A BILL FOR

1 An Act creating the medical cannabis Act and providing for civil and criminal penalties and fees.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. Section 124.401, subsection 5, unnumbered paragraph 3, Code 2015, is amended to read as follows:

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

Sec. 2. NEW SECTION. 124E.1 Short title.

This chapter shall be known and may be cited as the "Medical Cannabis Act".

Sec. 3. NEW SECTION. 124E.2 Definitions.

As used in this chapter:

1. "Debilitating medical condition" means any of the following:
   a. Cancer.
   b. Multiple sclerosis.
   c. Epilepsy.
   d. AIDS or HIV as defined in section 141A.1.
   e. Glaucoma.
   f. Hepatitis C.
   g. Crohn's disease or ulcerative colitis.
   h. Amyotrophic lateral sclerosis.
   i. Ehlers-danlos syndrome.
   j. Post-traumatic stress disorder.
   k. Severe, chronic pain caused by an underlying medical condition that is not responsive to conventional treatment or conventional treatment that produces debilitating side effects.
   l. Any other chronic or debilitating disease or medical condition or its medical treatment approved by the department pursuant to rule.

2. "Department" means the department of public health.

3. "Disqualifying felony offense" means a violation under federal or state law of a felony offense, which has as an
element the possession, use, or distribution of a controlled
substance, as defined in 21 U.S.C. §802(6).

4. “Enclosed, locked facility” means a closet, room,
greenhouse, or other enclosed area equipped with locks or other
security devices that permit access only by a cardholder.

5. “Health care practitioner” means an individual licensed
under chapter 148 to practice medicine and surgery or
osteopathic medicine and surgery, a physician assistant
licensed under chapter 148C, or an advanced registered nurse
practitioner licensed pursuant to chapter 152 or 152E.

6. “Medical cannabis” means any species of the genus
cannabis plant, or any mixture or preparation of them,
including whole plant extracts and resins.

7. “Medical cannabis dispensary” means an entity licensed
under section 124E.8 that acquires medical cannabis from a
medical cannabis manufacturer in this state for the purpose
of dispensing medical cannabis in this state pursuant to this
chapter.

8. “Medical cannabis manufacturer” means an entity licensed
by the department to manufacture and to possess, cultivate,
transport, or supply medical cannabis pursuant to the
provisions of this chapter.

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

10. “Written certification” means a document signed by a
health care practitioner, with whom the patient has established
a patient-provider relationship, which states that the patient
has a debilitating medical condition and identifies that
condition and provides any other relevant information.
1. Prior to a patient's submission of an application for a medical cannabis card pursuant to section 124E.4, a health care practitioner shall do all of the following:
   a. Determine, in the health care practitioner's medical judgment, whether the patient whom the health care practitioner has examined and treated suffers from a debilitating medical condition that qualifies for the use of medical cannabis under this chapter, and if so determined, provide the patient with a written certification of that diagnosis.
   b. Provide explanatory information as provided by the department to the patient about the therapeutic use of medical cannabis.
2. Determine, on an annual basis, if the patient continues to suffer from a debilitating medical condition and, if so, issue the patient a new certification of that diagnosis.
3. Otherwise comply with all requirements established by the department pursuant to rule.
4. A health care practitioner may provide, but has no duty to provide, a written certification pursuant to this section.

Sec. 5. NEW SECTION. 124E.4 Medical cannabis registration card.
1. Issuance to patient. The department may approve the issuance of a medical cannabis registration card by the department of transportation to a patient who:
   a. Is at least eighteen years of age.
   b. Is a permanent resident of this state.
   c. Submits a written certification to the department signed by the patient's health care practitioner that the patient is suffering from a debilitating medical condition.
   d. Submits an application to the department, on a form created by the department, in consultation with the department of transportation, that contains all of the following:
      (1) The patient's full name, Iowa residence address, date of birth, and telephone number.
      (2) A copy of the patient's valid photo identification.
1 (3) Full name, address, and telephone number of the
2 patient’s health care practitioner.
3 (4) Full name, residence address, date of birth, and
4 telephone number of each primary caregiver of the patient, if
5 any.
6 (5) Any other information required by rule.
7 e. Submits a medical cannabis registration card fee of one
8 hundred dollars to the department. If the patient attests to
9 receiving social security disability benefits, supplemental
10 security insurance payments, or being enrolled in medical
11 assistance, the fee shall be twenty-five dollars.
12 2. **Patient card contents.** A medical cannabis registration
13 card issued to a patient by the department of transportation
14 pursuant to subsection 1 shall contain, at a minimum, all of
15 the following:
16 a. The patient’s full name, Iowa residence address, and date
17 of birth.
18 b. The patient’s photo.
19 c. The date of issuance and expiration date of the
20 registration card.
21 d. Any other information required by rule.
22 3. **Issuance to primary caregiver.** For a patient in a
23 primary caregiver’s care, the department may approve the
24 issuance of a medical cannabis registration card by the
25 department of transportation to the primary caregiver who:
26 a. Is at least eighteen years of age.
27 b. Submits a written certification to the department signed
28 by the patient’s health care practitioner that the patient in
29 the primary caregiver’s care is suffering from a debilitating
30 medical condition.
31 c. Submits an application to the department, on a form
32 created by the department, in consultation with the department
33 of transportation, that contains all of the following:
34 (1) The primary caregiver’s full name, residence address,
35 date of birth, and telephone number.
1. No later than August 15, 2015, the director of public health shall establish a medical advisory board consisting of eight practitioners representing the fields of neurology, pain...
management, gastroenterology, oncology, psychiatry, infectious disease, family medicine, and pharmacy, and three patients with valid medical cannabis registration cards. The practitioners shall be nationally board-certified in their area of specialty and knowledgeable about the use of medical cannabis.

2. A quorum of the advisory board shall consist of six members.

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

   a. Reviewing and recommending to the department for approval additional chronic or debilitating diseases or medical conditions or their treatments as debilitating medical conditions that qualify for the use of medical cannabis under this chapter.

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

   c. Advising the department regarding the location of medical cannabis dispensaries throughout the state, the form and quantity of allowable medical cannabis to be dispensed to a patient or primary caregiver, and the general oversight of medical cannabis manufacturers and medical cannabis dispensaries in this state.

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

Sec. 7. NEW SECTION. 124E.6 Medical cannabis manufacturer licensure.

1. a. The department shall license four medical cannabis manufacturers to manufacture medical cannabis within this state consistent with the provisions of this chapter by December
The department shall license new medical cannabis manufacturers or relicense the existing medical cannabis manufacturers by December 1 of each year.

b. Information submitted during the application process shall be confidential until the medical cannabis manufacturer is licensed by the department unless otherwise protected from disclosure under state or federal law.

2. As a condition for licensure, a medical cannabis manufacturer must agree to begin supplying medical cannabis to medical cannabis dispensaries in this state by July 1, 2016.

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

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

b. The qualifications of the medical cannabis manufacturer’s employees.

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

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

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

f. The medical cannabis manufacturer’s projection of and ongoing assessment of fees on patients with debilitating medical conditions.

4. The department shall require each medical cannabis manufacturer to contract with the state hygienic laboratory at the university of Iowa in Iowa City to test the medical
1 cannabis produced by the manufacturer. The department shall
2 require that the laboratory report testing results to the
3 manufacturer in a manner determined by the department pursuant
4 to rule.
5 5. Each entity submitting an application for licensure
6 as a medical cannabis manufacturer shall pay a nonrefundable
7 application fee of seven thousand five hundred dollars to the
8 department.

Sec. 8. NEW SECTION. 124E.7 Medical cannabis manufacturers.
1. A medical cannabis manufacturer shall contract with the
11 state hygienic laboratory at the university of Iowa in Iowa
12 City for purposes of testing the medical cannabis manufactured
13 by the medical cannabis manufacturer as to content,
14 contamination, and consistency. The cost of all laboratory
15 testing shall be paid by the medical cannabis manufacturer.
16 2. The operating documents of a medical cannabis
17 manufacturer shall include all of the following:
18 a. Procedures for the oversight of the medical cannabis
19 manufacturer and procedures to ensure accurate record keeping.
20 b. Procedures for the implementation of appropriate security
21 measures to deter and prevent the theft of medical cannabis and
22 unauthorized entrance into areas containing medical cannabis.
23 3. A medical cannabis manufacturer shall implement security
24 requirements, including requirements for protection of each
25 location by a fully operational security alarm system, facility
26 access controls, perimeter intrusion detection systems, and a
27 personnel identification system.
28 4. A medical cannabis manufacturer shall not share
29 office space with, refer patients to, or have any financial
30 relationship with a health care practitioner.
31 5. A medical cannabis manufacturer shall not permit any
32 person to consume medical cannabis on the property of the
33 medical cannabis manufacturer.
34 6. A medical cannabis manufacturer is subject to reasonable
35 inspection by the department.
7. A medical cannabis manufacturer shall not employ a person under eighteen years of age or who has been convicted of a disqualifying felony offense. An employee of a medical cannabis manufacturer shall be subject to a background investigation conducted by the division of criminal investigation of the department of public safety and a national criminal history background check.

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

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

10. a. A medical cannabis manufacturer shall provide a reliable and ongoing supply of medical cannabis to medical cannabis dispensaries pursuant to this chapter.

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

Sec. 9. NEW SECTION. 124E.8 Medical cannabis dispensary licensure.

1. a. The department shall license by April 1, 2016, twelve medical cannabis dispensaries to dispense medical cannabis within this state consistent with the provisions of this chapter. The department shall license new medical cannabis dispensaries or relicense the existing medical cannabis manufacturers by December 1 of each year.

b. Information submitted during the application process shall be confidential until the medical cannabis dispensary is licensed by the department unless otherwise protected from
1 disclosure under state or federal law.
2 2. As a condition for licensure, a medical cannabis
3 dispensary must agree to begin supplying medical cannabis to
4 patients by July 1, 2016.
5 3. The department shall consider the following factors in
determining whether to license a medical cannabis dispensary:
6 a. The technical expertise of the medical cannabis
7 dispensary regarding medical cannabis.
8 b. The qualifications of the medical cannabis dispensary’s
9 employees.
10 c. The long-term financial stability of the medical cannabis
11 dispensary.
12 d. The ability to provide appropriate security measures on
13 the premises of the medical cannabis dispensary.
14 e. The medical cannabis dispensary’s projection and ongoing
15 assessment of fees for the purchase of medical cannabis on
16 patients with debilitating medical conditions.
17 4. Each entity submitting an application for licensure
18 as a medical cannabis dispensary shall pay a nonrefundable
19 application fee of five thousand dollars to the department.
20 Sec. 10. NEW SECTION. 124E.9 Medical cannabis dispensaries.
21 1. a. The medical cannabis dispensaries shall be located
22 based on geographical need throughout the state to improve
23 patient access.
24 b. A medical cannabis dispensary may dispense medical
25 cannabis pursuant to the provisions of this chapter but shall
26 not dispense any medical cannabis in a form or quantity other
27 than the form or quantity allowed by the department pursuant
28 to rule.
29 2. The operating documents of a medical cannabis dispensary
30 shall include all of the following:
31 a. Procedures for the oversight of the medical cannabis
32 dispensary and procedures to ensure accurate record keeping.
33 b. Procedures for the implementation of appropriate security
34 measures to deter and prevent the theft of medical cannabis and
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unauthorized entrance into areas containing medical cannabis.

3. A medical cannabis dispensary shall implement security
requirements, including requirements for protection by a fully
operational security alarm system, facility access controls,
perimeter intrusion detection systems, and a personnel
identification system.

4. A medical cannabis dispensary shall implement security
requirements, including requirements for protection by a fully
operational security alarm system, facility access controls,
perimeter intrusion detection systems, and a personnel
identification system.

5. A medical cannabis dispensary shall not share office
space with, refer patients to, or have any financial
relationship with a health care practitioner.

6. A medical cannabis dispensary shall not permit any person
to consume medical cannabis on the property of the medical
cannabis dispensary.

7. A medical cannabis dispensary is subject to reasonable
inspection by the department.

7. A medical cannabis dispensary shall not share office
space with, refer patients to, or have any financial
relationship with a health care practitioner.

8. A medical cannabis dispensary shall not operate in any
location within one thousand feet of a public or private school
existing before the date of the medical cannabis dispensary’s
licensure by the department.

9. A medical cannabis dispensary shall comply with
reasonable restrictions set by the department relating to
signage, marketing, display, and advertising of medical
cannabis.

10. Prior to dispensing of any medical cannabis, a medical
cannabis dispensary shall do all of the following:

a. Verify that the medical cannabis dispensary has received
a valid medical cannabis registration card from a patient or a
patient’s primary caregiver, if applicable.

b. Assign a tracking number to any medical cannabis
dispensed from the medical cannabis dispensary.

c. Properly package medical cannabis in compliance with federal law regarding child resistant packaging and exemptions for packaging for elderly patients, and label medical cannabis with a list of all active ingredients and individually identifying information, including all of the following:

(1) The name and date of birth of the patient and the patient’s primary caregiver, if appropriate.

(2) The medical cannabis registration card numbers of the patient and the patient’s primary caregiver, if applicable.

(3) The chemical composition of the medical cannabis.

Sec. 11. NEW SECTION. 124E.10 Fees.

Medical cannabis registration card fees and medical cannabis manufacturer and medical cannabis dispensary application and annual fees collected by the department pursuant to this chapter shall be retained by the department, shall be considered repayment receipts as defined in section 8.2, and shall be used for the purpose of regulating medical cannabis manufacturers and medical cannabis dispensaries and for other expenses necessary for the administration of this chapter.

Sec. 12. NEW SECTION. 124E.11 Department duties — rules.

1. a. The department shall maintain a confidential file of the names of each patient to or for whom the department issues a medical cannabis registration card and the name of each primary caregiver to whom the department issues a medical cannabis registration card under section 124E.4.

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

(1) Information in the confidential file maintained pursuant to paragraph “a” may be released on an individual basis to the following persons under the following circumstances:

(a) To authorized employees or agents of the department and the department of transportation as necessary to perform the duties of the department and the department of transportation.
pursuant to this chapter.

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

(c) To authorized employees of a medical cannabis dispensary, but only for the purpose of verifying that a person is lawfully in possession of a medical cannabis registration card issued pursuant to this chapter.

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

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

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

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

c. Set forth additional chronic or debilitating diseases or medical conditions or their medical treatments for inclusion on the list of debilitating medical conditions that qualify for the use of medical cannabis as recommended by the medical advisory board.

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

e. Establish requirements for the licensure of medical cannabis manufacturers and medical cannabis dispensaries and set forth procedures for medical cannabis manufacturers and medical cannabis dispensaries to obtain licenses.

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

(1) Medical cannabis dispensaries within this state housed on secured grounds and operated by licensed medical cannabis dispensaries.

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

g. Establish and collect annual fees from medical cannabis manufacturers and medical cannabis dispensaries to cover the costs associated with regulating and inspecting medical cannabis manufacturers and medical cannabis dispensaries.

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

Sec. 13. NEW SECTION. 124E.12 Reciprocity.

A valid medical cannabis registration card, or its equivalent, issued under the laws of another state that allows an out-of-state patient to possess or use medical cannabis in the jurisdiction of issuance shall have the same force and effect as a valid medical cannabis registration card issued pursuant to this chapter, except that an out-of-state patient in this state shall not obtain medical cannabis from a medical cannabis dispensary in this state.

Sec. 14. NEW SECTION. 124E.13 Use of medical cannabis — smoking prohibited.

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

Sec. 15. NEW SECTION. 124E.14 Use of medical cannabis —
affirmative defenses.

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

2. A medical cannabis manufacturer, including any authorized agent or employee thereof, shall not be subject to prosecution for manufacturing, possessing, cultivating, harvesting, packaging, processing, transporting, or supplying medical cannabis pursuant to this chapter.

3. A medical cannabis dispensary, including any authorized agent or employee thereof, shall not be subject to prosecution for transporting, supplying, or dispensing medical cannabis pursuant to this chapter.

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

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

c. If a patient or primary caregiver is charged with the commission of a crime and is not in possession of the person's medical cannabis registration card, any charge or charges filed against the person shall be dismissed by the court if the person produces to the court prior to or at the person's trial a medical cannabis registration card issued to that person and valid at the time the person was charged.

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

Sec. 16. NEW SECTION. 124E.15 Penalties.

1. A person who knowingly or intentionally possesses or uses medical cannabis in violation of the requirements of this chapter is subject to the penalties provided under chapters 124 and 453B.

2. A medical cannabis manufacturer or a medical cannabis dispensary shall be assessed a civil penalty of up to one thousand dollars per violation for any violation of this chapter in addition to any other applicable penalties.

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

Sec. 18. TRANSITION PROVISIONS. A medical cannabis registration card issued under chapter 124D prior to July 1, 2015, remains effective and continues in effect as issued for
the twelve-month period following its issuance. This Act does not preclude the permit holder from seeking to renew the permit under this Act prior to the expiration of the twelve-month period.

Sec. 19. REPORTS. The university of Iowa Carver college of medicine and college of pharmacy shall, on or before July 1 of each year, beginning July 1, 2016, submit a report detailing the scientific literature, studies, and clinical trials regarding the use of medical cannabis on patients diagnosed with debilitating medical conditions as defined in this Act to the department of public health and the general assembly.

Sec. 20. REPEAL. Chapter 124D, Code 2015, is repealed.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation’s substance by the members of the general assembly.

This bill creates the medical cannabis Act and provides for civil and criminal penalties and fees.

OVERVIEW. The bill allows a patient with a debilitating medical condition who receives written certification from the patient’s health care practitioner that the patient has a debilitating medical condition and who submits the written certification along with an application to the department of public health (department) for a medical cannabis registration card to allow for the lawful use of medical cannabis to treat the patient’s debilitating medical condition. A patient who is issued a medical cannabis registration card will be able to receive medical cannabis directly from a licensed medical cannabis dispensary in this state.

DEFINITIONS. The bill provides the following definitions:

“Debilitating medical condition” means cancer; multiple sclerosis; epilepsy; AIDS or HIV; glaucoma; hepatitis C; Crohn’s disease or ulcerative colitis; amyotrophic lateral sclerosis; Ehlers-danlos syndrome; post-traumatic stress disorder; severe, chronic pain caused by an underlying medical condition that is not responsive to conventional treatment or...
conventional treatment that produces debilitating side effects; and any other chronic or debilitating disease or medical condition or its medical treatment approved by the department by rule.

"Health care practitioner" means an individual licensed under Code chapter 148 to practice medicine and surgery or osteopathic medicine and surgery, a physician assistant licensed under Code chapter 148C, or an advanced registered nurse practitioner licensed pursuant to Code chapter 152 or 152E.

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

"Medical cannabis dispensary" means an entity licensed under the bill that acquires medical cannabis from a medical cannabis manufacturer in this state for the purpose of dispensing medical cannabis in this state pursuant to the provisions of the bill.

"Medical cannabis manufacturer" means an entity licensed by the department to manufacture and to possess, cultivate, transport, or supply medical cannabis pursuant to the provisions of the bill.

"Primary caregiver" means a person, at least 18 years of age, who has been designated by a patient's health care practitioner or a person having custody of a patient, as a necessary caretaker taking responsibility for managing the well-being of the patient with respect to the use of medical cannabis pursuant to the bill.

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

HEALTH CARE PRACTITIONER CERTIFICATION. The bill provides that prior to a patient's submission of an application
for a medical cannabis registration card, if a health care
practitioner determines that the patient whom the health
care practitioner has examined and treated suffers from a
debilitating medical condition, the health care practitioner
may provide the patient with a written certification of that
diagnosis. If the health care practitioner provides the
written certification, the practitioner must also provide
explanatory information to the patient about the therapeutic
use of medical cannabis, and if the patient continues to suffer
from a debilitating medical condition, issue the patient a new
certification of that diagnosis on an annual basis.

MEDICAL CANNABIS REGISTRATION CARD — PATIENT AND PRIMARY
CAREGIVER. The department may approve the issuance of a
medical cannabis registration card by the department of
transportation to a patient who is at least 18 years of age and
is a permanent resident of this state, who submits a written
certification by the patient’s health care practitioner to
the department, who submits an application to the department
of public health with certain information, and who submits
a registration card fee to the department. The department
of public health may also approve the issuance of a medical
cannabis registration card by the department of transportation
to a primary caregiver who is at least 18 years of age, who
submits a written certification by the patient’s health care
practitioner to the department on behalf of the patient,
and submits an application to the department with certain
information. A medical cannabis registration card expires one
year after the date of issuance and may be renewed.

MEDICAL ADVISORY BOARD. The director of public health is
directed to establish a medical advisory board, no later than
August 15, 2015, to consist of eight practitioners representing
the fields of neurology, pain management, gastroenterology,
oncology, psychiatry, infectious disease, family medicine,
and pharmacy, and three patients with valid medical cannabis
registration cards. The practitioners shall be nationally

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board-certified in their area of specialty and knowledgeable about the use of medical cannabis. The duties of the board include reviewing and recommending to the department for approval additional chronic or debilitating diseases or medical conditions or their treatments as debilitating medical conditions that qualify for the use of medical cannabis under the bill, accepting and reviewing petitions to add chronic or debilitating diseases or medical conditions or their treatments to the list of debilitating medical conditions that qualify for the use of medical cannabis under the bill, and advising the department regarding the location of medical cannabis dispensaries, the form and quantity of allowable medical cannabis to be dispensed to a patient or primary caregiver, and the general oversight of medical cannabis manufacturers and medical cannabis dispensaries.

MEDICAL CANNABIS MANUFACTURER LICENSURE. The bill requires the department to license four medical cannabis manufacturers for the manufacture of medical cannabis within this state by December 1, 2015, and to license new medical cannabis manufacturers or relicense existing medical cannabis manufacturers by December 1 of each year. Information submitted during the application process is confidential until the medical cannabis manufacturer is licensed by the department unless otherwise protected from disclosure under state or federal law. As a condition for licensure, a medical cannabis manufacturer must agree to begin supplying medical cannabis to medical cannabis dispensaries in this state by July 1, 2016. The department is directed to consider several factors in determining whether to license a medical cannabis manufacturer including technical expertise, employee qualifications, financial stability, security measures, and production needs and capacity. Each medical cannabis manufacturer is required to contract with the state hygienic laboratory at the university of Iowa to test the medical cannabis produced by the manufacturer and to report testing results to the medical
cannabis manufacturer. Each entity submitting an application for licensure shall pay a nonrefundable application fee of $7,500.

MEDICAL CANNABIS MANUFACTURERS. The bill provides that operating documents of a medical cannabis manufacturer shall include procedures for oversight and recordkeeping activities of the medical cannabis manufacturer and security measures undertaken by the medical cannabis manufacturer. A medical cannabis manufacturer is prohibited from sharing office space with, referring patients to, or having a financial relationship with a health care practitioner; permitting any person to consume medical cannabis on the property of the medical cannabis manufacturer; employing a person who is under 18 years of age or who has been convicted of a disqualifying felony offense; and from operating in any location, whether for dispensing or for manufacturing, cultivating, harvesting, packaging, and processing, within 1,000 feet of a public or private school existing before the date of the medical cannabis manufacturer’s licensure. A medical cannabis manufacturer shall be subject to reasonable inspection and shall be subject to reasonable restrictions relating to signage, marketing, display, and advertising of the medical cannabis.

A medical cannabis manufacturer is required to provide a reliable and ongoing supply of medical cannabis to medical cannabis dispensaries pursuant to the provisions of the bill, and all manufacturing, cultivating, harvesting, packaging, and processing of medical cannabis is required to take place in an enclosed, locked facility at a physical address provided to the department during the licensure process.

MEDICAL CANNABIS DISPENSARIES. The bill requires the department to license by April 1, 2016, 12 medical cannabis dispensaries to dispense medical cannabis within this state consistent with the provisions of the bill. The department is required to license new medical cannabis dispensaries or relicense the existing medical cannabis manufacturers by
December 1 of each year. Information submitted during the application process shall be confidential until the medical cannabis dispensary is licensed by the department unless otherwise protected from disclosure under state or federal law.

As a condition for licensure, a medical cannabis dispensary must agree to begin supplying medical cannabis to patients by July 1, 2016.

The department is directed to consider several factors in determining whether to license a medical cannabis dispensary including technical expertise, employee qualifications, financial stability, security measures, and the projection and ongoing assessment of fees for the purchase of medical cannabis on patients with debilitating medical conditions.

Each entity submitting an application for licensure shall pay a nonrefundable application fee of five thousand dollars to the department.

The bill provides that medical cannabis dispensaries shall be located based on geographical need throughout the state to improve patient access. A medical cannabis dispensary may dispense medical cannabis pursuant to the provisions of this chapter but shall not dispense any medical cannabis in a form or quantity other than the form or quantity allowed by the department pursuant to rule. The operating documents of a medical cannabis dispensary shall include procedures for the oversight and record keeping activities of the medical cannabis dispensary and security measures undertaken by the medical cannabis dispensary to deter and prevent the theft of medical cannabis and unauthorized entrance into areas containing medical cannabis. A medical cannabis dispensary is prohibited from sharing office space with, referring patients to, or having any financial relationship with a health care practitioner; permitting any person to consume medical cannabis on the property of the medical cannabis dispensary; employing a person who is under eighteen years of age or who has been convicted of a disqualifying felony offense; and from operating
in any location within 1,000 feet of a public or private school existing before the date of the medical cannabis dispensary's licensure by the department. A medical cannabis dispensary shall be subject to reasonable inspection and to reasonable restrictions set by the department relating to signage, marketing, display, and advertising of medical cannabis. Prior to dispensing of any medical cannabis, a medical cannabis dispensary is required to verify that the medical cannabis dispensary has received a valid medical cannabis registration card from a patient or a patient's primary caregiver, if applicable, assign a tracking number to any medical cannabis dispensed from the medical cannabis dispensary and follow proper packaging procedures in compliance with federal law.

FEES. Medical cannabis registration card fees and medical cannabis manufacturer and medical cannabis dispensary application and annual fees collected by the department pursuant to this chapter shall be retained by the department, shall be considered repayment receipts as defined in Code section 8.2, and shall be used for the purpose of regulating medical cannabis manufacturers and medical cannabis dispensaries and for other expenses necessary for the administration of this Code chapter.

CONFIDENTIALITY. The department is required to maintain a confidential file of the names of each patient and primary caregiver issued a medical cannabis registration card. Individual names contained in the file shall be confidential and shall not be subject to disclosure, except that information in the confidential file may be released on an individual basis to authorized employees or agents of the department, the department of transportation, and a medical cannabis dispensary as necessary to perform their duties and to authorized employees of state or local law enforcement agencies for the purpose of verifying that a person is lawfully in possession of a medical cannabis registration card. Release
of information must also be consistent with federal Health
Insurance Portability and Accountability Act regulations.

ADDITIONAL DEPARTMENT DUTIES — RULES. The bill requires
the department to adopt rules relating to the manner in which
the department shall consider applications for new and renewal
medical cannabis registration cards, identify criteria and
set forth procedures for including additional chronic or
debilitating diseases or medical conditions or their medical
treatments on the list of debilitating medical conditions,
establish the form and quantity of medical cannabis allowed to
be dispensed to a patient or primary caregiver in the form and
quantity appropriate to serve the medical needs of the patient
with the debilitating medical condition, establish requirements
for the licensure of medical cannabis manufacturers and medical
cannabis dispensaries, develop a dispensing system for medical
cannabis within this state that follows certain requirements,
establish and collect annual fees from medical cannabis
manufacturers and medical cannabis dispensaries to cover
the costs associated with regulating and inspecting medical
cannabis manufacturers and medical cannabis dispensaries, and
specify and implement procedures that address public safety
including security procedures and product quality, safety, and
labeling.

RECIPROCITY. The bill provides that a valid medical
cannabis registration card, or its equivalent, issued under
the laws of another state that allows an out-of-state patient
to possess or use medical cannabis in the jurisdiction of
issuance shall have the same force and effect as a valid
medical cannabis card issued under the bill, except that an
out-of-state patient in this state shall not obtain medical
cannabis from a medical cannabis dispensary in this state.

USE OF MEDICAL CANNABIS — SMOKING PROHIBITED. The bill
provides that a patient shall not consume the medical cannabis
by smoking the medical cannabis.

USE OF MEDICAL CANNABIS — AFFIRMATIVE DEFENSES. The bill
prosecution immunity for a health care practitioner, a medical cannabis manufacturer, and a medical cannabis dispensary, including any authorized agents or employees of the health care practitioner, medical cannabis manufacturer, and medical cannabis dispensary, for activities undertaken by the health care practitioner, medical cannabis manufacturer, and medical cannabis dispensary pursuant to the provisions of the bill.

The bill provides that in a prosecution for the unlawful possession of marijuana under the laws of this state, including but not limited to Code chapters 124 (controlled substances) and 453B (excise tax on unlawful dealing in certain substances), it is an affirmative and complete defense to the prosecution that the patient has been diagnosed with a debilitating medical condition, used or possessed medical cannabis pursuant to a certification by a health care practitioner, and, for a patient age 18 or older, is in possession of a valid medical cannabis registration card. The bill provides a similar affirmative defense for a primary caretaker of a patient who has been diagnosed with a debilitating medical condition who is in possession of a valid medical cannabis registration card, and where the primary caregiver’s possession of the medical cannabis is on behalf of the patient and for the patient’s use only.

The bill amends Code section 124.401, relating to prohibited acts involving controlled substances, to provide that it is lawful for a person to knowingly or intentionally recommend, possess, use, dispense, deliver, transport, or administer medical cannabis if the recommendation, possession, use, dispensing, delivery, transporting, or administering is in accordance with the provisions of the bill.

The bill provides that an agency of this state or a political subdivision thereof, including any law enforcement agency, shall not remove or initiate proceedings to remove a patient under the age of 18 from the home of a parent based solely upon...
the parent's or patient's possession or use of medical cannabis as authorized under the bill.

PENALTIES. The bill provides that a person who knowingly or intentionally possesses or uses medical cannabis in violation of the requirements of the bill is subject to the penalties provided under Code chapters 124 and 453B. In addition, a medical cannabis manufacturer or a medical cannabis dispensary shall be assessed a civil penalty of up to $1,000 per violation for any violation of the bill in addition to any other applicable penalties.

EMERGENCY RULES. The bill provides that the department may adopt emergency rules and the rules shall be effective immediately upon filing unless a later date is specified in the rules.

TRANSITION PROVISIONS. The bill provides that a medical cannabis registration card issued under Code chapter 124D (medical cannabidiol Act) prior to July 1, 2015, shall remain effective and continues in effect as issued for the 12-month period following its issuance.

REPORTS. The bill requires the university of Iowa Carver college of medicine and college of pharmacy to, on or before July 1 of each year, beginning July 1, 2016, submit a report detailing the scientific literature, studies, and clinical trials regarding the use of medical cannabis on patients diagnosed with debilitating medical conditions as defined in the bill to the department of public health and the general assembly.

REPEAL. The bill repeals Code chapter 124D, the medical cannabidiol Act.