

By Senator Brandes

22-00645A-15

2015528\_\_

1                                   A bill to be entitled  
2       An act relating to the medical use of marijuana;  
3       creating s. 381.99, F.S.; providing a short title;  
4       creating s. 381.991, F.S.; defining terms; creating s.  
5       381.992, F.S.; allowing registered patients and  
6       designated caregivers to purchase, acquire, and  
7       possess medical-grade marijuana subject to specified  
8       requirements; allowing a cultivation and processing  
9       licensee, employee, or contractor to acquire,  
10      cultivate, transport, and sell marijuana under certain  
11      circumstances; allowing a retail licensee to purchase,  
12      receive, possess, store, dispense, and deliver  
13      marijuana under certain circumstances; allowing a  
14      licensed laboratory to receive marijuana for  
15      certification purposes; prohibiting certain actions  
16      regarding the acquisition, possession, transfer, use,  
17      and administration of marijuana; clarifying that a  
18      person is prohibited from driving under the influence  
19      of marijuana; creating s. 381.993, F.S.; specifying  
20      registration requirements for a patient identification  
21      card; allowing a qualified patient to designate a  
22      caregiver subject to certain requirements; requiring  
23      notification by the Department of Health of the denial  
24      of a designated caregiver's registration; requiring  
25      the department to create certain patient registration  
26      and certification forms for availability by a  
27      specified date; requiring the department to update a  
28      patient registry and issue an identification card  
29      under certain circumstances within a specified

22-00645A-15

2015528\_\_

30           timeframe; specifying the requirements of the  
31           identification card, including expiration and renewal  
32           requirements; providing notification and return  
33           requirements if the department removes the patient or  
34           caregiver from the registry; creating s. 381.994,  
35           F.S.; requiring the department to create an online  
36           patient registry by a specified date subject to  
37           certain requirements; creating s. 381.995, F.S.;

38           requiring the department to establish standards and  
39           develop and accept licensure application forms for the  
40           cultivation, processing, and sale of marijuana by a  
41           specified date subject to certain requirements;  
42           providing for an initial application fee, a licensure  
43           fee, and a renewal fee for specified licenses;  
44           requiring the department to issue certain licenses by  
45           specified dates; specifying requirements for a  
46           cultivation and processing license, including  
47           expiration and renewal requirements; specifying  
48           facility requirements for a cultivation and processing  
49           licensee, including inspections and the issuance of  
50           cultivation and processing facility licenses; allowing  
51           a dispensing organization to use a contractor to  
52           cultivate and process marijuana subject to certain  
53           requirements; directing a dispensing organization or  
54           contractor to destroy all marijuana byproducts under  
55           certain conditions within a specified timeframe;  
56           allowing a cultivation and processing licensee to  
57           sell, transport, and deliver marijuana products under  
58           certain circumstances; prohibiting the Department of

22-00645A-15

2015528\_\_

59 Health from licensing retail facilities in a county  
60 unless the board of county commissioners for that  
61 county determines by ordinance the number and location  
62 of retail facilities subject to certain limitations;  
63 specifying the application requirements for a retail  
64 license; requiring the department to consider certain  
65 factors when issuing retail licenses to encourage a  
66 competitive marketplace; providing expiration and  
67 renewal requirements for a retail license; requiring  
68 inspection of a retail facility before dispensing  
69 marijuana; providing dispensing requirements; allowing  
70 retail licensees to contract with certain types of  
71 carriers to deliver marijuana under certain  
72 circumstances; prohibiting a licensee from advertising  
73 marijuana products; specifying inspection, license,  
74 and testing requirements for certain facilities;  
75 requiring the department to create standards and  
76 impose penalties for a dispensing organization subject  
77 to certain restrictions; requiring the department to  
78 maintain a public, online list of all licensed retail  
79 facilities; creating s. 381.996, F.S.; providing  
80 patient certification requirements relating to  
81 qualified patients; requiring a physician to transfer  
82 an order and update the registry subject to certain  
83 requirements and time restraints; requiring physician  
84 education; creating s. 381.997, F.S.; requiring  
85 testing, certification, and reporting of results by an  
86 independent laboratory before distribution or sale of  
87 marijuana or marijuana products; providing package and

22-00645A-15

2015528\_\_

88 label requirements; requiring the department to  
89 establish quality standards and testing procedures by  
90 a certain date; creating s. 381.998, F.S.; providing  
91 criminal penalties; creating s. 381.999, F.S.;  
92 establishing that this act does not require or  
93 restrict health insurance coverage for the purchase of  
94 medical-grade marijuana; creating s. 381.9991, F.S.;  
95 providing rulemaking authority; providing an effective  
96 date.

97

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

99

100 Section 1. Section 381.99, Florida Statutes, is created to  
101 read:

102 381.99 Short title.—Sections 381.99-381.9991 may be cited  
103 as “The Florida Medical Marijuana Act.”

104 Section 2. Section 381.991, Florida Statutes, is created to  
105 read:

106 381.991 Definitions.—As used in ss. 381.991-381.9991 the  
107 term:

108 (1) “Allowed amount of medical-grade marijuana” means the  
109 amount of medical-grade marijuana, or the equivalent amount in  
110 processed form, which a physician may determine is necessary to  
111 treat a registered patient’s qualifying condition or qualifying  
112 symptom or symptoms for 30 days.

113 (2) “Batch” means a specifically identified quantity of  
114 processed marijuana that is uniform in strain; cultivated using  
115 the same herbicides, pesticides, and fungicides; and harvested  
116 at the same time from a single licensed cultivation and

22-00645A-15

2015528\_\_

117 processing facility.

118 (3) "Cultivation and processing facility" means a facility  
119 licensed by the department for the cultivation of marijuana, the  
120 processing of marijuana, or both.

121 (4) "Cultivation and processing license" means a license  
122 issued by the department which authorizes the licensee to  
123 cultivate or process, or to both cultivate and process,  
124 marijuana at one or more cultivation and processing facilities.

125 (5) "Department" means the Department of Health.

126 (6) "Designated caregiver" means a person who is registered  
127 with the department as the caregiver for one or more registered  
128 patients.

129 (7) "Dispense" means the transfer or sale at a retail  
130 facility of the allowed amount of medical-grade marijuana from a  
131 dispensing organization to a registered patient or the patient's  
132 designated caregiver.

133 (8) "Dispensing organization" means an organization that  
134 holds a cultivation and processing license, a retail license, or  
135 both.

136 (9) "Identification card" means a card issued by the  
137 department only to registered patients and designated  
138 caregivers.

139 (10) "Marijuana" has the same meaning as the term  
140 "cannabis" in s. 893.02.

141 (11) "Medical-grade marijuana" means marijuana that has  
142 been tested in accordance with s. 381.997; meets the standards  
143 established by the department for sale to registered patients;  
144 and is packaged, labeled, and ready to be dispensed.

145 (12) "Medical marijuana patient registry" means an online

22-00645A-15

2015528\_\_

146 electronic registry created and maintained by the department to  
147 store identifying information for all registered patients and  
148 designated caregivers.

149 (13) "Medical use" means the acquisition, possession,  
150 transportation, use, and administration of the allowed amount of  
151 medical-grade marijuana.

152 (14) "Physician" means a physician who is licensed under  
153 chapter 458 or chapter 459 and meets the requirements of s.  
154 381.996(4).

155 (15) "Qualified patient" means a resident of this state who  
156 has been certified by a physician and diagnosed as suffering  
157 from:

158 (a) Cancer;

159 (b) Positive status for human immunodeficiency virus (HIV);

160 (c) Acquired immune deficiency syndrome (AIDS);

161 (d) Epilepsy;

162 (e) Amyotrophic lateral sclerosis (ALS);

163 (f) Multiple sclerosis;

164 (g) Crohn's disease;

165 (h) Parkinson's disease; or

166 (i) Any physical medical condition or treatment for a  
167 medical condition that chronically produces one or more  
168 qualifying symptoms.

169 (16) "Qualifying symptom" means:

170 (a) Cachexia or wasting syndrome;

171 (b) Severe and persistent pain;

172 (c) Severe and persistent nausea;

173 (d) Persistent seizures; or

174 (e) Severe and persistent muscle spasms.

22-00645A-15

2015528\_\_

175 (17) "Registered patient" means a qualified patient who has  
176 registered with the department and has been issued a medical  
177 marijuana registry identification card.

178 (18) "Retail facility" means a facility licensed by the  
179 department to dispense medical-grade marijuana to registered  
180 patients and caregivers.

181 (19) "Retail license" means a license issued by the  
182 department which authorizes the licensee to dispense medical-  
183 grade marijuana to registered patients and caregivers from a  
184 retail facility.

185 Section 3. Section 381.992, Florida Statutes, is created to  
186 read:

187 381.992 Medical-grade marijuana.-

188 (1) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
189 any other law, but subject to the requirements in ss. 381.991-  
190 381.9991, a registered patient or his or her designated  
191 caregiver may purchase, acquire, and possess up to the allowed  
192 amount of medical-grade marijuana, including paraphernalia, for  
193 that patient's medical use. In order to maintain the protections  
194 under this section, a registered patient or his or her  
195 designated caregiver must demonstrate that:

196 (a) He or she is legally in possession of the medical-grade  
197 marijuana, by producing his or her medical marijuana  
198 identification card; and

199 (b) Any marijuana in his or her possession is within the  
200 registered patient's allowed amount of marijuana, by producing a  
201 receipt from the dispensing organization.

202 (2) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
203 any other law, but subject to the requirements in ss. 381.991-

22-00645A-15

2015528\_\_

204 381.9991, a cultivation and processing licensee and an employee  
205 or contractor of a cultivation and processing licensee may  
206 acquire, cultivate, and possess marijuana while on the property  
207 of a cultivation and processing facility; may transport  
208 marijuana between licensed facilities owned by the licensee; may  
209 transport marijuana to independent laboratories for  
210 certification as medical-grade marijuana; and may transport and  
211 sell medical-grade marijuana to retail facilities.

212 (3) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
213 any other law, but subject to the requirements in ss. 381.991-  
214 381.9991, a retail licensee and an employee of a retail licensee  
215 may purchase and receive medical-grade marijuana from a  
216 cultivation and processing licensee or its employee or  
217 contractor; may possess, store, and hold medical-grade marijuana  
218 for retail sale; and may dispense the allowed amount of medical-  
219 grade marijuana to a registered patient or designated caregiver  
220 at a retail facility. A retail licensee and an employee or  
221 contractor of a retail licensee may deliver medical-grade  
222 marijuana to the residence of a registered patient.

223 (4) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
224 any other law, but subject to the requirements in ss. 381.991-  
225 381.9991, a licensed laboratory and an employee of an  
226 independent testing laboratory may receive and possess marijuana  
227 for the sole purpose of testing the marijuana for certification  
228 as medical-grade marijuana.

229 (5) This section does not authorize:

230 (a) The acquisition, purchase, transportation, use,  
231 possession, or administration of any type of marijuana other  
232 than medical-grade marijuana by a registered patient or

22-00645A-15

2015528\_\_

233 designated caregiver.

234 (b) The use of medical-grade marijuana by anyone other than  
235 the registered patient for whom the medical-grade marijuana was  
236 ordered.

237 (c) The transfer or administration of medical-grade  
238 marijuana to anyone other than the registered patient for whom  
239 the medical-grade marijuana was ordered.

240 (d) The acquisition or purchase of medical-grade marijuana  
241 by a registered patient or designated caregiver from an entity  
242 other than a dispensing organization that has a retail license.

243 (e) A registered patient or designated caregiver to  
244 transfer medical-grade marijuana to a person other than the  
245 patient for whom the medical-grade marijuana was ordered or to  
246 any entity except for the purpose of returning unused medical-  
247 grade marijuana to a dispensing organization.

248 (f) The use or administration of medical-grade marijuana:  
249 1. On any form of public transportation.  
250 2. In any public place.  
251 3. In a registered patient's place of work, if restricted  
252 by his or her employer.

253 (g) The possession, use, or administration of medical-grade  
254 marijuana:

255 1. In a correctional facility;  
256 2. On the grounds of any preschool, primary school, or  
257 secondary school; or  
258 3. On a school bus.

259 (6) This section does not exempt any person from the  
260 prohibition against driving under the influence provided in s.  
261 316.193.

22-00645A-15

2015528\_\_

262 Section 4. Section 381.993, Florida Statutes, is created to  
263 read:

264 381.993 Medical marijuana patient and designated caregiver  
265 registration.—

266 (1) In order to register for an identification card, a  
267 qualified patient must submit to the department:

268 (a) A patient registration form;

269 (b) Proof of Florida residency; and

270 (c) A passport-style photograph taken within the previous  
271 90 days.

272 (2) For a qualified patient to be registered and to receive  
273 an identification card, a physician must submit a patient-  
274 certification form directly to the department which includes:

275 (a) Certification by the physician that the patient suffers  
276 from one or more qualifying conditions or symptoms specified in  
277 s. 381.991(15); and

278 (b) Unless the patient suffers from a condition listed in  
279 s. 381.991(15)(a)-(i), certification that in that physician's  
280 good faith medical judgment the patient has exhausted all other  
281 reasonable medical treatments for those symptoms.

282 (3) If a qualified patient is under 21 years of age, a  
283 second physician must also submit a patient-certification form  
284 that meets the requirements of paragraphs (2)(a) and 2(b).

285 (4) The patient-certification form may be submitted through  
286 the department website.

287 (5) A qualified patient may, at initial registration or  
288 while a registered patient, designate a caregiver to assist him  
289 or her with the medical use of medical-grade marijuana. A  
290 designated caregiver must be at least 21 years of age and must

22-00645A-15

2015528\_\_

291 meet the background screening requirements in s. 408.809 unless  
292 the caregiver is assisting only his or her own spouse, parents,  
293 children, or siblings. A designated caregiver may not be  
294 registered to assist more than one patient at any given time  
295 unless:

296 (a) All of the caregiver's registered patients are the  
297 caregiver's parents, siblings, or children;

298 (b) All of the caregiver's registered patients are first  
299 degree relations to each other who share a residence; and

300 (c) All of the caregiver's registered patients reside in an  
301 assisted living facility, nursing home, or other such facility  
302 and the caregiver is an employee of that facility.

303 (6) If the department determines, for any reason, that a  
304 caregiver designated by a registered patient may not assist that  
305 patient, the department must notify that patient of the denial  
306 of the designated caregiver's registration.

307 (7) The department must create a registration form and a  
308 patient-certification form and make the forms available to the  
309 public by January 1, 2016. The registration form must require  
310 the patient to include, at a minimum, the information required  
311 to be on the patient's identification card and on his or her  
312 designated caregiver's identification card if the patient is  
313 designating a caregiver.

314 (8) Beginning on July 1, 2016, when the department receives  
315 a registration form, the supporting patient-certification form,  
316 and proof of the patient's residency, the department must,  
317 within 14 days:

318 (a) Enter the qualified patient's and his or her designated  
319 caregiver's information into the medical marijuana patient

22-00645A-15

2015528\_\_

320 registry; and

321 (b) Issue an identification card to the qualified patient  
322 and to that patient's designated caregiver, if applicable. The  
323 department is not required to issue an additional identification  
324 card to a designated caregiver who already possesses a valid  
325 identification card when that caregiver becomes registered as  
326 the caregiver for additional registered patients unless the  
327 required information has changed. The expiration date for a  
328 designated caregiver's identification card must coincide with  
329 the last occurring expiration date on the identification card of  
330 the patient the caregiver is registered to assist.

331 (9) Identification cards issued to registered patients and  
332 designated caregivers must be resistant to counterfeiting and  
333 include, but not be limited to, all of the following  
334 information:

335 (a) The person's full legal name.

336 (b) The person's photograph.

337 (c) A randomly assigned identification number.

338 (d) The expiration date of the identification card.

339 (10) Except as provided in paragraph (8) (b), patient and  
340 caregiver identification cards expire 1 year after the date they  
341 are issued. In order to renew an identification card, a  
342 qualified patient must submit proof of continued residency and a  
343 physician must certify to the department:

344 (a) That he or she has examined the patient during the  
345 course of the patient's treatment with medical-grade marijuana;

346 (b) That the patient suffers from one or more qualifying  
347 symptoms or conditions;

348 (c) That, except for patients suffering from the conditions

22-00645A-15

2015528\_\_

349 listed in s. 381.991(15)(a)-(i), in the physician's good faith  
350 medical judgment, there are no reasonable alternative medical  
351 options for the relief of such symptom or symptoms;

352 (d) That, in the physician's good faith medical judgment,  
353 the use of medical-grade marijuana gives the patient some relief  
354 from his or her symptoms; and

355 (e) The allowed amount of medical-grade marijuana that the  
356 physician orders for the patient's use.

357 (11) Should the department become aware of information that  
358 would disqualify a patient or caregiver from being registered,  
359 the department must notify that person of the change in his or  
360 her status as follows:

361 (a) For registered patients, the department must give  
362 notice at least 30 days before removing that patient from the  
363 registry. The patient must return all medical-grade marijuana,  
364 medical-grade marijuana products, and his or her identification  
365 card to a retail facility within 30 days after receiving such  
366 notice. A dispensing organization must notify the department  
367 within 24 hours after it has received such a return. Such  
368 notification may be submitted electronically.

369 (b) For designated caregivers, the department must give  
370 notice to the registered patient and the designated caregiver at  
371 least 15 days before removing a caregiver from the registry. The  
372 caregiver must return his or her identification card to a retail  
373 facility within 15 days after receiving such notice. A  
374 dispensing organization must notify the department within 24  
375 hours after it has received such a return. Such notification may  
376 be submitted electronically.

377 Section 5. Section 381.994, Florida Statutes, is created to

22-00645A-15

2015528\_\_

378 read:

379 381.994 Electronic medical marijuana patient registry.-

380 (1) By July 1, 2016, the department must create a secure,  
381 online, electronic medical marijuana patient registry containing  
382 a file for each registered patient and caregiver and for each  
383 certifying physician consisting of, but not limited to, all of  
384 the following:

385 (a) For patients and caregivers:386 1. His or her full legal name;387 2. His or her photograph;

388 3. The randomly assigned identification number on his or  
389 her identification card; and

390 4. The expiration date of the identification card.

391 (b) For physicians, the physician's full legal name and  
392 license number.

393 (c) For a registered patient:

394 1. The full legal name of his or her designated caregiver,  
395 if any;

396 2. His or her allowed amount of medical-grade marijuana;  
397 and

398 3. The concentration ranges of specified cannabinoids, if  
399 any, ordered by the patient's certifying physician.

400 (d) For a designated caregiver:

401 1. The full legal name or names of all registered patients  
402 whom the caregiver is registered to assist;

403 2. The allowed amount of medical-grade marijuana for each  
404 patient the caregiver is registered to assist; and

405 3. The concentration ranges of specified cannabinoids, if  
406 any, ordered by the certifying physician for each respective

22-00645A-15

2015528\_\_

407 patient the caregiver is registered to assist.

408 (e) The date and time of dispensing, and the allowed amount  
409 of medical-grade marijuana dispensed, for each of that  
410 registered patient's or caregiver's transactions with the  
411 dispensing organization.

412 (2) The registry must be able to:

413 (a) Be accessed by a retail licensee or employee to verify  
414 the authenticity of a patient identification card, to verify the  
415 allowed amount and any specified type of medical-grade marijuana  
416 ordered by his or her physician, and to determine the prior  
417 dates on which and times at which medical-grade marijuana was  
418 dispensed to the patient and the amount dispensed on each  
419 occasion;

420 (b) Accept in real time the original and updated orders for  
421 medical-grade marijuana from certifying physicians;

422 (c) Be accessed by law enforcement agencies in order to  
423 verify patient or caregiver authorization for possession of an  
424 allowed amount of medical-grade marijuana; and

425 (d) Accept and post initial and updated information to each  
426 registered patient's file from the dispensing organization that  
427 shows the date, time, and amount of medical-grade marijuana  
428 dispensed to that patient at the point of sale.

429 Section 6. Section 381.995, Florida Statutes, is created to  
430 read:

431 381.995 Dispensing organizations.—

432 (1) By January 1, 2016, the department shall establish  
433 operating standards for the cultivation, processing, packaging,  
434 and labeling of marijuana, establish standards for the sale of  
435 medical-grade marijuana, develop licensure application forms for

22-00645A-15

2015528\_\_

436 cultivation and processing licenses and retail licenses, make  
437 such forms available to the public, establish procedures and  
438 requirements for cultivation facility licenses and renewals and  
439 processing facility licenses and renewals, and begin accepting  
440 applications for licensure. The department may charge an initial  
441 application fee of up to \$100,000 for cultivation and processing  
442 licenses and up to \$10,000 for retail licenses, a licensure fee,  
443 and a license renewal fee as necessary to pay for all expenses  
444 incurred by the department in administering this section.

445 (2) The department must begin issuing cultivation and  
446 processing licenses by March 1, 2016, and retail licenses by  
447 July 1, 2016.

448 (3) The department may issue a cultivation and processing  
449 license to an applicant who provides:

450 (a) A completed cultivation and processing license  
451 application form;

452 (b) The initial application fee;

453 (c) The legal name of the applicant;

454 (d) The physical address of each location where marijuana  
455 will be cultivated and processed;

456 (e) The name, address, and date of birth of each principal  
457 officer and board member, if applicable;

458 (f) The name, address, and date of birth of each of the  
459 applicant's current employees who will participate in the  
460 operations of the dispensing organization;

461 (g) Proof that all principals and employees of the  
462 applicant have passed a level 2 background screening pursuant to  
463 chapter 435 within the prior year;

464 (h) Proof of an established infrastructure or the ability

22-00645A-15

2015528\_\_

465 to establish an infrastructure in a reasonable amount of time  
466 designed to cultivate, process, test, package, and label  
467 marijuana and to deliver medical-grade marijuana to retail  
468 facilities throughout the state;

469 (i) Proof that the applicant possesses the technical and  
470 technological ability to cultivate and process medical-grade  
471 marijuana;

472 (j) Proof of operating procedures designed to secure and  
473 maintain accountability for all marijuana and marijuana-related  
474 byproducts it may possess;

475 (k) Proof of the financial ability to maintain operations  
476 for the duration of the license;

477 (l) Proof of at least \$1 million of hazard and liability  
478 insurance for each cultivation and processing facility; and

479 (m) A \$5 million performance and compliance bond, to be  
480 forfeited if the licensee fails to maintain its license for the  
481 duration of the licensure period or fails to comply with the  
482 substantive requirements of this subsection and applicable  
483 agency rules for the duration of the licensure period.

484 (4) A cultivation and processing license expires 2 years  
485 after the date it is issued. The licensee must apply for a  
486 renewed license before the expiration date. In order to receive  
487 a renewed license, a cultivation and processing licensee must  
488 demonstrate continued compliance with the requirements in  
489 subsection (3) and have no outstanding substantial violations of  
490 the standards established by the department for the cultivation,  
491 processing, packaging, and labeling of marijuana and medical-  
492 grade marijuana.

493 (5) A cultivation and processing licensee may cultivate

22-00645A-15

2015528\_\_

494 marijuana at one or more facilities only if each facility used  
495 for cultivation has been inspected by the department and issued  
496 a cultivation facility license. A cultivation and processing  
497 licensee may process marijuana at one or more processing  
498 facilities only if each facility used for processing has been  
499 inspected by the department and issued a processing facility  
500 license. A cultivation and processing licensee may cultivate and  
501 process marijuana at the same facility only if that facility has  
502 been inspected by the department and issued both a cultivation  
503 facility license and a processing facility license. Each  
504 cultivation and processing facility must be secure and closed to  
505 the public and may not be located within 1,000 feet of an  
506 existing public or private elementary or secondary school, a  
507 child care facility licensed under s. 402.302, or a licensed  
508 service provider offering substance abuse services. The  
509 department may establish by rule additional security and zoning  
510 requirements for cultivation and processing facilities. All  
511 matters regarding the licensure and regulation of cultivation  
512 and processing facilities, including the location of such  
513 facilities, are preempted to the state.

514 (6) Before beginning cultivation or processing at a  
515 facility, that facility must be inspected and licensed as a  
516 cultivation facility, a processing facility, or both by the  
517 department. A cultivation and processing licensee may cultivate  
518 and process marijuana only for the purpose of producing medical-  
519 grade marijuana and may do so only at a licensed cultivation and  
520 processing facility. Such processing may include, but is not  
521 limited to, processing marijuana into medical-grade marijuana  
522 and processing medical-grade marijuana into various forms

22-00645A-15

2015528\_\_

523 including, but not limited to, topical applications, oils, and  
524 food products for a registered patient's use. A dispensing  
525 organization may use a contractor to cultivate the marijuana, to  
526 process marijuana into medical-grade marijuana, or to process  
527 the medical-grade marijuana into other forms, but the dispensing  
528 organization is responsible for all of the operations performed  
529 by each contractor relating to the cultivation and processing of  
530 marijuana and the physical possession of all marijuana and  
531 medical-grade marijuana. All work done by a contractor must be  
532 performed at a licensed cultivation and processing facility. All  
533 marijuana byproducts that are unable to be processed or  
534 reprocessed into medical-grade marijuana must be destroyed by  
535 the dispensing organization or its contractor within 48 hours  
536 after processing is completed.

537 (7) A cultivation and processing licensee may transport, or  
538 contract to have transported, marijuana and marijuana products  
539 to independent testing laboratories to be tested and certified  
540 as medical-grade marijuana.

541 (8) A cultivation and processing licensee may sell,  
542 transport, and deliver medical-grade marijuana and medical-grade  
543 marijuana products to retail licensees throughout the state.

544 (9) The department may not license any retail facilities in  
545 a county unless the board of county commissioners for that  
546 county determines by ordinance the number and location of any  
547 retail facilities that may be located within that county. A  
548 retail facility may not be located on the same property as a  
549 facility licensed for cultivation or processing of marijuana or  
550 within 1,000 feet of an existing public or private elementary or  
551 secondary school, a child care facility licensed under s.

22-00645A-15

2015528\_\_

552 402.302, or a licensed service provider that offers substance  
553 abuse services.

554 (10) An applicant for a retail license must provide the  
555 department with at least all of the following:

556 (a) A completed retail license application form.

557 (b) The initial application fee.

558 (c) The full legal name of the applicant.

559 (d) The physical address of the retail facility where  
560 marijuana will be dispensed.

561 (e) Identifying information for all other current or  
562 previous retail licenses held by the applicant.

563 (f) The name, address, and date of birth for each of the  
564 applicant's principal officers and board members.

565 (g) The name, address, and date of birth of each of the  
566 applicant's current employees who will participate in the  
567 operations of the dispensing organization.

568 (h) Proof that all principals and employees of the  
569 applicant have passed a level 2 background screening pursuant to  
570 chapter 435 within the prior year.

571 (i) Proof of an established infrastructure or the ability  
572 to establish an infrastructure in a reasonable amount of time  
573 which is designed to receive medical-grade marijuana from  
574 cultivation and processing facilities, the ability to maintain  
575 the security of the retail facility to prevent theft or  
576 diversion of any medical marijuana product received, the ability  
577 to correctly dispense the allowed amount and specified type of  
578 medical-grade marijuana to a registered patient or his or her  
579 designated caregiver pursuant to a physician's order, the  
580 ability to check the medical marijuana patient registry, and the

22-00645A-15

2015528\_\_

581 ability to electronically update the medical marijuana patient  
582 registry with dispensing information.

583 (j) Proof of operating procedures designed to secure and  
584 maintain accountability for all medical-grade marijuana and  
585 products that it may receive and possess.

586 (k) Proof of the financial ability to maintain operations  
587 for the duration of the license.

588 (l) Proof of at least \$500,000 of hazard and liability  
589 insurance for each license.

590 (m) A \$1 million performance and compliance bond, for each  
591 license, to be forfeited if the licensee fails to maintain the  
592 license for the duration of the licensure period or fails to  
593 comply with the requirements of this subsection for the duration  
594 of the licensure period.

595 (11) The department may issue multiple retail licenses to a  
596 single qualified entity; however, to encourage a competitive  
597 marketplace, when multiple entities have applied for a license  
598 in the same county, in addition to the qualifications of each  
599 applicant, the department shall consider the number of retail  
600 licenses currently held by each applicant and the number of  
601 separate entities that hold retail licenses within the same  
602 geographic area.

603 (12) A retail license expires 2 years after the date it is  
604 issued. The retail licensee must reapply for renewed licensure  
605 before the expiration date. In order to qualify for a renewed  
606 license, a retail licensee must meet all the requirements for  
607 initial licensure and have no outstanding substantial violations  
608 of the applicable standards established by the department.

609 (13) Before beginning to dispense, each retail facility

22-00645A-15

2015528\_\_

610 must be inspected by the department. Retail licensees may  
611 dispense the allowed amount of medical-grade marijuana to a  
612 registered patient or the patient's designated caregiver only if  
613 the dispensing organization's employee:

614 (a) Verifies the authenticity of the patient's or  
615 caregiver's identification card with the medical marijuana  
616 patient registry;

617 (b) Verifies the physician's order for medical-grade  
618 marijuana with the medical marijuana patient registry;

619 (c) Determines that the registered patient has not been  
620 dispensed the allowed amount of marijuana within the previous 30  
621 days;

622 (d) Issues the registered patient or the patient's  
623 caregiver a receipt that details the date and time of  
624 dispensing, the amount of medical-grade marijuana dispensed, and  
625 the person to whom the medical-grade marijuana was dispensed;  
626 and

627 (e) Updates the medical marijuana patient registry with the  
628 date and time of dispensing and the amount and type of medical-  
629 grade marijuana being dispensed to the registered patient before  
630 dispensing to that patient or that patient's designated  
631 caregiver.

632 (14) Retail licensees may contract with licensed and bonded  
633 carriers to transport medical-grade marijuana and medical-grade  
634 marijuana products between properties owned by the licensee and  
635 to deliver it to the residence of a registered patient.

636 (15) A licensee under the Florida Medical Marijuana Act may  
637 not advertise its marijuana products.

638 (16) The department must inspect and license each

22-00645A-15

2015528\_\_

639 dispensing organization's cultivation and processing facilities  
640 and retail facilities before those facilities begin operations.  
641 The department must also inspect each licensed facility at least  
642 once every 2 years. The department may also conduct additional  
643 announced or unannounced inspections at reasonable hours in  
644 order to ensure that such facilities meet the standards set by  
645 the department. The department may test any marijuana, marijuana  
646 product, medical-grade marijuana, or medical-grade marijuana  
647 product in order to ensure that such marijuana, marijuana  
648 product, medical-grade marijuana, or medical-grade marijuana  
649 product meets the standards established by the department. The  
650 department may, by interagency agreement with the Department of  
651 Business and Professional Regulation or with the Department of  
652 Agriculture and Consumer Services, perform joint inspections of  
653 such facilities with those agencies.

654 (17) The department must create a schedule of violations in  
655 rule in order to impose reasonable fines not to exceed \$10,000  
656 on a dispensing organization. In determining the amount of the  
657 fine to be levied for a violation, the department shall  
658 consider:

659 (a) The severity of the violation;

660 (b) Any actions taken by the dispensing organization to  
661 correct the violation or to remedy complaints; and

662 (c) Any previous violations.

663 (18) The department may suspend, revoke, or refuse to renew  
664 the license of a dispensing organization or of an individual  
665 facility for violations of the standards established by the  
666 department.

667 (19) The department shall maintain a publicly available,

22-00645A-15

2015528\_\_

668 easily accessible list on its website of all licensed retail  
669 facilities.

670 Section 7. Section 381.996, Florida Statutes, is created to  
671 read:

672 381.996 Patient certification.—

673 (1) A physician may certify a patient to the department as  
674 a qualified patient if:

675 (a) The physician has seen the patient on a regular basis  
676 for a period of at least 3 months;

677 (b) The physician certifies that, in his or her good faith  
678 medical judgment, the patient chronically suffers from one or  
679 more of the qualifying conditions or symptoms; and

680 (c) For patients who do not suffer from a condition listed  
681 in s. 381.991(15)(a)-(i), the physician certifies that in his or  
682 her good faith medical judgment the patient has exhausted all  
683 other reasonably available medical treatments for any of the  
684 patient's qualifying symptoms.

685 (2) After certifying a patient, the physician must  
686 electronically transfer an original order for medical-grade  
687 marijuana for that patient to the medical marijuana patient  
688 registry. Such order must include, at a minimum, the allowed  
689 amount of medical-grade marijuana and the concentration ranges  
690 for individual cannabinoids, if any. The physician must also  
691 update the registry with any changes in the specifications of  
692 his or her order for that patient within 7 days.

693 (3) If the physician becomes aware that alternative  
694 treatments are available, that the patient no longer suffers  
695 from his or her qualifying condition or symptom, or if the  
696 physician's order for the allowed amount of medical marijuana

22-00645A-15

2015528\_\_

697 changes for that patient, the physician must update the registry  
698 with the new information within 7 days.

699 (4) In order to qualify to issue patient certifications for  
700 medical-grade marijuana, and before ordering medical-grade  
701 marijuana for any patient, a physician must successfully  
702 complete an 8-hour course and subsequent examination offered by  
703 the Florida Medical Association or the Florida Osteopathic  
704 Medical Association, as appropriate, which encompasses the  
705 clinical indications for the appropriate use of medical-grade  
706 marijuana, the appropriate delivery mechanisms, the  
707 contraindications of the use of medical-grade marijuana, and the  
708 relevant state and federal laws governing ordering, dispensing,  
709 and possession. The appropriate boards shall offer the first  
710 course and examination by October 1, 2015, and shall administer  
711 them at least annually thereafter. Successful completion of the  
712 course may be used by a physician to satisfy 8 hours of the  
713 continuing medical education requirements imposed by his or her  
714 respective board for licensure renewal. This course may be  
715 offered in a distance-learning format. Successful completion of  
716 the course and examination is required for every physician who  
717 orders medical-grade marijuana each time such physician renews  
718 his or her license.

719 Section 8. Section 381.997, Florida Statutes, is created to  
720 read:

721 381.997 Medical-grade marijuana testing and labeling.—

722 (1) A cultivation and processing licensee may not  
723 distribute or sell medical-grade marijuana or product to a  
724 retail licensee unless the batch of origin of that marijuana or  
725 product has been tested by an independent testing laboratory and

22-00645A-15

2015528\_\_

726 the cultivation and processing licensee has received test  
727 results from that laboratory which certify that the batch meets  
728 the quality standards established by the department.

729 (2) When testing a batch of marijuana or product a testing  
730 laboratory must, at a minimum, test for unsafe contaminants and  
731 for presence and concentration of individual cannabinoids.

732 (3) Each testing laboratory must report its findings for  
733 each batch tested to the cultivation and processing licensee  
734 from which the batch originated and to the department. Such  
735 findings must include, at a minimum, the license number or  
736 numbers of the processing and cultivation facility from which  
737 the batch originated, the size and batch number of the batch  
738 tested, the types of tests performed on the batch, and the  
739 results of each test.

740 (4) Before distribution or sale to a retail licensee, any  
741 medical-grade marijuana that meets department testing standards  
742 must be packaged in a child-resistant container and labeled with  
743 at least the name and license number of the cultivation and  
744 processing licensee, the license number of the facility or  
745 facilities where the batch was harvested and processed, the  
746 harvest or production batch number, the concentration range of  
747 each individual cannabinoid present at testing, and any other  
748 labeling requirements established in Florida or federal law or  
749 rules for that form of the product. For the purposes of this  
750 subsection, any oil-based extraction meant for direct  
751 consumption in small quantities as a supplement need not be  
752 labeled as a food product.

753 (5) Before sale to a registered patient or caregiver, a  
754 retail licensee must affix an additional label to each product

22-00645A-15

2015528\_\_

755 that includes the licensee's name and license number.

756 (6) By January 1, 2016, the department must establish  
757 standards for quality and testing procedures and for maximum  
758 levels of unsafe contaminants. The department must also create a  
759 list of individual cannabinoids that must be tested for,  
760 concentrations that are considered significant for those  
761 cannabinoids, and varying ranges of concentrations for each  
762 cannabinoid upon which a physician may base his or her order for  
763 a patient's use of a specific strain of medical-grade marijuana.

764 Section 9. Section 381.998, Florida Statutes, is created to  
765 read:

766 381.998 Penalties.—

767 (1) A physician commits a misdemeanor of the first degree,  
768 punishable as provided in s. 775.082 or s. 775.083, if he or she  
769 orders medical-grade marijuana for a patient without a  
770 reasonable belief that the patient is suffering from a condition  
771 or symptom listed in s. 381.991(15) or s. 381.991(16).

772 (2) A person who fraudulently represents that he or she has  
773 a medical condition or symptom listed in s. 381.991(15) or s.  
774 381.991(16) for the purpose of being ordered medical-grade  
775 marijuana by such physician commits a misdemeanor of the first  
776 degree, punishable as provided in s. 775.082 or s. 775.083.

777 Section 10. Section 381.999, Florida Statutes, is created  
778 to read:

779 381.999 Insurance.—The Florida Medical Marijuana Act does  
780 not require a governmental, private, or other health insurance  
781 provider or health care services plan to cover a claim for  
782 reimbursement for the purchase of medical-grade marijuana nor  
783 does it restrict such coverage.

22-00645A-15

2015528\_\_

784 Section 11. Section 381.9991, Florida Statutes, is created  
785 to read:

786 381.9991 Rulemaking Authority.-The department may adopt  
787 rules related to health, safety, and welfare as necessary to  
788 implement this act.

789 Section 12. This act shall take effect July 1, 2015.