

Senate Study Bill 1243 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

A BILL FOR

1 An Act creating the medical cannabis Act and providing for
2 civil and criminal penalties and fees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 124.401, subsection 5, unnumbered
2 paragraph 3, Code 2015, is amended to read as follows:

3 A person may knowingly or intentionally recommend, possess,
4 use, dispense, deliver, transport, or administer ~~cannabidiol~~
5 medical cannabis if the recommendation, possession, use,
6 dispensing, delivery, transporting, or administering is in
7 accordance with the provisions of chapter ~~124D~~ 124E. For
8 purposes of this paragraph, "~~cannabidiol~~" "medical cannabis"
9 means the same as defined in section ~~124D.2~~ 124E.2.

10 Sec. 2. NEW SECTION. **124E.1 Short title.**

11 This chapter shall be known and may be cited as the "*Medical*
12 *Cannabis Act*".

13 Sec. 3. NEW SECTION. **124E.2 Definitions.**

14 As used in this chapter:

15 1. "*Debilitating medical condition*" means any of the
16 following:

17 a. Cancer.

18 b. Multiple sclerosis.

19 c. Epilepsy.

20 d. AIDS or HIV as defined in section 141A.1.

21 e. Glaucoma.

22 f. Hepatitis C.

23 g. Crohn's disease or ulcerative colitis.

24 h. Amyotrophic lateral sclerosis.

25 i. Ehlers-danlos syndrome.

26 j. Post-traumatic stress syndrome.

27 k. Any other chronic or debilitating disease or medical
28 condition or its medical treatment approved by the department
29 pursuant to rule.

30 2. "*Department*" means the department of public health.

31 3. "*Disqualifying felony offense*" means a violation under
32 federal or state law of a felony offense, which has as an
33 element the possession, use, or distribution of a controlled
34 substance, as defined in 21 U.S.C. §802(6).

35 4. "*Enclosed, locked facility*" means a closet, room,

1 greenhouse, or other enclosed area equipped with locks or other
2 security devices that permit access only by a cardholder.

3 5. "*Health care practitioner*" means an individual licensed
4 under chapter 148 to practice medicine and surgery or
5 osteopathic medicine and surgery, a physician assistant
6 licensed under chapter 148C, or an advanced registered nurse
7 practitioner licensed pursuant to chapter 152 or 152E.

8 6. "*Medical cannabis*" means any species of the genus
9 cannabis plant, or any mixture or preparation of them,
10 including whole plant extracts and resins.

11 7. "*Medical cannabis dispensary*" means an entity licensed
12 under section 124E.6 that dispenses and acquires, possesses,
13 cultivates, or manufactures medical cannabis pursuant to this
14 chapter.

15 8. "*Medical cannabis manufacturer*" means an entity licensed
16 by the department to manufacture and to possess, cultivate,
17 transport, supply, or dispense medical cannabis pursuant to the
18 provisions of this chapter.

19 9. "*Primary caregiver*" means a person, at least eighteen
20 years of age, who has been designated by a patient's health
21 care practitioner or a person having custody of a patient, as
22 a necessary caretaker taking responsibility for managing the
23 well-being of the patient with respect to the use of medical
24 cannabis pursuant to the provisions of this chapter.

25 10. "*Written certification*" means a document signed by a
26 health care practitioner, with whom the patient has established
27 a patient-provider relationship, which states that the patient
28 has a debilitating medical condition and identifies that
29 condition and provides any other relevant information.

30 Sec. 4. NEW SECTION. 124E.3 Health care practitioner
31 certification — duties.

32 1. Prior to a patient's submission of an application for a
33 medical cannabis card pursuant to section 124E.4, a health care
34 practitioner shall do all of the following:

35 a. Determine, in the health care practitioner's medical

1 judgment, whether the patient whom the health care practitioner
2 has examined and treated suffers from a debilitating medical
3 condition that qualifies for the use of medical cannabis under
4 this chapter, and if so determined, provide the patient with a
5 written certification of that diagnosis.

6 *b.* Provide explanatory information as provided by the
7 department to the patient about the therapeutic use of medical
8 cannabis.

9 2. Determine, on an annual basis, if the patient continues
10 to suffer from a debilitating medical condition and, if so,
11 issue the patient a new certification of that diagnosis.

12 3. Otherwise comply with all requirements established by
13 the department pursuant to rule.

14 4. A health care practitioner may provide, but has no duty
15 to provide, a written certification pursuant to this section.

16 Sec. 5. NEW SECTION. **124E.4 Medical cannabis registration**
17 **card.**

18 1. *Issuance to patient.* The department may approve the
19 issuance of a medical cannabis registration card by the
20 department of transportation to a patient who:

21 *a.* Is at least eighteen years of age.

22 *b.* Is a permanent resident of this state.

23 *c.* Submits a written certification to the department signed
24 by the patient's health care practitioner that the patient is
25 suffering from a debilitating medical condition.

26 *d.* Submits an application to the department, on a form
27 created by the department, in consultation with the department
28 of transportation, that contains all of the following:

29 (1) The patient's full name, Iowa residence address, date
30 of birth, and telephone number.

31 (2) A copy of the patient's valid photo identification.

32 (3) Full name, address, and telephone number of the
33 patient's health care practitioner.

34 (4) Full name, residence address, date of birth, and
35 telephone number of each primary caregiver of the patient, if

1 any.

2 (5) Any other information required by rule.

3 2. *Patient card contents.* A medical cannabis registration
4 card issued to a patient by the department of transportation
5 pursuant to subsection 1 shall contain, at a minimum, all of
6 the following:

7 a. The patient's full name, Iowa residence address, and date
8 of birth.

9 b. The patient's photo.

10 c. The date of issuance and expiration date of the
11 registration card.

12 d. Any other information required by rule.

13 3. *Issuance to primary caregiver.* For a patient in a
14 primary caregiver's care, the department may approve the
15 issuance of a medical cannabis registration card by the
16 department of transportation to the primary caregiver who:

17 a. Is at least eighteen years of age.

18 b. Submits a written certification to the department signed
19 by the patient's health care practitioner that the patient in
20 the primary caregiver's care is suffering from a debilitating
21 medical condition.

22 c. Submits an application to the department, on a form
23 created by the department, in consultation with the department
24 of transportation, that contains all of the following:

25 (1) The primary caregiver's full name, residence address,
26 date of birth, and telephone number.

27 (2) The patient's full name.

28 (3) A copy of the primary caregiver's valid photo
29 identification.

30 (4) Full name, address, and telephone number of the
31 patient's health care practitioner.

32 (5) Any other information required by rule.

33 4. *Primary caregiver card contents.* A medical cannabis
34 registration card issued by the department of transportation to
35 a primary caregiver pursuant to subsection 3 shall contain, at

1 a minimum, all of the following:

2 a. The primary caregiver's full name, residence address, and
3 date of birth.

4 b. The primary caregiver's photo.

5 c. The date of issuance and expiration date of the
6 registration card.

7 d. The full name of each patient in the primary caregiver's
8 care.

9 e. Any other information required by rule.

10 5. *Expiration date of card.* A medical cannabis registration
11 card issued pursuant to this section shall expire one year
12 after the date of issuance and may be renewed.

13 6. *Card issuance — department of transportation.* The
14 department may enter into a chapter 28E agreement with the
15 department of transportation to facilitate the issuance of
16 medical cannabis registration cards pursuant to subsections 1
17 and 3.

18 Sec. 6. NEW SECTION. 124E.5 **Medical advisory board —**
19 **duties.**

20 1. No later than August 15, 2015, the director of public
21 health shall establish a medical advisory board consisting
22 of nine practitioners representing the fields of neurology,
23 pain management, gastroenterology, oncology, psychiatry,
24 infectious disease, family medicine, gynecology, and pharmacy.
25 The practitioners shall be nationally board-certified in their
26 area of specialty and knowledgeable about the use of medical
27 cannabis.

28 2. A quorum of the advisory board shall consist of five
29 members.

30 3. The duties of the advisory board shall include but not be
31 limited to the following:

32 a. Reviewing and recommending to the department for
33 approval additional chronic or debilitating diseases or
34 medical conditions or their treatments as debilitating medical
35 conditions that qualify for the use of medical cannabis under

1 this chapter.

2 *b.* Accepting and reviewing petitions to add chronic or
3 debilitating diseases or medical conditions or their medical
4 treatments to the list of debilitating medical conditions that
5 qualify for the use of medical cannabis under this chapter.

6 *c.* Advising the department regarding the location of
7 medical cannabis dispensaries throughout the state, the form
8 and quantity of allowable medical cannabis to be dispensed
9 to a patient or primary caregiver, and the general oversight
10 of medical cannabis manufacturers and medical cannabis
11 dispensaries in this state.

12 *d.* Convening at least twice per year to conduct public
13 hearings and to evaluate petitions, which shall be maintained
14 as confidential personal health information, to add chronic or
15 debilitating diseases or medical conditions or their medical
16 treatments to the list of debilitating medical conditions that
17 qualify for the use of medical cannabis under this chapter.

18 **Sec. 7. NEW SECTION. 124E.6 Medical cannabis manufacturer**
19 **licensure.**

20 1. *a.* The department shall license four medical cannabis
21 manufacturers to manufacture medical cannabis within this state
22 consistent with the provisions of this chapter by December
23 1, 2015. The department shall license new medical cannabis
24 manufacturers or relicense the existing medical cannabis
25 manufacturers by December 1 of each year.

26 *b.* Information submitted during the application process
27 shall be confidential until the medical cannabis manufacturer
28 is licensed by the department unless otherwise protected from
29 disclosure under state or federal law.

30 2. As a condition for licensure, a medical cannabis
31 manufacturer must agree to begin supplying medical cannabis to
32 patients by July 1, 2016.

33 3. The department shall consider the following factors in
34 determining whether to license a medical cannabis manufacturer:

35 *a.* The technical expertise of the medical cannabis

1 manufacturer in medical cannabis.

2 *b.* The qualifications of the medical cannabis manufacturer's
3 employees.

4 *c.* The long-term financial stability of the medical cannabis
5 manufacturer.

6 *d.* The ability to provide appropriate security measures on
7 the premises of the medical cannabis manufacturer.

8 *e.* Whether the medical cannabis manufacturer has
9 demonstrated an ability to meet certain medical cannabis
10 production needs for medical use in the manner determined by
11 the department pursuant to rule.

12 *f.* The medical cannabis manufacturer's projection and
13 ongoing assessment of fees on patients with debilitating
14 medical conditions.

15 4. The department shall require each medical cannabis
16 manufacturer to contract with the state hygienic laboratory
17 at the university of Iowa in Iowa City to test the medical
18 cannabis produced by the manufacturer. The department shall
19 require that the laboratory report testing results to the
20 manufacturer in a manner determined by the department pursuant
21 to rule.

22 5. Each entity submitting an application for licensure as a
23 medical cannabis manufacturer shall pay an application fee of
24 seven thousand five hundred dollars to the department.

25 **Sec. 8. NEW SECTION. 124E.7 Medical cannabis manufacturers**
26 **— medical cannabis dispensaries.**

27 1. *a.* A medical cannabis manufacturer shall operate three
28 medical cannabis dispensaries, which may include the medical
29 cannabis manufacturer's single location for manufacturing and
30 cultivating, harvesting, packaging, or processing.

31 *b.* A medical cannabis manufacturer shall begin dispensing
32 medical cannabis from at least one medical cannabis dispensary
33 by July 1, 2016.

34 *c.* The medical cannabis dispensaries shall be located based
35 on geographical need throughout the state to improve patient

1 access.

2 *d.* A medical cannabis manufacturer shall disclose the
3 proposed locations for the medical cannabis dispensaries to the
4 department during the licensure process.

5 *e.* A medical cannabis manufacturer shall operate only one
6 location where all manufacturing and cultivating, harvesting,
7 packaging, or processing shall be conducted. The other medical
8 cannabis dispensaries may dispense medical cannabis pursuant
9 to the provisions of this chapter but shall not dispense any
10 medical cannabis in a form or quantity other than the form or
11 quantity allowed by the department pursuant to rule.

12 2. A medical cannabis manufacturer shall contract with the
13 state hygienic laboratory at the university of Iowa in Iowa
14 City for purposes of testing the medical cannabis manufactured
15 by the medical cannabis manufacturer as to content,
16 contamination, and consistency. The cost of all laboratory
17 testing shall be paid by the medical cannabis manufacturer.

18 3. The operating documents of a medical cannabis
19 manufacturer shall include all of the following:

20 *a.* Procedures for the oversight of the medical cannabis
21 manufacturer and procedures to ensure accurate record keeping.

22 *b.* Procedures for the implementation of appropriate security
23 measures to deter and prevent the theft of medical cannabis and
24 unauthorized entrance into areas containing medical cannabis.

25 4. A medical cannabis manufacturer shall implement security
26 requirements, including requirements for protection of each
27 location by a fully operational security alarm system, facility
28 access controls, perimeter intrusion detection systems, and a
29 personnel identification system.

30 5. A medical cannabis manufacturer shall not share
31 office space with, refer patients to, or have any financial
32 relationship with a health care practitioner.

33 6. A medical cannabis manufacturer shall not permit any
34 person to consume medical cannabis on the property of the
35 medical cannabis manufacturer.

1 7. A medical cannabis manufacturer is subject to reasonable
2 inspection by the department.

3 8. A medical cannabis manufacturer shall not employ
4 a person under twenty-one years of age or who has been
5 convicted of a disqualifying felony offense. An employee
6 of a medical cannabis manufacturer shall be subject to a
7 background investigation conducted by the division of criminal
8 investigation of the department of public safety and a national
9 criminal history background check.

10 9. A medical cannabis manufacturer shall not operate in
11 any location, whether for dispensing or for manufacturing,
12 cultivating, harvesting, packaging, or processing, within one
13 thousand feet of a public or private school existing before the
14 date of the medical cannabis manufacturer's licensure by the
15 department.

16 10. A medical cannabis manufacturer shall comply with
17 reasonable restrictions set by the department relating to
18 signage, marketing, display, and advertising of medical
19 cannabis.

20 Sec. 9. NEW SECTION. 124E.8 **Medical cannabis manufacturer**
21 **— production and dispensation.**

22 1. *Production.*

23 a. A medical cannabis manufacturer shall provide a reliable
24 and ongoing supply of medical cannabis for all patients served
25 pursuant to this chapter.

26 b. All manufacturing, cultivating, harvesting,
27 manufacturing, packaging, and processing of medical cannabis
28 shall take place in an enclosed, locked facility at a physical
29 address provided to the department during the licensure
30 process.

31 2. *Dispensation.* Prior to dispensing of any medical
32 cannabis, the medical cannabis manufacturer shall do all of the
33 following:

34 a. Verify that the medical cannabis manufacturer has
35 received a valid medical cannabis registration card from a

1 patient or a patient's primary caregiver, if applicable.

2 *b.* Assign a tracking number to any medical cannabis
3 dispensed from the manufacturer.

4 *c.* Properly package medical cannabis in compliance with
5 federal law regarding child resistant packaging and exemptions
6 for packaging for elderly patients, and label medical cannabis
7 with a list of all active ingredients and individually
8 identifying information, including all of the following:

9 (1) The name and date of birth of the patient and the
10 patient's primary caregiver, if appropriate.

11 (2) The medical cannabis registration card numbers of the
12 patient and the patient's primary caregiver, if applicable.

13 (3) The chemical composition of the medical cannabis.

14 Sec. 10. NEW SECTION. **124E.9 Department duties — rules.**

15 1. *a.* The department shall maintain a confidential file
16 of the names of each patient to or for whom the department
17 issues a medical cannabis registration card and the name of
18 each primary caregiver to whom the department issues a medical
19 cannabis registration card under section 124E.4.

20 *b.* Individual names contained in the file shall be
21 confidential and shall not be subject to disclosure, except as
22 provided in subparagraph (1).

23 (1) Information in the confidential file maintained
24 pursuant to paragraph "a" may be released on an individual basis
25 to the following persons under the following circumstances:

26 (a) To authorized employees or agents of the department and
27 the department of transportation as necessary to perform the
28 duties of the department and the department of transportation
29 pursuant to this chapter.

30 (b) To authorized employees of state or local law
31 enforcement agencies, but only for the purpose of verifying
32 that a person is lawfully in possession of a medical cannabis
33 registration card issued pursuant to this chapter.

34 (c) To authorized employees of a medical cannabis
35 manufacturer, but only for the purpose of verifying that

1 a person is lawfully in possession of a medical cannabis
2 registration card issued pursuant to this chapter.

3 (2) Release of information pursuant to subparagraph
4 (1) shall be consistent with the federal Health Insurance
5 Portability and Accountability Act of 1996, Pub. L. No.
6 104-191.

7 2. The department shall adopt rules pursuant to chapter
8 17A to administer this chapter which shall include but not be
9 limited to rules to do all of the following:

10 a. Govern the manner in which the department shall consider
11 applications for new and renewal medical cannabis registration
12 cards.

13 b. Identify criteria and set forth procedures for
14 including additional chronic or debilitating diseases or
15 medical conditions or their medical treatments on the list of
16 debilitating medical conditions that qualify for the use of
17 medical cannabis. Procedures shall include a petition process
18 and shall allow for public comment and public hearings before
19 the medical advisory board.

20 c. Set forth additional chronic or debilitating diseases or
21 medical conditions or their medical treatments for inclusion
22 on the list of debilitating medical conditions that qualify
23 for the use of medical cannabis as recommended by the medical
24 advisory board.

25 d. Establish the form and quantity of medical cannabis
26 allowed to be dispensed to a patient or primary caregiver
27 pursuant to this chapter. The form and quantity of medical
28 cannabis shall be appropriate to serve the medical needs of
29 patients with debilitating conditions.

30 e. Establish requirements for the licensure of medical
31 cannabis manufacturers and set forth procedures for medical
32 cannabis manufacturers to obtain licenses.

33 f. Develop a dispensing system for medical cannabis within
34 this state that provides for all of the following:

35 (1) Medical cannabis manufacturing facilities within this

1 state housed on secured grounds and operated by licensed
2 medical cannabis manufacturers.

3 (2) The dispensing of medical cannabis to patients and
4 their primary caregivers to occur at locations designated by
5 the department.

6 *g.* Establish medical cannabis registration card application
7 and renewal fees.

8 *h.* Specify and implement procedures that address public
9 safety including security procedures and product quality
10 including measures to ensure contaminant-free cultivation of
11 medical cannabis, safety, and labeling.

12 Sec. 11. NEW SECTION. 124E.10 **Reciprocity.**

13 A valid medical cannabis registration card, or its
14 equivalent, issued under the laws of another state that allows
15 an out-of-state patient to possess or use medical cannabis in
16 the jurisdiction of issuance shall have the same force and
17 effect as a valid medical cannabis registration card issued
18 pursuant to this chapter, except that an out-of-state patient
19 in this state shall not obtain medical cannabis from a medical
20 cannabis dispensary in this state.

21 Sec. 12. NEW SECTION. 124E.11 **Use of medical cannabis —**
22 **smoking prohibited.**

23 A patient shall not consume medical cannabis possessed or
24 used as authorized by this chapter by smoking medical cannabis.

25 Sec. 13. NEW SECTION. 124E.12 **Use of medical cannabis —**
26 **affirmative defenses.**

27 1. A health care practitioner, including any authorized
28 agent or employee thereof, shall not be subject to
29 prosecution for the unlawful certification, possession, or
30 administration of marijuana under the laws of this state for
31 activities arising directly out of or directly related to the
32 certification or use of medical cannabis in the treatment of
33 a patient diagnosed with a debilitating medical condition as
34 authorized by this chapter.

35 2. A medical cannabis manufacturer, including any

1 authorized agent or employee thereof, shall not be subject
2 to prosecution for manufacturing, possessing, cultivating,
3 harvesting, packaging, or processing, or transporting,
4 supplying, or dispensing medical cannabis pursuant to this
5 chapter.

6 3. A medical cannabis dispensary, including any authorized
7 agent or employee thereof, shall not be subject to prosecution
8 for transporting, supplying, or dispensing medical cannabis
9 pursuant to this chapter.

10 a. In a prosecution for the unlawful possession of marijuana
11 under the laws of this state, including but not limited to
12 chapters 124 and 453B, it is an affirmative and complete
13 defense to the prosecution that the patient has been diagnosed
14 with a debilitating medical condition, used or possessed
15 medical cannabis pursuant to a certification by a health care
16 practitioner as authorized under this chapter, and, for a
17 patient eighteen years of age or older, is in possession of a
18 valid medical cannabis registration card.

19 b. In a prosecution for the unlawful possession of marijuana
20 under the laws of this state, including but not limited to
21 chapters 124 and 453B, it is an affirmative and complete
22 defense to the prosecution that the person possessed medical
23 cannabis because the person is a primary caregiver of a patient
24 who has been diagnosed with a debilitating medical condition
25 and is in possession of a valid medical cannabis registration
26 card, and where the primary caregiver's possession of the
27 medical cannabis is on behalf of the patient and for the
28 patient's use only as authorized under this chapter.

29 c. If a patient or primary caregiver is charged with the
30 commission of a crime and is not in possession of the person's
31 medical cannabis registration card, any charge or charges filed
32 against the person shall be dismissed by the court if the
33 person produces to the court prior to or at the person's trial
34 a medical cannabis registration card issued to that person and
35 valid at the time the person was charged.

1 4. An agency of this state or a political subdivision
2 thereof, including any law enforcement agency, shall not remove
3 or initiate proceedings to remove a patient under the age
4 of eighteen from the home of a parent based solely upon the
5 parent's or patient's possession or use of medical cannabis as
6 authorized under this chapter.

7 Sec. 14. NEW SECTION. 124E.13 Penalties.

8 1. A person who knowingly or intentionally possesses or
9 uses medical cannabis in violation of the requirements of this
10 chapter is subject to the penalties provided under chapters 124
11 and 453B.

12 2. A medical cannabis manufacturer shall be assessed a civil
13 penalty of up to one thousand dollars per violation for any
14 violation of this chapter in addition to any other applicable
15 penalties.

16 Sec. 15. EMERGENCY RULES. The department may adopt
17 emergency rules under section 17A.4, subsection 3, and section
18 17A.5, subsection 2, paragraph "b", to implement the provisions
19 of this Act and the rules shall be effective immediately upon
20 filing unless a later date is specified in the rules. Any
21 rules adopted in accordance with this section shall also be
22 published as a notice of intended action as provided in section
23 17A.4.

24 Sec. 16. TRANSITION PROVISIONS. A medical cannabis
25 registration card issued under chapter 124D prior to July 1,
26 2015, remains effective and continues in effect as issued for
27 the twelve-month period following its issuance. This Act does
28 not preclude the permit holder from seeking to renew the permit
29 under this Act prior to the expiration of the twelve-month
30 period.

31 Sec. 17. REPORTS. The university of Iowa Carver college of
32 medicine and college of pharmacy shall, on or before July 1 of
33 each year, beginning July 1, 2016, submit a report detailing
34 the scientific literature, studies, and clinical trials
35 regarding the use of medical cannabis on patients diagnosed

1 with debilitating medical conditions as defined in this Act to
2 the department of public health and the general assembly.

3 Sec. 18. REPEAL. Chapter 124D, Code 2015, is repealed.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

7 This bill creates the medical cannabis Act and provides for
8 civil and criminal penalties and fees.

9 OVERVIEW. The bill allows a patient with a debilitating
10 medical condition who receives written certification from
11 the patient's health care practitioner that the patient has
12 a debilitating medical condition and who submits the written
13 certification along with an application to the department of
14 public health (department) for a medical cannabis registration
15 card to allow for the lawful use of medical cannabis to treat
16 the patient's debilitating medical condition. A patient who
17 is issued a medical cannabis registration card will be able
18 to receive medical cannabis directly from a medical cannabis
19 dispensary in this state operated by a medical cannabis
20 manufacturer licensed by the state.

21 DEFINITIONS. The bill provides the following definitions:

22 "Debilitating medical condition" means cancer, multiple
23 sclerosis, epilepsy, AIDS or HIV, glaucoma, hepatitis C,
24 Crohn's disease or ulcerative colitis, amyotrophic lateral
25 sclerosis, Ehlers-danlos syndrome, post-traumatic stress
26 syndrome, and any other chronic or debilitating disease or
27 medical condition or its medical treatment approved by the
28 department by rule.

29 "Health care practitioner" means an individual licensed
30 under Code chapter 148 to practice medicine and surgery
31 or osteopathic medicine and surgery, a physician assistant
32 licensed under Code chapter 148C, or an advanced registered
33 nurse practitioner licensed pursuant to Code chapter 152 or
34 152E.

35 "Medical cannabis" means any species of the genus cannabis

1 plant, or any mixture or preparation of them, including whole
2 plant extracts and resins.

3 "Medical cannabis dispensary" means an entity licensed under
4 the bill that dispenses and acquires, possesses, cultivates, or
5 manufactures medical cannabis pursuant to the bill.

6 "Medical cannabis manufacturer" means an entity licensed
7 by the department to manufacture and to possess, cultivate,
8 transport, supply, or dispense medical cannabis pursuant to the
9 provisions of this chapter.

10 "Primary caregiver" means a person, at least 18 years of age,
11 who has been designated by a patient's health care practitioner
12 or a person having custody of a patient, as a necessary
13 caretaker taking responsibility for managing the well-being
14 of the patient with respect to the use of medical cannabis
15 pursuant to the bill.

16 "Written certification" means a document signed by a health
17 care practitioner, with whom the patient has established a
18 patient-provider relationship, which states that the patient
19 has a debilitating medical condition and provides any other
20 relevant information.

21 HEALTH CARE PRACTITIONER CERTIFICATION. The bill provides
22 that prior to a patient's submission of an application
23 for a medical cannabis registration card, if a health care
24 practitioner determines that the patient whom the health
25 care practitioner has examined and treated suffers from a
26 debilitating medical condition, the health care practitioner
27 may provide the patient with a written certification of that
28 diagnosis. If the health care practitioner provides the
29 written certification, the practitioner must also provide
30 explanatory information to the patient about the therapeutic
31 use of medical cannabis, and if the patient continues to suffer
32 from a debilitating medical condition, issue the patient a new
33 certification of that diagnosis on an annual basis.

34 MEDICAL CANNABIS REGISTRATION CARD — PATIENT AND PRIMARY
35 CAREGIVER. The department may approve the issuance of a

1 medical cannabis registration card by the department of
2 transportation to a patient who is at least 18 years of age and
3 is a permanent resident of this state, who submits a written
4 certification by the patient's health care practitioner to the
5 department, and who submits an application to the department
6 of public health with certain information. The department
7 of public health may also approve the issuance of a medical
8 cannabis registration card by the department of transportation
9 to a primary caregiver who is at least 18 years of age,
10 submits a written certification by the patient's health care
11 practitioner to the department on behalf of the patient,
12 and submits an application to the department with certain
13 information. A medical cannabis registration card expires one
14 year after the date of issuance and may be renewed.

15 MEDICAL ADVISORY BOARD. The director of public health is
16 directed to establish a medical advisory board, no later than
17 August 15, 2015, to consist of nine practitioners representing
18 the fields of neurology, pain management, gastroenterology,
19 oncology, psychiatry, infectious disease, family medicine,
20 gynecology, and pharmacy. The practitioners shall be
21 nationally board-certified in their area of specialty and
22 knowledgeable about the use of medical cannabis. The duties of
23 the board include reviewing and recommending to the department
24 for approval additional chronic or debilitating diseases or
25 medical conditions or their treatments as debilitating medical
26 conditions that qualify for the use of medical cannabis under
27 the bill, accepting and reviewing petitions to add chronic or
28 debilitating diseases or medical conditions or their treatments
29 to the list of debilitating medical conditions that qualify
30 for the use of medical cannabis under the bill, and advising
31 the department regarding the location of medical cannabis
32 dispensaries, the form and quantity of allowable medical
33 cannabis to be dispensed to a patient or primary caregiver, and
34 the general oversight of medical cannabis manufacturers and
35 medical cannabis dispensaries.

1 MEDICAL CANNABIS MANUFACTURER LICENSURE. The bill
2 requires the department to license four medical cannabis
3 manufacturers for the manufacture of medical cannabis within
4 this state by December 1, 2015, and to license new medical
5 cannabis manufacturers or relicense existing medical cannabis
6 manufacturers by December 1 of each year. Information
7 submitted during the application process is confidential
8 until the medical cannabis manufacturer is licensed by the
9 department unless otherwise protected from disclosure under
10 state or federal law. As a condition for licensure, a medical
11 cannabis manufacturer must agree to begin supplying medical
12 cannabis to patients by July 1, 2016. The department is
13 directed to consider several factors in determining whether to
14 license a medical cannabis manufacturer including technical
15 expertise, employee qualifications, financial stability,
16 security measures, and production needs and capacity. Each
17 medical cannabis manufacturer is required to contract with the
18 state hygienic laboratory at the university of Iowa to test the
19 medical cannabis produced by the manufacturer and to report
20 testing results to the medical cannabis manufacturer. Each
21 entity submitting an application for licensure shall pay an
22 application fee of \$7,500.

23 MEDICAL CANNABIS MANUFACTURERS — MEDICAL CANNABIS
24 DISPENSARIES. The bill requires a medical cannabis
25 manufacturer to operate three medical cannabis dispensaries in
26 this state. A medical cannabis manufacturer is required to
27 begin dispensing medical cannabis from at least one medical
28 cannabis dispensary by July 1, 2016. The medical cannabis
29 dispensaries shall be located based on geographical need
30 throughout the state to improve patient access. A medical
31 cannabis manufacturer shall operate only one location where
32 all manufacturing and cultivating, harvesting, packaging, and
33 processing shall be conducted. The other medical cannabis
34 dispensaries may dispense medical cannabis pursuant to the
35 provisions of the bill but shall not dispense any medical

1 cannabis in a form or quantity other than the form or quantity
2 allowed by the department pursuant to rule.

3 The operating documents of a medical cannabis manufacturer
4 shall include procedures for oversight and recordkeeping
5 activities of the medical cannabis manufacturer and security
6 measures undertaken by the medical cannabis manufacturer.
7 A medical cannabis manufacturer is prohibited from sharing
8 office space with, referring patients to, or having a financial
9 relationship with a health care practitioner, permitting any
10 person to consume medical cannabis on the property of the
11 medical cannabis manufacturer, employing a person who is under
12 21 years of age or who has been convicted of a disqualifying
13 felony offense, and from operating in any location, whether
14 for dispensing or for manufacturing, cultivating, harvesting,
15 packaging, and processing, within 1,000 feet of a public or
16 private school existing before the date of the medical cannabis
17 manufacturer's licensure. A medical cannabis manufacturer
18 shall be subject to reasonable inspection and shall be subject
19 to reasonable restrictions relating to signage, marketing,
20 display, and advertising of the medical cannabis.

21 MEDICAL CANNABIS MANUFACTURER — PRODUCTION AND
22 DISPENSATION. A medical cannabis manufacturer is required to
23 provide a reliable and ongoing supply of medical cannabis for
24 all patients served pursuant to the provisions of the bill,
25 and all manufacturing, cultivating, harvesting, packaging, and
26 processing of medical cannabis is required to take place in an
27 enclosed, locked facility at a physical address provided to the
28 department during the licensure process.

29 Prior to the dispensing of any medical cannabis, the medical
30 cannabis manufacturer is required to verify that the medical
31 cannabis manufacturer has received a valid medical cannabis
32 registration card from a patient or a patient's primary
33 caregiver, if applicable, assign a tracking number to any
34 medical cannabis dispensed from the manufacturer, and properly
35 package and label medical cannabis in compliance with the

1 provisions of the bill and certain federal laws.

2 CONFIDENTIALITY. The department is required to maintain
3 a confidential file of the names of each patient and primary
4 caregiver issued a medical cannabis registration card.
5 Individual names contained in the file shall be confidential
6 and shall not be subject to disclosure, except that information
7 in the confidential file may be released on an individual
8 basis to authorized employees or agents of the department,
9 the department of transportation, and a medical cannabis
10 manufacturer as necessary to perform their duties and to
11 authorized employees of state or local law enforcement agencies
12 for the purpose of verifying that a person is lawfully in
13 possession of a medical cannabis registration card. Release
14 of information must also be consistent with federal Health
15 Insurance Portability and Accountability Act regulations.

16 ADDITIONAL DEPARTMENT DUTIES — RULES. The bill requires
17 the department to adopt rules relating to the manner in which
18 the department shall consider applications for new and renewal
19 medical cannabis registration cards, identify criteria and
20 set forth procedures for including additional chronic or
21 debilitating diseases or medical conditions or their medical
22 treatments on the list of debilitating medical conditions,
23 establish the form and quantity of medical cannabis allowed to
24 be dispensed to a patient or primary caregiver in the form and
25 quantity appropriate to serve the medical needs of the patient
26 with the debilitating medical condition, establish requirements
27 for the licensure of medical cannabis manufacturers, develop
28 a dispensing system for medical cannabis within this state
29 that follows certain requirements, establish medical cannabis
30 registration card application and renewal fees, and specify
31 and implement procedures that address public safety including
32 security procedures and product quality, safety, and labeling.

33 RECIPROCITY. The bill provides that a valid medical
34 cannabis registration card, or its equivalent, issued under
35 the laws of another state that allows an out-of-state patient

1 to possess or use medical cannabis in the jurisdiction of
2 issuance shall have the same force and effect as a valid
3 medical cannabis card issued under the bill, except that an
4 out-of-state patient in this state shall not obtain medical
5 cannabis from a medical cannabis dispensary in this state.

6 USE OF MEDICAL CANNABIS — SMOKING PROHIBITED. The bill
7 provides that a patient shall not consume the medical cannabis
8 by smoking the medical cannabis.

9 USE OF MEDICAL CANNABIS — AFFIRMATIVE DEFENSES. The bill
10 provides prosecution immunity for a health care practitioner,
11 a medical cannabis manufacturer, and a medical cannabis
12 dispensary, including any authorized agents or employees of the
13 health care practitioner, medical cannabis manufacturer, and
14 medical cannabis dispensary, for activities undertaken by the
15 health care practitioner, medical cannabis manufacturer, and
16 medical cannabis dispensary pursuant to the provisions of the
17 bill.

18 The bill provides that in a prosecution for the unlawful
19 possession of marijuana under the laws of this state,
20 including but not limited to Code chapters 124 (controlled
21 substances) and 453B (excise tax on unlawful dealing in
22 certain substances), it is an affirmative and complete
23 defense to the prosecution that the patient has been diagnosed
24 with a debilitating medical condition, used or possessed
25 medical cannabis pursuant to a certification by a health
26 care practitioner, and, for a patient age 18 or older, is
27 in possession of a valid medical cannabis registration
28 card. The bill provides a similar affirmative defense for a
29 primary caretaker of a patient who has been diagnosed with a
30 debilitating medical condition who is in possession of a valid
31 medical cannabis registration card, and where the primary
32 caregiver's possession of the medical cannabis is on behalf of
33 the patient and for the patient's use only.

34 The bill amends Code section 124.401, relating to prohibited
35 acts involving controlled substances, to provide that it is

1 lawful for a person to knowingly or intentionally recommend,
2 possess, use, dispense, deliver, transport, or administer
3 medical cannabis if the recommendation, possession, use,
4 dispensing, delivery, transporting, or administering is in
5 accordance with the provisions of the bill.

6 The bill provides that an agency of this state or a political
7 subdivision thereof, including any law enforcement agency,
8 shall not remove or initiate proceedings to remove a patient
9 under the age of 18 from the home of a parent based solely upon
10 the parent's or patient's possession or use of medical cannabis
11 as authorized under the bill.

12 PENALTIES. The bill provides that a person who knowingly or
13 intentionally possesses or uses medical cannabis in violation
14 of the requirements of the bill is subject to the penalties
15 provided under Code chapters 124 and 453B. In addition, a
16 medical cannabis manufacturer shall be assessed a civil penalty
17 of up to \$1,000 per violation for any violation of the bill in
18 addition to any other applicable penalties.

19 EMERGENCY RULES. The bill provides that the department
20 may adopt emergency rules and the rules shall be effective
21 immediately upon filing unless a later date is specified in the
22 rules.

23 TRANSITION PROVISIONS. The bill provides that a medical
24 cannabis registration card issued under Code chapter 124D
25 (medical cannabidiol Act) prior to July 1, 2015, shall remain
26 effective and continues in effect as issued for the 12-month
27 period following its issuance.

28 REPORTS. The bill requires the university of Iowa Carver
29 college of medicine and college of pharmacy to, on or before
30 July 1 of each year, beginning July 1, 2016, submit a report
31 detailing the scientific literature, studies, and clinical
32 trials regarding the use of medical cannabis on patients
33 diagnosed with debilitating medical conditions as defined in
34 the bill to the department of public health and the general
35 assembly.

S.F. _____

1 REPEAL. The bill repeals Code chapter 124D, the medical
2 cannabidiol Act.