CONSTITUTIONAL AMENDMENT FULL TEXT

Article and Section Being Created or Amended:

Amend Article X, Section 29

Full Text of the Proposed Amendment:

Section 29. ~~Medical m~~Marijuana production, possession and use. —

(a) PUBLIC POLICY.

(1) The medical use of marijuana by a qualifying patient or caregiver, or the personal use of marijuana by an adult, in compliance with this section is not subject to criminal or civil liability or sanctions under Florida law.

(2) A physician shall not be subject to criminal or civil liability or sanctions under Florida law solely for issuing a physician certification with reasonable care to a person diagnosed with a debilitating medical condition in compliance with this section.

(3) Actions and conduct by a Medical Marijuana Treatment Center, or by a Licensed Marijuana Entity, registered with the Department, or its agents or employees, and in compliance with this section and Department regulations, shall not be subject to criminal or civil liability or sanctions under Florida law.

(4) The marketing and packaging of marijuana in a manner attractive to children is prohibited.

(5) The smoking and vaping of marijuana in any public place is prohibited.

(6) Upon the effective date, adults shall be allowed to possess, purchase, or use marijuana for personal use as provided herein.

(7) Upon the effective date, Medical Marijuana Treatment Centers shall be allowed to acquire, cultivate, process, transport, and sell marijuana to adults for personal use as provided herein; such sales may be made at a Medical Marijuana Treatment Center's dispensing facilities existing as of January 1, 2025, and at any dispensing facilities thereafter approved by the Department.

(8) Licensed Marijuana Entities shall be allowed to acquire, cultivate, process, transport, or sell marijuana to adults for personal use as provided herein. Licensed Marijuana Entities shall not be required to be vertically integrated.

(b) DEFINITIONS. For purposes of this section, the following words and terms shall have the following meanings:

(1) "Debilitating Medical Condition" means 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, or other debilitating medical conditions of the same kind or class as or comparable to those enumerated, and for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient.

(2) "Department" means the Department of Health or its successor agency.

(3) "Identification card" means a document issued by the Department that identifies a qualifying patient or a caregiver.

(4) "Marijuana" has the meaning given cannabis in Section 893.02(3), Florida Statutes (2014), and, in addition, "Low-THC cannabis" as defined in Section 381.986(1)(b), Florida Statutes (2014), shall also be included in the meaning of the term "marijuana."

(5) "Medical Marijuana Treatment Center" (MMTC) means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Department.

(6) "Medical use" means the acquisition, possession, use, delivery, transfer, or administration of an amount of marijuana not in conflict with Department rules, or of related supplies by a qualifying patient or caregiver for use by the caregiver's designated qualifying patient for the treatment of a debilitating medical condition.

(7) "Caregiver" means a person who is at least twenty-one (21) years old who has agreed to assist with a qualifying patient's medical use of marijuana and has qualified for and obtained a caregiver identification card issued by the Department. The Department may limit the number of qualifying patients a caregiver may assist at one time and the number of caregivers that a qualifying patient may have at one time. Caregivers are prohibited from consuming marijuana obtained for medical use by the qualifying patient.

(8) "Physician" means a person who is licensed to practice medicine in Florida.

(9) "Physician certification" means a written document signed by a physician, stating that in the physician's professional opinion, the patient suffers from a debilitating medical condition, that the medical use of marijuana would likely outweigh the potential health risks for the patient, and for how long the physician recommends the medical use of marijuana for the patient. 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.

(10) "Qualifying patient" means a person who has been diagnosed to have a debilitating medical condition, who has a physician certification and a valid qualifying patient identification card. If the Department does not begin issuing identification cards within nine (9) months after the effective date of this section, then a valid physician certification will serve as a patient identification card in order to allow a person to become a "qualifying patient" until the Department begins issuing identification cards.

(11) "Adult" means a natural person 21 years of age or older.

(12) "Licensed Marijuana Entity" means a corporation authorized to do business in the State of Florida that is not a MMTC and is licensed by the State to acquire, cultivate, process, transport, or sell marijuana to adults for personal use.

(13) "Personal use" means the possession, purchase, or use of marijuana by an adult 21 years of age or older for non-medical personal consumption by smoking, ingestion, or otherwise. An adult need not be a qualifying patient in order to purchase marijuana for personal use from a MMTC. An individual's possession of marijuana for personal use shall not exceed 2.0 ounces of marijuana except that not more than five grams of marijuana may be in the form of concentrate.

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(14) "Public place" means all parks, beaches, public transit, roads, sidewalks, trails, or other ways or thoroughfares dedicated to public use or owned or maintained by the state or any political subdivision of the state, and all schools, arenas, facilities, buildings and grounds owned, leased, operated, or maintained by the state or any political subdivision of the state.

(c) LIMITATIONS.

(1) Nothing in this section allows for a violation of any law other than for conduct in compliance with the provisions of this section.

(2) Nothing in this section shall affect or repeal laws or rules relating to medical marijuana. ~~non-medical use, possession, production, or sale of marijuana.~~

(3) Nothing in this section authorizes the use of medical marijuana by anyone other than a qualifying patient.

(4) Nothing in this section shall permit the operation of any vehicle, aircraft, train or boat while under the influence of marijuana.

(5) Nothing in this section changes federal law or requires the violation of federal law or purports to give immunity under federal law.

(6) Nothing in this section shall require any accommodation of any on-site ~~medical~~ use of marijuana in any correctional institution or detention facility or place of education or employment, or of smoking ~~medical~~ marijuana in any public place.

(7) Nothing in this section shall require any health insurance provider or any government agency or authority to reimburse any person for expenses related to the ~~medical~~ use of marijuana.

(8) Nothing in this section shall affect or repeal laws relating to negligence or professional malpractice on the part of an adult using marijuana for personal use, a qualified patient, caregiver, physician, MMTC or Licensed Marijuana Entity, or its agents or employees.

(9) Nothing in this section shall prohibit an owner of private real property from prohibiting the personal use of marijuana within or on their property.

(d) DUTIES OF THE DEPARTMENT. The Department shall issue reasonable regulations necessary for the implementation and enforcement of this section. The purpose of the regulations is to ensure the availability and safe use of ~~medical~~ marijuana by qualifying patients for medical use and adults for personal use. It is the duty of the Department to promulgate regulations in a timely fashion. Medical Marijuana Treatment Centers and Licensed Marijuana Entities shall be bound by the Department's rules relating to marijuana including, but not limited to, cultivation, processing, testing, marketing, packaging, and labeling in effect as of the effective date and as may be amended or implemented by the Department thereafter.

(1) Implementing Regulations. In order to allow the Department sufficient time after passage of this section, the following regulations shall be promulgated no later than six (6) months after the effective date of this section:

a. Procedures for the issuance and annual renewal of qualifying patient identification cards to people with physician certifications and standards for renewal of such identification cards. Before issuing an identification card to a minor, the Department must receive written consent from the minor's parent or legal guardian, in addition to the physician certification. b. Procedures establishing qualifications and standards for caregivers, including conducting appropriate background checks, and procedures for the issuance and annual renewal of caregiver identification cards.

c. Procedures for the registration of MMTCs that include procedures for the issuance, renewal, suspension and revocation of registration, and standards to ensure proper security, record keeping, testing, labeling, inspection, and safety.

d. A regulation that defines the amount of marijuana that could reasonably be presumed to be an adequate supply for qualifying patients' medical use, based on the best available evidence. This presumption as to quantity may be overcome with evidence of a particular qualifying patient's appropriate medical use.

(2) Identification cards and registrations. The Department shall begin issuing qualifying patient and caregiver identification cards, and registering MMTCs no later than nine (9) months after the effective date of this section.

(3) If the Department does not issue regulations, or if the Department does not begin issuing identification cards and registering MMTCs within the time limits set in this section, any Florida citizen shall have standing to seek judicial relief to compel compliance with the Department's constitutional duties.

(4) The Department shall protect the confidentiality of all qualifying patients. All records containing the identity of qualifying patients shall be confidential and kept from public disclosure other than for valid medical or law enforcement purposes.

(e) LEGISLATION. Prior to the effective date, the legislature shall adopt legislation necessary to provide for the regulation of the time, place, and manner of the public consumption of marijuana. Prior to the effective date, the legislature shall adopt legislation for the licensure and regulation of Licensed Marijuana Entities. Nothing herein shall prohibit the legislature from providing for the home growing of marijuana by adults for their personal use and the reasonable regulation thereof. Nothing herein shall limit the right of the legislature, subject to Section 19 of Article VII of this Constitution, to exercise its authority through general law in providing for the taxation of sales of marijuana and appropriating such tax revenues to fund law enforcement, education, or as otherwise determined by the Legislature. Nothing in this section shall limit the legislature from enacting laws consistent with this section.

(f) SEVERABILITY. The provisions of this section are severable and if any clause, sentence, paragraph or section of this measure, or an application thereof, is adjudged invalid by a court of competent jurisdiction other provisions shall continue to be in effect to the fullest extent possible.

(g) EFFECTIVE DATE. This amendment shall become effective on the first day of the sixth (6th) month following approval by the voters.

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