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A bill to be entitled

An act relating to the medical use of marijuana; creating s. 381.99, F.S.; providing a short title; creating s. 381.991, F.S.; defining terms; creating s. 381.992, F.S.; allowing registered patients and designated caregivers to purchase, acquire, and possess medical-grade marijuana subject to specified requirements; allowing a cultivation and processing licensee, employee, or contractor to acquire, cultivate, transport, and sell marijuana under certain circumstances; allowing a retail licensee to purchase, receive, possess, store, dispense, and deliver marijuana under certain circumstances; allowing a licensed laboratory to receive marijuana for certification purposes; prohibiting certain actions regarding the acquisition, possession, transfer, use, and administration of marijuana; clarifying that a person is prohibited from driving under the influence of marijuana; creating s. 381.993, F.S.; specifying registration requirements for a patient identification card; allowing a qualified patient to designate a caregiver subject to certain requirements; requiring notification by the Department of Health of the denial of a designated caregiver's registration; requiring the department to create certain patient registration and certification forms for availability by a specified date; requiring the department to update a patient registry and issue an identification card under certain circumstances within a specified timeframe; specifying the requirements of the identification card, including expiration and renewal requirements; providing notification and return requirements if the department removes the patient or caregiver from the registry; creating s. 381.994, F.S.; requiring the department to create an online patient registry by a specified date subject to certain requirements; creating s. 381.995, F.S.; requiring the department to establish standards and develop and accept licensure application forms for the cultivation, processing, and sale of marijuana by a

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specified date subject to certain requirements; providing for an initial application fee, a licensure fee, and a renewal fee for specified licenses; requiring the department to issue certain licenses by specified dates; specifying requirements for a cultivation and processing license, including expiration and renewal requirements; specifying facility requirements for a cultivation and processing licensee, including inspections and the issuance of cultivation and processing facility licenses; allowing a dispensing organization to use a contractor to cultivate and process marijuana subject to certain requirements; directing a dispensing organization or contractor to destroy all marijuana byproducts under certain conditions within a specified timeframe; allowing a cultivation and processing licensee to sell, transport, and deliver marijuana products under certain circumstances; prohibiting the Department of Health from licensing retail facilities in a county unless the Board of County Commissioners for that county determines by ordinance the number and location of retail facilities subject to certain limitations; specifying the application requirements for a retail license; requiring the department to consider certain factors when issuing retail licenses to encourage a competitive marketplace; providing expiration and renewal requirements for a retail license; requiring inspection of a retail facility before dispensing marijuana; providing dispensing requirements; allowing retail licensees to contract with certain types of carriers to deliver marijuana under certain circumstances; prohibiting a licensee from advertising marijuana products; specifying inspection, license, and testing requirements for certain facilities; requiring the department to create standards and impose penalties for a dispensing organization subject to certain restrictions; requiring the department to maintain a public, online list of all licensed retail facilities; creating s. 381.996, F.S.; providing patient certification requirements relating to

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qualified patients; requiring a physician to transfer an order and update the registry subject to certain requirements and time restraints; requiring physician education; creating s. 381.997, F.S.; requiring testing, certification, and reporting of results by an independent laboratory before distribution or sale of marijuana or marijuana products; providing package and label requirements; requiring the department to establish quality standards and testing procedures by a certain date; creating s. 381.998, F.S.; providing criminal penalties; creating s. 381.999, F.S.; establishing that this act does not require or restrict health insurance coverage for the purchase of medical-grade marijuana; creating s. 381.9991, F.S.; providing rulemaking authority; providing an effective date.

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

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

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

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

381.991 Definitions.—As used in ss. 381.991–381.9991 the term:

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

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

(3) “Cultivation and processing facility” means a facility licensed by the department for the cultivation of marijuana, the processing of marijuana, or both.

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

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

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

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

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

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

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

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

(12) "Medical marijuana patient registry" means an online electronic registry created and maintained by the department to store identifying information for all registered patients and designated caregivers.

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

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

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

(a) Cancer;

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

(c) Acquired immune deficiency syndrome (AIDS);

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(d) Epilepsy;

(e) Amyotrophic lateral sclerosis (ALS);

(f) Multiple sclerosis;

(g) Crohn's disease;

(h) Parkinson's disease; or

(i) Any physical medical condition or treatment for a medical condition which chronically produces one or more qualifying symptoms.

(16) "Qualifying symptom" means:

(a) Cachexia or wasting syndrome;

(b) Severe and persistent pain;

(c) Severe and persistent nausea;

(d) Persistent seizures; or

(e) Severe and persistent muscle spasms.

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

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

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

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

381.992 Medical-grade marijuana.—

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

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

(b) Any marijuana in his or her possession is within the registered patient's allowed amount of marijuana, by producing a

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receipt from the dispensing organization.

(2) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other law, but subject to the requirements in ss. 381.991-381.9991, a cultivation and processing licensee and an employee or contractor of a cultivation and processing licensee may acquire, cultivate, and possess marijuana while on the property of a cultivation and processing facility; may transport marijuana between licensed facilities owned by the licensee; may transport marijuana to independent laboratories for certification as medical-grade marijuana; and may transport and sell medical-grade marijuana to retail facilities.

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

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

(5) This section does not authorize:

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

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

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

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

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

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

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

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

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

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

381.993 Medical marijuana patient and designated caregiver registration.-

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

(a) A patient registration form;  
(b) Proof of Florida residency; and  
(c) A passport-style photograph taken within the previous 90 days.

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

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

(b) Unless the patient suffers from a condition listed in

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s. 381.991(15)(a)-(i), certification that in that physician's good faith medical judgment the patient has exhausted all other reasonable medical treatments for those symptoms.

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

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

(5) A qualified patient may, at initial registration or while a registered patient, designate a caregiver to assist him or her with the medical use of medical-grade marijuana. A designated caregiver must be at least 21 years of age and must meet the background screening requirements in s. 408.809 unless the caregiver is assisting only his or her own spouse, parents, children, or siblings. A designated caregiver may not be registered to assist more than one patient at any given time unless:

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

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

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

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

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

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

(a) Enter the qualified patient's and his or her designated

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caregiver's information into the medical marijuana patient registry; and

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

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

(a) The person's full legal name.

(b) The person's photograph.

(c) A randomly assigned identification number.

(d) The expiration date of the identification card.

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

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

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

(c) That, except for patients suffering from the conditions listed in s. 381.991(15)(a)-(i), in the physician's good faith medical judgment, there are no reasonable alternative medical options for the relief of such symptom or symptoms;

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

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

(11) Should the department become aware of information that would disqualify a patient or caregiver from being registered,

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the department must notify that person of the change in his or her status as follows:

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

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

Section 5. Section 381.994, Florida Statutes, is created to read:

381.994 Electronic medical marijuana patient registry.—

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

(a) For patients and caregivers:

1. His or her full legal name;
2. His or her photograph;
3. The randomly assigned identification number on his or her identification card; and
4. The expiration date of the identification card.

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

(c) For a registered patient:

1. The full legal name of his or her designated caregiver, if any;
  2. His or her allowed amount of medical-grade marijuana;
- and
3. The concentration ranges of specified cannabinoids, if

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any, ordered by the patient's certifying physician.

(d) For a designated caregiver:

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

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

3. The concentration ranges of specified cannabinoids, if any, ordered by the certifying physician for each respective patient the caregiver is registered to assist.

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

(2) The registry must be able to:

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

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

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

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

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

381.995 Dispensing organizations.-

(1) By January 1, 2016, the department shall establish operating standards for the cultivation, processing, packaging, and labeling of marijuana, establish standards for the sale of medical-grade marijuana, develop licensure application forms for cultivation and processing licenses and retail licenses, make such forms available to the public, establish procedures and requirements for cultivation facility licenses and renewals and

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processing facility licenses and renewals, and begin accepting applications for licensure. The department may charge an initial application fee of up to \$100,000 for cultivation and processing licenses and up to \$10,000 for retail licenses, a licensure fee, and a license renewal fee as necessary to pay for all expenses incurred by the department in administering this section.

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

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

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

(b) The initial application fee;

(c) The legal name of the applicant;

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

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

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

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

(h) Proof of an established infrastructure or the ability to establish an infrastructure in a reasonable amount of time designed to cultivate, process, test, package, and label marijuana and to deliver medical-grade marijuana to retail facilities throughout the state;

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

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

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

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

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

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

(5) A cultivation and processing licensee may cultivate marijuana at one or more facilities only if each facility used for cultivation has been inspected by the department and issued a cultivation facility license. A cultivation and processing licensee may process marijuana at one or more processing facilities only if each facility used for processing has been inspected by the department and issued a process facility license. A cultivation and processing licensee may cultivate and process marijuana at the same facility only if that facility has been inspected by the department and issued both a cultivation facility license and a processing facility license. Each cultivation and processing facility must be secure and closed to the public and may not be located within 1,000 feet of an existing public or private elementary or secondary school, a child care facility licensed under s. 402.302, or a licensed service provider offering substance abuse services. The department may establish by rule additional security and zoning requirements for cultivation and processing facilities. All matters regarding the licensure and regulation of cultivation and processing facilities, including the location of such facilities, are preempted to the state.

(6) Before beginning cultivation or processing at a facility, that facility must be inspected and licensed as a cultivation facility, a processing facility, or both by the department. A cultivation and processing licensee may cultivate and process marijuana only for the purpose of producing

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medical-grade marijuana and may do so only at a licensed cultivation and processing facility. Such processing may include, but is not limited to, processing marijuana into medical-grade marijuana and processing medical-grade marijuana into various forms including, but not limited to, topical applications, oils, and food products for a registered patient's use. A dispensing organization may use a contractor to cultivate the marijuana, to process marijuana into medical-grade marijuana, or to process the medical-grade marijuana into other forms, but the dispensing organization is responsible for all of the operations performed by each contractor relating to the cultivation and processing of marijuana and the physical possession of all marijuana and medical-grade marijuana. All work done by a contractor must be performed at a licensed cultivation and processing facility. All marijuana byproducts that are unable to be processed or reprocessed into medical-grade marijuana must be destroyed by the dispensing organization or its contractor within 48 hours after processing is completed.

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

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

(9) The department may not license any retail facilities in a county unless the Board of County Commissioners for that county determines by ordinance the number and location of any retail facilities that may be located within that county. A retail facility may not be located on the same property as a facility licensed for cultivation or processing of marijuana or within 1,000 feet of an existing public or private elementary or secondary school, a child care facility licensed under s. 402.302, or a licensed service provider that offers substance abuse services.

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

- (a) A completed retail license application form.
- (b) The initial application fee.

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(c) The full legal name of the applicant.

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

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

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

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

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

(i) Proof of an established infrastructure or the ability to establish an infrastructure in a reasonable amount of time which is designed to receive medical-grade marijuana from cultivation and processing facilities, the ability to maintain the security of the retail facility to prevent theft or diversion of any medical marijuana product received, the ability to correctly dispense the allowed amount and specified type of medical-grade marijuana to a registered patient or his or her designated caregiver pursuant to a physician's order, the ability to check the medical marijuana patient registry, and the ability to electronically update the medical marijuana patient registry with dispensing information.

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

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

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

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

(11) The department may issue multiple retail licenses to a single qualified entity; however, to encourage a competitive marketplace, when multiple entities have applied for a license

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in the same county, in addition to the qualifications of each applicant, the department shall consider the number of retail licenses currently held by each applicant and the number of separate entities that hold retail licenses within the same geographic area.

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

(13) Before beginning to dispense, each retail facility must be inspected by the department. Retail licensees may dispense the allowed amount of medical-grade marijuana to a registered patient or the patient's designated caregiver only if the dispensing organization's employee:

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

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

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

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

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

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

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

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(16) The department must inspect and license each dispensing organization's cultivation and processing facilities and retail facilities before those facilities begin operations. The department must also inspect each licensed facility at least once every 2 years. The department may also conduct additional announced or unannounced inspections at reasonable hours in order to ensure that such facilities meet the standards set by the department. The department may test any marijuana, marijuana product, medical-grade marijuana, or medical-grade marijuana product in order to ensure that such marijuana, marijuana product, medical-grade marijuana or medical-grade marijuana product meets the standards established by the department. The department may, by interagency agreement with the Department of Business and Professional Regulation or with the Department of Agriculture and Consumer Services, perform joint inspections of such facilities with those agencies.

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

(a) The severity of the violation;

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

(c) Any previous violations.

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

(19) The department shall maintain a publicly available, easily accessible list on its website of all licensed retail facilities.

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

381.996 Patient certification.—

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

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

(b) The physician certifies that, in his or her good faith

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medical judgment, the patient chronically suffers from one or more of the qualifying conditions or symptoms; and

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

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

(3) If the physician becomes aware that alternative treatments are available, that the patient no longer suffers from his or her qualifying condition or symptom, or if the physician's order for the allowed amount of medical marijuana changes for that patient, the physician must update the registry with the new information within 7 days.

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

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his or her license.

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

381.997 Medical-grade marijuana testing and labeling.-

(1) A cultivation and processing licensee may not distribute or sell medical-grade marijuana or product to a retail licensee unless the batch of origin of that marijuana or product has been tested by an independent testing laboratory and the cultivation and processing licensee has received test results from that laboratory which certify that the batch meets the quality standards established by the department.

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

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

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

(5) Before sale to a registered patient or caregiver, a retail licensee must affix an additional label to each product that includes the licensee's name and license number.

(6) By January 1, 2016, the department must establish standards for quality and testing procedures and for maximum

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levels of unsafe contaminants. The department must also create a list of individual cannabinoids which must be tested for, concentrations that are considered significant for those cannabinoids, and varying ranges of concentrations for each cannabinoid upon which a physician may base his or her order for a patient's use of a specific strain of medical-grade marijuana.

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

381.998 Penalties.-

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

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

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

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

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

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

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