

House File 2086 - Introduced

**HOUSE FILE 2086
BY ISENHART**

A BILL FOR

1 An Act requiring the state medical director to provide a
2 written certification to certain patients applying for a
3 medical cannabidiol registration card.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 124E.3A State medical director
2 certification — rules.

3 1. The department shall establish by rule by January 1,
4 2021, a process for a patient who has been denied a written
5 certification by a health care practitioner pursuant to section
6 124E.3 to receive a written certification from the state
7 medical director of the department.

8 2. The process established pursuant to subsection 1 shall
9 include all of the following provisions:

10 a. The patient shall submit the patient's medical records
11 to the state medical director.

12 b. The state medical director shall verify that the
13 patient's health care practitioner refused to provide a written
14 certification to the patient pursuant to section 124E.3.

15 c. The state medical director shall determine whether
16 the patient suffers from a debilitating medical condition
17 that qualifies for the use of medical cannabidiol under this
18 chapter.

19 d. The state medical director shall determine whether the
20 patient may benefit from the use of medical cannabidiol.

21 e. If the state medical director determines that the patient
22 suffers from a debilitating medical condition, that the patient
23 may benefit from the use of medical cannabidiol, and that the
24 patient's health care practitioner refused to provide a written
25 certification to the patient, the state medical director shall
26 provide a written certification to the patient.

27 3. The custodian of a patient's medical records shall
28 provide the patient's medical records to the state medical
29 director or the patient for the purpose of obtaining a written
30 certification pursuant to this section without charge to the
31 patient or the state medical director.

32 4. The state medical director shall keep confidential all
33 medical records provided to the state medical director pursuant
34 to this section.

35 Sec. 2. Section 124E.4, subsection 1, paragraph c, Code

1 2020, is amended to read as follows:

2 c. Submits a written certification to the department signed
3 by the patient's health care practitioner or the state medical
4 director that the patient is suffering from a debilitating
5 medical condition.

6 Sec. 3. Section 124E.4, subsection 3, paragraph a, Code
7 2020, is amended to read as follows:

8 a. Submits a written certification to the department signed
9 by the patient's health care practitioner or the state medical
10 director that the patient in the primary caregiver's care is
11 suffering from a debilitating medical condition.

12 Sec. 4. Section 124E.12, subsection 1, Code 2020, is amended
13 to read as follows:

14 1. A health care practitioner, including any authorized
15 agent or employee thereof, or the state medical director,
16 including any authorized agent or employee thereof, shall not
17 be subject to prosecution for the unlawful certification,
18 possession, or administration of marijuana under the laws of
19 this state for activities arising directly out of or directly
20 related to the certification or use of medical cannabidiol
21 in the treatment of a patient diagnosed with a debilitating
22 medical condition as authorized by **this chapter**.

EXPLANATION

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

26 This bill relates to written certifications of a
27 debilitating medical condition necessary to participate in
28 the Iowa medical cannabidiol program. The bill requires the
29 Iowa department of public health to adopt rules by January
30 1, 2021, to establish a process for a patient who has been
31 denied a written certification of a debilitating medical
32 condition by a health care practitioner to receive a written
33 certification from the state medical director. The rules shall
34 require the patient to submit the patient's medical records to
35 the state medical director and the state medical director to

1 issue a written certification if the state medical director
2 determines that the patient suffers from a debilitating medical
3 condition, may benefit from the use of medical cannabidiol,
4 and has been denied a written certification by a health care
5 practitioner. The bill requires that the custodian of a
6 patient's medical records provide the patient's medical records
7 to the state medical director or the patient for this purpose
8 free of charge. The bill requires the state medical director
9 to keep confidential medical records provided to the state
10 medical director for this purpose. The bill grants the state
11 medical director immunity from prosecution for the unlawful
12 certification, possession, or administration of marijuana for
13 activities relating to the certification or treatment of a
14 patient diagnosed with a debilitating medical condition.

15 The bill makes conforming changes to the process for
16 applying for a medical cannabidiol registration card.