

House File 2467

H-8288

1 Amend House File 2467 as follows:

2 1. Page 1, before line 1 by inserting:

3 <DIVISION I
4 INCOME TAX CHECKOFFS>

5 2. Page 1, line 18, after <This> by inserting
6 <division of this>

7 3. Page 1, after line 20 by inserting:

8 <DIVISION ____
9 MEDICAL CANNABIS

10 Sec. _____. Section 124.204, subsection 4, paragraphs
11 m and u, Code 2016, are amended by striking the
12 paragraphs.

13 Sec. _____. Section 124.204, subsection 7, Code 2016,
14 is amended by striking the subsection.

15 Sec. _____. Section 124.206, subsection 7, Code 2016,
16 is amended to read as follows:

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

28 a. ~~Marijuana when used for medicinal purposes~~
29 ~~pursuant to rules of the board.~~

30 b. Tetrahydrocannabinols, meaning
31 tetrahydrocannabinols naturally contained in a
32 plant of the genus cannabis (cannabis plant) as well
33 as synthetic equivalents of the substances contained
34 in the cannabis plant, or in the resinous extractives
35 of such plant, and synthetic substances, derivatives,

1 and their isomers with similar chemical structure and
2 pharmacological activity to those substances contained
3 in the plant, such as the following:

4 (1) 1 cis or trans tetrahydrocannabinol, and their
5 optical isomers.

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

8 (3) 3,4 cis or trans tetrahydrocannabinol, and
9 their optical isomers. (Since nomenclature of these
10 substances is not internationally standardized,
11 compounds of these structures, regardless of numerical
12 designation of atomic positions covered.)

13 ~~b.~~ c. Nabilone [another name for

14 nabilone: (+-) -

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

17 Sec. _____. Section 124.401, subsection 5, unnumbered
18 paragraph 3, Code 2016, is amended to read as follows:

19 A person may knowingly or intentionally recommend,
20 possess, use, dispense, deliver, transport, or
21 administer ~~cannabidiol~~ medical cannabis if the
22 recommendation, possession, use, dispensing, delivery,
23 transporting, or administering is in accordance with
24 the provisions of ~~chapter 124D~~ 124E. For purposes of
25 this paragraph, "~~cannabidiol~~" "medical cannabis" means
26 the same as defined in ~~section 124D.2~~ 124E.2.

27 Sec. _____. NEW SECTION. 124E.1 Short title.

28 This chapter shall be known and may be cited as the
29 "Compassionate Use of Medical Cannabis Act".

30 Sec. _____. NEW SECTION. 124E.2 Definitions.

31 As used in this chapter:

32 1. "Debilitating medical condition" means any of the
33 following:

34 a. Cancer, if the underlying condition or treatment
35 produces one or more of the following:

- 1 (1) Intractable pain.
2 (2) Nausea or severe vomiting.
3 (3) Cachexia or severe wasting.
4 *b.* Multiple sclerosis.
5 *c.* Epilepsy or seizure disorders.
6 *d.* AIDS or HIV as defined in section 141A.1.
7 *e.* Crohn's disease or ulcerative colitis.
8 *f.* Amyotrophic lateral sclerosis.
9 *g.* Intractable pain.
10 *h.* Glaucoma.
11 *i.* Any terminal illness, with a probable life
12 expectancy of under one year, if the illness or its
13 treatment produces one or more of the following:
14 (1) Intractable pain.
15 (2) Nausea or severe vomiting.
16 (3) Cachexia or severe wasting.
17 *j.* Any other chronic or debilitating disease or
18 medical condition or its medical treatment approved by
19 the department pursuant to rule.
20 2. "*Department*" means the department of public
21 health.
22 3. "*Disqualifying felony offense*" means a violation
23 under federal or state law of a felony offense, which
24 has as an element the possession, use, or distribution
25 of a controlled substance, as defined in 21 U.S.C.
26 §802(6).
27 4. "*Enclosed, locked facility*" means a closet, room,
28 greenhouse, or other enclosed area equipped with locks
29 or other security devices that permit access only by a
30 cardholder.
31 5. "*Health care practitioner*" means an individual
32 licensed under chapter 148 to practice medicine and
33 surgery or osteopathic medicine and surgery or an
34 individual licensed to prescribe medicine in any other
35 state and provides specialty care for an Iowa resident

1 for one or more of the debilitating medical conditions
2 provided in this chapter.

3 6. "*Intractable pain*" means a pain in which the
4 cause of the pain cannot be removed or otherwise
5 treated with the consent of the patient and which, in
6 the generally accepted course of medical practice, no
7 relief or cure of the cause of the pain is possible,
8 or none has been found after reasonable efforts.
9 Reasonable efforts for relieving or curing the cause of
10 the pain may be determined on the basis of but are not
11 limited to any of the following:

12 a. When treating a nonterminally ill patient for
13 intractable pain, evaluation by the attending physician
14 and one or more physicians specializing in pain
15 medicine or the treatment of the area, system, or organ
16 of the body perceived as the source of the pain.

17 b. When treating a terminally ill patient,
18 evaluation by the attending physician who does so in
19 accordance with the level of care, skill, and treatment
20 that would be recognized by a reasonably prudent
21 physician under similar conditions and circumstances.

22 7. "*Medical cannabis*" means any species of the genus
23 cannabis plant, or any mixture or preparation of them,
24 including whole plant extracts and resins.

25 8. "*Medical cannabis manufacturer*" means an entity
26 licensed by the department to manufacture and to
27 possess, cultivate, transport, or supply medical
28 cannabis pursuant to the provisions of this chapter.

29 9. "*Medical cannabis patient center*" means an entity
30 licensed under section 124E.8 that acquires medical
31 cannabis from a medical cannabis manufacturer in this
32 state for the purpose of dispensing medical cannabis in
33 this state pursuant to this chapter.

34 10. "*Primary caregiver*" means a person, at least
35 eighteen years of age, who has been designated by a

1 patient's health care practitioner or a person having
2 custody of a patient, as a necessary caretaker taking
3 responsibility for managing the well-being of the
4 patient with respect to the use of medical cannabis
5 pursuant to the provisions of this chapter.

6 11. *Written certification* means a document signed
7 by a health care practitioner, with whom the patient
8 has established a patient-provider relationship, which
9 states that the patient has a debilitating medical
10 condition and identifies that condition and provides
11 any other relevant information.

12 Sec. ____ . NEW SECTION. **124E.3 Health care**
13 **practitioner certification — duties.**

14 1. Prior to a patient's submission of an
15 application for a medical cannabis registration card
16 pursuant to section 124E.4, a health care practitioner
17 shall do all of the following:

18 a. Determine, in the health care practitioner's
19 medical judgment, whether the patient whom the health
20 care practitioner has examined and treated suffers from
21 a debilitating medical condition that qualifies for
22 the use of medical cannabis under this chapter, and
23 if so determined, provide the patient with a written
24 certification of that diagnosis.

25 b. Provide explanatory information as provided by
26 the department to the patient about the therapeutic use
27 of medical cannabis.

28 2. Determine, on an annual basis, if the patient
29 continues to suffer from a debilitating medical
30 condition and, if so, issue the patient a new
31 certification of that diagnosis.

32 3. Otherwise comply with all requirements
33 established by the department pursuant to rule.

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

1 to this section.

2 Sec. ____ . 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 photograph.

34 c. The date of issuance and expiration date of the
35 registration card.

1 *d.* Any other information required by rule.
2 3. *Issuance to primary caregiver.* For a patient in
3 a primary caregiver's care, the department may approve
4 the issuance of a medical cannabis registration card
5 by the department of transportation to the primary
6 caregiver who:

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

8 *b.* Submits a written certification to the
9 department signed by the patient's health care
10 practitioner that the patient in the primary
11 caregiver's care is suffering from a debilitating
12 medical condition.

13 *c.* 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 primary caregiver's full name, residence
18 address, date of birth, and telephone number.

19 (2) The patient's full name.

20 (3) A copy of the primary caregiver's valid photo
21 identification.

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

24 (5) Any other information required by rule.

25 4. *Primary caregiver card contents.* A medical
26 cannabis registration card issued by the department
27 of transportation to a primary caregiver pursuant to
28 subsection 3 shall contain, at a minimum, all of the
29 following:

30 *a.* The primary caregiver's full name, residence
31 address, and date of birth.

32 *b.* The primary caregiver's photograph.

33 *c.* The date of issuance and expiration date of the
34 registration card.

35 *d.* The registration card number of each patient

1 in the primary caregiver's care. If the patient
2 in the primary caregiver's care is under the age of
3 eighteen, the full name of the patient's parent or
4 legal guardian.

5 e. Any other information required by rule.

6 5. *Expiration date of card.* A medical cannabis
7 registration card issued pursuant to this section shall
8 expire one year after the date of issuance and may be
9 renewed.

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

16 Sec. _____. NEW SECTION. **124E.5 Medical advisory**
17 **board — duties.**

18 1. No later than August 15, 2016, the director
19 of public health shall establish a medical advisory
20 board consisting of nine practitioners representing the
21 fields of neurology, pain management, gastroenterology,
22 oncology, psychiatry, pediatrics, infectious disease,
23 family medicine, and pharmacy. The practitioners
24 shall be nationally board-certified in their area of
25 specialty and knowledgeable about the use of medical
26 cannabis.

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

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

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

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

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

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

20 Sec. ____ . NEW SECTION. **124E.6 Medical cannabis**
21 **manufacturer licensure.**

22 1. *a.* The department shall license up to two
23 medical cannabis manufacturers to manufacture
24 medical cannabis within this state consistent with
25 the provisions of this chapter by December 1, 2016.
26 The department shall license new medical cannabis
27 manufacturers or relicense the existing medical
28 cannabis manufacturers by December 1 of each year.

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

34 2. As a condition for licensure, a medical cannabis
35 manufacturer must agree to begin supplying medical

1 cannabis to medical cannabis patient centers in this
2 state by July 1, 2017.

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

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

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

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

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

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

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

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

1 Sec. ____ . NEW SECTION. 124E.7 **Medical cannabis**
2 **manufacturers.**

3 1. A medical cannabis manufacturer shall contract
4 with the state hygienic laboratory at the university
5 of Iowa in Iowa City for purposes of testing the
6 medical cannabis manufactured by the medical cannabis
7 manufacturer as to content, contamination, and
8 consistency. The cost of all laboratory testing shall
9 be paid by the medical cannabis manufacturer.

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

12 a. Procedures for the oversight of the medical
13 cannabis manufacturer and procedures to ensure accurate
14 record keeping.

15 b. Procedures for the implementation of appropriate
16 security measures to deter and prevent the theft of
17 medical cannabis and unauthorized entrance into areas
18 containing medical cannabis.

19 3. A medical cannabis manufacturer shall implement
20 security requirements, including requirements for
21 protection of each location by a fully operational
22 security alarm system, facility access controls,
23 perimeter intrusion detection systems, and a personnel
24 identification system.

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

28 5. A medical cannabis manufacturer shall not permit
29 any person to consume medical cannabis on the property
30 of the medical cannabis manufacturer.

31 6. A medical cannabis manufacturer is subject to
32 reasonable inspection by the department.

33 7. A medical cannabis manufacturer shall not
34 employ a person under eighteen years of age or who has
35 been convicted of a disqualifying felony offense. An

1 employee of a medical cannabis manufacturer shall be
2 subject to a background investigation conducted by the
3 division of criminal investigation of the department
4 of public safety and a national criminal history
5 background check.

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

12 9. A medical cannabis manufacturer shall comply
13 with reasonable restrictions set by the department
14 relating to signage, marketing, display, and
15 advertising of medical cannabis.

16 10. *a.* A medical cannabis manufacturer shall
17 provide a reliable and ongoing supply of medical
18 cannabis to medical cannabis patient centers pursuant
19 to this chapter.

20 *b.* All manufacturing, cultivating, harvesting,
21 packaging, and processing of medical cannabis shall
22 take place in an enclosed, locked facility at a
23 physical address provided to the department during the
24 licensure process.

25 *c.* A medical cannabis manufacturer shall not
26 manufacture edible medical cannabis products utilizing
27 food coloring.

28 *d.* A medical cannabis manufacturer shall
29 manufacture a reliable and ongoing supply of medical
30 cannabis to treat every debilitating medical condition
31 listed in this chapter.

32 Sec. ____ . NEW SECTION. **124E.8 Medical cannabis**
33 **patient center licensure.**

34 1. *a.* The department shall license by April 1,
35 2017, up to four medical cannabis patient centers to

1 dispense medical cannabis within this state consistent
2 with the provisions of this chapter. The department
3 shall license new medical cannabis patient centers or
4 relicense the existing medical cannabis manufacturers
5 by December 1 of each year.

6 *b.* Information submitted during the application
7 process shall be confidential until the medical
8 cannabis patient center is licensed by the department
9 unless otherwise protected from disclosure under state
10 or federal law.

11 2. As a condition for licensure, a medical cannabis
12 patient center must agree to begin supplying medical
13 cannabis to patients by July 1, 2017.

14 3. The department shall consider the following
15 factors in determining whether to license a medical
16 cannabis patient center:

17 *a.* The technical expertise of the medical cannabis
18 patient center regarding medical cannabis.

19 *b.* The qualifications of the medical cannabis
20 patient center's employees.

21 *c.* The long-term financial stability of the medical
22 cannabis patient center.

23 *d.* The ability to provide appropriate security
24 measures on the premises of the medical cannabis
25 patient center.

26 *e.* The medical cannabis patient center's projection
27 and ongoing assessment of fees for the purchase of
28 medical cannabis on patients with debilitating medical
29 conditions.

30 Sec. _____. NEW SECTION. **124E.9 Medical cannabis**
31 **patient centers.**

32 1. *a.* The medical cannabis patient centers shall
33 be located based on geographical need throughout the
34 state to improve patient access.

35 *b.* A medical cannabis patient center may dispense

1 medical cannabis pursuant to the provisions of this
2 chapter but shall not dispense any medical cannabis
3 in a form or quantity other than the form or quantity
4 allowed by the department pursuant to rule.

5 2. The operating documents of a medical cannabis
6 patient center shall include all of the following:

7 a. Procedures for the oversight of the medical
8 cannabis patient center and procedures to ensure
9 accurate record keeping.

10 b. Procedures for the implementation of appropriate
11 security measures to deter and prevent the theft of
12 medical cannabis and unauthorized entrance into areas
13 containing medical cannabis.

14 3. A medical cannabis patient center shall
15 implement security requirements, including requirements
16 for protection by a fully operational security alarm
17 system, facility access controls, perimeter intrusion
18 detection systems, and a personnel identification
19 system.

20 4. A medical cannabis patient center shall not
21 share office space with, refer patients to, or have any
22 financial relationship with a health care practitioner.

23 5. A medical cannabis patient center shall not
24 permit any person to consume medical cannabis on the
25 property of the medical cannabis patient center.

26 6. A medical cannabis patient center is subject to
27 reasonable inspection by the department.

28 7. A medical cannabis patient center shall not
29 employ a person under eighteen years of age or who has
30 been convicted of a disqualifying felony offense. An
31 employee of a medical cannabis patient center shall be
32 subject to a background investigation conducted by the
33 division of criminal investigation of the department
34 of public safety and a national criminal history
35 background check.

1 8. A medical cannabis patient center shall not
2 operate in any location within one thousand feet of a
3 public or private school existing before the date of
4 the medical cannabis patient center's licensure by the
5 department.

6 9. A medical cannabis patient center shall
7 comply with reasonable restrictions set by the
8 department relating to signage, marketing, display, and
9 advertising of medical cannabis.

10 10. Prior to dispensing of any medical cannabis,
11 a medical cannabis patient center shall do all of the
12 following:

13 a. Verify that the medical cannabis patient center
14 has received a valid medical cannabis registration card
15 from a patient or a patient's primary caregiver, if
16 applicable.

17 b. Assign a tracking number to any medical cannabis
18 dispensed from the medical cannabis patient center.

19 c. (1) Properly package medical cannabis in
20 compliance with federal law regarding child resistant
21 packaging and exemptions for packaging for elderly
22 patients, and label medical cannabis with a list of
23 all active ingredients and individually identifying
24 information, including all of the following:

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

27 (b) The medical cannabis registration card numbers
28 of the patient and the patient's primary caregiver, if
29 applicable.

30 (c) The chemical composition of the medical
31 cannabis.

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

34 (a) Warning labels regarding the use of medical
35 cannabis by a woman during pregnancy and while

1 breastfeeding.

2 (b) Clearly labeled packaging indicating that
3 an edible medical cannabis product contains medical
4 cannabis and which packaging shall not imitate candy
5 products or in any way make the product marketable to
6 children.

7 11. A medical cannabis patient center shall employ
8 a pharmacist licensed pursuant to chapter 155A.

9 12. A medical cannabis patient center shall keep
10 a reliable and ongoing supply of medical cannabis to
11 treat every debilitating medical condition listed in
12 this chapter.

13 Sec. ____ . NEW SECTION. 124E.10 Department duties
14 — rules.

15 1. a. The department shall maintain a confidential
16 file of the names of each patient to or for whom the
17 department issues a medical cannabis registration
18 card, the name of each primary caregiver to whom the
19 department issues a medical cannabis registration card
20 under section 124E.4, and the names of each health care
21 practitioner who provides a written certification for
22 medical cannabis pursuant to this chapter.

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

26 (1) Information in the confidential file maintained
27 pursuant to paragraph "a" may be released on an
28 individual basis to the following persons under the
29 following circumstances:

30 (a) To authorized employees or agents of the
31 department and the department of transportation as
32 necessary to perform the duties of the department and
33 the department of transportation pursuant to this
34 chapter.

35 (b) To authorized employees of state or local

1 law enforcement agencies, but only for the purpose of
2 verifying that a person is lawfully in possession of a
3 medical cannabis registration card issued pursuant to
4 this chapter.

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

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

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

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

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

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

34 d. Establish the form and quantity of medical
35 cannabis allowed to be dispensed to a patient or

1 primary caregiver pursuant to this chapter. The
2 form and quantity of medical cannabis shall be
3 appropriate to serve the medical needs of patients with
4 debilitating conditions.

5 e. Establish requirements for the licensure of
6 medical cannabis manufacturers and medical cannabis
7 patient centers and set forth procedures for medical
8 cannabis manufacturers and medical cannabis patient
9 centers to obtain licenses.

10 f. Develop a dispensing system for medical cannabis
11 within this state that provides for all of the
12 following:

13 (1) Medical cannabis patient centers within
14 this state housed on secured grounds and operated by
15 licensed medical cannabis patient centers.

16 (2) The dispensing of medical cannabis to patients
17 and their primary caregivers to occur at locations
18 designated by the department.

19 g. Specify and implement procedures that address
20 public safety including security procedures and product
21 quality including measures to ensure contaminant-free
22 cultivation of medical cannabis, safety, and labeling.

23 h. Establish and implement a real-time, statewide
24 medical cannabis registry management sale tracking
25 system that is available to medical cannabis patient
26 centers on a twenty-four-hour-day, seven-day-a-week
27 basis for the purpose of verifying that a person
28 is lawfully in possession of a medical cannabis
29 registration card issued pursuant to this chapter
30 and for tracking the date of the sale and quantity of
31 medical cannabis purchased by a patient or a primary
32 caregiver.

33 i. Establish and implement a medical cannabis
34 inventory and delivery tracking system to track
35 medical cannabis from production by a medical cannabis

1 manufacturer through dispensing at a medical cannabis
2 patient center.

3 Sec. _____. NEW SECTION. **124E.11 Reciprocity.**

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

14 Sec. _____. NEW SECTION. **124E.12 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. _____. NEW SECTION. **124E.13 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, processing,
34 transporting, or supplying medical cannabis pursuant
35 to this chapter.

1 3. A medical cannabis patient center, including
2 any authorized agent or employee thereof, shall not be
3 subject to prosecution for transporting, supplying, or
4 dispensing medical cannabis pursuant to this chapter.

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

16 b. 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 person possessed medical cannabis because the
21 person is a primary caregiver of a patient who has been
22 diagnosed with a debilitating medical condition and is
23 in possession of a valid medical cannabis registration
24 card, and where the primary caregiver's possession of
25 the medical cannabis is on behalf of the patient and
26 for the patient's use only as authorized under this
27 chapter.

28 c. If a patient or primary caregiver is charged
29 with the commission of a crime and is not in possession
30 of the person's medical cannabis registration card,
31 any charge or charges filed against the person shall
32 be dismissed by the court if the person produces to
33 the court prior to or at the person's trial a medical
34 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
2 subdivision thereof, including any law enforcement
3 agency, shall not remove or initiate proceedings to
4 remove a patient under the age of eighteen from the
5 home of a parent based solely upon the parent's or
6 patient's possession or use of medical cannabis as
7 authorized under this chapter.

8 Sec. _____. REPEAL. Chapter 124D, Code 2016, is
9 repealed.

10 Sec. _____. EMERGENCY RULES. The department may
11 adopt emergency rules under section 17A.4, subsection
12 3, and section 17A.5, subsection 2, paragraph "b",
13 to implement the provisions of this division of this
14 Act and the rules shall be effective immediately upon
15 filing unless a later date is specified in the rules.
16 Any rules adopted in accordance with this section shall
17 also be published as a notice of intended action as
18 provided in section 17A.4.

19 Sec. _____. TRANSITION PROVISIONS. A medical
20 cannabis registration card issued under chapter 124D
21 prior to July 1, 2016, remains effective and continues
22 in effect as issued for the twelve-month period
23 following its issuance. This division of this Act does
24 not preclude the permit holder from seeking to renew
25 the permit under this division of this Act prior to the
26 expiration of the twelve-month period.

27 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
28 of this Act, being deemed of immediate importance,
29 takes effect upon enactment.>

30 4. Title page, by striking lines 1 and 2 and
31 inserting <An Act relating to state regulation and
32 taxation including income tax checkoffs and certain
33 medical conditions, making penalties applicable, and
34 including effective date and retroactive applicability
35 provisions.>

1 5. By renumbering, redesignating, and correcting
2 internal references as necessary.

FORBES of Polk

KRESSIG of Black Hawk