

**House File 2589 - Introduced**

HOUSE FILE 2589

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 653)

**A BILL FOR**

1 An Act concerning the medical cannabidiol Act.

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

1 Section 1. Section 124E.2, subsection 2, paragraph i, Code  
2 2020, is amended to read as follows:

3 ~~i. Untreatable~~ Chronic pain.

4 Sec. 2. Section 124E.2, subsections 5 and 6, Code 2020, are  
5 amended to read as follows:

6 5. "*Health care practitioner*" means an individual licensed  
7 under chapter 148 to practice medicine and surgery or  
8 osteopathic medicine and surgery, a physician assistant  
9 licensed under chapter 148C, a podiatrist licensed pursuant to  
10 chapter 149, an advanced registered nurse practitioner licensed  
11 under chapter 152, or an advanced practice registered nurse  
12 under chapter 152E, who is a patient's primary care provider.

13 ~~"Health care practitioner" shall not include a physician~~  
14 ~~assistant licensed under chapter 148C or an advanced registered~~  
15 ~~nurse practitioner licensed pursuant to chapter 152 or 152E.~~

16 6. "*Medical cannabidiol*" means any pharmaceutical  
17 grade cannabinoid found in the plant *Cannabis sativa L.* or  
18 *Cannabis indica* or any other preparation thereof ~~that has~~  
19 ~~a tetrahydrocannabinol level of no more than three percent~~  
20 ~~and that is delivered in a form recommended by the medical~~  
21 ~~cannabidiol board, approved by the board of medicine, and~~  
22 ~~adopted by the department pursuant to rule.~~

23 Sec. 3. Section 124E.2, Code 2020, is amended by adding the  
24 following new subsection:

25 NEW SUBSECTION. 7A. "*Total tetrahydrocannabinol*" means  
26 eighty-seven and seven-tenths percent of the amount of  
27 tetrahydrocannabinol plus the amount of tetrahydrocannabinolic  
28 acid.

29 Sec. 4. Section 124E.4, subsection 1, unnumbered paragraph  
30 1, Code 2020, is amended to read as follows:

31 Subject to subsection 7, the department may ~~approve the~~  
32 ~~issuance of~~ issue a medical cannabidiol registration card by  
33 ~~the department of transportation~~ to a patient who:

34 Sec. 5. Section 124E.4, subsection 1, paragraph d,  
35 unnumbered paragraph 1, Code 2020, is amended to read as

1 follows:

2 Submits an application to the department, on a form created  
3 by the department, ~~in consultation with the department of~~  
4 ~~transportation~~, that contains all of the following:

5 Sec. 6. Section 124E.4, subsection 1, paragraph f, Code  
6 2020, is amended by striking the paragraph.

7 Sec. 7. Section 124E.4, subsection 2, unnumbered paragraph  
8 1, Code 2020, is amended to read as follows:

9 A medical cannabidiol registration card issued to a patient  
10 by the department ~~of transportation~~ pursuant to [subsection 1](#)  
11 shall contain, at a minimum, all of the following:

12 Sec. 8. Section 124E.4, subsection 2, paragraph b, Code  
13 2020, is amended by striking the paragraph.

14 Sec. 9. Section 124E.4, subsection 3, unnumbered paragraph  
15 1, Code 2020, is amended to read as follows:

16 For a patient in a primary caregiver's care, subject to  
17 subsection 7, the department may ~~approve the issuance of~~ issue  
18 a medical cannabidiol registration card ~~by the department of~~  
19 ~~transportation~~ to the primary caregiver who:

20 Sec. 10. Section 124E.4, subsection 3, paragraph b,  
21 unnumbered paragraph 1, Code 2020, is amended to read as  
22 follows:

23 Submits an application to the department, on a form created  
24 by the department, ~~in consultation with the department of~~  
25 ~~transportation~~, that contains all of the following:

26 Sec. 11. Section 124E.4, subsection 3, paragraph c, Code  
27 2020, is amended by striking the paragraph.

28 Sec. 12. Section 124E.4, subsection 4, unnumbered paragraph  
29 1, Code 2020, is amended to read as follows:

30 A medical cannabidiol registration card issued by the  
31 department ~~of transportation~~ to a primary caregiver pursuant to  
32 subsection 3 shall contain, at a minimum, all of the following:

33 Sec. 13. Section 124E.4, subsection 4, paragraph b, Code  
34 2020, is amended by striking the paragraph.

35 Sec. 14. Section 124E.4, subsection 6, Code 2020, is amended

1 by striking the subsection.

2 Sec. 15. Section 124E.5, subsection 2, Code 2020, is amended  
3 to read as follows:

4 2. The medical cannabidiol board shall convene at least  
5 twice ~~but no more than four times~~ per year.

6 Sec. 16. Section 124E.5, subsection 6, Code 2020, is amended  
7 to read as follows:

8 ~~6. The medical cannabidiol board may recommend a statutory~~  
9 ~~revision to the definition of medical cannabidiol contained in~~  
10 ~~this chapter~~ that increases the tetrahydrocannabinol level to  
11 ~~more than three percent, however, any such recommendation shall~~  
12 ~~be submitted to the general assembly during the regular session~~  
13 ~~of the general assembly following such submission.~~ The general  
14 assembly shall have the sole authority to revise the definition  
15 of medical cannabidiol for purposes of **this chapter**.

16 Sec. 17. Section 124E.9, Code 2020, is amended by adding the  
17 following new subsections:

18 NEW SUBSECTION. 13. A medical cannabidiol dispensary  
19 shall employ a pharmacist or pharmacy technician licensed or  
20 registered pursuant to chapter 155A for the purpose of making  
21 dosing recommendations.

22 NEW SUBSECTION. 14. A medical cannabidiol dispensary shall  
23 not dispense more than a combined total of four and one-half  
24 grams of total tetrahydrocannabinol to a patient and the  
25 patient's primary caregiver in a ninety-day period, except as  
26 provided in subsection 15. The department may decrease this  
27 limit by rule as provided in section 124E.11, subsection 2,  
28 paragraph "c".

29 NEW SUBSECTION. 15. A medical cannabidiol dispensary  
30 may dispense more than a combined total of four and one-half  
31 of total tetrahydrocannabinol to a patient and the patient's  
32 primary caregiver in a ninety-day period if any of the  
33 following apply:

34 a. The health care practitioner who certified the patient to  
35 receive a medical cannabidiol registration card certifies that

1 patient's debilitating medical condition is a terminal illness  
2 with a life expectancy of less than one year. A certification  
3 issued pursuant to this paragraph shall include a total  
4 tetrahydrocannabinol cap deemed appropriate by the patient's  
5 health care practitioner.

6     *b.* The health care practitioner who certified the patient to  
7 receive a medical cannabidiol registration card certifies that  
8 the patient has participated in the medical cannabidiol program  
9 and that the health care practitioner has determined that four  
10 and one-half of total tetrahydrocannabinol in a ninety-day  
11 period is insufficient to treat the patient's debilitating  
12 medical condition. A certification issued pursuant to this  
13 paragraph shall include a total tetrahydrocannabinol cap deemed  
14 appropriate by the patient's health care practitioner.

15     Sec. 18. Section 124E.11, subsection 1, paragraph b,  
16 subparagraph (1), subparagraph division (a), Code 2020, is  
17 amended to read as follows:

18     (a) To authorized employees or agents of the department ~~and~~  
19 ~~the department of transportation~~ as necessary to perform the  
20 duties of the department ~~and the department of transportation~~  
21 pursuant to [this chapter](#).

22     Sec. 19. Section 124E.11, subsection 1, paragraph b,  
23 subparagraph (1), subparagraph division (c), Code 2020, is  
24 amended to read as follows:

25     (c) To authorized employees of a medical cannabidiol  
26 dispensary, but only for the ~~purpose~~ purposes of verifying that  
27 a person is lawfully in possession of a medical cannabidiol  
28 registration card issued pursuant to [this chapter](#) and that a  
29 person has not purchased total tetrahydrocannabinol in excess  
30 of the amount authorized by this chapter.

31     Sec. 20. Section 124E.11, subsection 1, paragraph b,  
32 subparagraph (1), Code 2020, is amended by adding the following  
33 new subparagraph division:

34     NEW SUBPARAGRAPH DIVISION. (e) To a health care  
35 practitioner for the purpose of determining whether a patient

1 seeking a written certification pursuant to section 124E.3 has  
2 already received a written certification from another health  
3 care practitioner.

4 Sec. 21. Section 124E.12, subsection 7, Code 2020, is  
5 amended to read as follows:

6 7. Notwithstanding any law to the contrary, the department,  
7 ~~the department of transportation,~~ the governor, or any employee  
8 of any state agency shall not be held civilly or criminally  
9 liable for any injury, loss of property, personal injury, or  
10 death caused by any act or omission while acting within the  
11 scope of office or employment as authorized under [this chapter](#).

12 Sec. 22. NEW SECTION. **124E.20 Observational effectiveness**  
13 **study.**

14 The department may conduct an observational effectiveness  
15 study in cooperation with patients and health care  
16 practitioners and pursuant to rules of the department in order  
17 to study the effectiveness of medical cannabidiol in the  
18 treatment of debilitating medical conditions.

19 Sec. 23. PROTECTION OF FEDERAL FUNDING. The department  
20 of public health shall request guarantees from the agencies  
21 of the federal government providing funding to educational  
22 and long-term care facilities that facilities with policies  
23 allowing patients to possess medical cannabidiol on the grounds  
24 of the facilities consistent with chapter 124E or allowing  
25 facility staff to administer medical cannabidiol to a patient  
26 shall not lose eligibility for any federal funding due to such  
27 policies.

28 Sec. 24. TRANSITION PROVISIONS. A medical cannabidiol  
29 registration card issued prior to July 1, 2020, remains  
30 effective and continues in effect as issued for the  
31 twelve-month period following its issuance.

32 EXPLANATION

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

35 This bill relates to the medical cannabidiol program.

1 The bill replaces "untreatable pain" with "chronic pain" on  
2 the list of debilitating medical conditions for which a patient  
3 may receive a written certification to receive a medical  
4 cannabidiol registration card.

5 The bill adds physician assistants, advanced registered  
6 nurse practitioners, advanced practice registered nurses, and  
7 podiatrists to the list of health care practitioners allowed to  
8 certify a patient to receive a medical cannabidiol registration  
9 card.

10 The bill removes the 3 percent tetrahydrocannabinol (THC)  
11 limit on medical cannabidiol. The bill prohibits a medical  
12 cannabidiol patient or a patient's primary caregiver from  
13 receiving more than 4.5 grams of total THC in a 90-day period.  
14 However, a medical cannabidiol dispensary may dispense more  
15 than 4.5 grams of total THC in a 90-day period to a patient  
16 or a patient's primary caregiver, up to a cap determined by  
17 the patient's health care practitioner, if the health care  
18 practitioner who certified the patient to receive a medical  
19 cannabidiol registration card certifies that the patient has  
20 a debilitating medical condition with a life expectancy of  
21 less than one year or that the patient has participated in the  
22 medical cannabidiol program and the health care practitioner  
23 has determined that 4.5 grams of total THC in a 90-day period  
24 is insufficient to treat the patient's debilitating medical  
25 condition. The bill allows medical cannabidiol dispensaries  
26 to access the files of the department of public health to  
27 determine whether a patient has received more than 4.5 grams  
28 of total THC in a 90-day period. The bill defines "total  
29 THC" as the amount of THC plus 87.7 percent of the amount of  
30 tetrahydrocannabinolic acid.

31 The bill removes the department of transportation from the  
32 process of issuing medical cannabidiol registration cards and  
33 makes conforming Code changes. The bill directs the department  
34 of public health to issue medical cannabidiol registration  
35 cards. The bill also removes the requirement that a medical

1 cannabidiol registration card include a photograph of the  
2 patient or primary caregiver.

3 The bill removes the prohibitions on patients and primary  
4 caregivers with certain disqualifying felony offenses from  
5 receiving a medical cannabidiol registration card.

6 The bill removes the limit on the number of meetings per year  
7 of the medical cannabidiol board. Current law sets the maximum  
8 number of meetings to four per year.

9 The bill removes a provision allowing the medical  
10 cannabidiol board to recommend statutory revisions to  
11 the definition of medical cannabidiol that increase the  
12 tetrahydrocannabinol level to more than 3 percent.

13 The bill requires medical cannabidiol dispensaries to employ  
14 a pharmacist or pharmacy technician for the purpose of making  
15 medical cannabidiol dosing recommendations.

16 The bill allows health care practitioners to access the  
17 patient registry maintained by the department of public health  
18 to determine whether a patient seeking a written certification  
19 for a medical cannabidiol registration card has already  
20 received a written certification from another health care  
21 practitioner.

22 The bill requires the department of public health to  
23 conduct an observational effectiveness study, in cooperation  
24 with patients and health care practitioners, on the efficacy  
25 of medical cannabis products. The bill also requires the  
26 department to seek guarantees from federal agencies that  
27 provide funding to educational and long-term care facilities  
28 that facilities with policies allowing patients to possess  
29 medical cannabis on the property of the facility or allowing  
30 facility staff to administer medical cannabis to a patient  
31 will not lose eligibility for any federal funding due to such  
32 policies.

33 The bill provides that a medical cannabidiol registration  
34 card issued prior to July 1, 2020, by the department of  
35 transportation shall remain valid until the card's expiration



H.F. 2589

1 date.