

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Learned offered the following:

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3 **Amendment to Amendment (816737) (with directory and title**  
4 **amendments)**

5 Between lines 145 and 146, insert:

6 (4) PHYSICIAN CERTIFICATION.—

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

9 1. Conducted a physical examination while physically  
10 present in the same room as the patient and a full assessment  
11 of the medical history of the patient. For an initial  
12 certification, the examination must be a physical examination

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13 conducted while physically present in the same room as the  
14 patient.

15 2. Diagnosed the patient with at least one qualifying  
16 medical condition.

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

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

27 5. Reviewed the patient's controlled drug prescription  
28 history in the prescription drug monitoring program database  
29 established pursuant to s. 893.055.

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

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

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

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

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

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

60 a. The Federal Government's classification of marijuana  
61 as a Schedule I controlled substance.

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

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

67 d. The potential for addiction.

68 e. The potential effect that marijuana may have on a  
69 patient's coordination, motor skills, and cognition, including  
70 a warning against operating heavy machinery, operating a motor  
71 vehicle, or engaging in activities that require a person to be  
72 alert or respond quickly.

73 f. The potential side effects of marijuana use, including  
74 the negative health risks associated with smoking marijuana.

75 g. The risks, benefits, and drug interactions of  
76 marijuana.

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

80 (g) A qualified physician must evaluate an existing  
81 qualified patient at least once every 8 months ~~30 weeks~~ before  
82 issuing a new physician certification for the renewal of an  
83 identification card. The evaluation may be conducted through  
84 telehealth as defined in s. 456.47. A physician must:

85 1. Determine if the patient still meets the requirements  
86 to be issued a physician certification under paragraph (a).

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87           2. Identify and document in the qualified patient's  
88 medical records whether the qualified patient experienced  
89 either of the following related to the medical use of  
90 marijuana:  
91           a. An adverse drug interaction with any prescription or  
92 nonprescription medication; or  
93           b. A reduction in the use of, or dependence on, other  
94 types of controlled substances as defined in s. 893.02.  
95           3. Submit a report with the findings required pursuant to  
96 subparagraph 2. to the department. The department shall submit  
97 such reports to the Consortium for Medical Marijuana Clinical  
98 Outcomes Research established pursuant to s. 1004.4351.

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100  
101  
102 -----  
103           **D I R E C T O R Y   A M E N D M E N T**

104           Remove line 142 and insert:  
105 paragraphs (f) and (i), respectively, paragraphs (a) and (g) of  
106 subsection (4) and paragraphs (b) and (e)

107  
108 -----  
109           **T I T L E   A M E N D M E N T**

110           Remove line 1817 and insert:

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111 shelters; amending s. 381.986, F.S.; requiring a qualified  
112 physician to conduct a physical examination of each new patient;  
113 requiring a qualified physician to evaluate existing qualified  
114 patients every 8 months before issuing a new physician  
115 certification for the renewal of an identification card;  
116 authorizing such evaluations to be conducted through telehealth;  
117 authorizing

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