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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/28/2023	.	
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The Committee on Health Policy (Brodeur) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 23 - 104

and insert:

defined in s. 456.47, provided it is with the qualified physician or practice group that performed the initial in-person examination.

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

3. Determined that the medical use of marijuana would



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11 likely outweigh the potential health risks for the patient, and
12 such determination must be documented in the patient's medical
13 record. If a patient is younger than 18 years of age, a second
14 physician must concur with this determination, and such
15 concurrence must be documented in the patient's medical record.

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

20 5. Reviewed the patient's controlled drug prescription
21 history in the prescription drug monitoring program database
22 established pursuant to s. 893.055.

23 6. Reviews the medical marijuana use registry and confirmed
24 that the patient does not have an active physician certification
25 from another qualified physician.

26 7. Registers as the issuer of the physician certification
27 for the named qualified patient on the medical marijuana use
28 registry in an electronic manner determined by the department,
29 and:

30 a. Enters into the registry the contents of the physician
31 certification, including the patient's qualifying condition and
32 the dosage not to exceed the daily dose amount determined by the
33 department, the amount and forms of marijuana authorized for the
34 patient, and any types of marijuana delivery devices needed by
35 the patient for the medical use of marijuana.

36 b. Updates the registry within 7 days after any change is
37 made to the original physician certification to reflect such
38 change.

39 c. Deactivates the registration of the qualified patient



40 and the patient's caregiver when the physician no longer
41 recommends the medical use of marijuana for the patient.

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

53 a. The Federal Government's classification of marijuana as
54 a Schedule I controlled substance.

55 b. The approval and oversight status of marijuana by the
56 Food and Drug Administration.

57 c. The current state of research on the efficacy of
58 marijuana to treat the qualifying conditions set forth in this
59 section.

60 d. The potential for addiction.

61 e. The potential effect that marijuana may have on a
62 patient's coordination, motor skills, and cognition, including a
63 warning against operating heavy machinery, operating a motor
64 vehicle, or engaging in activities that require a person to be
65 alert or respond quickly.

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

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



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69 h. That the patient's deidentified health information
70 contained in the physician certification and medical marijuana
71 use registry may be used for research purposes.

72 (g) A qualified physician must evaluate an existing
73 qualified patient at least once every 52 ~~30~~ weeks before issuing
74 a new physician certification. The evaluation may be conducted
75 through telehealth as defined in s. 456.47, provided it is with
76 the qualified physician or practice group that performed the
77 initial in-person examination of the qualified patient. A
78 physician must:

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

81 2. Identify and document in the qualified patient's medical
82 records whether the qualified patient experienced either of the
83 following related to the medical use of marijuana:

84 a. An adverse drug interaction with any prescription or
85 nonprescription medication; or

86 b. A reduction in the use of, or dependence on, other types
87 of controlled substances as defined in s. 893.02.

88 3. Submit a report with the findings required pursuant to
89 subparagraph 2. to the department. The department shall submit
90 such reports to the Consortium for Medical Marijuana Clinical
91 Outcomes Research established pursuant to s. 1004.4351.

92 (i) The department shall monitor physician registration in
93 the medical marijuana use registry and the issuance of physician
94 certifications for practices that could facilitate unlawful
95 diversion or misuse of marijuana or a marijuana delivery device
96 and shall take disciplinary action as appropriate. The
97 department may suspend the registration of a qualified physician



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98 in the medical marijuana use registry for a period of up to 2
99 years if the qualified physician:

100 1. Fails to comply with this section; or

101 2. Provides, advertises, or markets telehealth services

102 before July 1, 2023.

103
104 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

105 And the directory clause is amended as follows:

106 Delete line 11

107 and insert:

108 Section 1. Paragraphs (a), (g), and (i) of subsection (4)
109 of

110
111 ===== T I T L E A M E N D M E N T =====

112 And the title is amended as follows:

113 Delete line 7

114 and insert:

115 use of marijuana under certain circumstances; revising
116 the frequency with which qualified physicians must
117 reevaluate qualified patients for purposes of issuing
118 new certifications; authorizing the Department of
119 Health to suspend the registration of a qualified
120 physician in the medical marijuana use registry for a
121 specified timeframe under certain circumstances;
122 providing an effective date.