

By Senator Thurston

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1 A bill to be entitled
2 An act relating to medical marijuana retail
3 facilities; amending s. 381.986, F.S.; revising
4 definitions and defining the term "medical marijuana
5 retail facility"; prohibiting qualified physicians
6 from being employed by or having an economic interest
7 in a medical marijuana retail facility; revising
8 provisions related to medical marijuana dispensing
9 requirements to include dispensing by medical
10 marijuana retail facilities; requiring that the
11 medical marijuana use registry maintained by the
12 Department of Health be accessible to medical
13 marijuana retail facilities for certain verification
14 purposes; prohibiting caregivers from being employed
15 by or having an economic interest in a medical
16 marijuana retail facility; providing that a medical
17 marijuana retail facility is not subject to certain
18 dispensing facility requirements; requiring the
19 department's seed-to-sale marijuana tracking system to
20 include data from medical marijuana retail facilities;
21 requiring medical marijuana retail facilities to use
22 the department's seed-to-sale marijuana tracking
23 system, with an exception; prohibiting the vendor
24 chosen by the department to operate the computer seed-
25 to-sale marijuana tracking system from having a direct
26 or an indirect financial interest in a medical
27 marijuana retail facility; authorizing, rather than
28 requiring, medical marijuana treatment centers to
29 cultivate, process, transport, and dispense marijuana

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30 for medical use; deleting the prohibition against
31 medical marijuana treatment centers contracting for
32 dispensing of marijuana; deleting an exception to the
33 contracting prohibitions; authorizing a medical
34 marijuana treatment center to contract with a
35 specified number of medical marijuana retail
36 facilities; prohibiting a medical marijuana treatment
37 center from directly or indirectly owning or operating
38 a medical marijuana retail facility; authorizing
39 qualified patients to obtain marijuana from medical
40 marijuana retail facilities; requiring the department
41 to license medical marijuana retail facilities for a
42 specified purpose, by a specified date; requiring the
43 department to adopt certain rules; requiring that the
44 department identify applicants with strong diversity
45 plans and implement training and other educational
46 programs to enable certain minority persons and
47 enterprises to qualify for licensure; providing
48 requirements and procedures for the issuance and
49 renewal of licensure for medical marijuana retail
50 facilities; prohibiting an individual identified as an
51 applicant, an owner, an officer, a board member, or a
52 manager from being listed as such on more than one
53 application for licensure as a medical marijuana
54 retail facility; prohibiting an individual or entity
55 from being awarded more than one facility license;
56 providing that each such license is valid for only one
57 physical location; prohibiting a medical marijuana
58 treatment center from being awarded a license to

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59 operate a medical marijuana retail facility; requiring
60 that applicants demonstrate that they satisfy certain
61 criteria; prohibiting a medical marijuana retail
62 facility from making a wholesale purchase of marijuana
63 from a medical marijuana treatment center and from
64 transporting marijuana, marijuana delivery devices, or
65 edibles; authorizing a medical marijuana retail
66 facility to contract with only one medical marijuana
67 treatment center; providing requirements for the
68 transfer of ownership of a medical marijuana retail
69 facility; prohibiting medical marijuana retail
70 facilities and any individuals or entities that
71 control or have a certain ownership or voting interest
72 in such facilities from acquiring certain direct or
73 indirect ownership or control of another medical
74 marijuana retail facility; prohibiting certain profit-
75 sharing arrangements; providing operational and
76 dispensing requirements and prohibitions for medical
77 marijuana retail facilities; prohibiting a medical
78 marijuana retail facility from engaging in Internet
79 sales; prohibiting certain medical marijuana retail
80 facility advertising and providing exceptions;
81 requiring a medical marijuana retail facility to make
82 specified information publicly available on its
83 website; authorizing the department to adopt rules;
84 requiring the department to conduct periodic
85 inspections of medical marijuana retail facilities;
86 requiring the department to publish on its website a
87 list of all approved medical marijuana retail

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88 facilities; authorizing the department to impose fines
89 on medical marijuana retail facilities for specified
90 violations; authorizing the department to suspend,
91 revoke, or refuse to renew the license of a medical
92 marijuana retail facility under certain circumstances;
93 authorizing counties and municipalities to, by
94 ordinance, ban medical marijuana retail facilities
95 from being located within their boundaries or
96 determine the criteria for the location of, and other
97 permitting requirements for, the facilities, under
98 certain circumstances; prohibiting certain counties
99 and municipalities from limiting the number of medical
100 marijuana retail facilities that may locate within
101 their boundaries; prohibiting medical marijuana retail
102 facilities from being located within a specified
103 distance from school properties; providing
104 construction; revising criminal penalties for persons
105 or entities that engage in specified unlicensed
106 activities; providing that a medical marijuana retail
107 facility and its owners, managers, and employees are
108 exempt from prosecution for certain offenses and from
109 other specified regulations and requirements; amending
110 s. 381.987, F.S.; requiring the department to allow a
111 medical marijuana retail facility to access
112 confidential and exempt information in the medical
113 marijuana use registry for certain verification
114 purposes; providing an effective date.

115
116 Be It Enacted by the Legislature of the State of Florida:

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117
118 Section 1. Present subsections (9) through (17) of section
119 381.986, Florida Statutes, are redesignated as subsections (10)
120 through (18), respectively, a new subsection (9) is added to
121 that section, and subsections (1) and (3), paragraph (f) of
122 subsection (4), paragraphs (a) and (f) of subsection (5),
123 paragraph (b) of subsection (6), subsection (8), and present
124 subsections (10), (11), (12), and (14) of that section are
125 amended, to read:

126 381.986 Medical use of marijuana.—

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

128 (a) "Caregiver" means a resident of this state who has
129 agreed to assist with a qualified patient's medical use of
130 marijuana, has a caregiver identification card, and meets the
131 requirements of subsection (6).

132 (b) "Chronic nonmalignant pain" means pain that is caused
133 by a qualifying medical condition or that originates from a
134 qualifying medical condition and persists beyond the usual
135 course of that qualifying medical condition.

136 (c) "Close relative" means a spouse, parent, sibling,
137 grandparent, child, or grandchild, whether related by whole or
138 half blood, by marriage, or by adoption.

139 (d) "Edibles" means commercially produced food items made
140 with marijuana oil, but no other form of marijuana, which ~~that~~
141 are produced and dispensed by a medical marijuana treatment
142 center or dispensed by a medical marijuana retail facility.

143 (e) "Low-THC cannabis" means a plant of the genus *Cannabis*,
144 the dried flowers of which contain 0.8 percent or less of
145 tetrahydrocannabinol and more than 10 percent of cannabidiol

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146 weight for weight; the seeds thereof; the resin extracted from
147 any part of such plant; or any compound, manufacture, salt,
148 derivative, mixture, or preparation of such plant or its seeds
149 or resin that is dispensed from a medical marijuana treatment
150 center or a medical marijuana retail facility.

151 (f) "Marijuana" means all parts of any plant of the genus
152 *Cannabis*, whether growing or not; the seeds thereof; the resin
153 extracted from any part of the plant; and every compound,
154 manufacture, salt, derivative, mixture, or preparation of the
155 plant or its seeds or resin, including low-THC cannabis, which
156 are dispensed from a medical marijuana treatment center or a
157 medical marijuana retail facility for medical use by a qualified
158 patient.

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

169 (h) "Marijuana testing laboratory" means a facility that
170 collects and analyzes marijuana samples from a medical marijuana
171 treatment center and has been certified by the department
172 pursuant to s. 381.988.

173 (i) "Medical director" means a person who holds an active,
174 unrestricted license as an allopathic physician under chapter

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175 458 or osteopathic physician under chapter 459 and is in
176 compliance with the requirements of paragraph (3)(c).

177 (j) "Medical marijuana retail facility" means a facility
178 licensed by the department pursuant to subsection (9) to
179 dispense medical marijuana and marijuana delivery devices
180 acquired from a licensed medical marijuana treatment center to
181 qualified patients and caregivers.

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

186 1. Possession, use, or administration of marijuana that was
187 not purchased or acquired from a medical marijuana treatment
188 center or a medical marijuana retail facility.

189 2. Possession, use, or administration of marijuana in the
190 form of commercially produced food items other than edibles or
191 of marijuana seeds.

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

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

198 5. Use or administration of marijuana in the following
199 locations:

200 a. On any form of public transportation, except for low-THC
201 cannabis not in a form for smoking.

202 b. In any public place, except for low-THC cannabis not in
203 a form for smoking.

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

206 d. In a state correctional institution, as defined in s.
207 944.02, or a correctional institution, as defined in s. 944.241.

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

210 f. In a school bus, a vehicle, an aircraft, or a motorboat,
211 except for low-THC cannabis not in a form for smoking.

212 6. The smoking of marijuana in an enclosed indoor workplace
213 as defined in s. 386.203(5).

214 (l)~~(k)~~ "Physician certification" means a qualified
215 physician's authorization for a qualified patient to receive
216 marijuana and a marijuana delivery device from a medical
217 marijuana treatment center or a medical marijuana retail
218 facility.

219 (m)~~(l)~~ "Qualified patient" means a resident of this state
220 who has been added to the medical marijuana use registry by a
221 qualified physician to receive marijuana or a marijuana delivery
222 device for a medical use and who has a qualified patient
223 identification card.

224 (n)~~(m)~~ "Qualified physician" means a person who holds an
225 active, unrestricted license as an allopathic physician under
226 chapter 458 or as an osteopathic physician under chapter 459 and
227 is in compliance with the physician education requirements of
228 subsection (3).

229 (o)~~(n)~~ "Smoking" means burning or igniting a substance and
230 inhaling the smoke.

231 (p)~~(o)~~ "Terminal condition" means a progressive disease or
232 medical or surgical condition that causes significant functional

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233 impairment, is not considered by a treating physician to be
234 reversible without the administration of life-sustaining
235 procedures, and will result in death within 1 year after
236 diagnosis if the condition runs its normal course.

237 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

238 (a) Before being approved as a qualified physician, as
239 defined in paragraph (1) (n) ~~paragraph (1) (m)~~, and before each
240 license renewal, a physician must successfully complete a 2-hour
241 course and subsequent examination offered by the Florida Medical
242 Association or the Florida Osteopathic Medical Association which
243 encompass the requirements of this section and any rules adopted
244 hereunder. The course and examination shall be administered at
245 least annually and may be offered in a distance learning format,
246 including an electronic, online format that is available upon
247 request. The price of the course may not exceed \$500. A
248 physician who has met the physician education requirements of
249 former s. 381.986(4), Florida Statutes 2016, before June 23,
250 2017, shall be deemed to be in compliance with this paragraph
251 from June 23, 2017, until 90 days after the course and
252 examination required by this paragraph become available.

253 (b) A qualified physician may not be employed by, or have
254 any direct or indirect economic interest in, a medical marijuana
255 treatment center, a medical marijuana retail facility, or a
256 marijuana testing laboratory.

257 (c) Before being employed as a medical director, as defined
258 in paragraph (1) (i), and before each license renewal, a medical
259 director must successfully complete a 2-hour course and
260 subsequent examination offered by the Florida Medical
261 Association or the Florida Osteopathic Medical Association which

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262 encompass the requirements of this section and any rules adopted
263 hereunder. The course and examination shall be administered at
264 least annually and may be offered in a distance learning format,
265 including an electronic, online format that is available upon
266 request. The price of the course may not exceed \$500.

267 (4) PHYSICIAN CERTIFICATION.—

268 (f) A qualified physician may not issue a physician
269 certification for more than three 70-day supply limits of
270 marijuana or more than six 35-day supply limits of marijuana in
271 a form for smoking. The department shall quantify by rule a
272 daily dose amount with equivalent dose amounts for each
273 allowable form of marijuana dispensed by a medical marijuana
274 treatment center or a medical marijuana retail facility. The
275 department shall use the daily dose amount to calculate a 70-day
276 supply.

277 1. A qualified physician may request an exception to the
278 daily dose amount limit, the 35-day supply limit of marijuana in
279 a form for smoking, and the 4-ounce possession limit of
280 marijuana in a form for smoking established in paragraph (15) (a)
281 ~~(14) (a)~~. The request shall be made electronically on a form
282 adopted by the department in rule and must include, at a
283 minimum:

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

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

287 c. A description of how the patient will benefit from an
288 increased amount.

289 d. The minimum daily dose amount of marijuana that would be
290 sufficient for the treatment of the qualified patient's

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291 qualifying medical condition.

292 2. A qualified physician must provide the qualified
293 patient's records upon the request of the department.

294 3. The department shall approve or disapprove the request
295 within 14 days after receipt of the complete documentation
296 required by this paragraph. The request shall be deemed approved
297 if the department fails to act within this time period.

298 (5) MEDICAL MARIJUANA USE REGISTRY.—

299 (a) The department shall create and maintain a secure,
300 electronic, and online medical marijuana use registry for
301 physicians, patients, and caregivers as provided under this
302 section. The medical marijuana use registry must be accessible
303 to law enforcement agencies, qualified physicians, ~~and~~ medical
304 marijuana treatment centers, and medical marijuana retail
305 facilities to verify the authorization of a qualified patient or
306 a caregiver to possess marijuana or a marijuana delivery device
307 and record the marijuana or marijuana delivery device dispensed.
308 The medical marijuana use registry must also be accessible to
309 practitioners licensed to prescribe prescription drugs to ensure
310 proper care for patients before medications that may interact
311 with the medical use of marijuana are prescribed. The medical
312 marijuana use registry must prevent an active registration of a
313 qualified patient by multiple physicians.

314 (f) The department may revoke the registration of a
315 qualified patient or caregiver who cultivates marijuana or who
316 acquires, possesses, or delivers marijuana from any person or
317 entity other than a medical marijuana treatment center or a
318 medical marijuana retail facility.

319 (6) CAREGIVERS.—

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320 (b) A caregiver must:

321 1. Not be a qualified physician and not be employed by or
322 have an economic interest in a medical marijuana treatment
323 center, a medical marijuana retail facility, or a marijuana
324 testing laboratory.

325 2. Be 21 years of age or older and a resident of this
326 state.

327 3. Agree in writing to assist with the qualified patient's
328 medical use of marijuana.

329 4. Be registered in the medical marijuana use registry as a
330 caregiver for no more than one qualified patient, except as
331 provided in this paragraph.

332 5. Successfully complete a caregiver certification course
333 developed and administered by the department or its designee,
334 which must be renewed biennially. The price of the course may
335 not exceed \$100.

336 6. Pass a background screening pursuant to subsection (10)
337 ~~subsection (9)~~, unless the patient is a close relative of the
338 caregiver.

339 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

340 (a) The department shall license medical marijuana
341 treatment centers to ensure reasonable statewide accessibility
342 and availability as necessary for qualified patients registered
343 in the medical marijuana use registry and who are issued a
344 physician certification under this section.

345 1. As soon as practicable, but no later than July 3, 2017,
346 the department shall license as a medical marijuana treatment
347 center any entity that holds an active, unrestricted license to
348 cultivate, process, transport, and dispense low-THC cannabis,

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349 medical cannabis, and cannabis delivery devices, under former s.
350 381.986, Florida Statutes 2016, before July 1, 2017, and which
351 meets the requirements of this section. In addition to the
352 authority granted under this section, these entities are
353 authorized to dispense low-THC cannabis, medical cannabis, and
354 cannabis delivery devices ordered pursuant to former s. 381.986,
355 Florida Statutes 2016, which were entered into the compassionate
356 use registry before July 1, 2017, and are authorized to begin
357 dispensing marijuana under this section on July 3, 2017. The
358 department may grant variances from the representations made in
359 such an entity's original application for approval under former
360 s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

361 2. The department shall license as medical marijuana
362 treatment centers 10 applicants that meet the requirements of
363 this section, under the following parameters:

364 a. As soon as practicable, but no later than August 1,
365 2017, the department shall license any applicant whose
366 application was reviewed, evaluated, and scored by the
367 department and which was denied a dispensing organization
368 license by the department under former s. 381.986, Florida
369 Statutes 2014; which had one or more administrative or judicial
370 challenges pending as of January 1, 2017, or had a final ranking
371 within one point of the highest final ranking in its region
372 under former s. 381.986, Florida Statutes 2014; which meets the
373 requirements of this section; and which provides documentation
374 to the department that it has the existing infrastructure and
375 technical and technological ability to begin cultivating
376 marijuana within 30 days after registration as a medical
377 marijuana treatment center.

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378 b. As soon as practicable, the department shall license one
379 applicant that is a recognized class member of *Pigford v.*
380 *Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers*
381 *Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed
382 under this sub-subparagraph is exempt from the requirement of
383 subparagraph (b)2.

384 c. As soon as practicable, but no later than October 3,
385 2017, the department shall license applicants that meet the
386 requirements of this section in sufficient numbers to result in
387 10 total licenses issued under this subparagraph, while
388 accounting for the number of licenses issued under sub-
389 subparagraphs a. and b.

390 3. For up to two of the licenses issued under subparagraph
391 2., the department shall give preference to applicants that
392 demonstrate in their applications that they own one or more
393 facilities that are, or were, used for the canning,
394 concentrating, or otherwise processing of citrus fruit or citrus
395 molasses and will use or convert the facility or facilities for
396 the processing of marijuana.

397 4. Within 6 months after the registration of 100,000 active
398 qualified patients in the medical marijuana use registry, the
399 department shall license four additional medical marijuana
400 treatment centers that meet the requirements of this section.
401 Thereafter, the department shall license four medical marijuana
402 treatment centers within 6 months after the registration of each
403 additional 100,000 active qualified patients in the medical
404 marijuana use registry that meet the requirements of this
405 section.

406 5. Dispensing facilities are subject to the following

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407 requirements:

408 a. A medical marijuana treatment center may not establish
409 or operate more than a statewide maximum of 25 dispensing
410 facilities, unless the medical marijuana use registry reaches a
411 total of 100,000 active registered qualified patients. When the
412 medical marijuana use registry reaches 100,000 active registered
413 qualified patients, and then upon each further instance of the
414 total active registered qualified patients increasing by
415 100,000, the statewide maximum number of dispensing facilities
416 that each licensed medical marijuana treatment center may
417 establish and operate increases by five.

418 b. A medical marijuana treatment center may not establish
419 more than the maximum number of dispensing facilities allowed in
420 each of the Northwest, Northeast, Central, Southwest, and
421 Southeast Regions. The department shall determine a medical
422 marijuana treatment center's maximum number of dispensing
423 facilities allowed in each region by calculating the percentage
424 of the total statewide population contained within that region
425 and multiplying that percentage by the medical marijuana
426 treatment center's statewide maximum number of dispensing
427 facilities established under sub-subparagraph a., rounded to the
428 nearest whole number. The department shall ensure that such
429 rounding does not cause a medical marijuana treatment center's
430 total number of statewide dispensing facilities to exceed its
431 statewide maximum. The department shall initially calculate the
432 maximum number of dispensing facilities allowed in each region
433 for each medical marijuana treatment center using county
434 population estimates from the Florida Estimates of Population
435 2016, as published by the Office of Economic and Demographic

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436 Research, and shall perform recalculations following the
437 official release of county population data resulting from each
438 United States Decennial Census. For the purposes of this
439 subparagraph:

440 (I) The Northwest Region consists of Bay, Calhoun,
441 Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson,
442 Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,
443 Walton, and Washington Counties.

444 (II) The Northeast Region consists of Alachua, Baker,
445 Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist,
446 Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns,
447 Suwannee, and Union Counties.

448 (III) The Central Region consists of Brevard, Citrus,
449 Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco,
450 Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia
451 Counties.

452 (IV) The Southwest Region consists of Charlotte, Collier,
453 DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee,
454 Okeechobee, and Sarasota Counties.

455 (V) The Southeast Region consists of Broward, Miami-Dade,
456 Martin, Monroe, and Palm Beach Counties.

457 c. If a medical marijuana treatment center establishes a
458 number of dispensing facilities within a region that is less
459 than the number allowed for that region under sub-subparagraph
460 b., the medical marijuana treatment center may sell one or more
461 of its unused dispensing facility slots to other licensed
462 medical marijuana treatment centers. For each dispensing
463 facility slot that a medical marijuana treatment center sells,
464 that medical marijuana treatment center's statewide maximum

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465 number of dispensing facilities, as determined under sub-
466 subparagraph a., is reduced by one. The statewide maximum number
467 of dispensing facilities for a medical marijuana treatment
468 center that purchases an unused dispensing facility slot is
469 increased by one per slot purchased. Additionally, the sale of a
470 dispensing facility slot shall reduce the seller's regional
471 maximum and increase the purchaser's regional maximum number of
472 dispensing facilities, as determined in sub-subparagraph b., by
473 one for that region. For any slot purchased under this sub-
474 subparagraph, the regional restriction applied to that slot's
475 location under sub-subparagraph b. before the purchase shall
476 remain in effect following the purchase. A medical marijuana
477 treatment center that sells or purchases a dispensing facility
478 slot must notify the department within 3 days of sale.

479 d. A medical marijuana retail facility is not subject to
480 the dispensing facility requirements of this subparagraph.

481 e.d. This subparagraph shall expire on April 1, 2020.

482
483 If this subparagraph or its application to any person or
484 circumstance is held invalid, the invalidity does not affect
485 other provisions or applications of this act which can be given
486 effect without the invalid provision or application, and to this
487 end, the provisions of this subparagraph are severable.

488 (b) An applicant for licensure as a medical marijuana
489 treatment center shall apply to the department on a form
490 prescribed by the department and adopted in rule. The department
491 shall adopt rules pursuant to ss. 120.536(1) and 120.54
492 establishing a procedure for the issuance and biennial renewal
493 of licenses, including initial application and biennial renewal

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494 fees sufficient to cover the costs of implementing and
495 administering this section, and establishing supplemental
496 licensure fees for payment beginning May 1, 2018, sufficient to
497 cover the costs of administering ss. 381.989 and 1004.4351. The
498 department shall identify applicants with strong diversity plans
499 reflecting this state's commitment to diversity and implement
500 training programs and other educational programs to enable
501 minority persons and minority business enterprises, as defined
502 in s. 288.703, and veteran business enterprises, as defined in
503 s. 295.187, to compete for medical marijuana treatment center
504 licensure and contracts. Subject to the requirements in
505 subparagraphs (a)2.-4., the department shall issue a license to
506 an applicant if the applicant meets the requirements of this
507 section and pays the initial application fee. The department
508 shall renew the licensure of a medical marijuana treatment
509 center biennially if the licensee meets the requirements of this
510 section and pays the biennial renewal fee. An individual may not
511 be an applicant, owner, officer, board member, or manager on
512 more than one application for licensure as a medical marijuana
513 treatment center. An individual or entity may not be awarded
514 more than one license as a medical marijuana treatment center.
515 An applicant for licensure as a medical marijuana treatment
516 center must demonstrate:

517 1. That, for the 5 consecutive years before submitting the
518 application, the applicant has been registered to do business in
519 the state.

520 2. Possession of a valid certificate of registration issued
521 by the Department of Agriculture and Consumer Services pursuant
522 to s. 581.131.

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523 3. The technical and technological ability to cultivate and
524 produce marijuana, including, but not limited to, low-THC
525 cannabis.

526 4. The ability to secure the premises, resources, and
527 personnel necessary to operate as a medical marijuana treatment
528 center.

529 5. The ability to maintain accountability of all raw
530 materials, finished products, and any byproducts to prevent
531 diversion or unlawful access to or possession of these
532 substances.

533 6. An infrastructure reasonably located to dispense
534 marijuana to registered qualified patients statewide or
535 regionally as determined by the department.

536 7. The financial ability to maintain operations for the
537 duration of the 2-year approval cycle, including the provision
538 of certified financial statements to the department.

539 a. Upon approval, the applicant must post a \$5 million
540 performance bond issued by an authorized surety insurance
541 company rated in one of the three highest rating categories by a
542 nationally recognized rating service. However, a medical
543 marijuana treatment center serving at least 1,000 qualified
544 patients is only required to maintain a \$2 million performance
545 bond.

546 b. In lieu of the performance bond required under sub-
547 subparagraph a., the applicant may provide an irrevocable letter
548 of credit payable to the department or provide cash to the
549 department. If provided with cash under this sub-subparagraph,
550 the department shall deposit the cash in the Grants and
551 Donations Trust Fund within the Department of Health, subject to

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552 the same conditions as the bond regarding requirements for the
553 applicant to forfeit ownership of the funds. If the funds
554 deposited under this sub-subparagraph generate interest, the
555 amount of that interest shall be used by the department for the
556 administration of this section.

557 8. That all owners, officers, board members, and managers
558 have passed a background screening pursuant to subsection (10)
559 ~~subsection (9)~~.

560 9. The employment of a medical director to supervise the
561 activities of the medical marijuana treatment center.

562 10. A diversity plan that promotes and ensures the
563 involvement of minority persons and minority business
564 enterprises, as defined in s. 288.703, or veteran business
565 enterprises, as defined in s. 295.187, in ownership, management,
566 and employment. An applicant for licensure renewal must show the
567 effectiveness of the diversity plan by including the following
568 with his or her application for renewal:

569 a. Representation of minority persons and veterans in the
570 medical marijuana treatment center's workforce;

571 b. Efforts to recruit minority persons and veterans for
572 employment; and

573 c. A record of contracts for services with minority
574 business enterprises and veteran business enterprises.

575 (c) A medical marijuana treatment center may not make a
576 wholesale purchase of marijuana from, or a distribution of
577 marijuana to, another medical marijuana treatment center, unless
578 the medical marijuana treatment center seeking to make a
579 wholesale purchase of marijuana submits proof of harvest failure
580 to the department.

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581 (d) The department shall establish, maintain, and control a
582 computer software tracking system that traces marijuana from
583 seed to sale and allows real-time, 24-hour access by the
584 department to data from all medical marijuana treatment centers,
585 medical marijuana retail facilities, and marijuana testing
586 laboratories. The tracking system must allow for integration of
587 other seed-to-sale systems and, at a minimum, include
588 notification of when marijuana seeds are planted, when marijuana
589 plants are harvested and destroyed, and when marijuana is
590 transported, sold, stolen, diverted, or lost. Each medical
591 marijuana treatment center and each medical marijuana retail
592 facility shall use the seed-to-sale tracking system established
593 by the department or integrate its own seed-to-sale tracking
594 system with the seed-to-sale tracking system established by the
595 department. Each medical marijuana treatment center and each
596 medical marijuana retail facility may use its own seed-to-sale
597 system until the department establishes a seed-to-sale tracking
598 system. The department may contract with a vendor to establish
599 the seed-to-sale tracking system. The vendor selected by the
600 department may not have a contractual relationship with the
601 department to perform any services pursuant to this section
602 other than the seed-to-sale tracking system. The vendor may not
603 have a direct or indirect financial interest in a medical
604 marijuana treatment center, a medical marijuana retail facility,
605 or a marijuana testing laboratory.

606 (e) A licensed medical marijuana treatment center may ~~shall~~
607 cultivate, process, transport, and dispense marijuana for
608 medical use. A licensed medical marijuana treatment center may
609 not contract for services directly related to the cultivation

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610 ~~and~~, processing, ~~and dispensing~~ of marijuana or marijuana
611 delivery devices. ~~except that~~ A medical marijuana treatment
612 center licensed pursuant to subparagraph (a)1. may contract with
613 no more than 10 licensed medical marijuana retail facilities to
614 dispense a single entity for the cultivation, processing,
615 ~~transporting, and dispensing of~~ marijuana, and marijuana
616 delivery devices, and edibles pursuant to subsection (9). A
617 licensed medical marijuana treatment center must, at all times,
618 maintain compliance with the criteria demonstrated and
619 representations made in the initial application and the criteria
620 established in this subsection. Upon request, the department may
621 grant a medical marijuana treatment center a variance from the
622 representations made in the initial application. Consideration
623 of such a request shall be based upon the individual facts and
624 circumstances surrounding the request. A variance may not be
625 granted unless the requesting medical marijuana treatment center
626 can demonstrate to the department that it has a proposed
627 alternative to the specific representation made in its
628 application which fulfills the same or a similar purpose as the
629 specific representation in a way that the department can
630 reasonably determine will not be a lower standard than the
631 specific representation in the application. A variance may not
632 be granted from the requirements in subparagraph 2. and
633 subparagraphs (b)1. and 2.

634 1. A licensed medical marijuana treatment center may
635 transfer ownership to an individual or entity who meets the
636 requirements of this section. A publicly traded corporation or
637 publicly traded company that meets the requirements of this
638 section is not precluded from ownership of a medical marijuana

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639 treatment center. To accommodate a change in ownership:

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

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

647 c. Upon receipt of an application for a license, the
648 department shall examine the application and, within 30 days
649 after receipt, notify the applicant in writing of any apparent
650 errors or omissions and request any additional information
651 required.

652 d. Requested information omitted from an application for
653 licensure must be filed with the department within 21 days after
654 the department's request for omitted information or the
655 application shall be deemed incomplete and shall be withdrawn
656 from further consideration and the fees shall be forfeited.

657
658 Within 30 days after the receipt of a complete application, the
659 department shall approve or deny the application.

660 2. A medical marijuana treatment center, and any individual
661 or entity who directly or indirectly owns, controls, or holds
662 with power to vote 5 percent or more of the voting shares of a
663 medical marijuana treatment center, may not acquire direct or
664 indirect ownership or control of any voting shares or other form
665 of ownership of any other medical marijuana treatment center. A
666 medical marijuana treatment center may not directly or
667 indirectly own or operate a medical marijuana retail facility.

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668 3. A medical marijuana treatment center may not enter into
669 any form of profit-sharing arrangement with the property owner
670 or lessor of any of its facilities where cultivation,
671 processing, storing, or dispensing of marijuana and marijuana
672 delivery devices occurs.

673 4. All employees of a medical marijuana treatment center
674 must be 21 years of age or older and have passed a background
675 screening pursuant to subsection (10) ~~subsection (9)~~.

676 5. Each medical marijuana treatment center must adopt and
677 enforce policies and procedures to ensure employees and
678 volunteers receive training on the legal requirements to
679 dispense marijuana to qualified patients.

680 6. When growing marijuana, a medical marijuana treatment
681 center:

682 a. May use pesticides determined by the department, after
683 consultation with the Department of Agriculture and Consumer
684 Services, to be safely applied to plants intended for human
685 consumption, but may not use pesticides designated as
686 restricted-use pesticides pursuant to s. 487.042.

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

689 c. Must inspect seeds and growing plants for plant pests
690 that endanger or threaten the horticultural and agricultural
691 interests of the state in accordance with chapter 581 and any
692 rules adopted thereunder.

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

696 7. Each medical marijuana treatment center must produce and

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697 make available for purchase at least one low-THC cannabis
698 product.

699 8. A medical marijuana treatment center that produces
700 edibles must hold a permit to operate as a food establishment
701 pursuant to chapter 500, the Florida Food Safety Act, and must
702 comply with all the requirements for food establishments
703 pursuant to chapter 500 and any rules adopted thereunder.
704 Edibles may not contain more than 200 milligrams of
705 tetrahydrocannabinol, and a single serving portion of an edible
706 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
707 may have a potency variance of no greater than 15 percent.
708 Edibles may not be attractive to children; be manufactured in
709 the shape of humans, cartoons, or animals; be manufactured in a
710 form that bears any reasonable resemblance to products available
711 for consumption as commercially available candy; or contain any
712 color additives. To discourage consumption of edibles by
713 children, the department shall determine by rule any shapes,
714 forms, and ingredients allowed and prohibited for edibles.
715 Medical marijuana treatment centers may not begin processing or
716 dispensing edibles until after the effective date of the rule.
717 The department shall also adopt sanitation rules providing the
718 standards and requirements for the storage, display, or
719 dispensing of edibles.

720 9. Within 12 months after licensure, a medical marijuana
721 treatment center must demonstrate to the department that all of
722 its processing facilities have passed a Food Safety Good
723 Manufacturing Practices, such as Global Food Safety Initiative
724 or equivalent, inspection by a nationally accredited certifying
725 body. A medical marijuana treatment center must immediately stop

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726 processing at any facility which fails to pass this inspection
727 until it demonstrates to the department that such facility has
728 met this requirement.

729 10. A medical marijuana treatment center that produces
730 prerolled marijuana cigarettes may not use wrapping paper made
731 with tobacco or hemp.

732 11. When processing marijuana, a medical marijuana
733 treatment center must:

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

736 b. Comply with department rules when processing marijuana
737 with hydrocarbon solvents or other solvents or gases exhibiting
738 potential toxicity to humans. The department shall determine by
739 rule the requirements for medical marijuana treatment centers to
740 use such solvents or gases exhibiting potential toxicity to
741 humans.

742 c. Comply with federal and state laws and regulations and
743 department rules for solid and liquid wastes. The department
744 shall determine by rule procedures for the storage, handling,
745 transportation, management, and disposal of solid and liquid
746 waste generated during marijuana production and processing. The
747 Department of Environmental Protection shall assist the
748 department in developing such rules.

749 d. Test the processed marijuana using a medical marijuana
750 testing laboratory before it is dispensed. Results must be
751 verified and signed by two medical marijuana treatment center
752 employees. Before dispensing, the medical marijuana treatment
753 center must determine that the test results indicate that low-
754 THC cannabis meets the definition of low-THC cannabis, the

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755 concentration of tetrahydrocannabinol meets the potency
756 requirements of this section, the labeling of the concentration
757 of tetrahydrocannabinol and cannabidiol is accurate, and all
758 marijuana is safe for human consumption and free from
759 contaminants that are unsafe for human consumption. The
760 department shall determine by rule which contaminants must be
761 tested for and the maximum levels of each contaminant which are
762 safe for human consumption. The Department of Agriculture and
763 Consumer Services shall assist the department in developing the
764 testing requirements for contaminants that are unsafe for human
765 consumption in edibles. The department shall also determine by
766 rule the procedures for the treatment of marijuana that fails to
767 meet the testing requirements of this section, s. 381.988, or
768 department rule. The department may select a random sample from
769 edibles available for purchase in a dispensing facility which
770 shall be tested by the department to determine that the edible
771 meets the potency requirements of this section, is safe for
772 human consumption, and the labeling of the tetrahydrocannabinol
773 and cannabidiol concentration is accurate. A medical marijuana
774 treatment center may not require payment from the department for
775 the sample. A medical marijuana treatment center must recall
776 edibles, including all edibles made from the same batch of
777 marijuana, which fail to meet the potency requirements of this
778 section, which are unsafe for human consumption, or for which
779 the labeling of the tetrahydrocannabinol and cannabidiol
780 concentration is inaccurate. The medical marijuana treatment
781 center must retain records of all testing and samples of each
782 homogenous batch of marijuana for at least 9 months. The medical
783 marijuana treatment center must contract with a marijuana

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784 testing laboratory to perform audits on the medical marijuana
785 treatment center's standard operating procedures, testing
786 records, and samples and provide the results to the department
787 to confirm that the marijuana or low-THC cannabis meets the
788 requirements of this section and that the marijuana or low-THC
789 cannabis is safe for human consumption. A medical marijuana
790 treatment center shall reserve two processed samples from each
791 batch and retain such samples for at least 9 months for the
792 purpose of such audits. A medical marijuana treatment center may
793 use a laboratory that has not been certified by the department
794 under s. 381.988 until such time as at least one laboratory
795 holds the required certification, but in no event later than
796 July 1, 2018.

797 e. Package the marijuana in compliance with the United
798 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
799 1471 et seq.

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

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

804 (II) The name of the medical marijuana treatment center
805 from which the marijuana originates.

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

808 (IV) The name of the physician who issued the physician
809 certification.

810 (V) The name of the patient.

811 (VI) The product name, if applicable, and dosage form,
812 including concentration of tetrahydrocannabinol and cannabidiol.

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813 The product name may not contain wording commonly associated
814 with products marketed by or to children.

815 (VII) The recommended dose.

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

818 (IX) A marijuana universal symbol developed by the
819 department.

820 12. The medical marijuana treatment center shall include in
821 each package a patient package insert with information on the
822 specific product dispensed related to:

823 a. Clinical pharmacology.

824 b. Indications and use.

825 c. Dosage and administration.

826 d. Dosage forms and strengths.

827 e. Contraindications.

828 f. Warnings and precautions.

829 g. Adverse reactions.

830 13. In addition to the packaging and labeling requirements
831 specified in subparagraphs 11. and 12., marijuana in a form for
832 smoking must be packaged in a sealed receptacle with a legible
833 and prominent warning to keep away from children and a warning
834 that states marijuana smoke contains carcinogens and may
835 negatively affect health. Such receptacles for marijuana in a
836 form for smoking must be plain, opaque, and white without
837 depictions of the product or images other than the medical
838 marijuana treatment center's department-approved logo and the
839 marijuana universal symbol.

840 14. The department shall adopt rules to regulate the types,
841 appearance, and labeling of marijuana delivery devices dispensed

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842 from a medical marijuana treatment center. The rules must
843 require marijuana delivery devices to have an appearance
844 consistent with medical use.

845 15. Each edible shall be individually sealed in plain,
846 opaque wrapping marked only with the marijuana universal symbol.
847 Where practical, each edible shall be marked with the marijuana
848 universal symbol. In addition to the packaging and labeling
849 requirements in subparagraphs 11. and 12., edible receptacles
850 must be plain, opaque, and white without depictions of the
851 product or images other than the medical marijuana treatment
852 center's department-approved logo and the marijuana universal
853 symbol. The receptacle must also include a list of all the
854 edible's ingredients, storage instructions, an expiration date,
855 a legible and prominent warning to keep away from children and
856 pets, and a warning that the edible has not been produced or
857 inspected pursuant to federal food safety laws.

858 16. When dispensing marijuana or a marijuana delivery
859 device, a medical marijuana treatment center:

860 a. May dispense any active, valid order for low-THC
861 cannabis, medical cannabis, and cannabis delivery devices issued
862 pursuant to former s. 381.986, Florida Statutes 2016, which was
863 entered into the medical marijuana use registry before July 1,
864 2017.

865 b. May not dispense more than a 70-day supply of marijuana
866 within any 70-day period to a qualified patient or caregiver.
867 May not dispense more than one 35-day supply of marijuana in a
868 form for smoking within any 35-day period to a qualified patient
869 or caregiver. A 35-day supply of marijuana in a form for smoking
870 may not exceed 2.5 ounces unless an exception to this amount is

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871 approved by the department pursuant to paragraph (4) (f).

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

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

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

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

893 g. Must, upon dispensing the marijuana or marijuana
894 delivery device, record in the registry the date, time,
895 quantity, and form of marijuana dispensed; the type of marijuana
896 delivery device dispensed; and the name and medical marijuana
897 use registry identification number of the qualified patient or
898 caregiver to whom the marijuana delivery device was dispensed.

899 h. Must ensure that patient records are not visible to

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900 anyone other than the qualified patient, his or her caregiver,
901 and authorized medical marijuana treatment center employees.

902 (f) To ensure the safety and security of premises where the
903 cultivation, processing, storing, or dispensing of marijuana
904 occurs, and to maintain adequate controls against the diversion,
905 theft, and loss of marijuana or marijuana delivery devices, a
906 medical marijuana treatment center shall:

907 1.a. Maintain a fully operational security alarm system
908 that secures all entry points and perimeter windows and is
909 equipped with motion detectors; pressure switches; and duress,
910 panic, and hold-up alarms; and

911 b. Maintain a video surveillance system that records
912 continuously 24 hours a day and meets the following criteria:

913 (I) Cameras are fixed in a place that allows for the clear
914 identification of persons and activities in controlled areas of
915 the premises. Controlled areas include grow rooms, processing
916 rooms, storage rooms, disposal rooms or areas, and point-of-sale
917 rooms.

918 (II) Cameras are fixed in entrances and exits to the
919 premises, which shall record from both indoor and outdoor, or
920 ingress and egress, vantage points.

921 (III) Recorded images ~~must~~ clearly and accurately display
922 the time and date.

923 (IV) ~~Retain~~ Video surveillance recordings are retained for
924 at least 45 days or longer upon the request of a law enforcement
925 agency.

926 2. Ensure that the medical marijuana treatment center's
927 outdoor premises have sufficient lighting from dusk until dawn.

928 3. Ensure that the indoor premises where dispensing occurs

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929 includes a waiting area with sufficient space and seating to
930 accommodate qualified patients and caregivers and at least one
931 private consultation area that is isolated from the waiting area
932 and area where dispensing occurs. A medical marijuana treatment
933 center may not display products or dispense marijuana or
934 marijuana delivery devices in the waiting area.

935 4. Not dispense from its premises marijuana or a marijuana
936 delivery device between the hours of 9 p.m. and 7 a.m., but may
937 perform all other operations and deliver marijuana to qualified
938 patients 24 hours a day.

939 5. Store marijuana in a secured, locked room or a vault.

940 6. Require at least two of its employees, or two employees
941 of a security agency with whom it contracts, to be on the
942 premises at all times where cultivation, processing, or storing
943 of marijuana occurs.

944 7. Require each employee or contractor to wear a photo
945 identification badge at all times while on the premises.

946 8. Require each visitor to wear a visitor pass at all times
947 while on the premises.

948 9. Implement an alcohol and drug-free workplace policy.

949 10. Report to local law enforcement within 24 hours after
950 the medical marijuana treatment center is notified or becomes
951 aware of the theft, diversion, or loss of marijuana.

952 (g) To ensure the safe transport of marijuana and marijuana
953 delivery devices to medical marijuana treatment centers,
954 marijuana testing laboratories, or qualified patients, a medical
955 marijuana treatment center must:

956 1. Maintain a marijuana transportation manifest in any
957 vehicle transporting marijuana. The marijuana transportation

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- 958 manifest must be generated from a medical marijuana treatment
959 center's seed-to-sale tracking system and include the:
- 960 a. Departure date and approximate time of departure.
 - 961 b. Name, location address, and license number of the
962 originating medical marijuana treatment center.
 - 963 c. Name and address of the recipient of the delivery.
 - 964 d. Quantity and form of any marijuana or marijuana delivery
965 device being transported.
 - 966 e. Arrival date and estimated time of arrival.
 - 967 f. Delivery vehicle make and model and license plate
968 number.
 - 969 g. Name and signature of the medical marijuana treatment
970 center employees delivering the product.
- 971 (I) A copy of the marijuana transportation manifest must be
972 provided to each individual, medical marijuana treatment center,
973 or marijuana testing laboratory that receives a delivery. The
974 individual, or a representative of the center or laboratory,
975 must sign a copy of the marijuana transportation manifest
976 acknowledging receipt.
- 977 (II) An individual transporting marijuana or a marijuana
978 delivery device must present a copy of the relevant marijuana
979 transportation manifest and his or her employee identification
980 card to a law enforcement officer upon request.
- 981 (III) Medical marijuana treatment centers and marijuana
982 testing laboratories must retain copies of all marijuana
983 transportation manifests for at least 3 years.
- 984 2. Ensure only vehicles in good working order are used to
985 transport marijuana.
 - 986 3. Lock marijuana and marijuana delivery devices in a

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987 separate compartment or container within the vehicle.

988 4. Require employees to have possession of their employee
989 identification card at all times when transporting marijuana or
990 marijuana delivery devices.

991 5. Require at least two persons to be in a vehicle
992 transporting marijuana or marijuana delivery devices, and
993 require at least one person to remain in the vehicle while the
994 marijuana or marijuana delivery device is being delivered.

995 6. Provide specific safety and security training to
996 employees transporting or delivering marijuana and marijuana
997 delivery devices.

998 (h) A medical marijuana treatment center may not engage in
999 advertising that is visible to members of the public from any
1000 street, sidewalk, park, or other public place, except:

1001 1. The dispensing location of a medical marijuana treatment
1002 center may have a sign that is affixed to the outside or hanging
1003 in the window of the premises which identifies the dispensary by
1004 the licensee's business name, a department-approved trade name,
1005 or a department-approved logo. A medical marijuana treatment
1006 center's trade name and logo may not contain wording or images
1007 commonly associated with marketing targeted toward children or
1008 which promote recreational use of marijuana.

1009 2. A medical marijuana treatment center may engage in
1010 Internet advertising and marketing under the following
1011 conditions:

1012 a. All advertisements must be approved by the department.

1013 b. An advertisement may not have any content that
1014 specifically targets individuals under the age of 18, including
1015 cartoon characters or similar images.

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1016 c. An advertisement may not be an unsolicited pop-up
1017 advertisement.

1018 d. Opt-in marketing must include an easy and permanent opt-
1019 out feature.

1020 (i) Each medical marijuana treatment center that dispenses
1021 marijuana and marijuana delivery devices shall make available to
1022 the public on its website:

1023 1. Each marijuana and low-THC product available for
1024 purchase, including the form, strain of marijuana from which it
1025 was extracted, cannabidiol content, tetrahydrocannabinol
1026 content, dose unit, total number of doses available, and the
1027 ratio of cannabidiol to tetrahydrocannabinol for each product.

1028 2. The price for a 30-day, 50-day, and 70-day supply at a
1029 standard dose for each marijuana and low-THC product available
1030 for purchase.

1031 3. The price for each marijuana delivery device available
1032 for purchase.

1033 4. If applicable, any discount policies and eligibility
1034 criteria for such discounts.

1035 ~~(j) Medical marijuana treatment centers are the sole source~~
1036 ~~from which~~ A qualified patient may legally obtain marijuana only
1037 from a medical marijuana treatment center or a medical marijuana
1038 retail facility.

1039 (k) The department may adopt rules pursuant to ss.
1040 120.536(1) and 120.54 to implement this subsection.

1041 (9) MEDICAL MARIJUANA RETAIL FACILITIES.—The department
1042 shall license medical marijuana retail facilities to ensure
1043 reasonable statewide accessibility and availability as necessary
1044 for qualified patients who are registered in the medical

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1045 marijuana use registry and who are issued a physician
1046 certification under this section. The department shall begin
1047 issuing medical marijuana retail facility licenses by August 1,
1048 2021.

1049 (a) An applicant for licensure as a medical marijuana
1050 retail facility must apply to the department on a form
1051 prescribed by the department and adopted in rule. The department
1052 shall adopt rules pursuant to ss. 120.536(1) and 120.54
1053 establishing a procedure for the issuance and biennial renewal
1054 of licenses. The department shall identify applicants with
1055 strong diversity plans reflecting this state's commitment to
1056 diversity, and the department shall implement training programs
1057 and other educational programs to enable minority persons and
1058 minority business enterprises, as defined in s. 288.703, and
1059 veteran business enterprises, as defined in s. 295.187, to
1060 qualify for medical marijuana retail facility licensure and
1061 contracts. The department must issue a license to an applicant
1062 if the applicant meets the requirements of this subsection and
1063 rules adopted under this subsection. The department shall renew
1064 the licensure of a medical marijuana retail facility biennially
1065 if the licensee meets the requirements of this subsection and
1066 the rules adopted under this subsection. An individual may not
1067 be an applicant, an owner, an officer, a board member, or a
1068 manager on more than one application for licensure as a medical
1069 marijuana retail facility. An individual or entity may not be
1070 awarded more than one license as a medical marijuana retail
1071 facility. Each medical marijuana retail facility license is
1072 valid for one physical location. A medical marijuana treatment
1073 center may not be awarded a license to operate a medical

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1074 marijuana retail facility.

1075 (b) An applicant for licensure as a medical marijuana
1076 retail facility must demonstrate all of the following:

1077 1. The ability to secure the premises, resources, and
1078 personnel necessary to operate as a medical marijuana retail
1079 facility.

1080 2. The ability to maintain accountability for all raw
1081 materials, all finished products, and any byproducts to prevent
1082 diversion or unlawful access to or possession of these
1083 substances.

1084 3. An infrastructure reasonably located to dispense
1085 marijuana to registered qualified patients statewide or
1086 regionally, as determined by the department.

1087 4. The financial ability to maintain operations for the
1088 duration of the 2-year approval cycle, including the provision
1089 of certified financial statements to the department.

1090 5. That all owners, officers, board members, and managers
1091 have passed a background screening pursuant to subsection (10).

1092 6. The employment of a medical director to supervise the
1093 activities of the medical marijuana retail facility.

1094 7. A diversity plan that promotes and ensures the
1095 involvement of minority persons and minority business
1096 enterprises, as defined in s. 288.703, or veteran business
1097 enterprises, as defined in s. 295.187, in ownership, management,
1098 and employment. An applicant for licensure renewal must show the
1099 effectiveness of the diversity plan by including the following
1100 with his or her application for renewal:

1101 a. Representation of minority persons and veterans in the
1102 medical marijuana retail facility's workforce;

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1103 b. Efforts to recruit minority persons and veterans for
1104 employment; and

1105 c. A record of contracts for services with minority
1106 business enterprises and veteran business enterprises.

1107 8. Proof of liability insurance coverage of at least
1108 \$250,000 for each facility that dispenses or stores marijuana or
1109 medical marijuana delivery devices.

1110 (c) A medical marijuana retail facility may not make a
1111 wholesale purchase of marijuana from a medical marijuana
1112 treatment center.

1113 (d) A medical marijuana retail facility may not transport
1114 marijuana, marijuana delivery devices, or edibles.

1115 (e) A medical marijuana retail facility may contract with
1116 only one medical marijuana treatment center to dispense
1117 marijuana, marijuana delivery devices, or edibles to a qualified
1118 patient or caregiver.

1119 (f)1. A medical marijuana retail facility may transfer
1120 ownership to an individual or entity that meets the requirements
1121 of this section. A publicly traded corporation or publicly
1122 traded company that meets the requirements of this section is
1123 not precluded from ownership of a medical marijuana retail
1124 facility. To accommodate a change in ownership:

1125 a. The medical marijuana retail facility must notify the
1126 department in writing at least 60 days before the anticipated
1127 date of the change of ownership.

1128 b. The individual or entity applying for initial licensure
1129 due to a change of ownership must submit an application that
1130 must be received by the department at least 60 days before the
1131 date of the change of ownership.

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1132 c. Upon receipt of an application for a license, the
1133 department shall examine the application and, within 30 days
1134 after receipt, notify the applicant in writing of any apparent
1135 errors or omissions and request any additional information
1136 required.

1137 d. Requested information omitted from an application for
1138 licensure must be filed with the department within 21 days after
1139 the department's request for omitted information or the
1140 application shall be deemed incomplete and must be withdrawn
1141 from further consideration, and any fees shall be forfeited.

1142
1143 Within 30 days after the receipt of a complete application, the
1144 department shall approve or deny the application.

1145 2. A medical marijuana retail facility, and any individual
1146 or entity that directly or indirectly owns, controls, or holds
1147 with power to vote 5 percent or more of the voting shares of a
1148 medical marijuana retail facility, may not acquire direct or
1149 indirect ownership or control of any voting shares or other form
1150 of ownership of any other medical marijuana retail facility.

1151 3. A medical marijuana retail facility may not enter into
1152 any form of profit-sharing arrangement with the property owner
1153 or lessor of any of its facilities where storing or dispensing
1154 of marijuana and marijuana delivery devices occurs.

1155 4. All employees of a medical marijuana retail facility
1156 must be 21 years of age or older and have passed a background
1157 screening pursuant to subsection (10).

1158 5. Each medical marijuana retail facility must adopt and
1159 enforce policies and procedures to ensure that employees and
1160 volunteers receive training on the legal requirements to

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1161 dispense marijuana to qualified patients.

1162 6. Each medical marijuana retail facility must make
1163 available for purchase at least one low-THC cannabis product.

1164 7. A medical marijuana retail facility may not repackage or
1165 modify marijuana or a medical marijuana delivery device packaged
1166 for retail sale by a contracted medical marijuana treatment
1167 center.

1168 8. A medical marijuana retail facility may not process or
1169 produce edibles, but it may dispense to a qualified patient or
1170 caregiver edibles in the original packaging and with the
1171 original labeling affixed as received from a contracted medical
1172 marijuana treatment center. Onsite consumption of marijuana or
1173 edibles at a medical marijuana retail facility is prohibited.
1174 The department may select a random sample from edibles available
1175 for purchase in a medical marijuana retail facility to be tested
1176 by the department to determine whether the edibles meets the
1177 potency requirements of subparagraph (8) (e)8. and are safe for
1178 human consumption, and whether the labeling of the
1179 tetrahydrocannabinol and cannabidiol concentration is accurate.
1180 A medical marijuana retail facility may not require payment from
1181 the department for the sample. A medical marijuana retail
1182 facility must recall edibles, including all edibles made from
1183 the same batch of marijuana, which fail to meet the potency
1184 requirements, which are unsafe for human consumption, or for
1185 which the labeling of the tetrahydrocannabinol and cannabidiol
1186 concentration is inaccurate.

1187 9. When dispensing marijuana or a marijuana delivery
1188 device, a medical marijuana retail facility:

1189 a. May dispense any active, valid order for low-THC

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1190 cannabis, medical cannabis, and cannabis delivery devices issued
1191 pursuant to former s. 381.986, Florida Statutes 2016, which was
1192 entered into the medical marijuana use registry before July 1,
1193 2017.

1194 b. May not dispense more than a 70-day supply of marijuana
1195 to a qualified patient or caregiver.

1196 c. Must require that an employee who dispenses the
1197 marijuana or a marijuana delivery device enter into the medical
1198 marijuana use registry his or her name or unique employee
1199 identifier.

1200 d. Must verify that the qualified patient and the
1201 caregiver, if applicable, each have an active registration in
1202 the medical marijuana use registry and an active and valid
1203 medical marijuana use registry identification card, that the
1204 amount and type of marijuana dispensed matches the physician
1205 certification in the medical marijuana use registry for that
1206 qualified patient, and that the physician certification has not
1207 already been filled.

1208 e. May not dispense marijuana to a qualified patient who is
1209 younger than 18 years of age. If the qualified patient is
1210 younger than 18 years of age, marijuana may be dispensed only to
1211 the qualified patient's caregiver.

1212 f. May not dispense or sell any other type of cannabis,
1213 alcohol, or illicit drug-related product, including pipes,
1214 bongs, or rolling papers, other than a marijuana delivery device
1215 required for the medical use of marijuana which is specified in
1216 a physician certification.

1217 g. Must, upon dispensing the marijuana or marijuana
1218 delivery device, record in the registry the date, time,

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1219 quantity, and form of marijuana dispensed; the type of marijuana
1220 delivery device dispensed; and the name and medical marijuana
1221 use registry identification number of the qualified patient or
1222 caregiver to whom the marijuana or marijuana delivery device was
1223 dispensed.

1224 h. Must ensure that patient records are not visible to
1225 anyone other than the qualified patient, his or her caregiver,
1226 and authorized medical marijuana retail facility employees.

1227 (g) To ensure the safety and security of premises where the
1228 storing or dispensing of marijuana occurs, and to maintain
1229 adequate controls against the diversion, theft, and loss of
1230 marijuana or marijuana delivery devices, a medical marijuana
1231 retail facility shall:

1232 1.a. Maintain a fully operational security alarm system
1233 that secures all entry points and perimeter windows and is
1234 equipped with motion detectors; pressure switches; and duress,
1235 panic, and hold-up alarms; and

1236 b. Maintain a video surveillance system that records
1237 continuously, 24 hours a day, and meets the following criteria:

1238 (I) Cameras are fixed in a place that allows for the clear
1239 identification of persons and activities in controlled areas of
1240 the premises. Controlled areas include grow rooms, processing
1241 rooms, storage rooms, disposal rooms or areas, and point-of-sale
1242 rooms.

1243 (II) Cameras are fixed in entrances and exits to the
1244 premises and record from indoor and outdoor, or ingress and
1245 egress, vantage points.

1246 (III) Recorded images clearly and accurately display the
1247 time and date.

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1248 (IV) Video surveillance recordings are retained for at
1249 least 45 days, or longer upon the request of a law enforcement
1250 agency.

1251 2. Ensure that the outdoor premises have sufficient
1252 lighting from dusk until dawn.

1253 3. Ensure that the indoor premises where dispensing occurs
1254 include a waiting area with sufficient space and seating to
1255 accommodate qualified patients and caregivers and at least one
1256 private consultation area that is isolated from the waiting area
1257 and the area where dispensing occurs. A medical marijuana retail
1258 facility may not display products or dispense marijuana or
1259 marijuana delivery devices in the waiting area.

1260 4. Not dispense from its premises marijuana or a marijuana
1261 delivery device between the hours of 9 p.m. and 7 a.m. but may
1262 perform all other operations and deliver marijuana to qualified
1263 patients 24 hours a day.

1264 5. Store marijuana in a secured, locked room or a vault.

1265 6. Require at least two of its employees, or two employees
1266 of a security agency with whom it contracts, to be on the
1267 premises at all times where cultivation, processing, or storing
1268 of marijuana occurs.

1269 7. Require each employee or contractor to wear a photo
1270 identification badge at all times while on the premises.

1271 8. Require each visitor to wear a visitor pass at all times
1272 while on the premises.

1273 9. Implement an alcohol- and drug-free workplace policy.

1274 10. Report to local law enforcement within 24 hours after
1275 being notified or becoming aware of the theft, diversion, or
1276 loss of marijuana.

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1277 (h) A medical marijuana retail facility may not engage in
1278 Internet sales.

1279 (i) A medical marijuana retail facility may not engage in
1280 advertising that is visible to members of the public from any
1281 street, sidewalk, park, or other public place, except:

1282 1. A medical marijuana retail facility may have a sign that
1283 is affixed to the outside, or hanging in the window, of the
1284 premises which identifies the facility by the licensee's
1285 business name, a department-approved trade name, or a
1286 department-approved logo. A medical marijuana retail facility's
1287 trade name and logo may not contain wording or images commonly
1288 associated with marketing targeted toward children or which
1289 promote recreational use of marijuana.

1290 2. A medical marijuana retail facility may engage in
1291 Internet advertising and marketing under the following
1292 conditions:

1293 a. All advertisements must be approved by the department.

1294 b. An advertisement may not have any content that
1295 specifically targets individuals under the age of 18, including
1296 cartoon characters or similar images.

1297 c. An advertisement may not be an unsolicited pop-up
1298 advertisement.

1299 d. Opt-in marketing must include an easy and permanent opt-
1300 out feature.

1301 (j) Each medical marijuana retail facility that dispenses
1302 marijuana, marijuana delivery devices, or edibles shall make
1303 available to the public on its website:

1304 1. Information on each marijuana and low-THC cannabis
1305 product available for purchase, including the form, strain of

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1306 marijuana from which it was extracted, cannabidiol content,
1307 tetrahydrocannabinol content, dose unit, and total number of
1308 doses available, and the ratio of cannabidiol to
1309 tetrahydrocannabinol for each such product.

1310 2. The price of a 30-day supply, 50-day supply, and-70 day
1311 supply at a standard dose for each marijuana and low-THC
1312 cannabis product available for purchase.

1313 3. The price for each marijuana delivery device available
1314 for purchase.

1315 4. If applicable, any discount policies and eligibility
1316 criteria for such discounts.

1317 (k) A qualified patient may legally obtain medical
1318 marijuana only from a medical marijuana treatment center or a
1319 medical marijuana retail facility.

1320 (l) The department may adopt rules pursuant to ss.
1321 120.536(1) and 120.54 to implement this subsection.

1322 (11)-(10) MEDICAL MARIJUANA TREATMENT CENTER AND MEDICAL
1323 MARIJUANA RETAIL FACILITY INSPECTIONS; ADMINISTRATIVE ACTIONS.-

1324 (a) The department shall conduct announced or unannounced
1325 inspections of medical marijuana treatment centers and medical
1326 marijuana retail facilities to determine compliance with this
1327 section or rules adopted pursuant to this section.

1328 (b) The department shall inspect a medical marijuana
1329 treatment center upon receiving a complaint or notice that the
1330 medical marijuana treatment center has dispensed marijuana
1331 containing mold, bacteria, or other contaminant that may cause
1332 or has caused an adverse effect to human health or the
1333 environment.

1334 (c) The department shall conduct at least a biennial

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1335 inspection of each medical marijuana treatment center and each
1336 medical marijuana retail facility to evaluate the medical
1337 marijuana treatment center's or medical marijuana retail
1338 facility's records, personnel, equipment, processes, security
1339 measures, sanitation practices, and quality assurance practices.

1340 (d) The Department of Agriculture and Consumer Services and
1341 the department shall enter into an interagency agreement to
1342 ensure cooperation and coordination in the performance of their
1343 obligations under this section and their respective regulatory
1344 and authorizing laws. The department, the Department of Highway
1345 Safety and Motor Vehicles, and the Department of Law Enforcement
1346 may enter into interagency agreements for the purposes specified
1347 in this subsection or subsection (7).

1348 (e) The department shall publish a list of all approved
1349 medical marijuana treatment centers, medical directors, medical
1350 marijuana retail facilities, and qualified physicians on its
1351 website.

1352 (f) The department may impose reasonable fines not to
1353 exceed \$10,000 on a medical marijuana treatment center or a
1354 medical marijuana retail facility for any of the following
1355 violations:

- 1356 1. Violating this section or department rule.
- 1357 2. Failing to maintain qualifications for approval.
- 1358 3. Endangering the health, safety, or security of a
1359 qualified patient.
- 1360 4. Improperly disclosing personal and confidential
1361 information of the qualified patient.
- 1362 5. Attempting to procure medical marijuana treatment center
1363 or medical marijuana retail facility approval by bribery,

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1364 fraudulent misrepresentation, or extortion.

1365 6. Being convicted or found guilty of, or entering a plea
1366 of guilty or nolo contendere to, regardless of adjudication, a
1367 crime in any jurisdiction which directly relates to the business
1368 of a medical marijuana treatment center or a medical marijuana
1369 retail facility.

1370 7. Making or filing a report or record that the medical
1371 marijuana treatment center or medical marijuana retail facility
1372 knows to be false.

1373 8. Willfully failing to maintain a record required by this
1374 section or department rule.

1375 9. Willfully impeding or obstructing an employee or agent
1376 of the department in the furtherance of his or her official
1377 duties.

1378 10. Engaging in fraud or deceit, negligence, incompetence,
1379 or misconduct in the business practices of a medical marijuana
1380 treatment center or a medical marijuana retail facility.

1381 11. Making misleading, deceptive, or fraudulent
1382 representations in or related to the business practices of a
1383 medical marijuana treatment center or a medical marijuana retail
1384 facility.

1385 12. Having a license or the authority to engage in any
1386 regulated profession, occupation, or business that is related to
1387 the business practices of a medical marijuana treatment center
1388 or a medical marijuana retail facility suspended, revoked, or
1389 otherwise acted against by the licensing authority of any
1390 jurisdiction, including its agencies or subdivisions, for a
1391 violation that would constitute a violation under Florida law.

1392 13. Violating a lawful order of the department or an agency

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1393 of the state, or failing to comply with a lawfully issued
1394 subpoena of the department or an agency of the state.

1395 (g) The department may suspend, revoke, or refuse to renew
1396 the license of a medical marijuana treatment center or a medical
1397 marijuana retail facility ~~license~~ if the medical marijuana
1398 treatment center or medical marijuana retail facility commits
1399 any of the violations in paragraph (f).

1400 (h) The department may adopt rules pursuant to ss.
1401 120.536(1) and 120.54 to implement this subsection.

1402 (12) ~~(11)~~ PREEMPTION.—Regulation of cultivation, processing,
1403 and delivery of marijuana by medical marijuana treatment centers
1404 is preempted to the state except as provided in this subsection.

1405 (a) A medical marijuana treatment center cultivating or
1406 processing facility may not be located within 500 feet of the
1407 real property that comprises a public or private elementary
1408 school, middle school, or secondary school.

1409 (b)1. A county or municipality may, by ordinance, ban
1410 medical marijuana treatment center dispensing facilities or
1411 medical marijuana retail facilities from being located within
1412 the boundaries of that county or municipality. A county or
1413 municipality that does not ban dispensing facilities or medical
1414 marijuana retail facilities under this subparagraph may not
1415 place specific limits, by ordinance, on the number of dispensing
1416 facilities or medical marijuana retail facilities that may
1417 locate within that county or municipality.

1418 2. A municipality may determine by ordinance the criteria
1419 for the location of, and other permitting requirements that do
1420 not conflict with state law or department rule for, medical
1421 marijuana treatment center dispensing facilities or medical

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1422 marijuana retail facilities located within the boundaries of
1423 that municipality. A county may determine by ordinance the
1424 criteria for the location of, and other permitting requirements
1425 that do not conflict with state law or department rule for, all
1426 such dispensing facilities and medical marijuana retail
1427 facilities located within the unincorporated areas of that
1428 county. Except as provided in paragraph (c), a county or
1429 municipality may not enact ordinances for permitting or for
1430 determining the location of dispensing facilities and medical
1431 marijuana retail facilities which are more restrictive than its
1432 ordinances permitting or determining the locations for
1433 pharmacies licensed under chapter 465. A municipality or county
1434 may not charge a medical marijuana treatment center or a medical
1435 marijuana retail facility a license or permit fee in an amount
1436 greater than the fee charged by such municipality or county to
1437 pharmacies. A dispensing facility location approved by a
1438 municipality or county pursuant to former s. 381.986(8)(b),
1439 Florida Statutes 2016, is not subject to the location
1440 requirements of this subsection.

1441 (c) A medical marijuana treatment center dispensing
1442 facility or a medical marijuana retail facility may not be
1443 located within 500 feet of the real property that comprises a
1444 public or private elementary school, middle school, or secondary
1445 school unless the county or municipality approves the location
1446 through a formal proceeding open to the public at which the
1447 county or municipality determines that the location promotes the
1448 public health, safety, and general welfare of the community.

1449 (d) This subsection does not prohibit any local
1450 jurisdiction from ensuring that medical marijuana treatment

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1451 center dispensing facilities and medical marijuana retail
1452 facilities comply with the Florida Building Code, the Florida
1453 Fire Prevention Code, or any local amendments to the Florida
1454 Building Code or the Florida Fire Prevention Code.

1455 (13)~~(12)~~ PENALTIES.—

1456 (a) A qualified physician commits a misdemeanor of the
1457 first degree, punishable as provided in s. 775.082 or s.
1458 775.083, if the qualified physician issues a physician
1459 certification for the medical use of marijuana for a patient
1460 without a reasonable belief that the patient is suffering from a
1461 qualifying medical condition.

1462 (b) A person who fraudulently represents that he or she has
1463 a qualifying medical condition to a qualified physician for the
1464 purpose of being issued a physician certification commits a
1465 misdemeanor of the first degree, punishable as provided in s.
1466 775.082 or s. 775.083.

1467 (c) A qualified patient who uses marijuana, not including
1468 low-THC cannabis, or a caregiver who administers marijuana, not
1469 including low-THC cannabis, in plain view of or in a place open
1470 to the general public; in a school bus, a vehicle, an aircraft,
1471 or a boat; or on the grounds of a school except as provided in
1472 s. 1006.062, commits a misdemeanor of the first degree,
1473 punishable as provided in s. 775.082 or s. 775.083.

1474 (d) A qualified patient or caregiver who cultivates
1475 marijuana or who purchases or acquires marijuana from any person
1476 or entity other than a medical marijuana treatment center or a
1477 medical marijuana retail facility violates s. 893.13 and is
1478 subject to the penalties provided therein.

1479 (e)1. A qualified patient or caregiver in possession of

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1480 marijuana or a marijuana delivery device who fails or refuses to
1481 present his or her marijuana use registry identification card
1482 upon the request of a law enforcement officer commits a
1483 misdemeanor of the second degree, punishable as provided in s.
1484 775.082 or s. 775.083, unless it can be determined through the
1485 medical marijuana use registry that the person is authorized to
1486 be in possession of that marijuana or marijuana delivery device.

1487 2. A person charged with a violation of this paragraph may
1488 not be convicted if, before or at the time of his or her court
1489 or hearing appearance, the person produces in court or to the
1490 clerk of the court in which the charge is pending a medical
1491 marijuana use registry identification card issued to him or her
1492 which is valid at the time of his or her arrest. The clerk of
1493 the court is authorized to dismiss such case at any time before
1494 the defendant's appearance in court. The clerk of the court may
1495 assess a fee of \$5 for dismissing the case under this paragraph.

1496 (f) A caregiver who violates any of the applicable
1497 provisions of this section or applicable department rules, for
1498 the first offense, commits a misdemeanor of the second degree,
1499 punishable as provided in s. 775.082 or s. 775.083 and, for a
1500 second or subsequent offense, commits a misdemeanor of the first
1501 degree, punishable as provided in s. 775.082 or s. 775.083.

1502 (g) A qualified physician who issues a physician
1503 certification for marijuana or a marijuana delivery device and
1504 receives compensation from a medical marijuana treatment center
1505 related to the issuance of a physician certification for
1506 marijuana or a marijuana delivery device is subject to
1507 disciplinary action under the applicable practice act and s.
1508 456.072 (1) (n).

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1509 (h) A person transporting marijuana or marijuana delivery
1510 devices on behalf of a medical marijuana treatment center or
1511 marijuana testing laboratory who fails or refuses to present a
1512 transportation manifest upon the request of a law enforcement
1513 officer commits a misdemeanor of the second degree, punishable
1514 as provided in s. 775.082 or s. 775.083.

1515 (i) Persons and entities conducting activities authorized
1516 and governed by this section and s. 381.988 are subject to ss.
1517 456.053, 456.054, and 817.505, as applicable.

1518 (j) A person or entity that cultivates, processes,
1519 distributes, sells, or dispenses marijuana, as defined in s.
1520 29(b)(4), Art. X of the State Constitution, and is not licensed
1521 as a medical marijuana treatment center or as a medical
1522 marijuana retail facility violates s. 893.13 and is subject to
1523 the penalties provided therein.

1524 (k) A person who manufactures, distributes, sells, gives,
1525 or possesses with the intent to manufacture, distribute, sell,
1526 or give marijuana or a marijuana delivery device that he or she
1527 holds out to have originated from a licensed medical marijuana
1528 treatment center but that is counterfeit commits a felony of the
1529 third degree, punishable as provided in s. 775.082, s. 775.083,
1530 or s. 775.084. For the purposes of this paragraph, the term
1531 "counterfeit" means marijuana; a marijuana delivery device; or a
1532 marijuana or marijuana delivery device container, seal, or label
1533 which, without authorization, bears the trademark, trade name,
1534 or other identifying mark, imprint, or device, or any likeness
1535 thereof, of a licensed medical marijuana treatment center and
1536 which thereby falsely purports or is represented to be the
1537 product of, or to have been distributed by, that licensed

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1538 medical marijuana treatment center ~~facility~~.

1539 (l) A person who distributes, sells, gives, or possesses
1540 with the intent to manufacture, distribute, sell, or give
1541 marijuana or a marijuana delivery device that he or she holds
1542 out to have been dispensed from a licensed medical marijuana
1543 retail facility but that is counterfeit commits a felony of the
1544 third degree, punishable as provided in s. 775.082, s. 775.083,
1545 or s. 775.084. For the purposes of this paragraph, the term
1546 "counterfeit" means marijuana; a marijuana delivery device; or a
1547 marijuana or marijuana delivery device container, seal, or label
1548 that, without authorization, bears the trademark, trade name, or
1549 other identifying mark, imprint, or device, or any likeness
1550 thereof, of a licensed medical marijuana retail facility and
1551 that thereby falsely purports or is represented to be the
1552 product of, or to have been distributed by, that licensed
1553 medical marijuana retail facility.

1554 (m) ~~(l)~~ Any person who possesses or manufactures a blank,
1555 forged, stolen, fictitious, fraudulent, counterfeit, or
1556 otherwise unlawfully issued medical marijuana use registry
1557 identification card commits a felony of the third degree,
1558 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1559 (15) ~~(14)~~ EXCEPTIONS TO OTHER LAWS.—

1560 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1561 any other provision of law, but subject to the requirements of
1562 this section, a qualified patient and the qualified patient's
1563 caregiver may purchase from a medical marijuana treatment center
1564 or a medical marijuana retail facility for the patient's medical
1565 use a marijuana delivery device and up to the amount of
1566 marijuana authorized in the physician certification, but may not

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1567 possess more than a 70-day supply of marijuana, or the greater
1568 of 4 ounces of marijuana in a form for smoking or an amount of
1569 marijuana in a form for smoking approved by the department
1570 pursuant to paragraph (4) (f), at any given time and all
1571 marijuana purchased must remain in its original packaging.

1572 (b) Notwithstanding paragraph (a), s. 893.13, s. 893.135,
1573 s. 893.147, or any other provision of law, a qualified patient
1574 and the qualified patient's caregiver may purchase and possess a
1575 marijuana delivery device intended for the medical use of
1576 marijuana by smoking from a vendor other than a medical
1577 marijuana treatment center.

1578 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1579 any other provision of law, but subject to the requirements of
1580 this section, a licensed ~~an approved~~ medical marijuana treatment
1581 center and its owners, managers, and employees may manufacture,
1582 possess, sell, deliver, distribute, dispense, and lawfully
1583 dispose of marijuana or a marijuana delivery device as provided
1584 in this section, in s. 381.988, and by department rule. For the
1585 purposes of this subsection, the terms "manufacture,"
1586 "possession," "deliver," "distribute," and "dispense" have the
1587 same meanings as provided in s. 893.02.

1588 (d) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
1589 any other provision of law, but subject to the requirements of
1590 this section, a medical marijuana retail facility and its
1591 owners, managers, and employees may possess, sell, distribute,
1592 dispense, and lawfully dispose of marijuana or a marijuana
1593 delivery device as provided in this section, in s. 381.988, and
1594 by department rule. For the purposes of this subsection, the
1595 terms "possession," "distribute," and "dispense" have the same

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1596 meanings as provided in s. 893.02.

1597 (e)~~(d)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,
1598 or any other provision of law, but subject to the requirements
1599 of this section, a certified marijuana testing laboratory,
1600 including an employee of a certified marijuana testing
1601 laboratory acting within the scope of his or her employment, may
1602 acquire, possess, test, transport, and lawfully dispose of
1603 marijuana as provided in this section, in s. 381.988, and by
1604 department rule.

1605 (f)~~(e)~~ A licensed medical marijuana treatment center and
1606 its owners, managers, and employees are not subject to licensure
1607 or regulation under chapter 465 or chapter 499 for
1608 manufacturing, possessing, selling, delivering, distributing,
1609 dispensing, or lawfully disposing of marijuana or a marijuana
1610 delivery device, as provided in this section, in s. 381.988, and
1611 by department rule.

1612 (g) A licensed medical marijuana retail facility and its
1613 owners, managers, and employees are not subject to licensure or
1614 regulation under chapter 465 or chapter 499 for possessing,
1615 selling, distributing, dispensing, or lawfully disposing of
1616 marijuana or a marijuana delivery device, as provided in this
1617 section, in s. 381.988, and by department rule.

1618 (h)~~(f)~~ This subsection does not exempt a person from
1619 prosecution for a criminal offense related to impairment or
1620 intoxication resulting from the medical use of marijuana or
1621 relieve a person from any requirement under law to submit to a
1622 breath, blood, urine, or other test to detect the presence of a
1623 controlled substance.

1624 (i)~~(g)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,

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1625 or any other provision of law, but subject to the requirements
1626 of this section and pursuant to policies and procedures
1627 established pursuant to s. 1006.062(8), school personnel may
1628 possess marijuana that is obtained for medical use pursuant to
1629 this section by a student who is a qualified patient.

1630 (j)~~(h)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,
1631 or any other provision of law, but subject to the requirements
1632 of this section, a research institute established by a public
1633 postsecondary educational institution, such as the H. Lee
1634 Moffitt Cancer Center and Research Institute, Inc., established
1635 under s. 1004.43, or a state university that has achieved the
1636 preeminent state research university designation under s.
1637 1001.7065 may possess, test, transport, and lawfully dispose of
1638 marijuana for research purposes as provided by this section.

1639 Section 2. Section 381.987, Florida Statutes, is amended to
1640 read:

1641 381.987 Public records exemption for personal identifying
1642 information relating to medical marijuana held by the
1643 department.—

1644 (1) The following information is confidential and exempt
1645 from s. 119.07(1) and s. 24(a), Art. I of the State
1646 Constitution:

1647 (a) A patient's or caregiver's personal identifying
1648 information held by the department in the medical marijuana use
1649 registry established under s. 381.986, including, but not
1650 limited to, the patient's or caregiver's name, address, date of
1651 birth, photograph, and telephone number.

1652 (b) All personal identifying information collected for the
1653 purpose of issuing a patient's or caregiver's medical marijuana

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1654 use registry identification card described in s. 381.986.

1655 (c) All personal identifying information pertaining to the
1656 physician certification for marijuana and the dispensing thereof
1657 held by the department, including, but not limited to,
1658 information related to the patient's diagnosis, exception
1659 requests to the daily dose amount limit, and the qualified
1660 patient's experience related to the medical use of marijuana.

1661 (d) A qualified physician's Drug Enforcement Administration
1662 number, residential address, and government-issued
1663 identification card.

1664 (2) The department shall allow access to the confidential
1665 and exempt information in the medical marijuana use registry to:

1666 (a) A law enforcement agency that is investigating a
1667 violation of law regarding marijuana in which the subject of the
1668 investigation claims an exception established under s. 381.986,
1669 except for information related to the patient's diagnosis.

1670 (b) A medical marijuana treatment center or a medical
1671 marijuana retail facility that is licensed ~~approved~~ by the
1672 department pursuant to s. 381.986 which is attempting to verify
1673 the authenticity of a physician certification for marijuana,
1674 including whether the certification had been previously filled
1675 and whether the certification was issued for the person
1676 attempting to have it filled, except for information related to
1677 the patient's diagnosis.

1678 (c) A physician who has issued a certification for
1679 marijuana for the purpose of monitoring the patient's use of
1680 such marijuana or for the purpose of determining, before issuing
1681 a certification for marijuana, whether another physician has
1682 issued a certification for the patient's use of marijuana. The

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1683 physician may access the confidential and exempt information
1684 only for the patient for whom he or she has issued a
1685 certification or is determining whether to issue a certification
1686 for the use of marijuana pursuant to s. 381.986.

1687 (d) A practitioner licensed to prescribe prescription
1688 medications to ensure proper care of a patient before
1689 prescribing medication to that patient which may interact with
1690 marijuana.

1691 (e) An employee of the department for the purposes of
1692 maintaining the registry and periodic reporting or disclosure of
1693 information that has been redacted to exclude personal
1694 identifying information.

1695 (f) An employee of the department for the purposes of
1696 reviewing physician registration and the issuance of physician
1697 certifications to monitor practices that could facilitate
1698 unlawful diversion or the misuse of marijuana or a marijuana
1699 delivery device.

1700 (g) The department's relevant health care regulatory boards
1701 responsible for the licensure, regulation, or discipline of a
1702 physician if he or she is involved in a specific investigation
1703 of a violation of s. 381.986. If a health care regulatory
1704 board's investigation reveals potential criminal activity, the
1705 board may provide any relevant information to the appropriate
1706 law enforcement agency.

1707 (h) The Consortium for Medical Marijuana Clinical Outcomes
1708 Research established in s. 1004.4351(4).

1709 (i) A person engaged in bona fide research if the person
1710 agrees:

1711 1. To submit a research plan to the department which

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1712 specifies the exact nature of the information requested and the
1713 intended use of the information;

1714 2. To maintain the confidentiality of the records or
1715 information if personal identifying information is made
1716 available to the researcher;

1717 3. To destroy any confidential and exempt records or
1718 information obtained after the research is concluded; and

1719 4. Not to contact, directly or indirectly, for any purpose,
1720 a patient or physician whose information is in the registry.

1721 (3) The department shall allow access to the confidential
1722 and exempt information pertaining to the physician certification
1723 for marijuana and the dispensing thereof, whether in the
1724 registry or otherwise held by the department, to:

1725 (a) An employee of the department for the purpose of
1726 approving or disapproving a request for an exception to the
1727 daily dose amount limit for a qualified patient; and

1728 (b) The Consortium for Medical Marijuana Clinical Outcomes
1729 Research pursuant to s. 381.986 for the purpose of conducting
1730 research regarding the medical use of marijuana.

1731 (4) All information released by the department under
1732 subsections (2) and (3) remains confidential and exempt, and a
1733 person who receives access to such information must maintain the
1734 confidential and exempt status of the information received.

1735 (5) A person who willfully and knowingly violates this
1736 section commits a felony of the third degree, punishable as
1737 provided in s. 775.082 or s. 775.083.

1738 (6) This section is subject to the Open Government Sunset
1739 Review Act in accordance with s. 119.15 and shall stand repealed
1740 on October 2, 2022, unless reviewed and saved from repeal

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1741 through reenactment by the Legislature.

1742 Section 3. This act shall take effect upon becoming a law.