ARC 0786D

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to medical cannabidiol program

The Department of Health and Human Services hereby amends Chapter 154, "Medical Cannabidiol Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 124E.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 124E and 2026 Iowa Acts, House File 990.

Purpose and Summary

This rulemaking implements in part 2026 Iowa Acts, House File 990, by removing the residency requirement for patients participating in Iowa's medical cannabidiol program. Previous law required patients served by the program to be permanent residents of the State of Iowa. As a result of eliminating the Iowa residency requirement for participation in the medical cannabidiol program, any otherwise qualified nonresident may apply for registration. The Department anticipates that the change will primarily impact qualified Nebraska residents since Nebraska is the only bordering state that does not currently have an operational medical or adult-use cannabis program. Although Nebraska has taken steps to establish a medical cannabidiol program, implementation has experienced significant delays and setbacks.

In addition, this rulemaking restores language inadvertently removed during the 2023 Red Tape Review process. Prior to the 2023 Red Tape Review, proof of veteran status qualified an applicant for a reduced patient application fee, lowering the fee from $100 to $25. This provision was inadvertently removed during the Red Tape Review process and is being restored. It is important to note that authorization for a lesser fee for veterans does not explicitly appear in Iowa Code chapter 124E; however, this reduced fee provision was previously discussed at a meeting of the Administrative Rules Review Committee (ARRC), and at the time, the ARRC agreed that a reduced fee was important and appropriate for those with veteran status.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026, as **ARC 0624D**. A public hearing was held on the following date(s):

- October 20, 2026

No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on November 4, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Amend rule **641—154.1(124E)**, definitions of "Medical assistance program," "Patient" and "Valid photo identification," as follows:

"Medical assistance program" means ~~IA Health Link, Medicaid Fee-for-Service, or hawki,~~ a medical assistance program as administered by ~~the Iowa~~ a state, territory, or district Medicaid ~~enterprise of the department~~ program.

"Patient" means a person ~~who is a permanent resident of the state of Iowa~~ who suffers from a debilitating medical condition that qualifies for the use of medical cannabidiol pursuant to Iowa Code chapter 124E and these rules.

"Valid photo identification" means any of the following for a patient or primary caregiver: (1) a valid ~~Iowa~~ driver's license, (2) a valid ~~Iowa~~ nonoperator's identification card, or (3) an alternative form of valid photo identification. An individual who possesses or is eligible for a driver's license or a nonoperator's identification card shall present such document as valid photo identification. An individual who is ineligible to obtain a driver's license or a nonoperator's identification card may apply for an exemption and request submission of an alternative form of valid photo identification. An individual who applies for an exemption is subject to verification of the primary caregiver's identity through a process established by the department to ensure the genuineness, regularity, and legality of the alternative form of valid photo identification.

ITEM 2. Amend subrule 154.3(3) as follows:

154.3(3) A registration card issued to a patient shall contain all of the following:

a. The patient's full legal name, ~~Iowa~~ current residence address, date of birth, and sex, as shown on the patient's valid photo identification. If the patient's information has changed since the issuance of the patient's valid photo identification, the patient shall first update the patient's valid identification to reflect the patient's current information.

b. to *d.* No change.

ITEM 3. Amend rule 641—154.11(124E) as follows:

641—154.11(124E) ~~Fees~~ Registration card fees. All registration card fees are nonrefundable. ~~Application fees are established in Iowa Code section 124E.4.~~

154.11(1) *Patient medical cannabidiol registration card fee.*

a. A registration card fee of $100 applies to all patients unless the patient qualifies for a reduced patient registration card fee under paragraph 154.11(1)*"b."*

b. If a patient attests to receiving social security disability benefits, supplemental security insurance payments, enrollment in a medical assistance program, or military veteran status, the patient registration card fee is reduced to $25.

154.11(2) *Primary caregiver medical cannabidiol registration card and renewal fees.*

a. A registration card fee of $25 applies to all primary caregivers.

b. A renewal fee of $25 applies to all primary caregivers.

ITEM 4. Amend paragraph **154.39(2)"a"** as follows:

a. Verify the patient or primary caregiver's identity using acceptable photo identification and that the patient or primary caregiver is over 18 years of age. Acceptable photo identification includes:

(1) A valid ~~Iowa~~ driver's license;

(2) A valid ~~Iowa~~ nonoperator's identification card;

(3) to (5) No change.

[Filed 11/4/26, effective 1/1/27]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.