

Senate Study Bill 1190 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON SCHNEIDER)

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 accordance 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.