

1 A bill to be entitled

2 An act relating to the regulation of medical
3 marijuana; amending s. 381.986, F.S.; providing a
4 definition; prohibiting qualified physicians from
5 engaging in certain advertising for their practices
6 relating to marijuana for medical use; providing
7 exceptions; prohibiting medical marijuana treatment
8 centers and certain other individuals and entities
9 from employing qualified physicians or having direct
10 or indirect economic interests in qualified physician
11 practices and medical marijuana testing laboratories;
12 revising a provision relating to the potency of
13 tetrahydrocannabinol in edibles dispensed by a medical
14 marijuana treatment center; authorizing the Department
15 of Health to select samples of marijuana available in
16 certain facilities for testing for specified purposes;
17 authorizing the department to sample marijuana
18 delivery devices from a dispensing facility to
19 determine safety; requiring that a medical marijuana
20 treatment center recall all marijuana, rather than
21 only edibles, under certain circumstances; revising
22 advertising requirements for medical marijuana
23 treatment centers to prohibit radio and television
24 advertising; authorizing the department and certain
25 employees to acquire, possess, test, transport, and

26 dispose of marijuana; prohibiting a qualified
27 physician from issuing a physician certification to a
28 minor patient for marijuana, except for low-THC
29 cannabis; providing an exception; revising the supply
30 limits of marijuana for which a physician
31 certification may be issued; limiting the potency of
32 tetrahydrocannabinol in such supply; prohibiting a
33 qualified physician from certifying a certain potency
34 of tetrahydrocannabinol in marijuana; providing an
35 exception; prohibiting a medical marijuana treatment
36 center from dispensing a certain daily supply within a
37 specified period to conform to changes made by the
38 act; prohibiting a medical marijuana treatment center
39 from dispensing marijuana that exceeds a certain
40 potency of tetrahydrocannabinol; providing an
41 exception; amending s. 381.988, F.S.; prohibiting a
42 certified medical marijuana testing laboratory from
43 having an economic interest in or financial
44 relationship with a medical marijuana treatment
45 center; providing construction; authorizing the
46 department and certain employees to acquire, possess,
47 test, transport, and dispose of marijuana; providing
48 effective dates.

49
50 Be It Enacted by the Legislature of the State of Florida:

51
 52 Section 1. Paragraphs (l) through (o) of subsection (1) of
 53 section 381.986, Florida Statutes, are redesignated as
 54 paragraphs (m) through (p), respectively, paragraph (a) of
 55 subsection (3) and paragraphs (e) and (h) of subsection (8) are
 56 amended, and a new paragraph (l) is added to subsection (1),
 57 paragraph (d) is added to subsection (3), and paragraph (i) is
 58 added to subsection (14) of that section, to read:

59 381.986 Medical use of marijuana.—

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

61 (1) "Potency" means the relative strength of cannabinoids,
 62 and the total amount, in milligrams, of tetrahydrocannabinol as
 63 the sum of delta-9-tetrahydrocannabinol plus (0.877 multiplied
 64 by tetrahydrocannabinolic acid plus delta-8-
 65 tetrahydrocannabinol) and cannabidiol as the sum of cannabidiol
 66 plus (0.877 multiplied by cannabidiolic acid) in the final
 67 product dispensed to a patient or caregiver.

68 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

69 (a) Before being approved as a qualified physician, ~~as~~
 70 ~~defined in paragraph (1)(m),~~ and before each license renewal, a
 71 physician must successfully complete a 2-hour course and
 72 subsequent examination offered by the Florida Medical
 73 Association or the Florida Osteopathic Medical Association which
 74 encompass the requirements of this section and any rules adopted
 75 hereunder. The course and examination shall be administered at

76 | least annually and may be offered in a distance learning format,
77 | including an electronic, online format that is available upon
78 | request. The price of the course may not exceed \$500. A
79 | physician who has met the physician education requirements of
80 | former s. 381.986(4), Florida Statutes 2016, before June 23,
81 | 2017, shall be deemed to be in compliance with this paragraph
82 | from June 23, 2017, until 90 days after the course and
83 | examination required by this paragraph become available.

84 | (d) With respect to his or her practice relating to
85 | marijuana for medical use under this section, a qualified
86 | physician may not engage in radio or television advertising or
87 | advertising that is visible to members of the public from any
88 | street, sidewalk, park, or other public place, except:

89 | 1. The qualified physician's practice may have a sign that
90 | is affixed to the outside or hanging in the window of the
91 | premises which identifies the qualified physician, a department-
92 | approved practice name, or a department-approved logo. A
93 | qualified physician's practice name and logo may not contain
94 | wording or images commonly associated with marketing targeted
95 | toward children or which promote the recreational use of
96 | marijuana.

97 | 2. A qualified physician may engage in Internet
98 | advertising and marketing for his or her practice under the
99 | following conditions:

100 | a. All advertisements must be approved by the department.

101 b. An advertisement may not have any content that
102 specifically targets individuals under the age of 18, including
103 cartoon characters or similar images.

104 c. An advertisement may not be an unsolicited pop-up
105 advertisement.

106 d. Opt-in marketing must include an easy and permanent
107 opt-out feature.

108 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

109 (e) A licensed medical marijuana treatment center shall
110 cultivate, process, transport, and dispense marijuana for
111 medical use. A licensed medical marijuana treatment center may
112 not contract for services directly related to the cultivation,
113 processing, and dispensing of marijuana or marijuana delivery
114 devices, except that a medical marijuana treatment center
115 licensed pursuant to subparagraph (a)1. may contract with a
116 single entity for the cultivation, processing, transporting, and
117 dispensing of marijuana and marijuana delivery devices. A
118 licensed medical marijuana treatment center must, at all times,
119 maintain compliance with the criteria demonstrated and
120 representations made in the initial application and the criteria
121 established in this subsection. Upon request, the department may
122 grant a medical marijuana treatment center a variance from the
123 representations made in the initial application. Consideration
124 of such a request shall be based upon the individual facts and
125 circumstances surrounding the request. A variance may not be

126 | granted unless the requesting medical marijuana treatment center
127 | can demonstrate to the department that it has a proposed
128 | alternative to the specific representation made in its
129 | application which fulfills the same or a similar purpose as the
130 | specific representation in a way that the department can
131 | reasonably determine will not be a lower standard than the
132 | specific representation in the application. A variance may not
133 | be granted from the requirements in subparagraph 2. and
134 | subparagraphs (b)1. and 2.

135 | 1. A licensed medical marijuana treatment center may
136 | transfer ownership to an individual or entity who meets the
137 | requirements of this section. A publicly traded corporation or
138 | publicly traded company that meets the requirements of this
139 | section is not precluded from ownership of a medical marijuana
140 | treatment center. To accommodate a change in ownership:

141 | a. The licensed medical marijuana treatment center shall
142 | notify the department in writing at least 60 days before the
143 | anticipated date of the change of ownership.

144 | b. The individual or entity applying for initial licensure
145 | due to a change of ownership must submit an application that
146 | must be received by the department at least 60 days before the
147 | date of change of ownership.

148 | c. Upon receipt of an application for a license, the
149 | department shall examine the application and, within 30 days
150 | after receipt, notify the applicant in writing of any apparent

151 errors or omissions and request any additional information
152 required.

153 d. Requested information omitted from an application for
154 licensure must be filed with the department within 21 days after
155 the department's request for omitted information or the
156 application shall be deemed incomplete and shall be withdrawn
157 from further consideration and the fees shall be forfeited.

158

159 Within 30 days after the receipt of a complete application, the
160 department shall approve or deny the application.

161 2. A medical marijuana treatment center, and any
162 individual or entity who directly or indirectly owns, controls,
163 or holds with power to vote 5 percent or more of the voting
164 shares of a medical marijuana treatment center, may not acquire
165 direct or indirect ownership or control of any voting shares or
166 other form of ownership of any other medical marijuana treatment
167 center.

168 3. A medical marijuana treatment center and any individual
169 or entity that directly or indirectly owns, controls, or holds
170 with power to vote 5 percent or more of the voting shares of a
171 medical marijuana treatment center may not employ a qualified
172 physician or have any direct or indirect economic interest in a
173 qualified physician's practice or a marijuana testing
174 laboratory.

175 ~~4.3.~~ A medical marijuana treatment center may not enter

176 into any form of profit-sharing arrangement with the property
177 owner or lessor of any of its facilities where cultivation,
178 processing, storing, or dispensing of marijuana and marijuana
179 delivery devices occurs.

180 ~~5.4.~~ All employees of a medical marijuana treatment center
181 must be 21 years of age or older and have passed a background
182 screening pursuant to subsection (9).

183 ~~6.5.~~ Each medical marijuana treatment center must adopt
184 and enforce policies and procedures to ensure employees and
185 volunteers receive training on the legal requirements to
186 dispense marijuana to qualified patients.

187 ~~7.6.~~ When growing marijuana, a medical marijuana treatment
188 center:

189 a. May use pesticides determined by the department, after
190 consultation with the Department of Agriculture and Consumer
191 Services, to be safely applied to plants intended for human
192 consumption, but may not use pesticides designated as
193 restricted-use pesticides pursuant to s. 487.042.

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

196 c. Must inspect seeds and growing plants for plant pests
197 that endanger or threaten the horticultural and agricultural
198 interests of the state in accordance with chapter 581 and any
199 rules adopted thereunder.

200 d. Must perform fumigation or treatment of plants, or

201 remove and destroy infested or infected plants, in accordance
202 with chapter 581 and any rules adopted thereunder.

203 ~~8.7.~~ Each medical marijuana treatment center must produce
204 and make available for purchase at least one low-THC cannabis
205 product.

206 ~~9.8.~~ A medical marijuana treatment center that produces
207 edibles must hold a permit to operate as a food establishment
208 pursuant to chapter 500, the Florida Food Safety Act, and must
209 comply with all the requirements for food establishments
210 pursuant to chapter 500 and any rules adopted thereunder.
211 Edibles may not contain more than 200 milligrams of
212 tetrahydrocannabinol, and a single serving portion of an edible
213 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
214 may have a potency variance of no greater than 15 percent of the
215 10 milligrams of tetrahydrocannabinol per single serving limit
216 or 15 percent of the 200 milligrams of tetrahydrocannabinol per
217 product limit. Edibles may not be attractive to children; be
218 manufactured in the shape of humans, cartoons, or animals; be
219 manufactured in a form that bears any reasonable resemblance to
220 products available for consumption as commercially available
221 candy; or contain any color additives. To discourage consumption
222 of edibles by children, the department shall determine by rule
223 any shapes, forms, and ingredients allowed and prohibited for
224 edibles. Medical marijuana treatment centers may not begin
225 processing or dispensing edibles until after the effective date

226 of the rule. The department shall also adopt sanitation rules
227 providing the standards and requirements for the storage,
228 display, or dispensing of edibles.

229 ~~10.9.~~ Within 12 months after licensure, a medical
230 marijuana treatment center must demonstrate to the department
231 that all of its processing facilities have passed a Food Safety
232 Good Manufacturing Practices, such as Global Food Safety
233 Initiative or equivalent, inspection by a nationally accredited
234 certifying body. A medical marijuana treatment center must
235 immediately stop processing at any facility which fails to pass
236 this inspection until it demonstrates to the department that
237 such facility has met this requirement.

238 ~~11.10.~~ A medical marijuana treatment center that produces
239 prerolled marijuana cigarettes may not use wrapping paper made
240 with tobacco or hemp.

241 ~~12.11.~~ When processing marijuana, a medical marijuana
242 treatment center must:

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

245 b. Comply with department rules when processing marijuana
246 with hydrocarbon solvents or other solvents or gases exhibiting
247 potential toxicity to humans. The department shall determine by
248 rule the requirements for medical marijuana treatment centers to
249 use such solvents or gases exhibiting potential toxicity to
250 humans.

251 c. Comply with federal and state laws and regulations and
252 department rules for solid and liquid wastes. The department
253 shall determine by rule procedures for the storage, handling,
254 transportation, management, and disposal of solid and liquid
255 waste generated during marijuana production and processing. The
256 Department of Environmental Protection shall assist the
257 department in developing such rules.

258 13.d. A medical marijuana treatment center must test the
259 ~~processed~~ marijuana using a medical marijuana testing laboratory
260 before it is dispensed. Results must be verified and signed by
261 two medical marijuana treatment center employees. Before
262 dispensing, the medical marijuana treatment center must
263 determine that the test results indicate that low-THC cannabis
264 meets the definition of low-THC cannabis, the concentration of
265 tetrahydrocannabinol meets the potency requirements of this
266 section, the labeling of the concentration of
267 tetrahydrocannabinol and cannabidiol is accurate, and all
268 marijuana is safe for human consumption and free from
269 contaminants that are unsafe for human consumption. The
270 department shall determine by rule which contaminants must be
271 tested for and the maximum levels of each contaminant which are
272 safe for human consumption. The Department of Agriculture and
273 Consumer Services shall assist the department in developing the
274 testing requirements for contaminants that are unsafe for human
275 consumption in edibles. The department shall also determine by

276 rule the procedures for the treatment of marijuana that fails to
277 meet the testing requirements of this section, s. 381.988, or
278 department rule. The department may select samples of marijuana
279 ~~a random sample from edibles~~ available in a cultivation
280 facility, processing facility, or for purchase in a dispensing
281 facility which shall be tested by the department to determine
282 that the marijuana edible meets the potency requirements of this
283 section, is safe for human consumption, and the labeling of the
284 tetrahydrocannabinol and cannabidiol concentration is accurate
285 or to verify medical marijuana testing laboratory results. The
286 department may also sample marijuana delivery devices from a
287 dispensing facility to determine that the marijuana delivery
288 device is safe for use by qualified patients. A medical
289 marijuana treatment center may not require payment from the
290 department for the sample. A medical marijuana treatment center
291 must recall all marijuana which fails ~~edibles, including all~~
292 ~~edibles made from the same batch of marijuana, which fail to~~
293 meet the potency requirements of this section, which is ~~are~~
294 unsafe for human consumption, or for which the labeling of the
295 tetrahydrocannabinol and cannabidiol concentration is
296 inaccurate. The medical marijuana treatment center must retain
297 records of all testing and samples of each homogenous batch of
298 marijuana for at least 9 months. The medical marijuana treatment
299 center must contract with a marijuana testing laboratory to
300 perform audits on the medical marijuana treatment center's

301 standard operating procedures, testing records, and samples and
302 provide the results to the department to confirm that the
303 marijuana or low-THC cannabis meets the requirements of this
304 section and that the marijuana or low-THC cannabis is safe for
305 human consumption. A medical marijuana treatment center shall
306 reserve two processed samples from each batch and retain such
307 samples for at least 9 months for the purpose of such audits. A
308 medical marijuana treatment center may use a laboratory that has
309 not been certified by the department under s. 381.988 until such
310 time as at least one laboratory holds the required
311 certification, but in no event later than July 1, 2018.

312 14. When packaging marijuana, a medical marijuana
313 treatment center must:

314 a.e. Package the marijuana in compliance with the United
315 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
316 1471 et seq.

317 b.f. Package the marijuana in a receptacle that has a
318 firmly affixed and legible label stating the following
319 information:

320 (I) The marijuana or low-THC cannabis meets the
321 requirements of subparagraph 13 ~~sub-subparagraph d.~~

322 (II) The name of the medical marijuana treatment center
323 from which the marijuana originates.

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

326 (IV) The name of the physician who issued the physician
 327 certification.

328 (V) The name of the patient.

329 (VI) The product name, if applicable, and dosage form,
 330 including concentration of tetrahydrocannabinol and cannabidiol.
 331 The product name may not contain wording commonly associated
 332 with products marketed by or to children.

333 (VII) The recommended dose.

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

336 (IX) A marijuana universal symbol developed by the
 337 department.

338 15.12. The medical marijuana treatment center shall
 339 include in each package a patient package insert with
 340 information on the specific product dispensed related to:

- 341 a. Clinical pharmacology.
- 342 b. Indications and use.
- 343 c. Dosage and administration.
- 344 d. Dosage forms and strengths.
- 345 e. Contraindications.
- 346 f. Warnings and precautions.
- 347 g. Adverse reactions.

348 16.13. In addition to the packaging and labeling
 349 requirements specified in subparagraphs 14. and 15., ~~11.~~ and
 350 ~~12.,~~ marijuana in a form for smoking must be packaged in a

351 sealed receptacle with a legible and prominent warning to keep
352 away from children and a warning that states marijuana smoke
353 contains carcinogens and may negatively affect health. Such
354 receptacles for marijuana in a form for smoking must be plain,
355 opaque, and white without depictions of the product or images
356 other than the medical marijuana treatment center's department-
357 approved logo and the marijuana universal symbol.

358 ~~17.14.~~ The department shall adopt rules to regulate the
359 types, appearance, and labeling of marijuana delivery devices
360 dispensed from a medical marijuana treatment center. The rules
361 must require marijuana delivery devices to have an appearance
362 consistent with medical use.

363 ~~18.15.~~ Each edible shall be individually sealed in plain,
364 opaque wrapping marked only with the marijuana universal symbol.
365 Where practical, each edible shall be marked with the marijuana
366 universal symbol. In addition to the packaging and labeling
367 requirements in subparagraphs 14. and 15. ~~11. and 12.~~, edible
368 receptacles must be plain, opaque, and white without depictions
369 of the product or images other than the medical marijuana
370 treatment center's department-approved logo and the marijuana
371 universal symbol. The receptacle must also include a list of all
372 the edible's ingredients, storage instructions, an expiration
373 date, a legible and prominent warning to keep away from children
374 and pets, and a warning that the edible has not been produced or
375 inspected pursuant to federal food safety laws.

376 ~~19.16.~~ When dispensing marijuana or a marijuana delivery
377 device, a medical marijuana treatment center:

378 a. May dispense any active, valid order for low-THC
379 cannabis, medical cannabis and cannabis delivery devices issued
380 pursuant to former s. 381.986, Florida Statutes 2016, which was
381 entered into the medical marijuana use registry before July 1,
382 2017.

383 b. May not dispense more than a 70-day supply of marijuana
384 within any 70-day period to a qualified patient or caregiver.
385 May not dispense more than one 35-day supply of marijuana in a
386 form for smoking within any 35-day period to a qualified patient
387 or caregiver. A 35-day supply of marijuana in a form for smoking
388 may not exceed 2.5 ounces unless an exception to this amount is
389 approved by the department pursuant to paragraph (4)(f).

390 c. Must have the medical marijuana treatment center's
391 employee who dispenses the marijuana or a marijuana delivery
392 device enter into the medical marijuana use registry his or her
393 name or unique employee identifier.

394 d. Must verify that the qualified patient and the
395 caregiver, if applicable, each have an active registration in
396 the medical marijuana use registry and an active and valid
397 medical marijuana use registry identification card, the amount
398 and type of marijuana dispensed matches the physician
399 certification in the medical marijuana use registry for that
400 qualified patient, and the physician certification has not

401 already been filled.

402 e. May not dispense marijuana to a qualified patient who
403 is younger than 18 years of age. If the qualified patient is
404 younger than 18 years of age, marijuana may only be dispensed to
405 the qualified patient's caregiver.

406 f. May not dispense or sell any other type of cannabis,
407 alcohol, or illicit drug-related product, including pipes or
408 wrapping papers made with tobacco or hemp, other than a
409 marijuana delivery device required for the medical use of
410 marijuana and which is specified in a physician certification.

411 g. Must, upon dispensing the marijuana or marijuana
412 delivery device, record in the registry the date, time,
413 quantity, and form of marijuana dispensed; the type of marijuana
414 delivery device dispensed; and the name and medical marijuana
415 use registry identification number of the qualified patient or
416 caregiver to whom the marijuana delivery device was dispensed.

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

420 (h) A medical marijuana treatment center may not engage in
421 radio or television advertising or advertising that is visible
422 to members of the public from any street, sidewalk, park, or
423 other public place, except:

424 1. The dispensing location of a medical marijuana
425 treatment center may have a sign that is affixed to the outside

426 or hanging in the window of the premises which identifies the
427 dispensary by the licensee's business name, a department-
428 approved trade name, or a department-approved logo. A medical
429 marijuana treatment center's trade name and logo may not contain
430 wording or images commonly associated with marketing targeted
431 toward children or which promote recreational use of marijuana.

432 2. A medical marijuana treatment center may engage in
433 Internet advertising and marketing under the following
434 conditions:

435 a. All advertisements must be approved by the department.

436 b. An advertisement may not have any content that
437 specifically targets individuals under the age of 18, including
438 cartoon characters or similar images.

439 c. An advertisement may not be an unsolicited pop-up
440 advertisement.

441 d. Opt-in marketing must include an easy and permanent
442 opt-out feature.

443 (14) EXCEPTIONS TO OTHER LAWS.—

444 (i) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
445 any other provision of law, but subject to the requirements of
446 this section, the department, including an employee of the
447 department acting within the scope of his or her employment, may
448 acquire, possess, test, transport, and lawfully dispose of
449 marijuana as provided in this section.

450 Section 2. Effective July 1, 2022, paragraphs (g) through

451 (k) of subsection (4) of s. 381.986, Florida Statutes, are
452 redesignated as paragraphs (h) through (l), respectively,
453 paragraphs (a), (d), and (f) of that subsection, paragraph (e)
454 of subsection (8), and paragraph (a) of subsection (14) are
455 amended, and a new paragraph (g) is added to subsection (4) of
456 that section, to read:

457 381.986 Medical use of marijuana.—

458 (4) PHYSICIAN CERTIFICATION.—

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

461 1. Conducted a physical examination while physically
462 present in the same room as the patient and a full assessment of
463 the medical history of the patient.

464 2. Diagnosed the patient with at least one qualifying
465 medical condition.

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

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

476 5. Reviewed the patient's controlled drug prescription
477 history in the prescription drug monitoring program database
478 established pursuant to s. 893.055.

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

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

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

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

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

498 8. Obtains the voluntary and informed written consent of
499 the patient for medical use of marijuana each time the qualified
500 physician issues a physician certification for the patient,

501 | which shall be maintained in the patient's medical record. The
502 | patient, or the patient's parent or legal guardian if the
503 | patient is a minor, must sign the informed consent acknowledging
504 | that the qualified physician has sufficiently explained its
505 | content. The qualified physician must use a standardized
506 | informed consent form adopted in rule by the Board of Medicine
507 | and the Board of Osteopathic Medicine, which must include, at a
508 | minimum, information related to:

509 | a. The Federal Government's classification of marijuana as
510 | a Schedule I controlled substance.

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

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

516 | d. The potential for addiction.

517 | e. The potential effect that marijuana may have on a
518 | patient's coordination, motor skills, and cognition, including a
519 | warning against operating heavy machinery, operating a motor
520 | vehicle, or engaging in activities that require a person to be
521 | alert or respond quickly.

522 | f. The potential side effects of marijuana use, including
523 | the negative health risks associated with smoking marijuana.

524 | g. The risks, benefits, and drug interactions of
525 | marijuana.

526 h. That the patient's de-identified health information
527 contained in the physician certification and medical marijuana
528 use registry may be used for research purposes.

529 (d) A qualified physician may not issue a physician
530 certification to a patient under 18 years of age for marijuana,
531 except for low-THC cannabis, unless the qualified physician
532 determines that marijuana other than low-THC cannabis is the
533 most effective treatment for the patient and a second physician
534 who is a board-certified pediatrician concurs with such
535 determination. A qualified physician may not issue a physician
536 certification for marijuana in a form for smoking to a patient
537 under 18 years of age unless the patient is diagnosed with a
538 terminal condition, the qualified physician determines that
539 smoking is the most effective route of administration for the
540 patient, and a second physician who is a board-certified
541 pediatrician concurs with such determination. Such
542 determinations ~~determination~~ and concurrences ~~concurrence~~ must
543 be documented in the patient's medical record and in the medical
544 marijuana use registry. The certifying physician must obtain the
545 written informed consent of such patient's parent or legal
546 guardian before issuing a physician certification to the patient
547 for marijuana or marijuana in a form for smoking. The qualified
548 physician must use a standardized informed consent form adopted
549 in rule by the Board of Medicine and the Board of Osteopathic
550 Medicine which must include information concerning the negative

551 health effects of marijuana and smoking marijuana on persons
552 under 18 years of age and an acknowledgment that the qualified
553 physician has sufficiently explained the contents of the form.

554 (f) A qualified physician may not issue a physician
555 certification for ~~more than three 70-day supply limits of~~
556 ~~marijuana or~~ more than six 35-day supply limits of marijuana ~~in~~
557 ~~a form for smoking~~. The department may ~~shall~~ quantify by rule a
558 daily dose amount with equivalent dose amounts for each
559 allowable form of marijuana dispensed by a medical marijuana
560 treatment center. A 35-day supply of marijuana may not exceed
561 15,000 milligrams of tetrahydrocannabinol ~~The department shall~~
562 ~~use the daily dose amount to calculate a 70-day supply.~~

563 1. A qualified physician may request an exception to the
564 daily dose amount limit, the 35-day supply limit of marijuana ~~in~~
565 ~~a form for smoking~~, and the 4-ounce possession limit of
566 marijuana in a form for smoking established in paragraph
567 (14) (a). The request shall be made electronically on a form
568 adopted by the department in rule and must include, at a
569 minimum:

570 a. The qualified patient's qualifying medical condition.

571 b. The dosage and route of administration that was
572 insufficient to provide relief to the qualified patient.

573 c. A description of how the patient will benefit from an
574 increased amount.

575 d. The minimum daily dose amount of marijuana that would

576 | be sufficient for the treatment of the qualified patient's
577 | qualifying medical condition.

578 | 2. A qualified physician must provide the qualified
579 | patient's records upon the request of the department.

580 | 3. The department shall approve or disapprove the request
581 | within 14 days after receipt of the complete documentation
582 | required by this paragraph. The request shall be deemed approved
583 | if the department fails to act within this time period.

584 | (g) A qualified physician may not issue a physician
585 | certification for marijuana that has a tetrahydrocannabinol
586 | potency, by weight or volume, of greater than 10 percent for
587 | marijuana in a form for smoking or greater than 60 percent in
588 | the final product for all other forms of marijuana, excluding
589 | edibles. A qualified physician may certify marijuana with any
590 | potency of tetrahydrocannabinol, if the qualified patient is
591 | diagnosed with a terminal condition and the qualified physician
592 | indicates such diagnosis on the physician certification.

593 | (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

594 | (e) A licensed medical marijuana treatment center shall
595 | cultivate, process, transport, and dispense marijuana for
596 | medical use. A licensed medical marijuana treatment center may
597 | not contract for services directly related to the cultivation,
598 | processing, and dispensing of marijuana or marijuana delivery
599 | devices, except that a medical marijuana treatment center
600 | licensed pursuant to subparagraph (a)1. may contract with a

601 single entity for the cultivation, processing, transporting, and
602 dispensing of marijuana and marijuana delivery devices. A
603 licensed medical marijuana treatment center must, at all times,
604 maintain compliance with the criteria demonstrated and
605 representations made in the initial application and the criteria
606 established in this subsection. Upon request, the department may
607 grant a medical marijuana treatment center a variance from the
608 representations made in the initial application. Consideration
609 of such a request shall be based upon the individual facts and
610 circumstances surrounding the request. A variance may not be
611 granted unless the requesting medical marijuana treatment center
612 can demonstrate to the department that it has a proposed
613 alternative to the specific representation made in its
614 application which fulfills the same or a similar purpose as the
615 specific representation in a way that the department can
616 reasonably determine will not be a lower standard than the
617 specific representation in the application. A variance may not
618 be granted from the requirements in subparagraph 2. and
619 subparagraphs (b)1. and 2.

620 1. A licensed medical marijuana treatment center may
621 transfer ownership to an individual or entity who meets the
622 requirements of this section. A publicly traded corporation or
623 publicly traded company that meets the requirements of this
624 section is not precluded from ownership of a medical marijuana
625 treatment center. To accommodate a change in ownership:

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

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

633 c. Upon receipt of an application for a license, the
634 department shall examine the application and, within 30 days
635 after receipt, notify the applicant in writing of any apparent
636 errors or omissions and request any additional information
637 required.

638 d. Requested information omitted from an application for
639 licensure must be filed with the department within 21 days after
640 the department's request for omitted information or the
641 application shall be deemed incomplete and shall be withdrawn
642 from further consideration and the fees shall be forfeited.

643
644 Within 30 days after the receipt of a complete application, the
645 department shall approve or deny the application.

646 2. A medical marijuana treatment center, and any
647 individual or entity who directly or indirectly owns, controls,
648 or holds with power to vote 5 percent or more of the voting
649 shares of a medical marijuana treatment center, may not acquire
650 direct or indirect ownership or control of any voting shares or

651 other form of ownership of any other medical marijuana treatment
652 center.

653 3. A medical marijuana treatment center and any individual
654 or entity that directly or indirectly owns, controls, or holds
655 with power to vote 5 percent or more of the voting shares of a
656 medical marijuana treatment center may not employ a qualified
657 physician or have any direct or indirect economic interest in a
658 qualified physician's practice or a marijuana testing
659 laboratory.

660 4. A medical marijuana treatment center may not enter into
661 any form of profit-sharing arrangement with the property owner
662 or lessor of any of its facilities where cultivation,
663 processing, storing, or dispensing of marijuana and marijuana
664 delivery devices occurs.

665 5. All employees of a medical marijuana treatment center
666 must be 21 years of age or older and have passed a background
667 screening pursuant to subsection (9).

668 6. Each medical marijuana treatment center must adopt and
669 enforce policies and procedures to ensure employees and
670 volunteers receive training on the legal requirements to
671 dispense marijuana to qualified patients.

672 7. When growing marijuana, a medical marijuana treatment
673 center:

674 a. May use pesticides determined by the department, after
675 consultation with the Department of Agriculture and Consumer

676 Services, to be safely applied to plants intended for human
677 consumption, but may not use pesticides designated as
678 restricted-use pesticides pursuant to s. 487.042.

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

681 c. Must inspect seeds and growing plants for plant pests
682 that endanger or threaten the horticultural and agricultural
683 interests of the state in accordance with chapter 581 and any
684 rules adopted thereunder.

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

688 8. Each medical marijuana treatment center must produce
689 and make available for purchase at least one low-THC cannabis
690 product.

691 9. A medical marijuana treatment center that produces
692 edibles must hold a permit to operate as a food establishment
693 pursuant to chapter 500, the Florida Food Safety Act, and must
694 comply with all the requirements for food establishments
695 pursuant to chapter 500 and any rules adopted thereunder.
696 Edibles may not contain more than 200 milligrams of
697 tetrahydrocannabinol, and a single serving portion of an edible
698 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
699 may have a potency variance of no greater than 15 percent of the
700 10 milligrams of tetrahydrocannabinol per single serving limit

701 or 15 percent of the 200 milligrams of tetrahydrocannabinol per
702 product limit. Edibles may not be attractive to children; be
703 manufactured in the shape of humans, cartoons, or animals; be
704 manufactured in a form that bears any reasonable resemblance to
705 products available for consumption as commercially available
706 candy; or contain any color additives. To discourage consumption
707 of edibles by children, the department shall determine by rule
708 any shapes, forms, and ingredients allowed and prohibited for
709 edibles. Medical marijuana treatment centers may not begin
710 processing or dispensing edibles until after the effective date
711 of the rule. The department shall also adopt sanitation rules
712 providing the standards and requirements for the storage,
713 display, or dispensing of edibles.

714 10. Within 12 months after licensure, a medical marijuana
715 treatment center must demonstrate to the department that all of
716 its processing facilities have passed a Food Safety Good
717 Manufacturing Practices, such as Global Food Safety Initiative
718 or equivalent, inspection by a nationally accredited certifying
719 body. A medical marijuana treatment center must immediately stop
720 processing at any facility which fails to pass this inspection
721 until it demonstrates to the department that such facility has
722 met this requirement.

723 11. A medical marijuana treatment center that produces
724 prerolled marijuana cigarettes may not use wrapping paper made
725 with tobacco or hemp.

726 12. When processing marijuana, a medical marijuana
727 treatment center must:

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

730 b. Comply with department rules when processing marijuana
731 with hydrocarbon solvents or other solvents or gases exhibiting
732 potential toxicity to humans. The department shall determine by
733 rule the requirements for medical marijuana treatment centers to
734 use such solvents or gases exhibiting potential toxicity to
735 humans.

736 c. Comply with federal and state laws and regulations and
737 department rules for solid and liquid wastes. The department
738 shall determine by rule procedures for the storage, handling,
739 transportation, management, and disposal of solid and liquid
740 waste generated during marijuana production and processing. The
741 Department of Environmental Protection shall assist the
742 department in developing such rules.

743 13. A medical marijuana treatment center must test
744 marijuana using a medical marijuana testing laboratory before it
745 is dispensed. Results must be verified and signed by two medical
746 marijuana treatment center employees. Before dispensing, the
747 medical marijuana treatment center must determine that the test
748 results indicate that low-THC cannabis meets the definition of
749 low-THC cannabis, the concentration of tetrahydrocannabinol
750 meets the potency requirements of this section, the labeling of

751 the concentration of tetrahydrocannabinol and cannabidiol is
752 accurate, and all marijuana is safe for human consumption and
753 free from contaminants that are unsafe for human consumption.
754 The department shall determine by rule which contaminants must
755 be tested for and the maximum levels of each contaminant which
756 are safe for human consumption. The Department of Agriculture
757 and Consumer Services shall assist the department in developing
758 the testing requirements for contaminants that are unsafe for
759 human consumption in edibles. The department shall also
760 determine by rule the procedures for the treatment of marijuana
761 that fails to meet the testing requirements of this section, s.
762 381.988, or department rule. The department may select samples
763 of marijuana available in a cultivation facility, processing
764 facility, or for purchase in a dispensing facility which shall
765 be tested by the department to determine that the marijuana
766 meets the potency requirements of this section, is safe for
767 human consumption, and the labeling of the tetrahydrocannabinol
768 and cannabidiol concentration is accurate or to verify medical
769 marijuana testing laboratory results. The department may also
770 sample marijuana delivery devices from a dispensing facility to
771 determine that the marijuana delivery device is safe for use by
772 qualified patients. A medical marijuana treatment center may not
773 require payment from the department for the sample. A medical
774 marijuana treatment center must recall all marijuana which fails
775 to meet the potency requirements of this section, which is

776 unsafe for human consumption, or for which the labeling of the
777 tetrahydrocannabinol and cannabidiol concentration is
778 inaccurate. The medical marijuana treatment center must retain
779 records of all testing and samples of each homogenous batch of
780 marijuana for at least 9 months. The medical marijuana treatment
781 center must contract with a marijuana testing laboratory to
782 perform audits on the medical marijuana treatment center's
783 standard operating procedures, testing records, and samples and
784 provide the results to the department to confirm that the
785 marijuana or low-THC cannabis meets the requirements of this
786 section and that the marijuana or low-THC cannabis is safe for
787 human consumption. A medical marijuana treatment center shall
788 reserve two processed samples from each batch and retain such
789 samples for at least 9 months for the purpose of such audits. A
790 medical marijuana treatment center may use a laboratory that has
791 not been certified by the department under s. 381.988 until such
792 time as at least one laboratory holds the required
793 certification, but in no event later than July 1, 2018.

794 14. When packaging marijuana, a medical marijuana
795 treatment center must:

796 a. Package the marijuana in compliance with the United
797 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
798 1471 et seq.

799 b. Package the marijuana in a receptacle that has a firmly
800 affixed and legible label stating the following information:

- 801 (I) The marijuana or low-THC cannabis meets the
 802 requirements of subparagraph 13.
- 803 (II) The name of the medical marijuana treatment center
 804 from which the marijuana originates.
- 805 (III) The batch number and harvest number from which the
 806 marijuana originates and the date dispensed.
- 807 (IV) The name of the physician who issued the physician
 808 certification.
- 809 (V) The name of the patient.
- 810 (VI) The product name, if applicable, and dosage form,
 811 including concentration of tetrahydrocannabinol and cannabidiol.
 812 The product name may not contain wording commonly associated
 813 with products marketed by or to children.
- 814 (VII) The recommended dose.
- 815 (VIII) A warning that it is illegal to transfer medical
 816 marijuana to another person.
- 817 (IX) A marijuana universal symbol developed by the
 818 department.
- 819 15. The medical marijuana treatment center shall include
 820 in each package a patient package insert with information on the
 821 specific product dispensed related to:
- 822 a. Clinical pharmacology.
 - 823 b. Indications and use.
 - 824 c. Dosage and administration.
 - 825 d. Dosage forms and strengths.

826 e. Contraindications.

827 f. Warnings and precautions.

828 g. Adverse reactions.

829 16. In addition to the packaging and labeling requirements
830 specified in subparagraphs 14. and 15., marijuana in a form for
831 smoking must be packaged in a sealed receptacle with a legible
832 and prominent warning to keep away from children and a warning
833 that states marijuana smoke contains carcinogens and may
834 negatively affect health. Such receptacles for marijuana in a
835 form for smoking must be plain, opaque, and white without
836 depictions of the product or images other than the medical
837 marijuana treatment center's department-approved logo and the
838 marijuana universal symbol.

839 17. The department shall adopt rules to regulate the
840 types, appearance, and labeling of marijuana delivery devices
841 dispensed from a medical marijuana treatment center. The rules
842 must require marijuana delivery devices to have an appearance
843 consistent with medical use.

844 18. Each edible shall be individually sealed in plain,
845 opaque wrapping marked only with the marijuana universal symbol.
846 Where practical, each edible shall be marked with the marijuana
847 universal symbol. In addition to the packaging and labeling
848 requirements in subparagraphs 14. and 15., edible receptacles
849 must be plain, opaque, and white without depictions of the
850 product or images other than the medical marijuana treatment

851 center's department-approved logo and the marijuana universal
852 symbol. The receptacle must also include a list of all the
853 edible's ingredients, storage instructions, an expiration date,
854 a legible and prominent warning to keep away from children and
855 pets, and a warning that the edible has not been produced or
856 inspected pursuant to federal food safety laws.

857 19. When dispensing marijuana or a marijuana delivery
858 device, a medical marijuana treatment center:

859 a. May dispense any active, valid order for low-THC
860 cannabis, medical cannabis and cannabis delivery devices issued
861 pursuant to former s. 381.986, Florida Statutes 2016, which was
862 entered into the medical marijuana use registry before July 1,
863 2017.

864 b. May not dispense more than two 35-day supplies ~~a 70-day~~
865 ~~supply~~ of marijuana within any 70-day period to a qualified
866 patient or caregiver. ~~May not dispense more than one 35-day~~
867 ~~supply of marijuana in a form for smoking within any 35-day~~
868 ~~period to a qualified patient or caregiver.~~ A 35-day supply of
869 marijuana ~~in a form for smoking~~ may not exceed 15,000 milligrams
870 of tetrahydrocannabinol ~~2.5 ounces~~ unless an exception to this
871 amount is approved by the department pursuant to paragraph
872 (4) (f).

873 c. Must have the medical marijuana treatment center's
874 employee who dispenses the marijuana or a marijuana delivery
875 device enter into the medical marijuana use registry his or her

876 name or unique employee identifier.

877 d. Must verify that the qualified patient and the
878 caregiver, if applicable, each have an active registration in
879 the medical marijuana use registry and an active and valid
880 medical marijuana use registry identification card, the amount
881 and type of marijuana dispensed matches the physician
882 certification in the medical marijuana use registry for that
883 qualified patient, and the physician certification has not
884 already been filled.

885 e. May not dispense marijuana to a qualified patient who
886 is younger than 18 years of age. If the qualified patient is
887 younger than 18 years of age, marijuana may only be dispensed to
888 the qualified patient's caregiver.

889 f. May not dispense marijuana that has a
890 tetrahydrocannabinol potency, by weight or volume, of greater
891 than 10 percent for marijuana in a form for smoking or greater
892 than 60 percent in the final product for all other forms of
893 marijuana, excluding edibles, to a qualified patient or
894 caregiver, unless the qualified physician certification
895 indicates that the qualified patient has been diagnosed with a
896 terminal condition.

897 ~~g.f.~~ May not dispense or sell any other type of cannabis,
898 alcohol, or illicit drug-related product, including pipes or
899 wrapping papers made with tobacco or hemp, other than a
900 marijuana delivery device required for the medical use of

901 marijuana and which is specified in a physician certification.

902 ~~h.g.~~ Must, upon dispensing the marijuana or marijuana
903 delivery device, record in the registry the date, time,
904 quantity, and form of marijuana dispensed; the type of marijuana
905 delivery device dispensed; and the name and medical marijuana
906 use registry identification number of the qualified patient or
907 caregiver to whom the marijuana delivery device was dispensed.

908 ~~i.h.~~ Must ensure that patient records are not visible to
909 anyone other than the qualified patient, his or her caregiver,
910 and authorized medical marijuana treatment center employees.

911 (14) EXCEPTIONS TO OTHER LAWS.—

912 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
913 any other provision of law, but subject to the requirements of
914 this section, a qualified patient and the qualified patient's
915 caregiver may purchase from a medical marijuana treatment center
916 for the patient's medical use a marijuana delivery device and up
917 to the amount of marijuana authorized in the physician
918 certification, but may not possess more than two 35-day supplies
919 ~~a 70-day supply~~ of marijuana, or the greater of 4 ounces of
920 marijuana in a form for smoking or an amount of marijuana in a
921 form for smoking approved by the department pursuant to
922 paragraph (4)(f), at any given time and all marijuana purchased
923 must remain in its original packaging.

924 Section 3. Subsection (11) of section 381.988, Florida
 925 Statutes, is renumbered as subsection (13), and new subsections
 926 (11) and (12) are added to that section, to read:

927 381.988 Medical marijuana testing laboratories; marijuana
 928 tests conducted by a certified laboratory.-

929 (11) A certified medical marijuana testing laboratory and
 930 its officers, directors, and employees may not have a direct or
 931 indirect economic interest in, or financial relationship with, a
 932 medical marijuana treatment center. Nothing in this subsection
 933 may be construed to prohibit a certified medical marijuana
 934 testing laboratory from contracting with a medical marijuana
 935 treatment center to provide testing services.

936 (12) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
 937 any other provision of law, but subject to the requirements of
 938 this section, the department, including an employee of the
 939 department acting within the scope of his or her employment, may
 940 acquire, possess, test, transport, and lawfully dispose of
 941 marijuana as provided in this section.

942 Section 4. Except as otherwise expressly provided in this
 943 act, this act shall take effect July 1, 2021.