intended
429 for medical use.

430 (11) "Medical marijuana patient registry" means an online
431 electronic registry created and maintained by the department to
432 store identifying information for all qualifying patients,
433 caregivers, and physicians who submit physician certification
434 forms to the department.

435 (12) "Medical marijuana patient registry identification
436 card" means a card issued by the department to qualifying
437 patients and caregivers.

438 (13) "Medical marijuana product" means a product derived

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439 from marijuana, including, but not limited to, an oil, tincture,
440 cream, encapsulation, or food product containing marijuana or
441 any part of the marijuana plant, which is intended for medical
442 use.

443 (14) "Medical marijuana treatment center" or "MMTC" has the
444 same meaning as provided in s. 29, Art. X of the State
445 Constitution.

446 (15) "Medical use" has the same meaning as provided in s.
447 29, Art. X of the State Constitution.

448 (16) "Minor" means a person who is younger than 18 years of
449 age.

450 (17) "Physician" means a physician who is licensed under
451 chapter 458 or chapter 459 and who meets the requirements of s.
452 381.993.

453 (18) "Principal" means an officer, a director, a billing
454 agent, or a managing employee of an MMTC, or a person or
455 shareholder who has an ownership interest equal to 5 percent or
456 more of an MMTC.

457 (19) "Process or processing" means the conversion of
458 marijuana into medical marijuana products for a qualifying
459 patient's use.

460 (20) "Processing license" means a license issued by the
461 department to an MMTC which grants the MMTC the authority to
462 process marijuana.

463 (21) "Qualifying patient" has the same meaning as provided
464 in s. 29, Art. X of the State Constitution.

465 (22) "Retail license" means a license issued by the
466 department to an MMTC which authorizes the MMTC to dispense
467 marijuana and medical marijuana products and to sell related

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468 paraphernalia to qualifying patients and caregivers.

469 (23) "Transportation license" means a license issued by the
470 department to an MMTC which authorizes the MMTC to transport
471 marijuana and medical marijuana products.

472 Section 4. Section 381.992, Florida Statutes, is created to
473 read:

474 381.992 Medical marijuana.-

475 (1) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
476 any other law, but subject to the requirements in ss. 381.99-
477 381.9981, a qualifying patient, or his or her caregiver, may
478 purchase or acquire from an MMTC and possess up to the allowed
479 amount of marijuana, medical marijuana products, and associated
480 paraphernalia for the qualifying patient's medical use.

481 (2) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
482 any other law, but subject to the requirements in ss. 381.99-
483 381.9981, an MMTC, including its employees and contractors, may
484 acquire, cultivate, possess, process, transfer, transport, sell,
485 distribute, dispense, or administer marijuana. MMTCs may:

486 (a) Cultivate marijuana only at a cultivation facility;

487 (b) Process marijuana only at a processing facility;

488 (c) Sell and distribute marijuana and medical marijuana
489 products only to other MMTCs;

490 (d) Purchase or acquire marijuana and medical marijuana
491 products only from other MMTCs or qualifying patients,
492 caregivers, or personal representatives who are returning unused
493 marijuana or medical marijuana products;

494 (e) Dispense or administer marijuana, medical marijuana
495 products, or associated paraphernalia only to qualifying
496 patients and caregivers and only from a permitted facility

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497 operated by an MMTC holding a retail license;

498 (f) Deliver marijuana and medical marijuana products to
499 qualifying patients and caregivers; and

500 (g) Transport marijuana, medical marijuana products, and
501 associated paraphernalia as necessary for the proper conduct of
502 its business in accordance with the requirements of ss. 381.99-
503 381.9981.

504 (3) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
505 any other law, but subject to the requirements in ss. 381.99-
506 381.9981, an independent testing laboratory, including its
507 employees and contractors, may receive and possess marijuana for
508 the sole purpose of testing the marijuana for compliance with
509 ss. 381.99-381.9981.

510 (4) This section does not authorize:

511 (a) The cultivation of marijuana by any person or entity
512 other than an MMTC holding a cultivation license.

513 (b) The acquisition or purchase of marijuana or medical
514 marijuana products by a qualifying patient or caregiver from any
515 person or entity other than an MMTC holding a retail license.

516 (c) The use of marijuana or medical marijuana products by
517 anyone other than the qualifying patient for whom the marijuana
518 was certified.

519 (d) The dispensing or administration of marijuana or
520 medical marijuana products to anyone other than a qualifying
521 patient or caregiver.

522 (e) The transfer of marijuana or medical marijuana products
523 by a qualifying patient or caregiver to any entity except for
524 the purpose of returning unused marijuana or medical marijuana
525 products to an MMTC.

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526 (f) The use or administration of marijuana or medical
 527 marijuana products:

- 528 1. On any form of public transportation;
- 529 2. In a public place, as defined in s. 877.21; or
- 530 3. In a qualifying patient's place of work, if restricted
 531 by his or her employer.

532 (g) The possession, use, or administration of marijuana or
 533 medical marijuana products:

- 534 1. In a correctional facility.
- 535 2. On the grounds of a preschool, primary school, or
 536 secondary school, unless authorized by the superintendent.
- 537 3. On a school bus.

538 (5) This section does not exempt any person from the
 539 prohibition against driving under the influence as provided
 540 under s. 316.193.

541 (6) Except for s. 386.2045, part II of chapter 386 applies
 542 to the smoking of marijuana or medical marijuana products. The
 543 department may by rule restrict the smoking of marijuana or
 544 medical marijuana products in any facility licensed by this
 545 state that provides care or services to children or frail or
 546 elderly adults.

547 Section 5. Section 381.993, Florida Statutes, is created to
 548 read:

549 381.993 Physician certification; patient and caregiver
 550 registration; medical marijuana patient registry identification
 551 cards; issuance and renewal of physician certification.-

552 (1) PHYSICIAN CERTIFICATION.-Before a patient may register
 553 with the department and obtain a medical marijuana patient
 554 registry identification card, the patient must be certified by a

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555 physician using a physician certification form provided by the
556 department to be suffering from a debilitating medical
557 condition. The physician must also certify that the benefits to
558 the patient of the medical use of marijuana would likely
559 outweigh the potential health risks. The physician certification
560 must specify the length of time for which the physician
561 recommends that the patient use marijuana and the allowed amount
562 of marijuana or medical marijuana products necessary to treat
563 the patient's condition or symptom as determined by rule adopted
564 by the department. If the certifying physician determines that
565 the allowed amount of marijuana, or the equivalent amount of
566 medical marijuana products, allowed under department rule is
567 insufficient to treat the patient's condition or symptom, the
568 physician certification must state the allowed amount of
569 marijuana or medical marijuana products recommended by the
570 certifying physician. A certifying physician must submit the
571 physician certification form to the department by United States
572 mail or electronically, through the department's website.

573 (a) A physician may certify a patient to the department as
574 a patient if:

- 575 1. The patient is a resident of this state;
- 576 2. The physician, in his or her good faith medical
577 judgment, certifies that the patient suffers from one or more
578 debilitating medical conditions;
- 579 3. The physician does not have a financial interest in an
580 MMTC or in an independent testing laboratory that conducts tests
581 of marijuana or medical marijuana products; and
- 582 4. The physician has successfully completed an 8-hour
583 course and subsequent examination offered by the Florida Medical

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584 Association or the Florida Osteopathic Medical Association, as
585 appropriate, which encompasses clinical indications for the
586 appropriate medical use of marijuana, appropriate delivery
587 mechanisms, contraindications of the medical use of marijuana,
588 and relevant state and federal laws governing the ordering,
589 dispensing, and possession of marijuana. The appropriate boards
590 shall offer the course and examination at least annually.
591 Successful completion of the course may be used by the physician
592 to satisfy 8 hours of the continuing medical education
593 requirements imposed by his or her respective board for
594 licensure renewal. The course may be offered in a distance
595 learning format.

596 (b) If the patient subject to the certification is a minor,
597 the patient's parent or legal guardian must also provide to the
598 physician written consent for the patient's treatment with
599 marijuana before the physician may submit the physician
600 certification form to the department.

601 (c) Unless the certifying physician certifies a patient to
602 use marijuana for less than 1 year, the patient's physician
603 certification expires when the patient's medical marijuana
604 patient registry identification card expires.

605 (2) PATIENT AND CAREGIVER REGISTRATION.—A patient must
606 register with the department and be issued a medical marijuana
607 patient registry identification card before acquiring or using
608 marijuana or medical marijuana products.

609 (a) To register, a patient must submit the following to the
610 department:

611 1. A completed patient and caregiver registration form,
612 provided by the department. If the patient is a minor, a parent

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613 or legal guardian of the minor must provide his or her written
614 consent on the patient and caregiver registration form for the
615 minor patient's use of marijuana or medical marijuana products.
616 Without the written consent of a parent or legal guardian, a
617 minor patient may not be registered and may not obtain a medical
618 marijuana patient registry identification card; and

619 2. Separate passport-type, color photographs, taken within
620 90 days before submission to the department, of the patient and
621 of each of the patient's caregivers, if any.

622 (b) An adult qualifying patient may, at his or her initial
623 registration or at any time while a qualifying patient,
624 designate a caregiver. The adult qualifying patient may also
625 designate up to two additional caregivers to assist him or her
626 with the medical use of marijuana, who may be selected from
627 among the patient's spouse, parents, legal guardians, adult
628 children, siblings, or the employees of the assisted living
629 facility or other health care facility where the qualifying
630 patient resides. A caregiver must meet the following
631 requirements:

632 1. Be at least 21 years of age;

633 2. Complete a 2-hour medical marijuana caregiver training
634 course offered by the department; and

635 3. Have passed a level 2 background screening pursuant to
636 chapter 435 within the previous year. The following persons are
637 exempt from this subparagraph:

638 a. The qualifying patient's spouse, parents, legal
639 guardian, adult children, or siblings; and

640 b. A health care worker who is subject to the requirements
641 in s. 408.809 who is caring only for the qualifying patient and

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642 other patients who reside in the same assisted living facility,
643 nursing home, or other such facility and is an employee of that
644 facility.

645 (c) A caregiver may not assist more than one qualifying
646 patient at any given time unless all of his or her qualifying
647 patients:

648 1. Are the parents, legal guardians, or adult children of
649 the caregiver or are siblings having a common parent or legal
650 guardian with each other and the caregiver. This exception also
651 applies to an adult for whom the caregiver is a legal guardian;

652 2. Are first-degree relatives of each other who share a
653 common residence; or

654 3. Reside in the same assisted living facility, nursing
655 home, or other such facility and the caregiver is an employee of
656 that facility.

657 (d) When registering a minor patient, the department shall
658 designate the parent or legal guardian who provided his or her
659 written consent on the patient and caregiver registration form
660 as the minor patient's caregiver, unless the department
661 determines that person to be unqualified, unavailable, or
662 unwilling to be the caregiver. In that instance, the department
663 shall designate another parent or legal guardian of the minor
664 patient as his or her caregiver. A minor patient may not
665 purchase or acquire marijuana or medical marijuana products. The
666 caregiver of a minor patient is responsible for all marijuana
667 and medical marijuana products purchased, acquired, or possessed
668 for the minor patient.

669 (e) If the department determines that, for any reason, a
670 caregiver designated by a qualifying patient may not assist that

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671 qualifying patient, the department must notify the qualifying
672 patient that the caregiver's registration is disallowed.

673 (3) DEPARTMENT RESPONSIBILITIES.-

674 (a) By September 1, 2017, the department shall create:

675 1. A physician certification form and a patient and
676 caregiver registration form and make the forms available to the
677 public. The forms must contain space and fields sufficient to
678 allow the submission of the information required to be included
679 in the file of a qualifying patient and the files of the
680 qualifying patient's caregiver and certifying physicians
681 maintained in the medical marijuana patient registry pursuant to
682 s. 381.994(1). In addition, the patient and caregiver
683 registration form must require the parent or legal guardian of a
684 minor patient to provide written consent for the minor patient
685 to use marijuana or medical marijuana products; and

686 2. A 2-hour medical marijuana caregiver training course.
687 The course must be available online and for the public to attend
688 at permitted facilities operated by an MMTC holding a retail
689 license. The training course must include, at a minimum, routes
690 of administration, details on possible side effects of and
691 adverse reactions to marijuana and medical marijuana products,
692 and patient and caregiver restrictions and responsibilities
693 under this act and department rule.

694 (b) Beginning as soon as practicable, but not later than
695 October 3, 2017, the department shall, within 14 days after a
696 patient submits the documentation required in paragraph (2) (a)
697 to register with the department and a physician submits a
698 physician certification form for that patient to the department:

699 1. Register the qualifying patient, his or her caregiver,

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700 and the certifying physician in the medical marijuana patient
701 registry and enter the information required under s. 381.994(1)
702 in the patient's, caregiver's, and certifying physician's
703 registry files. The department shall enter the allowed amount of
704 marijuana recommended by the qualifying patient's physician and
705 the length of time for which the physician recommends the
706 patient medically use marijuana, as recorded on the physician
707 certification form; and

708 2. Issue medical marijuana patient registry identification
709 cards to the qualifying patient and, if applicable, to the
710 qualifying patient's caregiver.

711 (c) A medical marijuana patient registry identification
712 card issued to a qualifying patient must be resistant to
713 counterfeiting and must include, but need not be limited to, the
714 following information:

- 715 1. The qualifying patient's full legal name;
716 2. The qualifying patient's photograph, submitted as
717 required under paragraph (2) (a);
718 3. A randomly assigned identification number;
719 4. The qualifying patient's allowed amount of marijuana;
720 5. If applicable, the full legal name and corresponding
721 medical marijuana patient registry identification card number
722 for each of the qualifying patient's caregivers, if any; and
723 6. The expiration date of the card.

724 (d) A medical marijuana patient registry identification
725 card issued to a caregiver must be resistant to counterfeiting
726 and must include, but need not be limited to, the following
727 information:

- 728 1. The caregiver's full legal name;

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729 2. The caregiver's photograph, submitted as required under
730 paragraph (2) (a);

731 3. A randomly assigned identification number;

732 4. The expiration date of the card; and

733 5. If the caregiver is assisting three or fewer qualifying

734 patients, the full legal name, medical marijuana patient

735 registry identification card number, and the allowed amount of

736 marijuana for each of the caregiver's qualifying patients; or

737 6. If the caregiver is assisting four or more qualifying

738 patients, a statement that the caregiver is assisting multiple

739 patients.

740 (e) A person who is a caregiver for more than one

741 qualifying patient must have a separate medical marijuana

742 patient registry identification card linked to each qualifying

743 patient for whom he or she is a caregiver.

744 (4) EXPIRATION AND RENEWAL OF PATIENT AND CAREGIVER

745 REGISTRATION AND REGISTRY IDENTIFICATION CARDS.— Unless the

746 certifying physician certifies a patient to use marijuana for

747 less than 1 year, a qualifying patient's, and, if applicable,

748 his or her caregiver's registration with the department under

749 subsection (2) and their medical marijuana patient registry

750 identification cards expire 1 year after the date the qualifying

751 patient's medical marijuana patient registry identification card

752 is issued under subparagraph (3) (b)2. In order to renew the

753 registration and the medical marijuana patient registry

754 identification cards of the qualifying patient and his or her

755 caregiver, the qualifying patient must submit proof of continued

756 residency in this state; if the qualifying patient is a minor, a

757 parent or legal guardian of the qualifying patient must indicate

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758 in writing his or her continued consent for the qualifying minor
759 patient's treatment with marijuana; and a physician must certify
760 to the department:

761 (a) That he or she has examined the patient during the
762 course of the patient's treatment with marijuana;

763 (b) That the patient suffers from a debilitating medical
764 condition;

765 (c) That the medical use of marijuana would likely outweigh
766 the potential health risks for the patient;

767 (d) The allowed amount of marijuana, if the physician has
768 determined a specified amount is necessary to treat the patient;
769 and

770 (e) The length of time the physician recommends the patient
771 medically use marijuana.

772 (5) PATIENT AND CAREGIVER DISQUALIFICATION.-

773 (a) If the department becomes aware of information that
774 would disqualify a qualifying patient or caregiver from being
775 registered with the department under this section, the
776 department must notify the qualifying patient or caregiver, as
777 applicable, of the change in his or her status as follows:

778 1. For a qualifying patient, at least 30 days before
779 removing the patient from the medical marijuana patient
780 registry, the department shall give notice of such action to the
781 qualifying patient at the address in the registry. It is the
782 patient's duty to ensure the return of all marijuana and medical
783 marijuana products and his or her medical marijuana patient
784 registry identification card to a permitted facility operated by
785 an MMTC holding a retail license within 30 days after receiving
786 the notice. Such retail facility must notify the department

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787 within 24 hours after it has received a return of marijuana,
788 medical marijuana products, or a medical marijuana patient
789 registry identification card. The retail facility may provide
790 such notice electronically.

791 2. For a caregiver, at least 15 days before removing the
792 caregiver from the medical marijuana patient registry, the
793 department shall give notice of such action to the caregiver and
794 the caregiver's qualifying patient. It is the caregiver's duty
795 to ensure the return of his or her medical marijuana patient
796 registry identification card to a permitted facility operated by
797 an MMTC holding a retail license within 15 days after receiving
798 the notice. Such retail facility must notify the department
799 within 24 hours after it has received such a return. The retail
800 facility may provide such notice electronically.

801 (b) If a qualifying patient dies, it is the duty of the
802 qualifying patient's caregiver or the qualifying patient's
803 personal representative to ensure the return of all marijuana
804 and medical marijuana products and the qualifying patient's
805 medical marijuana patient registry identification card to a
806 permitted facility operated by an MMTC holding a retail license
807 within 30 days after the patient's death. Within 30 days after
808 the qualifying patient's death, the qualifying patient's
809 caregiver must return his or her medical marijuana patient
810 registry identification card linked to the deceased patient to
811 such a retail facility. If a caregiver dies, it is the duty of
812 the qualifying patient or the caregiver's next of kin to ensure
813 the return of the caregiver's medical marijuana patient registry
814 identification card to such a retail facility within 30 days
815 after the caregiver's death. When receiving the medical

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816 marijuana patient registry identification card of a deceased
817 qualifying patient, the caregiver of a deceased patient, or a
818 deceased caregiver, such retail facility must update the medical
819 marijuana patient registry to note the death of the deceased and
820 notify the department of the return of the medical marijuana
821 patient registry identification cards. The retail facility may
822 provide such notice electronically.

823 (c) The department shall, on a quarterly basis, compare all
824 of the qualifying patients and caregivers in the medical
825 marijuana patient registry with the records of deaths on file in
826 its electronic death registration system in order to identify
827 any qualifying patient or caregiver who is deceased but is not
828 yet identified as such in the registry. If the department
829 becomes aware that a qualifying patient or caregiver is
830 deceased, the department must send notice to the appropriate
831 party of his or her duties under paragraph (b) and adjust the
832 qualifying patient's or caregiver's file in the medical
833 marijuana patient registry.

834 (d) If, after a qualifying patient or caregiver is
835 disqualified or deceased or a qualifying patient's or
836 caregiver's registration has expired, the department becomes
837 aware that the qualifying patient's or caregiver's medical
838 marijuana patient registry identification card has not been
839 returned to a permitted facility operated by an MMTC holding a
840 retail license, the department must send a second notice to the
841 qualifying patient or caregiver and notify the local police
842 department or sheriff's office of the expired or cancelled
843 medical marijuana patient registry identification card.

844 (e) The department may adopt rules as necessary to

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845 implement a process for an MMTC holding a retail license to
846 accept and dispose of returned marijuana or medical marijuana
847 products and patient and caregiver medical marijuana patient
848 registry identification cards.

849 Section 6. Section 381.994, Florida Statutes, is created to
850 read:

851 381.994 Medical marijuana patient registry.-

852 (1) By July 1, 2017, the department shall create a secure,
853 online medical marijuana patient registry that contains a file
854 for each qualifying patient and caregiver and for each
855 certifying physician.

856 (a) The file for a qualifying patient must include, but
857 need not be limited to:

858 1. The qualifying patient's full legal name;

859 2. The qualifying patient's photograph, submitted as
860 required under s. 381.993(2) (a);

861 3. The randomly assigned identification number on the
862 qualifying patient's medical marijuana patient registry
863 identification card;

864 4. The qualifying patient's allowed amount of marijuana;

865 5. The full legal name and corresponding identification
866 number of the medical marijuana patient registry identification
867 card of each of the qualifying patient's caregivers, if any;

868 6. The recommended duration for the medical use of
869 marijuana as stated on the patient's physician recommendation;

870 7. The expiration date of the qualifying patient's medical
871 marijuana patient registry identification card; and

872 8. The date and time that marijuana or medical marijuana
873 products are dispensed and the amount of marijuana or medical

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874 marijuana products dispensed, for each of the qualifying
875 patient's transactions with an MMTC holding a retail license.

876 (b) The file for a caregiver must include, but need not be
877 limited to:

878 1. The caregiver's full legal name;

879 2. The caregiver's photograph, submitted as required under
880 s. 381.993(2)(a);

881 3. The randomly assigned identification number on each of
882 the caregiver's medical marijuana patient registry
883 identification cards;

884 4. The full legal names and identification numbers on the
885 medical marijuana patient registry identification cards of the
886 qualifying patients who have designated the caregiver, each
887 patient linked to the caregiver's medical marijuana patient
888 registry identification card number for that patient;

889 5. The allowed amount of marijuana, as entered in the
890 qualifying patient's file in the medical marijuana patient
891 registry, for each qualifying patient to whom the caregiver's
892 cards are linked;

893 6. The expiration dates of the caregiver's medical
894 marijuana patient registry identification cards; and

895 7. The date and time that marijuana or medical marijuana
896 products are dispensed and the amount of marijuana or medical
897 marijuana products dispensed, for each of the registered
898 caregiver's transactions with an MMTC holding a retail license.

899 (c) The file for a certifying physician must include, but
900 need not be limited to:

901 1. The certifying physician's full legal name; and

902 2. The certifying physician's license number.

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903 (2) The medical marijuana patient registry must meet all of
904 the following criteria:

905 (a) Be accessible to MMTCs holding a retail license to
906 verify the authenticity of a medical marijuana patient registry
907 identification card, to verify a qualifying patient's allowed
908 amount of marijuana and medical marijuana products, and to
909 determine the prior dates and times when marijuana was dispensed
910 to the qualifying patient or the qualifying patient's caregiver
911 and the amount dispensed on each occasion.

912 (b) Be able to accept in real time an original or a new
913 physician certification form from a certifying physician which
914 includes an original or updated physician recommendation for a
915 qualifying patient's allowed amount of marijuana.

916 (c) Be accessible to law enforcement in real time in order
917 to verify authorization for the possession of marijuana by a
918 qualifying patient or caregiver.

919 (d) Be able to accept and post initial and updated
920 information to each qualifying patient's or caregiver's file
921 from an MMTC holding a retail license which shows the date,
922 time, and amount of marijuana dispensed to that qualifying
923 patient or caregiver at the point of sale.

924 Section 7. Section 381.995, Florida Statutes, is created to
925 read:

926 381.995 Medical Marijuana Treatment Centers.—

927 (1) DEPARTMENT RESPONSIBILITIES.—By June 3, 2017, the
928 department shall establish operating standards for the
929 cultivation, processing, packaging, and labeling of marijuana;
930 standards for the sale of marijuana; procedures and requirements
931 for the registration and registration renewal of MMTCs, for the

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932 issuance and renewal of cultivation, processing, and retail
933 licenses, and for the issuance and renewal of cultivation
934 facility, processing facility, and retail facility permits;
935 procedures for registering all principals, employees, and
936 contractors of MMTCs who will participate in the operations of
937 the MMTC; and procedures for issuing MMTC employee
938 identification cards to registered principals, employees, and
939 contractors of MMTCs.

940 (2) MMTC REGISTRATION.—

941 (a) The department shall charge a registration fee upon
942 initial registration of an MMTC not to exceed \$1,000 and a
943 renewal fee upon the renewal of an MMTC's registration not to
944 exceed \$500. The department shall develop a registration form
945 for registration which, at a minimum, must require the applicant
946 to indicate:

947 1. The full legal name of the applicant;

948 2. The physical address of each location where marijuana
949 will be cultivated, processed, dispensed, or stored, as
950 applicable to the indicated function of the applicant;

951 3. The name, address, and date of birth of each of the
952 applicant's principals;

953 4. The name, address, and date of birth of each of the
954 applicant's current employees and contractors who will
955 participate in the operations of the MMTC; and

956 5. The marijuana production functions in which the
957 applicant intends to engage, which may include one or more of
958 the following:

959 a. Cultivation;

960 b. Processing;

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961 c. Dispensing; and

962 d. Transporting.

963 (b) By October 3, 2017, the department shall begin
964 registering MMTCs that have submitted completed applications for
965 registration. To be registered as an MMTC, an applicant must
966 submit to the department:

967 1. A completed registration form;

968 2. The initial registration fee;

969 3. Registration and MMTC employee identification card
970 applications for all principals, employees, and contractors who
971 will participate in the operations of the MMTC;

972 4. Proof that all principals who will not participate in
973 the operations of the MMTC have passed a level 2 background
974 screening pursuant to chapter 435 within the previous year;

975 5. Proof of the financial ability to maintain operations
976 for the duration of the registration; and

977 6. A \$1 million performance and compliance bond, to be
978 forfeited if the MMTC fails to comply with the registration
979 requirements of this subsection during the registration period
980 or fails to comply with the material requirements of this
981 section that are applicable to the functions the applicant
982 intends to perform as indicated on the registration application.

983
984 Registration as an MMTC may not be granted until all principals,
985 employees, and contractors who will participate in the
986 operations of the MMTC have registered with the department and
987 have been issued MMTC employee identification cards.

988 (c) An MMTC registration lasts for a period of 2 years and
989 must be renewed by the MMTC before the registration's expiration

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990 in a manner consistent with department rule for the renewal of
991 MMTC registrations.

992 (d) MMTCs may not cultivate, process, dispense, or
993 transport marijuana or medical marijuana products without first
994 obtaining the corresponding license for that function from the
995 department as required in this section.

996 (3) LICENSE AND PERMIT APPLICATION AND RENEWAL FEES.-

997 (a) The department may charge an initial application fee
998 not to exceed \$1,000, a licensure fee not to exceed \$50,000, and
999 a biennial renewal fee not to exceed \$50,000 for a cultivation
1000 license.

1001 (b) For a processing license, the department may charge an
1002 initial application fee not to exceed \$1,000, a licensure fee
1003 not to exceed \$50,000, and a biennial renewal fee not to exceed
1004 \$50,000.

1005 (c) For a retail license, the department may charge an
1006 initial application fee not to exceed \$1,000, a licensure fee
1007 not to exceed \$10,000, and a biennial renewal fee not to exceed
1008 \$10,000.

1009 (d) For a transportation license, the department may charge
1010 an initial application fee not to exceed \$1,000, a licensure fee
1011 not to exceed \$10,000, and a biennial renewal fee not to exceed
1012 \$10,000.

1013 (e) For each facility permit issued, the department may
1014 charge an initial permitting fee not to exceed \$5,000 and a
1015 biennial renewal fee not to exceed \$5,000.

1016 (4) CULTIVATION AND PROCESSING LICENSES.-The department
1017 shall begin issuing cultivation licenses and processing licenses
1018 by October 3, 2017.

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1019 (a) An MMTC may apply for a cultivation license, a
1020 processing license, or both. When applying, the MMTC must
1021 provide the department, at a minimum, with all of the following:

1022 1. A completed cultivation license or processing license
1023 application form;

1024 2. The initial application fee, which must be submitted
1025 with the completed application form;

1026 3. The physical address of each location where marijuana
1027 will be cultivated, processed, or stored;

1028 4. Proof of an established infrastructure or the ability to
1029 establish an infrastructure in a reasonable amount of time which
1030 is designed to, as applicable to the license or licenses
1031 requested, cultivate, process, test, package, or label marijuana
1032 or medical marijuana products and to maintain the
1033 infrastructure's security and prevent the theft or diversion of
1034 any marijuana or medical marijuana product;

1035 5. Proof that the applicant possesses the technical and
1036 technological ability to cultivate and test marijuana or process
1037 and test marijuana, as applicable to the license or licenses
1038 requested;

1039 6. Proof of operating procedures designed to secure and
1040 maintain accountability for all marijuana, medical marijuana
1041 products, and marijuana-related byproducts that come into the
1042 applicant's possession;

1043 7. Proof of at least \$1 million of hazard and liability
1044 insurance for each facility where cultivation or processing of
1045 marijuana or medical marijuana products occur; and

1046 8. The licensure fee, which the department must receive
1047 before it may issue the license.

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1048 (b) Cultivation licenses and processing licenses expire 2
1049 years after the date issued. The licensee must apply for a
1050 renewed license before the expiration date. In order to receive
1051 a renewed license, the licensee must meet all of the
1052 requirements for initial licensure; must provide all of the
1053 documents required under paragraph (a), accompanied by the
1054 renewal fee, but not by the initial application fee or licensure
1055 fee; and must not have any outstanding substantial violations of
1056 the standards adopted by department rule for the cultivation,
1057 processing, testing, packaging, and labeling of marijuana and
1058 medical marijuana products.

1059 (c) Before beginning cultivation or processing, the
1060 licensee must obtain an operating permit from the department for
1061 each facility where cultivation or processing will occur. Upon
1062 receiving a request for a permit from a licensee, the department
1063 shall inspect the facility pursuant to subsection (8) for
1064 compliance with state law, and rules adopted thereunder, and,
1065 upon a determination of compliance, shall issue an operating
1066 permit for the facility. The department must issue or deny the
1067 operating permit for a facility within 30 days after receiving
1068 the request for a permit.

1069 (d) If a facility's operating permit expires, the facility
1070 must cease all applicable operations until the department
1071 reinspects the facility and issues a new operating permit upon a
1072 determination of compliance.

1073 (e) Cultivation facilities and processing facilities must
1074 be secure and closed to the public and may not be located within
1075 1,000 feet of an existing public or private elementary or
1076 secondary school, a child care facility as defined in s.

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1077 402.302, or a licensed service provider offering substance abuse
1078 services. The department may establish by rule additional
1079 security and zoning requirements for cultivation facilities and
1080 processing facilities. All matters regarding the permitting and
1081 regulation of cultivation facilities and processing facilities,
1082 including the location of such facilities, are preempted to the
1083 state.

1084 (f) Licensees under this subsection may use contractors to
1085 assist with the cultivation or processing of marijuana, as
1086 applicable, but the licensee is ultimately responsible for all
1087 of the operations performed by each contractor relating to the
1088 cultivation or processing of marijuana and is responsible for
1089 the physical possession of all marijuana and medical marijuana
1090 products. All work done by a contractor must be performed at a
1091 facility with an operating permit issued by the department. All
1092 principals and employees of contractors contracted by a licensee
1093 under this subsection who will participate in the operations of
1094 the licensee must be registered with the department and issued
1095 MMTC employee identification cards.

1096 (g) All marijuana byproducts that cannot be processed or
1097 that cannot be reprocessed into medical marijuana products must
1098 be destroyed by the cultivation or processing licensee or its
1099 contractor within 30 days after the production of the
1100 byproducts.

1101 (h) Licensees under this subsection may wholesale marijuana
1102 and medical marijuana products only to other MMTCs.

1103 (i) Transport or delivery of marijuana or medical marijuana
1104 products outside of property owned by a licensee under this
1105 subsection may be performed only by an MMTC that holds a

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1106 transportation license issued pursuant to subsection (6).

1107 (5) RETAIL LICENSES.—The department shall begin issuing
1108 retail licenses by October 3, 2017.

1109 (a) An MMTC may apply for a retail license. When applying,
1110 the MMTC must provide the department, at a minimum, with all of
1111 the following:

1112 1. A completed retail license application form;

1113 2. The initial application fee, which must be submitted
1114 with the completed application form;

1115 3. A statement by the applicant indicating whether the
1116 applicant intends to dispense by delivery. A retail licensee may
1117 not deliver marijuana or medical marijuana products without also
1118 obtaining a transportation license pursuant to subsection (6);

1119 4. The physical address of each location where marijuana or
1120 medical marijuana products will be dispensed or stored;

1121 5. Identifying information for all other current or
1122 previous retail licenses held by the applicant or any of the
1123 applicant's principals;

1124 6. Proof of an established infrastructure, or the ability
1125 to establish an infrastructure in a reasonable amount of time,
1126 which is designed to receive marijuana or medical marijuana
1127 products from a cultivation licensee or a processing licensee
1128 and to maintain the infrastructure's security and prevent the
1129 theft or diversion of any marijuana or medical marijuana
1130 product;

1131 7. Proof of operating procedures designed to secure and
1132 maintain accountability for all marijuana and medical marijuana
1133 products that the applicant receives and possesses; ensure that
1134 the allowed amount of marijuana and the specified type of

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1135 marijuana is correctly dispensed to a qualifying patient or his
1136 or her caregiver pursuant to a physician's certification; and
1137 monitor the medical marijuana patient registry and
1138 electronically update the registry with dispensing information;
1139 8. Proof of at least \$500,000 of hazard and liability
1140 insurance for each facility where marijuana or medical marijuana
1141 products are dispensed or stored; and
1142 9. The licensure fee, which the department must receive
1143 before it may issue the license.
1144 (b) A retail license expires 2 years after the date it is
1145 issued. The retail licensee must apply for a renewed license
1146 before the expiration date. In order to receive a renewed
1147 license, a retail licensee must meet all of the requirements for
1148 initial licensure; must provide all of the documents required
1149 under paragraph (a), accompanied by the renewal fee, but not by
1150 the initial application fee or licensure fee; and must not have
1151 any outstanding substantial violations of the applicable
1152 standards adopted by department rule.
1153 (c) Before beginning to dispense or store marijuana or
1154 medical marijuana products, the licensee must obtain an
1155 operating permit from the department for each facility where
1156 marijuana or medical marijuana products will be dispensed or
1157 stored. Upon receiving a request for a permit from a licensee,
1158 the department shall inspect the facility pursuant to subsection
1159 (8) for compliance with state law, and rules adopted thereunder.
1160 Upon a determination of compliance, and if the county has not
1161 reached its maximum number of permits and has not disallowed
1162 permits in that county pursuant to paragraph (e), the department
1163 shall issue an operating permit for the facility. The department

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1164 must issue or deny the operating permit for a facility within 30
1165 days after receiving the request for a permit. An MMTC holding a
1166 retail license must have a separate operating permit for each
1167 retail facility it operates.

1168 (d) The department may not grant an operating permit if the
1169 proposed retail facility is located on the same property as a
1170 cultivation facility or processing facility, or is located
1171 within 1,000 feet of an existing public or private elementary or
1172 secondary school, a child care facility as defined in s.
1173 402.302, or a licensed service provider offering substance abuse
1174 services.

1175 (e) The number of permitted retail facilities in a county
1176 may not exceed one for each 25,000 residents of the county. The
1177 governing body of a county or municipality may, by ordinance,
1178 refuse to allow retail facilities to be located within its
1179 jurisdiction. The department may not issue an operating permit
1180 for a retail facility in a county or municipality where the
1181 board of county commissioners of that county or the city council
1182 or other legislative body of that municipality has adopted such
1183 an ordinance. A county or municipality may levy a local business
1184 tax on a retail facility. If the number of operating permit
1185 applications determined by the department to comply with state
1186 law and rules adopted thereunder for retail facilities located
1187 in the same county exceeds the number of operating permits
1188 allowed for that county under this paragraph, the department
1189 shall employ a lottery system to determine the issuance of
1190 operating permits for that county and may not issue more than
1191 one operating permit in that county to a single MMTC. The
1192 department may issue an operating permit to an MMTC for an

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1193 additional retail facility in the same county if the remaining
1194 number of allowed, but as yet unissued, permits in that county
1195 is greater than the number of qualified applications filed by
1196 applicants holding fewer operating permits in that county than
1197 the MMTC.

1198 (f) Before the expiration of an operating permit for a
1199 retail facility, the licensee shall apply for a renewal permit
1200 and the department shall reinspect the facility and issue a new
1201 operating permit for that facility upon a determination of
1202 compliance.

1203 (g) A retail licensee or an employee of the retail licensee
1204 may dispense the allowed amount of marijuana to a qualifying
1205 patient or the patient's caregiver only if the retail licensee
1206 or employee:

1207 1. Verifies the authenticity of the qualifying patient's or
1208 caregiver's medical marijuana patient registry identification
1209 card with the medical marijuana patient registry;

1210 2. Verifies the physician's prescription for marijuana with
1211 the medical marijuana patient registry;

1212 3. Determines that the qualifying patient has not been
1213 dispensed the allowed amount of marijuana within the previous 29
1214 days;

1215 4. Issues to the qualifying patient or the qualifying
1216 patient's caregiver a receipt that details the date and time of
1217 dispensing, the amount of marijuana dispensed, and the person to
1218 whom the marijuana was dispensed; and

1219 5. Updates the medical marijuana patient registry with the
1220 date and time of dispensing and the amount and type of marijuana
1221 being dispensed to the qualifying patient before dispensing to

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1222 the qualifying patient or the qualifying patient's caregiver.

1223 (h) A retail facility may not repackage or modify a medical
1224 marijuana product that has already been packaged for retail sale
1225 by a cultivation or processing licensee.

1226 (i) A retail licensee may contract with an MMTC that has a
1227 transportation license to transport marijuana and medical
1228 marijuana products between properties owned by the retail
1229 licensee, deliver the marijuana and medical marijuana products
1230 to the residence of a qualifying patient, and pick up returns of
1231 marijuana and medical marijuana products.

1232 (j) Onsite consumption of marijuana or medical marijuana
1233 products at a retail facility is prohibited.

1234 (6) TRANSPORTATION LICENSES.—

1235 (a) By June 3, 2017, the department shall adopt rules under
1236 which it will issue transportation licenses to MMTCs and permit
1237 vehicles under this subsection. An MMTC may apply for a
1238 transportation license. When applying, the MMTC must provide the
1239 department, at a minimum, with all of the following:

1240 1. The physical address of the licensee's place of
1241 business;

1242 2. Proof of a documentation system, including
1243 transportation manifests, for the transportation of marijuana
1244 and medical marijuana products between licensed facilities and
1245 to qualifying patients;

1246 3. Proof of health and sanitation standards for the
1247 transportation of marijuana and medical marijuana products; and

1248 4. Proof that all marijuana and medical marijuana products
1249 transported between licensed facilities will be transported in
1250 tamper-evident shipping containers.

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1251 (b) Medical marijuana may not be transported on the
1252 property of an airport, a seaport, or a spaceport.

1253 (c) A transportation licensee may transport marijuana or
1254 medical marijuana products only in a vehicle that is owned or
1255 leased by the licensee or a contractor of the licensee and for
1256 which a valid vehicle permit has been issued by the department.

1257 (d) A vehicle permit may be obtained by an MMTC holding a
1258 transportation license upon application and payment of a fee of
1259 \$500 per vehicle to the department. The MMTC must designate an
1260 employee or contracted employee as the driver for each permitted
1261 vehicle. Such designation must be displayed in the vehicle at
1262 all times. The permit remains valid and does not expire unless
1263 the MMTC or its contractor disposes of the permitted vehicle or
1264 the MMTC's registration or transportation license is
1265 transferred, cancelled, not renewed, or revoked by the
1266 department. The department shall cancel a vehicle permit upon
1267 the request of the MMTC or its contractor.

1268 (e) By acceptance of a license issued under this
1269 subsection, the MMTC and its contracted agent, if applicable,
1270 agree that a permitted vehicle is, at all times it is being used
1271 to transport marijuana or medical marijuana products, subject to
1272 inspection and search without a search warrant by authorized
1273 employees of the department, sheriffs, deputy sheriffs, police
1274 officers, or other law enforcement officers to determine that
1275 the MMTC is operating in compliance with this section.

1276 (f) An MMTC with a transportation license may deliver, or
1277 contract for the delivery of, marijuana and medical marijuana
1278 products to qualifying patients and caregivers within the state.
1279 An MMTC or its contractor must verify the identity of the

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1280 qualifying patient upon placement of the delivery order and
1281 again upon delivery. Deliveries may only be made to the same
1282 qualifying patient who placed the order or, if the patient is
1283 unable to accept delivery, his or her caregiver. A county or
1284 municipality may not prohibit deliveries of marijuana or medical
1285 marijuana products to qualifying patients within the county or
1286 municipality. The department shall adopt rules specific to the
1287 delivery of marijuana and medical marijuana products to
1288 qualifying patients and caregivers. Such rules must include:

1289 1. Procedures for verifying the identity of the person
1290 submitting and receiving a delivery, including required training
1291 for delivery personnel; and

1292 2. A maximum retail value for all marijuana, medical
1293 marijuana products, and currency that may be in the possession
1294 of an MMTC employee or contractor while making a delivery. This
1295 value may not exceed \$8,000.

1296 (g) Licensees under this subsection may use contractors to
1297 assist with the transportation of marijuana but the licensee is
1298 ultimately responsible for all of the actions and operations of
1299 each contractor relating to the transportation of marijuana and
1300 must know the location of all marijuana and medical marijuana
1301 products at all times. All principals and employees of
1302 contractors contracted by a licensee under this subsection who
1303 will participate in the operations of the licensee must be
1304 registered with the department and issued an MMTC employee
1305 identification card.

1306 (7) ADVERTISING PROHIBITED.—An MMTC may not advertise its
1307 marijuana or medical marijuana products. As used in this
1308 subsection, the term "advertise" means to advise on, announce,

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1309 give notice of, publish, or call attention to a product by use
1310 of an oral, written, or graphic statement made in a newspaper or
1311 other publication, on radio or television, or in any electronic
1312 medium; contained in a notice, handbill, flyer, catalog, letter,
1313 or sign, including signage on a vehicle; or printed on or
1314 contained in a tag or label attached to or accompanying
1315 marijuana or a medical marijuana product.

1316 (8) INSPECTIONS OF MMTC FACILITIES.—

1317 (a) Inspections of MMTC facilities, other than those
1318 inspections required to determine compliance with firesafety
1319 standards or building codes or for law enforcement purposes, are
1320 preempted to the state and may be conducted by the department.
1321 The department shall inspect and permit for operation each MMTC
1322 facility used for cultivation, processing, or dispensing
1323 marijuana or medical marijuana products before the facility
1324 begins operations. The department shall inspect each permitted
1325 facility, as well as any property used for the cultivation of
1326 marijuana, at least once every 2 years. The department may
1327 conduct additional announced or unannounced inspections of a
1328 permitted facility at reasonable hours in order to ensure
1329 compliance with state law, rules, and standards set by the
1330 department. The department or a law enforcement agency may test
1331 any marijuana or medical marijuana product in order to ensure
1332 that such marijuana or medical marijuana product meets the
1333 safety and labeling standards established by the department. The
1334 department may, by interagency agreement with the Department of
1335 Business and Professional Regulation or the Department of
1336 Agriculture and Consumer Services, perform joint inspections of
1337 such facilities with these agencies.

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1338 (b) By October 3, 2017, the department shall adopt rules
1339 governing the inspection of permitted facilities including
1340 procedures for permitting and reasonable standards for the
1341 operation of facilities used for cultivation, processing, or
1342 dispensing marijuana and medical marijuana products.

1343 (9) ACCESS TO PERMITTED FACILITIES.—The department shall
1344 adopt rules governing access to permitted facilities and
1345 delineating limited access areas, restricted access areas, and
1346 general access areas at all licensed facilities. Access to
1347 limited access areas must be limited to MMTC principals,
1348 employees, and contractors who have been registered with the
1349 department and have an MMTC employee identification card and to
1350 visitors escorted by an individual who has such a card. Access
1351 to restricted access areas must be limited to MMTC principals,
1352 employees, and contractors who have been registered with the
1353 department and issued an MMTC employee identification card,
1354 visitors escorted by an individual who has such a card, and
1355 qualifying patients and their caregivers. The department may
1356 adopt rules governing visitor access to limited access and
1357 restricted access areas, including, but not limited to, the
1358 number of visitors that may be escorted on the premises at any
1359 given time and the number of visitors that may be escorted by a
1360 single employee.

1361 (10) MMTC AND CONTRACTOR PERSONNEL REGISTRATION AND MMTC
1362 EMPLOYEE IDENTIFICATION CARDS.—

1363 (a) By October 3, 2017, the department shall adopt rules
1364 governing the registration of MMTC principals, employees, and
1365 contractors who participate in the operations of the MMTC. The
1366 department may charge a reasonable fee when issuing and upon

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1367 annually renewing an MMTC employee identification card. Before
1368 hiring or contracting with any individual who is not registered
1369 with the department or who does not possess a current MMTC
1370 employee identification card, an MMTC must submit an application
1371 for the registration of that person as an MMTC employee to the
1372 department. The department shall adopt by rule a form for such
1373 applications which requires the applicant to at least provide
1374 all of the following:

1375 1. His or her full legal name, social security number, date
1376 of birth, and home address;

1377 2. A full color, passport-type photograph taken within the
1378 past 90 days;

1379 3. Proof that he or she has passed a level 2 background
1380 screening pursuant to chapter 435 within the previous year; and

1381 4. Whether the applicant will be authorized by the MMTC to
1382 possess marijuana or medical marijuana products while not on
1383 MMTC property.

1384 (b) Once the department has received a completed
1385 application and fee from an MMTC, the department shall register
1386 the principal, employee, or contractor associated with the MMTC
1387 and issue him or her an MMTC employee identification card that,
1388 at a minimum, includes all of the following:

1389 1. The employee's name and the name of the MMTC that
1390 employs him or her;

1391 2. The employee's photograph, as required under paragraph
1392 (a);

1393 3. The expiration date of the card, which is 1 year after
1394 the date of its issuance; and

1395 4. Whether the employee is authorized by the MMTC to

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1396 possess marijuana or medical marijuana products while not on
1397 MMTC property.

1398 (c) If any information provided to the department for the
1399 registration of an MMTC principal, employee, or contractor or in
1400 the application for an MMTC employee identification card changes
1401 or if the registered person's status with the MMTC changes, the
1402 registered person and the MMTC must update the department with
1403 the new information or status within 7 days after the change.

1404 (11) ADDITIONAL REQUIREMENTS.—

1405 (a) An MMTC is responsible for knowing and complying with
1406 all state laws and rules governing marijuana.

1407 (b) The premises of a permitted facility must comply with
1408 all security and surveillance requirements established by
1409 department rule before the licensee cultivates, sells,
1410 possesses, processes, tests, or dispenses any marijuana or
1411 medical marijuana products at the licensed facility. All areas
1412 of ingress or egress to limited or restricted access areas of
1413 the permitted facility must be clearly identified as such by
1414 signage approved by the department.

1415 (c) A licensee must possess and maintain possession of the
1416 facility for which a permit is issued by ownership, lease,
1417 rental, or other arrangement.

1418 (d) A licensee must keep complete and current records for
1419 the current tax year and the 3 preceding tax years necessary to
1420 fully show the business transactions of the licensee, all of
1421 which must be open at all times during business hours for
1422 inspection and examination by the department and authorized
1423 representatives of the Department of Law Enforcement, as
1424 required by department rule.

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1425 (e) A licensee must establish an inventory tracking system
1426 that is approved by the department.

1427 (f) All marijuana and medical marijuana products must meet
1428 the labeling and packaging requirements established by
1429 department rule.

1430 (12) VIOLATIONS, FINES, AND ADMINISTRATIVE PENALTIES.—

1431 (a) The department shall adopt by rule a schedule of
1432 violations in order to impose reasonable fines, not to exceed
1433 \$10,000 per violation, on an MMTC. In determining the amount of
1434 the fine to be levied for a violation, the department shall
1435 consider:

1436 1. The severity of the violation;

1437 2. Any action taken by the MMTC to correct the violation or
1438 to remedy complaints; and

1439 3. Any previous violations.

1440 (b) The department may suspend, revoke, deny, or refuse to
1441 renew an MMTC's registration or function-specific license or
1442 impose an administrative penalty not to exceed \$10,000 per
1443 violation for:

1444 1. Violating this act or department rule;

1445 2. Failing to maintain qualifications for registration or
1446 licensure;

1447 3. Endangering the health, safety, or security of a
1448 qualifying patient or caregiver;

1449 4. Improperly disclosing personal and confidential
1450 information of a qualifying patient or caregiver;

1451 5. Attempting to procure a registration, license, or permit
1452 by bribery or fraudulent misrepresentation;

1453 6. Being convicted or found guilty of, or entering a plea

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1454 of nolo contendere to, regardless of adjudication, a crime in
1455 any jurisdiction which directly relates to the business of an
1456 MMTC;

1457 7. Making or filing a report or record that the MMTC knows
1458 to be false;

1459 8. Willfully failing to maintain a record required by this
1460 section or rule of the department;

1461 9. Willfully impeding or obstructing an employee or agent
1462 of the department in the furtherance of his or her official
1463 duties;

1464 10. Engaging in fraud, deceit, negligence, incompetence, or
1465 misconduct in the business practices of an MMTC;

1466 11. Making misleading, deceptive, or fraudulent
1467 representations in or related to the business practices of an
1468 MMTC; or

1469 12. Violating a lawful order of the department or an agency
1470 of the state or failing to comply with a lawfully issued
1471 subpoena of the department or an agency of the state.

1472 (13) MMTC LIST.—The department shall maintain on its
1473 website a publicly available, easily accessible list of the
1474 names and locations of all retail licensees.

1475 (14) DISPENSING ORGANIZATION GRANDFATHERING.—As soon as
1476 practicable after the effective date of this act and not later
1477 than October 3, 2017, the department shall:

1478 (a) Register each dispensing organization that is in
1479 compliance with the requirements of, and that was approved
1480 pursuant to, chapter 2014-157, Laws of Florida, or chapter 2016-
1481 123, Laws of Florida, as an MMTC, effective retroactively to the
1482 date of the dispensing organization's approval as a dispensing

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1483 organization;

1484 (b) Issue each such dispensing organization one cultivation
1485 license, one processing license, one retail license, and one
1486 transportation license; and

1487 (c) For each such dispensing organization facility in
1488 operation on or before July 1, 2017, issue the applicable permit
1489 for the function or functions performed at that facility to the
1490 dispensing organization.

1491 Section 8. Section 381.9951, Florida Statutes, is created
1492 to read:

1493 381.9951 Taxes on marijuana and medical marijuana
1494 products.-

1495 (1) Notwithstanding s. 212.08, the sale of marijuana and
1496 medical marijuana products is subject to the sales tax under
1497 chapter 212.

1498 (2) The Department of Revenue shall deposit, in the same
1499 month as the Department of Revenue collects such taxes, all
1500 proceeds of sales taxes collected on the sale of marijuana and
1501 medical marijuana products into the Education and General
1502 Student and Other Fees Trust Fund to fund research and
1503 development, as determined by the Board of Governors of the
1504 State University System, related to the safety and efficacy of
1505 marijuana and medical marijuana products.

1506 Section 9. Section 381.996, Florida Statutes, is created to
1507 read:

1508 381.996 Medical marijuana testing and labeling.-

1509 (1) To ensure accurate reporting of test results, the
1510 department shall adopt by rule a certification process and
1511 testing standards for independent testing laboratories. The

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1512 Department of Agriculture and Consumer Services shall provide
1513 resources to the department regarding the certification process
1514 and standards for laboratories that test similar agricultural
1515 products and their derivatives in this state. The standards must
1516 include, but need not be limited to, educational requirements
1517 for laboratory directors, proficiency testing for professional
1518 licensees employed by a laboratory, standard operating
1519 procedures, and quality control procedures for testing.

1520 (2) An MMTC may not distribute or sell marijuana or a
1521 medical marijuana product to a retail licensee unless the batch
1522 of origin of that marijuana or medical marijuana product has
1523 been tested by an independent testing laboratory and the selling
1524 MMTC has received test results from the independent testing
1525 laboratory which certify that the batch meets the quality
1526 standards established by the department. An independent testing
1527 laboratory is not required to be registered as an MMTC or to
1528 hold a transportation license under this act in order to
1529 transport or receive marijuana or medical marijuana products for
1530 testing purposes.

1531 (3) When testing a batch of origin of marijuana or medical
1532 marijuana product, an independent testing laboratory must, at a
1533 minimum, test for:

1534 (a) Potency, to ensure accurate labeling; and

1535 (b) Unsafe contaminants, including, but not limited to,
1536 dangerous microbial organisms, molds, pesticides, residual
1537 solvents, and other harmful chemicals and toxins.

1538 (4) Each independent testing laboratory shall report its
1539 findings for each batch tested to the MMTC from which the batch
1540 originated and to the department. Such findings must include, at

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1541 a minimum, the inspection certificate number or numbers of the
1542 cultivation facility or processing facility from which the batch
1543 originated, the size and batch number of the batch tested, the
1544 types of tests performed on the batch, and the results of each
1545 test. The department may require by rule the electronic
1546 submission of findings.

1547 (5) The department shall adopt by rule a comprehensive
1548 tracking and labeling system that allows a marijuana plant or
1549 medical marijuana product to be identified and tracked from
1550 cultivation to the final retail product. The department may
1551 adopt rules that establish qualifications for private entities
1552 to provide product tracking services to meet the requirements of
1553 this subsection and may establish a preferred vendor list based
1554 on those qualifications.

1555 (6) Before distribution or sale to a retail licensee, any
1556 marijuana or medical marijuana product that meets department
1557 testing standards must be packaged in a child-resistant
1558 container and labeled with at least the name and license number
1559 of the MMTC or MMTCs from which it originated; the inspection
1560 certificate number of the facility or facilities where the batch
1561 was harvested and processed; the harvest or production batch
1562 number; the concentration range of each individual cannabinoid
1563 present at testing; a warning statement and a universal, easily
1564 identifiable symbol indicating that the package contains
1565 marijuana for medical use; and any other information required
1566 under federal or state law, rule, or regulation for that form of
1567 product, including any additional information required for
1568 edible products, if applicable. For purposes of this subsection,
1569 any oil-based extraction meant for direct consumption in small

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1570 quantities as a supplement is not required to be labeled as a
1571 food product.

1572 (7) Before sale to a qualifying patient or caregiver, a
1573 retail licensee must affix an additional label to each medical
1574 marijuana product which includes the retail licensee's name and
1575 retail license number and the identification number on the
1576 medical marijuana patient registry identification card of the
1577 qualifying patient who is to receive the product.

1578 (8) By January 1, 2018, the department shall establish
1579 standards for quality, testing procedures, and maximum levels of
1580 unsafe contaminants. The department shall also create a list of
1581 individual cannabinoids for which marijuana and medical
1582 marijuana products must be tested which specifies for each
1583 cannabinoid the concentration considered significant and the
1584 varying ranges of concentrations upon which a physician may base
1585 his or her recommendation for a patient's use of a specific
1586 strain of marijuana.

1587 Section 10. Section 381.997, Florida Statutes, is created
1588 to read:

1589 381.997 Penalties.—

1590 (1) A qualifying patient or caregiver may not purchase,
1591 acquire, or possess any marijuana above the allowed amount of
1592 marijuana for the qualifying patient's medical use. A qualifying
1593 patient or caregiver who violates this subsection is subject to
1594 prosecution under chapter 893.

1595 (2) A physician may not certify marijuana or medical
1596 marijuana products for a patient without a reasonable belief
1597 that the patient is suffering from a debilitating medical
1598 condition. A physician who violates this subsection commits a

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1599 misdemeanor of the first degree, punishable as provided in s.
1600 775.082 or s. 775.083.

1601 (3) A person who fraudulently represents that he or she has
1602 a debilitating medical condition for the purpose of being
1603 certified to receive marijuana or medical marijuana products by
1604 a physician commits a misdemeanor of the first degree,
1605 punishable as provided in s. 775.082 or s. 775.083.

1606 (4) A person who knowingly and fraudulently uses or
1607 attempts to use a medical marijuana patient registry
1608 identification card that has expired, is counterfeit, or belongs
1609 to another person commits a misdemeanor of the first degree,
1610 punishable as provided in s. 775.082 or s. 775.083.

1611 (5) An employee or contractor of an MMTC may not possess,
1612 transport, or deliver any medical marijuana above the allowed
1613 amount specified in the transport or delivery order. An employee
1614 or contractor of an MMTC who violates this subsection commits a
1615 misdemeanor of the first degree, punishable as provided in s.
1616 775.082 or s. 775.083.

1617 Section 11. Section 381.998, Florida Statutes, is created
1618 to read:

1619 381.998 Insurance.—The Florida Medical Marijuana Act does
1620 not require a governmental, private, or other health insurance
1621 provider or health care services plan to cover a claim for
1622 reimbursement for the purchase of marijuana or medical marijuana
1623 products; however, the act does not restrict such coverage.

1624 Section 12. Section 381.9981, Florida Statutes, is created
1625 to read:

1626 381.9981 Rulemaking authority.—The department may adopt
1627 rules to administer ss. 381.99-381.9981.

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1628 Section 13. Section 385.211, Florida Statutes, is amended
1629 to read:

1630 385.211 Refractory and intractable epilepsy treatment and
1631 research at recognized medical centers.—

1632 (1) As used in this section, the term "marijuana" has the
1633 same meaning ~~"low-THC cannabis"~~ means ~~"low-THC cannabis"~~ as
1634 defined in s. 381.991 but applies only to marijuana s. 381.986
1635 ~~that is dispensed by an MMTC only from a dispensing organization~~
1636 as defined in s. 381.991 ~~s. 381.986~~.

1637 (2) Notwithstanding chapter 893, medical centers recognized
1638 pursuant to s. 381.925, or an academic medical research
1639 institution legally affiliated with a licensed children's
1640 specialty hospital as defined in s. 395.002(28) which ~~that~~
1641 contracts with the Department of Health, may conduct research on
1642 cannabidiol and marijuana ~~low-THC cannabis~~. This research may
1643 include, but need not be ~~is not~~ limited to, the agricultural
1644 development, production, clinical research, and use of liquid
1645 medical derivatives of cannabidiol and marijuana ~~low-THC~~
1646 ~~cannabis~~ for the treatment for refractory or intractable
1647 epilepsy. The authority for recognized medical centers to
1648 conduct this research is derived from 21 C.F.R. parts 312 and
1649 316. Current state or privately obtained research funds may be
1650 used to support the activities described in this section.

1651 Section 14. Subsections (2) and (3) of section 499.0295,
1652 Florida Statutes, are amended to read:

1653 499.0295 Experimental treatments for terminal conditions.—

1654 (2) As used in this section, the term:

1655 ~~(a) "Dispensing organization" means an organization~~
1656 ~~approved by the Department of Health under s. 381.986(5) to~~

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1657 ~~cultivate, process, transport, and dispense low-THC cannabis,~~
 1658 ~~medical cannabis, and cannabis delivery devices.~~

1659 (a)~~(b)~~ "Eligible patient" means a person who:

1660 1. Has a terminal condition that is attested to by the
 1661 patient's physician and confirmed by a second independent
 1662 evaluation by a board-certified physician in an appropriate
 1663 specialty for that condition;

1664 2. Has considered all other treatment options for the
 1665 terminal condition currently approved by the United States Food
 1666 and Drug Administration;

1667 3. Has given written informed consent for the use of an
 1668 investigational drug, biological product, or device; and

1669 4. Has documentation from his or her treating physician
 1670 that the patient meets the requirements of this paragraph.

1671 (b)~~(e)~~ "Investigational drug, biological product, or
 1672 device" means:

1673 ~~1.~~ a drug, biological product, or device that has
 1674 successfully completed phase 1 of a clinical trial but has not
 1675 been approved for general use by the United States Food and Drug
 1676 Administration and remains under investigation in a clinical
 1677 trial approved by the United States Food and Drug
 1678 Administration; ~~or~~

1679 ~~2. Medical cannabis that is manufactured and sold by a~~
 1680 ~~dispensing organization.~~

1681 (c)~~(d)~~ "Terminal condition" means a progressive disease or
 1682 medical or surgical condition that causes significant functional
 1683 impairment, is not considered by a treating physician to be
 1684 reversible even with the administration of available treatment
 1685 options currently approved by the United States Food and Drug

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1686 Administration, and, without the administration of life-
1687 sustaining procedures, will result in death within 1 year after
1688 diagnosis if the condition runs its normal course.

1689 (d)~~(e)~~ "Written informed consent" means a document that is
1690 signed by a patient, a parent of a minor patient, a court-
1691 appointed guardian for a patient, or a health care surrogate
1692 designated by a patient and includes:

1693 1. An explanation of the currently approved products and
1694 treatments for the patient's terminal condition.

1695 2. An attestation that the patient concurs with his or her
1696 physician in believing that all currently approved products and
1697 treatments are unlikely to prolong the patient's life.

1698 3. Identification of the specific investigational drug,
1699 biological product, or device that the patient is seeking to
1700 use.

1701 4. A realistic description of the most likely outcomes of
1702 using the investigational drug, biological product, or device.
1703 The description shall include the possibility that new,
1704 unanticipated, different, or worse symptoms might result and
1705 death could be hastened by the proposed treatment. The
1706 description shall be based on the physician's knowledge of the
1707 proposed treatment for the patient's terminal condition.

1708 5. A statement that the patient's health plan or third-
1709 party administrator and physician are not obligated to pay for
1710 care or treatment consequent to the use of the investigational
1711 drug, biological product, or device unless required to do so by
1712 law or contract.

1713 6. A statement that the patient's eligibility for hospice
1714 care may be withdrawn if the patient begins treatment with the

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1715 investigational drug, biological product, or device and that
1716 hospice care may be reinstated if the treatment ends and the
1717 patient meets hospice eligibility requirements.

1718 7. A statement that the patient understands he or she is
1719 liable for all expenses consequent to the use of the
1720 investigational drug, biological product, or device and that
1721 liability extends to the patient's estate, unless a contract
1722 between the patient and the manufacturer of the investigational
1723 drug, biological product, or device states otherwise.

1724 (3) Upon the request of an eligible patient, a manufacturer
1725 may do any of the following, ~~or upon a physician's order~~
1726 ~~pursuant to s. 381.986, a dispensing organization may:~~

1727 (a) Make its investigational drug, biological product, or
1728 device available under this section.

1729 (b) Provide an investigational drug, biological product, or
1730 ~~device, or cannabis delivery device as defined in s. 381.986~~ to
1731 an eligible patient without receiving compensation.

1732 (c) Require an eligible patient to pay the costs of, or the
1733 costs associated with, the manufacture of the investigational
1734 drug, biological product, or ~~device, or cannabis delivery device~~
1735 ~~as defined in s. 381.986.~~

1736 Section 15. Subsection (3) of section 893.02, Florida
1737 Statutes, is amended to read:

1738 893.02 Definitions.—The following words and phrases as used
1739 in this chapter shall have the following meanings, unless the
1740 context otherwise requires:

1741 (3) "Cannabis" means all parts of any plant of the genus
1742 *Cannabis*, whether growing or not; the seeds thereof; the resin
1743 extracted from any part of the plant; and every compound,

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1744 manufacture, salt, derivative, mixture, or preparation of the
1745 plant or its seeds or resin. ~~The term does not include "low-THC~~
1746 ~~cannabis," as defined in s. 381.986, if manufactured, possessed,~~
1747 ~~sold, purchased, delivered, distributed, or dispensed, in~~
1748 ~~conformance with s. 381.986.~~

1749 Section 16. Section 1004.441, Florida Statutes, is amended
1750 to read:

1751 1004.441 ~~Refractory and intractable epilepsy treatment and~~
1752 Research on the use of marijuana to treat serious medical
1753 conditions and symptoms.-

1754 (1) As used in this section, the term "marijuana" has the
1755 same meaning ~~"low-THC cannabis" means "low-THC cannabis" as~~
1756 ~~defined in s. 381.991 but applies only to marijuana s. 381.986~~
1757 ~~that is dispensed by an MMTC only from a dispensing organization~~
1758 ~~as defined in s. 381.991 s. 381.986.~~

1759 (2) Notwithstanding chapter 893, state universities with
1760 both medical and agricultural research programs, including those
1761 that have satellite campuses or research agreements with other
1762 similar institutions, may conduct research on marijuana and
1763 ~~cannabidiol and low-THC cannabis~~. This research may include, but
1764 is not limited to, the agricultural development, production,
1765 clinical research, and use of ~~liquid~~ medical derivatives,
1766 medical marijuana products, and ~~of cannabidiol and low-THC~~
1767 ~~cannabis~~ for the treatment of any debilitating medical condition
1768 as defined in s. 381.991 ~~for refractory or intractable epilepsy~~.
1769 The authority for state universities to conduct this research is
1770 derived from 21 C.F.R. parts 312 and 316. Current state or
1771 privately obtained research funds may be used to support the
1772 activities authorized by this section.

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1773 Section 17. The University of Florida, in consultation with
1774 a veterinary research organization, may conduct research to
1775 determine the benefits and contraindications of the use of low-
1776 THC cannabis and low-THC cannabis products for treatment of
1777 animals with seizure disorders or other life-limiting illnesses.
1778 State funds may not be used for such research.

1779 Section 18. If any provision of this act or its application
1780 to any person or circumstance is held invalid, the invalidity
1781 does not affect other provisions or applications of the act
1782 which can be given effect without the invalid provision or
1783 application, and to this end the provisions of this act are
1784 severable.

1785 Section 19. The Division of Law Revision and Information is
1786 directed to replace the phrase "the effective date of this act"
1787 wherever it occurs in this act with the date the act becomes a
1788 law.

1789 Section 20. This act shall take effect upon becoming a law.