

Senate File 2405 - Introduced

SENATE FILE 2405

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 2372)

(SUCCESSOR TO SSB 3135)

A BILL FOR

1 An Act relating to the regulation of medical cannabidiol, by
2 altering the list of debilitating medical conditions and
3 changing the definition of medical cannabidiol under the
4 medical cannabidiol Act, and exempting sales of medical
5 cannabidiol products from Iowa sales tax.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 124E.2, subsections 2 and 6, Code 2018,
2 are amended to read as follows:

3 2. "*Debilitating medical condition*" means any of the
4 following:

5 a. Cancer, if the underlying condition or treatment produces
6 one or more of the following:

7 (1) Severe or chronic pain.

8 (2) Nausea or severe vomiting.

9 (3) Cachexia or severe wasting.

10 b. Multiple sclerosis ~~with severe and persistent muscle~~
11 ~~spasms.~~

12 c. Seizures, including those characteristic of epilepsy.

13 d. AIDS or HIV as defined in [section 141A.1](#).

14 e. Crohn's disease.

15 f. Amyotrophic lateral sclerosis.

16 g. Any terminal illness, with a probable life expectancy of
17 under one year, if the illness or its treatment produces one or
18 more of the following:

19 (1) Severe or chronic pain.

20 (2) Nausea or severe vomiting.

21 (3) Cachexia or severe wasting.

22 h. Parkinson's disease.

23 ~~i. Untreatable pain~~ Severe or chronic pain.

24 j. Any other medical condition for which the patient's
25 health care practitioner determines the use of medical
26 cannabidiol could be medically beneficial.

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

34 Sec. 2. Section 124E.2, subsection 8, Code 2018, is amended
35 by striking the subsection.

1 Sec. 3. Section 124E.3, subsection 1, paragraph a, Code
2 2018, is amended to read as follows:

3 a. (1) Determine, in the health care practitioner's medical
4 judgment, whether the patient whom the health care practitioner
5 has examined and treated suffers from a debilitating medical
6 condition that qualifies for the use of medical cannabidiol
7 under this chapter, and if so determined, provide the patient
8 with a written certification of that diagnosis.

9 (2) If a health care practitioner determines that the
10 patient whom the health care practitioner has examined and
11 treated suffers from a debilitating medical condition pursuant
12 to section 124E.2, subsection 2, paragraph "j", that qualifies
13 for the use of medical cannabidiol under this chapter, the
14 health care practitioner's written certification shall be based
15 on reasonable medical evidence, and shall be made in good
16 faith, in the best interest of the patient, without fraudulent
17 intent, and with the same reasonable medical judgment and
18 prudence exercised according to generally accepted medical
19 practice.

20 Sec. 4. Section 124E.5, subsection 6, Code 2018, is amended
21 by striking the subsection.

22 Sec. 5. Section 423.3, Code 2018, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 103. The sales price of any medical
25 cannabidiol product sold by a medical cannabidiol manufacturer
26 or a medical cannabidiol dispensary pursuant to chapter 124E.

27 EXPLANATION

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

30 This bill relates to the regulation of medical cannabidiol.

31 The bill amends the definition of "debilitating medical
32 condition" under the medical cannabidiol Act (Code chapter
33 124E) by removing the requirement that multiple sclerosis be
34 accompanied by severe and persistent muscle spasms, replacing
35 the term "untreatable pain" with "severe or chronic pain", and

1 including any medical condition for which a patient's health
2 care practitioner determines the use of medical cannabidiol
3 could be medically beneficial.

4 The bill requires that any certification made by a health
5 care practitioner for a patient for a debilitating medical
6 condition not explicitly included on the list of debilitating
7 medical conditions shall be made by a health care practitioner
8 pursuant to reasonable medical evidence, in good faith, in
9 the best interest of the patient, without fraudulent intent,
10 and with the same reasonable medical judgment and prudence
11 exercised according to generally accepted medical practice.
12 Under current law, a health care practitioner may only issue
13 a written certification for a debilitating medical condition
14 explicitly included on the list of debilitating medical
15 conditions. A written certification may be renewed on an
16 annual basis if the health care practitioner determines that
17 the patient continues to suffer from the debilitating medical
18 condition.

19 The bill alters the definition of medical cannabidiol by
20 removing the requirements that medical cannabidiol be any
21 pharmaceutical grade cannabinoid and that the cannabinoid has a
22 tetrahydrocannabinol (THC) level of 3 percent or less.

23 The bill exempts sales of medical cannabidiol products by
24 a medical cannabidiol manufacturer or a medical cannabidiol
25 dispensary pursuant to Code chapter 124E from sales tax.