

House File 2589

H-8143

1 Amend the amendment, H-8128, to House File 2589 as follows:

2 1. By striking page 1, line 2, through page 9, line 9, and
3 inserting:

4 <1. By striking everything after the enacting clause and
5 inserting:

6 <Section 1. Section 124E.2, subsection 2, paragraph i, Code
7 2020, is amended to read as follows:

8 *i. Untreatable Chronic pain.*

9 Sec. 2. Section 124E.2, subsection 2, Code 2020, is amended
10 by adding the following new paragraphs:

11 NEW PARAGRAPH. j. Severe, intractable autism with
12 self-injurious or aggressive behaviors.

13 NEW PARAGRAPH. k. Post-traumatic stress disorder.

14 Sec. 3. Section 124E.2, subsections 5 and 6, Code 2020, are
15 amended to read as follows:

16 5. "*Health care practitioner*" means an individual licensed
17 under chapter 148 to practice medicine and surgery or
18 osteopathic medicine and surgery, a physician assistant
19 licensed under chapter 148C, an advanced registered nurse
20 practitioner licensed under chapter 152, or an advanced
21 practice registered nurse under chapter 152E, who is a
22 patient's primary care provider or a podiatrist licensed
23 pursuant to chapter 149. ~~"Health care practitioner" shall not~~
24 ~~include a physician assistant licensed under chapter 148C or~~
25 ~~an advanced registered nurse practitioner licensed pursuant to~~
26 ~~chapter 152 or 152E.~~

27 6. "*Medical cannabidiol*" means any pharmaceutical
28 grade cannabinoid found in the plant *Cannabis sativa* L. or
29 *Cannabis indica* or any other preparation thereof ~~that has~~
30 ~~a tetrahydrocannabinol level of no more than three percent~~
31 ~~and that is delivered in a form recommended by the medical~~
32 ~~cannabidiol board, approved by the board of medicine, and~~
33 ~~adopted by the department pursuant to rule.~~

34 Sec. 4. Section 124E.2, Code 2020, is amended by adding the
35 following new subsection:

1 NEW SUBSECTION. 5A. “*Laboratory*” means the state hygienic
2 laboratory at the university of Iowa in Iowa City or any other
3 independent medical cannabidiol testing facility accredited
4 to standard ISO/IEC 17025 by an international organization
5 for standards-approved accrediting body, with a controlled
6 substance registration certificate from the United States drug
7 enforcement administration and a certificate of registration
8 from the board of pharmacy. For the purposes of this chapter,
9 an independent laboratory is a laboratory operated by an
10 entity that has no equity ownership in a medical cannabidiol
11 manufacturer.

12 Sec. 5. NEW SECTION. 124E.3A State medical director
13 certification — rules.

14 1. The department shall establish by rule by January 1,
15 2021, a process for a patient who has been denied a written
16 certification by a health care practitioner pursuant to section
17 124E.3 to receive a written certification from the state
18 medical director of the department.

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

21 a. The patient shall submit the patient’s medical records
22 to the state medical director.

23 b. The state medical director shall verify that the
24 patient’s health care practitioner refused to provide a written
25 certification to the patient pursuant to section 124E.3.

26 c. The state medical director shall determine whether
27 the patient suffers from a debilitating medical condition
28 that qualifies for the use of medical cannabidiol under this
29 chapter.

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

32 e. If the state medical director determines that the patient
33 suffers from a debilitating medical condition, that the patient
34 may benefit from the use of medical cannabidiol, and that the
35 patient’s health care practitioner refused to provide a written

1 certification to the patient, the state medical director shall
2 provide a written certification to the patient.

3 3. The custodian of a patient's medical records shall
4 provide the patient's medical records to the state medical
5 director or the patient for the purpose of obtaining a written
6 certification pursuant to this section without charge to the
7 patient or the state medical director.

8 4. The state medical director shall keep confidential all
9 medical records provided to the state medical director pursuant
10 to this section.

11 Sec. 6. Section 124E.4, subsection 1, unnumbered paragraph
12 1, Code 2020, is amended to read as follows:

13 Subject to [subsection 7](#), the department may ~~approve the~~
14 ~~issuance of~~ issue a medical cannabidiol registration card by
15 ~~the department of transportation~~ to a patient who:

16 Sec. 7. Section 124E.4, subsection 1, paragraph c, Code
17 2020, is amended to read as follows:

18 c. Submits a written certification to the department signed
19 by the patient's health care practitioner or the state medical
20 director that the patient is suffering from a debilitating
21 medical condition.

22 Sec. 8. Section 124E.4, subsection 1, paragraph d,
23 unnumbered paragraph 1, Code 2020, is amended to read as
24 follows:

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

28 Sec. 9. Section 124E.4, subsection 1, paragraph f, Code
29 2020, is amended by striking the paragraph.

30 Sec. 10. Section 124E.4, subsection 2, unnumbered paragraph
31 1, Code 2020, is amended to read as follows:

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

35 Sec. 11. Section 124E.4, subsection 2, paragraph b, Code

1 2020, is amended by striking the paragraph.

2 Sec. 12. Section 124E.4, subsection 3, unnumbered paragraph
3 1, Code 2020, is amended to read as follows:

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

8 Sec. 13. Section 124E.4, subsection 3, paragraph a, Code
9 2020, is amended to read as follows:

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

14 Sec. 14. Section 124E.4, subsection 3, paragraph b,
15 unnumbered paragraph 1, Code 2020, is amended to read as
16 follows:

17 Submits an application to the department, on a form created
18 by the department, ~~in consultation with the department of~~
19 ~~transportation~~, that contains all of the following:

20 Sec. 15. Section 124E.4, subsection 3, paragraph c, Code
21 2020, is amended by striking the paragraph.

22 Sec. 16. Section 124E.4, subsection 4, unnumbered paragraph
23 1, Code 2020, is amended to read as follows:

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

27 Sec. 17. Section 124E.4, subsection 4, paragraph b, Code
28 2020, is amended by striking the paragraph.

29 Sec. 18. Section 124E.4, subsection 6, Code 2020, is amended
30 by striking the subsection.

31 Sec. 19. Section 124E.5, subsections 2 and 6, Code 2020, are
32 amended to read as follows:

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

35 6. ~~The medical cannabidiol board may recommend a statutory~~

1 ~~revision to the definition of medical cannabidiol contained in~~
2 ~~this chapter~~ that increases the tetrahydrocannabinol level to
3 ~~more than three percent, however, any such recommendation shall~~
4 ~~be submitted to the general assembly during the regular session~~
5 ~~of the general assembly following such submission.~~ The general
6 assembly shall have the sole authority to revise the definition
7 of medical cannabidiol for purposes of **this chapter**.

8 Sec. 20. Section 124E.6, subsection 4, Code 2020, is amended
9 by striking the subsection and inserting in lieu thereof the
10 following:

11 4. A medical cannabidiol manufacturer shall contract with
12 a laboratory to perform spot-check testing of the medical
13 cannabidiol produced by the medical cannabidiol manufacturer
14 as provided in section 124E.7. The department shall require
15 that the laboratory report testing results to the medical
16 cannabidiol manufacturer and the department as determined by
17 the department by rule. If a medical cannabidiol manufacturer
18 contracts with a laboratory other than the state hygienic
19 laboratory at the university of Iowa in Iowa City, the
20 department shall approve the laboratory to perform testing
21 pursuant to this chapter.

22 Sec. 21. Section 124E.7, subsection 1, Code 2020, is amended
23 by striking the subsection and inserting in lieu thereof the
24 following:

25 1. A medical cannabidiol manufacturer shall contract with
26 a laboratory to perform spot-check testing of the medical
27 cannabidiol produced by the medical cannabidiol manufacturer as
28 to content, contamination, and consistency. The cost of all
29 laboratory testing shall be paid by the medical cannabidiol
30 manufacturer.

31 Sec. 22. Section 124E.9, Code 2020, is amended by adding the
32 following new subsections:

33 NEW SUBSECTION. 13. A medical cannabidiol dispensary
34 shall employ a pharmacist or pharmacy technician licensed or
35 registered pursuant to chapter 155A for the purpose of making

1 dosing recommendations.

2 NEW SUBSECTION. 14. A medical cannabidiol dispensary
3 shall not dispense more than a combined total of fifteen grams
4 of total tetrahydrocannabinol to a patient and the patient's
5 primary caregiver in a ninety-day period, except as provided
6 in subsection 15.

7 NEW SUBSECTION. 15. A medical cannabidiol dispensary may
8 dispense more than a combined total of fifteen grams of total
9 tetrahydrocannabinol to a patient and the patient's primary
10 caregiver in a ninety-day period if any of the following apply:

11 a. The health care practitioner who certified the patient to
12 receive a medical cannabidiol registration card certifies that
13 patient's debilitating medical condition is a terminal illness
14 with a life expectancy of less than one year. A certification
15 issued pursuant to this paragraph shall include a total
16 tetrahydrocannabinol cap deemed appropriate by the patient's
17 health care practitioner.

18 b. The health care practitioner who certified the patient to
19 receive a medical cannabidiol registration card certifies that
20 the patient has participated in the medical cannabidiol program
21 and that the health care practitioner has determined that
22 fifteen grams of total tetrahydrocannabinol in a ninety-day
23 period is insufficient to treat the patient's debilitating
24 medical condition. A certification issued pursuant to this
25 paragraph shall include a total tetrahydrocannabinol cap deemed
26 appropriate by the patient's health care practitioner.

27 Sec. 23. Section 124E.11, subsection 1, paragraph b,
28 subparagraph (1), subparagraph divisions (a) and (c), Code
29 2020, are amended to read as follows:

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

34 (c) To authorized employees of a medical cannabidiol
35 dispensary, but only for the purpose purposes of verifying that

1 a person is lawfully in possession of a medical cannabidiol
2 registration card issued pursuant to [this chapter](#) and that a
3 person has not purchased total tetrahydrocannabinol in excess
4 of the amount authorized by this chapter.

5 Sec. 24. Section 124E.11, subsection 1, paragraph b,
6 subparagraph (1), Code 2020, is amended by adding the following
7 new subparagraph division:

8 NEW SUBPARAGRAPH DIVISION. (e) To a health care
9 practitioner for the purpose of determining whether a patient
10 seeking a written certification pursuant to section 124E.3 has
11 already received a written certification from another health
12 care practitioner.

13 Sec. 25. Section 124E.12, subsection 1, Code 2020, is
14 amended to read as follows:

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

24 Sec. 26. Section 124E.12, subsection 7, Code 2020, is
25 amended to read as follows:

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

32 Sec. 27. NEW SECTION. **124E.20 Observational effectiveness**
33 **study.**

34 The department may conduct an observational effectiveness
35 study in cooperation with patients and health care

1 practitioners and pursuant to rules of the department in order
2 to study the effectiveness of medical cannabidiol in the
3 treatment of debilitating medical conditions.

4 Sec. 28. PROTECTION OF FEDERAL FUNDING. The department
5 of public health shall request guarantees from the agencies
6 of the federal government providing funding to educational
7 and long-term care facilities that facilities with policies
8 allowing patients to possess medical cannabidiol on the grounds
9 of the facilities consistent with chapter 124E or allowing
10 facility staff to administer medical cannabidiol to a patient
11 shall not lose eligibility for any federal funding due to such
12 policies.

13 Sec. 29. TRANSITION PROVISIONS. A medical cannabidiol
14 registration card issued prior to July 1, 2020, remains
15 effective and continues in effect as issued for the
16 twelve-month period following its issuance.>>

ISENHART of Dubuque