

CONSTITUTIONAL AMENDMENT PETITION FORM

Note:

- All information on this form, including your signature, becomes a public record upon receipt by the Supervisor of Elections.
- Under Florida law, it is a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.08, Florida Statutes, to knowingly sign more than one petition for an issue. [Section 104.185, Florida Statutes]
- If all requested information on this form is not completed, the form will not be valid.

Your name: _____

Please Print Name as it appears on your Voter Information Card

Your address: _____

City _____ **Zip** _____ **County** _____

Please change my legal residence address on my voter registration record to the above residence address (check box, if applicable).

Voter Registration Number _____ **or** **Date of Birth** _____

I am a registered voter of Florida and hereby petition the Secretary of State to place the following proposed amendment to the Florida Constitution on the ballot in the general election:

BALLOT TITLE: Legalization of Medical Cannabis with safe, well-regulated access.

BALLOT SUMMARY: Allows use of cannabis for individuals with debilitating medical conditions as determined by a licensed Florida physician. Allows caregivers to assist patients' use of cannabis. The Department of Health shall issue identification cards to caregivers, register and regulate dispensaries and caregivers that produce and distribute cannabis and cannabis products for medical purposes. Applies only to Florida law. Does not immunize violations of federal law, use possession or production by non-registered parties.

ARTICLE AND SECTION BEING CREATED OR AMENDED: Article X, Section 29

FULL TEXT OF THE PROPOSED CONSTITUTIONAL AMENDMENT:

A. PUBLIC POLICY.

(1) The medical production and use of cannabis by a qualifying patient or the production of cannabis and or cannabis products by a qualifying caregiver in compliance with the stipulations set forth by this section shall not be subject to criminal action or civil liability or sanctions under Florida law.

(2) A physician shall not be subject to criminal action 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 the stipulations set forth by this section.

(3) Actions and conduct by a dispensary or its agents or employees registered with the Department, and in compliance with the stipulations set forth by this section and Department regulations, shall not be subject to criminal action or civil liability or sanctions under Florida law.

B. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

(1) Cardholder. "Cardholder" means a registered patient, a registered primary caregiver or a principal officer, board member or employee of a registered dispensary who has been issued and possesses a valid registry identification card.

(2) Collective. "Collective" means an association, cooperative, affiliation or group of primary caregivers who physically assist each other in the act of cultivation, processing or distribution of cannabis for medical use for the benefit of the members of the collective.

(3) Debilitating medical condition. "Debilitating medical condition" means:

A. Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, agitation of Alzheimer's disease, nail-patella syndrome, sleep disorders or the treatment of these conditions.

B. A chronic or debilitating disease or medical condition or its treatment that produces intractable pain, which is pain that has not responded to ordinary medical or surgical measures for more than 6 months.

C. A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe nausea; or seizures, including but not limited to those characteristic of epilepsy

D. Post-traumatic stress disorder, inflammatory bowel disease, dyskinetic and spastic movement disorders.

(4) Disqualifying drug offense. "Disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more. It does not include an offense that consisted of conduct that would have been permitted under this chapter.

(5) Medical provider. "Medical provider" means a physician licensed by the State of Florida.

(6) Medical use. "Medical use" means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of cannabis or paraphernalia relating to the administration of cannabis to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

(7) Registered dispensary. "Registered dispensary" or "dispensary" means a not-for-profit entity registered with the state that acquires, possesses, cultivates, manufactures, delivers, transfers, sells, supplies or dispenses cannabis or related supplies and educational materials to qualifying primary caregivers of those patients.

(8) Physician. "Physician" means a person licensed as an osteopathic physician by the State of Florida, or a person licensed as a physician or surgeon by the state of Florida who is in good standing and who holds a valid federal Drug Enforcement Administration license to prescribe drugs.

(9) Primary caregiver. "Primary caregiver" means a person or an employee of that person, a Licensed Hospice provider or a licensed nursing facility that provides care for a qualifying Patient. A person who is a primary caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense.

(10) Qualifying patient. "Qualifying patient" or "patient" means a person who has been diagnosed by a medical provider as having a debilitating medical condition and who possesses a valid written certification regarding medical use of cannabis.

(11) Registry identification card. "Registry identification card" means a document issued by the department that identifies a person as a registered primary caregiver or principal officer, board member or employee of a dispensary.

(12) Tamper-resistant paper. "Tamper-resistant paper" means paper that possesses an industry recognized feature that prevents copying of the paper, erasure or modification of information on the paper and the use of counterfeit documentation.

(13) Prepared cannabis. "Prepared cannabis" means the dried leaves and flowers and the by-products of the dried leaves and flowers of the cannabis plant that require no further processing and any mixture or preparation of those dried leaves and flowers and by-products, including but not limited to marijuana, tinctures, ointments, oils, extracts, kief, concentrates, hashish, and other preparations, but does not include the seeds, stalks, leaves that are disposed of and not dried for use and roots of the plant and does not include the ingredients, other than cannabis, in tinctures, ointments or other preparations that include cannabis as an ingredient or food or drink prepared with cannabis as an ingredient for human consumption.

(14) Written certification. "Written certification" means a document on tamper-resistant paper signed by a medical provider, that expires within one year and that states that in the medical provider's professional opinion a patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition. A written certification may be made only in the course of a bona fide medical provider-patient relationship after the medical provider has completed a full assessment of the qualifying patient's medical history.

(15) The Department -The Department shall mean The Department of Health.

C. Authorized conduct for the medical use of cannabis.

(1) Qualifying patient., A qualifying patient may:

A. Possess prepared cannabis.

B. Cultivate, or designate a primary caregiver to cultivate cannabis plants for that qualifying patient.

C. Possess cannabis paraphernalia.

D. Designate one person, hospice provider or nursing facility as a primary caregiver to assist with the qualifying patient's medical use of cannabis. A 2nd person or hospice provider or nursing facility may be designated as a 2nd primary caregiver if the patient is under 18 years of age. The parent, guardian or person having legal custody shall serve as a primary caregiver for a minor child.

E. Designate one primary caregiver or a registered dispensary to cultivate cannabis for the medical use of the patient, except that a hospice provider or a nursing facility that is designated as a primary caregiver by a patient and the staff of the provider or facility may not be designated to cultivate cannabis for the patient.

(2). Primary caregiver. a primary caregiver, for the purpose of assisting a qualifying patient who has designated the primary caregiver as provided in subsection 1, may:

A. Possess prepared cannabis for each qualifying patient who has designated the person as a primary caregiver;

B. Cultivate cannabis plants for each qualifying patient who has designated the primary caregiver to cultivate cannabis on the patient's behalf. A primary caregiver may not cultivate cannabis for a patient unless the patient has designated the primary caregiver for that purpose and the patient has not designated a registered dispensary to cultivate cannabis for the patient's medical use.

C. Be in the presence or vicinity of the medical use of cannabis and assist any patient with the medical use, administration or preparation of cannabis;

D. A primary caregiver designated to cultivate cannabis for a qualifying patient is required to register with the department,

(3) Collectives. Collectives are allowed under this chapter. A person may form or participate in a collective.

(4) Authorized conduct by a medical provider

A. A medical provider may provide a written certification for the medical use of cannabis under this chapter and, after having done so, may otherwise state that in the medical provider's professional opinion a qualifying patient is likely to receive therapeutic benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition.

B. Adult qualifying patient. Prior to providing written certification for the medical use of cannabis under this section, a medical provider shall inform an adult qualifying patient of the risks and benefits of the medical use of cannabis and that the patient may benefit from the medical use of cannabis.

C. Minor qualifying patient. Prior to providing written certification for the medical use of cannabis by a minor qualifying patient under this section, a medical provider, referred to in this subsection as "the treating medical provider," shall inform the minor qualifying patient and the parent or legal guardian of the patient of the risks and benefits of the medical use of cannabis and that the patient may benefit from the medical use of cannabis.

D. Rules

(1) Rulemaking. The department may adopt rules to carry out the purposes of this chapter.

(2) Adding debilitating medical conditions. The department shall adopt rules regarding the consideration of petitions from the public to add medical conditions or treatments to the list of debilitating medical conditions. In considering those petitions, the department shall provide an opportunity for public hearing of, and an opportunity to comment on those petitions. After the hearing, the commissioner shall approve or deny a petition within 180 days of its submission. The approval or denial of such a petition constitutes final agency action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the Superior Court.

E. Registry identification cards.

(1) Registry identification card issuance. The department shall issue registry identification cards to registered primary caregivers, and to staff of hospice providers and nursing facilities designated by registered patients as primary caregivers.

(2) Registration requirement. Registration under this section is not required for a qualifying patient.

F. Valid identification. A qualifying patient, registered primary caregiver or a principal officer, board member or employee of a registered dispensary who has been issued a valid registry identification card pursuant to this section must also possess a valid Florida-issued driver's license with a photo or other Florida-issued photo identification in order to establish proof of authorized participation in the medical use of cannabis under this chapter.

G. Dispensaries

(1)The department shall register a dispensary and issue a registration certificate.

(2) The department shall issue each principal officer, board member and employee of a dispensary a registry identification card.

(3) The Department shall regulate the number of dispensaries, the application process to be a dispensary, and the requirements to obtain a license to operate as a dispensary.

H. The State shall regulate all areas of commerce and taxation through legislation and public hearings.

I. 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 relating to non-medical use, possession, production, or sale of cannabis.

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

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

(5) Nothing in this section shall affect or repeal laws relating to negligence or professional malpractice on the part of a qualifying patient, registered caregiver, physician, dispensary, or its agents or employees.

J. 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 cannabis by qualifying patients. It is the duty of the Department to adopt regulations in a timely fashion.

(1) Implementing regulations. In order to allow the department adequate time, it shall be made effective no later than 6 months after the effective date of this section.

(2) Identification cards and registrations The department shall begin issuing registration cards to registered caregivers and registered dispensaries no later than 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 dispensaries 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.

K. Legislation. Nothing in this section shall limit the legislature from enacting laws consistent with this section.

L. 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.

DATE OF SIGNATURE

X _____
SIGNATURE OF REGISTERED VOTER

Initiative petition sponsored by Florida Citizens for the Legalization of Medical Cannabis, 1512 New York Avenue N.,
St. Cloud, Florida 34769.

PLEASE RETURN TO:

James Fowler FCFLMC

1512 New York Avenue N.

St. Cloud, Fl. 34769

If paid petition circulator is used:

Circulator’s name _____

Circulator’s address _____

For official use only:

Serial Number 15-21

Date Approved 9/3/2015