

House File 2589

H-8144

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. Section 124E.4, subsection 1, unnumbered paragraph  
13 1, Code 2020, is amended to read as follows:

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

17     Sec. 6. Section 124E.4, subsection 1, paragraph d,  
18 unnumbered paragraph 1, Code 2020, is amended to read as  
19 follows:

20     Submits an application to the department, on a form created  
21 by the department, ~~in consultation with the department of~~  
22 ~~transportation~~, that contains all of the following:

23     Sec. 7. Section 124E.4, subsection 1, paragraph f, Code  
24 2020, is amended by striking the paragraph.

25     Sec. 8. Section 124E.4, subsection 2, unnumbered paragraph  
26 1, Code 2020, is amended to read as follows:

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

30     Sec. 9. Section 124E.4, subsection 2, paragraph b, Code  
31 2020, is amended by striking the paragraph.

32     Sec. 10. Section 124E.4, subsection 3, unnumbered paragraph  
33 1, Code 2020, is amended to read as follows:

34     For a patient in a primary caregiver’s care, subject to  
35 ~~subsection 7~~, the department may ~~approve the issuance of~~ issue

1 a medical cannabidiol registration card ~~by the department of~~  
2 ~~transportation~~ to the primary caregiver who:

3     Sec. 11. Section 124E.4, subsection 3, paragraph b,  
4 unnumbered paragraph 1, Code 2020, is amended to read as  
5 follows:

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

9     Sec. 12. Section 124E.4, subsection 3, paragraph c, Code  
10 2020, is amended by striking the paragraph.

11     Sec. 13. Section 124E.4, subsection 4, unnumbered paragraph  
12 1, Code 2020, is amended to read as follows:

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

16     Sec. 14. Section 124E.4, subsection 4, paragraph b, Code  
17 2020, is amended by striking the paragraph.

18     Sec. 15. Section 124E.4, subsection 6, Code 2020, is amended  
19 by striking the subsection.

20     Sec. 16. Section 124E.5, subsections 2 and 6, Code 2020, are  
21 amended to read as follows:

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

24     6. ~~The medical cannabidiol board may recommend a statutory~~  
25 ~~revision to the definition of medical cannabidiol contained in~~  
26 ~~this chapter~~ that increases the tetrahydrocannabinol level to  
27 more than three percent, however, any such recommendation shall  
28 be submitted to the general assembly during the regular session  
29 of the general assembly following such submission. The general  
30 assembly shall have the sole authority to revise the definition  
31 of medical cannabidiol for purposes of ~~this chapter~~.

32     Sec. 17. Section 124E.6, subsection 4, Code 2020, is amended  
33 by striking the subsection and inserting in lieu thereof the  
34 following:

35     4. A medical cannabidiol manufacturer shall contract with

1 a laboratory to perform spot-check testing of the medical  
2 cannabidiol produced by the medical cannabidiol manufacturer  
3 as provided in section 124E.7. The department shall require  
4 that the laboratory report testing results to the medical  
5 cannabidiol manufacturer and the department as determined by  
6 the department by rule. If a medical cannabidiol manufacturer  
7 contracts with a laboratory other than the state hygienic  
8 laboratory at the university of Iowa in Iowa City, the  
9 department shall approve the laboratory to perform testing  
10 pursuant to this chapter.

11 Sec. 18. Section 124E.7, subsection 1, Code 2020, is amended  
12 by striking the subsection and inserting in lieu thereof the  
13 following:

14 1. A medical cannabidiol manufacturer shall contract with  
15 a laboratory to perform spot-check testing of the medical  
16 cannabidiol produced by the medical cannabidiol manufacturer as  
17 to content, contamination, and consistency. The cost of all  
18 laboratory testing shall be paid by the medical cannabidiol  
19 manufacturer.

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

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

26 NEW SUBSECTION. 14. A medical cannabidiol dispensary  
27 shall not dispense more than a combined total of fifteen grams  
28 of total tetrahydrocannabinol to a patient and the patient's  
29 primary caregiver in a ninety-day period, except as provided  
30 in subsection 15.

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

35 a. The health care practitioner who certified the patient to

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

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

16     Sec. 20. Section 124E.11, subsection 1, paragraph b,  
17 subparagraph (1), subparagraph divisions (a) and (c), Code  
18 2020, are amended to read as follows:

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

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

29     Sec. 21. Section 124E.11, subsection 1, paragraph b,  
30 subparagraph (1), Code 2020, is amended by adding the following  
31 new subparagraph division:

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

1 care practitioner.

2 Sec. 22. Section 124E.12, subsection 7, Code 2020, is  
3 amended to read as follows:

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

10 Sec. 23. NEW SECTION. 124E.20 **Observational effectiveness**  
11 **study.**

12 The department may conduct an observational effectiveness  
13 study in cooperation with patients and health care  
14 practitioners and pursuant to rules of the department in order  
15 to study the effectiveness of medical cannabidiol in the  
16 treatment of debilitating medical conditions.

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

26 Sec. 25. TRANSITION PROVISIONS. A medical cannabidiol  
27 registration card issued prior to July 1, 2020, remains  
28 effective and continues in effect as issued for the  
29 twelve-month period following its issuance.>>

---

KRESSIG of Black Hawk