

**EIGHTY-SIXTH GENERAL ASSEMBLY  
2016 REGULAR SESSION  
DAILY  
HOUSE CLIP SHEET**

APRIL 27, 2016

**HOUSE FILE 2459**

**H-8298**

1 Amend the amendment, H-8286, to the Senate  
2 amendment, H-8278, to House File 2459, as amended,  
3 passed, and reprinted by the House, as follows:  
4 1. Page 6, after line 2 by inserting:  
5 <Sec. \_\_\_\_ . WATER QUALITY INTERIM STUDY  
6 COMMITTEE. The legislative council is requested to  
7 appoint an interim study committee to examine issues  
8 and funding related to water quality in the state. The  
9 committee shall submit a report to the general assembly  
10 by January 1, 2017.>  
11 2. By renumbering as necessary.

**By** H. MILLER of Webster

**H-8298** FILED APRIL 26, 2016

SENATE FILE 492

H-8297

1 Amend the amendment, H-8293, to Senate File 492, as  
2 passed by the Senate, as follows:

3 1. By striking page 1, line 1, through page 21,  
4 line 31, and inserting:

5 <Amend Senate File 492, as passed by the Senate, as  
6 follows:

7 1. Page 1, before line 1 by inserting:

8 <DIVISION I  
9 DISASTER CASE MANAGEMENT GRANT FUND AND PROGRAM>

10 2. Page 3, after line 22 by inserting:

11 <DIVISION \_\_\_\_  
12 MEDICAL CANNABIS

13 Sec. \_\_\_\_ . Section 124.204, subsection 4, paragraphs  
14 m and u, Code 2016, are amended by striking the  
15 paragraphs.

16 Sec. \_\_\_\_ . Section 124.204, subsection 7, Code 2016,  
17 is amended by striking the subsection.

18 Sec. \_\_\_\_ . Section 124.206, subsection 7, Code 2016,  
19 is amended to read as follows:

20 7. Hallucinogenic substances. Unless specifically  
21 excepted or unless listed in another schedule, any  
22 material, compound, mixture, or preparation which  
23 contains any quantity of the following substances,  
24 or, for purposes of paragraphs "a" and "b", which  
25 contains any of its salts, isomers, or salts of isomers  
26 whenever the existence of such salts, isomers, or salts  
27 of isomers is possible within the specific chemical  
28 designation (for purposes of this paragraph only, the  
29 term "isomer" includes the optical, positional, and  
30 geometric isomers):

31 a. ~~Marijuana when used for medicinal purposes~~  
32 ~~pursuant to rules of the board.~~

33 b. Tetrahydrocannabinols, meaning  
34 tetrahydrocannabinols naturally contained in a  
35 plant of the genus cannabis (cannabis plant) as well

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1 as synthetic equivalents of the substances contained  
2 in the cannabis plant, or in the resinous extractives  
3 of such plant, and synthetic substances, derivatives,  
4 and their isomers with similar chemical structure and  
5 pharmacological activity to those substances contained  
6 in the plant, such as the following:

7 (1) 1 cis or trans tetrahydrocannabinol, and their  
8 optical isomers.

9 (2) 6 cis or trans tetrahydrocannabinol, and their  
10 optical isomers.

11 (3) 3,4 cis or trans tetrahydrocannabinol, and  
12 their optical isomers. (Since nomenclature of these  
13 substances is not internationally standardized,  
14 compounds of these structures, regardless of numerical  
15 designation of atomic positions covered.)

16 ~~b.~~ c. Nabilone [another name for  
17 nabilone: (+-) -  
18 trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-  
19 dimethyl-9H-dibenzo[b,d]pyran-9-one].

20 Sec. \_\_\_\_\_. Section 124.401, subsection 5, unnumbered  
21 paragraph 3, Code 2016, is amended to read as follows:

22 A person may knowingly or intentionally recommend,  
23 possess, use, dispense, deliver, transport, or  
24 administer ~~cannabidiol~~ medical cannabis if the  
25 recommendation, possession, use, dispensing, delivery,  
26 transporting, or administering is in accordance with  
27 the provisions of chapter ~~124D~~ 124E. For purposes of  
28 this paragraph, ~~"cannabidiol"~~ "medical cannabis" means  
29 the same as defined in section ~~124D.2~~ 124E.2.

30 Sec. \_\_\_\_\_. NEW SECTION. 124E.1 Short title.

31 This chapter shall be known and may be cited as the  
32 "Compassionate Use of Medical Cannabis Act".

33 Sec. \_\_\_\_\_. NEW SECTION. 124E.2 Definitions.

34 As used in this chapter:

35 1. "Debilitating medical condition" means any of the

- 1 following:
- 2 a. Cancer, if the underlying condition or treatment
- 3 produces one or more of the following:
- 4 (1) Intractable pain.
- 5 (2) Nausea or severe vomiting.
- 6 (3) Cachexia or severe wasting.
- 7 b. Multiple sclerosis.
- 8 c. Epilepsy or seizure disorders.
- 9 d. AIDS or HIV as defined in section 141A.1.
- 10 e. Crohn's disease or ulcerative colitis.
- 11 f. Amyotrophic lateral sclerosis.
- 12 g. Intractable pain.
- 13 h. Glaucoma.
- 14 i. Any terminal illness, with a probable life
- 15 expectancy of under one year, if the illness or its
- 16 treatment produces one or more of the following:
- 17 (1) Intractable pain.
- 18 (2) Nausea or severe vomiting.
- 19 (3) Cachexia or severe wasting.
- 20 j. Any other chronic or debilitating disease or
- 21 medical condition or its medical treatment approved by
- 22 the department pursuant to rule.
- 23 2. "Department" means the department of public
- 24 health.
- 25 3. "Disqualifying felony offense" means a violation
- 26 under federal or state law of a felony offense, which
- 27 has as an element the possession, use, or distribution
- 28 of a controlled substance, as defined in 21 U.S.C.
- 29 {802(6)}.
- 30 4. "Enclosed, locked facility" means a closet, room,
- 31 greenhouse, or other enclosed area equipped with locks
- 32 or other security devices that permit access only by a
- 33 cardholder.
- 34 5. "Health care practitioner" means an individual
- 35 licensed under chapter 148 to practice medicine and

1 surgery or osteopathic medicine and surgery or an  
2 individual licensed to prescribe medicine in any other  
3 state and provides specialty care for an Iowa resident  
4 for one or more of the debilitating medical conditions  
5 provided in this chapter.

6 6. "Intractable pain" means a pain in which the  
7 cause of the pain cannot be removed or otherwise  
8 treated with the consent of the patient and which, in  
9 the generally accepted course of medical practice, no  
10 relief or cure of the cause of the pain is possible,  
11 or none has been found after reasonable efforts.  
12 Reasonable efforts for relieving or curing the cause of  
13 the pain may be determined on the basis of but are not  
14 limited to any of the following:

15 a. When treating a nonterminally ill patient for  
16 intractable pain, evaluation by the attending physician  
17 and one or more physicians specializing in pain  
18 medicine or the treatment of the area, system, or organ  
19 of the body perceived as the source of the pain.

20 b. When treating a terminally ill patient,  
21 evaluation by the attending physician who does so in  
22 accordance with the level of care, skill, and treatment  
23 that would be recognized by a reasonably prudent  
24 physician under similar conditions and circumstances.

25 7. "Medical cannabis" means any species of the genus  
26 cannabis plant, or any mixture or preparation of them,  
27 including whole plant extracts and resins.

28 8. "Medical cannabis manufacturer" means an entity  
29 licensed by the department to manufacture and to  
30 possess, cultivate, transport, or supply medical  
31 cannabis pursuant to the provisions of this chapter.

32 9. "Medical cannabis patient center" means an entity  
33 licensed under section 124E.8 that acquires medical  
34 cannabis from a medical cannabis manufacturer in this  
35 state for the purpose of dispensing medical cannabis in

1 this state pursuant to this chapter.

2 10. "Primary caregiver" means a person, at least  
3 eighteen years of age, who has been designated by a  
4 patient's health care practitioner or a person having  
5 custody of a patient, as a necessary caretaker taking  
6 responsibility for managing the well-being of the  
7 patient with respect to the use of medical cannabis  
8 pursuant to the provisions of this chapter.

9 11. "Written certification" means a document signed  
10 by a health care practitioner, with whom the patient  
11 has established a patient-provider relationship, which  
12 states that the patient has a debilitating medical  
13 condition and identifies that condition and provides  
14 any other relevant information.

15 Sec. \_\_\_\_ . NEW SECTION. 124E.3 Health care  
16 practitioner certification ---- duties.

17 1. Prior to a patient's submission of an  
18 application for a medical cannabis registration card  
19 pursuant to section 124E.4, a health care practitioner  
20 shall do all of the following:

21 a. Determine, in the health care practitioner's  
22 medical judgment, whether the patient whom the health  
23 care practitioner has examined and treated suffers from  
24 a debilitating medical condition that qualifies for  
25 the use of medical cannabis under this chapter, and  
26 if so determined, provide the patient with a written  
27 certification of that diagnosis.

28 b. Provide explanatory information as provided by  
29 the department to the patient about the therapeutic use  
30 of medical cannabis.

31 2. Determine, on an annual basis, if the patient  
32 continues to suffer from a debilitating medical  
33 condition and, if so, issue the patient a new  
34 certification of that diagnosis.

35 3. Otherwise comply with all requirements

1 established by the department pursuant to rule.

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

5 Sec. \_\_\_\_ . NEW SECTION. 124E.4 Medical cannabis  
6 registration card.

7 1. Issuance to patient. The department may approve  
8 the issuance of a medical cannabis registration card by  
9 the department of transportation to a patient who:

10 a. Is at least eighteen years of age.

11 b. Is a permanent resident of this state.

12 c. Submits a written certification to the  
13 department signed by the patient's health care  
14 practitioner that the patient is suffering from a  
15 debilitating medical condition.

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

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

22 (2) A copy of the patient's valid photo  
23 identification.

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

26 (4) Full name, residence address, date of birth,  
27 and telephone number of each primary caregiver of the  
28 patient, if any.

29 (5) Any other information required by rule.

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

34 a. The patient's full name, Iowa residence address,  
35 and date of birth.

- 1 b. The patient's photograph.
- 2 c. The date of issuance and expiration date of the
- 3 registration card.
- 4 d. Any other information required by rule.
- 5 3. Issuance to primary caregiver. For a patient in
- 6 a primary caregiver's care, the department may approve
- 7 the issuance of a medical cannabis registration card
- 8 by the department of transportation to the primary
- 9 caregiver who:
  - 10 a. Is at least eighteen years of age.
  - 11 b. Submits a written certification to the
  - 12 department signed by the patient's health care
  - 13 practitioner that the patient in the primary
  - 14 caregiver's care is suffering from a debilitating
  - 15 medical condition.
  - 16 c. Submits an application to the department, on a
  - 17 form created by the department, in consultation with
  - 18 the department of transportation, that contains all of
  - 19 the following:
    - 20 (1) The primary caregiver's full name, residence
    - 21 address, date of birth, and telephone number.
    - 22 (2) The patient's full name.
    - 23 (3) A copy of the primary caregiver's valid photo
    - 24 identification.
    - 25 (4) Full name, address, and telephone number of the
    - 26 patient's health care practitioner.
    - 27 (5) Any other information required by rule.
  - 28 4. Primary caregiver card contents. A medical
  - 29 cannabis registration card issued by the department
  - 30 of transportation to a primary caregiver pursuant to
  - 31 subsection 3 shall contain, at a minimum, all of the
  - 32 following:
    - 33 a. The primary caregiver's full name, residence
    - 34 address, and date of birth.
    - 35 b. The primary caregiver's photograph.

1 c. The date of issuance and expiration date of the  
2 registration card.

3 d. The registration card number of each patient  
4 in the primary caregiver's care. If the patient  
5 in the primary caregiver's care is under the age of  
6 eighteen, the full name of the patient's parent or  
7 legal guardian.

8 e. Any other information required by rule.

9 5. Expiration date of card. A medical cannabis  
10 registration card issued pursuant to this section shall  
11 expire one year after the date of issuance and may be  
12 renewed.

13 6. Card issuance ---- department of  
14 transportation. The department may enter into  
15 a chapter 28E agreement with the department of  
16 transportation to facilitate the issuance of medical  
17 cannabis registration cards pursuant to subsections 1  
18 and 3.

19 Sec. \_\_\_\_ . NEW SECTION. 124E.5 Medical advisory  
20 board ---- duties.

21 1. No later than August 15, 2016, the director  
22 of public health shall establish a medical advisory  
23 board consisting of nine practitioners representing the  
24 fields of neurology, pain management, gastroenterology,  
25 oncology, psychiatry, pediatrics, infectious disease,  
26 family medicine, and pharmacy. The practitioners  
27 shall be nationally board-certified in their area of  
28 specialty and knowledgeable about the use of medical  
29 cannabis.

30 2. A quorum of the advisory board shall consist of  
31 five members.

32 3. The duties of the advisory board shall include  
33 but not be limited to the following:

34 a. Reviewing and recommending to the department for  
35 approval additional chronic or debilitating diseases or

1 medical conditions or their treatments as debilitating  
2 medical conditions that qualify for the use of medical  
3 cannabis under this chapter.

4 b. Accepting and reviewing petitions to add chronic  
5 or debilitating diseases or medical conditions or their  
6 medical treatments to the list of debilitating medical  
7 conditions that qualify for the use of medical cannabis  
8 under this chapter.

9 c. Advising the department regarding the location  
10 and number of necessary medical cannabis patient  
11 centers throughout the state on a continuous basis, the  
12 form and quantity of allowable medical cannabis to be  
13 dispensed to a patient or primary caregiver, and the  
14 general oversight of medical cannabis manufacturers and  
15 medical cannabis patient centers in this state.

16 d. Convening at least twice per year to conduct  
17 public hearings and to evaluate petitions, which  
18 shall be maintained as confidential personal health  
19 information, to add chronic or debilitating diseases or  
20 medical conditions or their medical treatments to the  
21 list of debilitating medical conditions that qualify  
22 for the use of medical cannabis under this chapter.

23 Sec. \_\_\_\_ NEW SECTION. 124E.6 Medical cannabis  
24 manufacturer licensure.

25 1. a. The department shall license up to two  
26 medical cannabis manufacturers to manufacture  
27 medical cannabis within this state consistent with  
28 the provisions of this chapter by December 1, 2016.  
29 The department shall license new medical cannabis  
30 manufacturers or relicense the existing medical  
31 cannabis manufacturers by December 1 of each year.

32 b. Information submitted during the application  
33 process shall be confidential until the medical  
34 cannabis manufacturer is licensed by the department  
35 unless otherwise protected from disclosure under state

1 or federal law.

2 2. As a condition for licensure, a medical cannabis  
3 manufacturer must agree to begin supplying medical  
4 cannabis to medical cannabis patient centers in this  
5 state by July 1, 2017.

6 3. The department shall consider the following  
7 factors in determining whether to license a medical  
8 cannabis manufacturer:

9 a. The technical expertise of the medical cannabis  
10 manufacturer in medical cannabis.

11 b. The qualifications of the medical cannabis  
12 manufacturer's employees.

13 c. The long-term financial stability of the medical  
14 cannabis manufacturer.

15 d. The ability to provide appropriate security  
16 measures on the premises of the medical cannabis  
17 manufacturer.

18 e. Whether the medical cannabis manufacturer  
19 has demonstrated an ability to meet certain medical  
20 cannabis production needs for medical use regarding  
21 the range of recommended dosages for each debilitating  
22 medical condition, the range of chemical compositions  
23 of any plant of the genus cannabis that will likely  
24 be medically beneficial for each of the debilitating  
25 medical conditions, and the form of the medical  
26 cannabis in the manner determined by the department  
27 pursuant to rule.

28 f. The medical cannabis manufacturer's projection  
29 of and ongoing assessment of fees on patients with  
30 debilitating medical conditions.

31 4. The department shall require each medical  
32 cannabis manufacturer to contract with the state  
33 hygienic laboratory at the university of Iowa in Iowa  
34 City to test the medical cannabis produced by the  
35 manufacturer. The department shall require that the

1 laboratory report testing results to the manufacturer  
2 in a manner determined by the department pursuant to  
3 rule.

4 Sec. \_\_\_\_ . NEW SECTION. 124E.7 Medical cannabis  
5 manufacturers.

6 1. A medical cannabis manufacturer shall contract  
7 with the state hygienic laboratory at the university  
8 of Iowa in Iowa City for purposes of testing the  
9 medical cannabis manufactured by the medical cannabis  
10 manufacturer as to content, contamination, and  
11 consistency. The cost of all laboratory testing shall  
12 be paid by the medical cannabis manufacturer.

13 2. The operating documents of a medical cannabis  
14 manufacturer shall include all of the following:

15 a. Procedures for the oversight of the medical  
16 cannabis manufacturer and procedures to ensure accurate  
17 record keeping.

18 b. Procedures for the implementation of appropriate  
19 security measures to deter and prevent the theft of  
20 medical cannabis and unauthorized entrance into areas  
21 containing medical cannabis.

22 3. A medical cannabis manufacturer shall implement  
23 security requirements, including requirements for  
24 protection of each location by a fully operational  
25 security alarm system, facility access controls,  
26 perimeter intrusion detection systems, and a personnel  
27 identification system.

28 4. A medical cannabis manufacturer shall not share  
29 office space with, refer patients to, or have any  
30 financial relationship with a health care practitioner.

31 5. A medical cannabis manufacturer shall not permit  
32 any person to consume medical cannabis on the property  
33 of the medical cannabis manufacturer.

34 6. A medical cannabis manufacturer is subject to  
35 reasonable inspection by the department.

1 7. A medical cannabis manufacturer shall not  
2 employ a person under eighteen years of age or who has  
3 been convicted of a disqualifying felony offense. An  
4 employee of a medical cannabis manufacturer shall be  
5 subject to a background investigation conducted by the  
6 division of criminal investigation of the department  
7 of public safety and a national criminal history  
8 background check.

9 8. A medical cannabis manufacturer shall not  
10 operate in any location, whether for manufacturing,  
11 cultivating, harvesting, packaging, or processing,  
12 within one thousand feet of a public or private school  
13 existing before the date of the medical cannabis  
14 manufacturer's licensure by the department.

15 9. A medical cannabis manufacturer shall comply  
16 with reasonable restrictions set by the department  
17 relating to signage, marketing, display, and  
18 advertising of medical cannabis.

19 10. a. A medical cannabis manufacturer shall  
20 provide a reliable and ongoing supply of medical  
21 cannabis to medical cannabis patient centers pursuant  
22 to this chapter.

23 b. All manufacturing, cultivating, harvesting,  
24 packaging, and processing of medical cannabis shall  
25 take place in an enclosed, locked facility at a  
26 physical address provided to the department during the  
27 licensure process.

28 c. A medical cannabis manufacturer shall not  
29 manufacture edible medical cannabis products utilizing  
30 food coloring.

31 d. A medical cannabis manufacturer shall  
32 manufacture a reliable and ongoing supply of medical  
33 cannabis to treat every debilitating medical condition  
34 listed in this chapter.

35 Sec. \_\_\_\_ . NEW SECTION. 124E.8 Medical cannabis

1 patient center licensure.

2 1. a. The department shall license by April 1,  
3 2017, up to four medical cannabis patient centers to  
4 dispense medical cannabis within this state consistent  
5 with the provisions of this chapter. The department  
6 shall license new medical cannabis patient centers or  
7 relicense the existing medical cannabis manufacturers  
8 by December 1 of each year.

9 b. Information submitted during the application  
10 process shall be confidential until the medical  
11 cannabis patient center is licensed by the department  
12 unless otherwise protected from disclosure under state  
13 or federal law.

14 2. As a condition for licensure, a medical cannabis  
15 patient center must agree to begin supplying medical  
16 cannabis to patients by July 1, 2017.

17 3. The department shall consider the following  
18 factors in determining whether to license a medical  
19 cannabis patient center:

20 a. The technical expertise of the medical cannabis  
21 patient center regarding medical cannabis.

22 b. The qualifications of the medical cannabis  
23 patient center's employees.

24 c. The long-term financial stability of the medical  
25 cannabis patient center.

26 d. The ability to provide appropriate security  
27 measures on the premises of the medical cannabis  
28 patient center.

29 e. The medical cannabis patient center's projection  
30 and ongoing assessment of fees for the purchase of  
31 medical cannabis on patients with debilitating medical  
32 conditions.

33 Sec. \_\_\_\_\_. NEW SECTION. 124E.9 Medical cannabis  
34 patient centers.

35 1. a. The medical cannabis patient centers shall

1 be located based on geographical need throughout the  
2 state to improve patient access.

3 b. A medical cannabis patient center may dispense  
4 medical cannabis pursuant to the provisions of this  
5 chapter but shall not dispense any medical cannabis  
6 in a form or quantity other than the form or quantity  
7 allowed by the department pursuant to rule.

8 2. The operating documents of a medical cannabis  
9 patient center shall include all of the following:

10 a. Procedures for the oversight of the medical  
11 cannabis patient center and procedures to ensure  
12 accurate record keeping.

13 b. Procedures for the implementation of appropriate  
14 security measures to deter and prevent the theft of  
15 medical cannabis and unauthorized entrance into areas  
16 containing medical cannabis.

17 3. A medical cannabis patient center shall  
18 implement security requirements, including requirements  
19 for protection by a fully operational security alarm  
20 system, facility access controls, perimeter intrusion  
21 detection systems, and a personnel identification  
22 system.

23 4. A medical cannabis patient center shall not  
24 share office space with, refer patients to, or have any  
25 financial relationship with a health care practitioner.

26 5. A medical cannabis patient center shall not  
27 permit any person to consume medical cannabis on the  
28 property of the medical cannabis patient center.

29 6. A medical cannabis patient center is subject to  
30 reasonable inspection by the department.

31 7. A medical cannabis patient center shall not  
32 employ a person under eighteen years of age or who has  
33 been convicted of a disqualifying felony offense. An  
34 employee of a medical cannabis patient center shall be  
35 subject to a background investigation conducted by the

1 division of criminal investigation of the department  
2 of public safety and a national criminal history  
3 background check.

4 8. A medical cannabis patient center shall not  
5 operate in any location within one thousand feet of a  
6 public or private school existing before the date of  
7 the medical cannabis patient center's licensure by the  
8 department.

9 9. A medical cannabis patient center shall  
10 comply with reasonable restrictions set by the  
11 department relating to signage, marketing, display, and  
12 advertising of medical cannabis.

13 10. Prior to dispensing of any medical cannabis,  
14 a medical cannabis patient center shall do all of the  
15 following:

16 a. Verify that the medical cannabis patient center  
17 has received a valid medical cannabis registration card  
18 from a patient or a patient's primary caregiver, if  
19 applicable.

20 b. Assign a tracking number to any medical cannabis  
21 dispensed from the medical cannabis patient center.

22 c. (1) Properly package medical cannabis in  
23 compliance with federal law regarding child resistant  
24 packaging and exemptions for packaging for elderly  
25 patients, and label medical cannabis with a list of  
26 all active ingredients and individually identifying  
27 information, including all of the following:

28 (a) The name and date of birth of the patient and  
29 the patient's primary caregiver, if appropriate.

30 (b) The medical cannabis registration card numbers  
31 of the patient and the patient's primary caregiver, if  
32 applicable.

33 (c) The chemical composition of the medical  
34 cannabis.

35 (2) Proper packaging of medical cannabis shall

1 include but not be limited to all of the following:

2 (a) Warning labels regarding the use of medical  
3 cannabis by a woman during pregnancy and while  
4 breastfeeding.

5 (b) Clearly labeled packaging indicating that  
6 an edible medical cannabis product contains medical  
7 cannabis and which packaging shall not imitate candy  
8 products or in any way make the product marketable to  
9 children.

10 11. A medical cannabis patient center shall employ  
11 a pharmacist licensed pursuant to chapter 155A.

12 12. A medical cannabis patient center shall keep  
13 a reliable and ongoing supply of medical cannabis to  
14 treat every debilitating medical condition listed in  
15 this chapter.

16 Sec. \_\_\_\_ . NEW SECTION. 124E.10 Department duties  
17 ---- rules.

18 1. a. The department shall maintain a confidential  
19 file of the names of each patient to or for whom the  
20 department issues a medical cannabis registration  
21 card, the name of each primary caregiver to whom the  
22 department issues a medical cannabis registration card  
23 under section 124E.4, and the names of each health care  
24 practitioner who provides a written certification for  
25 medical cannabis pursuant to this chapter.

26 b. Individual names contained in the file shall be  
27 confidential and shall not be subject to disclosure,  
28 except as provided in subparagraph (1).

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

33 (a) To authorized employees or agents of the  
34 department and the department of transportation as  
35 necessary to perform the duties of the department and

1 the department of transportation pursuant to this  
2 chapter.

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

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

13 (2) Release of information pursuant to subparagraph  
14 (1) shall be consistent with the federal Health  
15 Insurance Portability and Accountability Act of 1996,  
16 Pub. L. No. 104-191.

17 2. The department shall adopt rules pursuant to  
18 chapter 17A to administer this chapter which shall  
19 include but not be limited to rules to do all of the  
20 following:

21 a. Govern the manner in which the department shall  
22 consider applications for new and renewal medical  
23 cannabis registration cards.

24 b. Identify criteria and set forth procedures for  
25 including additional chronic or debilitating diseases  
26 or medical conditions or their medical treatments  
27 on the list of debilitating medical conditions that  
28 qualify for the use of medical cannabis. Procedures  
29 shall include a petition process and shall allow for  
30 public comment and public hearings before the medical  
31 advisory board.

32 c. Set forth additional chronic or debilitating  
33 diseases or medical conditions or associated medical  
34 treatments for inclusion on the list of debilitating  
35 medical conditions that qualify for the use of medical

1 cannabis as recommended by the medical advisory board.

2 d. Establish the form and quantity of medical  
3 cannabis allowed to be dispensed to a patient or  
4 primary caregiver pursuant to this chapter. The  
5 form and quantity of medical cannabis shall be  
6 appropriate to serve the medical needs of patients with  
7 debilitating conditions.

8 e. Establish requirements for the licensure of  
9 medical cannabis manufacturers and medical cannabis  
10 patient centers and set forth procedures for medical  
11 cannabis manufacturers and medical cannabis patient  
12 centers to obtain licenses.

13 f. Develop a dispensing system for medical cannabis  
14 within this state that provides for all of the  
15 following:

16 (1) Medical cannabis patient centers within  
17 this state housed on secured grounds and operated by  
18 licensed medical cannabis patient centers.

19 (2) The dispensing of medical cannabis to patients  
20 and their primary caregivers to occur at locations  
21 designated by the department.

22 g. Specify and implement procedures that address  
23 public safety including security procedures and product  
24 quality including measures to ensure contaminant-free  
25 cultivation of medical cannabis, safety, and labeling.

26 h. Establish and implement a real-time, statewide  
27 medical cannabis registry management sale tracking  
28 system that is available to medical cannabis patient  
29 centers on a twenty-four-hour-day, seven-day-a-week  
30 basis for the purpose of verifying that a person  
31 is lawfully in possession of a medical cannabis  
32 registration card issued pursuant to this chapter  
33 and for tracking the date of the sale and quantity of  
34 medical cannabis purchased by a patient or a primary  
35 caregiver.

1 i. Establish and implement a medical cannabis  
2 inventory and delivery tracking system to track  
3 medical cannabis from production by a medical cannabis  
4 manufacturer through dispensing at a medical cannabis  
5 patient center.

6 Sec. \_\_\_\_\_. NEW SECTION. 124E.11 Reciprocity.

7 A valid medical cannabis registration card, or its  
8 equivalent, issued under the laws of another state  
9 that allows an out-of-state patient to possess or  
10 use medical cannabis in the jurisdiction of issuance  
11 shall have the same force and effect as a valid  
12 medical cannabis registration card issued pursuant to  
13 this chapter, except that an out-of-state patient in  
14 this state shall not obtain medical cannabis from a  
15 medical cannabis patient center in this state and an  
16 out-of-state patient shall not smoke medical cannabis.

17 Sec. \_\_\_\_\_. NEW SECTION. 124E.12 Use of medical  
18 cannabis ---- smoking prohibited.

19 A patient shall not consume medical cannabis  
20 possessed or used as authorized by this chapter by  
21 smoking medical cannabis.

22 Sec. \_\_\_\_\_. NEW SECTION. 124E.13 Use of medical  
23 cannabis ---- affirmative defenses.

24 1. A health care practitioner, including any  
25 authorized agent or employee thereof, shall not be  
26 subject to prosecution for the unlawful certification,  
27 possession, or administration of marijuana under the  
28 laws of this state for activities arising directly  
29 out of or directly related to the certification or  
30 use of medical cannabis in the treatment of a patient  
31 diagnosed with a debilitating medical condition as  
32 authorized by this chapter.

33 2. A medical cannabis manufacturer, including any  
34 authorized agent or employee thereof, shall not be  
35 subject to prosecution for manufacturing, possessing,

1 cultivating, harvesting, packaging, processing,  
2 transporting, or supplying medical cannabis pursuant  
3 to this chapter.

4 3. A medical cannabis patient center, including  
5 any authorized agent or employee thereof, shall not be  
6 subject to prosecution for transporting, supplying, or  
7 dispensing medical cannabis pursuant to this chapter.

8 a. In a prosecution for the unlawful possession  
9 of marijuana under the laws of this state, including  
10 but not limited to chapters 124 and 453B, it is an  
11 affirmative and complete defense to the prosecution  
12 that the patient has been diagnosed with a debilitating  
13 medical condition, used or possessed medical  
14 cannabis pursuant to a certification by a health care  
15 practitioner as authorized under this chapter, and,  
16 for a patient eighteen years of age or older, is in  
17 possession of a valid medical cannabis registration  
18 card.

19 b. In a prosecution for the unlawful possession  
20 of marijuana under the laws of this state, including  
21 but not limited to chapters 124 and 453B, it is an  
22 affirmative and complete defense to the prosecution  
23 that the person possessed medical cannabis because the  
24 person is a primary caregiver of a patient who has been  
25 diagnosed with a debilitating medical condition and is  
26 in possession of a valid medical cannabis registration  
27 card, and where the primary caregiver's possession of  
28 the medical cannabis is on behalf of the patient and  
29 for the patient's use only as authorized under this  
30 chapter.

31 c. If a patient or primary caregiver is charged  
32 with the commission of a crime and is not in possession  
33 of the person's medical cannabis registration card,  
34 any charge or charges filed against the person shall  
35 be dismissed by the court if the person produces to

1 the court prior to or at the person's trial a medical  
2 cannabis registration card issued to that person and  
3 valid at the time the person was charged.

4 4. An agency of this state or a political  
5 subdivision thereof, including any law enforcement  
6 agency, shall not remove or initiate proceedings to  
7 remove a patient under the age of eighteen from the  
8 home of a parent based solely upon the parent's or  
9 patient's possession or use of medical cannabis as  
10 authorized under this chapter.

11 Sec. \_\_\_\_\_. REPEAL. Chapter 124D, Code 2016, is  
12 repealed.

13 Sec. \_\_\_\_\_. EMERGENCY RULES. The department may  
14 adopt emergency rules under section 17A.4, subsection  
15 3, and section 17A.5, subsection 2, paragraph "b",  
16 to implement the provisions of this division of this  
17 Act and the rules shall be effective immediately upon  
18 filing unless a later date is specified in the rules.  
19 Any rules adopted in accordance with this section shall  
20 also be published as a notice of intended action as  
21 provided in section 17A.4.

22 Sec. \_\_\_\_\_. TRANSITION PROVISIONS. A medical  
23 cannabis registration card issued under chapter 124D  
24 prior to July 1, 2016, remains effective and continues  
25 in effect as issued for the twelve-month period  
26 following its issuance. This division of this Act does  
27 not preclude the permit holder from seeking to renew  
28 the permit under this division of this Act prior to the  
29 expiration of the twelve-month period.

30 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This division  
31 of this Act, being deemed of immediate importance,  
32 takes effect upon enactment.>

33 3. Title page, by striking lines 1 and 2 and  
34 inserting <An Act relating to statewide programs  
35 for the health and safety of Iowa residents, making

1 penalties applicable, and including effective date  
2 provisions.>

3 4. By renumbering, redesignating, and correcting  
4 internal references as necessary.>

**By** FORBES of Polk

KRESSIG of Black Hawk

SENATE FILE 2299

H-8296

1 Amend the amendment, H-8294, to Senate File 2299,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. By striking page 1, line 1, through page 21,  
5 line 31, and inserting:

6 <Amend Senate File 2299, as amended, passed, and  
7 reprinted by the Senate, as follows:

8 1. Page 1, before line 1 by inserting:

9 <DIVISION I  
10 EARLY CHILDHOOD IOWA INITIATIVE>

11 2. Page 8, after line 4 by inserting:

12 <DIVISION \_\_\_\_  
13 MEDICAL CANNABIS

14 Sec. \_\_\_\_ . Section 124.204, subsection 4, paragraphs  
15 m and u, Code 2016, are amended by striking the  
16 paragraphs.

17 Sec. \_\_\_\_ . Section 124.204, subsection 7, Code 2016,  
18 is amended by striking the subsection.

19 Sec. \_\_\_\_ . Section 124.206, subsection 7, Code 2016,  
20 is amended to read as follows:

21 7. Hallucinogenic substances. Unless specifically  
22 excepted or unless listed in another schedule, any  
23 material, compound, mixture, or preparation which  
24 contains any quantity of the following substances,  
25 or, for purposes of paragraphs "a" and "b", which  
26 contains any of its salts, isomers, or salts of isomers  
27 whenever the existence of such salts, isomers, or salts  
28 of isomers is possible within the specific chemical  
29 designation (for purposes of this paragraph only, the  
30 term "isomer" includes the optical, positional, and  
31 geometric isomers):

32 a. ~~Marijuana when used for medicinal purposes~~  
33 ~~pursuant to rules of the board.~~

34 b. Tetrahydrocannabinols, meaning  
35 tetrahydrocannabinols naturally contained in a

H-8296

1 plant of the genus cannabis (cannabis plant) as well  
2 as synthetic equivalents of the substances contained  
3 in the cannabis plant, or in the resinous extractives  
4 of such plant, and synthetic substances, derivatives,  
5 and their isomers with similar chemical structure and  
6 pharmacological activity to those substances contained  
7 in the plant, such as the following:

8 (1) 1 cis or trans tetrahydrocannabinol, and their  
9 optical isomers.

10 (2) 6 cis or trans tetrahydrocannabinol, and their  
11 optical isomers.

12 (3) 3,4 cis or trans tetrahydrocannabinol, and  
13 their optical isomers. (Since nomenclature of these  
14 substances is not internationally standardized,  
15 compounds of these structures, regardless of numerical  
16 designation of atomic positions covered.)

17 ~~b.~~ c. Nabilone [another name for  
18 nabilone: (+-) -  
19 trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-  
20 dimethyl-9H-dibenzo[b,d]pyran-9-one].

21 Sec. \_\_\_\_ . Section 124.401, subsection 5, unnumbered  
22 paragraph 3, Code 2016, is amended to read as follows:

23 A person may knowingly or intentionally recommend,  
24 possess, use, dispense, deliver, transport, or  
25 administer ~~cannabidiol~~ medical cannabis if the  
26 recommendation, possession, use, dispensing, delivery,  
27 transporting, or administering is in accordance with  
28 the provisions of chapter ~~124D~~ 124E. For purposes of  
29 this paragraph, ~~"cannabidiol"~~ "medical cannabis" means  
30 the same as defined in section ~~124D.2~~ 124E.2.

31 Sec. \_\_\_\_ . NEW SECTION. 124E.1 Short title.

32 This chapter shall be known and may be cited as the  
33 "Compassionate Use of Medical Cannabis Act".

34 Sec. \_\_\_\_ . NEW SECTION. 124E.2 Definitions.

35 As used in this chapter:

- 1 1. "Debilitating medical condition" means any of the  
2 following:
  - 3 a. Cancer, if the underlying condition or treatment  
4 produces one or more of the following:
    - 5 (1) Intractable pain.
    - 6 (2) Nausea or severe vomiting.
    - 7 (3) Cachexia or severe wasting.
  - 8 b. Multiple sclerosis.
  - 9 c. Epilepsy or seizure disorders.
  - 10 d. AIDS or HIV as defined in section 141A.1.
  - 11 e. Crohn's disease or ulcerative colitis.
  - 12 f. Amyotrophic lateral sclerosis.
  - 13 g. Intractable pain.
  - 14 h. Glaucoma.
  - 15 i. Any terminal illness, with a probable life  
16 expectancy of under one year, if the illness or its  
17 treatment produces one or more of the following:
    - 18 (1) Intractable pain.
    - 19 (2) Nausea or severe vomiting.
    - 20 (3) Cachexia or severe wasting.
  - 21 j. Any other chronic or debilitating disease or  
22 medical condition or its medical treatment approved by  
23 the department pursuant to rule.
- 24 2. "Department" means the department of public  
25 health.
- 26 3. "Disqualifying felony offense" means a violation  
27 under federal or state law of a felony offense, which  
28 has as an element the possession, use, or distribution  
29 of a controlled substance, as defined in 21 U.S.C.  
30 {802(6)}.
- 31 4. "Enclosed, locked facility" means a closet, room,  
32 greenhouse, or other enclosed area equipped with locks  
33 or other security devices that permit access only by a  
34 cardholder.
- 35 5. "Health care practitioner" means an individual

1 licensed under chapter 148 to practice medicine and  
2 surgery or osteopathic medicine and surgery or an  
3 individual licensed to prescribe medicine in any other  
4 state and provides specialty care for an Iowa resident  
5 for one or more of the debilitating medical conditions  
6 provided in this chapter.

7 6. "Intractable pain" means a pain in which the  
8 cause of the pain cannot be removed or otherwise  
9 treated with the consent of the patient and which, in  
10 the generally accepted course of medical practice, no  
11 relief or cure of the cause of the pain is possible,  
12 or none has been found after reasonable efforts.  
13 Reasonable efforts for relieving or curing the cause of  
14 the pain may be determined on the basis of but are not  
15 limited to any of the following:

16 a. When treating a nonterminally ill patient for  
17 intractable pain, evaluation by the attending physician  
18 and one or more physicians specializing in pain  
19 medicine or the treatment of the area, system, or organ  
20 of the body perceived as the source of the pain.

21 b. When treating a terminally ill patient,  
22 evaluation by the attending physician who does so in  
23 accordance with the level of care, skill, and treatment  
24 that would be recognized by a reasonably prudent  
25 physician under similar conditions and circumstances.

26 7. "Medical cannabis" means any species of the genus  
27 cannabis plant, or any mixture or preparation of them,  
28 including whole plant extracts and resins.

29 8. "Medical cannabis manufacturer" means an entity  
30 licensed by the department to manufacture and to  
31 possess, cultivate, transport, or supply medical  
32 cannabis pursuant to the provisions of this chapter.

33 9. "Medical cannabis patient center" means an entity  
34 licensed under section 124E.8 that acquires medical  
35 cannabis from a medical cannabis manufacturer in this

1 state for the purpose of dispensing medical cannabis in  
2 this state pursuant to this chapter.

3 10. "Primary caregiver" means a person, at least  
4 eighteen years of age, who has been designated by a  
5 patient's health care practitioner or a person having  
6 custody of a patient, as a necessary caretaker taking  
7 responsibility for managing the well-being of the  
8 patient with respect to the use of medical cannabis  
9 pursuant to the provisions of this chapter.

10 11. "Written certification" means a document signed  
11 by a health care practitioner, with whom the patient  
12 has established a patient-provider relationship, which  
13 states that the patient has a debilitating medical  
14 condition and identifies that condition and provides  
15 any other relevant information.

16 Sec. \_\_\_\_ . NEW SECTION. 124E.3 Health care  
17 practitioner certification ---- duties.

18 1. Prior to a patient's submission of an  
19 application for a medical cannabis registration card  
20 pursuant to section 124E.4, a health care practitioner  
21 shall do all of the following:

22 a. Determine, in the health care practitioner's  
23 medical judgment, whether the patient whom the health  
24 care practitioner has examined and treated suffers from  
25 a debilitating medical condition that qualifies for  
26 the use of medical cannabis under this chapter, and  
27 if so determined, provide the patient with a written  
28 certification of that diagnosis.

29 b. Provide explanatory information as provided by  
30 the department to the patient about the therapeutic use  
31 of medical cannabis.

32 2. Determine, on an annual basis, if the patient  
33 continues to suffer from a debilitating medical  
34 condition and, if so, issue the patient a new  
35 certification of that diagnosis.

1 3. Otherwise comply with all requirements  
2 established by the department pursuant to rule.

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

6 Sec. \_\_\_\_ . NEW SECTION. 124E.4 Medical cannabis  
7 registration card.

8 1. Issuance to patient. The department may approve  
9 the issuance of a medical cannabis registration card by  
10 the department of transportation to a patient who:

11 a. Is at least eighteen years of age.

12 b. Is a permanent resident of this state.

13 c. Submits a written certification to the  
14 department signed by the patient's health care  
15 practitioner that the patient is suffering from a  
16 debilitating medical condition.

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

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

23 (2) A copy of the patient's valid photo  
24 identification.

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

27 (4) Full name, residence address, date of birth,  
28 and telephone number of each primary caregiver of the  
29 patient, if any.

30 (5) Any other information required by rule.

31 2. Patient card contents. A medical cannabis  
32 registration card issued to a patient by the department  
33 of transportation pursuant to subsection 1 shall  
34 contain, at a minimum, all of the following:

35 a. The patient's full name, Iowa residence address,

1 and date of birth.

2 b. The patient's photograph.

3 c. The date of issuance and expiration date of the  
4 registration card.

5 d. Any other information required by rule.

6 3. Issuance to primary caregiver. For a patient in  
7 a primary caregiver's care, the department may approve  
8 the issuance of a medical cannabis registration card  
9 by the department of transportation to the primary  
10 caregiver who:

11 a. Is at least eighteen years of age.

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

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

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

23 (2) The patient's full name.

24 (3) A copy of the primary caregiver's valid photo  
25 identification.

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

28 (5) Any other information required by rule.

29 4. Primary caregiver card contents. A medical  
30 cannabis registration card issued by the department  
31 of transportation to a primary caregiver pursuant to  
32 subsection 3 shall contain, at a minimum, all of the  
33 following:

34 a. The primary caregiver's full name, residence  
35 address, and date of birth.

- 1 b. The primary caregiver's photograph.
- 2 c. The date of issuance and expiration date of the
- 3 registration card.
- 4 d. The registration card number of each patient
- 5 in the primary caregiver's care. If the patient
- 6 in the primary caregiver's care is under the age of
- 7 eighteen, the full name of the patient's parent or
- 8 legal guardian.
- 9 e. Any other information required by rule.

10 5. Expiration date of card. A medical cannabis  
11 registration card issued pursuant to this section shall  
12 expire one year after the date of issuance and may be  
13 renewed.

14 6. Card issuance ---- department of  
15 transportation. The department may enter into  
16 a chapter 28E agreement with the department of  
17 transportation to facilitate the issuance of medical  
18 cannabis registration cards pursuant to subsections 1  
19 and 3.

20 Sec. \_\_\_\_\_. NEW SECTION. 124E.5 Medical advisory  
21 board ---- duties.

22 1. No later than August 15, 2016, the director  
23 of public health shall establish a medical advisory  
24 board consisting of nine practitioners representing the  
25 fields of neurology, pain management, gastroenterology,  
26 oncology, psychiatry, pediatrics, infectious disease,  
27 family medicine, and pharmacy. The practitioners  
28 shall be nationally board-certified in their area of  
29 specialty and knowledgeable about the use of medical  
30 cannabis.

31 2. A quorum of the advisory board shall consist of  
32 five members.

33 3. The duties of the advisory board shall include  
34 but not be limited to the following:

35 a. Reviewing and recommending to the department for

1 approval additional chronic or debilitating diseases or  
2 medical conditions or their treatments as debilitating  
3 medical conditions that qualify for the use of medical  
4 cannabis under this chapter.

5 b. Accepting and reviewing petitions to add chronic  
6 or debilitating diseases or medical conditions or their  
7 medical treatments to the list of debilitating medical  
8 conditions that qualify for the use of medical cannabis  
9 under this chapter.

10 c. Advising the department regarding the location  
11 and number of necessary medical cannabis patient  
12 centers throughout the state on a continuous basis, the  
13 form and quantity of allowable medical cannabis to be  
14 dispensed to a patient or primary caregiver, and the  
15 general oversight of medical cannabis manufacturers and  
16 medical cannabis patient centers in this state.

17 d. Convening at least twice per year to conduct  
18 public hearings and to evaluate petitions, which  
19 shall be maintained as confidential personal health  
20 information, to add chronic or debilitating diseases or  
21 medical conditions or their medical treatments to the  
22 list of debilitating medical conditions that qualify  
23 for the use of medical cannabis under this chapter.

24 Sec. \_\_\_\_ NEW SECTION. 124E.6 Medical cannabis  
25 manufacturer licensure.

26 1. a. The department shall license up to two  
27 medical cannabis manufacturers to manufacture  
28 medical cannabis within this state consistent with  
29 the provisions of this chapter by December 1, 2016.  
30 The department shall license new medical cannabis  
31 manufacturers or relicense the existing medical  
32 cannabis manufacturers by December 1 of each year.

33 b. Information submitted during the application  
34 process shall be confidential until the medical  
35 cannabis manufacturer is licensed by the department

1 unless otherwise protected from disclosure under state  
2 or federal law.

3 2. As a condition for licensure, a medical cannabis  
4 manufacturer must agree to begin supplying medical  
5 cannabis to medical cannabis patient centers in this  
6 state by July 1, 2017.

7 3. The department shall consider the following  
8 factors in determining whether to license a medical  
9 cannabis manufacturer:

10 a. The technical expertise of the medical cannabis  
11 manufacturer in medical cannabis.

12 b. The qualifications of the medical cannabis  
13 manufacturer's employees.

14 c. The long-term financial stability of the medical  
15 cannabis manufacturer.

16 d. The ability to provide appropriate security  
17 measures on the premises of the medical cannabis  
18 manufacturer.

19 e. Whether the medical cannabis manufacturer  
20 has demonstrated an ability to meet certain medical  
21 cannabis production needs for medical use regarding  
22 the range of recommended dosages for each debilitating  
23 medical condition, the range of chemical compositions  
24 of any plant of the genus cannabis that will likely  
25 be medically beneficial for each of the debilitating  
26 medical conditions, and the form of the medical  
27 cannabis in the manner determined by the department  
28 pursuant to rule.

29 f. The medical cannabis manufacturer's projection  
30 of and ongoing assessment of fees on patients with  
31 debilitating medical conditions.

32 4. The department shall require each medical  
33 cannabis manufacturer to contract with the state  
34 hygienic laboratory at the university of Iowa in Iowa  
35 City to test the medical cannabis produced by the

1 manufacturer. The department shall require that the  
2 laboratory report testing results to the manufacturer  
3 in a manner determined by the department pursuant to  
4 rule.

5 Sec. \_\_\_\_\_. NEW SECTION. 124E.7 Medical cannabis  
6 manufacturers.

7 1. A medical cannabis manufacturer shall contract  
8 with the state hygienic laboratory at the university  
9 of Iowa in Iowa City for purposes of testing the  
10 medical cannabis manufactured by the medical cannabis  
11 manufacturer as to content, contamination, and  
12 consistency. The cost of all laboratory testing shall  
13 be paid by the medical cannabis manufacturer.

14 2. The operating documents of a medical cannabis  
15 manufacturer shall include all of the following:

16 a. Procedures for the oversight of the medical  
17 cannabis manufacturer and procedures to ensure accurate  
18 record keeping.

19 b. Procedures for the implementation of appropriate  
20 security measures to deter and prevent the theft of  
21 medical cannabis and unauthorized entrance into areas  
22 containing medical cannabis.

23 3. A medical cannabis manufacturer shall implement  
24 security requirements, including requirements for  
25 protection of each location by a fully operational  
26 security alarm system, facility access controls,  
27 perimeter intrusion detection systems, and a personnel  
28 identification system.

29 4. A medical cannabis manufacturer shall not share  
30 office space with, refer patients to, or have any  
31 financial relationship with a health care practitioner.

32 5. A medical cannabis manufacturer shall not permit  
33 any person to consume medical cannabis on the property  
34 of the medical cannabis manufacturer.

35 6. A medical cannabis manufacturer is subject to

1 reasonable inspection by the department.

2 7. A medical cannabis manufacturer shall not  
3 employ a person under eighteen years of age or who has  
4 been convicted of a disqualifying felony offense. An  
5 employee of a medical cannabis manufacturer shall be  
6 subject to a background investigation conducted by the  
7 division of criminal investigation of the department  
8 of public safety and a national criminal history  
9 background check.

10 8. A medical cannabis manufacturer shall not  
11 operate in any location, whether for manufacturing,  
12 cultivating, harvesting, packaging, or processing,  
13 within one thousand feet of a public or private school  
14 existing before the date of the medical cannabis  
15 manufacturer's licensure by the department.

16 9. A medical cannabis manufacturer shall comply  
17 with reasonable restrictions set by the department  
18 relating to signage, marketing, display, and  
19 advertising of medical cannabis.

20 10. a. A medical cannabis manufacturer shall  
21 provide a reliable and ongoing supply of medical  
22 cannabis to medical cannabis patient centers pursuant  
23 to this chapter.

24 b. All manufacturing, cultivating, harvesting,  
25 packaging, and processing of medical cannabis shall  
26 take place in an enclosed, locked facility at a  
27 physical address provided to the department during the  
28 licensure process.

29 c. A medical cannabis manufacturer shall not  
30 manufacture edible medical cannabis products utilizing  
31 food coloring.

32 d. A medical cannabis manufacturer shall  
33 manufacture a reliable and ongoing supply of medical  
34 cannabis to treat every debilitating medical condition  
35 listed in this chapter.

1 Sec. \_\_\_\_ . NEW SECTION. 124E.8 Medical cannabis  
2 patient center licensure.

3 1. a. The department shall license by April 1,  
4 2017, up to four medical cannabis patient centers to  
5 dispense medical cannabis within this state consistent  
6 with the provisions of this chapter. The department  
7 shall license new medical cannabis patient centers or  
8 relicense the existing medical cannabis manufacturers  
9 by December 1 of each year.

10 b. Information submitted during the application  
11 process shall be confidential until the medical  
12 cannabis patient center is licensed by the department  
13 unless otherwise protected from disclosure under state  
14 or federal law.

15 2. As a condition for licensure, a medical cannabis  
16 patient center must agree to begin supplying medical  
17 cannabis to patients by July 1, 2017.

18 3. The department shall consider the following  
19 factors in determining whether to license a medical  
20 cannabis patient center:

21 a. The technical expertise of the medical cannabis  
22 patient center regarding medical cannabis.

23 b. The qualifications of the medical cannabis  
24 patient center's employees.

25 c. The long-term financial stability of the medical  
26 cannabis patient center.

27 d. The ability to provide appropriate security  
28 measures on the premises of the medical cannabis  
29 patient center.

30 e. The medical cannabis patient center's projection  
31 and ongoing assessment of fees for the purchase of  
32 medical cannabis on patients with debilitating medical  
33 conditions.

34 Sec. \_\_\_\_ . NEW SECTION. 124E.9 Medical cannabis  
35 patient centers.

1 1. a. The medical cannabis patient centers shall  
2 be located based on geographical need throughout the  
3 state to improve patient access.

4 b. A medical cannabis patient center may dispense  
5 medical cannabis pursuant to the provisions of this  
6 chapter but shall not dispense any medical cannabis  
7 in a form or quantity other than the form or quantity  
8 allowed by the department pursuant to rule.

9 2. The operating documents of a medical cannabis  
10 patient center shall include all of the following:

11 a. Procedures for the oversight of the medical  
12 cannabis patient center and procedures to ensure  
13 accurate record keeping.

14 b. Procedures for the implementation of appropriate  
15 security measures to deter and prevent the theft of  
16 medical cannabis and unauthorized entrance into areas  
17 containing medical cannabis.

18 3. A medical cannabis patient center shall  
19 implement security requirements, including requirements  
20 for protection by a fully operational security alarm  
21 system, facility access controls, perimeter intrusion  
22 detection systems, and a personnel identification  
23 system.

24 4. A medical cannabis patient center shall not  
25 share office space with, refer patients to, or have any  
26 financial relationship with a health care practitioner.

27 5. A medical cannabis patient center shall not  
28 permit any person to consume medical cannabis on the  
29 property of the medical cannabis patient center.

30 6. A medical cannabis patient center is subject to  
31 reasonable inspection by the department.

32 7. A medical cannabis patient center shall not  
33 employ a person under eighteen years of age or who has  
34 been convicted of a disqualifying felony offense. An  
35 employee of a medical cannabis patient center shall be

1 subject to a background investigation conducted by the  
2 division of criminal investigation of the department  
3 of public safety and a national criminal history  
4 background check.

5 8. A medical cannabis patient center shall not  
6 operate in any location within one thousand feet of a  
7 public or private school existing before the date of  
8 the medical cannabis patient center's licensure by the  
9 department.

10 9. A medical cannabis patient center shall  
11 comply with reasonable restrictions set by the  
12 department relating to signage, marketing, display, and  
13 advertising of medical cannabis.

14 10. Prior to dispensing of any medical cannabis,  
15 a medical cannabis patient center shall do all of the  
16 following:

17 a. Verify that the medical cannabis patient center  
18 has received a valid medical cannabis registration card  
19 from a patient or a patient's primary caregiver, if  
20 applicable.

21 b. Assign a tracking number to any medical cannabis  
22 dispensed from the medical cannabis patient center.

23 c. (1) Properly package medical cannabis in  
24 compliance with federal law regarding child resistant  
25 packaging and exemptions for packaging for elderly  
26 patients, and label medical cannabis with a list of  
27 all active ingredients and individually identifying  
28 information, including all of the following:

29 (a) The name and date of birth of the patient and  
30 the patient's primary caregiver, if appropriate.

31 (b) The medical cannabis registration card numbers  
32 of the patient and the patient's primary caregiver, if  
33 applicable.

34 (c) The chemical composition of the medical  
35 cannabis.

1 (2) Proper packaging of medical cannabis shall  
2 include but not be limited to all of the following:

3 (a) Warning labels regarding the use of medical  
4 cannabis by a woman during pregnancy and while  
5 breastfeeding.

6 (b) Clearly labeled packaging indicating that  
7 an edible medical cannabis product contains medical  
8 cannabis and which packaging shall not imitate candy  
9 products or in any way make the product marketable to  
10 children.

11 11. A medical cannabis patient center shall employ  
12 a pharmacist licensed pursuant to chapter 155A.

13 12. A medical cannabis patient center shall keep  
14 a reliable and ongoing supply of medical cannabis to  
15 treat every debilitating medical condition listed in  
16 this chapter.

17 Sec. \_\_\_\_ . NEW SECTION. 124E.10 Department duties  
18 ---- rules.

19 1. a. The department shall maintain a confidential  
20 file of the names of each patient to or for whom the  
21 department issues a medical cannabis registration  
22 card, the name of each primary caregiver to whom the  
23 department issues a medical cannabis registration card  
24 under section 124E.4, and the names of each health care  
25 practitioner who provides a written certification for  
26 medical cannabis pursuant to this chapter.

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

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

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

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

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

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

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

18 2. The department shall adopt rules pursuant to  
19 chapter 17A to administer this chapter which shall  
20 include but not be limited to rules to do all of the  
21 following:

22 a. Govern the manner in which the department shall  
23 consider applications for new and renewal medical  
24 cannabis registration cards.

25 b. Identify criteria and set forth procedures for  
26 including additional chronic or debilitating diseases  
27 or medical conditions or their medical treatments  
28 on the list of debilitating medical conditions that  
29 qualify for the use of medical cannabis. Procedures  
30 shall include a petition process and shall allow for  
31 public comment and public hearings before the medical  
32 advisory board.

33 c. Set forth additional chronic or debilitating  
34 diseases or medical conditions or associated medical  
35 treatments for inclusion on the list of debilitating

1 medical conditions that qualify for the use of medical  
2 cannabis as recommended by the medical advisory board.

3 d. Establish the form and quantity of medical  
4 cannabis allowed to be dispensed to a patient or  
5 primary caregiver pursuant to this chapter. The  
6 form and quantity of medical cannabis shall be  
7 appropriate to serve the medical needs of patients with  
8 debilitating conditions.

9 e. Establish requirements for the licensure of  
10 medical cannabis manufacturers and medical cannabis  
11 patient centers and set forth procedures for medical  
12 cannabis manufacturers and medical cannabis patient  
13 centers to obtain licenses.

14 f. Develop a dispensing system for medical cannabis  
15 within this state that provides for all of the  
16 following:

17 (1) Medical cannabis patient centers within  
18 this state housed on secured grounds and operated by  
19 licensed medical cannabis patient centers.

20 (2) The dispensing of medical cannabis to patients  
21 and their primary caregivers to occur at locations  
22 designated by the department.

23 g. Specify and implement procedures that address  
24 public safety including security procedures and product  
25 quality including measures to ensure contaminant-free  
26 cultivation of medical cannabis, safety, and labeling.

27 h. Establish and implement a real-time, statewide  
28 medical cannabis registry management sale tracking  
29 system that is available to medical cannabis patient  
30 centers on a twenty-four-hour-day, seven-day-a-week  
31 basis for the purpose of verifying that a person  
32 is lawfully in possession of a medical cannabis  
33 registration card issued pursuant to this chapter  
34 and for tracking the date of the sale and quantity of  
35 medical cannabis purchased by a patient or a primary

1 caregiver.

2 i. Establish and implement a medical cannabis  
3 inventory and delivery tracking system to track  
4 medical cannabis from production by a medical cannabis  
5 manufacturer through dispensing at a medical cannabis  
6 patient center.

7 Sec. \_\_\_\_\_. NEW SECTION. 124E.11 Reciprocity.

8 A valid medical cannabis registration card, or its  
9 equivalent, issued under the laws of another state  
10 that allows an out-of-state patient to possess or  
11 use medical cannabis in the jurisdiction of issuance  
12 shall have the same force and effect as a valid  
13 medical cannabis registration card issued pursuant to  
14 this chapter, except that an out-of-state patient in  
15 this state shall not obtain medical cannabis from a  
16 medical cannabis patient center in this state and an  
17 out-of-state patient shall not smoke medical cannabis.

18 Sec. \_\_\_\_\_. NEW SECTION. 124E.12 Use of medical  
19 cannabis ---- smoking prohibited.

20 A patient shall not consume medical cannabis  
21 possessed or used as authorized by this chapter by  
22 smoking medical cannabis.

23 Sec. \_\_\_\_\_. NEW SECTION. 124E.13 Use of medical  
24 cannabis ---- affirmative defenses.

25 1. A health care practitioner, including any  
26 authorized agent or employee thereof, shall not be  
27 subject to prosecution for the unlawful certification,  
28 possession, or administration of marijuana under the  
29 laws of this state for activities arising directly  
30 out of or directly related to the certification or  
31 use of medical cannabis in the treatment of a patient  
32 diagnosed with a debilitating medical condition as  
33 authorized by this chapter.

34 2. A medical cannabis manufacturer, including any  
35 authorized agent or employee thereof, shall not be

1 subject to prosecution for manufacturing, possessing,  
2 cultivating, harvesting, packaging, processing,  
3 transporting, or supplying medical cannabis pursuant  
4 to this chapter.

5 3. A medical cannabis patient center, including  
6 any authorized agent or employee thereof, shall not be  
7 subject to prosecution for transporting, supplying, or  
8 dispensing medical cannabis pursuant to this chapter.

9 a. In a prosecution for the unlawful possession  
10 of marijuana under the laws of this state, including  
11 but not limited to chapters 124 and 453B, it is an  
12 affirmative and complete defense to the prosecution  
13 that the patient has been diagnosed with a debilitating  
14 medical condition, used or possessed medical  
15 cannabis pursuant to a certification by a health care  
16 practitioner as authorized under this chapter, and,  
17 for a patient eighteen years of age or older, is in  
18 possession of a valid medical cannabis registration  
19 card.

20 b. In a prosecution for the unlawful possession  
21 of marijuana under the laws of this state, including  
22 but not limited to chapters 124 and 453B, it is an  
23 affirmative and complete defense to the prosecution  
24 that the person possessed medical cannabis because the  
25 person is a primary caregiver of a patient who has been  
26 diagnosed with a debilitating medical condition and is  
27 in possession of a valid medical cannabis registration  
28 card, and where the primary caregiver's possession of  
29 the medical cannabis is on behalf of the patient and  
30 for the patient's use only as authorized under this  
31 chapter.

32 c. If a patient or primary caregiver is charged  
33 with the commission of a crime and is not in possession  
34 of the person's medical cannabis registration card,  
35 any charge or charges filed against the person shall

1 be dismissed by the court if the person produces to  
2 the court prior to or at the person's trial a medical  
3 cannabis registration card issued to that person and  
4 valid at the time the person was charged.

5 4. An agency of this state or a political  
6 subdivision thereof, including any law enforcement  
7 agency, shall not remove or initiate proceedings to  
8 remove a patient under the age of eighteen from the  
9 home of a parent based solely upon the parent's or  
10 patient's possession or use of medical cannabis as  
11 authorized under this chapter.

12 Sec. \_\_\_\_\_. REPEAL. Chapter 124D, Code 2016, is  
13 repealed.

14 Sec. \_\_\_\_\_. EMERGENCY RULES. The department may  
15 adopt emergency rules under section 17A.4, subsection  
16 3, and section 17A.5, subsection 2, paragraph "b",  
17 to implement the provisions of this division of this  
18 Act and the rules shall be effective immediately upon  
19 filing unless a later date is specified in the rules.  
20 Any rules adopted in accordance with this section shall  
21 also be published as a notice of intended action as  
22 provided in section 17A.4.

23 Sec. \_\_\_\_\_. TRANSITION PROVISIONS. A medical  
24 cannabis registration card issued under chapter 124D  
25 prior to July 1, 2016, remains effective and continues  
26 in effect as issued for the twelve-month period  
27 following its issuance. This division of this Act does  
28 not preclude the permit holder from seeking to renew  
29 the permit under this division of this Act prior to the  
30 expiration of the twelve-month period.

31 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This division  
32 of this Act, being deemed of immediate importance,  
33 takes effect upon enactment.>

34 3. Title page, by striking lines 1 and 2 and  
35 inserting <An Act relating to state regulation of the

1 health and well-being of Iowa residents, including  
2 children, making penalties applicable, and including  
3 effective date provisions.>

4 4. By renumbering, redesignating, and correcting  
5 internal references as necessary.>

**By** FORBES of Polk  
KRESSIG of Black Hawk

SENATE FILE 2316

H-8299

1 Amend Senate File 2316, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 19, by striking <Cases> and  
4 inserting <Except as provided in paragraph "c", cases>

5 2. Page 1, after line 21 by inserting:

6 <c. If, after one year from the date of assignment  
7 of delinquent court debt to the county attorney, full  
8 payment has not been received, or if an installment  
9 payment is not received within thirty days after the  
10 date the payment is due, the judicial branch shall  
11 assign the delinquent court debt to the private  
12 collection designee.>

13 3. Page 4, by striking lines 8 through 11 and  
14 inserting <private collection designee. For cases  
15 assigned to the county attorney, if, after one year  
16 from the date of assignment of delinquent court debt  
17 to the county attorney, full payment has not been  
18 received, or if an installment payment is not received  
19 within thirty days after the date the payment is due,  
20 the judicial branch shall assign the delinquent court  
21 debt to the private collection designee. A county  
22 attorney who chooses>

By BALTIMORE of Boone

H-8299 FILED APRIL 26, 2016