

By Senators Bradley, Bean, and Brandes

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1 A bill to be entitled
2 An act relating to medical-grade marijuana and
3 cannabis; creating s. 456.60, F.S.; defining terms;
4 authorizing specified physicians to prescribe to
5 specified patients medical-grade marijuana; providing
6 conditions; providing duties of the Department of
7 Health; requiring the department to create a
8 compassionate use registry; providing requirements for
9 the registry; requiring the department to authorize a
10 specified number of dispensing organizations;
11 providing requirements and duties for a dispensing
12 organization; providing exceptions to specified laws;
13 amending s. 893.02, F.S.; revising the definition of
14 the term "cannabis" for purposes of the Florida
15 Comprehensive Drug Abuse Prevention and Control Act
16 and as applicable to certain criminal offenses
17 proscribing the sale, manufacture, delivery,
18 possession, or purchase of cannabis, to which
19 penalties apply; providing an effective date.

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

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23 Section 1. Section 456.60, Florida Statutes, is created to
24 read:

25 456.60 Compassionate use of medical-grade marijuana.-

26 (1) DEFINITIONS.-As used in this section, the term:

27 (a) "Dispensing organization" means an organization
28 approved by the department to cultivate, process, and dispense
29 medical-grade marijuana pursuant to this section.

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30 (b) "Medical-grade marijuana" means a substance that
31 contains no more than 0.5 percent or less of any
32 tetrahydrocannabinol and at least 15 percent cannabidiol and
33 that is dispensed only from a dispensing organization.

34 (c) "Medical use" means administration of the prescribed
35 amount of medical-grade marijuana. The term does not include the
36 possession, use, or administration by smoking. The term also
37 does not include the transfer of medical-grade marijuana to a
38 person other than the qualified patient to whom it was
39 prescribed or the qualified patient's legal representative on
40 behalf of the qualified patient.

41 (d) "Qualified patient" means a resident of this state who
42 has been added to the compassionate use registry by a physician
43 licensed under chapter 458 or chapter 459 to receive medical-
44 grade marijuana from a dispensing organization.

45 (e) "Smoking" means burning or igniting a substance and
46 inhaling the smoke. Smoking does not include the use of a
47 vaporizer.

48 (2) PHYSICIAN PRESCRIBING.—A physician licensed under
49 chapter 458 or chapter 459 who has examined and treated a
50 patient suffering from a physical medical condition, or from
51 treatment for a medical condition, which chronically produces
52 symptoms of seizures or severe and persistent muscle spasms may
53 prescribe for the patient's medical use medical-grade marijuana
54 to treat or alleviate such symptoms if no other satisfactory
55 alternative treatment options exist for that patient and all of
56 the following conditions apply:

57 (a) The patient is a permanent resident of this state.

58 (b) The physician has treated the patient for his or her

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59 symptoms or a medical condition in which his or her symptoms
60 were present for at least 6 months.

61 (c) The physician has tried alternate treatment options
62 that have not alleviated the patient's symptoms.

63 (d) The physician determines the risks of prescribing
64 medical-grade marijuana are reasonable in light of the potential
65 benefit for that patient. If a patient is younger than 18 years
66 of age, a second physician must concur with this determination,
67 and such determination must be documented in the patient's
68 medical record.

69 (e) The physician registers as the prescriber of medical-
70 grade marijuana for the named patient on the compassionate use
71 registry maintained by the department and updates the registry
72 to reflect the prescription contents as prescribed. The
73 physician shall inactivate the patient's registration when
74 treatment is discontinued.

75 (f) The physician maintains a patient treatment plan that
76 includes the dose, route of administration, planned duration,
77 and monitoring of the patient's symptoms and other indicators of
78 tolerance or reaction to the medical-grade marijuana.

79 (g) The physician submits the patient treatment plan
80 quarterly to the University of Florida College of Pharmacy for
81 research on the safety and efficacy of medical-grade marijuana
82 on patients with such symptoms.

83 (3) DUTIES OF THE DEPARTMENT.—The department shall:

84 (a) Create a secure, electronic, and online compassionate
85 use registry for the registration of physicians and patients as
86 provided under this section. The registry must be accessible to
87 law enforcement agencies and to a dispensing organization in

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88 order to verify patient authorization for medical-grade
89 marijuana and record the medical-grade marijuana dispensed. The
90 registry must prevent an active registration of a patient by
91 multiple physicians.

92 (b) Authorize at least one, but no more than four,
93 dispensing organizations, to ensure reasonable statewide
94 accessibility and availability as necessary for patients
95 registered in the compassionate use registry and who are
96 prescribed medical-grade marijuana under this section. The
97 department shall develop an application form and impose an
98 initial application and biennial renewal fee that is sufficient
99 to cover the costs of administering this section. An applicant
100 for approval as a dispensing organization must be able to
101 demonstrate:

102 1. The technical and technological ability to cultivate and
103 produce medical-grade marijuana.

104 2. The ability to secure the premises, resources, and
105 personnel necessary to operate as a dispensing organization.

106 3. The ability to maintain accountability of raw materials,
107 finished product, and any byproducts to prevent diversion or
108 unlawful access to or possession of these substances.

109 4. An infrastructure reasonably located to dispense
110 medical-grade marijuana to registered patients statewide or
111 regionally as determined by the department.

112 5. The financial ability to maintain operations for the
113 duration of the 2-year approval cycle.

114 6. That all owners, managers, and employees have been
115 fingerprinted and successfully passed background screening
116 pursuant to s. 435.04.

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117 7. Additional criteria determined by the department to be
118 necessary to safely implement this section.

119 (c) Monitor physician registration and prescribing of
120 medical-grade marijuana for prescribing practices which could
121 facilitate unlawful diversion or misuse of medical-grade
122 marijuana, and take disciplinary action as indicated.

123 (4) DISPENSING ORGANIZATION.—An approved dispensing
124 organization shall maintain compliance with the criteria
125 demonstrated for selection and approval under subsection (3) as
126 a dispensing organization at all times. Before dispensing
127 medical-grade marijuana to a qualified patient, the dispensing
128 organization shall verify that the patient has an active
129 registration in the compassionate use registry, the prescription
130 presented matches the prescription contents as recorded in the
131 registry, and the prescription has not already been filled. Upon
132 dispensing the medical-grade marijuana, the dispensing
133 organization shall record in the registry the date, time,
134 quantity, and form of medical-grade marijuana dispensed.

135 (5) EXCEPTIONS TO OTHER SECTIONS OF LAW.—

136 (a) Notwithstanding any other section of law, but subject
137 to the requirements of this section, a qualified patient and the
138 qualified patient's legal representative may purchase, acquire,
139 and possess for the patient's medical use up to the amount of
140 medical-grade marijuana prescribed to the patient.

141 (b) Notwithstanding any other section of law, but subject
142 to the requirements of this section, an approved dispensing
143 organization and its owners, managers, and employees may
144 acquire, possess, cultivate, and lawfully dispose of excess
145 product in reasonable quantities to produce medical-grade

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146 marijuana and possess, process, and dispense medical-grade
147 marijuana.

148 (c) An approved dispensing organization is not subject to
149 licensure and regulation under chapter 465, and the owners,
150 managers, and employees of a dispensing organization are not
151 subject to licensure and regulation for the practice of pharmacy
152 under chapter 465.

153 Section 2. Subsection (3) of section 893.02, Florida
154 Statutes, is amended to read:

155 893.02 Definitions.—The following words and phrases as used
156 in this chapter shall have the following meanings, unless the
157 context otherwise requires:

158 (3) "Cannabis" means all parts of any plant of the genus
159 *Cannabis*, whether growing or not; the seeds thereof; the resin
160 extracted from any part of the plant; and every compound,
161 manufacture, salt, derivative, mixture, or preparation of the
162 plant or its seeds or resin. The term does not include any plant
163 of the genus *Cannabis* that contains 0.5 percent or less of
164 tetrahydrocannabinol and more than 15 percent of cannabidiol;
165 the seeds thereof; the resin extracted from any part of such
166 plant; or any compound, manufacture, salt, derivative, mixture,
167 or preparation of such plant or its seeds or resin, if possessed
168 or used in conformance with s. 456.60.

169 Section 3. This act shall take effect July 1, 2014.