

House Amendment to
Senate Amendment to
House File 524

S-3388

1 Amend the Senate amendment, H-1341, to House File 524, as
2 amended, passed, and reprinted by the House, as follows:

3 1. Page 1, by striking lines 1 through 7 and inserting:

4 <Amend House File 524, as amended, passed, and reprinted by
5 the House, as follows:

6 1. By striking everything after the enacting clause and
7 inserting:

8 <Section 1. NEW SECTION. **124.201A Cannabidiol**
9 **investigational product — rules.**

10 1. If a cannabidiol investigational product approved as
11 a prescription drug medication by the United States food and
12 drug administration is eliminated from or revised in the
13 federal schedule of controlled substances by the federal drug
14 enforcement agency and notice of the elimination or revision
15 is given to the board, the board shall similarly eliminate
16 or revise the prescription drug medication in the schedule
17 of controlled substances under this chapter. Such action by
18 the board shall be immediately effective upon the date of
19 publication of the final regulation containing the elimination
20 or revision in the federal register.

21 2. The board shall adopt rules pursuant to chapter 17A
22 to administer this section. The board may adopt rules on an
23 emergency basis as provided in section 17A.4, subsection 3, and
24 section 17A.5, subsection 2, to administer this section, and
25 the rules shall be effective immediately upon filing unless
26 a later date is specified in the rules. Any emergency rules
27 adopted in accordance with this section shall also be published
28 as a notice of intended action as provided in section 17A.4,
29 subsection 1.

30 Sec. 2. Section 124.401, subsection 5, unnumbered paragraph
31 3, Code 2017, is amended to read as follows:

32 A person may knowingly or intentionally recommend, possess,
33 use, dispense, deliver, transport, or administer cannabidiol
34 if the recommendation, possession, use, dispensing, delivery,
35 transporting, or administering is in accordance with the

1 provisions of ~~chapter 124D~~ 124E. For purposes of this
2 paragraph, "*cannabidiol*" means the same as defined in section
3 ~~124D.2~~ 124E.2.

4 Sec. 3. Section 124.553, subsection 8, Code 2017, is amended
5 to read as follows:

6 8. The board may enter into an agreement with a prescription
7 database or monitoring program operated in ~~a state bordering~~
8 ~~this state or in the state of Kansas~~ any state for the mutual
9 exchange of information. Any agreement entered into pursuant
10 to this subsection shall specify that all the information
11 exchanged pursuant to the agreement shall be used and
12 disseminated in accordance with the laws of this state.

13 Sec. 4. NEW SECTION. 124E.1 Short title.

14 This chapter shall be known and may be cited as the "*Medical*
15 *Cannabidiol Act*".

16 Sec. 5. NEW SECTION. 124E.2 Definitions.

17 As used in this chapter:

18 1. "*Bordering state*" means the same as defined in section
19 331.910.

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

22 *a.* Cancer, if the underlying condition or treatment produces
23 one or more of the following:

24 (1) Severe or chronic pain.

25 (2) Nausea or severe vomiting.

26 (3) Cachexia or severe wasting.

27 *b.* Multiple sclerosis with severe and persistent muscle
28 spasms.

29 *c.* Seizures, including those characteristic of epilepsy.

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

31 *e.* Crohn's disease.

32 *f.* Amyotrophic lateral sclerosis.

33 *g.* Any terminal illness, with a probable life expectancy of
34 under one year, if the illness or its treatment produces one or
35 more of the following:

- 1 (1) Severe or chronic pain.
- 2 (2) Nausea or severe vomiting.
- 3 (3) Cachexia or severe wasting.
- 4 *h.* Parkinson's disease.
- 5 *i.* Untreatable pain.
- 6 3. "Department" means the department of public health.
- 7 4. "Disqualifying felony offense" means a violation under
8 federal or state law of a felony under federal or state law,
9 which has as an element the possession, use, or distribution of
10 a controlled substance, as defined in 21 U.S.C. §802(6).
- 11 5. "Health care practitioner" means an individual licensed
12 under chapter 148 to practice medicine and surgery or
13 osteopathic medicine and surgery who is a patient's primary
14 care provider. "Health care practitioner" shall not include a
15 physician assistant licensed under chapter 148C or an advanced
16 registered nurse practitioner licensed pursuant to chapter 152
17 or 152E.
- 18 6. "Medical cannabidiol" means any pharmaceutical
19 grade cannabinoid found in the plant *Cannabis sativa* L. or
20 *Cannabis indica* or any other preparation thereof that has
21 a tetrahydrocannabinol level of no more than three percent
22 and that is delivered in a form recommended by the medical
23 cannabidiol board, approved by the board of medicine, and
24 adopted by the department pursuant to rule.
- 25 7. "Primary caregiver" means a person who is a resident of
26 this state or a bordering state as defined in section 331.910,
27 including but not limited to a parent or legal guardian, at
28 least eighteen years of age, who has been designated by a
29 patient's health care practitioner as a necessary caretaker
30 taking responsibility for managing the well-being of the
31 patient with respect to the use of medical cannabidiol pursuant
32 to the provisions of this chapter.
- 33 8. "Untreatable pain" means any pain whose cause cannot be
34 removed and, according to generally accepted medical practice,
35 the full range of pain management modalities appropriate for

1 the patient has been used without adequate result or with
2 intolerable side effects.

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

8 Sec. 6. NEW SECTION. 124E.3 **Health care practitioner**
9 **certification — duties.**

10 1. Prior to a patient’s submission of an application for
11 a medical cannabidiol registration card pursuant to section
12 124E.4, a health care practitioner shall do all of the
13 following:

14 a. Determine, in the health care practitioner’s medical
15 judgment, whether the patient whom the health care practitioner
16 has examined and treated suffers from a debilitating medical
17 condition that qualifies for the use of medical cannabidiol
18 under this chapter, and if so determined, provide the patient
19 with a written certification of that diagnosis.

20 b. Provide explanatory information as provided by the
21 department to the patient about the therapeutic use of medical
22 cannabidiol and the possible risks, benefits, and side effects
23 of the proposed treatment.

24 2. Subsequently, the health care practitioner shall do the
25 following:

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

29 b. Otherwise comply with all requirements established by the
30 department pursuant to rule.

31 3. A health care practitioner may provide, but has no duty
32 to provide, a written certification pursuant to this section.

33 Sec. 7. NEW SECTION. 124E.4 **Medical cannabidiol**
34 **registration card.**

35 1. *Issuance to patient.* Subject to subsection 7, the

1 department may approve the issuance of a medical cannabidiol
2 registration card by the department of transportation to a
3 patient who:

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

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

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

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

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

14 (2) A copy of the patient's valid photograph
15 identification.

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

18 (4) Full name, residence address, date of birth, and
19 telephone number of each primary caregiver of the patient, if
20 any.

21 (5) Any other information required by rule.

22 *e.* Submits a medical cannabidiol registration card fee of
23 one hundred dollars to the department. If the patient attests
24 to receiving social security disability benefits, supplemental
25 security insurance payments, or being enrolled in the medical
26 assistance program, the fee shall be twenty-five dollars.

27 *f.* Has not been convicted of a disqualifying felony offense.

28 2. *Patient card contents.* A medical cannabidiol
29 registration card issued to a patient by the department of
30 transportation pursuant to subsection 1 shall contain, at a
31 minimum, all of the following:

32 *a.* The patient's full name, Iowa residence address, and date
33 of birth.

34 *b.* The patient's photograph.

35 *c.* The date of issuance and expiration date of the medical

1 cannabidiol registration card.

2 *d.* Any other information required by rule.

3 3. *Issuance to primary caregiver.* For a patient in a
4 primary caregiver's care, subject to subsection 7, the
5 department may approve the issuance of a medical cannabidiol
6 registration card by the department of transportation to the
7 primary caregiver who:

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

12 *b.* Submits an application to the department, on a form
13 created by the department, in consultation with the department
14 of transportation, that contains all of the following:

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

17 (2) The patient's full name.

18 (3) A copy of the primary caregiver's valid photograph
19 identification.

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

22 (5) Any other information required by rule.

23 *c.* Has not been convicted of a disqualifying felony offense.

24 *d.* Submits a medical cannabidiol registration card fee of
25 twenty-five dollars to the department.

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

30 *a.* The primary caregiver's full name, residence address, and
31 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 medical cannabidiol registration card number of each

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

4 e. Any other information required by rule.

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

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

13 7. *Federally approved clinical trials.* The department shall
14 not approve the issuance of a medical cannabidiol registration
15 card pursuant to this section for a patient who is enrolled
16 in a federally approved clinical trial for the treatment of a
17 debilitating medical condition with medical cannabidiol.

18 Sec. 8. NEW SECTION. 124E.4A **Medical cannabidiol board —**
19 **duties.**

20 1. a. A medical cannabidiol board is created consisting of
21 eight practitioners representing the fields of neurology, pain
22 management, gastroenterology, oncology, psychiatry, pediatrics,
23 family medicine, and pharmacy, and one representative from law
24 enforcement.

25 b. The practitioners shall be licensed in this state and
26 nationally board-certified in their area of specialty and
27 knowledgeable about the use of medical cannabidiol.

28 c. Applicants for membership on the board shall submit a
29 membership application to the department and the governor shall
30 appoint members from the applicant pool.

31 d. For purposes of this subsection, "*representative from*
32 *law enforcement*" means a regularly employed member of a police
33 force of a city or county, including a sheriff, or of the state
34 patrol, in this state, who is responsible for the prevention
35 and detection of crime and the enforcement of the criminal laws

1 of this state.

2 2. The medical cannabidiol board shall convene at least
3 twice but no more than four times per year.

4 3. The duties of the medical cannabidiol board shall include
5 but not be limited to the following:

6 a. Accepting and reviewing petitions to add medical
7 conditions, medical treatments, or debilitating diseases to the
8 list of debilitating medical conditions for which the medical
9 use of cannabidiol would be medically beneficial under this
10 chapter.

11 b. Making recommendations relating to the removal or
12 addition of debilitating medical conditions to the list of
13 allowable debilitating medical conditions for which the medical
14 use of cannabidiol under this chapter would be medically
15 beneficial.

16 c. Working with the department regarding the requirements
17 for the licensure of medical cannabidiol manufacturers
18 and medical cannabidiol dispensaries, including licensure
19 procedures.

20 d. Advising the department regarding the location of medical
21 cannabidiol manufacturers and medical cannabidiol dispensaries
22 throughout the state.

23 e. Making recommendations relating to the form and quantity
24 of allowable medical uses of cannabidiol.

25 4. Recommendations made by the medical cannabidiol board
26 pursuant to section 3, paragraphs "b" and "e", shall be made to
27 the board of medicine for consideration, and if approved, shall
28 be adopted by the board of medicine by rule.

29 5. On or before January 1 of each year, beginning January
30 1, 2018, the medical cannabidiol board shall submit a report
31 detailing the activities of the board.

32 6. The medical cannabidiol board may recommend a statutory
33 revision to the definition of medical cannabidiol contained in
34 this chapter that increases the tetrahydrocannabinol level to
35 more than three percent, however, any such recommendation shall

1 be submitted to the general assembly during the regular session
2 of the general assembly following such submission. The general
3 assembly shall have the sole authority to revise the definition
4 of medical cannabidiol for purposes of this chapter.

5 **Sec. 9. NEW SECTION. 124E.5 Medical cannabidiol**
6 **manufacturer licensure.**

7 1. *a.* The department shall issue a request for proposals
8 to select and license by December 1, 2017, up to two medical
9 cannabidiol manufacturers to manufacture and to possess,
10 cultivate, harvest, transport, package, process, or supply
11 medical cannabidiol within this state consistent with the
12 provisions of this chapter. The department shall license new
13 medical cannabidiol manufacturers or relicense the existing
14 medical cannabidiol manufacturers by December 1 of each year.

15 *b.* Information submitted during the application process
16 shall be confidential until a medical cannabidiol manufacturer
17 is licensed by the department unless otherwise protected from
18 disclosure under state or federal law.

19 2. As a condition for licensure, a medical cannabidiol
20 manufacturer must agree to begin supplying medical cannabidiol
21 to medical cannabidiol dispensaries in this state no later than
22 December 1, 2018.

23 3. The department shall consider the following factors in
24 determining whether to select and license a medical cannabidiol
25 manufacturer:

26 *a.* The technical expertise of the medical cannabidiol
27 manufacturer regarding medical cannabidiol.

28 *b.* The qualifications of the medical cannabidiol
29 manufacturer's employees.

30 *c.* The long-term financial stability of the medical
31 cannabidiol manufacturer.

32 *d.* The ability to provide appropriate security measures on
33 the premises of the medical cannabidiol manufacturer.

34 *e.* Whether the medical cannabidiol manufacturer has
35 demonstrated an ability to meet certain medical cannabidiol

1 production needs for medical use regarding the range of
2 recommended dosages for each debilitating medical condition,
3 the range of chemical compositions of any plant of the genus
4 cannabis that will likely be medically beneficial for each
5 of the debilitating medical conditions, and the form of the
6 medical cannabidiol in the manner determined by the department
7 pursuant to rule.

8 *f.* The medical cannabidiol manufacturer's projection of
9 and ongoing assessment of fees on patients with debilitating
10 medical conditions.

11 4. The department shall require each medical cannabidiol
12 manufacturer to contract with the state hygienic laboratory at
13 the university of Iowa in Iowa City or an independent medical
14 cannabidiol testing laboratory to perform spot-check testing
15 of the medical cannabidiol produced by the manufacturer as
16 provided in section 124E.6. The department shall require that
17 the laboratory report testing results to the manufacturer in a
18 manner determined by the department pursuant to rule.

19 5. Each entity submitting an application for licensure as
20 a medical cannabidiol manufacturer shall pay a nonrefundable
21 application fee of seven thousand five hundred dollars to the
22 department.

23 Sec. 10. NEW SECTION. 124E.6 **Medical cannabidiol**
24 **manufacturers.**

25 1. A medical cannabidiol manufacturer shall contract with
26 the state hygienic laboratory at the university of Iowa in Iowa
27 City or an independent medical cannabidiol testing laboratory
28 to perform spot-check testing of the medical cannabidiol
29 manufactured by the medical cannabidiol manufacturer as to
30 content, contamination, and consistency. The cost of all
31 laboratory testing shall be paid by the medical cannabidiol
32 manufacturer.

33 2. The operating documents of a medical cannabidiol
34 manufacturer shall include all of the following:

35 *a.* Procedures for the oversight of the medical cannabidiol

1 manufacturer and procedures to ensure accurate recordkeeping.

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

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

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

14 5. A medical cannabidiol manufacturer shall not permit any
15 person to consume medical cannabidiol on the property of the
16 medical cannabidiol manufacturer.

17 6. A medical cannabidiol manufacturer is subject to
18 reasonable inspection by the department.

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

26 8. A medical cannabidiol manufacturer owner shall not have
27 been convicted of a disqualifying felony offense and shall be
28 subject to a background investigation conducted by the division
29 of criminal investigation of the department of public safety
30 and a national criminal history background check.

31 9. A medical cannabidiol manufacturer shall not operate at
32 the same physical location as a medical cannabidiol dispensary.

33 10. A medical cannabidiol manufacturer shall not operate
34 in any location, whether for manufacturing, possessing,
35 cultivating, harvesting, transporting, packaging, processing,

1 or supplying, within one thousand feet of a public or private
2 school existing before the date of the medical cannabidiol
3 manufacturer's licensure by the department.

4 11. A medical cannabidiol manufacturer shall comply
5 with reasonable restrictions set by the department relating
6 to signage, marketing, display, and advertising of medical
7 cannabidiol.

8 12. *a.* A medical cannabidiol manufacturer shall provide a
9 reliable and ongoing supply of medical cannabidiol to medical
10 cannabidiol dispensaries pursuant to this chapter.

11 *b.* All manufacturing, cultivating, harvesting, packaging,
12 and processing of medical cannabidiol shall take place in an
13 enclosed, locked facility at a physical address provided to the
14 department during the licensure process.

15 *c.* A medical cannabidiol manufacturer shall not manufacture
16 edible medical cannabidiol products.

17 Sec. 11. NEW SECTION. 124E.7 **Medical cannabidiol dispensary**
18 **licensure.**

19 1. *a.* The department shall issue a request for proposals
20 to select and license by April 1, 2018, up to five medical
21 cannabidiol dispensaries to dispense medical cannabidiol within
22 this state consistent with the provisions of this chapter. The
23 department shall license new medical cannabidiol dispensaries
24 or relicense the existing medical cannabidiol dispensaries by
25 December 1 of each year.

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

30 2. As a condition for licensure, a medical cannabidiol
31 dispensary must agree to begin supplying medical cannabidiol to
32 patients by December 1, 2018.

33 3. The department shall consider the following factors in
34 determining whether to select and license a medical cannabidiol
35 dispensary:

1 *a.* The technical expertise of the medical cannabidiol
2 dispensary regarding medical cannabidiol.

3 *b.* The qualifications of the medical cannabidiol
4 dispensary's employees.

5 *c.* The long-term financial stability of the medical
6 cannabidiol dispensary.

7 *d.* The ability to provide appropriate security measures on
8 the premises of the medical cannabidiol dispensary.

9 *e.* The medical cannabidiol dispensary's projection and
10 ongoing assessment of fees for the purchase of medical
11 cannabidiol on patients with debilitating medical conditions.

12 4. Each entity submitting an application for licensure as
13 a medical cannabidiol dispensary shall pay a nonrefundable
14 application fee of five thousand dollars to the department.

15 Sec. 12. NEW SECTION. **124E.8 Medical cannabidiol**
16 **dispensaries.**

17 1. *a.* The medical cannabidiol dispensaries shall be located
18 based on geographical need throughout the state to improve
19 patient access.

20 *b.* A medical cannabidiol dispensary may dispense medical
21 cannabidiol pursuant to the provisions of this chapter but
22 shall not dispense any medical cannabidiol in a form or
23 quantity other than the form or quantity allowed by the
24 department pursuant to rule.

25 2. The operating documents of a medical cannabidiol
26 dispensary shall include all of the following:

27 *a.* Procedures for the oversight of the medical cannabidiol
28 dispensary and procedures to ensure accurate recordkeeping.

29 *b.* Procedures for the implementation of appropriate security
30 measures to deter and prevent the theft of medical cannabidiol
31 and unauthorized entrance into areas containing medical
32 cannabidiol.

33 3. A medical cannabidiol dispensary shall implement
34 security requirements, including requirements for protection
35 by a fully operational security alarm system, facility

1 access controls, perimeter intrusion detection systems, and a
2 personnel identification system.

3 4. A medical cannabidiol dispensary shall not share
4 office space with, refer patients to, or have any financial
5 relationship with a health care practitioner.

6 5. A medical cannabidiol dispensary shall not permit any
7 person to consume medical cannabidiol on the property of the
8 medical cannabidiol dispensary.

9 6. A medical cannabidiol dispensary is subject to
10 reasonable inspection by the department.

11 7. A medical cannabidiol dispensary shall not employ a
12 person who is under eighteen years of age or who has been
13 convicted of a disqualifying felony offense. An employee
14 of a medical cannabidiol dispensary shall be subject to a
15 background investigation conducted by the division of criminal
16 investigation of the department of public safety and a national
17 criminal history background check.

18 8. A medical cannabidiol dispensary owner shall not have
19 been convicted of a disqualifying felony offense and shall be
20 subject to a background investigation conducted by the division
21 of criminal investigation of the department of public safety
22 and a national criminal history background check.

23 9. A medical cannabidiol dispensary shall not operate at the
24 same physical location as a medical cannabidiol manufacturer.

25 10. A medical cannabidiol dispensary shall not operate in
26 any location within one thousand feet of a public or private
27 school existing before the date of the medical cannabidiol
28 dispensary's licensure by the department.

29 11. A medical cannabidiol dispensary shall comply with
30 reasonable restrictions set by the department relating to
31 signage, marketing, display, and advertising of medical
32 cannabidiol.

33 12. Prior to dispensing of any medical cannabidiol, a
34 medical cannabidiol dispensary shall do all of the following:

35 a. Verify that the medical cannabidiol dispensary has

1 received a valid medical cannabidiol registration card from a
2 patient or a patient's primary caregiver, if applicable.

3 *b.* Assign a tracking number to any medical cannabidiol
4 dispensed from the medical cannabidiol dispensary.

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

10 **Sec. 13. NEW SECTION. 124E.9 Fees.**

11 Medical cannabidiol registration card fees and medical
12 cannabidiol manufacturer and medical cannabidiol dispensary
13 application and annual fees collected by the department
14 pursuant to this chapter shall be retained by the department,
15 shall be considered repayment receipts as defined in section
16 8.2, and shall be used for the purpose of regulating medical
17 cannabidiol manufacturers and medical cannabidiol dispensaries,
18 for the cost of salaries for two agents of the division of
19 criminal investigation of the department of public safety
20 to inspect medical cannabidiol manufacturers and medical
21 cannabidiol dispensaries, and for other expenses necessary for
22 the administration of this chapter.

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

24 1. *a.* The department shall maintain a confidential file
25 of the names of each patient to or for whom the department
26 issues a medical cannabidiol registration card and the name of
27 each primary caregiver to whom the department issues a medical
28 cannabidiol registration card under section 124E.4.

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

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

35 (a) To authorized employees or agents of the department and

1 the department of transportation as necessary to perform the
2 duties of the department and the department of transportation
3 pursuant to this chapter.

4 (b) To authorized employees of law enforcement agencies
5 of a state or political subdivision thereof, but only for the
6 purpose of verifying that a person is lawfully in possession
7 of a medical cannabidiol registration card issued pursuant to
8 this chapter.

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

13 (d) To any other authorized persons recognized by the
14 department by rule, but only for the purpose of verifying that
15 a person is lawfully in possession of a medical cannabidiol
16 registration card issued pursuant to this chapter.

17 (2) Release of information pursuant to subparagraph
18 (1) shall be consistent with the federal Health Insurance
19 Portability and Accountability Act of 1996, Pub. L. No.
20 104-191.

21 2. The department shall adopt rules pursuant to chapter
22 17A to administer [this chapter](#) which shall include but not be
23 limited to rules to do all of the following:

24 a. Govern the manner in which the department shall
25 consider applications for new and renewal medical cannabidiol
26 registration cards.

27 b. Ensure that the medical cannabidiol registration card
28 program operates on a self-sustaining basis.

29 c. Establish the form and quantity of medical cannabidiol
30 allowed to be dispensed to a patient or primary caregiver
31 pursuant to this chapter as appropriate to serve the medical
32 needs of patients with debilitating medical conditions, subject
33 to recommendation by the medical cannabidiol board and approval
34 by the board of medicine.

35 d. Establish requirements for the licensure of medical

1 cannabidiol manufacturers and medical cannabidiol dispensaries
2 and set forth procedures for medical cannabidiol manufacturers
3 and medical cannabidiol dispensaries to obtain licenses.

4 *e.* Develop a dispensing system for medical cannabidiol
5 within this state that provides for all of the following:

6 (1) Medical cannabidiol dispensaries within this state
7 housed on secured grounds and operated by licensed medical
8 cannabidiol dispensaries.

9 (2) The dispensing of medical cannabidiol to patients and
10 their primary caregivers to occur at locations designated by
11 the department.

12 *f.* Establish and collect annual fees from medical
13 cannabidiol manufacturers and medical cannabidiol dispensaries
14 to cover the costs associated with regulating and inspecting
15 medical cannabidiol manufacturers and medical cannabidiol
16 dispensaries.

17 *g.* Specify and implement procedures that address public
18 safety including security procedures and product quality
19 including measures to ensure contaminant-free cultivation of
20 medical cannabidiol, safety, and labeling.

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

30 *i.* Establish and implement a medical cannabidiol inventory
31 and delivery tracking system to track medical cannabidiol
32 from production by a medical cannabidiol manufacturer through
33 dispensing at a medical cannabidiol dispensary.

34 **Sec. 15. NEW SECTION. 124E.11 Use of medical cannabidiol**
35 **— affirmative defenses.**

1 1. A health care practitioner, including any authorized
2 agent or employee thereof, shall not be subject to
3 prosecution for the unlawful certification, possession, or
4 administration of marijuana under the laws of this state for
5 activities arising directly out of or directly related to the
6 certification or use of medical cannabidiol in the treatment
7 of a patient diagnosed with a debilitating medical condition
8 as authorized by this chapter.

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

14 3. A medical cannabidiol dispensary, including any
15 authorized agent or employee thereof, shall not be subject to
16 prosecution for dispensing medical cannabidiol pursuant to this
17 chapter.

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

29 *b.* In a prosecution for the unlawful possession of
30 marijuana under the laws of this state for the possession of
31 medical cannabidiol, including but not limited to chapters
32 124 and 453B, it is an affirmative and complete defense to
33 the prosecution that the person possessed medical cannabidiol
34 because the person is a primary caregiver of a patient who
35 has been diagnosed with a debilitating medical condition and

1 is in possession of a valid medical cannabidiol registration
2 card issued pursuant to this chapter, and where the primary
3 caregiver's possession of the medical cannabidiol is on behalf
4 of the patient and for the patient's use only as authorized
5 under this chapter.

6 c. If a patient or primary caregiver is charged with the
7 unlawful possession of marijuana under the laws of this state
8 for the possession of medical cannabidiol, including but not
9 limited to chapters 124 and 453B, and is not in possession
10 of the person's medical cannabidiol registration card, any
11 charge or charges filed against the person for the possession
12 of medical cannabidiol shall be dismissed by the court if the
13 person produces to the court prior to or at the person's trial
14 a medical cannabidiol registration card issued to that person
15 and valid at the time the person was charged.

16 5. An agency of this state or a political subdivision
17 thereof, including any law enforcement agency, shall not remove
18 or initiate proceedings to remove a patient under the age
19 of eighteen from the home of a parent based solely upon the
20 parent's or patient's possession or use of medical cannabidiol
21 as authorized under this chapter.

22 6. The department, the department of transportation,
23 and any health care practitioner, including any authorized
24 agent or employee thereof, are not subject to any civil
25 or disciplinary penalties by the board of medicine or any
26 business, occupational, or professional licensing board or
27 entity, solely for activities conducted relating to a patient's
28 possession or use of medical cannabidiol as authorized under
29 this chapter. Nothing in this section affects a professional
30 licensing board from taking action in response to violations of
31 any other section of law.

32 7. Notwithstanding any law to the contrary, the department,
33 the department of transportation, the governor, or any employee
34 of any state agency shall not be held civilly or criminally
35 liable for any injury, loss of property, personal injury, or

1 death caused by any act or omission while acting within the
2 scope of office or employment as authorized under this chapter.

3 8. An attorney shall not be subject to disciplinary action
4 by the Iowa supreme court or attorney disciplinary board for
5 providing legal assistance to a patient, primary caregiver, or
6 others based upon a patient's or primary caregiver's possession
7 or use of medical cannabidiol as authorized under this chapter.

8 9. Possession of a medical cannabidiol registration card or
9 an application for a medical cannabidiol registration card by a
10 person entitled to possess or apply for a medical cannabidiol
11 registration card shall not constitute probable cause or
12 reasonable suspicion, and shall not be used to support a search
13 of the person or property of the person possessing or applying
14 for the medical cannabidiol registration card, or otherwise
15 subject the person or property of the person to inspection by
16 any governmental agency.

17 Sec. 16. NEW SECTION. 12E.12 **Medical cannabidiol source.**

18 Medical cannabidiol provided exclusively pursuant to a
19 written certification of a health care practitioner, if not
20 legally available in this state or from any other bordering
21 state, shall be obtained from an out-of-state source.

22 Sec. 17. NEW SECTION. 124E.13 **Out-of-state medical
23 cannabidiol dispensaries.**

24 The department of public health shall utilize a request for
25 proposals process to select and license by December 1, 2017,
26 up to two out-of-state medical cannabidiol dispensaries from a
27 bordering state to sell and dispense medical cannabidiol to a
28 patient or primary caregiver in possession of a valid medical
29 cannabidiol registration card issued under this chapter.

30 Sec. 18. NEW SECTION. 124E.14 **Iowa patients and primary
31 caregivers registering in the state of Minnesota.**

32 A patient or a primary caregiver with a valid medical
33 cannabidiol registration card issued pursuant to this chapter
34 may register in the state of Minnesota as a visiting qualified
35 patient or primary caregiver and may register with one or more

1 medical cannabis manufacturers registered under the laws of
2 Minnesota.

3 Sec. 19. NEW SECTION. 124E.15 **Penalties.**

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

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

12 Sec. 20. NEW SECTION. 124E.16 **Use of medical cannabidiol —**
13 **smoking prohibited.**

14 A patient shall not consume medical cannabidiol possessed
15 or used as authorized under this chapter by smoking medical
16 cannabidiol.

17 Sec. 21. NEW SECTION. 124E.17 **Reciprocity.**

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

26 Sec. 22. Section 730.5, subsection 11, Code 2017, is amended
27 by adding the following new paragraph:

28 NEW PARAGRAPH. *f.* Testing or taking action against an
29 individual with a confirmed positive test result due to the
30 individual's use of medical cannabidiol as authorized under
31 chapter 124E.

32 Sec. 23. **REPEAL.** Chapter 124D, Code 2017, is repealed.

33 Sec. 24. **TRANSITION PROVISIONS.** A medical cannabidiol
34 registration card issued under chapter 124D prior to the
35 effective date of this Act, remains effective and continues

1 in effect as issued for the twelve-month period following its
2 issuance. This Act does not preclude the medical cannabidiol
3 registration cardholder from seeking to renew the holder's
4 medical cannabidiol registration card under this Act prior to
5 the expiration of the twelve-month period.

6 Sec. 25. EFFECTIVE UPON ENACTMENT. This Act, being of
7 immediate importance, takes effect upon enactment.>

8 2. Title page, by striking lines 1 through 3 and inserting
9 <An Act relating to medical cannabidiol and prescription drugs,
10 including the establishment of the medical cannabidiol Act, the
11 federal scheduling of a cannabidiol investigational product,
12 and the exchange of prescription drug information, providing
13 for civil and criminal penalties and fees, and including
14 effective date provisions.>>