The Committee on Health Policy (Harrell) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 50 and 51

insert:

(4) PHYSICIAN CERTIFICATION.—

(a) A qualified physician may issue a physician certification only if the qualified physician:

1. Conducted a physical examination while physically present in the same room as the patient and a full assessment of the medical history of the patient.
2. Diagnosed the patient with at least one qualifying medical condition.

3. Determined that the medical use of marijuana would likely outweigh the potential health risks for the patient, and such determination must be documented in the patient’s medical record. If a patient is younger than 18 years of age, a second physician must concur with this determination, and such concurrence must be documented in the patient’s medical record.

4. Determined whether the patient is pregnant and documented such determination in the patient’s medical record. A physician may not issue a physician certification, except for low-THC cannabis, to a patient who is pregnant.

5. Reviewed the patient’s controlled drug prescription history in the prescription drug monitoring program database established pursuant to s. 893.055.

6. Reviews the medical marijuana use registry and confirmed that the patient does not have an active physician certification from another qualified physician.

7. Registers as the issuer of the physician certification for the named qualified patient on the medical marijuana use registry in an electronic manner determined by the department, and:

   a. Enters into the registry the contents of the physician certification, including the patient’s qualifying condition and the dosage not to exceed the daily dose amount determined by the department, the amount and forms of marijuana authorized for the patient, and any types of marijuana delivery devices needed by the patient for the medical use of marijuana.

   b. Updates the registry within 7 days after any change is
made to the original physician certification to reflect such change.

   c. Deactivates the registration of the qualified patient and the patient’s caregiver when the physician no longer recommends the medical use of marijuana for the patient.

8. Obtains the voluntary and informed written consent of the patient for medical use of marijuana each time the qualified physician issues a physician certification for the patient, which shall be maintained in the patient’s medical record. The patient, or the patient’s parent or legal guardian if the patient is a minor, must sign the informed consent acknowledging that the qualified physician has sufficiently explained its content. The qualified physician must use a standardized informed consent form adopted in rule by the Board of Medicine and the Board of Osteopathic Medicine, which must include, at a minimum, information related to:


   b. The approval and oversight status of marijuana by the Food and Drug Administration.

   c. The current state of research on the efficacy of marijuana to treat the qualifying conditions set forth in this section.

   d. The potential for addiction.

   e. The potential effect that marijuana may have on a patient’s coordination, motor skills, and cognition, including a warning against operating heavy machinery, operating a motor vehicle, or engaging in activities that require a person to be alert or respond quickly.
f. The potential side effects of marijuana use.
g. The risks, benefits, and drug interactions of marijuana.
h. The risks specifically associated with smoking marijuana.

i. That the patient’s de-identified health information contained in the physician certification and medical marijuana use registry may be used for research purposes.

For a patient not diagnosed with a terminal condition, if the certifying physician intends to certify the patient’s medical use of marijuana by way of smoking, the certifying physician must determine that smoking is the only means of administering medical marijuana that is likely to benefit the patient and a second physician must concur with that determination. The second physician must not be registered with the department as a certifying physician for any qualified patients. Such determination and concurrence must be documented in the patient’s medical record.

====== DIRECTORY CLAUSE AMENDMENT ======

And the directory clause is amended as follows:

Delete lines 13 - 14

and insert:

Section 1. Paragraph (j) of subsection (1), paragraph (a) of subsection (4), and paragraph (e) of subsection (8) of section 381.986, Florida Statutes, are

============ TITLE AMENDMENT ===========

And the title is amended as follows:
Between lines 6 and 7
insert:
requiring a patient’s informed consent form to include the risks specifically associated with smoking marijuana; requiring a certifying physician to make a determination in concurrence with a second physician who meets specified requirements before certifying a patient not diagnosed with a terminal condition to smoke marijuana for medical use;