

## Notice of Development of Rulemaking

### DEPARTMENT OF HEALTH

#### **RULE NO.:      RULE TITLE:**

64-4.012      Medical Marijuana for Debilitating Medical Conditions

**PURPOSE AND EFFECT:** The purpose and effect of this rule is to implement provisions of Article X, Section 29 of the Florida Constitution, to set out clear guidance on use of terms and implementation of the amendment which went into effect on January 3, 2017.

**SUBJECT AREA TO BE ADDRESSED:** The use of medical marijuana for debilitating medical conditions.

**RULEMAKING AUTHORITY:** Art. X, § 29(d), Fla. Const.

**LAW IMPLEMENTED:** Art. X, § 29, Fla. Const., 381.986 FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:**

February 6, 2017, 2:00 p.m. – 4:00 p.m.

Duval County Health Department  
900 University Blvd. North  
Jacksonville, FL 32211

February 7, 2017, 10:00 a.m. – noon

Broward County Health Department  
780 SW 24th Street  
Fort Lauderdale, FL 33315

February 8, 2017, 9:00 a.m. – 11:00 a.m.

Florida Department of Health, Tampa Branch Laboratory  
3602 Spectrum Blvd.  
Tampa, FL 33612

February 8, 2017, 6:00 p.m. – 8:00 p.m.

Orange County Health Department  
6102 Lake Ellenor Drive  
Orlando, FL 32809

February 9, 2017, 4:00 p.m. – 6:00 p.m.

Betty Easley Conference Center  
4075 Esplanade Way, Room 148  
Tallahassee, Florida 32399-0850

Individuals may also provide public comment during these workshops by accessing the following weblink:  
<http://www.floridahealth.gov/programs-and-services/office-of-compassionate-use/comment-form/index.html>

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Courtney Coppola at [Courtney.Coppola@flhealth.gov](mailto:Courtney.Coppola@flhealth.gov). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Courtney Coppola at [Courtney.Coppola@flhealth.gov](mailto:Courtney.Coppola@flhealth.gov).

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

64-4.012 Medical Marijuana for Debilitating Medical Conditions

(1) For the purposes of this chapter, in accordance with Article X, Section 29, Fla. Const., the following definitions shall apply:

(a) “Medical Marijuana Treatment Center (MMTC)” shall have the same definition as a dispensing organization in s. 381.986(1)(b), F.S.

(b) “Caregiver” shall mean a legal representative as defined by s. 381.986(1)(d), F.S., who is at least twenty-one (21) years old and has successfully passed a Level 1 background screening as defined in s. 435.03, F.S.

(c) “Medical use” shall have the same definition as medical use in s. 381.986(1)(g), F.S.

(d) “Qualifying patient” shall mean a qualified patient as defined by s. 381.986(1)(h), F.S., who has been diagnosed to have a qualifying debilitating medical condition, has a physician certification, and who has a valid patient Compassionate Use Registry identification card.

(e) “Qualifying debilitating medical condition” shall mean conditions eligible for physician ordering contained in s. 381.986(2), F.S., or cancer, epilepsy, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), post-traumatic stress disorder (PTSD), amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis. Also, any debilitating medical conditions of the same kind or class as or comparable to those enumerated, as determined by the Florida Board of Medicine.

(f) The 45 day supply limitation set forth in s. 381.968(2)(e), F.S. shall be an adequate supply for a qualifying patient’s medical use.

(g) A physician authorized to order medical marijuana means a qualified ordering physician who has met the requirements of s. 381.986 (2-4), F.S.

(h) “Physician certification” means DH8011-OCU-12/2016, “Physician Certification,” which is incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-####> and must be submitted with each “Compassionate Use Registry Identification Card Qualified Patient Application.” A physician certification may only be provided after the physician has conducted a physical examination and a full assessment of the medical history of the patient. In order for a physician certification to be issued to a minor, a parent or legal guardian of the minor must consent in writing.

(2) All MMTCs, physicians, patients, and caregivers must be registered in the online Compassionate Use Registry as required by s. 381.986(5)(a), F.S., and Rule 64-4.009, F.A.C. All orders for medical marijuana must be entered into the registry for processing accordingly.

(3) The process for registering as an MMTC shall be the same approval and selection process outlined in s. 381.986, F.S., and Rule 64-4.002, F.A.C., and subject to the same limitations and operational requirements contained therein.

(4) All MMTCs shall follow the medical record keeping standards as set forth in Rule 64B8-9.003, F.A.C., as adopted and incorporated herein.

(5) All MMTCs shall abide by the security, product testing, labeling, inspection and safety standards set forth in s. 381.986, F.S and this chapter.

Rulemaking Authority Art. X, § 29(d), Fla. Const. Law Implemented Art. X, § 29, Fla. Const., 381.986 FS. History – New \_\_\_\_\_.