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MEDICAL MARIJUANA BILL PRESENTED TO FLORIDA GOVERNOR

March 14, 2016

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On March 7, 2016, the Florida Senate, in a 28-11 vote, approved a House version of a medical marijuana bill (HB 307) which would allow terminally ill patients who are within the last year of their lives to use non-smokable medical marijuana of all strengths and doses. On March 10, 2016, the bill was presented to Governor Rick Scott for approval, who can either sign or veto the bill within 15 days of presentment. If Governor Scott does not sign or veto HB 307 by March 25, 2016, it will automatically become law.

HB 307 amends and expands the application of the Right to Try Act, which gives terminally ill patients access to medical marijuana or any other experimental drug not yet approved by the Food and Drug Administration. HB 307 also expands the framework and strengthens the regulatory structure of the 2014 Compassionate Medical Cannabis Act, commonly known as Florida's "Charlotte's Web" law, which legalized low-THC (non-euphoric) cannabis for patients who are Florida residents, suffer from cancer or a condition that chronically produces seizures or severe and persistent muscle spasms, and have tried other treatments without success. The regulatory standards added to the Compassionate Medical Cannabis Act by HB 307 relate to safety and security, labeling of medical marijuana, physician ordering qualification criteria, use of independent testing laboratories, and Department of Health oversight, among other issues.

HB 307 provides that the five dispensing organizations which were previously authorized to cultivate, process, transport, and dispense low-THC cannabis under the Compassionate Medical Cannabis Act can also dispense medical cannabis with higher-THC content to "eligible patients" as defined by Florida's Right to Try Act. The bill also ensures that three additional dispensing organizations will be approved by the Department of Health upon the registration of 250,000 qualified patients in the compassionate use registry.

HB 307 is distinct from Amendment 2, the proposed constitutional amendment legalizing marijuana for medical purposes, which Florida voters will consider in this November's general election. A proposed amendment similar to Amendment 2 was previously on the ballot in 2014 and although it received approximately 58 percent approval, that was not sufficient for passage. Amendment 2, like the 2014 constitutional amendment, will require at least 60 percent approval in order to pass this November.

For more information on this topic, please contact David Black on the firm's Business, Finance & Tax Team or , Nicole L. Levy on the firm's Dispute Resolution Team.

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