

1 A bill to be entitled
 2 An act relating to physician certifications for the
 3 medical use of marijuana; amending s. 381.986, F.S.;
 4 authorizing qualified physicians to perform patient
 5 examinations and evaluations through telehealth for
 6 renewals of physician certifications for the medical
 7 use of marijuana under certain circumstances;
 8 authorizing the Department of Health to suspend the
 9 registration of a qualified physician in the medical
 10 marijuana use registry for a specified timeframe under
 11 certain circumstances; providing an effective date.

13 Be It Enacted by the Legislature of the State of Florida:

15 Section 1. Paragraphs (a), (g), and (i) of subsection (4)
 16 of section 381.986, Florida Statutes, are amended to read:

17 381.986 Medical use of marijuana.—

18 (4) PHYSICIAN CERTIFICATION.—

19 (a) A qualified physician may issue a physician
 20 certification only if the qualified physician:

21 1. Conducted an a physical examination of ~~while physically~~
 22 ~~present in the same room as~~ the patient and a full assessment of
 23 the medical history of the patient. For an initial physician
 24 certification, the examination must be a physical examination
 25 conducted while physically present in the same room as the

26 | patient. For a physician certification renewal by the same
27 | qualified physician who issued the initial physician
28 | certification, the examination may be conducted through
29 | telehealth as defined in s. 456.47(1).

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

32 | 3. Determined that the medical use of marijuana would
33 | likely outweigh the potential health risks for the patient, and
34 | such determination must be documented in the patient's medical
35 | record. If a patient is younger than 18 years of age, a second
36 | physician must concur with this determination, and such
37 | concurrence must be documented in the patient's medical record.

38 | 4. Determined whether the patient is pregnant and
39 | documented such determination in the patient's medical record. A
40 | physician may not issue a physician certification, except for
41 | low-THC cannabis, to a patient who is pregnant.

42 | 5. Reviewed the patient's controlled drug prescription
43 | history in the prescription drug monitoring program database
44 | established pursuant to s. 893.055.

45 | 6. Reviews the medical marijuana use registry and
46 | confirmed that the patient does not have an active physician
47 | certification from another qualified physician.

48 | 7. Registers as the issuer of the physician certification
49 | for the named qualified patient on the medical marijuana use
50 | registry in an electronic manner determined by the department,

51 and:

52 a. Enters into the registry the contents of the physician
53 certification, including the patient's qualifying condition and
54 the dosage not to exceed the daily dose amount determined by the
55 department, the amount and forms of marijuana authorized for the
56 patient, and any types of marijuana delivery devices needed by
57 the patient for the medical use of marijuana.

58 b. Updates the registry within 7 days after any change is
59 made to the original physician certification to reflect such
60 change.

61 c. Deactivates the registration of the qualified patient
62 and the patient's caregiver when the physician no longer
63 recommends the medical use of marijuana for the patient.

64 8. Obtains the voluntary and informed written consent of
65 the patient for medical use of marijuana each time the qualified
66 physician issues a physician certification for the patient,
67 which shall be maintained in the patient's medical record. The
68 patient, or the patient's parent or legal guardian if the
69 patient is a minor, must sign the informed consent acknowledging
70 that the qualified physician has sufficiently explained its
71 content. The qualified physician must use a standardized
72 informed consent form adopted in rule by the Board of Medicine
73 and the Board of Osteopathic Medicine, which must include, at a
74 minimum, information related to:

75 a. The Federal Government's classification of marijuana as

76 | a Schedule I controlled substance.

77 | b. The approval and oversight status of marijuana by the
78 | Food and Drug Administration.

79 | c. The current state of research on the efficacy of
80 | marijuana to treat the qualifying conditions set forth in this
81 | section.

82 | d. The potential for addiction.

83 | e. The potential effect that marijuana may have on a
84 | patient's coordination, motor skills, and cognition, including a
85 | warning against operating heavy machinery, operating a motor
86 | vehicle, or engaging in activities that require a person to be
87 | alert or respond quickly.

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

90 | g. The risks, benefits, and drug interactions of
91 | marijuana.

92 | h. That the patient's deidentified health information
93 | contained in the physician certification and medical marijuana
94 | use registry may be used for research purposes.

95 | (g) A qualified physician must evaluate an existing
96 | qualified patient at least once every 30 weeks before issuing a
97 | new physician certification. The evaluation may be conducted
98 | through telehealth as defined in s. 456.47(1). A physician must:

99 | 1. Determine if the patient still meets the requirements
100 | to be issued a physician certification under paragraph (a).

101 2. Identify and document in the qualified patient's
 102 medical records whether the qualified patient experienced either
 103 of the following related to the medical use of marijuana:

104 a. An adverse drug interaction with any prescription or
 105 nonprescription medication; or

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

108 3. Submit a report with the findings required pursuant to
 109 subparagraph 2. to the department. The department shall submit
 110 such reports to the Consortium for Medical Marijuana Clinical
 111 Outcomes Research established pursuant to s. 1004.4351.

112 (i) The department shall monitor physician registration in
 113 the medical marijuana use registry and the issuance of physician
 114 certifications for practices that could facilitate unlawful
 115 diversion or misuse of marijuana or a marijuana delivery device
 116 and shall take disciplinary action as appropriate. The
 117 department may suspend the registration of a qualified physician
 118 in the medical marijuana use registry for a period of up to 2
 119 years if the qualified physician:

120 1. Fails to comply with this section; or

121 2. Provides, advertises, or markets telehealth services
 122 before July 1, 2023.

123 Section 2. This act shall take effect July 1, 2023.