

1 A bill to be entitled
 2 An act relating to physician certifications for the
 3 medical use of marijuana; amending s. 381.986, F.S.;
 4 authorizing qualified physicians to perform patient
 5 examinations and evaluations through telehealth for
 6 renewals of physician certifications for the medical
 7 use of marijuana; providing an effective date.

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

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 11 Section 1. Paragraphs (a) and (g) of subsection (4) of
 12 section 381.986, Florida Statutes, are amended to read:

13 381.986 Medical use of marijuana.—

14 (4) PHYSICIAN CERTIFICATION.—

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

17 1. Conducted an ~~a physical~~ examination of ~~while physically~~
 18 ~~present in the same room as~~ the patient and a full assessment of
 19 the medical history of the patient. For an initial
 20 certification, the examination must be a physical examination
 21 conducted while physically present in the same room as the
 22 patient. For a certification renewal, the examination may be
 23 conducted through telehealth as defined in s. 456.47.

24 2. Diagnosed the patient with at least one qualifying
 25 medical condition.

26 3. Determined that the medical use of marijuana would
27 likely outweigh the potential health risks for the patient, and
28 such determination must be documented in the patient's medical
29 record. If a patient is younger than 18 years of age, a second
30 physician must concur with this determination, and such
31 concurrence must be documented in the patient's medical record.

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

36 5. Reviewed the patient's controlled drug prescription
37 history in the prescription drug monitoring program database
38 established pursuant to s. 893.055.

39 6. Reviews the medical marijuana use registry and
40 confirmed that the patient does not have an active physician
41 certification from another qualified physician.

42 7. Registers as the issuer of the physician certification
43 for the named qualified patient on the medical marijuana use
44 registry in an electronic manner determined by the department,
45 and:

46 a. Enters into the registry the contents of the physician
47 certification, including the patient's qualifying condition and
48 the dosage not to exceed the daily dose amount determined by the
49 department, the amount and forms of marijuana authorized for the
50 patient, and any types of marijuana delivery devices needed by

51 the patient for the medical use of marijuana.

52 b. Updates the registry within 7 days after any change is
53 made to the original physician certification to reflect such
54 change.

55 c. Deactivates the registration of the qualified patient
56 and the patient's caregiver when the physician no longer
57 recommends the medical use of marijuana for the patient.

58 8. Obtains the voluntary and informed written consent of
59 the patient for medical use of marijuana each time the qualified
60 physician issues a physician certification for the patient,
61 which shall be maintained in the patient's medical record. The
62 patient, or the patient's parent or legal guardian if the
63 patient is a minor, must sign the informed consent acknowledging
64 that the qualified physician has sufficiently explained its
65 content. The qualified physician must use a standardized
66 informed consent form adopted in rule by the Board of Medicine
67 and the Board of Osteopathic Medicine, which must include, at a
68 minimum, information related to:

69 a. The Federal Government's classification of marijuana as
70 a Schedule I controlled substance.

71 b. The approval and oversight status of marijuana by the
72 Food and Drug Administration.

73 c. The current state of research on the efficacy of
74 marijuana to treat the qualifying conditions set forth in this
75 section.

76 d. The potential for addiction.

77 e. The potential effect that marijuana may have on a
78 patient's coordination, motor skills, and cognition, including a
79 warning against operating heavy machinery, operating a motor
80 vehicle, or engaging in activities that require a person to be
81 alert or respond quickly.

82 f. The potential side effects of marijuana use, including
83 the negative health risks associated with smoking marijuana.

84 g. The risks, benefits, and drug interactions of
85 marijuana.

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

89 (g) A qualified physician must evaluate an existing
90 qualified patient at least once every 30 weeks before issuing a
91 new physician certification. The evaluation may be conducted
92 through telehealth as defined in s. 456.47. A physician must:

93 1. Determine if the patient still meets the requirements
94 to be issued a physician certification under paragraph (a).

95 2. Identify and document in the qualified patient's
96 medical records whether the qualified patient experienced either
97 of the following related to the medical use of marijuana:

98 a. An adverse drug interaction with any prescription or
99 nonprescription medication; or

100 b. A reduction in the use of, or dependence on, other

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101 types of controlled substances as defined in s. 893.02.

102 3. Submit a report with the findings required pursuant to
103 subparagraph 2. to the department. The department shall submit
104 such reports to the Consortium for Medical Marijuana Clinical
105 Outcomes Research established pursuant to s. 1004.4351.

106 Section 2. This act shall take effect July 1, 2022.