

PCS for CS/HB 1397

ORIGINAL

YEAR

26 requirements for registration of, and maintenance of
 27 registered status by, qualified patients and
 28 caregivers; authorizing the department to revoke the
 29 registration of a patient or caregiver under certain
 30 circumstances; providing requirements for the issuance
 31 of medical marijuana use registry identification
 32 cards; requiring the department to issue licenses to a
 33 certain number of medical marijuana treatment centers;
 34 providing for license renewal and revocation;
 35 providing for continuance of certain entities
 36 authorized to dispense low-THC cannabis, medical
 37 cannabis, and cannabis delivery devices; requiring
 38 background screening of owners, officers, board
 39 members, and managers of medical marijuana treatment
 40 centers; requiring the department to establish,
 41 maintain, and control a computer seed-to-sale
 42 marijuana tracking system; requiring the department to
 43 establish protocols and procedures for operation,
 44 conduct periodic inspections, and restrict location of
 45 medical marijuana treatment centers; providing a limit
 46 on county and municipal permit fees; providing
 47 penalties; authorizing the department to impose
 48 sanctions on persons or entities engaging in
 49 unlicensed activities; providing that a person is not
 50 exempt from prosecution for certain offenses and is

51 not relieved from certain requirements of law under
 52 certain circumstances; providing for certain school
 53 personnel to possess marijuana pursuant to certain
 54 established policies and procedures; amending ss.
 55 458.331 and 459.015, F.S.; providing additional acts
 56 by a physician or an osteopathic physician which
 57 constitute grounds for denial of a license or
 58 disciplinary action to which penalties apply; creating
 59 s. 381.988, F.S.; providing for the establishment of
 60 medical marijuana testing laboratories; requiring the
 61 Department of Health, in collaboration with the
 62 Department of Agriculture and Consumer Services and
 63 the Department of Environmental Protection, to develop
 64 certification standards and rules; creating s.
 65 381.989, F.S.; directing the department and the
 66 Department of Highway Safety and Motor Vehicles to
 67 institute public education campaigns relating to
 68 cannabis and marijuana and impaired driving; requiring
 69 evaluations of public education campaigns; authorizing
 70 the department and the Department of Highway Safety
 71 and Motor Vehicles to contract with vendors to
 72 implement and evaluate the campaigns; amending ss.
 73 385.211, 499.0295, and 893.02, F.S.; conforming
 74 provisions to changes made by the act; creating s.
 75 1004.4351, F.S.; providing a short title; providing

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76 legislative findings; defining terms; establishing the
 77 Coalition for Medical Marijuana Research and Education
 78 within the H. Lee Moffitt Cancer Center and Research
 79 Institute, Inc.; providing a purpose for the
 80 coalition; establishing the Medical Marijuana Research
 81 and Education Board to direct the operations of the
 82 coalition; providing for the appointment of board
 83 members; providing for terms of office, reimbursement
 84 for certain expenses, and the conduct of meetings of
 85 the board; authorizing the board to appoint a
 86 coalition director; prescribing the duties of the
 87 coalition director; requiring the board to advise
 88 specified entities and officials regarding medical
 89 marijuana research and education in this state;
 90 requiring the board to annually adopt a Medical
 91 Marijuana Research and Education Plan; providing
 92 requirements for the plan; requiring the board to
 93 issue an annual report to the Governor and the
 94 Legislature by a specified date; specifying
 95 responsibilities of the H. Lee Moffitt Cancer Center
 96 and Research Institute, Inc.; amending s. 1004.441,
 97 F.S.; revising a definition; amending s. 1006.062,
 98 F.S.; requiring district school boards to adopt
 99 policies and procedures for access to medical
 100 marijuana by qualified patients who are students;

101 providing emergency rulemaking authority; providing
 102 for venue for a cause of action against the
 103 department; providing for defense against certain
 104 causes of action; directing the Department of Law
 105 Enforcement to develop training for law enforcement
 106 officers and agencies; providing appropriations;
 107 providing an effective date.

108

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

110 Section 1. Paragraph (1) of subsection (2) of section
 111 212.08, Florida Statutes, is redesignated as paragraph (m), and
 112 a new paragraph (1) is added to that subsection, to read:

113 212.08 Sales, rental, use, consumption, distribution, and
 114 storage tax; specified exemptions.—The sale at retail, the
 115 rental, the use, the consumption, the distribution, and the
 116 storage to be used or consumed in this state of the following
 117 are hereby specifically exempt from the tax imposed by this
 118 chapter.

119 (2) EXEMPTIONS; MEDICAL.—

120 (1) Marijuana and marijuana delivery devices, as defined
 121 in s. 381.986, are exempt from the taxes imposed under this
 122 chapter.

123 Section 2. Section 381.986, Florida Statutes, is amended
 124 to read:

125 (Substantial rewording of section. See

126 s. 381.986, F.S., for present text.)
 127 381.986 Medical use of marijuana.—
 128 (1) DEFINITIONS.—As used in this section, the term:
 129 (a) "Caregiver" means a resident of this state who has
 130 agreed to assist with a qualified patient's medical use of
 131 marijuana, has a caregiver identification card, and meets the
 132 requirements of subsection (6).
 133 (b) "Low-THC cannabis" means a plant of the genus
 134 Cannabis, the dried flowers of which contain 0.8 percent or less
 135 of tetrahydrocannabinol and more than 10 percent of cannabidiol
 136 weight for weight; the seeds thereof; the resin extracted from
 137 any part of such plant; or any compound, manufacture, salt,
 138 derivative, mixture, or preparation of such plant or its seeds
 139 or resin that is dispensed from a medical marijuana treatment
 140 center.
 141 (c) "Marijuana" means all parts of any plant of the genus
 142 Cannabis, whether growing or not; the seeds thereof; the resin
 143 extracted from any part of the plant; and every compound,
 144 manufacture, salt, derivative, mixture, or preparation of the
 145 plant or its seeds or resin, including low-THC cannabis, which
 146 are dispensed from a medical marijuana treatment center for
 147 medical use by a qualified patient.
 148 (d) "Marijuana delivery device" means an object used,
 149 intended for use, or designed for use in preparing, storing,
 150 ingesting, inhaling, or otherwise introducing marijuana into the

151 human body, which is dispensed from a medical marijuana
 152 treatment center for medical use by a qualified patient.

153 (e) "Marijuana testing laboratory" means a facility that
 154 collects and analyzes marijuana samples from a medical marijuana
 155 treatment center and has been certified by the department
 156 pursuant to s. 381.988.

157 (f) "Medical director" means a person who holds an active,
 158 unrestricted license as an allopathic physician under chapter
 159 458 or osteopathic physician under chapter 459 and is in
 160 compliance with the requirements of paragraph (3)(a).

161 (g) "Medical use" means the acquisition, possession, use,
 162 delivery, transfer, or administration of marijuana authorized by
 163 a physician certification. The term does not include:

164 1. Possession, use, or administration of marijuana that
 165 was not purchased or acquired from a medical marijuana treatment
 166 center.

167 2. Possession, use, or administration of marijuana **seeds**
 168 **or flower or** in a form for smoking or vaping or in the form of
 169 commercially produced food items made with marijuana or
 170 marijuana oils, except for vapable forms possessed, used, or
 171 administered by or for a qualified patient diagnosed with a
 172 terminal condition.

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

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

179 5. Use or administration of marijuana in the following
 180 locations:

181 a. On any form of public transportation.

182 b. In any public place.

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

185 d. In a state correctional institution, as defined in s.
 186 944.02, or a correctional institution, as defined in s. 944.241.

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

189 f. In a school bus, a vehicle, an aircraft, or a
 190 motorboat.

191 (h) "Physician certification" means a qualified
 192 physician's authorization for a qualified patient to receive
 193 marijuana and a marijuana delivery device from a medical
 194 marijuana treatment center.

195 (i) "Qualified patient" means a resident of this state who
 196 has been added to the medical marijuana use registry by a
 197 qualified physician to receive marijuana or a marijuana delivery
 198 device for a medical use and who has a qualified patient
 199 identification card.

200 (j) "Qualified physician" means a person who holds an

201 active, unrestricted license as an allopathic physician under
 202 chapter 458 or as an osteopathic physician under chapter 459 and
 203 is in compliance with the physician education requirements of
 204 subsection (3).

205 (k) "Smoking" means burning or igniting a substance and
 206 inhaling the smoke.

207 (l) "Terminal condition" means a progressive disease or
 208 medical or surgical condition that causes significant functional
 209 impairment, is not considered by a treating physician to be
 210 reversible without the administration of life-sustaining
 211 procedures, and will result in death within 1 year after
 212 diagnosis if the condition runs its normal course.

213 (2) QUALIFYING MEDICAL CONDITIONS.—A patient must be
 214 diagnosed with at least one of the following conditions to
 215 qualify to receive marijuana or a marijuana delivery device:

216 (a) Cancer.

217 (b) Epilepsy.

218 (c) Glaucoma.

219 (d) Positive status for human immunodeficiency virus.

220 (e) Acquired immune deficiency syndrome.

221 (f) Post-traumatic stress disorder.

222 (g) Amyotrophic lateral sclerosis.

223 (h) Crohn's disease.

224 (i) Parkinson's disease.

225 (j) Multiple sclerosis.

226 (k) Medical conditions of the same kind or class as or
 227 comparable to those enumerated in paragraphs (a)-(j).

228 (l) A terminal condition diagnosed by a physician other
 229 than the qualified physician issuing the physician
 230 certification.

231 (3) QUALIFIED PHYSICIANS.-To be approved as a qualified
 232 physician, as defined in paragraph (1)(j), a physician must:

233 (a) Successfully complete a 2-hour course and subsequent
 234 examination approved by the applicable board which encompass the
 235 requirements of this section and any rules adopted hereunder.
 236 The course and examination shall be administered at least
 237 annually and may be offered in a distance learning format,
 238 including an electronic, online format that is available upon
 239 request. A physician who has met the physician education
 240 requirements of former s. 381.986(4), Florida Statutes 2016,
 241 before the effective date of this section, shall be deemed to be
 242 in compliance with this paragraph from the effective date of
 243 this act until 90 days after the course and examination required
 244 by this paragraph become available.

245 (b) Not be employed by, or have any direct or indirect
 246 economic interest in, a medical marijuana treatment center or
 247 marijuana testing laboratory.

248 (4) PHYSICIAN CERTIFICATION.-

249 (a) A qualified physician may issue a physician
 250 certification only if the qualified physician:

251 1. Conducted a physical examination while physically
 252 present in the same room as the patient and a full assessment of
 253 the medical history of the patient.

254 2. Diagnosed the patient with at least one qualifying
 255 medical condition, and, if the diagnosis is pursuant to
 256 paragraph (2)(k), submits to the applicable board:

257 a. Documentation supporting the qualified physician's
 258 opinion that the medical condition is of the same kind or class
 259 as the conditions in paragraphs (2)(a)-(j).

260 b. Documentation that establishes the efficacy of
 261 marijuana as treatment for the condition.

262 c. Documentation supporting the qualified physician's
 263 opinion that medical use of marijuana would likely outweigh the
 264 potential health risks for the patient.

265 d. Any other documentation requested by the board.

266 3. Treated the patient for at least 3 months immediately
 267 preceding the patient's registration in the medical marijuana
 268 use registry, except for a patient who has been diagnosed with a
 269 terminal condition. A physician may not initiate or maintain the
 270 physician-patient relationship through the use of telemedicine.

271 4. Determined that the medical use of marijuana would
 272 likely outweigh the potential health risks for the patient. If a
 273 patient is younger than 18 years of age, a second physician must
 274 concur with this determination, and such determination must be
 275 documented in the patient's medical record.

276 5. Determined that the patient is not pregnant and
 277 documented such determination in the patient's medical record. A
 278 physician may not issue a physician certification to a patient
 279 who is pregnant.

280 6. Reviewed the patient's controlled drug prescription
 281 history in the prescription drug monitoring program database
 282 established pursuant to s. 893.055.

283 7. Reviewed the medical marijuana use registry and
 284 confirmed that the patient does not have an active physician
 285 certification from another qualified physician.

286 8. Registers as the issuer of the physician certification
 287 for the named qualified patient on the medical marijuana use
 288 registry in an electronic manner determined by the department,
 289 and:

290 a. Enters into the registry the contents of the physician
 291 certification, including the patient's qualifying condition and
 292 the dosage not to exceed the daily dose amount determined by the
 293 department, amount, and forms of marijuana authorized for the
 294 patient and any types of marijuana delivery device needed by the
 295 patient for the medical use of marijuana.

296 b. Updates the registry within 7 days after any change is
 297 made to the original physician certification to reflect such
 298 change.

299 c. Deactivates the registration of the qualified patient
 300 and the patient's caregiver when the physician no longer

301 recommends the medical use of marijuana for the patient.

302 9. Maintains an individualized patient treatment plan that
 303 includes the qualified patient's qualifying condition and the
 304 dose, route of administration, planned duration, treatment
 305 objectives, plan for assessing and monitoring the qualified
 306 patient's risk of aberrant drug-related behavior, and plan for
 307 monitoring the qualified patient's symptoms and other indicators
 308 of tolerance or reaction to the marijuana.

309 10. Submits the patient treatment plan quarterly to the
 310 University of Florida College of Pharmacy for research on the
 311 safety and efficacy of marijuana.

312 11. Obtains the voluntary and informed written consent of
 313 the patient for medical use of marijuana each time the qualified
 314 physician issues a physician certification for the patient,
 315 which shall be maintained in the patient's medical record. The
 316 patient, or the patient's parent or legal guardian if the
 317 patient is a minor, must sign the informed consent acknowledging
 318 that the qualified physician has sufficiently explained its
 319 content. The qualified physician must use a standardized
 320 informed consent form adopted in rule by the Board of Medicine
 321 and the Board of Osteopathic Medicine, which must include, at a
 322 minimum, information related to:

323 a. The Federal Government's classification of marijuana as
 324 a Schedule I controlled substance.

325 b. The approval and oversight status of marijuana by the

326 Food and Drug Administration.

327 c. The current state of research on the efficacy of
 328 marijuana to treat the qualifying conditions set forth in this
 329 section.

330 d. The potential for addiction.

331 e. The potential effect that marijuana may have on a
 332 patient's coordination, motor skills, and cognition, including a
 333 warning against operating heavy machinery, operating a motor
 334 vehicle, or engaging in activities that require a person to be
 335 alert or respond quickly.

336 f. The potential side effects of marijuana use.

337 g. The risks, benefits, and drug interactions of
 338 marijuana.

339 h. That the patient's de-identified health information
 340 contained in the physician certification, treatment plan, and
 341 medical marijuana use registry may be used for research
 342 purposes.

343 (b) A qualified physician may not issue a physician
 344 certification for more than a 90-day supply of marijuana. The
 345 department shall quantify by rule a daily dose amount with
 346 equivalent dose amounts for each allowable form of marijuana
 347 dispensed by a medical marijuana treatment center. The
 348 department shall use the daily dose amount to calculate a 90-day
 349 supply.

350 1. A qualified physician may request an exception to the

351 daily dose amount limit. The request shall be made
 352 electronically on a form adopted by the department in rule and
 353 must include, at a minimum:

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

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

357 c. A description of how the patient will benefit from an
 358 increased daily dose amount.

359 d. The minimum daily dose amount of marijuana that would
 360 be sufficient for the treatment of the qualified patient's
 361 qualifying medical condition.

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

364 3. The department shall approve or disapprove the request
 365 within 30 days after receipt of the complete documentation
 366 required by this paragraph. The request shall be deemed approved
 367 if the department fails to act within this time period.

368 (c) A qualified physician must evaluate an existing
 369 patient at least once every 90 days to determine if the patient
 370 still meets the requirements of paragraph (a).

371 (d) An active order for low-THC cannabis or medical
 372 cannabis issued pursuant to former s. 381.986, Florida Statutes
 373 2016, and registered with the compassionate use registry before
 374 the effective date of this section, is deemed a physician
 375 certification, and all patients possessing such orders are

376 deemed qualified patients until the department begins issuing
 377 medical marijuana use registry identification cards.

378 (e) The department shall monitor physician registration in
 379 the medical marijuana use registry and the issuance of physician
 380 certifications for practices that could facilitate unlawful
 381 diversion or misuse of marijuana or a marijuana delivery device
 382 and shall take disciplinary action as appropriate.

383 (f) The Board of Medicine and the Board of Osteopathic
 384 Medicine shall jointly create a physician certification pattern
 385 review panel that shall review all physician certifications
 386 submitted to the medical marijuana use registry. The panel shall
 387 track and report the number of physician certifications and the
 388 qualifying medical conditions, dosage, daily dose amount, and
 389 form of marijuana certified. The panel shall report the data
 390 both by individual qualified physician and in the aggregate, by
 391 county, and statewide. The physician certification pattern
 392 review panel shall, beginning January 1, 2018, submit an annual
 393 report of its findings and recommendations to the Governor, the
 394 President of the Senate, and the Speaker of the House of
 395 Representatives.

396 (g) The department, the Board of Medicine, and the Board
 397 of Osteopathic Medicine may adopt rules pursuant to ss.
 398 120.536(1) and 120.54 to implement this subsection.

399 (5) MEDICAL MARIJUANA USE REGISTRY.—

400 (a) The department shall create and maintain a secure,

401 electronic, and online medical marijuana use registry for
 402 physicians, patients, and caregivers as provided under this
 403 section. The medical marijuana use registry must be accessible
 404 to law enforcement agencies, qualified physicians, and medical
 405 marijuana treatment centers to verify the authorization of a
 406 qualified patient or a caregiver to possess marijuana or a
 407 marijuana delivery device and record the marijuana or marijuana
 408 delivery device dispensed. The medical marijuana use registry
 409 must also be accessible to practitioners licensed to prescribe
 410 prescription drugs to ensure proper care for patients before
 411 medications that may interact with the medical use of marijuana
 412 are prescribed. The medical marijuana use registry must prevent
 413 an active registration of a qualified patient by multiple
 414 physicians.

415 (b) The department shall determine whether an individual
 416 is a resident of this state for the purpose of registration of
 417 qualified patients and caregivers in the medical marijuana use
 418 registry. To prove residency:

419 1. An adult must provide the department with a copy of his
 420 or her valid Florida driver license issued under s. 322.18 or a
 421 valid Florida identification card issued under s. 322.051 and a
 422 copy of one of the following documents:

423 a. Proof of voter registration in this state.

424 b. A utility bill in the individual's name including a
 425 Florida address which matches the address on the individual's

426 Florida driver license or Florida identification card.
 427 c. The address as listed on federal income tax returns
 428 filed by the individual seeking to prove residency which matches
 429 the address on the individual's Florida driver license or
 430 Florida identification card.
 431 2. A minor must provide the department with a certified
 432 copy of a birth certificate or a current record of registration
 433 from a Florida K-12 school and must have a parent or legal
 434 guardian who meets the requirements of subparagraph (6) (b)1.
 435 (c) The department may suspend or revoke the registration
 436 of a qualified patient or caregiver if the qualified patient or
 437 caregiver:
 438 1. Provides misleading, incorrect, false, or fraudulent
 439 information to the department;
 440 2. Obtains a supply of marijuana in an amount greater than
 441 the amount authorized by the physician certification;
 442 3. Falsifies, alters, or otherwise modifies an
 443 identification card;
 444 4. Fails to timely notify the department of any changes to
 445 his or her qualified patient status; or
 446 5. Violates the requirements of this section or any rule
 447 adopted under this section.
 448 (d) The department shall immediately suspend the
 449 registration of a qualified patient charged with a violation of
 450 chapter 893 until final disposition of any alleged offense.

451 Thereafter, the department may extend the suspension, revoke the
 452 registration, or reinstate the registration.

453 (e) The department shall immediately suspend the
 454 registration of any caregiver charged with a violation of
 455 chapter 893 until final disposition of any alleged offense. The
 456 department shall revoke a caregiver registration if the
 457 caregiver does not meet the requirements of subparagraph
 458 (6) (b) 6.

459 (f) The department may revoke the registration of a
 460 qualified patient or caregiver who cultivates marijuana or who
 461 acquires, possesses, or delivers marijuana from any person or
 462 entity other than a medical marijuana treatment center.

463 (g) The department shall revoke the registration of a
 464 qualified patient, and the patient's associated caregiver, upon
 465 notification that the patient no longer meets the criteria of a
 466 qualified patient.

467 (h) The department may adopt rules pursuant to ss.
 468 120.536(1) and 120.54 to implement this subsection.

469 (6) CAREGIVERS.—

470 (a) The department must register an individual as a
 471 caregiver on the medical marijuana use registry and issue a
 472 caregiver identification card if an individual designated by a
 473 qualified patient meets all of the requirements of this
 474 subsection and department rule.

475 (b) A caregiver must:

476 1. Not be a qualified physician and not be employed by or
 477 have an economic interest in a medical marijuana treatment
 478 center or a marijuana testing laboratory.

479 2. Be 21 years of age or older and a permanent resident of
 480 this state.

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

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

486 5. Successfully complete a caregiver certification course
 487 and subsequent examination developed and administered by the
 488 department or its designee, which must be renewed biennially.

489 6. Pass a background screening pursuant to subsection (9).
 490 (c) A qualified patient may designate no more than one
 491 caregiver to assist with the qualified patient's medical use of
 492 marijuana, unless:

493 1. The qualified patient is a minor child;
 494 2. The qualified patient is an adult child who has an
 495 intellectual or developmental disability that prevents the adult
 496 child from being able to protect or care for himself or herself
 497 without assistance or supervision; or

498 3. The qualified patient is admitted to a hospice program.

499 (d) A caregiver may be registered in the medical marijuana
 500 use registry as a designated caregiver for no more than one

501 qualified patient, unless:

502 1. The caregiver is a parent or legal guardian of more
 503 than one minor child who is a qualified patient;

504 2. The caregiver is a parent or legal guardian of more
 505 than one adult child who is a qualified patient and who has an
 506 intellectual or developmental disability that prevents the adult
 507 child from being able to protect or care for himself or herself
 508 without assistance or supervision; or

509 3. All qualified patients the caregiver has agreed to
 510 assist are admitted to a hospice program and have requested the
 511 assistance of that caregiver with the medical use of marijuana;
 512 the caregiver is an employee of the hospice; and the caregiver
 513 provides personal care or other services directly to clients of
 514 the hospice in the scope of that employment.

515 (e) A caregiver may not receive compensation for any
 516 services provided to the qualified patient but may recover
 517 caregiver certification fees.

518 (f) If a qualified patient is younger than 18 years of age,
 519 only a caregiver may purchase or administer marijuana for
 520 medical use by the qualified patient. The qualified patient may
 521 not purchase marijuana.

522 (g) A caregiver must be in immediate
 523 possession of his or her medical marijuana use registry
 524 identification card at all times when in possession of marijuana
 525 or a marijuana delivery device and must present his or her
medical marijuana use registry identification card upon the

526 | request of a law enforcement officer.

527 | (h) The department may adopt rules pursuant to ss.

528 | 120.536(1) and 120.54 to implement this subsection.

529 | (7) IDENTIFICATION CARDS.-

530 | (a) The department shall issue medical marijuana use

531 | registry identification cards for qualified patients and

532 | caregivers who are residents of this state, which must be

533 | renewed annually. The identification cards must be resistant to

534 | counterfeiting and tampering and must include, at a minimum, the

535 | following:

536 | 1. The name, address, and date of birth of the qualified

537 | patient or caregiver.

538 | 2. A full-face, passport-type, color photograph of the

539 | qualified patient or caregiver taken within the 90 days

540 | immediately preceding registration.

541 | 3. Identification as a qualified patient or a caregiver.

542 | 4. The unique numeric identifier used for the qualified

543 | patient in the medical marijuana use registry.

544 | 5. For a caregiver, the name and unique numeric identifier

545 | of the caregiver and the qualified patient or patients that the

546 | caregiver is assisting.

547 | 6. The expiration date of the identification card.

548 | (b) The department must receive written consent from a

549 | qualified patient's parent or legal guardian before it may issue

550 | an identification card to a qualified patient who is a minor.

551 (c) The department shall, by July 3, 2017, adopt rules
 552 pursuant to ss. 120.536(1) and 120.54 establishing procedures
 553 for the issuance, renewal, suspension, replacement, surrender,
 554 and revocation of medical marijuana use registry identification
 555 cards and shall begin issuing qualified patient identification
 556 cards by October 3, 2017.

557 (d) Applications for identification cards must be
 558 submitted on a form prescribed by the department. The department
 559 may charge a reasonable fee associated with the issuance,
 560 replacement, and renewal of identification cards. The department
 561 may contract with a third-party vendor to issue identification
 562 cards. The vendor selected by the department must have
 563 experience performing similar functions for other state
 564 agencies.

565 (e) A qualified patient or caregiver must return his or
 566 her identification card to the department within 5 business days
 567 after revocation.

568 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

569 (a) The department shall license medical marijuana
 570 treatment centers to ensure reasonable statewide accessibility
 571 and availability as necessary for qualified patients registered
 572 in the medical marijuana use registry and who are issued a
 573 physician certification under this section.

574 1. The department shall license as a medical marijuana
 575 treatment center any entity that holds an active, unrestricted

576 license to cultivate, process, transport, and dispense low-THC
 577 cannabis, medical cannabis, and cannabis delivery devices, under
 578 former s. 381.986, Florida Statutes 2016, before July 1, 2017,
 579 and which meets the requirements of this section. In addition to
 580 the authority granted under this section, these entities are
 581 authorized to dispense low-THC cannabis, medical cannabis, and
 582 cannabis delivery devices ordered pursuant to former s. 381.986,
 583 Florida Statutes 2016, which were entered into the compassionate
 584 use registry before July 1, 2017. The department may grant
 585 variances from the representations made in such an entity's
 586 original application for approval under former s. 381.986,
 587 Florida Statutes 2014, pursuant to paragraph (e).

588 2. The department shall also license as a medical
 589 marijuana treatment center any applicant that was denied a
 590 dispensing organization license by the department under former
 591 s. 381.986, Florida Statutes 2014, if the applicant is awarded a
 592 license pursuant to an administrative or legal challenge filed
 593 prior to January 1, 2017, and meets the requirements of this
 594 section.

595 3. Upon the registration of 150,000 active qualified
 596 patients in the medical marijuana use registry, the department
 597 shall also license as a medical marijuana treatment center one
 598 applicant per region which was a dispensing organization
 599 applicant under former s. 381.986, Florida Statutes 2014; was
 600 the next-highest scoring applicant after the applicant or

601 applicants that were awarded a license for that region; is not
 602 licensed in another region and meets the requirements of this
 603 section.

604 4. Upon the registration of 150,000 active qualified
 605 patients in the medical marijuana use registry, the department
 606 shall also license as a medical marijuana treatment center one
 607 applicant that is a recognized class member of Pigford v.
 608 Glickman, 185 F.R.D. 82 (D.D.C. 1999), or In Re Black Farmers
 609 Litig., 856 F. Supp. 2d 1 (D.D.C. 2011); is a member of the
 610 Black Farmers and Agriculturalists Association; and meets the
 611 requirements of this section.

612 5. Upon the registration of 200,000 active qualified
 613 patients in the medical marijuana use registry, the department
 614 shall license five additional medical marijuana treatment
 615 centers that meet the requirements of this section. Thereafter,
 616 the department shall license three medical marijuana treatment
 617 centers upon the registration of each additional 100,000 active
 618 qualified patients in the medical marijuana use registry who
 619 meet the requirements of this section.

620 (b) An applicant for licensure as a medical marijuana
 621 treatment center shall apply to the department on a form
 622 prescribed by the department and adopted in rule. The department
 623 shall adopt rules pursuant to ss. 120.536(1) and 120.54
 624 establishing a procedure for the issuance and biennial renewal
 625 of licenses, including initial application and biennial renewal

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626 fees sufficient to cover the costs of administering this
 627 licensure program. The department shall issue a license to an
 628 applicant if the applicant meets the requirements of this
 629 section and pays the initial application fee. The department
 630 shall renew the licensure of a medical marijuana treatment
 631 center biennially if the licensee meets the requirements of this
 632 section and pays the biennial renewal fee. An applicant for
 633 licensure as a medical marijuana treatment center must
 634 demonstrate:

635 1. The technical and technological ability to cultivate
 636 and produce marijuana, including, but not limited to, low-THC
 637 cannabis. The applicant must possess a valid certificate of
 638 registration issued by the Department of Agriculture and
 639 Consumer Services pursuant to s. 581.131 which is issued for the
 640 cultivation of more than 400,000 plants, be operated by a
 641 nurseryman as defined in s. 581.011, and have operated as a
 642 registered nursery in this state for at least 5 continuous
 643 years.

644 2. The ability to secure the premises, resources, and
 645 personnel necessary to operate as a medical marijuana treatment
 646 center.

647 3. The ability to maintain accountability of all raw
 648 materials, finished products, and any byproducts to prevent
 649 diversion or unlawful access to or possession of these
 650 substances.

651 4. An infrastructure reasonably located to dispense
 652 marijuana to registered qualified patients statewide or
 653 regionally as determined by the department.

654 5. The financial ability to maintain operations for the
 655 duration of the 2-year approval cycle, including the provision
 656 of certified financial statements to the department. Upon
 657 approval, the applicant must post a \$5 million performance bond.
 658 However, a medical marijuana treatment center serving at least
 659 1,000 qualified patients is only required to maintain a \$2
 660 million performance bond.

661 6. That all owners, officers, board members, and managers
 662 have passed a background screening pursuant to subsection (9).

663 7. The employment of a medical director to supervise the
 664 activities of the medical marijuana treatment center.

665 (c) A medical marijuana treatment center may make a
 666 wholesale purchase of marijuana from, or a distribution of
 667 marijuana to, another medical marijuana treatment center.

668 (d) The department shall establish, maintain, and control
 669 a computer software tracking system that traces marijuana from
 670 seed to sale and allows real-time, 24-hour access by the
 671 department to data from all medical marijuana treatment centers
 672 and marijuana testing laboratories. The tracking system must
 673 allow for integration of other seed-to-sale systems and, at a
 674 minimum, include notification of when marijuana seeds are
 675 planted, when marijuana plants are harvested and destroyed, and

676 when marijuana is transported, sold, stolen, diverted, or lost.
 677 Each medical marijuana treatment center shall use the seed-to-
 678 sale tracking system established by the department or integrate
 679 its own seed-to-sale tracking system with the seed-to-sale
 680 tracking system established by the department. Each medical
 681 marijuana treatment center may use its own seed-to-sale system,
 682 until the department establishes a seed-to-sale tracking system.
 683 The department may contract with a vendor to establish the seed-
 684 to-sale tracking system. The vendor selected by the department
 685 may not have a contractual relationship with the department to
 686 perform any services pursuant to this section other than the
 687 seed-to-sale tracking system. The vendor may not have a direct
 688 or indirect financial interest in a medical marijuana treatment
 689 center or a marijuana testing laboratory.

690 (e) A licensed medical marijuana treatment center must, at
 691 all times, maintain compliance with the criteria demonstrated
 692 and representations made in the initial application and the
 693 criteria established in this subsection. Upon request, the
 694 department may grant a medical marijuana treatment center a
 695 variance from the representations made in the initial
 696 application. Consideration of such a request shall be based upon
 697 the individual facts and circumstances surrounding the request.
 698 A variance may not be granted unless the requesting medical
 699 marijuana treatment center can demonstrate to the department
 700 that it has a proposed alternative to the specific

701 representation made in its application which fulfills the same
 702 or a similar purpose as the specific representation in a way
 703 that the department can reasonably determine will not be a lower
 704 standard than the specific representation in the application. A
 705 variance may not be granted from the requirements in
 706 subparagraphs (b)1. and (e)1.

707 1. A medical marijuana treatment center, and any
 708 individual or entity who directly or indirectly owns, controls,
 709 or holds with power to vote 25 percent or more of the voting
 710 shares of a medical marijuana treatment center, may not acquire
 711 direct or indirect ownership or control of more than 5 percent
 712 of the voting shares or other form of ownership of any other
 713 medical marijuana treatment center.

714 2. All employees of a medical marijuana treatment center
 715 must be 21 years of age or older and have passed a background
 716 screening pursuant to subsection (9).

717 3. Each medical marijuana treatment center must adopt and
 718 enforce policies and procedures to ensure employees and
 719 volunteers receive training on the legal requirements to
 720 dispense marijuana to qualified patients.

721 4. When growing marijuana, a medical marijuana treatment
 722 center:

723 a. May use pesticides determined by the department, after
 724 consultation with the Department of Agriculture and Consumer
 725 Services, to be safely applied to plants intended for human

726 consumption, but may not use pesticides designated as
 727 restricted-use pesticides pursuant to s. 487.042.
 728 b. Must grow marijuana within an enclosed structure and in
 729 a room separate from any other plant.
 730 c. Must inspect seeds and growing plants for plant pests
 731 that endanger or threaten the horticultural and agricultural
 732 interests of the state in accordance with chapter 581 and any
 733 rules adopted thereunder.
 734 d. Must perform fumigation or treatment of plants, or
 735 remove and destroy infested or infected plants, in accordance
 736 with chapter 581 and any rules adopted thereunder.
 737 5. Each medical marijuana treatment center must produce
 738 and make available for purchase at least one low-THC cannabis
 739 product.
 740 6. When processing marijuana, a medical marijuana
 741 treatment center must:
 742 a. Process the marijuana within an enclosed structure and
 743 in a room separate from other plants or products.
 744 b. Not use a hydrocarbon based solvent, such as butane,
 745 hexane, or propane, to extract or separate resin from marijuana.
 746 c. Test the processed marijuana using a medical marijuana
 747 testing laboratory before it is dispensed. Results must be
 748 verified and signed by two medical marijuana treatment center
 749 employees. Before dispensing, the medical marijuana treatment
 750 center must determine that the test results indicate that low-

751 THC cannabis meets the definition of low-THC cannabis and that
 752 all marijuana is safe for human consumption and free from
 753 contaminants that are unsafe for human consumption. The
 754 Department of Health shall determine by rule which contaminants
 755 must be tested for and the maximum levels of each contaminant
 756 which are safe for human consumption. The medical marijuana
 757 treatment center must retain records of all testing and samples
 758 of each homogenous batch of marijuana for at least 9 months. The
 759 medical marijuana treatment center must contract with a
 760 marijuana testing laboratory to perform audits on the medical
 761 marijuana treatment center's standard operating procedures,
 762 testing records, and samples and provide the results to the
 763 department to confirm that the marijuana or low-THC cannabis
 764 meets the requirements of this section and that the marijuana or
 765 low-THC cannabis is safe for human consumption. A medical
 766 marijuana treatment center shall reserve two processed samples
 767 from each batch and retain such samples for at least 9 months
 768 for the purpose such audits. A medical marijuana treatment
 769 center may use a laboratory that has not been certified by the
 770 department under s. 381.988 until such time as at least one
 771 laboratory holds the required certification, but in no event
 772 later than July 1, 2018.

773 d. Package the marijuana in compliance with the United
 774 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
 775 1471 et seq.

776 e. Package the marijuana in a receptacle that has a firmly
 777 affixed and legible label stating the following information:

778 (I) The marijuana or low-THC cannabis meets the
 779 requirements of sub-subparagraph c.

780 (II) The name of the medical marijuana treatment center
 781 from which the marijuana originates.

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

784 (IV) The name of the physician who issued the physician
 785 certification.

786 (V) The name of the patient;

787 (VI) The product name, if applicable, and dosage
 788 form, including concentration of tetrahydrocannabinol and
 789 cannabidiol. The product name may not contain wording commonly
 790 associated with products marketed by or to children. (VII) The
 791 recommended dose.

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

794 (IX) A marijuana universal symbol developed by the
 795 department.

796 7. The medical marijuana treatment center shall include in
 797 each package a patient package insert with information on the
 798 specific product dispensed related to:

799 a. Clinical pharmacology.

800 b. Indications and use.

- 801 c. Dosage and administration.
- 802 d. Dosage forms and strengths.
- 803 e. Contraindications.
- 804 f. Warnings and precautions.
- 805 g. Adverse reactions.
- 806 8. When dispensing marijuana or a marijuana delivery
- 807 device, a medical marijuana treatment center:
- 808 a. May dispense any active, valid order for low-THC
- 809 cannabis, medical cannabis and cannabis delivery devices issued
- 810 pursuant to former s. 381.986, Florida Statutes 2016, which was
- 811 been entered into the medical marijuana use registry before July
- 812 1, 2017.
- 813 b. May not dispense more than a 90-day supply of marijuana
- 814 to a qualified patient or caregiver.
- 815 c. Must have the medical marijuana treatment center's
- 816 employee who dispenses the marijuana or a marijuana delivery
- 817 device enter into the medical marijuana use registry his or her
- 818 name or unique employee identifier.
- 819 d. Must verify that the qualified patient and the
- 820 caregiver, if applicable, each has an active registration in the
- 821 medical marijuana use registry and an active and valid medical
- 822 marijuana use registry identification card, the amount and type
- 823 of marijuana dispensed matches the physician's certification in
- 824 the medical marijuana use registry for that qualified patient,
- 825 and the physician certification has not already been filled.

826 e. May not dispense marijuana to a qualified patient that
 827 is younger than 18 years of age. If the qualified patient is
 828 younger than 18 years of age, marijuana may only be dispensed to
 829 the qualified patient's caregiver.

830 e. May not dispense or sell any other type of cannabis,
 831 alcohol, or illicit drug-related product, including pipes,
 832 bongs, or wrapping papers, other than a marijuana delivery
 833 device required for the medical use of marijuana and which is
 834 specified in a physician certification.

835 f. Must, upon dispensing the marijuana or marijuana
 836 delivery device, record in the registry the date, time,
 837 quantity, and form of marijuana dispensed; the type of marijuana
 838 delivery device dispensed; and the name and medical marijuana
 839 use registry identification number of the qualified patient or
 840 caregiver to whom the marijuana delivery device was dispensed.

841 (f) To ensure the safety and security of premises where
 842 the cultivation, processing, storing, or dispensing of marijuana
 843 occurs, and to maintain adequate controls against the diversion,
 844 theft, and loss of marijuana or marijuana delivery devices, a
 845 medical marijuana treatment center shall:

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

850 b. Maintain a video surveillance system that records

851 continuously 24 hours a day and meets the following criteria:
 852 (I) Cameras are fixed in a place that allows for the clear
 853 identification of persons and activities in controlled areas of
 854 the premises. Controlled areas include grow rooms, processing
 855 rooms, storage rooms, disposal rooms or areas, and point-of-sale
 856 rooms.
 857 (II) Cameras are fixed in entrances and exits to the
 858 premises, which shall record from both indoor and outdoor, or
 859 ingress and egress, vantage points.
 860 (III) Recorded images must clearly and accurately display
 861 the time and date.
 862 (IV) Retain video surveillance recordings for at least 45
 863 days or longer upon the request of a law enforcement agency.
 864 2. Ensure that the medical marijuana treatment center's
 865 outdoor premises have sufficient lighting from dusk until dawn.
 866 3. Not dispense from its premises marijuana or a marijuana
 867 delivery device between the hours of 9 p.m. and 7 a.m., but may
 868 perform all other operations and deliver marijuana to qualified
 869 patients 24 hours a day.
 870 4. Store marijuana in a secured, locked room or a vault.
 871 5. Require at least two of its employees, or two employees
 872 of a security agency with whom it contracts, to be on the
 873 premises at all times.
 874 6. Require each employee or contractor to wear a photo
 875 identification badge at all times while on the premises.

876 7. Require each visitor to wear a visitor pass at all
 877 times while on the premises.

878 8. Implement an alcohol and drug-free workplace policy.

879 9. Report to local law enforcement within 24 hours after
 880 the treatment center is notified or becomes aware of the theft,
 881 diversion, or loss of marijuana.

882 (g) If a medical marijuana treatment center uses a banking
 883 institution, the treatment center must maintain all accounts
 884 that are directly or indirectly associated with the business of
 885 the medical marijuana treatment center at a single bank.

886 (h) To ensure the safe transport of marijuana and
 887 marijuana delivery devices to medical marijuana treatment
 888 centers, marijuana testing laboratories, or qualified patients,
 889 a medical marijuana treatment center must:

890 1. Maintain a marijuana transportation manifest in any
 891 vehicle transporting marijuana. The marijuana transportation
 892 manifest must be generated from a medical marijuana treatment
 893 center's seed-to-sale tracking system and include the:

894 a. Departure date and approximate time of departure.

895 b. Name, location address, and license number of the
 896 originating medical marijuana treatment center.

897 c. Name and address of the recipient of the delivery.

898 d. Quantity and form of any marijuana or marijuana
 899 delivery device being transported.

900 e. Arrival date and estimated time of arrival.

901 f. Delivery vehicle make and model and license plate
 902 number.

903 g. Name and signature of the medical marijuana treatment
 904 center employees delivering the product.

905 (I) A copy of the marijuana transportation manifest must
 906 be provided to each individual, medical marijuana treatment
 907 center, or marijuana testing laboratory that receives a
 908 delivery. The individual, or a representative of the center or
 909 laboratory, must sign a copy of the marijuana transportation
 910 manifest acknowledging receipt.

911 (II) An individual transporting marijuana or a marijuana
 912 delivery device must present a copy of the relevant marijuana
 913 transportation manifest and his or her employee identification
 914 card to a law enforcement officer upon request.

915 (III) Medical marijuana treatment centers and marijuana
 916 testing laboratories must retain copies of all marijuana
 917 transportation manifests for at least 5 years.

918 2. Ensure only vehicles in good working order are used to
 919 transport marijuana.

920 3. Lock marijuana and marijuana delivery devices in a
 921 separate compartment or container within the vehicle.

922 4. Require employees to have possession of their employee
 923 identification card at all times when transporting marijuana or
 924 marijuana delivery devices.

925 5. Require at least two persons to be in a vehicle

926 transporting marijuana or marijuana delivery devices, and
 927 require at least one person to remain in the vehicle while the
 928 marijuana or marijuana delivery device is being delivered.

929 6. Provide specific safety and security training to
 930 employees transporting or delivering marijuana and marijuana
 931 delivery devices.

932 (i) A medical marijuana treatment center may not engage in
 933 advertising that is visible to members of the public from any
 934 street, sidewalk, park, or other public place, except:

935 1. The dispensing location of a medical marijuana
 936 treatment center may have a sign that is affixed to the outside
 937 or hanging in the window of the premises which identifies the
 938 dispensary by the licensee's business name, a department-
 939 approved trade name, or a department-approved logo. A medical
 940 marijuana treatment center's trade name and logo may not contain
 941 wording or images commonly associated with marketing targeted
 942 toward children or that promotes recreational use of marijuana.

943 2. A medical marijuana treatment center may engage in
 944 Internet advertising and marketing under the following
 945 conditions:

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

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

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

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951 advertisement.

952 d. Opt-in marketing must include an easy and permanent

953 opt-out feature.

954 (j) Each medical marijuana treatment center that dispenses

955 marijuana and marijuana delivery devices shall make available to

956 the public on its website:

957 1. Each marijuana and low-THC product available for

958 purchase, including the form, strain of marijuana from which it

959 was extracted, **cannabidiol** content, **tetrahydrocannabinol**

960 content, dose unit, total number of doses available, and the

961 ratio **of cannabidiol to tetrahydrocannabinol** for each product.

962 2. The price for a 30-day supply at a standard dose for

963 each marijuana and low-THC product available for purchase.

964 3. The price for each marijuana delivery device available

965 for purchase.

966 4. If applicable, any discount policies and eligibility

967 criteria for such discounts.

968 (k) Medical marijuana treatment centers are the sole

969 source from which a qualified patient may legally obtain

970 marijuana.

971 (l) The department may adopt rules pursuant to ss.

972 120.536(1) and 120.54 to implement this subsection.

973 **(9) BACKGROUND SCREENING.-An individual required to**

974 **undergo a background screening by this section must pass a level**

975 **2 background screening as provided under chapter 435, which, in**

976 addition to the disqualifying offenses provided in s. 435.04,
 977 shall exclude an individual who has an arrest awaiting final
 978 disposition for, has been found guilty of, regardless of
 979 adjudication, or has entered a plea of nolo contendere or guilty
 980 to an offense under chapter 837, chapter 895, or chapter 896 or
 981 similar law of another jurisdiction.

982 (a) Any such individual must submit a full set of
 983 fingerprints to the department or to a vendor, entity, or agency
 984 authorized by s. 943.053(13). The department, vendor, entity, or
 985 agency shall forward the fingerprints to the Department of Law
 986 Enforcement for state processing, and the Department of Law
 987 Enforcement shall forward the fingerprints to the Federal Bureau
 988 of Investigation for national processing.

989 (b) Fees for state and federal fingerprint processing and
 990 retention shall be borne by the individual. The state cost for
 991 fingerprint processing shall be as provided in s. 943.053(3)(e)
 992 for records provided to persons or entities other than those
 993 specified as exceptions therein.

994 (c) Fingerprints submitted to the Department of Law
 995 Enforcement pursuant to this subsection shall be retained by the
 996 Department of Law Enforcement as provided in s. 943.05(2)(g) and
 997 (h) and, when the Department of Law Enforcement begins
 998 participation in the program, enrolled in the Federal Bureau of
 999 Investigation's national retained print arrest notification
 1000 program. Any arrest record identified shall be reported to the

1001 department.

1002 (10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS;
 1003 ADMINISTRATIVE ACTIONS.—

1004 (a) The department shall conduct announced or unannounced
 1005 inspections of medical marijuana treatment centers to determine
 1006 compliance with this section or rules adopted pursuant to this
 1007 section.

1008 (b) The department shall inspect a medical marijuana
 1009 treatment center upon receiving a complaint or notice that the
 1010 medical marijuana treatment center has dispensed marijuana
 1011 containing mold, bacteria, or other contaminant that may cause
 1012 or has caused an adverse effect to human health or the
 1013 environment.

1014 (c) The department shall conduct at least a biennial
 1015 inspection of each medical marijuana treatment center to
 1016 evaluate the medical marijuana treatment center's records,
 1017 personnel, equipment, processes, security measures, sanitation
 1018 practices, and quality assurance practices.

1019 (d) The Department of Agriculture and Consumer Services
 1020 and the department shall enter into an interagency agreement to
 1021 ensure cooperation and coordination in the performance of their
 1022 obligations under this section and their respective regulatory
 1023 and authorizing laws. The department, the Department of Highway
 1024 Safety and Motor Vehicles, and the Department of Law Enforcement
 1025 may enter into interagency agreements for the above purposes.

1026 (e) The department shall publish a list of all approved
 1027 medical marijuana treatment centers, medical directors, and
 1028 qualified physicians on its website.

1029 (f) The department may impose reasonable fines not to
 1030 exceed \$10,000 on a medical marijuana treatment center for any
 1031 of the following violations:

1032 1. Violating this section or department rule.

1033 2. Failing to maintain qualifications for approval.

1034 3. Endangering the health, safety, or security of a
 1035 qualified patient.

1036 4. Improperly disclosing personal and confidential
 1037 information of the qualified patient.

1038 5. Attempting to procure medical marijuana treatment
 1039 center approval by bribery, fraudulent misrepresentation, or
 1040 extortion.

1041 6. Being convicted or found guilty of, or entering a plea
 1042 of guilty or nolo contendere to, regardless of adjudication, a
 1043 crime in any jurisdiction which directly relates to the business
 1044 of a medical marijuana treatment center.

1045 7. Making or filing a report or record that the medical
 1046 marijuana treatment center knows to be false.

1047 8. Willfully failing to maintain a record required by this
 1048 section or department rule.

1049 9. Willfully impeding or obstructing an employee or agent
 1050 of the department in the furtherance of his or her official

1051 duties.

1052 10. Engaging in fraud or deceit, negligence, incompetence,

1053 or misconduct in the business practices of a medical marijuana

1054 treatment center.

1055 11. Making misleading, deceptive, or fraudulent

1056 representations in or related to the business practices of a

1057 medical marijuana treatment center.

1058 12. Having a license or the authority to engage in any

1059 regulated profession, occupation, or business that is related to

1060 the business practices of a medical marijuana treatment center

1061 suspended, revoked, or otherwise acted against by the licensing

1062 authority of any jurisdiction, including its agencies or

1063 subdivisions, for a violation that would constitute a violation

1064 under Florida law.

1065 13. Violating a lawful order of the department or an

1066 agency of the state, or failing to comply with a lawfully issued

1067 subpoena of the department or an agency of the state.

1068 (g) The department may suspend, revoke, or refuse to renew

1069 a medical marijuana treatment center license if the treatment

1070 center commits any of the violations in paragraph (f).

1071 (h) The department may adopt rules pursuant to ss.

1072 120.536(1) and 120.54 to implement this subsection.

1073 (11) PREEMPTION.—Regulation of cultivation, processing,

1074 and delivery of marijuana by medical marijuana treatment centers

1075 is preempted to the state except as provided in this subsection.

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1076 (a) A medical marijuana treatment center cultivating or
 1077 processing facility may not be located within 500 feet of the
 1078 real property that comprises a public or private elementary
 1079 school, middle school, or secondary school.

1080 (b) A municipality may determine by ordinance the criteria
 1081 for the number and location of, and other permitting
 1082 requirements that do not conflict with state law or department
 1083 rule for, medical marijuana treatment center dispensing
 1084 facilities located within the boundaries of the municipality. A
 1085 county may determine by ordinance the criteria for the number
 1086 and location of, and other permitting requirements that do not
 1087 conflict with state law or department rule for, all such
 1088 dispensing facilities located within the unincorporated areas of
 1089 that county. However, a medical marijuana treatment center
 1090 dispensing facility may not be located within 500 feet of the
 1091 real property that comprises a public or private elementary
 1092 school, middle school, or secondary school unless the county or
 1093 municipality approves the location through a formal proceeding
 1094 open to the public in which the county or municipality
 1095 determines that the location promotes the public health, safety,
 1096 and general welfare of the community. A municipality or county
 1097 may not enact ordinances determining the location of dispensing
 1098 facilities which are less restrictive than its ordinances
 1099 determining the location of entities licensed to sell alcoholic
 1100 beverages that predominantly or wholly serve alcoholic beverages

1101 for on-site consumption, in which the serving of food, if any,
 1102 is merely incidental to the consumption of alcoholic beverages.
 1103 A dispensing facility location approved by a municipality or
 1104 county pursuant to former s. 381.986(8)(b), Florida Statutes
 1105 2016 is not subject to the location requirements of this
 1106 paragraph.

1107 (c) A municipality or county may not charge a medical
 1108 marijuana treatment center a license or permit fee in an amount
 1109 greater than the fee charged by such municipality or county to
 1110 pharmacies.

1111 (d) This subsection does not prohibit any local
 1112 jurisdiction from ensuring medical marijuana treatment center
 1113 facilities comply with the Florida Building Code, the Florida
 1114 Fire Prevention Code, or any local amendments to the Florida
 1115 Building Code or the Florida Fire Prevention Code.

1116 (12) PENALTIES.—

1117 (a) A qualified physician commits a misdemeanor of the
 1118 first degree, punishable as provided in s. 775.082 or s.
 1119 775.083, if the qualified physician issues a physician
 1120 certification for the medical use of marijuana for a patient
 1121 without a reasonable belief that the patient is suffering from a
 1122 qualifying medical condition.

1123 (b) A person who fraudulently represents that he or she
 1124 has a qualifying medical condition to a qualified physician for
 1125 the purpose of being issued a physician certification commits a

1126 misdemeanor of the first degree, punishable as provided in s.
 1127 775.082 or s. 775.083.

1128 (c) A qualified patient who uses marijuana, not including
 1129 low-THC cannabis, or a caregiver who administers marijuana, not
 1130 including low-THC cannabis, in plain view of or in a place open
 1131 to the general public, in a school bus, a vehicle, an aircraft,
 1132 or a boat, or on the grounds of a school except as provided in
 1133 s. 1006.062, commits a misdemeanor of the first degree,
 1134 punishable as provided in s. 775.082 or s. 775.083.

1135 (d) A qualified patient or caregiver who cultivates
 1136 marijuana or who purchases or acquires marijuana from any person
 1137 or entity other than a medical marijuana treatment center
 1138 violates s. 893.13 and is subject to the penalties provided
 1139 therein.

1140 (e) A qualified patient or caregiver in possession of
 1141 marijuana or a marijuana delivery device who fails or refuses to
 1142 present his or her marijuana use registry identification card
 1143 upon the request of a law enforcement officer commits a
 1144 misdemeanor of the second degree, punishable as provided in s.
 1145 775.082 or s. 775.083, unless it can be determined through the
 1146 medical marijuana use registry that the person is authorized to
 1147 be in possession of that marijuana or marijuana delivery device.

1148 1. A person charged with a violation of this paragraph
 1149 may not be convicted if, prior to or at the time of his or her
 1150 court or hearing appearance, the person produces in court or to

1151 the clerk of the court in which the charge is pending a
 1152 marijuana use registry identification card issued to him or her
 1153 and valid at the time of his or her arrest. The clerk of the
 1154 court is authorized to dismiss such case at any time prior to
 1155 the defendant's appearance in court. The clerk of the court may
 1156 assess a fee of \$5 for dismissing the case under this paragraph.

1157 (f) A caregiver who violates any of the applicable
 1158 provisions of this section or applicable department rules, for
 1159 the first offense, commits a misdemeanor of the second degree,
 1160 punishable as provided in s. 775.082 or s. 775.083 and, for a
 1161 second or subsequent offense, commits a misdemeanor of the first
 1162 degree, punishable as provided in s. 775.082 or s. 775.083.

1163 (g) A qualified physician who issues a physician
 1164 certification for marijuana or a marijuana delivery device and
 1165 receives compensation from a medical marijuana treatment center
 1166 related to the issuance of a physician certification for
 1167 marijuana or a marijuana delivery device is subject to
 1168 disciplinary action under the applicable practice act and s.
 1169 456.072 (1) (n) .

1170 (h) A person transporting marijuana or marijuana delivery
 1171 devices on behalf of a medical marijuana treatment center or
 1172 marijuana testing laboratory who fails or refuses to present a
 1173 transportation manifest upon the request of a law enforcement
 1174 officer commits a misdemeanor of the second degree, punishable
 1175 as provided in s. 775.082 or s. 775.083.

1176 (i) Persons and entities conducting activities authorized
 1177 and governed by this section and s. 381.988 are subject to the
 1178 provisions of ss. 456.053, 456.054, and 817.505, as applicable.

1179 (j) A person or entity that cultivates, processes,
 1180 distributes, sells, or dispenses marijuana, as defined in s.
 1181 29(b)(4), Art X, of the State Constitution, that is not licensed
 1182 as a medical marijuana treatment center violates s. 893.13 and
 1183 is subject to the penalties provided therein.

1184 (13) UNLICENSED ACTIVITY.—

1185 (a) If the department has probable cause to believe that a
 1186 person or entity that is not registered or licensed with the
 1187 department has violated this section, s. 381.988, or any rule
 1188 adopted pursuant to this section, the department may issue and
 1189 deliver to such person or entity a notice to cease and desist
 1190 from such violation. The department also may issue and deliver a
 1191 notice to cease and desist to any person or entity who aids and
 1192 abets such unlicensed activity. The issuance of a notice to
 1193 cease and desist does not constitute agency action for which a
 1194 hearing under s. 120.569 or s. 120.57 may be sought. For the
 1195 purpose of enforcing a cease and desist order, the department
 1196 may file a proceeding in the name of the state seeking issuance
 1197 of an injunction or a writ of mandamus against any person or
 1198 entity who violates any provisions of such order.

1199 (b) In addition to the remedies under paragraph (a), the
 1200 department may impose by citation an administrative penalty not

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1201 to exceed \$5,000 per incident. The citation shall be issued to
 1202 the subject and shall contain the subject's name and any other
 1203 information the department determines to be necessary to
 1204 identify the subject, a brief factual statement, the sections of
 1205 the law allegedly violated, and the penalty imposed. If the
 1206 subject does not dispute the matter in the citation with the
 1207 department within 30 days after the citation is served, the
 1208 citation shall become a final order of the department. The
 1209 department may adopt rules pursuant to ss. 120.536(1) and 120.54
 1210 to implement this section. Each day that the unlicensed activity
 1211 continues after issuance of a notice to cease and desist
 1212 constitutes a separate violation. The department shall be
 1213 entitled to recover the costs of investigation and prosecution
 1214 in addition to the fine levied pursuant to the citation. Service
 1215 of a citation may be made by personal service or by mail to the
 1216 subject at the subject's last known address or place of
 1217 practice. If the department is required to seek enforcement of
 1218 the cease and desist or agency order, it shall be entitled to
 1219 collect attorney fees and costs.

1220 (c) In addition to or in lieu of any other administrative
 1221 remedy, the department may seek the imposition of a civil
 1222 penalty through the circuit court for any violation for which
 1223 the department may issue a notice to cease and desist. The civil
 1224 penalty shall be no less than \$5,000 and no more than \$10,000
 1225 for each offense. The court may also award to the prevailing

1226 party court costs and reasonable attorney fees and, in the event
 1227 the department prevails, may also award reasonable costs of
 1228 investigation and prosecution.

1229 (d) The department must notify local law enforcement of
 1230 such unlicensed activity for a determination of any criminal
 1231 violation of chapter 893.

1232 (14) EXCEPTIONS TO OTHER LAWS.—

1233 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
 1234 any other provision of law, but subject to the requirements of
 1235 this section, a qualified patient and the qualified patient's
 1236 caregiver may purchase from a medical marijuana treatment center
 1237 for the patient's medical use a marijuana delivery device and up
 1238 to the amount of marijuana authorized in the physician
 1239 certification, but may not possess more than a 90-day supply of
 1240 marijuana at any given time and all marijuana purchased must
 1241 remain in its original packaging.

1242 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
 1243 any other provision of law, but subject to the requirements of
 1244 this section, an approved medical marijuana treatment center and
 1245 its owners, managers, and employees may manufacture, possess,
 1246 sell, deliver, distribute, dispense, and lawfully dispose of
 1247 marijuana or a marijuana delivery device as provided in this
 1248 section, s. 381.988, and by department rule. For purposes of
 1249 this subsection, the terms "manufacture," "possession,"
 1250 "deliver," "distribute," and "dispense" have the same meanings

1251 as provided in s. 893.02.

1252 (c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
 1253 any other provision of law, but subject to the requirements of
 1254 this section, a certified marijuana testing laboratory,
 1255 including an employee of a certified marijuana testing
 1256 laboratory acting within the scope of his or her employment, may
 1257 acquire, possess, test, transport, and lawfully dispose of
 1258 marijuana as provided in this section, s. 381.988, and by
 1259 department rule.

1260 (d) A licensed medical marijuana treatment center and its
 1261 owners, managers, and employees are not subject to licensure or
 1262 regulation under chapter 465 or chapter 499 for manufacturing,
 1263 possessing, selling, delivering, distributing, dispensing, or
 1264 lawfully disposing of marijuana or a marijuana delivery device,
 1265 as provided in this section, s. 381.988, and by department rule.

1266 (e) This subsection does not exempt a person from
 1267 prosecution for a criminal offense related to impairment or
 1268 intoxication resulting from the medical use of marijuana or
 1269 relieve a person from any requirement under law to submit to a
 1270 breath, blood, urine, or other test to detect the presence of a
 1271 controlled substance.

1272 (f) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
 1273 any other provision of law, but subject to the requirements of
 1274 this section and pursuant to policies and procedures established
 1275 pursuant to s. 1006.62(8), school personnel may possess

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1276 marijuana that is obtained for medical use pursuant to this
 1277 section by a student who is a qualified patient.

1278 (15) APPLICABILITY.—This section does not limit the
 1279 ability of an employer to establish, continue, or enforce a
 1280 drug-free workplace program or policy.

1281 Section 3. Paragraph (uu) is added to subsection (1) of
 1282 section 458.331, Florida Statutes, to read:

1283 458.331 Grounds for disciplinary action; action by the
 1284 board and department.—

1285 (1) The following acts constitute grounds for denial of a
 1286 license or disciplinary action, as specified in s. 456.072(2):

1287 (uu) Issuing a physician certification, as defined in s.
 1288 381.986, in a manner out of compliance with the requirements of
 1289 that section and rules adopted thereunder.

1290 Section 4. Paragraph (ww) is added to subsection (1) of
 1291 section 459.015, Florida Statutes, to read:

1292 459.015 Grounds for disciplinary action; action by the
 1293 board and department.—

1294 (1) The following acts constitute grounds for denial of a
 1295 license or disciplinary action, as specified in s. 456.072(2):

1296 (ww) Issuing a physician certification, as defined in s.
 1297 381.986, in a manner not in compliance with the requirements of
 1298 that section and rules adopted thereunder.

1299 Section 5. Section 381.988, Florida Statutes, is created
 1300 to read:

1301 381.988 Medical marijuana testing laboratories; marijuana
 1302 tests conducted by a certified laboratory.-
 1303 (1) A person or entity seeking to be a certified marijuana
 1304 testing laboratory must:
 1305 (a) Not be owned or controlled by a medical marijuana
 1306 treatment center.
 1307 (b) Submit a completed application accompanied by an
 1308 application fee, as established by department rule.
 1309 (c) Submit proof of an accreditation or a certification
 1310 approved by the department issued by an accreditation or a
 1311 certification organization approved by the department. The
 1312 department shall adopt by rule a list of approved laboratory
 1313 accreditations or certifications and accreditation or
 1314 certification organizations.
 1315 (d) Require all owners and managers to submit to and pass
 1316 a level 2 background screening pursuant to s. 435.04 and shall
 1317 deny certification if the person or entity has been found guilty
 1318 of, or has entered a plea of guilty or nolo contendere to,
 1319 regardless of adjudication, any offense listed in chapter 837,
 1320 chapter 895, or chapter 896 or similar law of another
 1321 jurisdiction.
 1322 1. Such owners and managers must submit a full set of
 1323 fingerprints to the department or to a vendor, entity, or agency
 1324 authorized by s. 943.053(13). The department, vendor, entity, or
 1325 agency shall forward the fingerprints to the Department of Law

1326 Enforcement for state processing, and the Department of Law
 1327 Enforcement shall forward the fingerprints to the Federal Bureau
 1328 of Investigation for national processing.

1329 2. Fees for state and federal fingerprint processing and
 1330 retention shall be borne by such owners or managers. The state
 1331 cost for fingerprint processing shall be as provided in s.
 1332 943.053(3)(e) for records provided to persons or entities other
 1333 than those specified as exceptions therein.

1334 3. Fingerprints submitted to the Department of Law
 1335 Enforcement pursuant to this paragraph shall be retained by the
 1336 Department of Law Enforcement as provided in s. 943.05(2)(g) and
 1337 (h) and, when the Department of Law Enforcement begins
 1338 participation in the program, enrolled in the Federal Bureau of
 1339 Investigation's national retained print arrest notification
 1340 program. Any arrest record identified shall be reported to the
 1341 department.

1342 (e) Demonstrate to the department the capability of
 1343 meeting the standards for certification required by this
 1344 subsection, and the testing requirements of s. 381.986 and this
 1345 section and rules adopted thereunder.

1346 (2) The department shall adopt rules pursuant to ss.
 1347 120.536(1) and 120.54 establishing a procedure for initial
 1348 certification and biennial renewal, including initial
 1349 application and biennial renewal fees sufficient to cover the
 1350 costs of administering this certification program. The

1351 department shall renew the certification biennially if the
 1352 laboratory meets the requirements of this section and pays the
 1353 biennial renewal fee.

1354 (3) The department shall adopt rules pursuant to ss.
 1355 120.536(1) and 120.54 establishing the standards for
 1356 certification of marijuana testing laboratories under this
 1357 section. The Department of Agriculture and Consumer Services and
 1358 the Department of Environmental Protection shall assist the
 1359 department in developing the rule, which must include, but is
 1360 not limited to:

- 1361 (a) Security standards.
- 1362 (b) Minimum standards for personnel.
- 1363 (c) Sample collection method and process standards.
- 1364 (d) Proficiency testing for contaminants unsafe for human
 1365 consumption as determined by department rule.
- 1366 (e) Reporting content, format, and frequency.
- 1367 (f) Audits and onsite inspections.
- 1368 (g) Quality assurance.
- 1369 (h) Equipment and methodology.
- 1370 (i) Chain of custody.
- 1371 (j) Any other standard the department deems necessary to
 1372 ensure the health and safety of the public.

1373 (4) A marijuana testing laboratory may acquire marijuana
 1374 only from a medical marijuana treatment center. A marijuana
 1375 testing laboratory is prohibited from selling, distributing, or

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1376 transferring marijuana received from a marijuana treatment
 1377 center, except that a marijuana testing laboratory may transfer
 1378 a sample to another marijuana testing laboratory in this state.

1379 (5) A marijuana testing laboratory must properly dispose
 1380 of all samples it receives, unless transferred to another
 1381 marijuana testing laboratory, after all necessary tests have
 1382 been conducted and any required period of storage has elapsed,
 1383 as established by department rule.

1384 (6) A marijuana testing laboratory shall use the computer
 1385 software tracking system selected by the department under s.
 1386 381.986.

1387 (7) The following acts constitute grounds for which
 1388 disciplinary action specified in subsection (8) may be taken
 1389 against a certified marijuana testing laboratory:

1390 (a) Permitting unauthorized persons to perform technical
 1391 procedures or issue reports.

1392 (b) Demonstrating incompetence or making consistent errors
 1393 in the performance of testing or erroneous reporting.

1394 (c) Performing a test and rendering a report thereon to a
 1395 person or entity not authorized by law to receive such services.

1396 (d) Failing to file any report required under this section
 1397 or s. 381.986 or the rules adopted thereunder.

1398 (e) Reporting a test result if the test was not performed.

1399 (f) Failing to correct deficiencies within the time
 1400 required by the department.

1401 (g) Violating or aiding and abetting in the violation of
 1402 any provision of s. 381.986 or this section or any rules adopted
 1403 thereunder.

1404 (8) The department may refuse to issue or renew, or may
 1405 suspend or revoke, the certification of a marijuana testing
 1406 laboratory that is found to be in violation of this section or
 1407 any rules adopted hereunder. The department may impose fines for
 1408 violations of this section or rules adopted thereunder, based on
 1409 a schedule adopted in rule. In determining the administrative
 1410 action to be imposed for a violation, the department must
 1411 consider the following factors:

1412 (a) The severity of the violation, including the
 1413 probability of death or serious harm to the health or safety of
 1414 any person that may result or has resulted; the severity or
 1415 potential harm; and the extent to which the provisions of s.
 1416 381.986 or this section were violated.

1417 (b) The actions taken by the marijuana testing laboratory
 1418 to correct the violation or to remedy the complaint.

1419 (c) Any previous violation by the marijuana testing
 1420 laboratory.

1421 (d) The financial benefit to the marijuana testing
 1422 laboratory of committing or continuing the violation.

1423 (9) The department may adopt rules pursuant to ss.
 1424 120.536(1) and 120.54 to implement this section.

1425 Section 6. Section 381.989, Florida Statutes, is created

1426 to read:

1427 381.989 Public education campaigns.—

1428 (1) DEFINITIONS.—As used in this section, the term:

1429 (a) "Cannabis" has the same meaning as in s. 893.02.

1430 (b) "Department" means the Department of Health.

1431 (c) "Marijuana" has the same meaning as in s. 381.986.

1432 (2) STATEWIDE CANNABIS AND MARIJUANA EDUCATION AND **ILLICIT**
 1433 USE PREVENTION CAMPAIGN.—

1434 (a) The department shall implement a statewide cannabis
 1435 and marijuana education and **illicit** use prevention campaign to
 1436 publicize accurate information regarding:

1437 1. The short-term and long-term health effects of cannabis
 1438 and marijuana use, particularly on minors and young adults.

1439 2. The legal requirements for licit use and possession of
 1440 marijuana in this state.

1441 3. Safe use of marijuana, including preventing access by
 1442 persons other than qualified patients as defined in s. 381.986,
 1443 particularly children.

1444 4. Other cannabis-related and marijuana-related education
 1445 determined by the department to be necessary to the public
 1446 health and safety.

1447 (b) The department may use television messaging, radio
 1448 broadcasts, print media, digital strategies, social media, and
 1449 any other form of messaging deemed necessary and appropriate by
 1450 the department to implement the campaign. The department may

1451 work with school districts, community organizations, and
 1452 businesses and business organizations and other entities to
 1453 provide training and programming.

1454 (c) The department may contract with one or more vendors
 1455 to implement the campaign.

1456 (d) The department shall contract with an independent
 1457 entity to conduct annual evaluations of the campaign. The
 1458 evaluations shall assess the reach and impact of the campaign,
 1459 success in educating the citizens of the state regarding the
 1460 legal parameters for marijuana use, success in preventing
 1461 illicit access by adults and youth, and success in preventing
 1462 negative health impacts from the legalization of marijuana. The
 1463 first year of the program, the evaluator shall conduct surveys
 1464 to establish baseline data on youth and adult cannabis use, the
 1465 attitudes of youth and the general public toward cannabis and
 1466 marijuana, and any other data deemed necessary for long-term
 1467 analysis. By January 31 of each year, the department shall
 1468 submit to the Governor, the President of the Senate, and the
 1469 Speaker of the House of Representatives the annual evaluation of
 1470 the campaign.

1471 (3) STATEWIDE IMPAIRED DRIVING EDUCATION CAMPAIGN.—

1472 (a) The Department of Highway Safety and Motor Vehicles
 1473 shall implement a statewide impaired driving education campaign
 1474 to raise awareness and prevent marijuana-related and cannabis-
 1475 related impaired driving and may contract with one or more

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1476 vendors to implement the campaign. The Department of Highway
 1477 Safety and Motor Vehicles may use television messaging, radio
 1478 broadcasts, print media, digital strategies, social media, and
 1479 any other form of messaging deemed necessary and appropriate by
 1480 the department to implement the campaign.

1481 (b) At a minimum, the Department of Highway Safety and
 1482 Motor Vehicles or a contracted vendor shall establish baseline
 1483 data on the number of marijuana-related citations for driving
 1484 under the influence, marijuana-related traffic arrests,
 1485 marijuana-related traffic accidents, and marijuana-related
 1486 traffic fatalities, and shall track these measures annually
 1487 thereafter. The Department of Highway Safety and Motor Vehicles
 1488 or a contracted vendor shall annually evaluate and compile a
 1489 report on the efficacy of the campaign based on those measures
 1490 and other measures established by the Department of Highway
 1491 Safety and Motor Vehicles. By January 31 of each year, the
 1492 Department of Highway Safety and Motor Vehicles shall submit the
 1493 report on the evaluation of the campaign to the Governor, the
 1494 President of the Senate, and the Speaker of the House of
 1495 Representatives.

1496 Section 7. Subsection (1) of section 385.211, Florida
 1497 Statutes, is amended to read:

1498 385.211 Refractory and intractable epilepsy treatment and
 1499 research at recognized medical centers.—

1500 (1) As used in this section, the term "low-THC cannabis"

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1501 means "low-THC cannabis" as defined in s. 381.986 that is
 1502 dispensed only from a dispensing organization as defined in
 1503 former s. 381.986, Florida Statutes 2016, or a medical marijuana
 1504 treatment center as defined in s. 381.986.

1505 Section 8. Paragraphs (b) through (e) of subsection (2) of
 1506 section 499.0295, Florida Statutes, are redesignated as
 1507 paragraphs (a) through (d), respectively, and present paragraphs
 1508 (a) and (c) of that subsection, and subsection (3) of that
 1509 section are amended to read:

1510 499.0295 Experimental treatments for terminal conditions.—

1511 (2) As used in this section, the term:

1512 ~~(a) "Dispensing organization" means an organization~~
 1513 ~~approved by the Department of Health under s. 381.986(5) to~~
 1514 ~~cultivate, process, transport, and dispense low-THC cannabis,~~
 1515 ~~medical cannabis, and cannabis delivery devices.~~

1516 (b) (e) "Investigational drug, biological product, or
 1517 device" means:

1518 ~~1.~~ a drug, biological product, or device that has
 1519 successfully completed phase 1 of a clinical trial but has not
 1520 been approved for general use by the United States Food and Drug
 1521 Administration and remains under investigation in a clinical
 1522 trial approved by the United States Food and Drug
 1523 Administration; ~~or~~

1524 ~~2. Medical cannabis that is manufactured and sold by a~~
 1525 ~~dispensing organization.~~

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1526 (3) Upon the request of an eligible patient, a
 1527 manufacturer may, ~~or upon a physician's order pursuant to s.~~
 1528 ~~381.986, a dispensing organization may:~~

1529 (a) Make its investigational drug, biological product, or
 1530 device available under this section.

1531 (b) Provide an investigational drug, biological product,
 1532 or device, ~~or cannabis delivery device as defined in s. 381.986~~
 1533 to an eligible patient without receiving compensation.

1534 (c) Require an eligible patient to pay the costs of, or
 1535 the costs associated with, the manufacture of the
 1536 investigational drug, biological product, or device, ~~or cannabis~~
 1537 ~~delivery device as defined in s. 381.986.~~

1538 Section 9. Subsection (3) of section 893.02, Florida
 1539 Statutes, is amended to read:

1540 893.02 Definitions.—The following words and phrases as
 1541 used in this chapter shall have the following meanings, unless
 1542 the context otherwise requires:

1543 (3) "Cannabis" means all parts of any plant of the genus
 1544 Cannabis, whether growing or not; the seeds thereof; the resin
 1545 extracted from any part of the plant; and every compound,
 1546 manufacture, salt, derivative, mixture, or preparation of the
 1547 plant or its seeds or resin. The term does not include
 1548 "marijuana," ~~"low-THC cannabis,"~~ as defined in s. 381.986, if
 1549 manufactured, possessed, sold, purchased, delivered,
 1550 distributed, or dispensed, in conformance with s. 381.986.

1551 Section 10. Section 1004.4351, Florida Statutes, is created
 1552 to read:

1553 1004.4351 Medical marijuana research and education.—

1554 (1) SHORT TITLE.—This section shall be known and may be
 1555 cited as the "Medical Marijuana Research and Education Act."

1556 (2) LEGISLATIVE FINDINGS.—The Legislature finds that:

1557 (a) The present state of knowledge concerning the use of
 1558 marijuana to alleviate pain and treat illnesses is limited
 1559 because permission to perform clinical studies on marijuana is
 1560 difficult to obtain, with access to research-grade marijuana so
 1561 restricted that little or no unbiased studies have been
 1562 performed.

1563 (b) Under the State Constitution, marijuana is available
 1564 for the treatment of certain debilitating medical conditions.

1565 (c) Additional clinical studies are needed to ensure that
 1566 the residents of this state obtain the correct dosing,
 1567 formulation, route, modality, frequency, quantity, and quality
 1568 of marijuana for specific illnesses.

1569 (d) An effective medical marijuana research and education
 1570 program would mobilize the scientific, educational, and medical
 1571 resources that presently exist in this state to determine the
 1572 appropriate and best use of marijuana to treat illness.

1573 (3) DEFINITIONS.—As used in this section, the term:

1574 (a) "Board" means the Medical Marijuana Research and
 1575 Education Board.

1576 (b) "Coalition" means the Coalition for Medical Marijuana
 1577 Research and Education.

1578 (c) "Marijuana" has the same meaning as provided in s.
 1579 29, Art. X of the State Constitution.

1580 (4) COALITION FOR MEDICAL MARIJUANA RESEARCH AND
 1581 EDUCATION.—

1582 (a) There is established within the H. Lee Moffitt Cancer
 1583 Center and Research Institute, Inc., the Coalition for Medical
 1584 Marijuana Research and Education. The purpose of the coalition
 1585 is to conduct rigorous scientific research, provide education,
 1586 disseminate research, and guide policy for the adoption of a
 1587 statewide policy on ordering and dosing practices for the
 1588 medicinal use of marijuana. The coalition shall be physically
 1589 located at the H. Lee Moffitt Cancer Center and Research
 1590 Institute, Inc.

1591 (b) The Medical Marijuana Research and Education Board is
 1592 established to direct the operations of the coalition. The board
 1593 shall be composed of seven members appointed by the chief
 1594 executive officer of the H. Lee Moffitt Cancer Center and
 1595 Research Institute, Inc. Board members must have experience in a
 1596 variety of scientific and medical fields, including, but not
 1597 limited to, oncology, neurology, psychology, pediatrics,
 1598 nutrition, and addiction. Members shall be appointed to 4-year
 1599 terms and may be reappointed to serve additional terms. The
 1600 chair shall be elected by the board from among its members to

1601 serve a 2-year term. The board shall meet no less than
 1602 semiannually, at the call of the chair or, in his or her absence
 1603 or incapacity, the vice chair. Four members constitute a quorum.
 1604 A majority vote of the members present is required for all
 1605 actions of the board. The board may prescribe, amend, and repeal
 1606 a charter governing the manner in which it conducts its
 1607 business. A board member shall serve without compensation but is
 1608 entitled to be reimbursed for travel expenses by the coalition
 1609 or the organization he or she represents in accordance with s.
 1610 112.061.

1611 (c) The coalition shall be administered by a coalition
 1612 director, who shall be appointed by and serve at the pleasure of
 1613 the board. The coalition director shall, subject to the approval
 1614 of the board:

- 1615 1. Propose a budget for the coalition.
- 1616 2. Foster the collaboration of scientists, researchers,
 1617 and other appropriate personnel in accordance with the
 1618 coalition's charter.
- 1619 3. Identify and prioritize the research to be conducted by
 1620 the coalition.
- 1621 4. Prepare the Medical Marijuana Research and Education
 1622 Plan for submission to the board.
- 1623 5. Apply for grants to obtain funding for research
 1624 conducted by the coalition.
- 1625 6. Perform other duties as determined by the board.

1626 (d) The board shall advise the Board of Governors, the
 1627 State Surgeon General, the Governor, and the Legislature with
 1628 respect to medical marijuana research and education in this
 1629 state. The board shall explore methods of implementing and
 1630 enforcing medical marijuana laws in relation to cancer control,
 1631 research, treatment, and education.

1632 (e) The board shall annually adopt a plan for medical
 1633 marijuana research, known as the "Medical Marijuana Research and
 1634 Education Plan," which must be in accordance with state law and
 1635 coordinate with existing programs in this state. The plan must
 1636 include recommendations for the coordination and integration of
 1637 medical, nursing, paramedical, community, and other resources
 1638 connected with the treatment of debilitating medical conditions,
 1639 research related to the treatment of such medical conditions,
 1640 and education.

1641 (f) By February 15 of each year, the board shall issue a
 1642 report to the Governor, the President of the Senate, and the
 1643 Speaker of the House of Representatives on research projects,
 1644 community outreach initiatives, and future plans for the
 1645 coalition.

1646 (5) RESPONSIBILITIES OF THE H. LEE MOFFITT CANCER CENTER
 1647 AND RESEARCH INSTITUTE, INC.—The H. Lee Moffitt Cancer Center
 1648 and Research Institute, Inc., shall allocate staff and provide
 1649 information and assistance, as the coalition's budget permits,
 1650 to assist the board in fulfilling its responsibilities.

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1651 Section 11. Subsection (1) of section 1004.441, Florida
 1652 Statutes, is amended to read:

1653 1004.441 Refractory and intractable epilepsy treatment and
 1654 research.—

1655 (1) As used in this section, the term "low-THC cannabis"
 1656 means "low-THC cannabis" as defined in s. 381.986 that is
 1657 dispensed only from a dispensing organization as defined in
 1658 former s. 381.986, Florida Statutes 2016, or a medical marijuana
 1659 treatment center as defined in s. 381.986.

1660 Section 12. Subsection (8) is added to section 1006.062,
 1661 Florida Statutes, to read:

1662 1006.062 Administration of medication and provision of
 1663 medical services by district school board personnel.—

1664 (8) Each district school board shall adopt a policy and a
 1665 procedure for allowing a student who is a qualified patient, as
 1666 defined in s. 381.986, to use marijuana obtained pursuant to
 1667 that section. Such policy and procedure shall ensure access by
 1668 the qualified patient; identify how the marijuana will be
 1669 received, accounted for, and stored; and establish processes to
 1670 prevent access by other students and school personnel
 1671 unnecessary to the implementation of the policy.

1672 Section 13. Department of Health; authority to adopt
 1673 rules; cause of action.—

1674 (1) EMERGENCY RULEMAKING.—

1675 (a) The Department of Health and the applicable boards

1676 shall adopt emergency rules pursuant to s. 120.54(4), Florida
 1677 Statutes, and this section necessary to implement ss. 381.986
 1678 and 381.988, Florida Statutes. If an emergency rule adopted
 1679 under this section is held to be unconstitutional or an invalid
 1680 exercise of delegated legislative authority, and becomes void,
 1681 the department or the applicable boards may adopt an emergency
 1682 rule pursuant to this section to replace the rule that has
 1683 become void. If the emergency rule adopted to replace the void
 1684 emergency rule is also held to be unconstitutional or an invalid
 1685 exercise of delegated legislative authority and becomes void,
 1686 the department and the applicable boards must follow the
 1687 nonemergency rulemaking procedures of the Administrative
 1688 Procedures Act to replace the rule that has become void.

1689 (b) For emergency rules adopted under this section, the
 1690 department and the applicable boards need not make the findings
 1691 required by s. 120.54(4)(a), Florida Statutes. Emergency rules
 1692 adopted under this section are exempt from ss. 120.54(3)(b) and
 1693 120.541, Florida Statutes. The department and the applicable
 1694 boards shall meet the procedural requirements in s. 120.54(a),
 1695 Florida Statutes, if the department or the applicable boards
 1696 have, prior to the effective date of this act, held any public
 1697 workshops or hearings on the subject matter of the emergency
 1698 rules adopted under this subsection. Challenges to emergency
 1699 rules adopted under this subsection shall be subject to the time
 1700 schedules provided in s. 120.56(5), Florida Statutes.

1701 (c) Emergency rules adopted under this section are exempt
 1702 from s. 120.54(4)(c), Florida Statutes, and shall remain in
 1703 effect until replaced by rules adopted under the nonemergency
 1704 rulemaking procedures of the Administrative Procedures Act. By
 1705 January 1, 2018, the department and the applicable boards shall
 1706 initiate nonemergency rulemaking pursuant to the Administrative
 1707 Procedures Act to replace all emergency rules adopted under this
 1708 section by publishing a notice of rule development in the
 1709 Florida Administrative Register. Except as provided in paragraph
 1710 (a), after January 1, 2018, the department and applicable boards
 1711 may not adopt rules pursuant to the emergency rulemaking
 1712 procedures provided in this section.

1713 (2) CAUSE OF ACTION.—

1714 (a) As used in s. 29(d)(3), Art X, of the State
 1715 Constitution, the term:

1716 1. "Issue regulations" means the filing by the department
 1717 of a rule or emergency rule for adoption with the Department of
 1718 State.

1719 2. "Judicial relief" means an action for declaratory
 1720 judgment pursuant to chapter 86, Florida Statutes.

1721 (b) The venue for actions brought against the department
 1722 pursuant to s. 29(d)(3), Art X, of the State Constitution shall
 1723 be in the circuit court in and for Leon County.

1724 (c) If the department is not issuing patient and caregiver
 1725 identification cards or licensing medical marijuana treatment

1726 centers by October 3, 2017, the following shall be a defense to
 1727 a cause of action brought under s. 29(d)(3), Art X, of the State
 1728 Constitution:

1729 1. The department is unable to issue patient and caregiver
 1730 identification cards or license medical marijuana treatment
 1731 centers due to litigation challenging a rule as an invalid
 1732 exercise of delegated legislative authority or unconstitutional.

1733 2. The department is unable to issue patient or caregiver
 1734 identification cards or license medical marijuana treatment
 1735 centers due to a rule being held as an invalid exercise of
 1736 delegated legislative authority or unconstitutional.

1737 Section 14. Department of Law Enforcement; training
 1738 related to medical use of marijuana.-The Department of Law
 1739 Enforcement shall develop a 4-hour online initial training
 1740 course, and a 2-hour online continuing education course, which
 1741 shall be made available for use by all law enforcement agencies
 1742 in this state. Such training shall cover the legal parameters of
 1743 marijuana-related activities governed by ss. 381.986 and
 1744 381.988, Florida Statutes, relating to criminal laws governing
 1745 marijuana.

1746 Section 15. Section 385.212, Florida Statutes, is amended
 1747 to read:

1748 385.212 Powers and duties of the Department of Health;
 1749 Office of Compassionate Medical Marijuana Use.-

1750 (1) The Department of Health shall establish an Office of

1751 ~~Compassionate Medical Marijuana Use~~ under the direction of the
 1752 Deputy State Health Officer.

1753 (2) The Office of ~~Compassionate Medical Marijuana Use~~ may
 1754 enhance access to investigational new drugs for Florida patients
 1755 through approved clinical treatment plans or studies. The Office
 1756 of ~~Compassionate Medical Marijuana Use~~ may:

1757 (a) Create a network of state universities and medical
 1758 centers recognized pursuant to s. 381.925.

1759 (b) Make any necessary application to the United States
 1760 Food and Drug Administration or a pharmaceutical manufacturer to
 1761 facilitate enhanced access to compassionate use for Florida
 1762 patients.

1763 (c) Enter into any agreements necessary to facilitate
 1764 enhanced access to compassionate use for Florida patients.

1765 (3) The department may adopt rules necessary to implement
 1766 this section.

1767 (4) The Office of Medical Marijuana Use shall administer
 1768 and enforce the provisions of s. 381.986.

1769 Section 16. (1) For the 2017-2018 fiscal year, 55 full-
 1770 time equivalent positions, with associated salary rate of
 1771 2,198,860, are authorized and the sums of \$3.5 million in
 1772 nonrecurring funds from the General Revenue Fund and \$4,055,292
 1773 in recurring funds and \$1,238,148 in nonrecurring funds from the
 1774 Grants and Donations Trust Fund are appropriated to the
 1775 Department of Health for the purpose of implementing the

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1776 requirements of this act. Of the funds appropriated, \$3,158,572
 1777 in recurring funds and \$1,238,148 in nonrecurring funds from the
 1778 Grants and Donations Trust Fund and 27 full-time equivalent
 1779 positions shall be placed in reserve. The Department of Health
 1780 is authorized to submit budget amendments requesting the release
 1781 of funds being held in reserve pursuant to chapter 216, Florida
 1782 Statutes contingent upon need and demonstration of fee
 1783 collections to support the budget authority.

1784 (2) For the 2017-2018 fiscal year, the sum of \$10 million
 1785 in nonrecurring funds from the General Revenue Fund is
 1786 appropriated to the Department of Health to implement the
 1787 statewide cannabis and marijuana education and illicit use
 1788 prevention campaign established under s. 381.989, Florida
 1789 Statutes.

1790 (3) For the 2017-2018 fiscal year, the sum of \$5 million
 1791 in nonrecurring funds from the Highway Safety Operating Trust
 1792 Fund are appropriated to the Department of Highway Safety and
 1793 Motor Vehicles to implement the statewide impaired driving
 1794 education campaign established under s. 381.989, Florida
 1795 Statutes.

1796 (4) For the 2017-2018 fiscal year, the sum of \$1 million
 1797 in nonrecurring funds from the General Revenue Fund is
 1798 appropriated to the University Of Florida College Of Pharmacy to
 1799 implement the requirements of s. 381.986(4)(a)8., Florida
 1800 Statutes.

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1801 (5) For the 2017-2018 fiscal year, the sum of \$100,000 in
1802 recurring funds from the Highway Safety Operating Trust Fund is
1803 appropriated to the Department of Highway Safety and Motor
1804 Vehicles for the purpose of training additional law enforcement
1805 officers as drug recognition experts.

1806 Section 17. This act shall take effect upon becoming a
1807 law.
1808