

**Senate File 506 - Introduced**

SENATE FILE 506

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1190)

**A BILL FOR**

1 An Act concerning the compassionate use of medical  
2 cannabis Act, reclassifying marijuana, including  
3 tetrahydrocannabinols, from a schedule I controlled  
4 substance to a schedule II controlled substance, providing  
5 for civil and criminal penalties and fees, and including  
6 effective date provisions.

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

1 Section 1. Section 124.204, subsection 4, paragraphs m and  
2 u, Code 2017, are amended by striking the paragraphs.

3 Sec. 2. Section 124.204, subsection 7, Code 2017, is amended  
4 by striking the subsection.

5 Sec. 3. Section 124.206, subsection 7, Code 2017, is amended  
6 to read as follows:

7 7. *Hallucinogenic substances.* Unless specifically excepted  
8 or unless listed in another schedule, any material, compound,  
9 mixture, or preparation which contains any quantity of the  
10 following substances, or, for purposes of paragraphs "a" and  
11 "b", which contains any of its salts, isomers, or salts of  
12 isomers whenever the existence of such salts, isomers, or salts  
13 of isomers is possible within the specific chemical designation  
14 (for purposes of this paragraph only, the term "isomer"  
15 includes the optical, positional, and geometric isomers):

16 a. ~~Marijuana when used for medicinal purposes pursuant to~~  
17 ~~rules of the board.~~

18 b. Tetrahydrocannabinols, meaning tetrahydrocannabinols  
19 naturally contained in a plant of the genus cannabis (cannabis  
20 plant) as well as synthetic equivalents of the substances  
21 contained in the cannabis plant, or in the resinous extractives  
22 of such plant, and synthetic substances, derivatives, and their  
23 isomers with similar chemical structure and pharmacological  
24 activity to those substances contained in the plant, such as  
25 the following:

26 (1) 1 cis or trans tetrahydrocannabinol, and their optical  
27 isomers.

28 (2) 6 cis or trans tetrahydrocannabinol, and their optical  
29 isomers.

30 (3) 3,4 cis or trans tetrahydrocannabinol, and their  
31 optical isomers. (Since nomenclature of these substances  
32 is not internationally standardized, compounds of these  
33 structures, regardless of numerical designation of atomic  
34 positions covered.)

35 ~~b.~~ c. Nabilone [another name for nabilone: (+-) -

1 trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-  
2 hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one].

3 Sec. 4. Section 124.401, subsection 5, unnumbered paragraph  
4 3, Code 2017, is amended to read as follows:

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

12 Sec. 5. NEW SECTION. 124E.1 Short title.

13 This chapter shall be known and may be cited as the  
14 *"Compassionate Use of Medical Cannabis Act"*.

15 Sec. 6. NEW SECTION. 124E.2 Definitions.

16 As used in this chapter:

17 1. *"Debilitating medical condition"* means any of the  
18 following:

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

21 (1) Intractable pain.

22 (2) Nausea or severe vomiting.

23 (3) Cachexia or severe wasting.

24 b. Multiple sclerosis.

25 c. Epilepsy or seizure disorders.

26 d. AIDS or HIV as defined in section 141A.1.

27 e. Glaucoma.

28 f. Hepatitis C.

29 g. Crohn's disease or ulcerative colitis.

30 h. Amyotrophic lateral sclerosis.

31 i. Ehlers-Danlos syndrome.

32 j. Post-traumatic stress disorder.

33 k. Tourette's syndrome.

34 l. Any terminal illness, with a probable life expectancy of  
35 under one year, if the illness or its treatment produces one or

1 more of the following:

2 (1) Intractable pain.

3 (2) Nausea or severe vomiting.

4 (3) Cachexia or severe wasting.

5 *m.* Intractable pain.

6 *n.* Parkinson's disease.

7 *o.* Muscular dystrophy.

8 *p.* Huntington's disease.

9 *q.* Alzheimer's disease.

10 *r.* Complex regional pain syndrome, type I and II.

11 *s.* Rheumatoid arthritis.

12 *t.* Any other chronic or debilitating disease or medical  
13 condition or its medical treatment approved by the department  
14 pursuant to rule.

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

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

20 4. "*Enclosed, locked facility*" means a closet, room,  
21 greenhouse, or other enclosed area equipped with locks or other  
22 security devices that permit access only by a cardholder.

23 5. "*Health care practitioner*" means an individual licensed  
24 under chapter 148 to practice medicine and surgery or  
25 osteopathic medicine and surgery or an individual licensed to  
26 prescribe medicine in any other state who provides specialty  
27 care for an Iowa resident for one or more of the debilitating  
28 medical conditions provided in this chapter.

29 6. "*Intractable pain*" means a pain in which the cause of the  
30 pain cannot be removed or otherwise treated with the consent  
31 of the patient and which, in the generally accepted course of  
32 medical practice, no relief or cure of the cause of the pain  
33 is possible, or none has been found after reasonable efforts.  
34 Reasonable efforts for relieving or curing the cause of the  
35 pain may be determined on the basis of but are not limited to

1 any of the following:

2     *a.* When treating a nonterminally ill patient for intractable  
3 pain, evaluation by the attending physician and one or more  
4 physicians specializing in pain medicine or the treatment of  
5 the area, system, or organ of the body perceived as the source  
6 of the pain.

7     *b.* When treating a terminally ill patient, evaluation by  
8 the attending physician who does so in accordance with the  
9 level of care, skill, and treatment that would be recognized  
10 by a reasonably prudent physician under similar conditions and  
11 circumstances.

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

15     8. "*Medical cannabis dispensary*" means an entity licensed  
16 under section 124E.8 that acquires medical cannabis from a  
17 medical cannabis manufacturer in this state for the purpose  
18 of dispensing medical cannabis in this state pursuant to this  
19 chapter.

20     9. "*Medical cannabis manufacturer*" means an entity licensed  
21 under section 124E.6 to manufacture and to possess, cultivate,  
22 transport, or supply medical cannabis pursuant to the  
23 provisions of this chapter.

24     10. "*Primary caregiver*" means a person, at least eighteen  
25 years of age, who has been designated by a patient's health  
26 care practitioner or a person having custody of a patient, as  
27 a necessary caretaker taking responsibility for managing the  
28 well-being of the patient with respect to the use of medical  
29 cannabis pursuant to the provisions of this chapter.

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

35     Sec. 7. NEW SECTION. 124E.3 Health care practitioner

1 **certification — duties.**

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

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

11 *b.* Provide explanatory information as provided by the  
12 department to the patient about the therapeutic use of medical  
13 cannabis.

14 *c.* Determine, on an annual basis, if the patient continues  
15 to suffer from a debilitating medical condition and, if so,  
16 issue the patient a new certification of that diagnosis. This  
17 paragraph shall not apply if the patient is suffering from an  
18 incurable debilitating medical condition.

19 *d.* Otherwise comply with all requirements established by the  
20 department pursuant to rule.

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

23 **Sec. 8. NEW SECTION. 124E.4 Medical cannabis registration**  
24 **card.**

25 1. *Issuance to patient.* The department may approve the  
26 issuance of a medical cannabis registration card by the  
27 department of transportation to a patient who:

28 *a.* Is at least eighteen years of age.

29 *b.* Is a permanent resident of this state.

30 *c.* Submits a written certification to the department signed  
31 by the patient's health care practitioner that the patient is  
32 suffering from a debilitating medical condition.

33 *d.* Submits an application to the department, on a form  
34 created by the department, in consultation with the department  
35 of transportation, that contains all of the following:

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

3 (2) A copy of the patient's valid photograph  
4 identification.

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

7 (4) Full name, residence address, date of birth, and  
8 telephone number of each primary caregiver of the patient, if  
9 any.

10 (5) Any other information required by rule.

11 e. Submits a medical cannabis registration card fee of one  
12 hundred dollars to the department. If the patient attests to  
13 receiving social security disability benefits, supplemental  
14 security insurance payments, or being enrolled in the medical  
15 assistance program, the fee shall be twenty-five dollars.

16 2. *Patient card contents.* A medical cannabis registration  
17 card issued to a patient by the department of transportation  
18 pursuant to subsection 1 shall contain, at a minimum, all of  
19 the following:

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

22 b. The patient's photograph.

23 c. The date of issuance and expiration of the registration  
24 card.

25 d. Any other information required by rule.

26 3. *Issuance to primary caregiver.* For a patient in a  
27 primary caregiver's care, the department may approve the  
28 issuance of a medical cannabis registration card by the  
29 department of transportation to the primary caregiver who:

30 a. Submits a written certification to the department signed  
31 by the patient's health care practitioner that the patient in  
32 the primary caregiver's care is suffering from a debilitating  
33 medical condition.

34 b. Submits an application to the department, on a form  
35 created by the department, in consultation with the department

1 of transportation, that contains all of the following:

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

4 (2) The patient's full name.

5 (3) A copy of the primary caregiver's valid photograph  
6 identification.

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

9 (5) Any other information required by rule.

10 c. Submits a medical cannabis registration card fee of  
11 twenty-five dollars to the department.

12 4. *Primary caregiver card contents.* A medical cannabis  
13 registration card issued by the department of transportation to  
14 a primary caregiver pursuant to subsection 3 shall contain, at  
15 a minimum, all of the following:

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

18 b. The primary caregiver's photograph.

19 c. The date of issuance and expiration of the registration  
20 card.

21 d. The registration card number of each patient in the  
22 primary caregiver's care. If the patient in the primary  
23 caregiver's care is under the age of eighteen, the full name of  
24 the patient's parent or legal guardian.

25 e. Any other information required by rule.

26 5. *Expiration date of card.* A medical cannabis registration  
27 card issued pursuant to this section shall expire one year  
28 after the date of issuance and may be renewed.

29 6. *Card issuance — department of transportation.*

30 a. The department may enter into a chapter 28E agreement  
31 with the department of transportation to facilitate the  
32 issuance of medical cannabis registration cards pursuant to  
33 subsections 1 and 3.

34 b. The department of transportation may issue renewal  
35 medical cannabis registration cards through an online or

1 in-person process.

2 Sec. 9. NEW SECTION. 124E.5 Medical advisory board —  
3 duties.

4 1. No later than August 15, 2017, the director of public  
5 health shall establish a medical advisory board consisting of  
6 nine practitioners representing the fields of neurology, pain  
7 management, gastroenterology, oncology, psychiatry, pediatrics,  
8 infectious disease, family medicine, and pharmacy, and three  
9 patients or primary caregivers with valid medical cannabis  
10 registration cards. The practitioners shall be nationally  
11 board-certified in their area of specialty and knowledgeable  
12 about the use of medical cannabis.

13 2. A quorum of the advisory board shall consist of seven  
14 members.

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

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

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

26 c. Working with the department regarding the requirements  
27 for the licensure of medical cannabis manufacturers and medical  
28 cannabis dispensaries, including licensure procedures.

29 d. Advising the department regarding the location of  
30 medical cannabis dispensaries throughout the state, the form  
31 and quantity of allowable medical cannabis to be dispensed  
32 to a patient or primary caregiver, and the general oversight  
33 of medical cannabis manufacturers and medical cannabis  
34 dispensaries in this state.

35 e. Convening at least twice per year to conduct public

1 hearings and to review and recommend for approval petitions,  
2 which shall be maintained as confidential personal health  
3 information, to add chronic or debilitating diseases or  
4 medical conditions or their medical treatments to the list of  
5 debilitating medical conditions that qualify for the use of  
6 medical cannabis under this chapter.

7 *f.* Recommending improvements relating to the effectiveness  
8 of the provisions of this chapter.

9 *g.* In making recommendations pursuant to this section,  
10 consideration of the economic and financial impacts on patients  
11 and the medical cannabis industry, and making recommendations  
12 that minimize the extent of such impacts to the greatest extent  
13 practicable.

14 Sec. 10. NEW SECTION. **124E.6 Medical cannabis manufacturer**  
15 **licensure.**

16 1. *a.* The department shall license at least four but no  
17 more than twelve medical cannabis manufacturers to manufacture  
18 medical cannabis within this state consistent with the  
19 provisions of this chapter by December 1, 2017. The department  
20 shall license new medical cannabis manufacturers or relicense  
21 the existing medical cannabis manufacturers by December 1 of  
22 each year.

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

27 2. As a condition for licensure, a medical cannabis  
28 manufacturer must agree to begin supplying medical cannabis to  
29 medical cannabis dispensaries in this state by July 2, 2018.

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

32 *a.* The technical expertise of the medical cannabis  
33 manufacturer regarding medical cannabis.

34 *b.* The qualifications of the medical cannabis manufacturer's  
35 ownership and management team.

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

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

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

14     *f.* The medical cannabis manufacturer's projection of and  
15 ongoing assessment of fees on patients with debilitating  
16 medical conditions.

17     *g.* The medical cannabis manufacturer's experience in medical  
18 cannabis production, plant extraction, and pharmaceutical  
19 formulations.

20     4. The department shall require each medical cannabis  
21 manufacturer to contract with a laboratory approved by the  
22 department to test the medical cannabis produced by the  
23 manufacturer. The department shall require that the laboratory  
24 report testing results to the manufacturer in a manner  
25 determined by the department pursuant to rule.

26     5. Each entity submitting an application for licensure  
27 as a medical cannabis manufacturer shall pay a nonrefundable  
28 application fee of fifteen thousand dollars to the department.

29     Sec. 11. NEW SECTION. 124E.7 **Medical cannabis**  
30 **manufacturers.**

31     1. A medical cannabis manufacturer shall contract with a  
32 laboratory approved by the department for purposes of testing  
33 the medical cannabis manufactured by the medical cannabis  
34 manufacturer as to content, contamination, and consistency.  
35 The cost of all laboratory testing shall be paid by the medical

1 cannabis manufacturer.

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

4 a. Procedures for the oversight of the medical cannabis  
5 manufacturer and procedures to ensure accurate recordkeeping.

6 b. Procedures for the implementation of appropriate security  
7 measures to deter and prevent the theft of medical cannabis and  
8 unauthorized entrance into areas containing medical cannabis.

9 3. A medical cannabis manufacturer shall implement security  
10 requirements, including requirements for protection of each  
11 location by a fully operational security alarm system, facility  
12 access controls, perimeter intrusion detection systems, and a  
13 personnel identification system.

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

17 5. A medical cannabis manufacturer shall not permit any  
18 person to consume medical cannabis on the property of the  
19 medical cannabis manufacturer.

20 6. A medical cannabis manufacturer is subject to reasonable  
21 inspection by the department.

22 7. A medical cannabis manufacturer shall not employ a  
23 person who is under eighteen years of age or who has been  
24 convicted of a disqualifying felony offense. An employee  
25 of a medical cannabis manufacturer shall be subject to a  
26 background investigation conducted by the division of criminal  
27 investigation of the department of public safety and a national  
28 criminal history background check.

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

34 9. A medical cannabis manufacturer shall comply with  
35 reasonable restrictions set by the department relating to

1 signage, marketing, display, and advertising of medical  
2 cannabis.

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

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

10 *c.* A medical cannabis manufacturer shall not manufacture  
11 edible medical cannabis products utilizing food coloring.

12 *d.* A medical cannabis manufacturer shall manufacture a  
13 reliable and ongoing supply of medical cannabis to treat every  
14 debilitating medical condition listed in this chapter.

15 11. The department shall establish and collect an annual  
16 fee from a medical cannabis manufacturer not to exceed the cost  
17 of regulating and inspecting the manufacturer in the calendar  
18 year.

19 Sec. 12. NEW SECTION. 124E.8 **Medical cannabis dispensary**  
20 **licensure.**

21 1. *a.* The department shall license by April 2, 2018, twelve  
22 medical cannabis dispensaries to dispense medical cannabis  
23 within this state consistent with the provisions of this  
24 chapter. The department shall license new medical cannabis  
25 dispensaries or relicense the existing medical cannabis  
26 dispensaries by December 1 of each year.

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

31 2. As a condition for licensure, a medical cannabis  
32 dispensary must agree to begin supplying medical cannabis to  
33 patients by July 16, 2018.

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

1     *a.* The technical expertise of the medical cannabis  
2 dispensary regarding medical cannabis.

3     *b.* The qualifications of the medical cannabis dispensary's  
4 employees.

5     *c.* The long-term financial stability of the medical cannabis  
6 dispensary.

7     *d.* The ability to provide appropriate security measures on  
8 the premises of the medical cannabis dispensary.

9     *e.* The medical cannabis dispensary's projection and ongoing  
10 assessment of fees for the purchase of medical cannabis on  
11 patients with debilitating medical conditions.

12     4. Each entity submitting an application for licensure  
13 as a medical cannabis dispensary shall pay a nonrefundable  
14 application fee of fifteen thousand dollars to the department.

15     Sec. 13. NEW SECTION. **124E.9 Medical cannabis dispensaries.**

16     1. *a.* Medical cannabis dispensaries shall be located based  
17 on geographical need throughout the state to improve patient  
18 access.

19     *b.* A medical cannabis dispensary may dispense medical  
20 cannabis pursuant to the provisions of this chapter but shall  
21 not dispense any medical cannabis in a form or quantity other  
22 than the form or quantity allowed by the department pursuant  
23 to rule.

24     2. The operating documents of a medical cannabis dispensary  
25 shall include all of the following:

26     *a.* Procedures for the oversight of the medical cannabis  
27 dispensary and procedures to ensure accurate recordkeeping.

28     *b.* Procedures for the implementation of appropriate security  
29 measures to deter and prevent the theft of medical cannabis and  
30 unauthorized entrance into areas containing medical cannabis.

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

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

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

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

9 7. A medical cannabis dispensary shall not employ a  
10 person who is under eighteen years of age or who has been  
11 convicted of a disqualifying felony offense. An employee  
12 of a medical cannabis dispensary shall be subject to a  
13 background investigation conducted by the division of criminal  
14 investigation of the department of public safety and a national  
15 criminal history background check.

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

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

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

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

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

31 c. (1) Properly package medical cannabis in compliance with  
32 federal law regarding child resistant packaging and exemptions  
33 for packaging for elderly patients, and label medical cannabis  
34 with a list of all active ingredients and individually  
35 identifying information, including all of the following:

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

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

5 (c) The chemical composition of the medical cannabis.

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

8 (a) Warning labels regarding the use of medical cannabis by  
9 a woman during pregnancy and while breastfeeding.

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

14 Sec. 14. NEW SECTION. 124E.10 Fees.

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

23 Sec. 15. NEW SECTION. 124E.11 Department duties — rules.

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

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

34 (1) Information in the confidential file maintained  
35 pursuant to paragraph "a" may be released on an individual basis

1 to the following persons under the following circumstances:

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

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

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

14 (d) To any other authorized persons recognized by the  
15 department by rule, but only for the purpose of verifying  
16 that a person is lawfully in possession of a medical cannabis  
17 registration card issued pursuant to this chapter.

18 (2) Release of information pursuant to subparagraph  
19 (1) shall be consistent with the federal Health Insurance  
20 Portability and Accountability Act of 1996, Pub. L. No.  
21 104-191.

22 2. The department shall adopt rules pursuant to chapter  
23 17A to administer this chapter which shall include but not be  
24 limited to rules to do all of the following:

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

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

35 c. Set forth additional chronic or debilitating diseases

1 or medical conditions or associated medical treatments for  
2 inclusion on the list of debilitating medical conditions that  
3 qualify for the use of medical cannabis as recommended by the  
4 medical advisory board.

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

10 *e.* Establish, in conjunction with the medical advisory  
11 board, requirements for the licensure of medical cannabis  
12 manufacturers and medical cannabis dispensaries and set forth  
13 procedures for medical cannabis manufacturers and medical  
14 cannabis dispensaries to obtain licenses.

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

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

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

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

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

31 *i.* Establish and implement a medical cannabis inventory  
32 and delivery tracking system to track medical cannabis  
33 from production by a medical cannabis manufacturer through  
34 dispensing at a medical cannabis dispensary.

35 Sec. 16. NEW SECTION. 124E.12 Reciprocity and registration

1 in Minnesota.

2 1. *General provision.* A valid medical cannabis registration  
3 card, or its equivalent, issued under the laws of another state  
4 that allows an out-of-state patient to possess or use medical  
5 cannabis in the jurisdiction of issuance shall have the same  
6 force and effect as a valid medical cannabis registration card  
7 issued pursuant to this chapter, except that an out-of-state  
8 patient in this state shall not obtain medical cannabis from a  
9 medical cannabis dispensary in this state and an out-of-state  
10 patient shall not smoke medical cannabis.

11 2. *Iowa patients registering as nonresident patients in the*  
12 *state of Minnesota.*

13 a. A patient with a valid medical cannabis registration card  
14 issued pursuant to this chapter may register as a nonresident  
15 cardholder with the state of Minnesota and one or more medical  
16 cannabis manufacturers registered under the laws of Minnesota.

17 b. A patient registered pursuant to paragraph "a" may  
18 obtain, subject to the laws of Minnesota, medical cannabis from  
19 a medical cannabis dispensary in Minnesota for treatment of  
20 the patient's debilitating medical condition. The patient may  
21 possess and use the medical cannabis in this state, provided,  
22 however, that the provisions of this chapter shall apply with  
23 respect to the form, quantity, and use of the medical cannabis.

24 c. The department shall provide information reasonably  
25 requested by the Minnesota department of health in order to  
26 verify that an Iowa patient is lawfully in possession of a  
27 medical cannabis registration card issued pursuant to this  
28 chapter.

29 Sec. 17. NEW SECTION. 124E.13 Use of medical cannabis —  
30 affirmative defenses.

31 1. A health care practitioner, including any authorized  
32 agent or employee thereof, shall not be subject to  
33 prosecution for the unlawful certification, possession, or  
34 administration of marijuana under the laws of this state for  
35 activities arising directly out of or directly related to the

1 certification or use of medical cannabis in the treatment of  
2 a patient diagnosed with a debilitating medical condition as  
3 authorized by this chapter.

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

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

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

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

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

1 person produces to the court prior to or at the person's trial  
2 a medical 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 subdivision  
5 thereof, including any law enforcement agency, shall not remove  
6 or initiate proceedings to remove a patient under the age  
7 of eighteen from the home of a parent based solely upon the  
8 parent's or patient's possession or use of medical cannabis as  
9 authorized under this chapter.

10 Sec. 18. NEW SECTION. 124E.14 Penalties.

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

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

19 Sec. 19. NEW SECTION. 124E.15 Use of medical cannabis —  
20 smoking prohibited.

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

24 Sec. 20. NEW SECTION. 124E.16 Employment.

25 1. An employer in this state may retain, create, reinstate,  
26 or enforce a written zero tolerance policy prohibiting the  
27 possession or use of medical cannabis or any derivative  
28 thereof including cannabidiol by an employee in the employer's  
29 workplace, including but not limited to a policy prohibiting  
30 an employee from having any detectable amount of medical  
31 cannabis or any derivative thereof including cannabidiol in the  
32 employee's body while at work.

33 2. An employer's prohibition of the possession or use  
34 of medical cannabis or any derivative thereof including  
35 cannabidiol under this section shall not be considered to be

1 an unfair or discriminatory employment practice under section  
2 216.6.

3 Sec. 21. Section 730.5, subsection 11, Code 2017, is amended  
4 by adding the following new paragraph:

5 NEW PARAGRAPH. *f.* Testing or taking action against an  
6 individual with a confirmed positive test result due to the  
7 individual's use of medical cannabis as authorized under  
8 chapter 124E.

9 Sec. 22. REPEAL. Chapter 124D, Code 2017, is repealed.

10 Sec. 23. TRANSITION PROVISIONS. A medical cannabidiol  
11 registration card issued under chapter 124D prior to the  
12 effective date of this Act, remains effective and continues  
13 in effect as issued for the twelve-month period following its  
14 issuance. This Act does not preclude a medical cannabidiol  
15 registration card holder from seeking to renew the registration  
16 card under this Act prior to the expiration of the twelve-month  
17 period.

18 Sec. 24. EFFECTIVE UPON ENACTMENT. This Act, being deemed  
19 of immediate importance, takes effect upon enactment.

20 EXPLANATION

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

23 This bill creates the compassionate use of medical cannabis  
24 Act, reclassifies marijuana, including tetrahydrocannabinols,  
25 from a schedule I controlled substance to a schedule II  
26 controlled substance, and provides for civil and criminal  
27 penalties and fees.

28 OVERVIEW. The bill allows a patient with a debilitating  
29 medical condition who receives a written certification from  
30 the patient's health care practitioner that the patient has  
31 a debilitating medical condition and who submits the written  
32 certification along with an application to the department of  
33 public health (department) for a medical cannabis registration  
34 card to allow for the lawful use of medical cannabis to treat  
35 the patient's debilitating medical condition. A patient who

1 is issued a medical cannabis registration card will be able  
2 to receive medical cannabis directly from a medical cannabis  
3 dispensary operated and licensed in this state.

4 RECLASSIFICATION. The bill reclassifies marijuana,  
5 including tetrahydrocannabinols as a schedule II controlled  
6 substance instead of a schedule I controlled substance and  
7 strikes references to the authority of the board of pharmacy to  
8 adopt rules for the use of marijuana or tetrahydrocannabinols  
9 for medicinal purposes.

10 A schedule I controlled substance is a highly addictive  
11 substance that has no accepted medical use in the United States  
12 and a schedule II controlled substance is a highly addictive  
13 substance that has an accepted medical use in the United  
14 States. The reclassification of marijuana from a schedule I  
15 controlled substance to a schedule II controlled substance  
16 would allow a physician to issue a prescription for marijuana  
17 under state law. However, federal regulations may prohibit  
18 such prescriptions.

19 The penalties remain unchanged for violations involving  
20 marijuana under the bill. The penalties under Code section  
21 124.401 range from a class "B" felony punishable by up to 50  
22 years of confinement to a serious misdemeanor punishable by  
23 up to six months of confinement depending on the amount of  
24 marijuana involved in the offense.

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

32 DEFINITIONS. The bill provides the following definitions:

33 "Debilitating medical condition" means cancer, multiple  
34 sclerosis, epilepsy, AIDS or HIV, glaucoma, hepatitis C,  
35 Crohn's disease or ulcerative colitis, amyotrophic lateral

1 sclerosis, Ehlers-Danlos syndrome, post-traumatic stress  
2 disorder, Tourette's syndrome, any terminal illness subject  
3 to certain conditions, intractable pain, Parkinson's disease,  
4 muscular dystrophy, Huntington's disease, Alzheimer's disease,  
5 complex regional pain syndrome, rheumatoid arthritis, and any  
6 other chronic or debilitating disease or medical condition or  
7 its medical treatment approved by the department by rule.

8 "Health care practitioner" means an individual licensed  
9 under Code chapter 148 to practice medicine and surgery or  
10 osteopathic medicine and surgery or an individual licensed to  
11 prescribe medicine in any other state who provides specialty  
12 care to an Iowa resident for one or more debilitating medical  
13 conditions.

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

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

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

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

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

35 HEALTH CARE PRACTITIONER CERTIFICATION. The bill provides

1 that prior to a patient's submission of an application  
2 for a medical cannabis registration card, if a health care  
3 practitioner determines that the patient whom the health  
4 care practitioner has examined and treated suffers from a  
5 debilitating medical condition, the health care practitioner  
6 may provide the patient with a written certification of that  
7 diagnosis. The health care practitioner must also provide  
8 explanatory information to the patient about the therapeutic  
9 use of medical cannabis, and if the patient continues to  
10 suffer from a debilitating medical condition, the health care  
11 practitioner may issue the patient a new certification of that  
12 diagnosis on an annual basis.

13 MEDICAL CANNABIS REGISTRATION CARD — PATIENT AND PRIMARY  
14 CAREGIVER. The department may approve the issuance of a  
15 medical cannabis registration card to a patient who is at least  
16 18 years of age and is a permanent resident of this state, who  
17 submits a written certification by the patient's health care  
18 practitioner to the department, and who submits an application  
19 to the department with certain information along with a medical  
20 registration card fee. The department may also approve the  
21 issuance of a medical cannabis registration card to a primary  
22 caregiver who is at least 18 years of age, who submits a  
23 written certification by the patient's health care practitioner  
24 to the department on behalf of the patient, and who submits an  
25 application to the department with certain information along  
26 with a medical cannabis registration card fee. A medical  
27 cannabis registration card expires one year after the date of  
28 issuance and may be renewed.

29 MEDICAL ADVISORY BOARD. The director of public health is  
30 directed to establish a medical advisory board, no later than  
31 August 15, 2017, to consist of nine practitioners representing  
32 the fields of neurology, pain management, gastroenterology,  
33 oncology, psychiatry, pediatrics, infectious disease,  
34 family medicine, and pharmacy, and three patients or primary  
35 caregivers with valid medical cannabis registration cards. The

1 bill provides for the duties of the board, to include but not  
2 be limited to reviewing and recommending to the department  
3 for approval additional chronic or debilitating diseases or  
4 medical conditions or their treatments as debilitating medical  
5 conditions that qualify for the use of medical cannabis under  
6 the bill.

7       MEDICAL CANNABIS MANUFACTURERS AND MEDICAL CANNABIS  
8 DISPENSARIES — LICENSURE. The bill requires the department  
9 to license at least four but no more than twelve medical  
10 cannabis manufacturers for the manufacture of medical cannabis  
11 within this state by December 1, 2017, and to license twelve  
12 medical cannabis dispensaries by April 2, 2018. Information  
13 submitted during the application process is confidential until  
14 the medical cannabis manufacturer or the medical cannabis  
15 dispensary is licensed by the department unless otherwise  
16 protected from disclosure under state or federal law. As a  
17 condition for licensure, a medical cannabis manufacturer must  
18 agree to begin supplying medical cannabis to medical cannabis  
19 dispensaries by July 2, 2018, and a medical cannabis dispensary  
20 must agree to begin supplying medical cannabis to patients by  
21 July 16, 2018. The department is directed to consider several  
22 factors in determining whether to license a medical cannabis  
23 manufacturer and a medical cannabis dispensary including  
24 technical expertise, employee qualifications, financial  
25 stability, security measures, and production needs and  
26 capacity. Each medical cannabis manufacturer is required to  
27 contract with a laboratory approved by the department to test  
28 the medical cannabis produced by the manufacturer and to report  
29 testing results to the medical cannabis manufacturer. Each  
30 entity submitting an application for licensure as a medical  
31 cannabis manufacturer shall pay a nonrefundable application  
32 fee of \$15,000 to the department and each entity submitting  
33 an application for licensure as a medical cannabis dispensary  
34 shall pay a nonrefundable application fee of \$15,000 to the  
35 department.

1       MEDICAL CANNABIS MANUFACTURERS AND MEDICAL CANNABIS  
2 DISPENSARIES — ADDITIONAL PROVISIONS. The operating  
3 documents of a medical cannabis manufacturer and a medical  
4 cannabis dispensary shall include procedures for oversight and  
5 recordkeeping activities of the medical cannabis manufacturer  
6 and the medical cannabis dispensary and certain security  
7 measures undertaken by the medical cannabis manufacturer  
8 and the medical cannabis dispensary. A medical cannabis  
9 manufacturer and a medical cannabis dispensary are prohibited  
10 from sharing office space with, referring patients to,  
11 or having a financial relationship with a health care  
12 practitioner, permitting any person to consume medical cannabis  
13 on the property of the medical cannabis manufacturer or the  
14 medical cannabis dispensary, employing a person who is under  
15 18 years of age or who has been convicted of a disqualifying  
16 felony offense, and from operating in any location within 1,000  
17 feet of a public or private school existing before the date  
18 of the licensure of the medical cannabis manufacturer or the  
19 medical cannabis dispensary. In addition, a medical cannabis  
20 manufacturer and a medical cannabis dispensary are subject to  
21 reasonable inspection and certain reasonable restrictions.

22       A medical cannabis manufacturer is required to provide a  
23 reliable and ongoing supply of medical cannabis to medical  
24 cannabis dispensaries and shall not manufacture edible medical  
25 cannabis products utilizing food coloring. All manufacturing,  
26 cultivating, harvesting, packaging, and processing of medical  
27 cannabis is required to take place in an enclosed, locked  
28 facility.

29       Prior to dispensing any medical cannabis, a medical cannabis  
30 dispensary is required to verify that the medical cannabis  
31 dispensary has received a valid medical cannabis registration  
32 card from a patient or a patient's primary caregiver, if  
33 applicable, assign a tracking number to any medical cannabis  
34 dispensed from the medical cannabis dispensary, and properly  
35 package and label medical cannabis in compliance with the

1 provisions of the bill and certain federal laws.

2 FEES. The bill provides that medical cannabis registration  
3 card fees and medical cannabis manufacturer and medical  
4 cannabis dispensary application and annual fees collected  
5 by the department of public health shall be retained by  
6 the department, shall be considered repayment receipts, and  
7 shall be used for the purpose of regulating medical cannabis  
8 manufacturers and medical cannabis dispensaries and for other  
9 expenses necessary for the administration of the bill.

10 DEPARTMENT DUTIES — CONFIDENTIALITY. The department  
11 is required to maintain a confidential file of the names  
12 of each patient and primary caregiver issued a medical  
13 cannabis registration card, and the names of each health  
14 care practitioner who provides a written certification for  
15 medical cannabis under the bill. Individual names contained  
16 in the file shall be confidential and shall not be subject to  
17 disclosure, except that information in the confidential file  
18 may be released on an individual basis to authorized employees  
19 or agents of the department, the department of transportation,  
20 as necessary to perform their duties, and to certain authorized  
21 employees and other persons for the purpose of verifying that  
22 a person is lawfully in possession of a medical cannabis  
23 registration card. Release of information must also be  
24 consistent with federal Health Insurance Portability and  
25 Accountability Act regulations.

26 ADDITIONAL DEPARTMENT DUTIES — RULES. The bill requires  
27 the department to adopt rules relating to the manner in which  
28 the department shall consider applications for new and renewal  
29 medical cannabis registration cards, identify criteria and  
30 set forth procedures for including additional chronic or  
31 debilitating diseases or medical conditions or their medical  
32 treatments on the list of debilitating medical conditions,  
33 establish the form and quantity of medical cannabis allowed  
34 to be dispensed to a patient or primary caregiver in the form  
35 and quantity appropriate to serve the medical needs of the

1 patient with the debilitating medical condition, establish, in  
2 conjunction with the medical advisory board, requirements for  
3 the licensure of medical cannabis manufacturers and medical  
4 cannabis dispensaries, develop a dispensing system for medical  
5 cannabis within this state that follows certain requirements,  
6 establish and implement a medical cannabis inventory and  
7 delivery tracking system, and specify and implement procedures  
8 that address public safety including security procedures and  
9 product quality, safety, and labeling.

10       RECIPROCITY AND REGISTRATION IN MINNESOTA. The bill  
11 provides that a valid medical cannabis registration card, or  
12 its equivalent, issued under the laws of another state that  
13 allows an out-of-state patient to possess or use medical  
14 cannabis in the jurisdiction of issuance shall have the same  
15 force and effect as a valid medical cannabis card issued under  
16 the bill, except that an out-of-state patient in this state  
17 shall not obtain medical cannabis from a medical cannabis  
18 dispensary and an out-of-state patient shall not smoke medical  
19 cannabis in this state.

20       The bill allows a patient with a valid medical cannabis  
21 registration card issued pursuant to the bill to register as  
22 a nonresident cardholder with the state of Minnesota and one  
23 or more medical cannabis manufacturers registered under the  
24 laws of Minnesota to obtain medical cannabis from a medical  
25 cannabis dispensary in Minnesota for treatment of the patient's  
26 debilitating medical condition. The patient may possess and  
27 use the medical cannabis in this state, provided, however,  
28 that the provisions of the bill shall apply with respect to  
29 the form, quantity, and use of the medical cannabis. The  
30 department of public health shall adopt rules relating to the  
31 provision of information that the Minnesota department of  
32 health may reasonably request to verify that an Iowa patient is  
33 lawfully in possession of a medical cannabis registration card  
34 issued pursuant to the bill.

35       USE OF MEDICAL CANNABIS — AFFIRMATIVE DEFENSES. The bill

1 provides prosecution immunity for a health care practitioner,  
2 a medical cannabis manufacturer, and a medical cannabis  
3 dispensary, including any authorized agents or employees of the  
4 health care practitioner, medical cannabis manufacturer, and  
5 medical cannabis dispensary, for activities undertaken by the  
6 health care practitioner, medical cannabis manufacturer, and  
7 medical cannabis dispensary pursuant to the provisions of the  
8 bill.

9 The bill provides that in a prosecution for the unlawful  
10 possession of marijuana under the laws of this state,  
11 including but not limited to Code chapters 124 (controlled  
12 substances) and 453B (excise tax on unlawful dealing in  
13 certain substances), it is an affirmative and complete  
14 defense to the prosecution that the patient has been diagnosed  
15 with a debilitating medical condition, used or possessed  
16 medical cannabis pursuant to a certification by a health  
17 care practitioner, and, for a patient age 18 or older, is  
18 in possession of a valid medical cannabis registration  
19 card. The bill provides a similar affirmative defense for a  
20 primary caretaker of a patient who has been diagnosed with a  
21 debilitating medical condition who is in possession of a valid  
22 medical cannabis registration card.

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

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

1 applicable penalties.

2 USE OF MEDICAL CANNABIS — SMOKING PROHIBITED. The bill  
3 provides that a patient shall not consume medical cannabis  
4 possessed or used as authorized under the bill by smoking  
5 medical cannabis.

6 USE OR POSSESSION OF MEDICAL CANNABIS — EMPLOYMENT —  
7 EMPLOYER IMMUNITY. The bill provides that an employer in this  
8 state may retain, create, reinstate, or enforce a written zero  
9 tolerance policy prohibiting the possession or use of medical  
10 cannabis or any derivative thereof including cannabidiol by  
11 an employee in the employer's workplace, including but not  
12 limited to a policy prohibiting an employee from having any  
13 detectable amount of medical cannabis or any derivative thereof  
14 including cannabidiol in the employee's body while at work.

15 Such a prohibition shall not be considered to be an unfair or  
16 discriminatory employment practice under Code section 216.6.

17 The bill amends Code section 730.5, relating to private  
18 sector employer drug testing, to provide immunity for a  
19 private sector employer for testing or taking action against  
20 an individual with a confirmed positive test result due to the  
21 individual's use of medical cannabis as authorized under the  
22 bill.

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

25 TRANSITION PROVISIONS. The bill provides that a medical  
26 cannabidiol registration card issued under Code chapter 124D  
27 (medical cannabidiol Act) prior to the effective date of the  
28 bill, shall remain effective and continues in effect as issued  
29 for the 12-month period following its issuance.

30 EFFECTIVE DATE. The bill takes effect upon enactment.