

House File 2589

H-8101

1 Amend House File 2589 as follows:

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

4 <Section 1. Section 124E.2, subsection 2, paragraph i, Code
5 2020, is amended to read as follows:

6 *i. ~~Untreatable~~ Chronic pain.*

7 Sec. 2. Section 124E.2, subsections 5 and 6, Code 2020, are
8 amended to read as follows:

9 5. "*Health care practitioner*" means an individual licensed
10 under [chapter 148](#) to practice medicine and surgery or
11 osteopathic medicine and surgery, a physician assistant
12 licensed under chapter 148C, a podiatrist licensed pursuant to
13 chapter 149, an advanced registered nurse practitioner licensed
14 under chapter 152, or an advanced practice registered nurse
15 under chapter 152E, who is a patient's primary care provider.

16 ~~"Health care practitioner" shall not include a physician~~
17 ~~assistant licensed under [chapter 148C](#) or an advanced registered~~
18 ~~nurse practitioner licensed pursuant to [chapter 152](#) or [152E](#).~~

19 6. "*Medical cannabidiol*" means any pharmaceutical
20 grade cannabinoid found in the plant *Cannabis sativa* L. or
21 *Cannabis indica* or any other preparation thereof ~~that has~~
22 ~~a tetrahydrocannabinol level of no more than three percent~~
23 ~~and that is delivered in a form recommended by the medical~~
24 ~~cannabidiol board, approved by the board of medicine, and~~
25 ~~adopted by the department pursuant to rule.~~

26 Sec. 3. Section 124E.2, Code 2020, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 7A. "*Total tetrahydrocannabinol*" means
29 eighty-seven and seven-tenths percent of the amount of
30 tetrahydrocannabinol plus the amount of tetrahydrocannabinolic
31 acid.

32 Sec. 4. Section 124E.4, subsection 1, unnumbered paragraph
33 1, Code 2020, is amended to read as follows:

34 Subject to [subsection 7](#), the department may ~~approve the~~
35 ~~issuance of~~ issue a medical cannabidiol registration card by

1 ~~the department of transportation~~ to a patient who:

2 Sec. 5. Section 124E.4, subsection 1, paragraph d,
3 unnumbered paragraph 1, Code 2020, is amended to read as
4 follows:

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

8 Sec. 6. Section 124E.4, subsection 1, paragraph f, Code
9 2020, is amended by striking the paragraph.

10 Sec. 7. Section 124E.4, subsection 2, unnumbered paragraph
11 1, Code 2020, is amended to read as follows:

12 A medical cannabidiol registration card issued to a patient
13 by the department ~~of transportation~~ pursuant to [subsection 1](#)
14 shall contain, at a minimum, all of the following:

15 Sec. 8. Section 124E.4, subsection 2, paragraph b, Code
16 2020, is amended by striking the paragraph.

17 Sec. 9. Section 124E.4, subsection 3, unnumbered paragraph
18 1, Code 2020, is amended to read as follows:

19 For a patient in a primary caregiver's care, subject to
20 subsection 7, the department may ~~approve the issuance of~~ issue
21 a medical cannabidiol registration card ~~by the department of~~
22 ~~transportation~~ to the primary caregiver who:

23 Sec. 10. Section 124E.4, subsection 3, paragraph b,
24 unnumbered paragraph 1, Code 2020, is amended to read as
25 follows:

26 Submits an application to the department, on a form created
27 by the department, ~~in consultation with the department of~~
28 ~~transportation~~, that contains all of the following:

29 Sec. 11. Section 124E.4, subsection 3, paragraph c, Code
30 2020, is amended by striking the paragraph.

31 Sec. 12. Section 124E.4, subsection 4, unnumbered paragraph
32 1, Code 2020, is amended to read as follows:

33 A medical cannabidiol registration card issued by the
34 department ~~of transportation~~ to a primary caregiver pursuant to
35 subsection 3 shall contain, at a minimum, all of the following:

1 Sec. 13. Section 124E.4, subsection 4, paragraph b, Code
2 2020, is amended by striking the paragraph.

3 Sec. 14. Section 124E.4, subsection 6, Code 2020, is amended
4 by striking the subsection.

5 Sec. 15. Section 124E.5, subsection 2, Code 2020, is amended
6 to read as follows:

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

9 Sec. 16. Section 124E.5, subsection 6, Code 2020, is amended
10 to read as follows:

11 6. ~~The medical cannabidiol board may recommend a statutory~~
12 ~~revision to the definition of medical cannabidiol contained in~~
13 ~~this chapter~~ that increases the tetrahydrocannabinol level to
14 more than three percent, however, any such recommendation shall
15 be submitted to the general assembly during the regular session
16 of the general assembly following such submission. The general
17 assembly shall have the sole authority to revise the definition
18 of medical cannabidiol for purposes of **this chapter**.

19 Sec. 17. Section 124E.9, Code 2020, is amended by adding the
20 following new subsections:

21 NEW SUBSECTION. 13. A medical cannabidiol dispensary
22 shall employ a pharmacist or pharmacy technician licensed or
23 registered pursuant to chapter 155A for the purpose of making
24 dosing recommendations.

25 NEW SUBSECTION. 14. A medical cannabidiol dispensary shall
26 not dispense more than a combined total of twenty-five grams
27 of total tetrahydrocannabinol to a patient and the patient's
28 primary caregiver in a ninety-day period, except as provided in
29 subsection 15. The department may decrease this limit by rule
30 as provided in section 124E.11, subsection 2, paragraph "c".

31 NEW SUBSECTION. 15. A medical cannabidiol dispensary
32 may dispense more than a combined total of twenty-five grams
33 of total tetrahydrocannabinol to a patient and the patient's
34 primary caregiver in a ninety-day period if any of the
35 following apply:

1 *a.* The health care practitioner who certified the patient to
2 receive a medical cannabidiol registration card certifies that
3 patient's debilitating medical condition is a terminal illness
4 with a life expectancy of less than one year. A certification
5 issued pursuant to this paragraph shall include a total
6 tetrahydrocannabinol cap deemed appropriate by the patient's
7 health care practitioner.

8 *b.* The health care practitioner who certified the patient to
9 receive a medical cannabidiol registration card certifies that
10 the patient has participated in the medical cannabidiol program
11 and that the health care practitioner has determined that
12 twenty-five grams of total tetrahydrocannabinol in a ninety-day
13 period is insufficient to treat the patient's debilitating
14 medical condition. A certification issued pursuant to this
15 paragraph shall include a total tetrahydrocannabinol cap deemed
16 appropriate by the patient's health care practitioner.

17 Sec. 18. Section 124E.11, subsection 1, paragraph b,
18 subparagraph (1), subparagraph division (a), Code 2020, is
19 amended to read as follows:

20 (a) To authorized employees or agents of the department and
21 ~~the department of transportation~~ as necessary to perform the
22 duties of the department and ~~the department of transportation~~
23 pursuant to [this chapter](#).

24 Sec. 19. Section 124E.11, subsection 1, paragraph b,
25 subparagraph (1), subparagraph division (c), Code 2020, is
26 amended to read as follows:

27 (c) To authorized employees of a medical cannabidiol
28 dispensary, but only for the ~~purpose~~ purposes of verifying that
29 a person is lawfully in possession of a medical cannabidiol
30 registration card issued pursuant to [this chapter](#) and that a
31 person has not purchased total tetrahydrocannabinol in excess
32 of the amount authorized by this chapter.

33 Sec. 20. Section 124E.11, subsection 1, paragraph b,
34 subparagraph (1), Code 2020, is amended by adding the following
35 new subparagraph division:

1 NEW SUBPARAGRAPH DIVISION. (e) To a health care
2 practitioner for the purpose of determining whether a patient
3 seeking a written certification pursuant to section 124E.3 has
4 already received a written certification from another health
5 care practitioner.

6 Sec. 21. Section 124E.12, subsection 7, Code 2020, is
7 amended to read as follows:

8 7. Notwithstanding any law to the contrary, the department,
9 ~~the department of transportation,~~ the governor, or any employee
10 of any state agency shall not be held civilly or criminally
11 liable for any injury, loss of property, personal injury, or
12 death caused by any act or omission while acting within the
13 scope of office or employment as authorized under [this chapter](#).

14 Sec. 22. NEW SECTION. **124E.20 Observational effectiveness**
15 **study.**

16 The department may conduct an observational effectiveness
17 study in cooperation with patients and health care
18 practitioners and pursuant to rules of the department in order
19 to study the effectiveness of medical cannabidiol in the
20 treatment of debilitating medical conditions.

21 Sec. 23. PROTECTION OF FEDERAL FUNDING. The department
22 of public health shall request guarantees from the agencies
23 of the federal government providing funding to educational
24 and long-term care facilities that facilities with policies
25 allowing patients to possess medical cannabidiol on the grounds
26 of the facilities consistent with chapter 124E or allowing
27 facility staff to administer medical cannabidiol to a patient
28 shall not lose eligibility for any federal funding due to such
29 policies.

30 Sec. 24. TRANSITION PROVISIONS. A medical cannabidiol
31 registration card issued prior to July 1, 2020, remains
32 effective and continues in effect as issued for the
33 twelve-month period following its issuance.>

BRECKENRIDGE of Jasper