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SENATE FILE 302

By BROWN and CALHOON

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

### A BILL FOR

1 An Act authorizing the use of marijuana, tetrahydrocannabinols  
2 and chemical derivatives of tetrahydrocannabinol for  
3 limited medical purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. PURPOSE. Recent research has  
2 shown that the use of marijuana may alleviate the nausea and  
3 ill effects of cancer chemotherapy and of glaucoma. Further  
4 research has revealed possible therapeutic uses of marijuana  
5 for asthma, multiple sclerosis and convulsant disorders.

6 The health of the people is a major goal of legislation.  
7 It is the purpose of this Act to permit further investigation  
8 of a therapeutic nature regarding marijuana's effects on the  
9 above named illnesses and to carefully regulate that investi-  
10 gation.

11 Sec. 2. NEW SECTION. DEFINITIONS. As used in sections  
12 one (1) through ten (10) of this Act, unless the context  
13 otherwise requires:

14 1. "Board" means the patient qualification review board.

15 2. "Commissioner" means the commissioner of the state  
16 department of health.

17 3. "Department" means the state department of health.

18 4. "Physician" means a person who is currently licensed  
19 in Iowa to practice medicine and surgery, osteopathic medi-  
20 cine and surgery or osteopathy.

21 5. "Program" means controlled substances therapeutic  
22 research program.

23 Sec. 3. NEW SECTION. CONTROLLED SUBSTANCES THERAPEUTIC  
24 RESEARCH PROGRAM ESTABLISHED--PARTICIPATION.

25 1. There is established within the state department of  
26 health the controlled substances therapeutic research pro-  
27 gram. The program shall be administered by the commissioner  
28 or the commissioner's designee. The department shall promul-  
29 gate rules and regulations necessary for proper administration  
30 of the program.

31 2. Except as provided in subsection four (4) of section  
32 six (6) of this Act, the program shall be limited to cancer  
33 chemotherapy patients and to glaucoma patients who are  
34 certified by a physician to the patient qualification review  
35 board to be in a life-threatening or sense-threatening

1 situation and not responding to conventional drug therapies  
2 or, although the conventional therapies have proven effective,  
3 the patient is exposed to intolerable side effects.

4 3. The commissioner is authorized to protect the privacy  
5 of patients who are participants in the program by ordering  
6 the withholding from all persons not directly connected with  
7 the conduct of the program the names and other identifying  
8 characteristics of the patients. Program personnel who are  
9 ordered to withhold such information pursuant to this subsec-  
10 tion shall not be compelled in any civil, criminal, administra-  
11 tive, legislative or other proceeding to identify the patients  
12 who are participants in the program, except to the extent  
13 necessary to determine whether the program is being conducted  
14 in accordance with this Act.

15 Sec. 4. NEW SECTION. PATIENT QUALIFICATION REVIEW BOARD.  
16 The commissioner shall appoint a patient qualification review  
17 board to serve at his or her pleasure from persons nominated  
18 by the state medical society. The patient qualification re-  
19 view board shall be comprised of each of the following:

20 1. A physician certified by the American board of  
21 ophthalmology.

22 2. A physician certified by the American board of in-  
23 ternal medicine and also certified in the subspecialty of  
24 medical oncology.

25 3. A physician certified by the American board of psy-  
26 chiatry.

27 4. A pharmacist licensed by the state who is certified  
28 by the American board of pharmacy.

29 Sec. 5. NEW SECTION. COMPENSATION. Members of the review  
30 board shall, in addition to necessary travel expenses, be  
31 compensated forty dollars each for each day engaged in their  
32 board duties.

33 Sec. 6 NEW SECTION. DUTIES OF THE BOARD. The duties  
34 of the board are as follows:

35 1. To review the applications of physicians who wish to

1 participate in the program and to certify those who are  
2 qualified.

3 2. To review the applications of pharmacies who wish to  
4 participate in the program and certify those who are quali-  
5 fied.

6 3. To review applications by physicians certified by the  
7 board to treat a particular patient pursuant to sections one  
8 (1) through ten (10) of this Act and to certify patients found  
9 to be eligible for that treatment.

10 4. At its discretion, to include other disease groups  
11 for participation in the program after pertinent medical data  
12 have been presented by a physician to both the commissioner  
13 and the board.

14 Sec. 7. NEW SECTION. ACQUISITION AND DISTRIBUTION OF  
15 MARIJUANA. Marijuana for the program shall be acquired and  
16 distributed as follows:

17 1. The commissioner shall authorize the board to con-  
18 tract with the national institute on drug abuse for receipt  
19 of marijuana pursuant to regulations promulgated by the  
20 national institute on drug abuse, the food and drug administra-  
21 tion and the drug enforcement administration and pursuant  
22 to the provisions of the controlled substances therapeutic  
23 research act.

24 2. The department shall authorize the manufacture of  
25 marijuana within the state, prescribe rules and charge reason-  
26 able fees relating to the registration and regulation of such  
27 manufacture. A person wishing to manufacture marijuana shall  
28 apply to and be registered with the department. The depart-  
29 ment shall inspect the facilities and records of an applicant  
30 for registration and may inspect at reasonable times the fa-  
31 cilities and records of registered manufacturers to enforce  
32 compliance with this section. All registered manufacturers  
33 shall keep and maintain records required by the department  
34 to enforce this section. Registered manufacturers shall also  
35 comply with rules promulgated by the department to prevent

1 diversion and misuse of the drug.

2 3. Marijuana in the custody of law enforcement agencies  
3 which has no further use in a criminal or civil investiga-  
4 tion shall be made available for use pursuant to this Act.  
5 The commissioner may request the Iowa highway safety patrol  
6 to transfer the marijuana to the bureau of criminal  
7 identification for analysis, dose qualification and storage  
8 until needed. The dose qualification shall include the  
9 percentage of Delta-9-tetrahydrocannabinol. The dose-qualified  
10 quantities of marijuana shall be transferred to a pharmacy  
11 certified by the board upon written prescription of a board  
12 certified physician for distribution to a board certified  
13 patient.

14 Sec. 8. NEW SECTION. REPORT. The commissioner, in con-  
15 junction with the board, shall annually report his or her  
16 findings and recommendations to the governor and the general  
17 assembly regarding the effectiveness of the program.

18 Sec. 9. NEW SECTION. SCHEDULE ADJUSTMENT.

19 1. The enumeration of marijuana, tetrahydrocannabinols  
20 or chemicals derivatives of tetrahydrocannabinol as schedule  
21 one (I) controlled substances does not apply to the use of  
22 marijuana, tetrahydrocannabinols, or chemical derivatives  
23 of tetrahydrocannabinol by board certified patients pursu-  
24 ant to this Act.

25 2. Marijuana, tetrahydrocannabinols, or chemical deri-  
26 vatives of tetrahydrocannabinol shall be considered schedule  
27 two (II) controlled substances only for the purposes of this  
28 Act.

29 Sec. 10. NEW SECTION. SHORT TITLE. This Act may be cited  
30 as the controlled substances therapeutic research Act.

31 Sec. 11. Section two hundred four point two hundred four  
32 (204.204), subsection four (4), paragraphs j and q, Code 1979,  
33 are amended to read as follows:

34 j. Marijuana, except as otherwise provided in section  
35 twelve (12) of this Act.

