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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/04/2019	.	
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The Committee on Health Policy (Bean) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 50 and 51

insert:

(4) PHYSICIAN CERTIFICATION.—

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

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

2. Diagnosed the patient with at least one qualifying



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12 medical condition.

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

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

23 5. Reviewed the patient's controlled drug prescription
24 history in the prescription drug monitoring program database
25 established pursuant to s. 893.055.

26 6. Reviews the medical marijuana use registry and confirmed
27 that the patient does not have an active physician certification
28 from another qualified physician.

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

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

39 b. Updates the registry within 7 days after any change is
40 made to the original physician certification to reflect such



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41 change.

42 c. Deactivates the registration of the qualified patient
43 and the patient's caregiver when the physician no longer
44 recommends the medical use of marijuana for the patient.

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

56 a. The Federal Government's classification of marijuana as
57 a Schedule I controlled substance.

58 b. The approval and oversight status of marijuana by the
59 Food and Drug Administration.

60 c. The current state of research on the efficacy of
61 marijuana to treat the qualifying conditions set forth in this
62 section.

63 d. The potential for addiction.

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

69 f. The potential side effects of marijuana use.



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

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

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75 A qualified physician may not issue a physician certification
76 for a patient younger than 18 years of age to receive marijuana
77 in a form for smoking.

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

80 And the directory clause is amended as follows:

81 Delete lines 13 - 14

82 and insert:

83 Section 1. Paragraph (j) of subsection (1), paragraph (a)
84 of subsection (4), and paragraph (e) of subsection (8) of
85 section 381.986, Florida Statutes, are

86

87 ===== T I T L E A M E N D M E N T =====

88 And the title is amended as follows:

89 Between lines 6 and 7

90 insert:

91 prohibiting a qualified physician from issuing a
92 physician certification for a patient younger than 18
93 years of age to receive marijuana in a form for
94 smoking;