

The Florida Senate
HOUSE MESSAGE SUMMARY

Prepared By: The Professional Staff of the Committee on Health Policy

[2019s00188.hms.docx]

BILL: CS/CS/SB 188
INTRODUCER: Appropriations; Health Policy; Harrell
SUBJECT: Department of Health
DATE: May 1, 2019

I. Amendments Contained in Message:

House Amendment 1 – 822543 to CS/CS/SB 188 (body with title)

II. Summary of Amendments Contained in Message:

House Amendment 1 inserts the contents of HB 7117 in CS/CS/SB 188. The amendment amends various sections of the Florida Statutes and the Laws of Florida related to medical marijuana. Specifically, the amendment:

- Amends s. 381.986, F.S., to:
 - Restrict a physician from issuing a certification for medical marijuana, other than low-THC cannabis, to a patient under the age of 18 unless the physician determines that medical marijuana is the most effective treatment for the patient and a second physician, who is a board-certified pediatrician, concurs.
 - Restrict a physician from issuing a certification for more than six 35-day supplies of edibles.
 - Establish maximum daily dose limits for edibles and marijuana in a form for smoking of 200mg tetrahydrocannabinol (THC) and .08 ounces, respectively. These limits may be exceeded with an exception granted by the Department of Health (DOH).
 - Exempt veterans from the requirement to pay a fee for the issuance or renewal of medical marijuana use identification cards. The amendment also establishes documentation that a veteran may provide as proof of his or her veteran status.
 - Allow the DOH to select samples for testing from any type of marijuana. Current law only allows the DOH to select random samples of edibles and provides an exception to criminal statutes related to the acquisition, possession, testing, disposition, and transport of marijuana for employees of the DOH acting within the scope of their employment.
 - Extend the date by which a medical marijuana treatment center (MMTC) must begin using a testing laboratory certified by the DOH from July 1, 2018 to July 1, 2020. This date was extended from July 1, 2018 to July 1, 2019, in the implementing bill from the 2018 session.
 - Establish that an MMTC may not dispense more than a 35-day supply to a qualified patient or caregiver and to establish that a 35-day supply for edibles may not exceed 7000mg of THC.
 - Restrict an MMTC from dispensing marijuana in a form for smoking with a THC concentration of greater than 10%, effective January 1, 2020.

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- Amends s. 381.988, F.S., to restrict a certified testing laboratory and its officers, directors, and employees from having a direct or indirect financial relationship with an MMTC. The amendment specified that this provision does not restrict contractual relationships between a certified testing lab and an MMTC.
 - Amend s. 14 of ch. 2017-232, L.O.F., to extend the time in which the DOH may use emergency rulemaking to establish medical marijuana rules until July 1, 2020. Additionally, this section exempts non-emergency medical marijuana rules from the SERC requirements established in ss. 120.54(3)(b) and 120.541, F.S.
 - Appropriates \$350,000 in nonrecurring funds from the Grants and Donations Trust Fund to the DOH for FY 2019-2020 for the purpose of implementing the provisions of the amendment.