

**By** the Committees on Appropriations; and Health Policy; and  
Senators Bradley, Young, and Hutson

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1                   A bill to be entitled  
2           An act relating to compassionate use of low-THC  
3           cannabis and marijuana; amending s. 381.986, F.S.;  
4           providing legislative intent; defining and redefining  
5           terms; authorizing physicians to issue physician  
6           certifications to specified patients who meet certain  
7           conditions; authorizing physicians to make specific  
8           determinations in certifications; requiring physicians  
9           to meet certain conditions to be authorized to issue  
10          and make determinations in physician certifications;  
11          requiring a physician to conduct a physical  
12          examination and make a full assessment of the medical  
13          history of a patient and make certain determinations  
14          before the physician may certify a patient and specify  
15          a delivery device; requiring a physician to review the  
16          compassionate use registry and confirm that a patient  
17          does not have an active physician certification issued  
18          by another physician before the physician may certify  
19          a patient and specify a delivery device; specifying  
20          certain persons who may assist a qualifying patient  
21          under the age of 18 in the purchasing and  
22          administering of marijuana; prohibiting qualifying  
23          patients under the age of 18 from purchasing  
24          marijuana; providing that a physician may in certain  
25          circumstances certify an amount greater than a 90-day  
26          supply; eliminating the requirement that physicians  
27          maintain patient treatment plans and submit the  
28          treatment plans to the University of Florida College  
29          of Pharmacy; requiring written consent of a parent or

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30 legal guardian for the treatment of minors; requiring  
31 that certain physicians annually reexamine and  
32 reassess patients and update patient information in  
33 the compassionate use registry; revising criminal  
34 penalties; prohibiting a medical marijuana treatment  
35 center from advertising services it is not authorized  
36 to provide; providing fines; prohibiting a person or  
37 entity from advertising or providing medical marijuana  
38 treatment center services without being registered  
39 with the Department of Health as a medical marijuana  
40 treatment center; providing penalties; authorizing a  
41 distance learning format for a specified course and  
42 reducing the number of hours required for the course;  
43 providing that physicians who meet specified  
44 requirements are grandfathered for the purpose of  
45 specified education requirements; authorizing  
46 qualifying patients to designate caregivers; requiring  
47 caregivers to meet specified requirements; prohibiting  
48 a qualifying patient from designating more than one  
49 caregiver at any given time; providing exceptions;  
50 requiring the department to register caregivers  
51 meeting certain requirements on the compassionate use  
52 registry; prohibiting a nursing home or assisted  
53 living facility from preventing certain residents from  
54 hiring a caregiver; authorizing a nursing home or  
55 assisted living facility to prohibit its employees  
56 from acting as caregivers to residents; providing that  
57 a nursing home or assisted living facility is not  
58 required to provide a caregiver to certain residents;

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59           revising the entities to which the compassionate use  
60           registry must be accessible; requiring the department  
61           to adopt certain rules by a specified date;  
62           authorizing the department to charge a fee for  
63           identification cards; requiring the department to  
64           begin issuing identification cards to qualified  
65           registrants by a specific date; requiring the  
66           department to make certain determinations before  
67           issuing an identification card to a patient; providing  
68           that a patient or the parent or legal guardian of a  
69           patient must provide the department with certain  
70           documentation to qualify for an identification card;  
71           requiring the department to adopt a rule listing  
72           documents that a patient may provide to qualify for an  
73           identification card; providing requirements for the  
74           identification cards; requiring the department to  
75           register certain dispensing organizations as medical  
76           marijuana treatment centers by a certain date;  
77           requiring the department to register additional  
78           medical marijuana treatment centers in accordance with  
79           a specified schedule; deleting obsolete provisions;  
80           revising the operational requirements for medical  
81           marijuana treatment centers; authorizing the  
82           department to waive certain requirements under  
83           specified circumstances; requiring that certain  
84           receptacles be childproof; requiring that additional  
85           information be included on certain labels; requiring  
86           that a medical marijuana treatment center comply with  
87           certain standards in the production and dispensing of

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88 edible or food products; requiring a medical marijuana  
89 treatment center to enter additional information into  
90 the compassionate use registry; restricting the number  
91 of dispensing facilities that may dispense marijuana;  
92 providing an exception; requiring a medical marijuana  
93 treatment center to keep a copy of a transportation  
94 manifest in certain vehicles at certain times;  
95 requiring the department to establish a quality  
96 control program that requires medical marijuana  
97 treatment centers to submit samples from each batch or  
98 lot of marijuana to an independent testing laboratory;  
99 requiring a medical marijuana treatment center to  
100 maintain records of all tests conducted; requiring the  
101 department to adopt rules to create and oversee the  
102 quality control program; providing that the department  
103 must license independent testing laboratories;  
104 authorizing an independent testing laboratory to  
105 collect and accept samples of, possess, store,  
106 transport, and test marijuana; prohibiting a person  
107 with an ownership interest in a medical marijuana  
108 treatment center from owning an independent testing  
109 laboratory; requiring the department to develop rules  
110 and a process for licensing requirements; authorizing  
111 the department to impose application and renewal fees;  
112 specifying that an independent testing laboratory must  
113 be certified to perform required tests; requiring the  
114 department to suspend or reduce any mandatory testing  
115 if the number of licensed and certified independent  
116 testing laboratories is insufficient to process the

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117 tests necessary to meet the patient demand for medical  
118 marijuana treatment centers; providing that an  
119 independent testing laboratory may only accept certain  
120 samples; requiring the department to approve a medical  
121 marijuana treatment center's request for a change in  
122 ownership, equity structure, or transfer of  
123 registration to a new entity if certain criteria are  
124 met; providing an exception to a requirement regarding  
125 the submission of fingerprints and passing of a  
126 background check; providing that a request is deemed  
127 approved if not denied by the department within a  
128 specified timeframe; requiring the department to adopt  
129 rules; requiring the department to establish,  
130 maintain, and control a seed-to-sale tracking system  
131 for marijuana; providing applicability; conforming  
132 provisions to changes made by the act; providing that  
133 certain research institutions may possess, test,  
134 transport, and dispose of marijuana subject to certain  
135 conditions and as provided by department rule;  
136 providing for the use of emergency rulemaking  
137 procedures by the department; creating s. 1004.4351,  
138 F.S.; providing a short title; providing legislative  
139 findings; defining terms; establishing the Coalition  
140 for Medical Marijuana Research and Education within  
141 the H. Lee Moffitt Cancer Center and Research  
142 Institute, Inc.; providing a purpose for the  
143 coalition; requiring the department to electronically  
144 submit to the coalition a data set that includes  
145 certain information for each patient registered with

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146 the compassionate use registry; requiring the  
147 coalition to review the data submitted by the  
148 department and to make certain determinations and to  
149 potentially issue recommendations for changes to state  
150 law and rules; establishing the Medical Marijuana  
151 Research and Education Board to direct the operations  
152 of the coalition; providing for the appointment of  
153 board members; providing for terms of office,  
154 reimbursement for certain expenses, and the conduct of  
155 meetings of the board; authorizing the board to  
156 appoint a coalition director; prescribing the duties  
157 of the coalition director; requiring the board to  
158 advise specified entities and officials regarding  
159 medical marijuana research and education in this  
160 state; requiring the board to annually adopt a Medical  
161 Marijuana Research and Education Plan; providing  
162 requirements for the plan; requiring the board to  
163 issue an annual report to the Governor and the  
164 Legislature by a specified date; specifying  
165 responsibilities of the H. Lee Moffitt Cancer Center  
166 and Research Institute, Inc.; amending ss. 381.987,  
167 385.211, 499.0295, and 1004.441, F.S.; conforming  
168 provisions to changes made by the act; providing a  
169 directive to the Division of Law Revision and  
170 Information; providing an effective date.

171

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

173

174 Section 1. Section 381.986, Florida Statutes, is amended to

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175 read:

176 381.986 Compassionate use of low-THC ~~and medical~~ cannabis  
177 and marijuana.—

178 (1) LEGISLATIVE INTENT.—

179 (a) It is the intent of the Legislature to implement s. 29,  
180 Art. X of the State Constitution by creating a unified  
181 regulatory structure within the framework of this section for  
182 the acquisition, cultivation, possession, processing, transfer,  
183 transportation, sale, distribution, and dispensing of marijuana,  
184 products containing marijuana, related supplies, and educational  
185 materials to qualifying patients or their caregivers.

186 (b) The Legislature intends that all rules adopted by the  
187 Department of Health to implement this section be adopted  
188 pursuant to s. 120.536(1) or s. 120.54. The Legislature intends  
189 that the department use emergency rulemaking procedures pursuant  
190 to s. 120.54(4) to adopt rules under this section if necessary  
191 to meet any deadline for rulemaking established in s. 29, Art. X  
192 of the State Constitution.

193 (c) Further, the Legislature intends that all registrations  
194 for the purposes specified in paragraph (a) be issued solely in  
195 accordance with the requirements of this section and all rules  
196 adopted under this section.

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

198 (a) "Cannabis delivery device" means an object used,  
199 intended for use, or designed for use in preparing, storing,  
200 ingesting, inhaling, or otherwise introducing marijuana ~~low-THC~~  
201 ~~eannabis or medical eannabis~~ into the human body.

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

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204 (c) "Chronic nonmalignant pain" means pain that is caused  
205 by a debilitating medical condition or that originates from a  
206 debilitating medical condition and persists beyond the usual  
207 course of that debilitating medical condition.

208 (d) "Close relative" means a spouse, parent, sibling,  
209 grandparent, child, or grandchild, whether related by whole or  
210 half blood, by marriage, or by adoption.

211 (e) ~~(b)~~ "Debilitating medical condition" has the same  
212 meaning as provided in s. 29, Art. X of the State Constitution  
213 ~~"Dispensing organization" means an organization approved by the~~  
214 ~~department to cultivate, process, transport, and dispense low-~~  
215 ~~THC cannabis or medical cannabis pursuant to this section.~~

216 (f) ~~(e)~~ "Independent testing laboratory" means a laboratory,  
217 including the managers, employees, or contractors of the  
218 laboratory, which has no direct or indirect interest in a  
219 medical marijuana treatment center ~~a dispensing organization.~~

220 (g) ~~(d)~~ "Legal representative" means the qualifying  
221 ~~qualified~~ patient's parent, legal guardian acting pursuant to a  
222 court's authorization as required under s. 744.3215(4), health  
223 care surrogate acting pursuant to the qualifying ~~qualified~~  
224 patient's written consent or a court's authorization as required  
225 under s. 765.113, or an individual who is authorized under a  
226 power of attorney to make health care decisions on behalf of the  
227 qualifying ~~qualified~~ patient.

228 (h) ~~(e)~~ "Low-THC cannabis" means a plant of the genus  
229 *Cannabis*, the dried flowers of which contain 0.8 percent or less  
230 of tetrahydrocannabinol and more than 10 percent of cannabidiol  
231 weight for weight; the seeds thereof; the resin extracted from  
232 any part of such plant; or any compound, manufacture, salt,

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233 derivative, mixture, or preparation of such plant or its seeds  
234 or resin that is dispensed only by a medical marijuana treatment  
235 center ~~from a dispensing organization.~~

236 (i)-(f) "Marijuana" has the same meaning as provided in s.  
237 29, Art. X of the State Constitution ~~"Medical cannabis" means~~  
238 ~~all parts of any plant of the genus Cannabis, whether growing or~~  
239 ~~not; the seeds thereof; the resin extracted from any part of the~~  
240 ~~plant; and every compound, manufacture, sale, derivative,~~  
241 ~~mixture, or preparation of the plant or its seeds or resin that~~  
242 ~~is dispensed only from a dispensing organization for medical use~~  
243 ~~by an eligible patient as defined in s. 499.0295.~~

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

247 (k)-(g) "Medical use" has the same meaning as provided in s.  
248 29, Art. X of the State Constitution ~~means administration of the~~  
249 ~~ordered amount of low-THC cannabis or medical cannabis.~~ The term  
250 does not include the:

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

253 2. Possession, use, or administration of marijuana that was  
254 not purchased or acquired from an MMTC registered with the  
255 department.

256 3.2. Transfer of marijuana ~~low-THC cannabis or medical~~  
257 ~~cannabis~~ to a person other than the qualifying ~~qualified~~ patient  
258 ~~for whom it was ordered~~ or the qualifying ~~qualified~~ patient's  
259 caregiver ~~legal representative~~ on behalf of the qualifying  
260 ~~qualified~~ patient.

261 4. Use or administration of any type or amount of marijuana

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262 not specified on the qualifying patient's physician  
 263 certification.

264 ~~5.3. Use or administration of marijuana ~~low-THC cannabis or~~  
 265 ~~medical cannabis:~~~~

266 a. On any form of public transportation.

267 b. In any public place.

268 c. In a qualifying ~~qualified~~ patient's place of employment,  
 269 if restricted by his or her employer.

270 d. In a state correctional institution as defined in s.  
 271 944.02 or a correctional institution as defined in s. 944.241.

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

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

275 ~~(1)(h)~~ "Qualifying ~~Qualified~~ patient" has the same meaning  
 276 as provided in s. 29, Art. X of the State Constitution but also  
 277 includes eligible patients, as that term is defined in s.

278 499.0295, and patients who are issued a physician certification

279 under subparagraph (3)(a)2. or subparagraph (3)(a)3. A patient

280 is not a qualifying patient unless he or she is registered with

281 the department and has been issued a compassionate use registry

282 identification card means a resident of this state who has been

283 added to the compassionate use registry by a physician licensed

284 under chapter 458 or chapter 459 to receive low-THC cannabis or

285 medical cannabis from a dispensing organization.

286 ~~(m)(i)~~ "Smoking" means burning or igniting a substance and

287 inhaling the smoke. Smoking does not include the use of a

288 vaporizer.

289 ~~(3)(2)~~ PHYSICIAN CERTIFICATION ORDERING.-

290 (a) A physician is authorized to issue a physician

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291 certification to:

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

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

300 3. A patient suffering from chronic nonmalignant pain, if  
301 the physician has diagnosed an underlying debilitating medical  
302 condition as the cause of the pain, which allows the patient to  
303 receive marijuana for the patient's medical use ~~order low-THC~~  
304 ~~cannabis to alleviate the patient's pain symptoms of such~~  
305 ~~disease, disorder, or condition, if no other satisfactory~~  
306 ~~alternative treatment options exist for the qualified patient;~~

307 4. ~~order medical cannabis to treat~~ An eligible patient as  
308 defined in s. 499.0295, which allows the patient to receive  
309 marijuana for the patient's medical use; or

310 5. A patient who is not a resident of this state; who  
311 qualifies under subparagraph 1., subparagraph 2., subparagraph  
312 3., or subparagraph 4.; and who can lawfully obtain marijuana  
313 through a medical marijuana program in the state that he or she  
314 resides in.

315 (b) In the physician certification, the physician may also  
316 specify one or more ~~or order a cannabis delivery devices to~~  
317 assist with ~~device for~~ the patient's medical use of marijuana.  
318 ~~low-THC cannabis or medical cannabis,~~

319 (c) A physician may certify a patient and specify a

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320 delivery device under paragraphs (a) and (b) only if the  
321 physician:

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

324 ~~(b) Has treated the patient for at least 3 months~~  
325 ~~immediately preceding the patient's registration in the~~  
326 ~~compassionate use registry;~~

327 2.(e) Has successfully completed the course and examination  
328 required under paragraph (5) (a) ~~(4) (a);~~

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

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

334 5.(d) Has determined that the medical use of marijuana  
335 would likely outweigh the potential health risks to ~~of treating~~  
336 the patient with low-THC cannabis or medical cannabis are  
337 reasonable in light of the potential benefit to the patient. If  
338 a patient is younger than 18 years of age;

339 a. A second physician must concur with this determination,  
340 and such determination must be documented in the patient's  
341 medical record;

342 b. Only a parent, legal guardian, caregiver, or health care  
343 provider may assist the qualifying patient in the purchasing and  
344 administering of marijuana for medical use; and

345 c. The qualifying patient may not purchase marijuana;

346 6. Has reviewed the compassionate use registry and  
347 confirmed that the patient does not have an active physician  
348 certification issued by another physician;

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349        7.~~(e)~~ Registers as the patient's physician orderer ~~of low-~~  
350 ~~THC cannabis or medical cannabis for the named patient~~ on the  
351 compassionate use registry maintained by the department and  
352 updates the registry to reflect ~~the contents of the order,~~  
353 ~~including~~ the amount of marijuana ~~low-THC cannabis or medical~~  
354 ~~cannabis~~ that will provide the patient with not more than a 90-  
355 day ~~45-day~~ supply and a cannabis delivery device needed by the  
356 patient for the medical use of marijuana ~~low-THC cannabis or~~  
357 ~~medical cannabis~~. A physician may certify an amount greater than  
358 a 90-day supply of marijuana if the physician has a reasonable  
359 belief that the patient will use the additional marijuana in a  
360 medically appropriate way. If the physician's recommended amount  
361 of marijuana for a 90-day supply changes, the physician must  
362 ~~also~~ update the registry within 7 days after the ~~any~~ change is  
363 made ~~to the original order to reflect the change~~. The physician  
364 shall deactivate the registration of the patient ~~and the~~  
365 ~~patient's legal representative~~ when the physician no longer  
366 recommends the medical use of marijuana for the patient  
367 ~~treatment is discontinued; and~~

368        ~~(f) Maintains a patient treatment plan that includes the~~  
369 ~~dose, route of administration, planned duration, and monitoring~~  
370 ~~of the patient's symptoms and other indicators of tolerance or~~  
371 ~~reaction to the low-THC cannabis or medical cannabis;~~

372        ~~(g) Submits the patient treatment plan quarterly to the~~  
373 ~~University of Florida College of Pharmacy for research on the~~  
374 ~~safety and efficacy of low-THC cannabis and medical cannabis on~~  
375 ~~patients;~~

376        8.~~(h)~~ Obtains the voluntary written informed consent of the  
377 patient or the patient's legal representative to treatment with

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378 ~~marijuana low-THC cannabis~~ after sufficiently explaining the  
379 current state of knowledge in the medical community of the  
380 effectiveness of treatment of the patient's condition with  
381 ~~marijuana low-THC cannabis, the medically acceptable~~  
382 ~~alternatives,~~ and the potential risks and side effects. If the  
383 patient is a minor, the patient's parent or legal guardian must  
384 consent to treatment in writing. If the patient is an eligible  
385 patient as defined in s. 499.0295, the physician must obtain  
386 written informed consent as defined in and required by s.  
387 499.0295.†

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

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

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

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

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407 registry identification card.

408 ~~(4)~~~~(3)~~ PROHIBITED ACTS ~~PENALTIES.~~

409 (a) A physician commits a misdemeanor of the first degree,  
410 punishable as provided in s. 775.082 or s. 775.083, if the  
411 physician issues a physician certification for marijuana to  
412 ~~orders low-THC cannabis for a patient in a manner other than as~~  
413 ~~required in subsection (3) without a reasonable belief that the~~  
414 ~~patient is suffering from:~~

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

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

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

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

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436 775.083.

437 ~~(c)(d)~~ A qualifying patient ~~an eligible patient as defined~~  
438 ~~in s. 499.0295~~ who uses marijuana ~~medical cannabis~~, and such  
439 patient's caregiver ~~legal representative~~ who administers  
440 marijuana ~~medical cannabis~~, in plain view of or in a place open  
441 to the general public, on the grounds of a school, or in a  
442 school bus, vehicle, aircraft, or motorboat, commits a  
443 misdemeanor of the first degree, punishable as provided in s.  
444 775.082 or s. 775.083.

445 (d) A qualifying patient or caregiver who cultivates  
446 marijuana or who purchases or acquires marijuana from any person  
447 or entity other than an MMTC commits a misdemeanor of the first  
448 degree, punishable as provided in s. 775.082 or s. 775.083.

449 (e) A caregiver who violates any of the applicable  
450 provisions of this section or applicable department rules  
451 commits, upon the first offense, a misdemeanor of the second  
452 degree, punishable as provided in s. 775.082 or s. 775.083, and,  
453 upon the second and subsequent offenses, a misdemeanor of the  
454 first degree, punishable as provided in s. 775.082 or s.  
455 775.083.

456 ~~(f)(e)~~ A physician who issues a physician certification for  
457 marijuana ~~orders low-THC cannabis, medical cannabis,~~ or a  
458 cannabis delivery device and receives compensation from an MMTC  
459 ~~a dispensing organization~~ related to issuing the physician  
460 certification for marijuana ~~the ordering of low-THC cannabis,~~  
461 ~~medical cannabis,~~ or a cannabis delivery device is subject to  
462 disciplinary action under the applicable practice act and s.  
463 456.072(1)(n).

464 (g) An MMTC that advertises or holds out to the public that

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465 it may provide services other than services for which it is  
466 registered to provide violates this section, and the department  
467 may impose a fine on the MMTC pursuant to paragraph (10) (h).

468 (h) A person or entity that offers or advertises services  
469 as an MMTC without registering as an MMTC with the department  
470 violates this section. The operation or maintenance of a  
471 facility as an MMTC, or the performance of a service that  
472 requires registration, without proper registration is a  
473 violation of this section.

474 1. If after receiving notification from the department,  
475 such person or entity fails to cease operation, the department  
476 may impose an administrative fine of up to \$10,000 per  
477 violation. Each day of continued operation is a separate  
478 offense.

479 2. The department or any state attorney may, in addition to  
480 other remedies provided in this section, bring an action for an  
481 injunction to restrain any unauthorized activity or to enjoin  
482 the future operation or maintenance of the unauthorized  
483 dispensing organization or entity or the performance of any  
484 service in violation of this section until compliance with this  
485 section and department rules has been demonstrated to the  
486 satisfaction of the department.

487 3. If found to be in violation of this paragraph, the  
488 department may assess reasonable investigative and legal costs  
489 for prosecution of the violation against the person or entity.

490 (5) ~~(4)~~ PHYSICIAN EDUCATION.—

491 (a) Before a physician may issue a physician certification  
492 pursuant to subsection (3) ~~ordering low-THC cannabis, medical~~  
493 ~~cannabis, or a cannabis delivery device for medical use by a~~

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494 ~~patient in this state,~~ the appropriate board shall require the  
495 ~~ordering~~ physician to successfully complete a 4-hour ~~an 8-hour~~  
496 course and subsequent examination offered by the Florida Medical  
497 Association or the Florida Osteopathic Medical Association which  
498 ~~that~~ encompasses the clinical indications for the appropriate  
499 use of marijuana ~~low-THC cannabis and medical cannabis,~~ the  
500 appropriate cannabis delivery devices, the contraindications for  
501 such use, and the relevant state and federal laws governing the  
502 issuance of physician certifications ~~ordering,~~ as well as  
503 ~~dispensing,~~ and possessing ~~of~~ these substances and devices. The  
504 course and examination shall be administered at least quarterly  
505 ~~annually~~. Successful completion of the course may be used by a  
506 physician to satisfy 4 hours ~~8 hours~~ of the continuing medical  
507 education requirements required by his or her respective board  
508 for licensure renewal. This course may be offered in a distance  
509 learning format, including an electronic, online format that is  
510 available on request. Physicians who have completed an 8-hour  
511 course and subsequent examination offered by the Florida Medical  
512 Association or the Florida Osteopathic Medical Association which  
513 encompasses the clinical indications for the appropriate use of  
514 marijuana and who are registered in the compassionate use  
515 registry on the effective date of this act are deemed to meet  
516 the requirements of this paragraph.

517 (b) The appropriate board shall require the medical  
518 director of each MMTC ~~dispensing organization~~ to hold an active,  
519 unrestricted license as a physician under chapter 458 or as an  
520 osteopathic physician under chapter 459 and successfully  
521 complete a 2-hour course and subsequent examination offered by  
522 the Florida Medical Association or the Florida Osteopathic

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523 Medical Association which ~~that~~ encompasses appropriate safety  
524 procedures and knowledge of marijuana ~~low-THC cannabis, medical~~  
525 ~~eannabis,~~ and cannabis delivery devices.

526 (c) Successful completion of the course and examination  
527 specified in paragraph (a) is required for every physician who  
528 issues a physician certification for marijuana ~~orders low-THC~~  
529 ~~eannabis, medical cannabis, or a cannabis delivery device~~ each  
530 time such physician renews his or her license. ~~In addition,~~  
531 ~~successful completion of the course and examination specified in~~  
532 ~~paragraph (b) is required for the medical director of each~~  
533 ~~dispensing organization each time such physician renews his or~~  
534 ~~her license.~~

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

540 (6) CAREGIVERS.—

541 (a) During the course of registration with the department  
542 for inclusion on the compassionate use registry, or at any time  
543 while registered, a qualifying patient may designate an  
544 individual as his or her caregiver to assist him or her with the  
545 medical use of marijuana. The designated caregiver must be 21  
546 years of age or older, unless the patient is a close relative of  
547 the caregiver; must agree in writing to be the qualifying  
548 patient's caregiver; may not receive compensation, other than  
549 actual expenses incurred, for assisting the qualifying patient  
550 with the medical use of marijuana, unless the caregiver is  
551 acting pursuant to employment in a licensed facility in

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552 accordance with subparagraph (c)2.; and must pass a level 2  
553 screening pursuant to chapter 435, unless the patient is a close  
554 relative of the caregiver.

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

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

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

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

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

578 (e) A nursing home or assisted living facility may not  
579 prevent a qualifying patient residing in the nursing home or  
580 assisted living facility from hiring a caregiver. A nursing home

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581 or assisted living facility may prohibit its employees from  
582 acting as caregivers to residents of the nursing home or  
583 assisted living facility. A nursing home or assisted living  
584 facility is not required to provide a caregiver to a resident  
585 who is a qualifying patient.

586 (7)-(5) DUTIES OF THE DEPARTMENT.—The department shall:

587 (a) Create and maintain a secure, electronic, and online  
588 compassionate use registry for the registration of physicians,  
589 patients, and caregivers ~~the legal representatives of patients~~  
590 as provided under this section. The registry must be accessible  
591 to:

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

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

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

601 4. MMTCs, to a ~~dispensing organization~~ to verify the  
602 authorization of a qualifying patient or a patient's caregiver  
603 ~~legal representative~~ to possess marijuana ~~low-THC cannabis,~~  
604 ~~medical cannabis,~~ or a cannabis delivery device and to record  
605 the marijuana ~~low-THC cannabis,~~ ~~medical cannabis,~~ or cannabis  
606 delivery device dispensed.

607

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

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610           (b) By July 3, 2017, adopt rules establishing procedures  
611 for the issuance, annual renewal, suspension, and revocation of  
612 compassionate use registry identification cards for patients and  
613 caregivers. The department may charge a reasonable fee  
614 associated with the issuance and renewal of patient and  
615 caregiver identification cards. By October 3, 2017, the  
616 department shall begin issuing identification cards to adult  
617 patients who have a physician certification that meets the  
618 requirements of subsection (3); minor patients who have a  
619 physician certification that meets the requirements of  
620 subsection (3) and the written consent of a parent or legal  
621 guardian; and caregivers registered pursuant to subsection (6).

622           1. Before issuing an identification card to a patient, the  
623 department must determine that:

624           a. The patient is a permanent resident of the state or, for  
625 a patient under the age of 18, the patient's parent or legal  
626 guardian is a permanent resident of the state. The patient, or  
627 the parent or legal guardian of the patient, must prove  
628 permanent residency by providing the department with a copy of a  
629 valid Florida driver license or Florida identification card, a  
630 copy of a utility bill in his or her name issued within the  
631 prior 90 days which shows an address in this state, or a copy of  
632 his or her Florida voter information card.

633           b. If the patient is not a permanent resident of the state:

634           (I) He or she is eligible to receive marijuana in his or  
635 her state of permanent residence; and

636           (II) He or she will be remaining in this state for at least  
637 3 consecutive months.

638           (A) An adult patient may provide the department with

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639 documentation that may include, but is not limited to, a rental  
640 agreement for a property in this state for period of at least 3  
641 months, an employment contract based in this state which  
642 indicates the employment is for a period of at least 3 months,  
643 or a receipt for paid tuition at a school in this state for a  
644 period of at least 3 months.

645 (B) A parent or legal guardian of a patient who is under  
646 the age of 18 must provide documentation as described in sub-  
647 sub-sub-subparagraph (A) or in department rule and provide  
648 additional documentation that the patient is his or her child or  
649 ward.

650  
651 The department shall adopt in rule a list of documents that a  
652 patient may provide to qualify for an identification card under  
653 this subparagraph.

654 2. Patient and caregiver identification cards must be  
655 resistant to counterfeiting and tampering and must include at  
656 least the following:

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

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

662 c. Designation of the cardholder as a patient or caregiver;

663 d. A unique identification number for the patient or  
664 caregiver which is matched to the identification number used for  
665 such person in the department's compassionate use registry. A  
666 caregiver's identification number and file in the compassionate  
667 use registry must be linked to the file of the patient or

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668 patients the caregiver is assisting so that the caregiver's  
669 status may be verified for each patient individually;

670 e. The expiration date, which shall be 1 year after the  
671 date of issuance of the identification card or the date  
672 treatment ends, as provided in the patient's physician  
673 certification, whichever occurs first; and

674 f. For caregivers who are assisting three or fewer  
675 qualifying patients, the names and identification number of the  
676 qualifying patient or patients that the caregiver is assisting.

677 (c) As soon as practicable after the effective date of this  
678 act, update its records by registering each dispensing  
679 organization approved pursuant to chapter 2014-157, Laws of  
680 Florida, or chapter 2016-123, Laws of Florida, as an MMTC with  
681 an effective registration date that coincides with that  
682 dispensing organization's date of approval as a dispensing  
683 organization. On the effective date of this act, all dispensing  
684 organizations approved pursuant to chapter 2014-157, Laws of  
685 Florida, or chapter 2016-123, Laws of Florida, are deemed to be  
686 registered MMTCs. The department may not require a dispensing  
687 organization approved pursuant to chapter 2014-157, Laws of  
688 Florida, or chapter 2016-123, Laws of Florida, to submit an  
689 application and may not charge the dispensing organization an  
690 application or registration fee for the initial registration of  
691 that dispensing organization as an MMTC pursuant to this  
692 section. For purposes of the requirement that an MMTC comply  
693 with the representations made in its application pursuant to  
694 subsection (8), an MMTC registered pursuant to this paragraph  
695 shall continue to comply with the representations made in its  
696 application for approval as a dispensing organization, including

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697 any revision authorized by the department before the effective  
698 date of this act. After the effective date of this act, the  
699 department may grant variances from the representations made in  
700 a dispensing organization's application for approval pursuant to  
701 subsection (8). For purposes of the definition of the term  
702 "marijuana" in s. 29, of Art. X of the State Constitution, an  
703 MMTC is deemed to be a dispensing organization as that term is  
704 defined in former s. 381.986(1)(a), Florida Statutes 2014  
705 ~~Authorize the establishment of five dispensing organizations to~~  
706 ~~ensure reasonable statewide accessibility and availability as~~  
707 ~~necessary for patients registered in the compassionate use~~  
708 ~~registry and who are ordered low-THC cannabis, medical cannabis,~~  
709 ~~or a cannabis delivery device under this section, one in each of~~  
710 ~~the following regions: northwest Florida, northeast Florida,~~  
711 ~~central Florida, southeast Florida, and southwest Florida.~~

712 (d) By October 3, 2017, register five additional MMTCs with  
713 at least one of the MMTCs being an applicant that is a  
714 recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82  
715 (D.D.C. 1999), or *In re Black Farmers Litig.*, 856 F. Supp. 2d 1  
716 (D.D.C. 2011), and a member of the Black Farmers and  
717 Agriculturalists Association.

718 (e) Within 6 months after each instance of the registration  
719 of 75,000 qualifying patients with the compassionate use  
720 registry, register four additional MMTCs if a sufficient number  
721 of MMTC applicants meet the registration requirements  
722 established in this section and by department rule.

723 (f) Not issue more than one registration as an MMTC to a  
724 person or an entity.

725 (g) Identify applicants with strong diversity plans

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726 reflecting this state's commitment to diversity.

727 (h) Implement training programs and other educational  
728 programs to enable minority persons and minority business  
729 enterprises, as defined in s. 288.703, and veteran business  
730 enterprises, as defined in s. 295.187, to compete for MMTC  
731 registration and contracts.

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

738 1. That, for the 5 consecutive years before submitting the  
739 application, the applicant has been registered to do business in  
740 this state.

741 2.1. The technical and technological ability to cultivate  
742 and produce low-THC cannabis and marijuana. ~~The applicant must~~  
743 ~~possess a valid certificate of registration issued by the~~  
744 ~~Department of Agriculture and Consumer Services pursuant to s.~~  
745 ~~581.131 that is issued for the cultivation of more than 400,000~~  
746 ~~plants, be operated by a nurseryman as defined in s. 581.011,~~  
747 ~~and have been operated as a registered nursery in this state for~~  
748 ~~at least 30 continuous years.~~

749 3.2. The ability to secure the premises, resources, and  
750 personnel necessary to operate as an MMTC ~~a dispensing~~  
751 ~~organization.~~

752 4.3. The ability to maintain accountability of all raw  
753 materials, finished products, and any byproducts to prevent  
754 diversion or unlawful access to or possession of these

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755 substances.

756 ~~5.4.~~ An infrastructure reasonably located to dispense low-  
757 THC cannabis and marijuana to registered qualifying patients  
758 statewide ~~or regionally as determined by the department.~~

759 ~~6.5.~~ The financial ability to maintain operations for the  
760 duration of the 2-year approval cycle, including the provision  
761 of certified financials to the department. Upon approval, the  
762 applicant must post a \$5 million performance bond. However, upon  
763 an MMTC ~~a dispensing organization's~~ serving at least 1,000  
764 qualifying ~~qualified~~ patients, the MMTC ~~dispensing organization~~  
765 is only required to maintain a \$2 million performance bond.

766 ~~7.6.~~ That all owners and managers have been fingerprinted  
767 and have successfully passed a level 2 background screening  
768 pursuant to s. 435.04.

769 8. The ability to implement a diversity plan that promotes  
770 and ensures the involvement of minority persons and minority  
771 business enterprises, as defined in s. 288.703, or veteran  
772 business enterprises, as defined in s. 295.187, in ownership,  
773 management, employment, and contracting opportunities.

774 a. A diversity plan must be submitted with an MMTC  
775 application.

776 b. Upon registration renewal the MMTC must show the  
777 effectiveness of the diversity plan by including the following:

778 (I) Representation of minority persons and veterans in the  
779 MMTC's workforce;

780 (II) Efforts to recruit minority persons and veterans for  
781 employment; and

782 (III) A record of contracts for services with minority  
783 business enterprises and veteran business enterprises.

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784 ~~9.7.~~ The employment of a medical director to supervise the  
785 activities of the MMTC ~~dispensing organization.~~

786 ~~(c) Upon the registration of 250,000 active qualified~~  
787 ~~patients in the compassionate use registry, approve three~~  
788 ~~dispensing organizations, including, but not limited to, an~~  
789 ~~applicant that is a recognized class member of *Pigford v.*~~  
790 ~~*Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers*~~  
791 ~~*Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011), and a member of the~~  
792 ~~Black Farmers and Agriculturalists Association, which must meet~~  
793 ~~the requirements of subparagraphs (b)2.-7. and demonstrate the~~  
794 ~~technical and technological ability to cultivate and produce~~  
795 ~~low-THC cannabis.~~

796 ~~(j)(d)~~ Allow an MMTC ~~a dispensing organization~~ to make a  
797 wholesale purchase of marijuana ~~low-THC cannabis or medical~~  
798 ~~cannabis~~ from, or a distribution of marijuana ~~low-THC cannabis~~  
799 ~~or medical cannabis~~ to, another MMTC ~~dispensing organization.~~

800 ~~(k)(e)~~ Monitor physician registration in the compassionate  
801 use registry and the issuance of physician certifications  
802 pursuant to subsection (3) ~~ordering of low-THC cannabis, medical~~  
803 ~~cannabis, or a cannabis delivery device for ordering practices~~  
804 ~~that could facilitate unlawful diversion or misuse of marijuana~~  
805 ~~low-THC cannabis, medical cannabis, or a cannabis delivery~~  
806 ~~devices ~~device~~ and take disciplinary action as indicated.~~

807 ~~(8)(6)~~ MEDICAL MARIJUANA TREATMENT CENTERS DISPENSING  
808 ORGANIZATION. ~~Each MMTC must register with the department. A~~  
809 registered MMTC ~~An approved dispensing organization~~ must, at all  
810 times, maintain compliance with paragraph (7)(i), ~~the criteria~~  
811 ~~demonstrated for selection and approval as a dispensing~~  
812 ~~organization under subsection(5) and the criteria required in~~

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813 this subsection, and all representations made to the department  
814 in the MMTC's application for registration. Upon request, the  
815 department may grant an MMTC one or more variances from the  
816 representations made in the MMTC's application. Consideration of  
817 such a variance shall be based upon the individual facts and  
818 circumstances surrounding the request. A variance may not be  
819 granted unless the requesting MMTC can demonstrate to the  
820 department that it has a proposed alternative to the specific  
821 representation made in its application which fulfills the same  
822 or a similar purpose as the specific representation in a way  
823 that the department can reasonably determine will not be a lower  
824 standard than the specific representation in the application.

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

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

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

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

841 4. Must perform fumigation or treatment of plants, or the

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842 removal and destruction of infested or infected plants, in  
843 accordance with chapter 581 and any rules adopted thereunder.

844 (b) When processing marijuana ~~low-THC cannabis or medical~~  
845 ~~cannabis~~, an MMTC ~~a dispensing organization~~ must:

846 1. Process the marijuana ~~low-THC cannabis or medical~~  
847 ~~cannabis~~ within an enclosed structure and in a room separate  
848 from other plants or products.

849 2. Have the marijuana tested by an independent testing  
850 laboratory to ensure it meets the standards established by the  
851 department's quality control program ~~Test the processed low-THC~~  
852 ~~cannabis and medical cannabis before it is they are~~ dispensed.  
853 ~~Results must be verified and signed by two dispensing~~  
854 ~~organization employees. Before dispensing low-THC cannabis, the~~  
855 ~~dispensing organization must determine that the test results~~  
856 ~~indicate that the low-THC cannabis meets the definition of low-~~  
857 ~~THC cannabis and, for medical cannabis and low-THC cannabis,~~  
858 ~~that all medical cannabis and low-THC cannabis is safe for human~~  
859 ~~consumption and free from contaminants that are unsafe for human~~  
860 ~~consumption. The dispensing organization must retain records of~~  
861 ~~all testing and samples of each homogenous batch of cannabis and~~  
862 ~~low-THC cannabis for at least 9 months. The dispensing~~  
863 ~~organization must contract with an independent testing~~  
864 ~~laboratory to perform audits on the dispensing organization's~~  
865 ~~standard operating procedures, testing records, and samples and~~  
866 ~~provide the results to the department to confirm that the low-~~  
867 ~~THC cannabis or medical cannabis meets the requirements of this~~  
868 ~~section and that the medical cannabis and low-THC cannabis is~~  
869 ~~safe for human consumption.~~

870 3. Package the marijuana ~~low-THC cannabis or medical~~

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871 ~~eannabis~~ in compliance with the United States Poison Prevention  
872 Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

873 4. Package the marijuana ~~low-THC cannabis or medical~~  
874 ~~eannabis~~ in a childproof receptacle that has a firmly affixed  
875 and legible label stating the following information:

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

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

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

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

885 e. Any other information required by department rule

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

889 (c) When dispensing marijuana ~~low-THC cannabis, medical~~  
890 ~~eannabis,~~ or a marijuana ~~eannabis~~ delivery device, an MMTC a  
891 ~~dispensing organization~~:

892 1. May not dispense more than the a 45-day supply of  
893 marijuana authorized by a qualifying patient's physician  
894 certification ~~low-THC cannabis or medical cannabis~~ to a  
895 qualifying patient or caregiver ~~the patient's legal~~  
896 ~~representative.~~

897 2. Must ensure that the ~~have the dispensing organization's~~  
898 employee who dispenses the marijuana ~~low-THC cannabis, medical~~  
899 ~~eannabis,~~ or marijuana ~~a cannabis~~ delivery device enters ~~enter~~

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900 into the compassionate use registry his or her name or unique  
901 employee identifier.

902 3. Must verify that the qualifying patient and the  
903 caregiver, if applicable, both have an active and valid  
904 compassionate use registry identification card and that the  
905 amount and type of marijuana dispensed match the physician  
906 certification in the compassionate use registry for that  
907 qualifying patient ~~that a physician has ordered the low-THC~~  
908 ~~cannabis, medical cannabis, or a specific type of a cannabis~~  
909 ~~delivery device for the patient.~~

910 4. Must label the marijuana with the recommended dose for  
911 the qualifying patient receiving the marijuana.

912 ~~5.4.~~ May not dispense or sell any other type of marijuana  
913 ~~cannabis~~, alcohol, or illicit drug-related product, including  
914 pipes, bongs, or wrapping papers, other than a ~~physician-ordered~~  
915 cannabis delivery device required for the medical use of  
916 marijuana which is specified in a physician certification low-  
917 ~~THC cannabis or medical cannabis, while dispensing low-THC~~  
918 ~~cannabis or medical cannabis.~~ An MMTC may produce and dispense  
919 marijuana as an edible or food product but may not produce such  
920 items in a format designed to be attractive to children. In  
921 addition to the requirements of this section and department  
922 rule, food products produced by an MMTC must meet all food  
923 safety standards established in state and federal law,  
924 including, but not limited to, the identification of the serving  
925 size and the amount of tetrahydrocannabinol in each serving.

926 ~~5. Must verify that the patient has an active registration~~  
927 ~~in the compassionate use registry, the patient or patient's~~  
928 ~~legal representative holds a valid and active registration card,~~

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929 ~~the order presented matches the order contents as recorded in~~  
930 ~~the registry, and the order has not already been filled.~~

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

939 7. May not dispense marijuana from more than three  
940 dispensing facilities. This subparagraph does not apply to MMTC  
941 retail facilities that only dispense low-THC cannabis and sell  
942 marijuana delivery devices to qualified patients.

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

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

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

955 (I) Cameras are fixed in a place that allows for the clear  
956 identification of persons and activities in controlled areas of  
957 the premises. Controlled areas include grow rooms, processing

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958 rooms, storage rooms, disposal rooms or areas, and point-of-sale  
959 rooms;

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

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

965 (IV) Retain video surveillance recordings for a minimum of  
966 45 days, or longer upon the request of a law enforcement agency.

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

969 3. Implement ~~Establish and maintain~~ a tracking system using  
970 a vendor approved by the department which ~~that~~ traces the  
971 marijuana ~~low-THC cannabis or medical cannabis~~ from seed to  
972 sale. The tracking system must ~~shall~~ include notification of key  
973 events as determined by the department, including when cannabis  
974 seeds are planted, when cannabis plants are harvested and  
975 destroyed, and when marijuana ~~low-THC cannabis or medical~~  
976 ~~cannabis~~ is transported, sold, stolen, diverted, or lost.

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

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

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

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987 premises at all times.

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

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

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

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

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

1000 1. Maintain a transportation manifest, which must be  
1001 retained for at least 1 year. A copy of the manifest must be in  
1002 the vehicle at all times when transporting marijuana.

1003 2. Ensure only vehicles in good working order are used to  
1004 transport marijuana ~~low-THC cannabis or medical cannabis~~.

1005 3. Lock marijuana ~~low-THC cannabis or medical cannabis~~ in a  
1006 separate compartment or container within the vehicle.

1007 4. Require at least two persons to be in a vehicle  
1008 transporting marijuana ~~low-THC cannabis or medical cannabis~~, and  
1009 require at least one person to remain in the vehicle while the  
1010 marijuana ~~low-THC cannabis or medical cannabis~~ is being  
1011 delivered.

1012 5. Provide specific safety and security training to  
1013 employees transporting or delivering marijuana ~~low-THC cannabis~~  
1014 ~~or medical cannabis~~.

1015 (9) MARIJUANA QUALITY CONTROL PROGRAM AND INDEPENDENT

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1016 TESTING LABORATORY LICENSURE.—

1017 (a) The department shall establish a quality control  
1018 program requiring marijuana to be tested by an independent  
1019 testing laboratory for potency and contaminants before sale to  
1020 qualifying patients and caregivers.

1021 1. The quality control program must require MMTCs to submit  
1022 samples from each batch or lot of marijuana harvested or  
1023 processed to an independent testing laboratory for testing to  
1024 ensure, at a minimum, that the labeling of the potency of  
1025 tetrahydrocannabinol and all other marketed cannabinoids or  
1026 terpenes is accurate and that the marijuana dispensed to  
1027 qualifying patients is safe for human consumption.

1028 2. An MMTC must maintain records of all tests conducted,  
1029 including the results of each test and any additional  
1030 information, as required by the department.

1031 3. The department shall adopt all rules necessary to create  
1032 and oversee the quality control program, which must include, at  
1033 a minimum:

1034 a. Permissible levels of variation in potency labeling and  
1035 standards requiring tetrahydrocannabinol in edible marijuana  
1036 products to be distributed consistently throughout the product;

1037 b. Permissible levels of contaminants and mandatory testing  
1038 for contaminants to confirm that the tested marijuana is safe  
1039 for human consumption. This testing must include, but is not  
1040 limited to, testing for microbiological impurity, residual  
1041 solvents, and pesticide residues;

1042 c. The destruction of marijuana determined to be  
1043 inaccurately labeled or unsafe for human consumption after the  
1044 MMTC has an opportunity to take remedial action;

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1045 d. The collection, storage, handling, recording, and  
1046 destruction of samples of marijuana by independent testing  
1047 laboratories; and

1048 e. Security, inventory tracking, and record retention.

1049 (b) The department must license all independent testing  
1050 laboratories to ensure that all marijuana is tested for potency  
1051 and contaminants in accordance with the department's quality  
1052 control program. An independent testing laboratory may collect  
1053 and accept samples of, and possess, store, transport, and test  
1054 marijuana. An independent testing laboratory may not be owned by  
1055 a person who also possesses an ownership interest in an MMTTC. A  
1056 clinical laboratory that is licensed by the Agency for Health  
1057 Care Administration pursuant to part I of chapter 483 and that  
1058 performs nonwaived clinical tests is exempt from the requirement  
1059 to be licensed by the department pursuant to this paragraph but  
1060 must be certified to perform all required tests pursuant to  
1061 subparagraph 2.

1062 1. The department shall develop rules establishing  
1063 independent testing laboratory license requirements and a  
1064 process for licensing independent testing laboratories; develop  
1065 an application form for an independent testing laboratory  
1066 license; and impose an initial application fee and a biennial  
1067 renewal fee sufficient to cover the costs of administering this  
1068 subsection.

1069 2. In addition to licensure, an independent testing  
1070 laboratory must be certified to perform all required tests by  
1071 the department. The department must issue a certification to an  
1072 independent testing laboratory that has been certified by a  
1073 third-party laboratory certification body approved by the

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1074 department. The department shall establish reasonable rules for  
 1075 the certification and operation of independent testing  
 1076 laboratories. Rules for certification must, at a minimum,  
 1077 address standards relating to:

- 1078 a. Personnel qualifications;
- 1079 b. Equipment and methodology;
- 1080 c. Proficiency testing;
- 1081 d. Tracking;
- 1082 e. Sampling;
- 1083 f. Chain of custody;
- 1084 g. Record and sample retention;
- 1085 h. Reporting;
- 1086 i. Audit and inspection; and
- 1087 j. Security.

1088 3. The department shall suspend or reduce any mandatory  
 1089 testing requirement specified in its quality control program if  
 1090 the number of licensed and certified independent testing  
 1091 laboratories is insufficient to process the tests necessary to  
 1092 meet the patients' demand for marijuana.

1093 4. An independent testing laboratory may accept only  
 1094 samples composed of marijuana which are obtained from a sample  
 1095 source approved by the department. At a minimum, these sources  
 1096 must include an MMTC, a researcher affiliated with an accredited  
 1097 university or research hospital, a qualifying patient, and a  
 1098 caregiver.

1099 (10)(7) DEPARTMENT AUTHORITY AND RESPONSIBILITIES.—

1100 (a) The department may conduct announced or unannounced  
 1101 inspections of MMTCs ~~dispensing organizations~~ to determine  
 1102 compliance with this section or rules adopted pursuant to this

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1103 section.

1104 (b) The department shall inspect an MMTC ~~a dispensing~~  
1105 ~~organization~~ upon complaint or notice provided to the department  
1106 that the MMTC ~~dispensing organization~~ has dispensed marijuana  
1107 ~~low-THC cannabis or medical cannabis~~ containing any mold,  
1108 bacteria, or other contaminant that may cause or has caused an  
1109 adverse effect to human health or the environment.

1110 (c) The department shall conduct at least a biennial  
1111 inspection of each MMTC ~~dispensing organization~~ to evaluate the  
1112 MMTC's ~~dispensing organization's~~ records, personnel, equipment,  
1113 processes, security measures, sanitation practices, and quality  
1114 assurance practices.

1115 (d) The department shall approve an MMTC's request for a  
1116 change in ownership, equity structure, or transfer of  
1117 registration to a new entity that meets the requirements in  
1118 paragraph (7)(i) if individuals seeking a 5 percent or greater  
1119 direct or indirect equity interest in the MMTC are fingerprinted  
1120 and have successfully passed a level 2 background screening  
1121 pursuant to s. 435.04. Individuals who seek or hold less than a  
1122 5 percent direct or indirect equity interest in the MMTC are not  
1123 required to be fingerprinted or pass the background check. A  
1124 request for a change in MMTC ownership, equity structure, or  
1125 transfer of registration is deemed approved if not denied by the  
1126 department within 15 days after receipt of the request. The  
1127 department shall adopt by rule a process which includes specific  
1128 criteria for the approval or denial of such requests.

1129 (e) The department shall establish, maintain, and control a  
1130 computer software tracking system that traces marijuana from  
1131 seed to sale and allows real-time, 24-hour access by the

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1132 department to data from all MMTCs and independent testing  
1133 laboratories. The tracking system must, at a minimum, include  
1134 notification of when marijuana seeds are planted, when marijuana  
1135 plants are harvested and destroyed, and when marijuana is  
1136 transported, sold, stolen, diverted, or lost. Each MMTC shall  
1137 use the seed-to-sale tracking system selected by the department.

1138 (f)~~(d)~~ The department may enter into interagency agreements  
1139 with the Department of Agriculture and Consumer Services, the  
1140 Department of Business and Professional Regulation, the  
1141 Department of Transportation, the Department of Highway Safety  
1142 and Motor Vehicles, and the Agency for Health Care  
1143 Administration, and such agencies are authorized to enter into  
1144 an interagency agreement with the department, to conduct  
1145 inspections or perform other responsibilities assigned to the  
1146 department under this section.

1147 (g)~~(e)~~ The department must make a list of all approved  
1148 MMTCs, dispensing organizations and qualified ordering  
1149 physicians who are qualified to issue physician certifications,  
1150 and medical directors publicly available on its website.

1151 ~~(f) The department may establish a system for issuing and~~  
1152 ~~renewing registration cards for patients and their legal~~  
1153 ~~representatives, establish the circumstances under which the~~  
1154 ~~cards may be revoked by or must be returned to the department,~~  
1155 ~~and establish fees to implement such system. The department must~~  
1156 ~~require, at a minimum, the registration cards to:~~

1157 ~~1. Provide the name, address, and date of birth of the~~  
1158 ~~patient or legal representative.~~

1159 ~~2. Have a full-face, passport-type, color photograph of the~~  
1160 ~~patient or legal representative taken within the 90 days~~

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1161 ~~immediately preceding registration.~~

1162 ~~3. Identify whether the cardholder is a patient or legal~~  
1163 ~~representative.~~

1164 ~~4. List a unique numeric identifier for the patient or~~  
1165 ~~legal representative that is matched to the identifier used for~~  
1166 ~~such person in the department's compassionate use registry.~~

1167 ~~5. Provide the expiration date, which shall be 1 year after~~  
1168 ~~the date of the physician's initial order of low-THC cannabis or~~  
1169 ~~medical cannabis.~~

1170 ~~6. For the legal representative, provide the name and~~  
1171 ~~unique numeric identifier of the patient that the legal~~  
1172 ~~representative is assisting.~~

1173 ~~7. Be resistant to counterfeiting or tampering.~~

1174 (h) ~~(g)~~ The department may impose reasonable fines not to  
1175 exceed \$10,000 on an MMTC ~~a dispensing organization~~ for any of  
1176 the following violations:

1177 1. Violating this section, s. 499.0295, or department rule.

1178 2. Failing to maintain qualifications for registration with  
1179 the department approval.

1180 3. Endangering the health, safety, or security of a  
1181 qualifying ~~qualified~~ patient.

1182 4. Improperly disclosing personal and confidential  
1183 information of a qualifying ~~the qualified~~ patient.

1184 5. Attempting to procure MMTC registration with the  
1185 department dispensing organization approval by bribery,  
1186 fraudulent misrepresentation, or extortion.

1187 6. Any owner or manager of the MMTC being convicted or  
1188 found guilty of, or entering a plea of guilty or nolo contendere  
1189 to, regardless of adjudication, a crime in any jurisdiction

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1190 which directly relates to the business of an MMTC ~~a dispensing~~  
1191 ~~organization~~.

1192 7. Making or filing a report or record that the MMTC  
1193 ~~dispensing organization~~ knows to be false.

1194 8. Willfully failing to maintain a record required by this  
1195 section or department rule.

1196 9. Willfully impeding or obstructing an employee or agent  
1197 of the department in the furtherance of his or her official  
1198 duties.

1199 10. Engaging in fraud or deceit, negligence, incompetence,  
1200 or misconduct in the business practices of an MMTC ~~a dispensing~~  
1201 ~~organization~~.

1202 11. Making misleading, deceptive, or fraudulent  
1203 representations in or related to the business practices of an  
1204 MMTC ~~a dispensing organization~~.

1205 12. Having a license or the authority to engage in any  
1206 regulated profession, occupation, or business that is related to  
1207 the business practices of an MMTC ~~a dispensing organization~~  
1208 suspended, revoked, or otherwise acted against by the licensing  
1209 authority of any jurisdiction, including its agencies or  
1210 subdivisions, for a violation that would constitute a violation  
1211 under Florida law.

1212 13. Violating a lawful order of the department or an agency  
1213 of the state, or failing to comply with a lawfully issued  
1214 subpoena of the department or an agency of the state.

1215 (i) ~~(h)~~ The department may suspend, revoke, or refuse to  
1216 renew an MMTC's registration with the department ~~a dispensing~~  
1217 ~~organization's approval~~ if the MMTC ~~a dispensing organization~~  
1218 commits a violation specified ~~any of the violations~~ in paragraph

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1219 (h) ~~(g)~~.

1220 (j) ~~(i)~~ The department shall renew an MMTC's registration  
 1221 with the department ~~the approval of a dispensing organization~~  
 1222 biennially if the MMTC ~~dispensing organization~~ meets the  
 1223 requirements of this section and pays the biennial renewal fee.

1224 (k) ~~(j)~~ The department may adopt rules necessary to  
 1225 implement this section.

1226 (11) ~~(8)~~ PREEMPTION.—

1227 (a) All matters regarding the regulation of the cultivation  
 1228 and processing of marijuana ~~medical cannabis or low-THC cannabis~~  
 1229 by MMTCs ~~dispensing organizations~~ are preempted to the state.

1230 (b) A municipality may determine by ordinance the criteria  
 1231 for the number and location of, and other permitting  
 1232 requirements that do not conflict with state law or department  
 1233 rule for, dispensing facilities of MMTCs ~~dispensing~~  
 1234 ~~organizations~~ located within its municipal boundaries. A county  
 1235 may determine by ordinance the criteria for the number,  
 1236 location, and other permitting requirements that do not conflict  
 1237 with state law or department rule for all dispensing facilities  
 1238 of MMTCs ~~dispensing organizations~~ located within the  
 1239 unincorporated areas of that county.

1240 (12) ~~(9)~~ EXCEPTIONS TO OTHER LAWS.—

1241 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
 1242 any other provision of law, but subject to the requirements of  
 1243 this section, a qualifying ~~qualified~~ patient, or a caregiver who  
 1244 has obtained a valid compassionate use registry identification  
 1245 card from the department, ~~and the qualified patient's legal~~  
 1246 ~~representative~~ may purchase from an MMTC, and possess for the  
 1247 qualifying patient's medical use, up to the amount of marijuana

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1248 in the physician certification ~~low-THC cannabis or medical~~  
1249 ~~cannabis ordered for the patient~~, but not more than a 90-day ~~45-~~  
1250 ~~day~~ supply, and a cannabis delivery device specified in the  
1251 physician certification ~~ordered~~ for the qualifying patient.

1252 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1253 any other provision of law, but subject to the requirements of  
1254 this section, an MMTC ~~an approved dispensing organization~~ and  
1255 its owners, managers, contractors, and employees may  
1256 manufacture, possess, sell, deliver, distribute, dispense,  
1257 administer, and lawfully dispose of reasonable quantities, as  
1258 established by department rule, of marijuana ~~low-THC cannabis,~~  
1259 ~~medical cannabis~~, or a cannabis delivery device. For purposes of  
1260 this subsection, the terms "manufacture," "possession,"  
1261 "deliver," "distribute," and "dispense" have the same meanings  
1262 as provided in s. 893.02.

1263 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1264 any other provision of law, but subject to the requirements of  
1265 this section, an approved independent testing laboratory may  
1266 possess, test, transport, and lawfully dispose of marijuana ~~low-~~  
1267 ~~THC cannabis or medical cannabis~~ as provided by department rule.

1268 (d) An MMTC ~~approved dispensing organization~~ and its  
1269 owners, managers, contractors, and employees are not subject to  
1270 licensure or regulation under chapter 465 or chapter 499 for  
1271 manufacturing, possessing, selling, delivering, distributing,  
1272 dispensing, or lawfully disposing of reasonable quantities, as  
1273 established by department rule, of marijuana ~~low-THC cannabis,~~  
1274 ~~medical cannabis~~, or a cannabis delivery device.

1275 (e) Exercise by an MMTC of ~~An approved dispensing~~  
1276 ~~organization that continues to meet the requirements for~~

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1277 ~~approval is presumed to be registered with the department and to~~  
1278 ~~meet the regulations adopted by the department or its successor~~  
1279 ~~agency for the purpose of dispensing medical cannabis or low-THC~~  
1280 ~~cannabis under Florida law. Additionally,~~ the authority provided  
1281 to MMTCs a dispensing organization in s. 499.0295 does not  
1282 impair its registration with the department ~~the approval of a~~  
1283 ~~dispensing organization.~~

1284 (f) This subsection does not exempt a person from  
1285 prosecution for a criminal offense related to impairment or  
1286 intoxication resulting from the medical use of marijuana ~~low-THC~~  
1287 ~~cannabis or medical cannabis~~ or relieve a person from any  
1288 requirement under law to submit to a breath, blood, urine, or  
1289 other test to detect the presence of a controlled substance.

1290 (g) This section does not limit the ability of an employer  
1291 to establish, continue, or enforce a drug-free workplace program  
1292 or substance abuse policy. Notwithstanding any other provision  
1293 of law, this section does not require an employer to accommodate  
1294 the ingestion of marijuana in any workplace or any employee  
1295 working while under the influence of marijuana. Notwithstanding  
1296 any other provision of law, this section does not create a cause  
1297 of action against an employer for wrongful discharge or  
1298 discrimination.

1299 (h) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
1300 any other provision of law, but subject to the requirements of  
1301 this section, a research institute established by a public  
1302 postsecondary educational institution, such as the H. Lee  
1303 Moffitt Cancer Center and Research Institute established under  
1304 s. 1004.43, or a state university that has achieved the  
1305 preeminent state research university designation pursuant to s.

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1306 1001.7065 may possess, test, transport, and lawfully dispose of  
1307 marijuana for research purposes as provided by department rule.

1308 (13) RULEMAKING.—

1309 (a) The department and the applicable boards shall adopt  
1310 emergency rules pursuant to s. 120.54(4) and this subsection  
1311 necessary to implement this section. If an emergency rule  
1312 adopted under this subsection is held to be unconstitutional or  
1313 an invalid exercise of delegated legislative authority and  
1314 becomes void, the department and the applicable boards may adopt  
1315 an emergency rule to replace the rule that has become void. If  
1316 the emergency rule adopted to replace the void emergency rule is  
1317 also held to be unconstitutional or an invalid exercise of  
1318 delegated legislative authority and becomes void, the department  
1319 and the applicable boards must follow the nonemergency  
1320 rulemaking procedures of the Administrative Procedures Act to  
1321 replace the rule that has become void.

1322 (b) For emergency rules adopted under this subsection, the  
1323 department and the applicable boards need not make the findings  
1324 required by s. 120.54(4) (a). Emergency rules adopted under this  
1325 subsection are exempt from ss. 120.54(3) (b) and 120.541. The  
1326 department and the applicable boards shall meet the procedural  
1327 requirements in s. 120.54(2) (a) if the department or the  
1328 applicable boards have, before the effective date of this act,  
1329 held any public workshops or hearings on the subject matter of  
1330 emergency rules adopted under this subsection. Challenges to  
1331 emergency rules adopted under this subsection are subject to the  
1332 time schedules provided in s. 120.56(5).

1333 (c) Emergency rules adopted under this section are exempt  
1334 from s. 120.54(4) (c) and shall remain in effect until replaced

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1335 by rules adopted under the nonemergency rulemaking procedures of  
1336 the Administrative Procedures Act. By January 1, 2018, the  
1337 department and the applicable boards shall initiate nonemergency  
1338 rulemaking pursuant to the Administrative Procedures Act by  
1339 publishing a notice of rule development in the Florida  
1340 Administrative Register. Except as provided in paragraph (a),  
1341 after January 1, 2018, the department and applicable boards may  
1342 not adopt rules pursuant to the emergency rulemaking procedures  
1343 provided in this subsection.

1344 Section 2. Section 1004.4351, Florida Statutes, is created  
1345 to read:

1346 1004.4351 Medical marijuana research and education.—

1347 (1) SHORT TITLE.—This section shall be known and may be  
1348 cited as the "Medical Marijuana Research and Education Act."

1349 (2) LEGISLATIVE FINDINGS.—The Legislature finds that:

1350 (a) The present state of knowledge concerning the use of  
1351 marijuana to alleviate pain and treat illnesses is limited  
1352 because permission to perform clinical studies on marijuana is  
1353 difficult to obtain, with access to research-grade marijuana so  
1354 restricted that little or no unbiased studies have been  
1355 performed.

1356 (b) Under the State Constitution, marijuana is available  
1357 for the treatment of certain debilitating medical conditions.

1358 (c) Additional clinical studies are needed to ensure that  
1359 the residents of this state obtain the correct dosing,  
1360 formulation, route, modality, frequency, quantity, and quality  
1361 of marijuana for specific illnesses.

1362 (d) An effective medical marijuana research and education  
1363 program would mobilize the scientific, educational, and medical

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1364 resources that presently exist in this state to determine the  
1365 appropriate and best use of marijuana to treat illness.

1366 (3) DEFINITIONS.—As used in this section, the term:

1367 (a) "Board" means the Medical Marijuana Research and  
1368 Education Board.

1369 (b) "Coalition" means the Coalition for Medical Marijuana  
1370 Research and Education.

1371 (c) "Marijuana" has the same meaning as provided in s. 29,  
1372 Art. X of the State Constitution.

1373 (4) COALITION FOR MEDICAL MARIJUANA RESEARCH AND  
1374 EDUCATION.—

1375 (a) There is established within the H. Lee Moffitt Cancer  
1376 Center and Research Institute, Inc., the Coalition for Medical  
1377 Marijuana Research and Education. The purpose of the coalition  
1378 is to conduct rigorous scientific research, provide education,  
1379 disseminate research, and guide policy for the adoption of a  
1380 statewide policy on ordering and dosing practices for the  
1381 medicinal use of marijuana. The coalition shall be physically  
1382 located at the H. Lee Moffitt Cancer Center and Research  
1383 Institute, Inc.

1384 (b) Beginning January 15, 2018, and quarterly thereafter,  
1385 the Department of Health shall electronically submit to the  
1386 coalition a data set that includes, for each patient registered  
1387 with the compassionate use registry, as described in s. 381.986:

1388 1. The debilitating medical condition, as defined in s.  
1389 381.986, of the patient;

1390 2. The amount of marijuana certified, and the recommended  
1391 length of time that the amount of marijuana is certified, for  
1392 the patient;

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1393 3. The route of administration of marijuana to the patient  
1394 and any delivery device for the administration of marijuana to  
1395 the patient; and

1396 4. The patient's certifying physician.

1397  
1398 The coalition shall review the data submitted by the department.  
1399 If, after review of the data, the coalition determines that  
1400 state law and rules should be modified to address abuse or fraud  
1401 of the system established in s. 29, Art. X of the State  
1402 Constitution, s. 381.986, and associated rules, the coalition  
1403 must include recommendations for changes to state law and rules  
1404 to address such abuse or fraud in the report submitted by the  
1405 board pursuant to paragraph (g).

1406 (c) The Medical Marijuana Research and Education Board is  
1407 established to direct the operations of the coalition. The board  
1408 shall be composed of seven members appointed by the chief  
1409 executive officer of the H. Lee Moffitt Cancer Center and  
1410 Research Institute, Inc. Board members must have experience in a  
1411 variety of scientific and medical fields, including, but not  
1412 limited to, oncology, neurology, psychology, pediatrics,  
1413 nutrition, and addiction. Members shall be appointed to 4-year  
1414 terms and may be reappointed to serve additional terms. The  
1415 chair shall be elected by the board from among its members to  
1416 serve a 2-year term. The board shall meet no less than  
1417 semiannually, at the call of the chair or, in his or her absence  
1418 or incapacity, the vice chair. Four members constitute a quorum.  
1419 A majority vote of the members present is required for all  
1420 actions of the board. The board may prescribe, amend, and repeal  
1421 a charter governing the manner in which it conducts its

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1422 business. A board member shall serve without compensation but is  
1423 entitled to be reimbursed for travel expenses by the coalition  
1424 or the organization he or she represents in accordance with s.  
1425 112.061.

1426 (d) The coalition shall be administered by a coalition  
1427 director, who shall be appointed by and serve at the pleasure of  
1428 the board. The coalition director shall, subject to the approval  
1429 of the board:

1430 1. Propose a budget for the coalition.

1431 2. Foster the collaboration of scientists, researchers, and  
1432 other appropriate personnel in accordance with the coalition's  
1433 charter.

1434 3. Identify and prioritize the research to be conducted by  
1435 the coalition.

1436 4. Prepare the Medical Marijuana Research and Education  
1437 Plan for submission to the board.

1438 5. Apply for grants to obtain funding for research  
1439 conducted by the coalition.

1440 6. Perform other duties as determined by the board.

1441 (e) The board shall advise the Board of Governors, the  
1442 State Surgeon General, the Governor, and the Legislature with  
1443 respect to medical marijuana research and education in this  
1444 state. The board shall explore methods of implementing and  
1445 enforcing medical marijuana laws in relation to cancer control,  
1446 research, treatment, and education.

1447 (f) The board shall annually adopt a plan for medical  
1448 marijuana research, known as the "Medical Marijuana Research and  
1449 Education Plan," which must be in accordance with state law and  
1450 coordinate with existing programs in this state. The plan must

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1451 include recommendations for the coordination and integration of  
1452 medical, nursing, paramedical, community, and other resources  
1453 connected with the treatment of debilitating medical conditions,  
1454 research related to the treatment of such medical conditions,  
1455 and education.

1456 (g) By February 15 of each year, the board shall issue a  
1457 report to the Governor, the President of the Senate, and the  
1458 Speaker of the House of Representatives on research projects,  
1459 community outreach initiatives, and future plans for the  
1460 coalition.

1461 (5) RESPONSIBILITIES OF THE H. LEE MOFFITT CANCER CENTER  
1462 AND RESEARCH INSTITUTE, INC.—The H. Lee Moffitt Cancer Center  
1463 and Research Institute, Inc., shall allocate staff and provide  
1464 information and assistance, as the coalition's budget permits,  
1465 to assist the board in fulfilling its responsibilities.

1466 Section 3. Paragraph (b) of subsection (3) of section  
1467 381.987, Florida Statutes, is amended to read:

1468 381.987 Public records exemption for personal identifying  
1469 information in the compassionate use registry.—

1470 (3) The department shall allow access to the registry,  
1471 including access to confidential and exempt information, to:

1472 (b) A medical marijuana treatment center registered with  
1473 ~~dispensing organization approved by~~ the department pursuant to  
1474 s. 381.986 which is attempting to verify the authenticity of a  
1475 physician certification ~~physician's order~~ for marijuana ~~low-THC~~  
1476 ~~cannabis~~, including whether the physician certification ~~order~~  
1477 had been previously filled and whether the physician  
1478 certification ~~order~~ was written for the person attempting to  
1479 have it filled.

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1480 Section 4. Subsection (1) of section 385.211, Florida  
1481 Statutes, is amended to read:

1482 385.211 Refractory and intractable epilepsy treatment and  
1483 research at recognized medical centers.—

1484 (1) As used in this section, the term “low-THC cannabis”  
1485 means “low-THC cannabis” as defined in s. 381.986 which ~~that~~ is  
1486 dispensed only from a medical marijuana treatment center  
1487 ~~dispensing organization~~ as defined in s. 381.986.

1488 Section 5. Present paragraphs (b) and (c) of subsection (2)  
1489 of section 499.0295, Florida Statutes, are redesignated as  
1490 paragraphs (a) and (b), respectively, present paragraphs (a) and  
1491 (c) of that subsection are amended, a new paragraph (c) is added  
1492 to that subsection, and subsection (3) of that section is  
1493 amended, to read:

1494 499.0295 Experimental treatments for terminal conditions.—

1495 (2) As used in this section, the term:

1496 ~~(a) “Dispensing organization” means an organization~~  
1497 ~~approved by the Department of Health under s. 381.986(5) to~~  
1498 ~~cultivate, process, transport, and dispense low-THC cannabis,~~  
1499 ~~medical cannabis, and cannabis delivery devices.~~

1500 (b)(e) “Investigational drug, biological product, or  
1501 device” means:

1502 1. A drug, biological product, or device that has  
1503 successfully completed phase 1 of a clinical trial but has not  
1504 been approved for general use by the United States Food and Drug  
1505 Administration and remains under investigation in a clinical  
1506 trial approved by the United States Food and Drug  
1507 Administration; or

1508 2. Marijuana ~~Medical cannabis~~ that is manufactured and sold

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1509 by an MMTC ~~a dispensing organization~~.

1510 (c) "Medical marijuana treatment center" or "MMTC" means an  
1511 organization registered with the Department of Health under s.  
1512 381.986.

1513 (3) Upon the request of an eligible patient, a manufacturer  
1514 may, or upon the issuance of a physician certification a  
1515 ~~physician's order~~ pursuant to s. 381.986, an MMTC ~~a dispensing~~  
1516 ~~organization~~ may:

1517 (a) Make its investigational drug, biological product, or  
1518 device available under this section.

1519 (b) Provide an investigational drug, biological product,  
1520 device, or cannabis delivery device as defined in s. 381.986 to  
1521 an eligible patient without receiving compensation.

1522 (c) Require an eligible patient to pay the costs of, or the  
1523 costs associated with, the manufacture of the investigational  
1524 drug, biological product, device, or cannabis delivery device as  
1525 defined in s. 381.986.

1526 Section 6. Subsection (1) of section 1004.441, Florida  
1527 Statutes, is amended to read:

1528 1004.441 Refractory and intractable epilepsy treatment and  
1529 research.—

1530 (1) As used in this section, the term "low-THC cannabis"  
1531 means "low-THC cannabis" as defined in s. 381.986 which ~~that~~ is  
1532 dispensed only from a medical marijuana treatment center  
1533 ~~dispensing organization~~ as defined in s. 381.986.

1534 Section 7. The Division of Law Revision and Information is  
1535 directed to replace the phrase "the effective date of this act"  
1536 wherever it occurs in this act with the date the act becomes a  
1537 law.

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Section 8. This act shall take effect upon becoming a law.