



Summary of Florida's Amendment 2

What is Amendment 2?

Amendment 2 is a constitutional amendment that created Florida's medical marijuana program. It was approved by 71% of Florida voters on November 8, 2016. Amendment 2 added a new section to Florida's state Constitution,^[1] entitled "Medical marijuana production, possession and use."

Amendment 2 protects qualifying patients, caregivers, physicians, and medical marijuana dispensaries and their staff from criminal prosecutions or civil sanctions under Florida law (but not under federal law).

In addition to the amendment, the legislature enacted and later revised implementing legislation. The Florida Department of Health's **Office of Medical Marijuana Use** issued rules and regulations to implement the law.

How do I become a patient?

In order to become a qualifying patient, a person must be a permanent or seasonal Florida resident, get a physician's certification from a Florida doctor, and be diagnosed with a qualifying medical condition. (Minors must also have written permission from a parent or guardian.) A patient then must be entered into the medical marijuana use registry and obtain the required ID card.

Debilitating medical conditions are: "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." In other words, if a condition is about as serious as those listed and the patient's doctor believes marijuana may benefit the patient, they may qualify.

How do I become a caregiver?

Caregivers must be at least 21 years old and will probably have to submit to a background check. They may be limited in the number of patients they can assist. Caregivers must obtain an ID card from the Department of Health.

What are the requirements for physicians?

A doctor issuing a certification must first examine the patient and assess their medical history. The certification must state that the patient's medical use of marijuana would likely outweigh the potential health risks and for how long the physician recommends the medical use of marijuana for the patient.

Where can patients obtain medical marijuana?

Medical marijuana may only be purchased from licensed medical marijuana treatment centers

(MMTCs), which are regulated by the Florida Department of Health. You can [click here](#) to find an MMTC dispensing facility near you.

What types of medical marijuana products are available?

Amendment 2 allows a variety of medical marijuana products, such as food, tinctures, aerosols, oils, and ointments. Initially, lawmakers attempted to forbid smoked and whole-plant cannabis. However, following a lawsuit, the legislature reversed course. With the passage of SB 182 in 2019, patients are able to smoke medical cannabis and may receive up to 2.5 ounces of whole-flower cannabis every 35 days as recommended by their doctor. Products are tested in accordance with regulations created by the health department.

How much medical marijuana can a patient possess?

Patients may receive up to 2.5 ounces of whole-flower cannabis every 35 days. Patients may not possess for than four ounces of cannabis at one time.

How can I open a medical marijuana business?

The Department is not accepting applications for MMTCs at this time. To learn more about the rulemaking for Amendment 2, [click here](#).

Can patients grow their own marijuana?

No.

What doesn't Amendment 2 do?

Amendment 2 does not: change the laws prohibiting driving under the influence of marijuana or require that employers and educational institutions allow patients to use medical marijuana at the workplace or on school grounds. Amendment 2 does not allow patients to smoke marijuana in public.

It also does not change federal law, which totally prohibits marijuana possession and distribution. While Congress and the Department of Justice have set policies to prevent enforcement action from being taken against those complying with certain medical marijuana laws, the conflicting federal policy has created issues with banking and with patients' ability to purchase and perhaps possess guns.

[1] The new section is Article X, Section 29.