

Senate File 510

H-1379

1 Amend the amendment, H-1365, to Senate File 510,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 17, after line 5 by inserting:  
5 <Sec. \_\_\_\_ . Section 124.204, subsection 4,  
6 paragraphs m and u, Code 2015, are amended by striking  
7 the paragraphs.>

8 2. Page 18, after line 13 by inserting:  
9 <Sec. \_\_\_\_ . Section 124.204, subsection 7, Code  
10 2015, is amended by striking the subsection.>

11 3. Page 20, after line 15 by inserting:  
12 <Sec. \_\_\_\_ . Section 124.206, subsection 7, Code  
13 2015, is amended to read as follows:

14 7. *Hallucinogenic substances.* Unless specifically  
15 excepted or unless listed in another schedule, any  
16 material, compound, mixture, or preparation which  
17 contains any quantity of the following substances,  
18 or, for purposes of paragraphs "a" and "b", which  
19 contains any of its salts, isomers, or salts of isomers  
20 whenever the existence of such salts, isomers, or salts  
21 of isomers is possible within the specific chemical  
22 designation (for purposes of this paragraph only, the  
23 term "isomer" includes the optical, positional, and  
24 geometric isomers):

25 a. ~~Marijuana when used for medicinal purposes~~  
26 ~~pursuant to rules of the board.~~

27 b. Tetrahydrocannabinols, meaning  
28 tetrahydrocannabinols naturally contained in a  
29 plant of the genus Cannabis (Cannabis plant) as well  
30 as synthetic equivalents of the substances contained  
31 in the Cannabis plant, or in the resinous extractives  
32 of such plant, and synthetic substances, derivatives,  
33 and their isomers with similar chemical structure and  
34 pharmacological activity to those substances contained  
35 in the plant, such as the following:

36 (1) 1 cis or trans tetrahydrocannabinol, and their  
37 optical isomers.

38 (2) 6 cis or trans tetrahydrocannabinol, and their  
39 optical isomers.

40 (3) 3,4 cis or trans tetrahydrocannabinol, and  
41 their optical isomers. (Since nomenclature of these  
42 substances is not internationally standardized,  
43 compounds of these structures, regardless of numerical  
44 designation of atomic positions covered.)

45 ~~b. c.~~ Nabilone [another name for  
46 nabilone: (+) -

47 trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-  
48 hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one].>

49 4. Page 22, after line 47 by inserting:  
50 <Sec. \_\_\_\_ . Section 124.401, subsection 5,

1 unnumbered paragraph 3, Code 2015, is amended to read  
2 as follows:

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

11 5. Page 25, after line 19 by inserting:

12 <Sec. \_\_\_\_ . NEW SECTION. 124E.1 Short title.

13 This chapter shall be known and may be cited as the  
14 "Medical Cannabis Act".

15 Sec. \_\_\_\_ . NEW SECTION. 124E.2 Definitions.

16 As used in this chapter:

17 1. "Debilitating medical condition" means any of the  
18 following:

- 19 a. Cancer.
- 20 b. Multiple sclerosis.
- 21 c. Epilepsy.
- 22 d. AIDS or HIV as defined in section 141A.1.
- 23 e. Glaucoma.
- 24 f. Hepatitis C.
- 25 g. Crohn's disease or ulcerative colitis.
- 26 h. Amyotrophic lateral sclerosis.
- 27 i. Ehlers-danlos syndrome.
- 28 j. Post-traumatic stress disorder.
- 29 k. Severe, chronic pain caused by an underlying

30 medical condition that is not responsive to  
31 conventional treatment or conventional treatment that  
32 produces debilitating side effects.

33 1. Any other chronic or debilitating disease or  
34 medical condition or its medical treatment approved by  
35 the department pursuant to rule.

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

38 3. "Disqualifying felony offense" means a violation  
39 under federal or state law of a felony offense, which  
40 has as an element the possession, use, or distribution  
41 of a controlled substance, as defined in 21 U.S.C.  
42 §802(6).

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

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

1 an advanced registered nurse practitioner licensed  
2 pursuant to chapter 152 or 152E.

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

6 7. "*Medical cannabis dispensary*" means an entity  
7 licensed under section 124E.8 that acquires medical  
8 cannabis from a medical cannabis manufacturer in this  
9 state for the purpose of dispensing medical cannabis in  
10 this state pursuant to this chapter.

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

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

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

28 Sec. \_\_\_\_ . **NEW SECTION. 124E.3 Health care**  
29 **practitioner certification — duties.**

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

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

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

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

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

50 4. A health care practitioner may provide, but has

1 no duty to provide, a written certification pursuant  
2 to this section.

3 Sec. \_\_\_\_ . NEW SECTION. 124E.4 **Medical cannabis**  
4 **registration card.**

5 1. *Issuance to patient.* The department may approve  
6 the issuance of a medical cannabis registration card by  
7 the department of transportation to a patient who:

8 a. Is at least eighteen years of age.

9 b. Is a permanent resident of this state.

10 c. Submits a written certification to the  
11 department signed by the patient's health care  
12 practitioner that the patient is suffering from a  
13 debilitating medical condition.

14 d. Submits an application to the department, on a  
15 form created by the department, in consultation with  
16 the department of transportation, that contains all of  
17 the following:

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

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

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

24 (4) Full name, residence address, date of birth,  
25 and telephone number of each primary caregiver of the  
26 patient, if any.

27 (5) Any other information required by rule.

28 e. Submits a medical cannabis registration card  
29 fee of one hundred dollars to the department. If the  
30 patient attests to receiving social security disability  
31 benefits, supplemental security insurance payments, or  
32 being enrolled in medical assistance, the fee shall be  
33 twenty-five dollars.

34 2. *Patient card contents.* A medical cannabis  
35 registration card issued to a patient by the department  
36 of transportation pursuant to subsection 1 shall  
37 contain, at a minimum, all of the following:

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

40 b. The patient's photo.

41 c. The date of issuance and expiration date of the  
42 registration card.

43 d. Any other information required by rule.

44 3. *Issuance to primary caregiver.* For a patient in  
45 a primary caregiver's care, the department may approve  
46 the issuance of a medical cannabis registration card  
47 by the department of transportation to the primary  
48 caregiver who:

49 a. Is at least eighteen years of age.

50 b. Submits a written certification to the

1 department signed by the patient's health care  
2 practitioner that the patient in the primary  
3 caregiver's care is suffering from a debilitating  
4 medical condition.

5 c. Submits an application to the department, on a  
6 form created by the department, in consultation with  
7 the department of transportation, that contains all of  
8 the following:

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

11 (2) The patient's full name.

12 (3) A copy of the primary caregiver's valid photo  
13 identification.

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

16 (5) Any other information required by rule.

17 d. Submits a medical cannabis registration card fee  
18 of twenty-five dollars to the department.

19 4. *Primary caregiver card contents.* A medical  
20 cannabis registration card issued by the department  
21 of transportation to a primary caregiver pursuant to  
22 subsection 3 shall contain, at a minimum, all of the  
23 following:

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

26 b. The primary caregiver's photo.

27 c. The date of issuance and expiration date of the  
28 registration card.

29 d. The registration card number of each patient  
30 in the primary caregiver's care. If the patient  
31 in the primary caregiver's care is under the age of  
32 eighteen, the full name of the patient's parent or  
33 legal guardian.

34 e. Any other information required by rule.

35 5. *Expiration date of card.* A medical cannabis  
36 registration card issued pursuant to this section shall  
37 expire one year after the date of issuance and may be  
38 renewed.

39 6. *Card issuance — department of*  
40 *transportation.* The department may enter into  
41 a chapter 28E agreement with the department of  
42 transportation to facilitate the issuance of medical  
43 cannabis registration cards pursuant to subsections 1  
44 and 3.

45 Sec. \_\_\_\_\_. **NEW SECTION. 124E.5 Medical advisory**  
46 **board — duties.**

47 1. No later than August 15, 2015, the director  
48 of public health shall establish a medical advisory  
49 board consisting of nine practitioners representing the  
50 fields of neurology, pain management, gastroenterology,

1 oncology, psychiatry, pediatrics, infectious disease,  
2 family medicine, and pharmacy, and three patients  
3 with valid medical cannabis registration cards. The  
4 practitioners shall be nationally board-certified in  
5 their area of specialty and knowledgeable about the use  
6 of medical cannabis.

7 2. A quorum of the advisory board shall consist of  
8 seven members.

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

11 a. Reviewing and recommending to the department for  
12 approval additional chronic or debilitating diseases or  
13 medical conditions or their treatments as debilitating  
14 medical conditions that qualify for the use of medical  
15 cannabis under this chapter.

16 b. Accepting and reviewing petitions to add chronic  
17 or debilitating diseases or medical conditions or their  
18 medical treatments to the list of debilitating medical  
19 conditions that qualify for the use of medical cannabis  
20 under this chapter.

21 c. Advising the department regarding the location  
22 of medical cannabis dispensaries throughout the state,  
23 the form and quantity of allowable medical cannabis to  
24 be dispensed to a patient or primary caregiver, and the  
25 general oversight of medical cannabis manufacturers and  
26 medical cannabis dispensaries in this state.

27 d. Convening at least twice per year to conduct  
28 public hearings and to evaluate petitions, which  
29 shall be maintained as confidential personal health  
30 information, to add chronic or debilitating diseases or  
31 medical conditions or their medical treatments to the  
32 list of debilitating medical conditions that qualify  
33 for the use of medical cannabis under this chapter.

34 **Sec. \_\_\_\_.** **NEW SECTION. 124E.6 Medical cannabis**  
35 **manufacturer licensure.**

36 1. a. The department shall license four medical  
37 cannabis manufacturers to manufacture medical cannabis  
38 within this state consistent with the provisions of  
39 this chapter by December 1, 2015. The department shall  
40 license new medical cannabis manufacturers or relicense  
41 the existing medical cannabis manufacturers by December  
42 1 of each year.

43 b. Information submitted during the application  
44 process shall be confidential until the medical  
45 cannabis manufacturer is licensed by the department  
46 unless otherwise protected from disclosure under state  
47 or federal law.

48 2. As a condition for licensure, a medical cannabis  
49 manufacturer must agree to begin supplying medical  
50 cannabis to medical cannabis dispensaries in this state

1 by July 1, 2016.

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

5 a. The technical expertise of the medical cannabis  
6 manufacturer in medical cannabis.

7 b. The qualifications of the medical cannabis  
8 manufacturer's employees.

9 c. The long-term financial stability of the medical  
10 cannabis manufacturer.

11 d. The ability to provide appropriate security  
12 measures on the premises of the medical cannabis  
13 manufacturer.

14 e. Whether the medical cannabis manufacturer  
15 has demonstrated an ability to meet certain medical  
16 cannabis production needs for medical use regarding  
17 the range of recommended dosages for each debilitating  
18 medical condition, the range of chemical compositions  
19 of any plant of the genus cannabis that will likely  
20 be medically beneficial for each of the debilitating  
21 medical conditions, and the form of the medical  
22 cannabis in the manner determined by the department  
23 pursuant to rule.

24 f. The medical cannabis manufacturer's projection  
25 of and ongoing assessment of fees on patients with  
26 debilitating medical conditions.

27 4. The department shall require each medical  
28 cannabis manufacturer to contract with the state  
29 hygienic laboratory at the university of Iowa in Iowa  
30 City to test the medical cannabis produced by the  
31 manufacturer. The department shall require that the  
32 laboratory report testing results to the manufacturer  
33 in a manner determined by the department pursuant to  
34 rule.

35 5. Each entity submitting an application for  
36 licensure as a medical cannabis manufacturer shall pay  
37 a nonrefundable application fee of seven thousand five  
38 hundred dollars to the department.

39 **Sec. \_\_\_\_.** **NEW SECTION. 124E.7 Medical cannabis**  
40 **manufacturers.**

41 1. A medical cannabis manufacturer shall contract  
42 with the state hygienic laboratory at the university  
43 of Iowa in Iowa City for purposes of testing the  
44 medical cannabis manufactured by the medical cannabis  
45 manufacturer as to content, contamination, and  
46 consistency. The cost of all laboratory testing shall  
47 be paid by the medical cannabis manufacturer.

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

50 a. Procedures for the oversight of the medical

1 cannabis manufacturer and procedures to ensure accurate  
2 record keeping.

3 *b.* Procedures for the implementation of appropriate  
4 security measures to deter and prevent the theft of  
5 medical cannabis and unauthorized entrance into areas  
6 containing medical cannabis.

7 3. A medical cannabis manufacturer shall implement  
8 security requirements, including requirements for  
9 protection of each location by a fully operational  
10 security alarm system, facility access controls,  
11 perimeter intrusion detection systems, and a personnel  
12 identification system.

13 4. A medical cannabis manufacturer shall not share  
14 office space with, refer patients to, or have any  
15 financial relationship with a health care practitioner.

16 5. A medical cannabis manufacturer shall not permit  
17 any person to consume medical cannabis on the property  
18 of the medical cannabis manufacturer.

19 6. A medical cannabis manufacturer is subject to  
20 reasonable inspection by the department.

21 7. A medical cannabis manufacturer shall not  
22 employ a person under eighteen years of age or who has  
23 been convicted of a disqualifying felony offense. An  
24 employee of a medical cannabis manufacturer shall be  
25 subject to a background investigation conducted by the  
26 division of criminal investigation of the department  
27 of public safety and a national criminal history  
28 background check.

29 8. A medical cannabis manufacturer shall not  
30 operate in any location, whether for manufacturing,  
31 cultivating, harvesting, packaging, or processing,  
32 within one thousand feet of a public or private school  
33 existing before the date of the medical cannabis  
34 manufacturer's licensure by the department.

35 9. A medical cannabis manufacturer shall comply  
36 with reasonable restrictions set by the department  
37 relating to signage, marketing, display, and  
38 advertising of medical cannabis.

39 10. *a.* A medical cannabis manufacturer shall  
40 provide a reliable and ongoing supply of medical  
41 cannabis to medical cannabis dispensaries pursuant to  
42 this chapter.

43 *b.* All manufacturing, cultivating, harvesting,  
44 packaging, and processing of medical cannabis shall  
45 take place in an enclosed, locked facility at a  
46 physical address provided to the department during the  
47 licensure process.

48 *c.* A medical cannabis manufacturer shall not  
49 manufacture edible medical cannabis products utilizing  
50 food coloring.



1       Sec. \_\_\_\_ . NEW SECTION.   **124E.8   Medical cannabis**  
2 **dispensary licensure.**

3       1.   *a.*   The department shall license by April 1,  
4 2016, twelve medical cannabis dispensaries to dispense  
5 medical cannabis within this state consistent with  
6 the provisions of this chapter. The department shall  
7 license new medical cannabis dispensaries or relicense  
8 the existing medical cannabis manufacturers by December  
9 1 of each year.

10       *b.*   Information submitted during the application  
11 process shall be confidential until the medical  
12 cannabis dispensary is licensed by the department  
13 unless otherwise protected from disclosure under state  
14 or federal law.

15       2.   As a condition for licensure, a medical cannabis  
16 dispensary must agree to begin supplying medical  
17 cannabis to patients by July 1, 2016.

18       3.   The department shall consider the following  
19 factors in determining whether to license a medical  
20 cannabis dispensary:

21       *a.*   The technical expertise of the medical cannabis  
22 dispensary regarding medical cannabis.

23       *b.*   The qualifications of the medical cannabis  
24 dispensary's employees.

25       *c.*   The long-term financial stability of the medical  
26 cannabis dispensary.

27       *d.*   The ability to provide appropriate security  
28 measures on the premises of the medical cannabis  
29 dispensary.

30       *e.*   The medical cannabis dispensary's projection  
31 and ongoing assessment of fees for the purchase of  
32 medical cannabis on patients with debilitating medical  
33 conditions.

34       4.   Each entity submitting an application for  
35 licensure as a medical cannabis dispensary shall pay a  
36 nonrefundable application fee of five thousand dollars  
37 to the department.

38       Sec. \_\_\_\_ . NEW SECTION.   **124E.9   Medical cannabis**  
39 **dispensaries.**

40       1.   *a.*   The medical cannabis dispensaries shall be  
41 located based on geographical need throughout the state  
42 to improve patient access.

43       *b.*   A medical cannabis dispensary may dispense  
44 medical cannabis pursuant to the provisions of this  
45 chapter but shall not dispense any medical cannabis  
46 in a form or quantity other than the form or quantity  
47 allowed by the department pursuant to rule.

48       2.   The operating documents of a medical cannabis  
49 dispensary shall include all of the following:

50       *a.*   Procedures for the oversight of the medical

1 cannabis dispensary and procedures to ensure accurate  
2 record keeping.

3     *b.* Procedures for the implementation of appropriate  
4 security measures to deter and prevent the theft of  
5 medical cannabis and unauthorized entrance into areas  
6 containing medical cannabis.

7     3. A medical cannabis dispensary shall implement  
8 security requirements, including requirements for  
9 protection by a fully operational security alarm  
10 system, facility access controls, perimeter intrusion  
11 detection systems, and a personnel identification  
12 system.

13     4. A medical cannabis dispensary shall not share  
14 office space with, refer patients to, or have any  
15 financial relationship with a health care practitioner.

16     5. A medical cannabis dispensary shall not permit  
17 any person to consume medical cannabis on the property  
18 of the medical cannabis dispensary.

19     6. A medical cannabis dispensary is subject to  
20 reasonable inspection by the department.

21     7. A medical cannabis dispensary shall not employ  
22 a person under eighteen years of age or who has been  
23 convicted of a disqualifying felony offense. An  
24 employee of a medical cannabis dispensary shall be  
25 subject to a background investigation conducted by the  
26 division of criminal investigation of the department  
27 of public safety and a national criminal history  
28 background check.

29     8. A medical cannabis dispensary shall not operate  
30 in any location within one thousand feet of a public or  
31 private school existing before the date of the medical  
32 cannabis dispensary's licensure by the department.

33     9. A medical cannabis dispensary shall comply with  
34 reasonable restrictions set by the department relating  
35 to signage, marketing, display, and advertising of  
36 medical cannabis.

37     10. Prior to dispensing of any medical cannabis,  
38 a medical cannabis dispensary shall do all of the  
39 following:

40     *a.* Verify that the medical cannabis dispensary has  
41 received a valid medical cannabis registration card  
42 from a patient or a patient's primary caregiver, if  
43 applicable.

44     *b.* Assign a tracking number to any medical cannabis  
45 dispensed from the medical cannabis dispensary.

46     *c.* (1) Properly package medical cannabis in  
47 compliance with federal law regarding child resistant  
48 packaging and exemptions for packaging for elderly  
49 patients, and label medical cannabis with a list of  
50 all active ingredients and individually identifying

1 information, including all of the following:

2 (a) The name and date of birth of the patient and  
3 the patient's primary caregiver, if appropriate.

4 (b) The medical cannabis registration card numbers  
5 of the patient and the patient's primary caregiver, if  
6 applicable.

7 (c) The chemical composition of the medical  
8 cannabis.

9 (2) Proper packaging of medical cannabis shall  
10 include but not be limited to all of the following:

11 (a) Warning labels regarding the use of medical  
12 cannabis by a woman during pregnancy and while  
13 breastfeeding.

14 (b) Clearly labeled packaging indicating that  
15 an edible medical cannabis product contains medical  
16 cannabis and which packaging shall not imitate candy  
17 products or in any way make the product marketable to  
18 children.

19 11. A medical cannabis dispensary shall employ a  
20 pharmacist licensed pursuant to chapter 155A.

21 Sec. \_\_\_\_\_. NEW SECTION. 124E.10 Fees.

22 Medical cannabis registration card fees and medical  
23 cannabis manufacturer and medical cannabis dispensary  
24 application and annual fees collected by the department  
25 pursuant to this chapter shall be retained by the  
26 department, shall be considered repayment receipts  
27 as defined in section 8.2, and shall be used for the  
28 purpose of regulating medical cannabis manufacturers  
29 and medical cannabis dispensaries and for other  
30 expenses necessary for the administration of this  
31 chapter.

32 Sec. \_\_\_\_\_. NEW SECTION. 124E.11 Department duties  
33 — rules.

34 1. a. The department shall maintain a confidential  
35 file of the names of each patient to or for whom the  
36 department issues a medical cannabis registration card  
37 and the name of each primary caregiver to whom the  
38 department issues a medical cannabis registration card  
39 under section 124E.4.

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

43 (1) Information in the confidential file maintained  
44 pursuant to paragraph "a" may be released on an  
45 individual basis to the following persons under the  
46 following circumstances:

47 (a) To authorized employees or agents of the  
48 department and the department of transportation as  
49 necessary to perform the duties of the department and  
50 the department of transportation pursuant to this

1 chapter.

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

7 (c) To authorized employees of a medical cannabis  
8 dispensary, but only for the purpose of verifying  
9 that a person is lawfully in possession of a medical  
10 cannabis registration card issued pursuant to this  
11 chapter.

12 (2) Release of information pursuant to subparagraph  
13 (1) shall be consistent with the federal Health  
14 Insurance Portability and Accountability Act of 1996,  
15 Pub. L. No. 104-191.

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

20 a. Govern the manner in which the department shall  
21 consider applications for new and renewal medical  
22 cannabis registration cards.

23 b. Identify criteria and set forth procedures for  
24 including additional chronic or debilitating diseases  
25 or medical conditions or their medical treatments  
26 on the list of debilitating medical conditions that  
27 qualify for the use of medical cannabis. Procedures  
28 shall include a petition process and shall allow for  
29 public comment and public hearings before the medical  
30 advisory board.

31 c. Set forth additional chronic or debilitating  
32 diseases or medical conditions or their medical  
33 treatments for inclusion on the list of debilitating  
34 medical conditions that qualify for the use of medical  
35 cannabis as recommended by the medical advisory board.

36 d. Establish the form and quantity of medical  
37 cannabis allowed to be dispensed to a patient or  
38 primary caregiver pursuant to this chapter. The  
39 form and quantity of medical cannabis shall be  
40 appropriate to serve the medical needs of patients with  
41 debilitating conditions.

42 e. Establish requirements for the licensure  
43 of medical cannabis manufacturers and medical  
44 cannabis dispensaries and set forth procedures for  
45 medical cannabis manufacturers and medical cannabis  
46 dispensaries to obtain licenses.

47 f. Develop a dispensing system for medical cannabis  
48 within this state that provides for all of the  
49 following:

50 (1) Medical cannabis dispensaries within this state

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

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

6 g. Establish and collect annual fees from  
7 medical cannabis manufacturers and medical cannabis  
8 dispensaries to cover the costs associated with  
9 regulating and inspecting medical cannabis  
10 manufacturers and medical cannabis dispensaries.

11 h. Specify and implement procedures that address  
12 public safety including security procedures and product  
13 quality including measures to ensure contaminant-free  
14 cultivation of medical cannabis, safety, and labeling.

15 i. Establish and implement a real-time,  
16 statewide medical cannabis registry management  
17 sale tracking system that is available to medical  
18 cannabis dispensaries on a twenty-four-hour-day,  
19 seven-day-a-week basis for the purpose of verifying  
20 that a person is lawfully in possession of a medical  
21 cannabis registration card issued pursuant to this  
22 chapter and for tracking the date of the sale and  
23 quantity of medical cannabis purchased by a patient or  
24 a primary caregiver.

25 j. Establish and implement a medical cannabis  
26 inventory and delivery tracking system to track  
27 medical cannabis from production by a medical cannabis  
28 manufacturer through dispensing at a medical cannabis  
29 dispensary.

30 Sec. \_\_\_\_\_. **NEW SECTION. 124E.12 Reciprocity.**

31 A valid medical cannabis registration card, or its  
32 equivalent, issued under the laws of another state  
33 that allows an out-of-state patient to possess or use  
34 medical cannabis in the jurisdiction of issuance shall  
35 have the same force and effect as a valid medical  
36 cannabis registration card issued pursuant to this  
37 chapter, except that an out-of-state patient in this  
38 state shall not obtain medical cannabis from a medical  
39 cannabis dispensary in this state.

40 Sec. \_\_\_\_\_. **NEW SECTION. 124E.13 Use of medical  
41 cannabis — smoking prohibited.**

42 A patient shall not consume medical cannabis  
43 possessed or used as authorized by this chapter by  
44 smoking medical cannabis.

45 Sec. \_\_\_\_\_. **NEW SECTION. 124E.14 Use of medical  
46 cannabis — affirmative defenses.**

47 1. A health care practitioner, including any  
48 authorized agent or employee thereof, shall not be  
49 subject to prosecution for the unlawful certification,  
50 possession, or administration of marijuana under the

1 laws of this state for activities arising directly  
2 out of or directly related to the certification or  
3 use of medical cannabis in the treatment of a patient  
4 diagnosed with a debilitating medical condition as  
5 authorized by this chapter.

6 2. A medical cannabis manufacturer, including any  
7 authorized agent or employee thereof, shall not be  
8 subject to prosecution for manufacturing, possessing,  
9 cultivating, harvesting, packaging, processing,  
10 transporting, or supplying medical cannabis pursuant  
11 to this chapter.

12 3. A medical cannabis dispensary, including any  
13 authorized agent or employee thereof, shall not be  
14 subject to prosecution for transporting, supplying, or  
15 dispensing medical cannabis pursuant to this chapter.

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

27 b. In a prosecution for the unlawful possession  
28 of marijuana under the laws of this state, including  
29 but not limited to chapters 124 and 453B, it is an  
30 affirmative and complete defense to the prosecution  
31 that the person possessed medical cannabis because the  
32 person is a primary caregiver of a patient who has been  
33 diagnosed with a debilitating medical condition and is  
34 in possession of a valid medical cannabis registration  
35 card, and where the primary caregiver's possession of  
36 the medical cannabis is on behalf of the patient and  
37 for the patient's use only as authorized under this  
38 chapter.

39 c. If a patient or primary caregiver is charged  
40 with the commission of a crime and is not in possession  
41 of the person's medical cannabis registration card,  
42 any charge or charges filed against the person shall  
43 be dismissed by the court if the person produces to  
44 the court prior to or at the person's trial a medical  
45 cannabis registration card issued to that person and  
46 valid at the time the person was charged.

47 4. An agency of this state or a political  
48 subdivision thereof, including any law enforcement  
49 agency, shall not remove or initiate proceedings to  
50 remove a patient under the age of eighteen from the

1 home of a parent based solely upon the parent's or  
2 patient's possession or use of medical cannabis as  
3 authorized under this chapter.

4 Sec. \_\_\_\_\_. **NEW SECTION. 124E.15 Penalties.**

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

9 2. A medical cannabis manufacturer or a medical  
10 cannabis dispensary shall be assessed a civil penalty  
11 of up to one thousand dollars per violation for any  
12 violation of this chapter in addition to any other  
13 applicable penalties.>

14 6. Page 26, after line 31 by inserting:

15 <Sec. \_\_\_\_\_. **REPEAL.** Chapter 124D, Code 2015, is  
16 repealed.

17 Sec. \_\_\_\_\_. **EMERGENCY RULES.**

18 1. The department may adopt emergency rules under  
19 section 17A.4, subsection 3, and section 17A.5,  
20 subsection 2, paragraph "b", to implement the following  
21 provisions of this division of this Act:

22 a. The section of this division of this Act  
23 amending section 124.204, subsection 4, paragraphs m  
24 and u.

25 b. The section of this division of this Act  
26 amending section 124.204, subsection 7.

27 c. The section of this division of this Act  
28 amending section 124.206, subsection 7.

29 d. The section of this division of this Act  
30 amending section 124.401, subsection 5, unnumbered  
31 paragraph 3.

32 e. The sections of this division of this Act  
33 enacting sections 124E.1, 124E.2, 124E.3, 124E.4,  
34 124E.5, 124E.6, 124E.7, 124E.8, 124E.9, 124E.10,  
35 124E.11, 124E.12, 124E.13, 124E.14, and 124E.15.

36 2. The rules shall be effective immediately upon  
37 filing unless a later date is specified in the rules.

38 3. Any rules adopted in accordance with this  
39 section shall also be published as a notice of intended  
40 action as provided in section 17A.4.

41 Sec. \_\_\_\_\_. **TRANSITION PROVISIONS.** A medical  
42 cannabis registration card issued under chapter 124D  
43 prior to July 1, 2015, remains effective and continues  
44 in effect as issued for the twelve-month period  
45 following its issuance. Chapter 124E, as enacted in  
46 this division of this Act, does not preclude the permit  
47 holder from seeking to renew the permit under chapter  
48 124E, as enacted in this division of this Act, prior to  
49 the expiration of the twelve-month period.

50 Sec. \_\_\_\_\_. **REPORTS.** The university of Iowa Carver

1 college of medicine and college of pharmacy shall,  
2 on or before July 1 of each year, beginning July  
3 1, 2016, submit a report detailing the scientific  
4 literature, studies, and clinical trials regarding the  
5 use of medical cannabis on patients diagnosed with  
6 debilitating medical conditions as defined in section  
7 124E.2, as enacted in this division of this Act, to the  
8 department of public health and the general assembly.>  
9 7. By renumbering as necessary.

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KRESSIG of Black Hawk

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ABDUL-SAMAD of Polk

---

ANDERSON of Polk

---

BENNETT of Linn

---

BROWN-POWERS of Black Hawk

---

COHOON of Des Moines

---

FINKENAUER of Dubuque

---

FORBES of Polk

---

GAINES of Polk

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GASKILL of Wapello



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HANSON of Jefferson

---

HUNTER of Polk

---

JACOBY of Johnson

---

LENSING of Johnson

---

LYKAM of Scott

---

MASCHER of Johnson

---

H. MILLER of Webster

---

OLDSON of Polk

---

RUFF of Clayton

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RUNNING-MARQUARDT of Linn

---

STAED of Linn

---

STUTSMAN of Johnson

---

T. TAYLOR of Linn

---

THEDE of Scott

---

WESSEL-KROESCHELL of Story

---

WINCKLER of Scott

---

WOLFE of Clinton