

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

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1 Committee/Subcommittee hearing bill: Health & Human Services  
2 Committee

3 Representative Plasencia offered the following:

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5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 381.987, Florida Statutes, is amended  
8 to read:

9 381.987 Public records exemption for personal identifying  
10 information in the medical marijuana ~~compassionate~~ use  
11 registry.-

12 (1) A patient's or caregiver's personal identifying  
13 information held by the department in the medical marijuana  
14 ~~compassionate~~ use registry established under s. 381.986,  
15 ~~including, but not limited to, the patient's name, address,~~  
16 ~~telephone number, and government-issued identification number,~~

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17 and all information pertaining to the physician's certification  
18 ~~order~~ for marijuana ~~low-THC cannabis~~ and the dispensing thereof,  
19 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.  
20 I of the State Constitution.

21 (2) A physician's personal identifying information and  
22 Drug Enforcement Administration number held by the department in  
23 the medical marijuana ~~compassionate~~ use registry established  
24 under s. 381.986, ~~including, but not limited to, the physician's~~  
25 ~~name, address, telephone number, government-issued~~  
26 ~~identification number, and Drug Enforcement Administration~~  
27 ~~number,~~ and all information pertaining to the physician's  
28 certification ~~order~~ for marijuana ~~low-THC cannabis~~ and the  
29 dispensing thereof, are confidential and exempt from s.  
30 119.07(1) and s. 24(a), Art. I of the State Constitution.

31 (3) The department shall allow access to the confidential  
32 and exempt information in the medical marijuana use registry,  
33 ~~including access to confidential and exempt information,~~ to:

34 (a) A law enforcement agency that is investigating a  
35 violation of law regarding marijuana ~~cannabis~~ in which the  
36 subject of the investigation claims an exception established  
37 under s. 381.986, except for information related to the  
38 patient's diagnosis.

39 (b) A medical marijuana treatment center ~~dispensing~~  
40 ~~organization~~ approved by the department pursuant to s. 381.986  
41 which is attempting to verify the authenticity of a physician's

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42 certification order for marijuana ~~low-THC cannabis~~, including  
43 whether the certification order had been previously filled and  
44 whether the certification order was issued ~~written~~ for the  
45 person attempting to have it filled, except for information  
46 related to the patient's diagnosis.

47 (c) A physician who has issued a certification for  
48 marijuana ~~written an order for low-THC cannabis~~ for the purpose  
49 of monitoring the patient's use of such marijuana ~~cannabis~~ or  
50 for the purpose of determining, before issuing a certification  
51 for marijuana ~~an order for low-THC cannabis~~, whether another  
52 physician has issued a certification for ~~ordered~~ the patient's  
53 use of marijuana ~~low-THC cannabis~~. The physician may access the  
54 confidential and exempt information only for the patient for  
55 whom he or she has issued a certification ~~ordered~~ or is  
56 determining whether to issue a certification for ~~order~~ the use  
57 of marijuana ~~low-THC cannabis~~ pursuant to s. 381.986.

58 (d) Practitioners licensed to prescribe prescription  
59 medications.

60 (e) ~~(d)~~ An employee of the department for the purposes of  
61 maintaining the registry and periodic reporting or disclosure of  
62 information that has been redacted to exclude personal  
63 identifying information.

64 (f) ~~(e)~~ The department's relevant health care regulatory  
65 boards responsible for the licensure, regulation, or discipline  
66 of a physician if he or she is involved in a specific

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67 investigation of a violation of s. 381.986. If a health care  
68 regulatory board's investigation reveals potential criminal  
69 activity, the board may provide any relevant information to the  
70 appropriate law enforcement agency.

71 ~~(f)~~(g) A person engaged in bona fide research if the  
72 person agrees:

73 1. To submit a research plan to the department which  
74 specifies the exact nature of the information requested and the  
75 intended use of the information;

76 2. To maintain the confidentiality of the records or  
77 information if personal identifying information is made  
78 available to the researcher;

79 3. To destroy any confidential and exempt records or  
80 information obtained after the research is concluded; and

81 4. Not to contact, directly or indirectly, for any  
82 purpose, a patient or physician whose information is in the  
83 registry.

84 (4) All information released from the registry under  
85 subsection (3) remains confidential and exempt, and a person who  
86 receives access to such information must maintain the  
87 confidential and exempt status of the information received.

88 (5) A person who willfully and knowingly violates this  
89 section commits a felony of the third degree, punishable as  
90 provided in s. 775.082 or s. 775.083, ~~or s. 775.084.~~

91 (6) This section is subject to the Open Government Sunset

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92 Review Act in accordance with s. 119.15 and shall stand repealed  
93 on October 2, 2022 ~~2019~~, unless reviewed and saved from repeal  
94 through reenactment by the Legislature.

95 Section 2. The Legislature finds that it is a public  
96 necessity that identifying information of patients, caregivers  
97 and physicians held by the Department of Health in the medical  
98 marijuana use registry established under s. 381.986, Florida  
99 Statutes, be made confidential and exempt from s. 119.07(1),  
100 Florida Statutes, and s. 24(a), Article I of the State  
101 Constitution. The Legislature further finds that it is a public  
102 necessity to make confidential and exempt from s. 119.07(1),  
103 Florida Statutes, and s. 24(a), Article I of the State  
104 Constitution all information held in the medical marijuana use  
105 registry that pertains to a physician's certification for  
106 marijuana and the dispensing thereof pursuant to s. 381.986,  
107 Florida Statutes. The choice made by a physician to certify, and  
108 his or her patient to use marijuana to treat the patient's  
109 medical condition or symptoms and a caregiver to assist a  
110 qualifying patient with the medical use of marijuana is a  
111 personal and private matter between those two parties. The  
112 availability of such information could make the public aware of  
113 both the patient's use of marijuana and the patient's diseases  
114 or other medical conditions for which the patient is using  
115 marijuana. The knowledge of the patient's use of marijuana, the  
116 knowledge that the physician certified the use of marijuana, and

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117 the knowledge of the patient's diseases or other medical  
118 conditions, and the knowledge that a caregiver is assisting a  
119 patient could be used to embarrass, humiliate, harass, or  
120 discriminate against the patient, caregiver and the physician.  
121 This information could be used as a discriminatory tool by an  
122 employer who disapproves of the patient's use of marijuana, the  
123 caregiver's assistance in the use of marijuana or of the  
124 physician's certification of such use. However, despite the  
125 potential hazards of collecting such information, maintaining  
126 the medical marijuana use registry established under s. 381.986,  
127 Florida Statutes, is necessary to prevent the diversion and  
128 nonmedical use of marijuana as well as to aid and improve  
129 research done on the efficacy of marijuana. Therefore, the  
130 Legislature finds that it is a public necessity to make  
131 confidential and exempt from public records requirements the  
132 identifying information of patients and physicians held by the  
133 Department of Health in the medical marijuana use registry  
134 established under s. 381.986, Florida Statutes, and all  
135 information held in the registry that pertains to a physician's  
136 certification for marijuana and the dispensing thereof pursuant  
137 to s. 381.986, Florida Statutes.

138 Section 3. This act shall take effect on the same date  
139 that HB 1397 or similar legislation takes effect, if such  
140 legislation is adopted in the same legislative session or an  
141 extension thereof and becomes a law.

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**T I T L E   A M E N D M E N T**

Remove everything before the enacting clause and insert:  
An act relating to public records; amending s. 381.987, F.S.;  
exempting from public records requirements personal identifying  
information of patients, caregivers and physicians held by the  
Department of Health in the medical marijuana use registry and  
information related to the physician's certification for  
marijuana and the dispensing thereof; authorizing specified  
persons and entities access to the exempt information; requiring  
that information released from the registry remain confidential  
and exempt; providing a criminal penalty; providing for future  
legislative review and repeal of the exemption; providing a  
statement of public necessity; providing an effective date.