

**By** the Committees on Innovation, Industry, and Technology; and Health Policy; and Senator Brandes

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1                                   A bill to be entitled  
2           An act relating to the safe medical use of marijuana;  
3           amending s. 381.986, F.S.; redefining the term  
4           "marijuana delivery device" to eliminate the  
5           requirement that such devices must be purchased from a  
6           medical marijuana treatment center; redefining the  
7           term "medical use" to include the possession, use, or  
8           administration of marijuana in a form for smoking;  
9           restricting smoking of marijuana in enclosed indoor  
10          workplaces; conforming a provision to changes made by  
11          the act; requiring a patient's informed consent form  
12          to include the risks specifically associated with  
13          smoking marijuana; requiring a certifying physician to  
14          make a determination in concurrence with a second  
15          physician who meets specified requirements before  
16          certifying a patient under 18 years of age who is not  
17          diagnosed with a terminal condition to smoke marijuana  
18          for medical use; requiring that marijuana in a form  
19          for smoking meet certain packaging and labeling  
20          requirements; deleting a provision prohibiting a  
21          medical marijuana treatment center from dispensing or  
22          selling specified products; allowing marijuana  
23          delivery devices to be purchased from a vendor other  
24          than a medical marijuana treatment center; providing  
25          applicability; repealing proviso language in s. 3, ch.  
26          2018-9, Laws of Florida, relating to salaries and  
27          benefits positions and other personnel services of the  
28          Department of Health; providing an effective date.  
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Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraphs (g) and (j) of subsection (1), paragraph (a) of subsection (4), paragraph (e) of subsection (8), subsection (14), and subsection (15) of section 381.986, Florida Statutes, are amended to read:

381.986 Medical use of marijuana.—

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

(g) "Marijuana delivery device" means an object used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing marijuana into the human body, and which is dispensed from a medical marijuana treatment center for medical use by a qualified patient, except that delivery devices intended for the medical use of marijuana by smoking need not be dispensed from a medical marijuana treatment center in order to qualify as marijuana delivery devices.

(j) "Medical use" means the acquisition, possession, use, delivery, transfer, or administration of marijuana authorized by a physician certification. The term does not include:

1. Possession, use, or administration of marijuana that was not purchased or acquired from a medical marijuana treatment center.

2. Possession, use, or administration of marijuana in a ~~form for smoking,~~ in the form of commercially produced food items other than edibles, ~~or of marijuana seeds or flower,~~ ~~except for flower in a sealed, tamper-proof receptacle for~~ vaping.

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59           3. Use or administration of any form or amount of marijuana  
60 in a manner that is inconsistent with the qualified physician's  
61 directions or physician certification.

62           4. Transfer of marijuana to a person other than the  
63 qualified patient for whom it was authorized or the qualified  
64 patient's caregiver on behalf of the qualified patient.

65           5. The smoking of marijuana in an enclosed indoor workplace  
66 as defined in s. 386.203(5).

67           ~~6.5.~~ Use or administration of marijuana in the following  
68 locations:

69           a. On any form of public transportation, except for low-THC  
70 cannabis.

71           b. In any public place, except for low-THC cannabis.

72           c. In a qualified patient's place of employment, except  
73 when permitted by his or her employer.

74           d. In a state correctional institution, as defined in s.  
75 944.02, or a correctional institution, as defined in s. 944.241.

76           e. On the grounds of a preschool, primary school, or  
77 secondary school, except as provided in s. 1006.062.

78           f. In a school bus, a vehicle, an aircraft, or a motorboat,  
79 except for low-THC cannabis.

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81 For the purposes of this subparagraph, the exceptions for low-  
82 THC cannabis do not include the smoking of low-THC cannabis.

83           (4) PHYSICIAN CERTIFICATION.—

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

86           1. Conducted a physical examination while physically  
87 present in the same room as the patient and a full assessment of

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88 the medical history of the patient.

89 2. Diagnosed the patient with at least one qualifying  
90 medical condition.

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

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

101 5. Reviewed the patient's controlled drug prescription  
102 history in the prescription drug monitoring program database  
103 established pursuant to s. 893.055.

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

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

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

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

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

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

134           a. The Federal Government's classification of marijuana as  
135 a Schedule I controlled substance.

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

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

141           d. The potential for addiction.

142           e. The potential effect that marijuana may have on a  
143 patient's coordination, motor skills, and cognition, including a  
144 warning against operating heavy machinery, operating a motor  
145 vehicle, or engaging in activities that require a person to be

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146 alert or respond quickly.

147 f. The potential side effects of marijuana use.

148 g. The risks, benefits, and drug interactions of marijuana.

149 h. The risks specifically associated with smoking  
150 marijuana.

151 ~~i.h.~~ That the patient's de-identified health information  
152 contained in the physician certification and medical marijuana  
153 use registry may be used for research purposes.

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155 For a patient not diagnosed with a terminal condition, if the  
156 patient is younger than 18 years of age and the certifying  
157 physician intends to certify the patient's medical use of  
158 marijuana by way of smoking, the certifying physician must  
159 determine that smoking is the most effective means of  
160 administering medical marijuana for the patient and a second  
161 physician must concur with that determination. The second  
162 physician must be a pediatrician. Such determination and  
163 concurrence must be documented in the patient's medical record.

164 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

165 (e) A licensed medical marijuana treatment center shall  
166 cultivate, process, transport, and dispense marijuana for  
167 medical use. A licensed medical marijuana treatment center may  
168 not contract for services directly related to the cultivation,  
169 processing, and dispensing of marijuana or marijuana delivery  
170 devices, except that a medical marijuana treatment center  
171 licensed pursuant to subparagraph (a)1. may contract with a  
172 single entity for the cultivation, processing, transporting, and  
173 dispensing of marijuana and marijuana delivery devices. A  
174 licensed medical marijuana treatment center must, at all times,

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175 maintain compliance with the criteria demonstrated and  
176 representations made in the initial application and the criteria  
177 established in this subsection. Upon request, the department may  
178 grant a medical marijuana treatment center a variance from the  
179 representations made in the initial application. Consideration  
180 of such a request shall be based upon the individual facts and  
181 circumstances surrounding the request. A variance may not be  
182 granted unless the requesting medical marijuana treatment center  
183 can demonstrate to the department that it has a proposed  
184 alternative to the specific representation made in its  
185 application which fulfills the same or a similar purpose as the  
186 specific representation in a way that the department can  
187 reasonably determine will not be a lower standard than the  
188 specific representation in the application. A variance may not  
189 be granted from the requirements in subparagraph 2. and  
190 subparagraphs (b)1. and 2.

191 1. A licensed medical marijuana treatment center may  
192 transfer ownership to an individual or entity who meets the  
193 requirements of this section. A publicly traded corporation or  
194 publicly traded company that meets the requirements of this  
195 section is not precluded from ownership of a medical marijuana  
196 treatment center. To accommodate a change in ownership:

197 a. The licensed medical marijuana treatment center shall  
198 notify the department in writing at least 60 days before the  
199 anticipated date of the change of ownership.

200 b. The individual or entity applying for initial licensure  
201 due to a change of ownership must submit an application that  
202 must be received by the department at least 60 days before the  
203 date of change of ownership.

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204 c. Upon receipt of an application for a license, the  
205 department shall examine the application and, within 30 days  
206 after receipt, notify the applicant in writing of any apparent  
207 errors or omissions and request any additional information  
208 required.

209 d. Requested information omitted from an application for  
210 licensure must be filed with the department within 21 days after  
211 the department's request for omitted information or the  
212 application shall be deemed incomplete and shall be withdrawn  
213 from further consideration and the fees shall be forfeited.

214  
215 Within 30 days after the receipt of a complete application, the  
216 department shall approve or deny the application.

217 2. A medical marijuana treatment center, and any individual  
218 or entity who directly or indirectly owns, controls, or holds  
219 with power to vote 5 percent or more of the voting shares of a  
220 medical marijuana treatment center, may not acquire direct or  
221 indirect ownership or control of any voting shares or other form  
222 of ownership of any other medical marijuana treatment center.

223 3. A medical marijuana treatment center may not enter into  
224 any form of profit-sharing arrangement with the property owner  
225 or lessor of any of its facilities where cultivation,  
226 processing, storing, or dispensing of marijuana and marijuana  
227 delivery devices occurs.

228 4. All employees of a medical marijuana treatment center  
229 must be 21 years of age or older and have passed a background  
230 screening pursuant to subsection (9).

231 5. Each medical marijuana treatment center must adopt and  
232 enforce policies and procedures to ensure employees and

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233 volunteers receive training on the legal requirements to  
234 dispense marijuana to qualified patients.

235 6. When growing marijuana, a medical marijuana treatment  
236 center:

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

242 b. Must grow marijuana within an enclosed structure and in  
243 a room separate from any other plant.

244 c. Must inspect seeds and growing plants for plant pests  
245 that endanger or threaten the horticultural and agricultural  
246 interests of the state in accordance with chapter 581 and any  
247 rules adopted thereunder.

248 d. Must perform fumigation or treatment of plants, or  
249 remove and destroy infested or infected plants, in accordance  
250 with chapter 581 and any rules adopted thereunder.

251 7. Each medical marijuana treatment center must produce and  
252 make available for purchase at least one low-THC cannabis  
253 product.

254 8. A medical marijuana treatment center that produces  
255 edibles must hold a permit to operate as a food establishment  
256 pursuant to chapter 500, the Florida Food Safety Act, and must  
257 comply with all the requirements for food establishments  
258 pursuant to chapter 500 and any rules adopted thereunder.  
259 Edibles may not contain more than 200 milligrams of  
260 tetrahydrocannabinol, and a single serving portion of an edible  
261 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles

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262 may have a potency variance of no greater than 15 percent.  
263 Edibles may not be attractive to children; be manufactured in  
264 the shape of humans, cartoons, or animals; be manufactured in a  
265 form that bears any reasonable resemblance to products available  
266 for consumption as commercially available candy; or contain any  
267 color additives. To discourage consumption of edibles by  
268 children, the department shall determine by rule any shapes,  
269 forms, and ingredients allowed and prohibited for edibles.  
270 Medical marijuana treatment centers may not begin processing or  
271 dispensing edibles until after the effective date of the rule.  
272 The department shall also adopt sanitation rules providing the  
273 standards and requirements for the storage, display, or  
274 dispensing of edibles.

275       9. Within 12 months after licensure, a medical marijuana  
276 treatment center must demonstrate to the department that all of  
277 its processing facilities have passed a Food Safety Good  
278 Manufacturing Practices, such as Global Food Safety Initiative  
279 or equivalent, inspection by a nationally accredited certifying  
280 body. A medical marijuana treatment center must immediately stop  
281 processing at any facility which fails to pass this inspection  
282 until it demonstrates to the department that such facility has  
283 met this requirement.

284       10. When processing marijuana, a medical marijuana  
285 treatment center must:

286           a. Process the marijuana within an enclosed structure and  
287 in a room separate from other plants or products.

288           b. Comply with department rules when processing marijuana  
289 with hydrocarbon solvents or other solvents or gases exhibiting  
290 potential toxicity to humans. The department shall determine by

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291 rule the requirements for medical marijuana treatment centers to  
292 use such solvents or gases exhibiting potential toxicity to  
293 humans.

294 c. Comply with federal and state laws and regulations and  
295 department rules for solid and liquid wastes. The department  
296 shall determine by rule procedures for the storage, handling,  
297 transportation, management, and disposal of solid and liquid  
298 waste generated during marijuana production and processing. The  
299 Department of Environmental Protection shall assist the  
300 department in developing such rules.

301 d. Test the processed marijuana using a medical marijuana  
302 testing laboratory before it is dispensed. Results must be  
303 verified and signed by two medical marijuana treatment center  
304 employees. Before dispensing, the medical marijuana treatment  
305 center must determine that the test results indicate that low-  
306 THC cannabis meets the definition of low-THC cannabis, the  
307 concentration of tetrahydrocannabinol meets the potency  
308 requirements of this section, the labeling of the concentration  
309 of tetrahydrocannabinol and cannabidiol is accurate, and all  
310 marijuana is safe for human consumption and free from  
311 contaminants that are unsafe for human consumption. The  
312 department shall determine by rule which contaminants must be  
313 tested for and the maximum levels of each contaminant which are  
314 safe for human consumption. The Department of Agriculture and  
315 Consumer Services shall assist the department in developing the  
316 testing requirements for contaminants that are unsafe for human  
317 consumption in edibles. The department shall also determine by  
318 rule the procedures for the treatment of marijuana that fails to  
319 meet the testing requirements of this section, s. 381.988, or

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320 department rule. The department may select a random sample from  
321 edibles available for purchase in a dispensing facility which  
322 shall be tested by the department to determine that the edible  
323 meets the potency requirements of this section, is safe for  
324 human consumption, and the labeling of the tetrahydrocannabinol  
325 and cannabidiol concentration is accurate. A medical marijuana  
326 treatment center may not require payment from the department for  
327 the sample. A medical marijuana treatment center must recall  
328 edibles, including all edibles made from the same batch of  
329 marijuana, which fail to meet the potency requirements of this  
330 section, which are unsafe for human consumption, or for which  
331 the labeling of the tetrahydrocannabinol and cannabidiol  
332 concentration is inaccurate. The medical marijuana treatment  
333 center must retain records of all testing and samples of each  
334 homogenous batch of marijuana for at least 9 months. The medical  
335 marijuana treatment center must contract with a marijuana  
336 testing laboratory to perform audits on the medical marijuana  
337 treatment center's standard operating procedures, testing  
338 records, and samples and provide the results to the department  
339 to confirm that the marijuana or low-THC cannabis meets the  
340 requirements of this section and that the marijuana or low-THC  
341 cannabis is safe for human consumption. A medical marijuana  
342 treatment center shall reserve two processed samples from each  
343 batch and retain such samples for at least 9 months for the  
344 purpose of such audits. A medical marijuana treatment center may  
345 use a laboratory that has not been certified by the department  
346 under s. 381.988 until such time as at least one laboratory  
347 holds the required certification, but in no event later than  
348 July 1, 2018.

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349 e. Package the marijuana in compliance with the United  
350 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.  
351 1471 et seq.

352 f. Package the marijuana in a receptacle that has a firmly  
353 affixed and legible label stating the following information:

354 (I) The marijuana or low-THC cannabis meets the  
355 requirements of sub-subparagraph d.

356 (II) The name of the medical marijuana treatment center  
357 from which the marijuana originates.

358 (III) The batch number and harvest number from which the  
359 marijuana originates and the date dispensed.

360 (IV) The name of the physician who issued the physician  
361 certification.

362 (V) The name of the patient.

363 (VI) The product name, if applicable, and dosage form,  
364 including concentration of tetrahydrocannabinol and cannabidiol.  
365 The product name may not contain wording commonly associated  
366 with products marketed by or to children.

367 (VII) The recommended dose.

368 (VIII) A warning that it is illegal to transfer medical  
369 marijuana to another person.

370 (IX) A marijuana universal symbol developed by the  
371 department.

372 11. The medical marijuana treatment center shall include in  
373 each package a patient package insert with information on the  
374 specific product dispensed related to:

375 a. Clinical pharmacology.

376 b. Indications and use.

377 c. Dosage and administration.

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378 d. Dosage forms and strengths.

379 e. Contraindications.

380 f. Warnings and precautions.

381 g. Adverse reactions.

382 12. In addition to the packaging and labeling requirements  
383 in subparagraphs 10. and 11., marijuana in a form for smoking  
384 must be packaged in a sealed receptacle with a legible and  
385 prominent warning to keep away from children and a warning that  
386 states marijuana smoke contains carcinogens and may negatively  
387 affect health. Such receptacles for marijuana in a form for  
388 smoking must be plain, opaque, and white without depictions of  
389 the product or images other than the medical marijuana treatment  
390 center's department-approved logo and the marijuana universal  
391 symbol.

392 13.12. Each edible shall be individually sealed in plain,  
393 opaque wrapping marked only with the marijuana universal symbol.  
394 Where practical, each edible shall be marked with the marijuana  
395 universal symbol. In addition to the packaging and labeling  
396 requirements in subparagraphs 10., ~~and 11., and 12.,~~ edible  
397 receptacles must be plain, opaque, and white without depictions  
398 of the product or images other than the medical marijuana  
399 treatment center's department-approved logo and the marijuana  
400 universal symbol. The receptacle must also include a list all of  
401 the edible's ingredients, storage instructions, an expiration  
402 date, a legible and prominent warning to keep away from children  
403 and pets, and a warning that the edible has not been produced or  
404 inspected pursuant to federal food safety laws.

405 14.13. When dispensing marijuana or a marijuana delivery  
406 device, a medical marijuana treatment center:

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- 407 a. May dispense any active, valid order for low-THC  
408 cannabis, medical cannabis and cannabis delivery devices issued  
409 pursuant to former s. 381.986, Florida Statutes 2016, which was  
410 entered into the medical marijuana use registry before July 1,  
411 2017.
- 412 b. May not dispense more than a 70-day supply of marijuana  
413 to a qualified patient or caregiver.
- 414 c. Must have the medical marijuana treatment center's  
415 employee who dispenses the marijuana or a marijuana delivery  
416 device enter into the medical marijuana use registry his or her  
417 name or unique employee identifier.
- 418 d. Must verify that the qualified patient and the  
419 caregiver, if applicable, each have an active registration in  
420 the medical marijuana use registry and an active and valid  
421 medical marijuana use registry identification card, the amount  
422 and type of marijuana dispensed matches the physician  
423 certification in the medical marijuana use registry for that  
424 qualified patient, and the physician certification has not  
425 already been filled.
- 426 e. May not dispense marijuana to a qualified patient who is  
427 younger than 18 years of age. If the qualified patient is  
428 younger than 18 years of age, marijuana may only be dispensed to  
429 the qualified patient's caregiver.
- 430 f. May not dispense or sell any other type of cannabis,  
431 alcohol, or illicit drug-related product, ~~including pipes,~~  
432 ~~bongs, or wrapping papers,~~ other than a marijuana delivery  
433 device required for the medical use of marijuana and which is  
434 specified in a physician certification.
- 435 g. Must, upon dispensing the marijuana or marijuana

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436 delivery device, record in the registry the date, time,  
437 quantity, and form of marijuana dispensed; the type of marijuana  
438 delivery device dispensed; and the name and medical marijuana  
439 use registry identification number of the qualified patient or  
440 caregiver to whom the marijuana delivery device was dispensed.

441 h. Must ensure that patient records are not visible to  
442 anyone other than the qualified patient, his or her caregiver,  
443 and authorized medical marijuana treatment center employees.

444 (14) EXCEPTIONS TO OTHER LAWS.—

445 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
446 any other provision of law, but subject to the requirements of  
447 this section, a qualified patient and the qualified patient's  
448 caregiver may purchase from a medical marijuana treatment center  
449 for the patient's medical use a marijuana delivery device and up  
450 to the amount of marijuana authorized in the physician  
451 certification, but may not possess more than a 70-day supply of  
452 marijuana at any given time and all marijuana purchased must  
453 remain in its original packaging.

454 (b) Notwithstanding paragraph (a), s. 893.13, s. 893.135,  
455 s. 893.147, or any other provision of law, a qualified patient  
456 and the qualified patient's caregiver may purchase and possess a  
457 marijuana delivery device intended for the medical use of  
458 marijuana by smoking from a vendor other than a medical  
459 marijuana treatment center if such delivery device, or a similar  
460 delivery device, is specified in that patient's certification  
461 issued by a qualified physician.

462 (c) ~~(b)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,  
463 or any other provision of law, but subject to the requirements  
464 of this section, an approved medical marijuana treatment center

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465 and its owners, managers, and employees may manufacture,  
466 possess, sell, deliver, distribute, dispense, and lawfully  
467 dispose of marijuana or a marijuana delivery device as provided  
468 in this section, s. 381.988, and by department rule. For the  
469 purposes of this subsection, the terms "manufacture,"  
470 "possession," "deliver," "distribute," and "dispense" have the  
471 same meanings as provided in s. 893.02.

472 (d)~~(e)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,  
473 or any other provision of law, but subject to the requirements  
474 of this section, a certified marijuana testing laboratory,  
475 including an employee of a certified marijuana testing  
476 laboratory acting within the scope of his or her employment, may  
477 acquire, possess, test, transport, and lawfully dispose of  
478 marijuana as provided in this section, in s. 381.988, and by  
479 department rule.

480 (e)~~(d)~~ A licensed medical marijuana treatment center and  
481 its owners, managers, and employees are not subject to licensure  
482 or regulation under chapter 465 or chapter 499 for  
483 manufacturing, possessing, selling, delivering, distributing,  
484 dispensing, or lawfully disposing of marijuana or a marijuana  
485 delivery device, as provided in this section, in s. 381.988, and  
486 by department rule.

487 (f)~~(e)~~ This subsection does not exempt a person from  
488 prosecution for a criminal offense related to impairment or  
489 intoxication resulting from the medical use of marijuana or  
490 relieve a person from any requirement under law to submit to a  
491 breath, blood, urine, or other test to detect the presence of a  
492 controlled substance.

493 (g)~~(f)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,

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494 or any other provision of law, but subject to the requirements  
495 of this section and pursuant to policies and procedures  
496 established pursuant to s. 1006.62(8), school personnel may  
497 possess marijuana that is obtained for medical use pursuant to  
498 this section by a student who is a qualified patient.

499 (h) ~~(g)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,  
500 or any other provision of law, but subject to the requirements  
501 of this section, a research institute established by a public  
502 postsecondary educational institution, such as the H. Lee  
503 Moffitt Cancer Center and Research Institute, Inc., established  
504 under s. 1004.43, or a state university that has achieved the  
505 preeminent state research university designation under s.  
506 1001.7065 may possess, test, transport, and lawfully dispose of  
507 marijuana for research purposes as provided by this section.

508 (15) APPLICABILITY.—

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

512 (b) This section does not require an employer to  
513 accommodate the medical use of marijuana in any workplace or any  
514 employee working while under the influence of marijuana.

515 (c) This section does not create a cause of action against  
516 an employer for wrongful discharge or discrimination.

517 (d) This section does not impair the ability of any party  
518 to restrict or limit smoking on his or her private property.

519 (e) This section does not prohibit the medical use of  
520 marijuana, or a caregiver assisting with the medical use of  
521 marijuana, in a nursing home, licensed under part II of chapter  
522 400; in a hospice facility, licensed under part IV of chapter

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523 400; or in an assisted living facility, licensed under part I of  
524 chapter 429, if the medical use of marijuana is not prohibited  
525 in the facility's policies.

526 (f) Marijuana, as defined in this section, is not  
527 reimbursable under chapter 440.

528 Section 2. The proviso following Specific Appropriation 422  
529 in section 3 of chapter 2018-9, Laws of Florida, and the proviso  
530 following Specific Appropriation 424 in section 3 of chapter  
531 2018-9, Laws of Florida, are repealed and the funds appropriated  
532 by those specific appropriations which were affected by those  
533 provisos are released from reserve.

534 Section 3. This act shall take effect upon becoming a law.