

H-8129

1 Amend House File 2589 as follows:

2 1. Page 1, before line 29 by inserting:

3 <Sec. \_\_\_\_ . NEW SECTION. **124E.3A State medical director**  
4 **certification — rules.**

5 1. The department shall establish by rule by January 1,  
6 2021, a process for a patient who has been denied a written  
7 certification by a health care practitioner pursuant to section  
8 124E.3 to receive a written certification from the state  
9 medical director of the department.

10 2. The process established pursuant to subsection 1 shall  
11 include all of the following provisions:

12 a. The patient shall submit the patient's medical records  
13 to the state medical director.

14 b. The state medical director shall verify that the  
15 patient's health care practitioner refused to provide a written  
16 certification to the patient pursuant to section 124E.3.

17 c. The state medical director shall determine whether  
18 the patient suffers from a debilitating medical condition  
19 that qualifies for the use of medical cannabidiol under this  
20 chapter.

21 d. The state medical director shall determine whether the  
22 patient may benefit from the use of medical cannabidiol.

23 e. If the state medical director determines that the patient  
24 suffers from a debilitating medical condition, that the patient  
25 may benefit from the use of medical cannabidiol, and that the  
26 patient's health care practitioner refused to provide a written  
27 certification to the patient, the state medical director shall  
28 provide a written certification to the patient.

29 3. The custodian of a patient's medical records shall  
30 provide the patient's medical records to the state medical  
31 director or the patient for the purpose of obtaining a written  
32 certification pursuant to this section without charge to the  
33 patient or the state medical director.

34 4. The state medical director shall keep confidential all  
35 medical records provided to the state medical director pursuant

1 to this section.>

2 2. Page 1, before line 34 by inserting:

3 <Sec. \_\_\_\_\_. Section 124E.4, subsection 1, paragraph c, Code  
4 2020, is amended to read as follows:

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

9 3. Page 2, before line 20 by inserting:

10 <Sec. \_\_\_\_\_. Section 124E.4, subsection 3, paragraph a, Code  
11 2020, is amended to read as follows:

12 a. Submits a written certification to the department signed  
13 by the patient's health care practitioner or the state medical  
14 director that the patient in the primary caregiver's care is  
15 suffering from a debilitating medical condition.>

16 4. Page 5, before line 4 by inserting:

17 <Sec. \_\_\_\_\_. Section 124E.12, subsection 1, Code 2020, is  
18 amended to read as follows:

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

28 5. By renumbering as necessary.

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ISENHART of Dubuque