

H-1070

1 Amend House File 573 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

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

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

15 Sec. 2. NEW SECTION. 124E.1 Short title.

16 This chapter shall be known and may be cited as the  
17 "Medical Cannabis Act".

18 Sec. 3. NEW SECTION. 124E.2 Definitions.

19 As used in this chapter:

20 1. "Debilitating medical condition" means any of the  
21 following:

- 22 a. Cancer.
- 23 b. Multiple sclerosis.
- 24 c. Epilepsy.
- 25 d. AIDS or HIV as defined in section 141A.1.
- 26 e. Glaucoma.
- 27 f. Hepatitis C.
- 28 g. Crohn's disease or ulcerative colitis.
- 29 h. Amyotrophic lateral sclerosis.
- 30 i. Ehlers-danlos syndrome.
- 31 j. Post-traumatic stress syndrome.
- 32 k. Any other chronic or debilitating disease or  
33 medical condition or its medical treatment approved by  
34 the department pursuant to rule.

35 2. "Department" means the department of public  
36 health.

37 3. "Disqualifying felony offense" means a violation  
38 under federal or state law of a felony offense, which  
39 has as an element the possession, use, or distribution  
40 of a controlled substance, as defined in 21 U.S.C.  
41 §802(6).

42 4. "Enclosed, locked facility" means a closet, room,  
43 greenhouse, or other enclosed area equipped with locks  
44 or other security devices that permit access only by a  
45 cardholder.

46 5. "Health care practitioner" means an individual  
47 licensed under chapter 148 to practice medicine  
48 and surgery or osteopathic medicine and surgery, a  
49 physician assistant licensed under chapter 148C, or  
50 an advanced registered nurse practitioner licensed

1 pursuant to chapter 152 or 152E.

2 6. *“Medical cannabis”* means any species of the genus  
3 cannabis plant, or any mixture or preparation of them,  
4 including whole plant extracts and resins.

5 7. *“Medical cannabis dispensary”* means an entity  
6 licensed under section 124E.6 that dispenses and  
7 acquires, possesses, cultivates, or manufactures  
8 medical cannabis pursuant to this chapter.

9 8. *“Medical cannabis manufacturer”* means an entity  
10 licensed by the department to manufacture and to  
11 possess, cultivate, transport, supply, or dispense  
12 medical cannabis pursuant to the provisions of this  
13 chapter.

14 9. *“Primary caregiver”* means a person, at least  
15 eighteen years of age, who has been designated by a  
16 patient’s health care practitioner or a person having  
17 custody of a patient, as a necessary caretaker taking  
18 responsibility for managing the well-being of the  
19 patient with respect to the use of medical cannabis  
20 pursuant to the provisions of this chapter.

21 10. *“Written certification”* means a document signed  
22 by a health care practitioner, with whom the patient  
23 has established a patient-provider relationship, which  
24 states that the patient has a debilitating medical  
25 condition and identifies that condition and provides  
26 any other relevant information.

27 **Sec. 4. NEW SECTION. 124E.3 Health care**  
28 **practitioner certification — duties.**

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

33 a. Determine, in the health care practitioner’s  
34 medical judgment, whether the patient whom the health  
35 care practitioner has examined and treated suffers from  
36 a debilitating medical condition that qualifies for  
37 the use of medical cannabis under this chapter, and  
38 if so determined, provide the patient with a written  
39 certification of that diagnosis.

40 b. Provide explanatory information as provided by  
41 the department to the patient about the therapeutic use  
42 of medical cannabis.

43 2. Determine, on an annual basis, if the patient  
44 continues to suffer from a debilitating medical  
45 condition and, if so, issue the patient a new  
46 certification of that diagnosis.

47 3. Otherwise comply with all requirements  
48 established by the department pursuant to rule.

49 4. A health care practitioner may provide, but has  
50 no duty to provide, a written certification pursuant

1 to this section.  
2 Sec. 5. NEW SECTION. 124E.4 Medical cannabis  
3 registration card.  
4 1. *Issuance to patient.* The department may approve  
5 the issuance of a medical cannabis registration card by  
6 the department of transportation to a patient who:  
7 a. Is at least eighteen years of age.  
8 b. Is a permanent resident of this state.  
9 c. Submits a written certification to the  
10 department signed by the patient's health care  
11 practitioner that the patient is suffering from a  
12 debilitating medical condition.  
13 d. Submits an application to the department, on a  
14 form created by the department, in consultation with  
15 the department of transportation, that contains all of  
16 the following:  
17 (1) The patient's full name, Iowa residence  
18 address, date of birth, and telephone number.  
19 (2) A copy of the patient's valid photo  
20 identification.  
21 (3) Full name, address, and telephone number of the  
22 patient's health care practitioner.  
23 (4) Full name, residence address, date of birth,  
24 and telephone number of each primary caregiver of the  
25 patient, if any.  
26 (5) Any other information required by rule.  
27 2. *Patient card contents.* A medical cannabis  
28 registration card issued to a patient by the department  
29 of transportation pursuant to subsection 1 shall  
30 contain, at a minimum, all of the following:  
31 a. The patient's full name, Iowa residence address,  
32 and date of birth.  
33 b. The patient's photo.  
34 c. The date of issuance and expiration date of the  
35 registration card.  
36 d. Any other information required by rule.  
37 3. *Issuance to primary caregiver.* For a patient in  
38 a primary caregiver's care, the department may approve  
39 the issuance of a medical cannabis registration card  
40 by the department of transportation to the primary  
41 caregiver who:  
42 a. Is at least eighteen years of age.  
43 b. Submits a written certification to the  
44 department signed by the patient's health care  
45 practitioner that the patient in the primary  
46 caregiver's care is suffering from a debilitating  
47 medical condition.  
48 c. Submits an application to the department, on a  
49 form created by the department, in consultation with  
50 the department of transportation, that contains all of

1 the following:

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

4 (2) The patient's full name.

5 (3) A copy of the primary caregiver's valid photo  
6 identification.

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

9 (5) Any other information required by rule.

10 4. *Primary caregiver card contents.* A medical  
11 cannabis registration card issued by the department  
12 of transportation to a primary caregiver pursuant to  
13 subsection 3 shall contain, at a minimum, all of the  
14 following:

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

17 b. The primary caregiver's photo.

18 c. The date of issuance and expiration date of the  
19 registration card.

20 d. The full name of each patient in the primary  
21 caregiver's care.

22 e. Any other information required by rule.

23 5. *Expiration date of card.* A medical cannabis  
24 registration card issued pursuant to this section shall  
25 expire one year after the date of issuance and may be  
26 renewed.

27 6. *Card issuance — department of*  
28 *transportation.* The department may enter into  
29 a chapter 28E agreement with the department of  
30 transportation to facilitate the issuance of medical  
31 cannabis registration cards pursuant to subsections 1  
32 and 3.

33 **Sec. 6. NEW SECTION. 124E.5 Medical advisory board**  
34 **— duties.**

35 1. No later than August 15, 2015, the director  
36 of public health shall establish a medical advisory  
37 board consisting of nine practitioners representing the  
38 fields of neurology, pain management, gastroenterology,  
39 oncology, psychiatry, infectious disease, family  
40 medicine, gynecology, and pharmacy. The practitioners  
41 shall be nationally board-certified in their area of  
42 specialty and knowledgeable about the use of medical  
43 cannabis.

44 2. A quorum of the advisory board shall consist of  
45 five members.

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

48 a. Reviewing and recommending to the department for  
49 approval additional chronic or debilitating diseases or  
50 medical conditions or their treatments as debilitating

1 medical conditions that qualify for the use of medical  
2 cannabis under this chapter.

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

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

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

21 **Sec. 7. NEW SECTION. 124E.6 Medical cannabis**  
22 **manufacturer licensure.**

23 1. *a.* The department shall license four medical  
24 cannabis manufacturers to manufacture medical cannabis  
25 within this state consistent with the provisions of  
26 this chapter by December 1, 2015. The department shall  
27 license new medical cannabis manufacturers or relicense  
28 the existing medical cannabis manufacturers by December  
29 1 of each year.

30 *b.* Information submitted during the application  
31 process shall be confidential until the medical  
32 cannabis manufacturer is licensed by the department  
33 unless otherwise protected from disclosure under state  
34 or federal law.

35 2. As a condition for licensure, a medical cannabis  
36 manufacturer must agree to begin supplying medical  
37 cannabis to patients by July 1, 2016.

38 3. The department shall consider the following  
39 factors in determining whether to license a medical  
40 cannabis manufacturer:

41 *a.* The technical expertise of the medical cannabis  
42 manufacturer in medical cannabis.

43 *b.* The qualifications of the medical cannabis  
44 manufacturer's employees.

45 *c.* The long-term financial stability of the medical  
46 cannabis manufacturer.

47 *d.* The ability to provide appropriate security  
48 measures on the premises of the medical cannabis  
49 manufacturer.

50 *e.* Whether the medical cannabis manufacturer

1 has demonstrated an ability to meet certain medical  
2 cannabis production needs for medical use in the manner  
3 determined by the department pursuant to rule.

4 *f.* The medical cannabis manufacturer's projection  
5 and ongoing assessment of fees on patients with  
6 debilitating medical conditions.

7 4. The department shall require each medical  
8 cannabis manufacturer to contract with the state  
9 hygienic laboratory at the university of Iowa in Iowa  
10 City to test the medical cannabis produced by the  
11 manufacturer. The department shall require that the  
12 laboratory report testing results to the manufacturer  
13 in a manner determined by the department pursuant to  
14 rule.

15 5. Each entity submitting an application for  
16 licensure as a medical cannabis manufacturer shall  
17 pay an application fee of seven thousand five hundred  
18 dollars to the department.

19 **Sec. 8. NEW SECTION. 124E.7 Medical cannabis**  
20 **manufacturers — medical cannabis dispensaries.**

21 1. *a.* A medical cannabis manufacturer shall  
22 operate three medical cannabis dispensaries, which may  
23 include the medical cannabis manufacturer's single  
24 location for manufacturing and cultivating, harvesting,  
25 packaging, or processing.

26 *b.* A medical cannabis manufacturer shall begin  
27 dispensing medical cannabis from at least one medical  
28 cannabis dispensary by July 1, 2016.

29 *c.* The medical cannabis dispensaries shall be  
30 located based on geographical need throughout the state  
31 to improve patient access.

32 *d.* A medical cannabis manufacturer shall disclose  
33 the proposed locations for the medical cannabis  
34 dispensaries to the department during the licensure  
35 process.

36 *e.* A medical cannabis manufacturer shall operate  
37 only one location where all manufacturing and  
38 cultivating, harvesting, packaging, or processing  
39 shall be conducted. The other medical cannabis  
40 dispensaries may dispense medical cannabis pursuant to  
41 the provisions of this chapter but shall not dispense  
42 any medical cannabis in a form or quantity other than  
43 the form or quantity allowed by the department pursuant  
44 to rule.

45 2. A medical cannabis manufacturer shall contract  
46 with the state hygienic laboratory at the university  
47 of Iowa in Iowa City for purposes of testing the  
48 medical cannabis manufactured by the medical cannabis  
49 manufacturer as to content, contamination, and  
50 consistency. The cost of all laboratory testing shall

1 be paid by the medical cannabis manufacturer.

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

4 a. Procedures for the oversight of the medical  
5 cannabis manufacturer and procedures to ensure accurate  
6 record keeping.

7 b. Procedures for the implementation of appropriate  
8 security measures to deter and prevent the theft of  
9 medical cannabis and unauthorized entrance into areas  
10 containing medical cannabis.

11 4. A medical cannabis manufacturer shall implement  
12 security requirements, including requirements for  
13 protection of each location by a fully operational  
14 security alarm system, facility access controls,  
15 perimeter intrusion detection systems, and a personnel  
16 identification system.

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

20 6. A medical cannabis manufacturer shall not permit  
21 any person to consume medical cannabis on the property  
22 of the medical cannabis manufacturer.

23 7. A medical cannabis manufacturer is subject to  
24 reasonable inspection by the department.

25 8. A medical cannabis manufacturer shall not employ  
26 a person under twenty-one years of age or who has  
27 been convicted of a disqualifying felony offense. An  
28 employee of a medical cannabis manufacturer shall be  
29 subject to a background investigation conducted by the  
30 division of criminal investigation of the department  
31 of public safety and a national criminal history  
32 background check.

33 9. A medical cannabis manufacturer shall not  
34 operate in any location, whether for dispensing or for  
35 manufacturing, cultivating, harvesting, packaging, or  
36 processing, within one thousand feet of a public or  
37 private school existing before the date of the medical  
38 cannabis manufacturer's licensure by the department.

39 10. A medical cannabis manufacturer shall comply  
40 with reasonable restrictions set by the department  
41 relating to signage, marketing, display, and  
42 advertising of medical cannabis.

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

45 1. *Production.*

46 a. A medical cannabis manufacturer shall provide a  
47 reliable and ongoing supply of medical cannabis for all  
48 patients served pursuant to this chapter.

49 b. All manufacturing, cultivating, harvesting,  
50 manufacturing, packaging, and processing of medical

1 cannabis shall take place in an enclosed, locked  
2 facility at a physical address provided to the  
3 department during the licensure process.

4 2. *Dispensation.* Prior to dispensing of any  
5 medical cannabis, the medical cannabis manufacturer  
6 shall do all of the following:

7 a. Verify that the medical cannabis manufacturer  
8 has received a valid medical cannabis registration card  
9 from a patient or a patient's primary caregiver, if  
10 applicable.

11 b. Assign a tracking number to any medical cannabis  
12 dispensed from the manufacturer.

13 c. Properly package medical cannabis in compliance  
14 with federal law regarding child resistant packaging  
15 and exemptions for packaging for elderly patients,  
16 and label medical cannabis with a list of all active  
17 ingredients and individually identifying information,  
18 including all of the following:

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

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

24 (3) The chemical composition of the medical  
25 cannabis.

26 Sec. 10. NEW SECTION. 124E.9 Department duties —  
27 rules.

28 1. a. The department shall maintain a confidential  
29 file of the names of each patient to or for whom the  
30 department issues a medical cannabis registration card  
31 and the name of each primary caregiver to whom the  
32 department issues a medical cannabis registration card  
33 under section 124E.4.

34 b. Individual names contained in the file shall be  
35 confidential and shall not be subject to disclosure,  
36 except as provided in subparagraph (1).

37 (1) Information in the confidential file maintained  
38 pursuant to paragraph "a" may be released on an  
39 individual basis to the following persons under the  
40 following circumstances:

41 (a) To authorized employees or agents of the  
42 department and the department of transportation as  
43 necessary to perform the duties of the department and  
44 the department of transportation pursuant to this  
45 chapter.

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



1 (c) To authorized employees of a medical cannabis  
2 manufacturer, but only for the purpose of verifying  
3 that a person is lawfully in possession of a medical  
4 cannabis registration card issued pursuant to this  
5 chapter.

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

10 2. The department shall adopt rules pursuant to  
11 chapter 17A to administer this chapter which shall  
12 include but not be limited to rules to do all of the  
13 following:

14 a. Govern the manner in which the department shall  
15 consider applications for new and renewal medical  
16 cannabis registration cards.

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

25 c. Set forth additional chronic or debilitating  
26 diseases or medical conditions or their medical  
27 treatments for inclusion on the list of debilitating  
28 medical conditions that qualify for the use of medical  
29 cannabis as recommended by the medical advisory board.

30 d. Establish the form and quantity of medical  
31 cannabis allowed to be dispensed to a patient or  
32 primary caregiver pursuant to this chapter. The  
33 form and quantity of medical cannabis shall be  
34 appropriate to serve the medical needs of patients with  
35 debilitating conditions.

36 e. Establish requirements for the licensure of  
37 medical cannabis manufacturers and set forth procedures  
38 for medical cannabis manufacturers to obtain licenses.

39 f. Develop a dispensing system for medical cannabis  
40 within this state that provides for all of the  
41 following:

42 (1) Medical cannabis manufacturing facilities  
43 within this state housed on secured grounds and  
44 operated by licensed medical cannabis manufacturers.

45 (2) The dispensing of medical cannabis to patients  
46 and their primary caregivers to occur at locations  
47 designated by the department.

48 g. Establish medical cannabis registration card  
49 application and renewal fees.

50 h. Specify and implement procedures that address

1 public safety including security procedures and product  
2 quality including measures to ensure contaminant-free  
3 cultivation of medical cannabis, safety, and labeling.

4 Sec. 11. NEW SECTION. 124E.10 Reciprocity.

5 A valid medical cannabis registration card, or its  
6 equivalent, issued under the laws of another state  
7 that allows an out-of-state patient to possess or use  
8 medical cannabis in the jurisdiction of issuance shall  
9 have the same force and effect as a valid medical  
10 cannabis registration card issued pursuant to this  
11 chapter, except that an out-of-state patient in this  
12 state shall not obtain medical cannabis from a medical  
13 cannabis dispensary in this state.

14 Sec. 12. NEW SECTION. 124E.11 Use of medical  
15 cannabis — smoking prohibited.

16 A patient shall not consume medical cannabis  
17 possessed or used as authorized by this chapter by  
18 smoking medical cannabis.

19 Sec. 13. NEW SECTION. 124E.12 Use of medical  
20 cannabis — affirmative defenses.

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

30 2. A medical cannabis manufacturer, including any  
31 authorized agent or employee thereof, shall not be  
32 subject to prosecution for manufacturing, possessing,  
33 cultivating, harvesting, packaging, or processing, or  
34 transporting, supplying, or dispensing medical cannabis  
35 pursuant to this chapter.

36 3. A medical cannabis dispensary, including any  
37 authorized agent or employee thereof, shall not be  
38 subject to prosecution for transporting, supplying, or  
39 dispensing medical cannabis pursuant to this chapter.

40 a. In a prosecution for the unlawful possession  
41 of marijuana under the laws of this state, including  
42 but not limited to chapters 124 and 453B, it is an  
43 affirmative and complete defense to the prosecution  
44 that the patient has been diagnosed with a debilitating  
45 medical condition, used or possessed medical  
46 cannabis pursuant to a certification by a health care  
47 practitioner as authorized under this chapter, and,  
48 for a patient eighteen years of age or older, is in  
49 possession of a valid medical cannabis registration  
50 card.

1     *b.* In a prosecution for the unlawful possession  
2 of marijuana under the laws of this state, including  
3 but not limited to chapters 124 and 453B, it is an  
4 affirmative and complete defense to the prosecution  
5 that the person possessed medical cannabis because the  
6 person is a primary caregiver of a patient who has been  
7 diagnosed with a debilitating medical condition and is  
8 in possession of a valid medical cannabis registration  
9 card, and where the primary caregiver's possession of  
10 the medical cannabis is on behalf of the patient and  
11 for the patient's use only as authorized under this  
12 chapter.

13     *c.* If a patient or primary caregiver is charged  
14 with the commission of a crime and is not in possession  
15 of the person's medical cannabis registration card,  
16 any charge or charges filed against the person shall  
17 be dismissed by the court if the person produces to  
18 the court prior to or at the person's trial a medical  
19 cannabis registration card issued to that person and  
20 valid at the time the person was charged.

21     4. An agency of this state or a political  
22 subdivision thereof, including any law enforcement  
23 agency, shall not remove or initiate proceedings to  
24 remove a patient under the age of eighteen from the  
25 home of a parent based solely upon the parent's or  
26 patient's possession or use of medical cannabis as  
27 authorized under this chapter.

28     Sec. 14. NEW SECTION. **124E.13 Penalties.**

29     1. A person who knowingly or intentionally  
30 possesses or uses medical cannabis in violation of  
31 the requirements of this chapter is subject to the  
32 penalties provided under chapters 124 and 453B.

33     2. A medical cannabis manufacturer shall be  
34 assessed a civil penalty of up to one thousand dollars  
35 per violation for any violation of this chapter in  
36 addition to any other applicable penalties.

37     Sec. 15. **EMERGENCY RULES.** The department may  
38 adopt emergency rules under section 17A.4, subsection  
39 3, and section 17A.5, subsection 2, paragraph "b", to  
40 implement the provisions of this Act and the rules  
41 shall be effective immediately upon filing unless  
42 a later date is specified in the rules. Any rules  
43 adopted in accordance with this section shall also be  
44 published as a notice of intended action as provided  
45 in section 17A.4.

46     Sec. 16. **TRANSITION PROVISIONS.** A medical cannabis  
47 registration card issued under chapter 124D prior to  
48 July 1, 2015, remains effective and continues in effect  
49 as issued for the twelve-month period following its  
50 issuance. This Act does not preclude the permit holder

1 from seeking to renew the permit under this Act prior  
2 to the expiration of the twelve-month period.

3 Sec. 17. REPORTS. The university of Iowa Carver  
4 college of medicine and college of pharmacy shall,  
5 on or before July 1 of each year, beginning July  
6 1, 2016, submit a report detailing the scientific  
7 literature, studies, and clinical trials regarding the  
8 use of medical cannabis on patients diagnosed with  
9 debilitating medical conditions as defined in this Act  
10 to the department of public health and the general  
11 assembly.

12 Sec. 18. REPEAL. Chapter 124D, Code 2015, is  
13 repealed.>

14 2. Title page, by striking lines 1 and 2 and  
15 inserting <An Act creating the medical cannabis Act and  
16 provides for civil and criminal penalties and fees.>

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LENSING of Johnson