

A close-up photograph of vibrant green cannabis leaves, showing the serrated edges and prominent veins. The leaves are densely packed and fill the entire frame, creating a textured, organic background.


# Medical marijuana in Florida: A new frontier

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# Objectives

- ✓ Recognize U.S. and Florida's current laws on marijuana's medicinal use.
- ✓ Discuss three legal, ethical and professional issues surrounding medical marijuana that affect nurses.
- ✓ Describe one method to avoid disciplinary action associated with using or recommending medical marijuana.



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# Marijuana and the Law

## FDA, DEA and Florida

# DEA Schedule Medications

	Potential for Abuse	Medicinal Properties	Examples
Schedule I	Most potential abuse and dependence	None	Heroin, <b>Marijuana</b> , LSD, Ecstasy
Schedule II	High potential abuse and dependence	Some Rx needed	Cocaine, Oxycontin, Adderall, Meth
Schedule III	Moderate potential abuse and dependence	Acceptable Rx needed	Tylenol with codeine, Ketamine, Testosterone
Schedule IV	Low potential abuse and dependence	Acceptable Less refill regulations	Xanax, Valium, Tramadol, Ambien
Schedule V	Lowest potential abuse and dependence	Acceptable Less refill regulations	Lyrica, Lomotil, Robitussin AC  <small>(<a href="https://www.dea.gov/druginfo/ds.shtml">https://www.dea.gov/druginfo/ds.shtml</a>)</small>



# Marijuana & US Law

- ✓ FDA does **not approve** marijuana for any use.
- ✓ Marijuana is classified as Schedule I drug by the DEA and denied reclassification in August 2016
- ✓ In 2009, Obama halted prosecution for distributing medical marijuana.
- ✓ The states have enacted laws that define the legal use of marijuana. (<https://www.dea.gov/druginfo/ds.shtml>)



# Marijuana in Florida

- ✓ Amendment 2 was approved on November 8, 2016 and SB 8-A expanded the law June 2017.
- ✓ Advanced practice nurses can prescribe controlled substances in Florida.
- ✓ We should review the laws regarding medical cannabis and discuss how they will affect nurses.



# Marijuana-New Law

“Cannabis” means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin.

<http://www.floridahealth.gov/programs-and-services/office-of-compassionate-use/dispensing-organizations/index.html>



# Marijuana-Current Law

“Low-THC cannabis” means a plant of the genus *Cannabis*, the dried flowers of which contain; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization.

<http://www.floridahealth.gov/programs-and-services/office-of-compassionate-use/dispensing-organizations/index.html>





# Obtaining Medical Cannabis

Approved patients, MDs  
and dispensing  
organizations are put on a  
registry

Obtain recommendation  
from MD who has taken 2  
hour course

Receive up to 70 day  
supply of product from  
dispensing organization

# Office of Compassionate Use

- ✓ Responsible for writing and implementing the administrative rule.
- ✓ Responsible for licensing dispensing organizations.
- ✓ Responsible for oversight of compassionate use registry.



<http://www.floridahealth.gov/programs-and-services/office-of-compassionate-use/>



# Physician Responsibilities

- ✓ Patients must be 18 years old or have an approved caregiver.
- ✓ No waiting period for treatment.
- ✓ Must have a treatment plan.
- ✓ Treatment plan must be submitted for review quarterly.

<http://www.floridahealth.gov/programs-and-services/office-of-compassionate-use/>



# Who is a Qualified Patient?

- ✓ Must be 21 and a Florida resident.
- ✓ Will be required to carry an ID card.
- ✓ Will be registered by physician on Compassionate Use Registry.
- ✓ Must have a debilitating medical condition.





# Qualified Patient Responsibilities

- ✓ Can not operate boat, car, train, aircraft while using medical marijuana.
- ✓ Can not use in public, on transportation, in school or in a correctional facility.
- ✓ Can't grow own stash.

<http://www.floridahealth.gov/programs-and-services/office-of-compassionate-use/>



# Debilitating Medical Condition

- ✓ Cancer
- ✓ Epilepsy
- ✓ Glaucoma
- ✓ HIV or AIDS
- ✓ AIDS
- ✓ PTSD
- ✓ Crohn's disease
- ✓ Parkinson's disease
- ✓ Multiple Sclerosis
- ✓ Amyotrophic Lateral Sclerosis (ALS)

“or other debilitating medical conditions ...for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient.”

<http://www.floridahealth.gov/programs-and-services/office-of-compassionate-use/>



# Who is a Caregiver?

- ✓ Can assist patient with marijuana.
- ✓ Must be 21 or older
- ✓ Can not use patient's marijuana.
- ✓ Will be issued a caregiver identification card.
- ✓ Must have a background check and complete training.



# What is a Dispensing Organization?

- ✓ Must have a valid nursery for 30 years.
- ✓ Responsible to verify patient is on the registry.
- ✓ Responsible to verify physician recommendation is correct and has not been filled.





# Medical Marijuana: Products

Variety of products made with medical grade marijuana

Vaping

Edibles

Elixir

Strength based on euphoria level

Cost \$30-\$450 for 45 day supply

Not covered by insurance, non taxable





# LEGAL IMPLICATIONS

Federal, State and Local Laws



# Exclusions to Prosecution

The following **can't be prosecuted** if in compliance with Amendment 2:

- ✓ Patients and caregivers
- ✓ Physicians who make refers patients with debilitating disease.
- ✓ Medical marijuana treatment facility its employees or agents.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0300-0399/0381/Sections/0381.986.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0381/Sections/0381.986.html)



# Penalties

- ✓ First degree misdemeanor for inappropriate recommendations.
- ✓ First degree misdemeanor for misrepresenting a debilitating illness.
- ✓ Disciplinary action for failure to comply with FL Statute 381.986



<http://www.leg.state.fl.us/statutes/index.cfm?>

[App\\_mode=Display\\_Statute&Search\\_String=&URL=0300-0399/0381/Sections/0381.986.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0381/Sections/0381.986.html)





# ETHICAL IMPLICATIONS

Do the benefits outweigh the risk?

# What is the Evidence?

- ✓ No **proven** medicinal benefit.
- ✓ Limited rigorous research trials conducted.
- ✓ Only one organization approved to manufacture marijuana for research.





# Autonomy

“I know what I want.”

“The government can’t tell me what’s  
best for me.”

**NOW TREAT ME!**



# Non-Maleficence

Your patient wants to take medical cannabis.

What should you do? (Hadland, Knight and Harris, 2015)

- a. **Discuss the risks and benefits involved with medical cannabis.**
- b. **Allow patient to make the ultimate decision the best treatment.**
- c. **Both a & b.**
- d. **None of the above.**







# PROFESSIONAL IMPLICATIONS

Scope of Practice and Standards of Practice

# PROFESSIONAL CONSIDERATIONS

Nurses and NPs must adhere to the scope of practice defined by Florida Board of Nursing.

Can you be subjected to [discipline](#) by the Board of Nursing by assisting patients with medical cannabis?





# PROFESSIONAL CONSIDERATIONS

Can you be fired  
for legally using medical cannabis  
or helping your patient use it?





# Strategies to Avoid Disciplinary Action



# Potential Implications

- ✓ Loss or limited professional liability coverage
- ✓ Patient injury or death
- ✓ Civil or criminal litigation
- ✓ Loss of professional license
- ✓ Loss of employment



# Safeguard Your Interests

- ✓ Consider limiting or abstaining your recommendations for medical malpractice. (Gunderson, 2015, Voth, 2001)
- ✓ Review the employment application or corporate policy on marijuana use.
- ✓ Perform a thorough assessment prior to recommendation
  - ✓ Allergies
  - ✓ Complete medication profile
  - ✓ Past medical and psychiatric history



# Medical Marijuana: The Future

- ✓ Public hearing meetings to include recreational use of cannabis.
- ✓ SB 614-Complete overhaul of Amendment 2.
- ✓ Inclusion of NP in current bills.



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