



Bill Snapshot

HB 1397: Medical Marijuana

Florida’s Compassionate Use Act allows patients with cancer or a medical condition that chronically produces seizures or spasms to use low-THC, high-CBD marijuana. Florida law also allows terminally ill patients to use marijuana with no THC limit or CBD requirement. To regulate low-THC and medical cannabis, Florida law created a licensure program at the Department of Health (DOH). The law authorized five Dispensing Organization licenses to cultivate, process, transport and dispense low-THC cannabis and medical cannabis. Multiple court challenges added two more.

On November 8, 2016, Florida voters passed Amendment 2 to legalize marijuana for debilitating medical conditions. The amendment went into effect on January 3, 2017, and requires DOH to adopt rules for patient and caregiver identification cards, caregiver qualifications, medical marijuana treatment centers (MMTCs) and patient supply limits by July 3, 2017. DOH must begin registering MMTCs and issuing identification cards by October 3, 2017.

Marijuana is still illegal under federal law. But, the Deputy U.S. Attorney General issued a memo in 2013 stating that the federal government will not enforce the law in a state with a regulatory structure that addresses the following priority concerns:

- Distribution to minors;
- Diversion to other states;
- Organized criminal activity;
- Drugged driving and other adverse public health consequences; and
- Cultivation or use on public lands.

The bill amends the Compassionate Use Act, s. 381.986, F.S., to implement Amendment 2.

The goal of the bill is to ensure patient access and safety while creating a robust regulatory system that addresses the federal government’s enforcement priorities.

The bill provides a regulatory framework for:

- Licensing MMTCs and marijuana testing labs;
- Growing, processing, testing, transporting and dispensing marijuana;
- Registering qualified patients and caregivers;
- Certifying patients for marijuana; and
- Obtaining marijuana by a qualified patient or caregiver.

LAST SEEN:

The bill was reported favorably out of the Health Quality Subcommittee.

Sponsor:
Leader Rodrigues

CURRENT STATUS:

The bill is in the Appropriations Committee.

HEADED TO:

The bill’s next stop is the Health & Human Services Committee if it passes out of the Appropriations Committee.



HOUSE MAJORITY OFFICE

FLORIDA HOUSE OF REPRESENTATIVES



REPRESENTATIVE RAY RODRIGUES, MAJORITY LEADER

Below are highlights of the bill. **Please refer to the bill's text and analysis for more detailed and complete information.**

Medical Marijuana Treatment Centers:

- The bill allows the **existing dispensing organizations** under current law to become MMTCs.
- The bill requires MMTCs to be **vertically integrated** - each MMTC will grow, process, and dispense.
- The bill allows additional MMTCs as the patient population reaches certain numbers.
- The bill builds on the current law's requirements for growing, processing, testing, transportation and security.
- The bill requires MMTCs to have their products tested by marijuana testing labs certified by DOH.
- The bill also requires MMTCs to use one bank for all their marijuana business-related banking.

Patients and Caregivers:

- Patients and caregivers must be permanent residents of Florida, register with DOH, and possess an ID card issued by DOH.
- Patients must be treated by a qualified physician for 3 months, unless the patient is terminally ill.
- Patients must be certified as having a debilitating medical condition by a Florida-licensed MD or DO that has met the education requirements in the bill.
- Caregivers may only assist one patient, with some exceptions for families, and may not be compensated for assisting the patient.
- Patients and caregivers may only obtain marijuana and marijuana delivery devices as specified in the patient's physician certification.
- The bill prohibits vaping marijuana except by a terminally ill patient. It also prohibits smoking marijuana and marijuana edibles.

Taxation:

- The bill exempts marijuana from sales tax: Medication is not subject to sales tax.

Preemption:

- The bill preempts the regulation of cultivation, processing, and delivery to the state.
 - Delivery preemption ensures patient access if locals ban dispensing facilities.
- The bill prohibits *cultivation, processing, and dispensing facilities* from being within 500 feet of an elementary, middle or secondary school.
 - Exception: A city or county can approve a dispensing facility location within 500 feet of a school, if the city or county finds it will promote the public health, safety, and general welfare of the community.
- The bill allows local ordinances to determine *dispensing facility* numbers, location, and other permitting requirements not in conflict with state law or DOH rule.
 - These ordinances cannot be less restrictive than those for bars.