

House Study Bill 653 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON KLEIN)

A BILL FOR

- 1 An Act concerning the medical cannabidiol Act.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

MEDICAL CANNABIDIOL PROGRAM

Section 1. Section 124E.1, Code 2020, is amended to read as follows:

124E.1 Short title.

This chapter shall be known and may be cited as the "*Medical Cannabidiol Cannabis Act*".

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

5. "*Health care practitioner*" means an individual licensed under [chapter 148](#) to practice medicine and surgery or osteopathic medicine and surgery, a physician assistant licensed under chapter 148C, a podiatrist licensed pursuant to chapter 149, an advanced registered nurse practitioner licensed under chapter 152, or an advanced practice registered nurse under chapter 152E, who is a patient's primary care provider.

~~"Health care practitioner" shall not include a physician assistant licensed under [chapter 148C](#) or an advanced registered nurse practitioner licensed pursuant to [chapter 152](#) or [152E](#).~~

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

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

NEW SUBSECTION. 7A. "*Total tetrahydrocannabinol*" means the amount of tetrahydrocannabinol plus the amount of tetrahydrocannabinolic acid.

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

Subject to [subsection 7](#), the department may ~~approve the issuance of~~ issue a medical ~~cannabidiol cannabis~~ registration

1 card ~~by the department of transportation~~ to a patient who:

2 Sec. 5. Section 124E.4, subsection 1, paragraph d,
3 unnumbered paragraph 1, Code 2020, is amended to read as
4 follows:

5 Submits an application to the department, on a form created
6 by the department, ~~in consultation with the department of~~
7 ~~transportation~~, that contains all of the following:

8 Sec. 6. Section 124E.4, subsection 1, paragraph f, Code
9 2020, is amended by striking the paragraph.

10 Sec. 7. Section 124E.4, subsection 2, unnumbered paragraph
11 1, Code 2020, is amended to read as follows:

12 A medical ~~cannabidiol~~ cannabis registration card issued
13 to a patient by the department ~~of transportation~~ pursuant to
14 subsection 1 shall contain, at a minimum, all of the following:

15 Sec. 8. Section 124E.4, subsection 3, unnumbered paragraph
16 1, Code 2020, is amended to read as follows:

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

21 Sec. 9. Section 124E.4, subsection 3, paragraph b,
22 unnumbered paragraph 1, Code 2020, is amended to read as
23 follows:

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

27 Sec. 10. Section 124E.4, subsection 3, paragraph c, Code
28 2020, is amended by striking the paragraph.

29 Sec. 11. Section 124E.4, subsection 4, unnumbered paragraph
30 1, Code 2020, is amended to read as follows:

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

35 Sec. 12. Section 124E.4, subsection 6, Code 2020, is amended

1 by striking the subsection.

2 Sec. 13. Section 124E.5, subsection 2, Code 2020, is amended
3 to read as follows:

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

6 Sec. 14. 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~~ cannabis for purposes of this chapter.

16 Sec. 15. Section 124E.9, Code 2020, is amended by adding the
17 following new subsections:

18 NEW SUBSECTION. 13. A medical cannabis dispensary shall
19 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 cannabis dispensary shall not
23 dispense more than a combined total of four and one-half grams
24 of total tetrahydrocannabinol to a patient and the patient's
25 primary caregiver in a ninety-day period. The department may
26 decrease this limit by rule as provided in section 124E.11,
27 subsection 2, paragraph "c".

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

31 (a) To authorized employees or agents of the department and
32 ~~the department of transportation~~ as necessary to perform the
33 duties of the department ~~and the department of transportation~~
34 pursuant to this chapter.

35 Sec. 17. Section 124E.11, subsection 1, paragraph b,

1 subparagraph (1), subparagraph division (c), Code 2020, is
2 amended to read as follows:

3 (c) To authorized employees of a medical ~~cannabidiol~~
4 cannabis dispensary, but only for the ~~purpose~~ purposes
5 of verifying that a person is lawfully in possession of a
6 medical ~~cannabidiol~~ cannabis registration card issued pursuant
7 to this chapter and that a person has not purchased total
8 tetrahydrocannabinol in excess of the amount authorized by this
9 chapter.

10 Sec. 18. Section 124E.11, subsection 1, paragraph b,
11 subparagraph (1), Code 2020, is amended by adding the following
12 new subparagraph division:

13 NEW SUBPARAGRAPH DIVISION. (e) To a health care
14 practitioner for the purpose of determining whether a patient
15 seeking a written certification pursuant to section 124E.3 has
16 already received a written certification from another health
17 care practitioner.

18 Sec. 19. Section 124E.12, subsection 7, Code 2020, is
19 amended to read as follows:

20 7. Notwithstanding any law to the contrary, the department,
21 ~~the department of transportation,~~ the governor, or any employee
22 of any state agency shall not be held civilly or criminally
23 liable for any injury, loss of property, personal injury, or
24 death caused by any act or omission while acting within the
25 scope of office or employment as authorized under this chapter.

26 Sec. 20. NEW SECTION. 124E.20 **Observational effectiveness**
27 **study.**

28 The department may conduct an observational effectiveness
29 study in cooperation with patients and health care
30 practitioners and pursuant to rules of the department in order
31 to study the effectiveness of medical cannabis in the treatment
32 of debilitating medical conditions.

33 Sec. 21. **PROTECTION OF FEDERAL FUNDING.** The department
34 of public health shall request guarantees from the agencies
35 of the federal government providing funding to educational

1 and long-term care facilities that facilities with policies
2 allowing patients to possess medical cannabis on the grounds
3 of the facilities consistent with chapter 124E or allowing
4 facility staff to administer medical cannabis to a patient
5 shall not lose eligibility for any federal funding due to such
6 policies.

7 Sec. 22. TRANSITION PROVISIONS. A medical cannabidiol
8 registration card issued prior to July 1, 2020, remains
9 effective and continues in effect as issued for the
10 twelve-month period following its issuance.

11 DIVISION II

12 MEDICAL CANNABIDIOL PROGRAM NAME CHANGE — CONFORMING CODE
13 CHANGES

14 Sec. 23. Section 124.401, subsection 5, unnumbered
15 paragraph 3, Code 2020, is amended to read as follows:

16 A person may knowingly or intentionally recommend, possess,
17 use, dispense, deliver, transport, or administer ~~cannabidiol~~
18 medical cannabis if the recommendation, possession, use,
19 dispensing, delivery, transporting, or administering is in
20 accordance with the provisions of [chapter 124E](#). For purposes
21 of this paragraph, "~~cannabidiol~~" "medical cannabis" means the
22 same as defined in [section 124E.2](#).

23 Sec. 24. Section 124E.2, subsection 7, Code 2020, is amended
24 to read as follows:

25 7. "*Primary caregiver*" means a person who is a resident of
26 this state or a bordering state as defined in [section 331.910](#),
27 including but not limited to a parent or legal guardian, at
28 least eighteen years of age, who has been designated by a
29 patient's health care practitioner as a necessary caretaker
30 taking responsibility for managing the well-being of the
31 patient with respect to the use of medical ~~cannabidiol~~ cannabis
32 pursuant to the provisions of [this chapter](#).

33 Sec. 25. Section 124E.3, subsection 1, Code 2020, is amended
34 to read as follows:

35 1. Prior to a patient's submission of an application for

1 a medical ~~cannabidiol~~ cannabis registration card pursuant to
2 section 124E.4, a health care practitioner shall do all of the
3 following:

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

10 *b.* Provide explanatory information as provided by the
11 department to the patient about the therapeutic use of medical
12 ~~cannabidiol~~ cannabis and the possible risks, benefits, and side
13 effects of the proposed treatment.

14 Sec. 26. Section 124E.4, subsection 1, paragraph e, Code
15 2020, is amended to read as follows:

16 *e.* Submits a medical ~~cannabidiol~~ cannabis registration card
17 fee of one hundred dollars to the department. If the patient
18 attests to receiving social security disability benefits,
19 supplemental security insurance payments, or being enrolled in
20 the medical assistance program, the fee shall be twenty-five
21 dollars.

22 Sec. 27. Section 124E.4, subsection 2, paragraph c, Code
23 2020, is amended to read as follows:

24 *c.* The date of issuance and expiration date of the medical
25 ~~cannabidiol~~ cannabis registration card.

26 Sec. 28. Section 124E.4, subsection 3, paragraph d, Code
27 2020, is amended to read as follows:

28 *d.* Submits a medical ~~cannabidiol~~ cannabis registration card
29 fee of twenty-five dollars to the department.

30 Sec. 29. Section 124E.4, subsection 4, paragraph d, Code
31 2020, is amended to read as follows:

32 *d.* The medical ~~cannabidiol~~ cannabis registration card
33 number of each patient in the primary caregiver's care. If
34 the patient in the primary caregiver's care is under the age
35 of eighteen, the full name of the patient's parent or legal

1 guardian.

2 Sec. 30. Section 124E.4, subsections 5 and 7, Code 2020, are
3 amended to read as follows:

4 5. *Expiration date of card.* A medical ~~cannabidiol~~ cannabis
5 registration card issued pursuant to [this section](#) shall expire
6 one year after the date of issuance and may be renewed.

7 7. *Federally approved clinical trials.* The department shall
8 not approve the issuance of a medical ~~cannabidiol~~ cannabis
9 registration card pursuant to [this section](#) for a patient who
10 is enrolled in a federally approved clinical trial for the
11 treatment of a debilitating medical condition with medical
12 ~~cannabidiol~~ cannabis.

13 Sec. 31. Section 124E.5, subsection 1, paragraphs a and b,
14 Code 2020, are amended to read as follows:

15 a. A medical ~~cannabidiol~~ cannabis board is created
16 consisting of eight practitioners representing the fields
17 of neurology, pain management, gastroenterology, oncology,
18 psychiatry, pediatrics, family medicine, and pharmacy, and one
19 representative from law enforcement.

20 b. The practitioners shall be licensed in this state and
21 nationally board-certified in their area of specialty and
22 knowledgeable about the use of medical ~~cannabidiol~~ cannabis.

23 Sec. 32. Section 124E.5, subsections 3, 4, and 5, Code 2020,
24 are amended to read as follows:

25 3. The duties of the medical ~~cannabidiol~~ cannabis board
26 shall include but not be limited to the following:

27 a. Accepting and reviewing petitions to add medical
28 conditions, medical treatments, or debilitating diseases to the
29 list of debilitating medical conditions for which the medical
30 use of ~~cannabidiol~~ cannabis would be medically beneficial under
31 this chapter.

32 b. Making recommendations relating to the removal or
33 addition of debilitating medical conditions to the list
34 of allowable debilitating medical conditions for which the
35 medical use of ~~cannabidiol~~ cannabis under [this chapter](#) would

1 be medically beneficial.

2 *c.* Working with the department regarding the requirements
3 for the licensure of medical ~~cannabidiol~~ cannabis manufacturers
4 and medical ~~cannabidiol~~ cannabis dispensaries, including
5 licensure procedures.

6 *d.* Advising the department regarding the location of medical
7 ~~cannabidiol~~ cannabis manufacturers and medical ~~cannabidiol~~
8 cannabis dispensaries throughout the state.

9 *e.* Making recommendations relating to the form and quantity
10 of allowable medical uses of ~~cannabidiol~~ cannabis.

11 4. Recommendations made by the medical ~~cannabidiol~~ cannabis
12 board pursuant to [subsection 3](#), paragraphs "b" and "e", shall
13 be made to the board of medicine for consideration, and if
14 approved, shall be adopted by the board of medicine by rule.

15 5. On or before January 1 of each year, beginning January
16 1, 2018, the medical ~~cannabidiol~~ cannabis board shall submit a
17 report detailing the activities of the board.

18 Sec. 33. Section 124E.6, Code 2020, is amended to read as
19 follows:

20 **124E.6 Medical ~~cannabidiol~~ cannabis manufacturer licensure.**

21 1. *a.* The department shall issue a request for proposals
22 to select and license by December 1, 2017, up to two medical
23 ~~cannabidiol~~ cannabis manufacturers to manufacture and to
24 possess, cultivate, harvest, transport, package, process,
25 or supply medical ~~cannabidiol~~ cannabis within this state
26 consistent with the provisions of [this chapter](#). The department
27 shall license new medical ~~cannabidiol~~ cannabis manufacturers
28 or relicense the existing medical ~~cannabidiol~~ cannabis
29 manufacturers by December 1 of each year.

30 *b.* Information submitted during the application process
31 shall be confidential until a medical ~~cannabidiol~~ cannabis
32 manufacturer is licensed by the department unless otherwise
33 protected from disclosure under state or federal law.

34 2. As a condition for licensure, a medical ~~cannabidiol~~
35 cannabis manufacturer must agree to begin supplying medical

1 ~~cannabidiol~~ cannabis to medical ~~cannabidiol~~ cannabis
2 dispensaries in this state no later than December 1, 2018.

3 3. The department shall consider the following factors in
4 determining whether to select and license a medical ~~cannabidiol~~
5 cannabis manufacturer:

6 a. The technical expertise of the medical ~~cannabidiol~~
7 cannabis manufacturer regarding medical ~~cannabidiol~~ cannabis.

8 b. The qualifications of the medical ~~cannabidiol~~ cannabis
9 manufacturer's employees.

10 c. The long-term financial stability of the medical
11 ~~cannabidiol~~ cannabis manufacturer.

12 d. The ability to provide appropriate security measures on
13 the premises of the medical ~~cannabidiol~~ cannabis manufacturer.

14 e. Whether the medical ~~cannabidiol~~ cannabis manufacturer
15 has demonstrated an ability to meet certain medical ~~cannabidiol~~
16 cannabis production needs for medical use regarding the range
17 of recommended dosages for each debilitating medical condition,
18 the range of chemical compositions of any plant of the genus
19 cannabis that will likely be medically beneficial for each
20 of the debilitating medical conditions, and the form of the
21 medical ~~cannabidiol~~ cannabis in the manner determined by the
22 department pursuant to rule.

23 f. The medical ~~cannabidiol~~ cannabis manufacturer's
24 projection of and ongoing assessment of fees on patients with
25 debilitating medical conditions.

26 4. The department shall require each medical ~~cannabidiol~~
27 cannabis manufacturer to contract with the state hygienic
28 laboratory at the university of Iowa in Iowa City or an
29 independent medical ~~cannabidiol~~ cannabis testing laboratory to
30 perform spot-check testing of the medical ~~cannabidiol~~ cannabis
31 produced by the manufacturer as provided in [section 124E.7](#).
32 The department shall require that the laboratory report testing
33 results to the manufacturer in a manner determined by the
34 department pursuant to rule.

35 5. Each entity submitting an application for licensure

1 as a medical ~~eannabidiol~~ cannabis manufacturer shall pay a
2 nonrefundable application fee of seven thousand five hundred
3 dollars to the department.

4 Sec. 34. Section 124E.7, Code 2020, is amended to read as
5 follows:

6 **124E.7 Medical ~~eannabidiol~~ cannabis manufacturers.**

7 1. A medical ~~eannabidiol~~ cannabis manufacturer shall
8 contract with the state hygienic laboratory at the university
9 of Iowa in Iowa City or an independent medical ~~eannabidiol~~
10 cannabis testing laboratory to perform spot-check testing of
11 the medical ~~eannabidiol~~ cannabis manufactured by the medical
12 ~~eannabidiol~~ cannabis manufacturer as to content, contamination,
13 and consistency. The cost of all laboratory testing shall be
14 paid by the medical ~~eannabidiol~~ cannabis manufacturer.

15 2. The operating documents of a medical ~~eannabidiol~~
16 cannabis manufacturer shall include all of the following:

17 a. Procedures for the oversight of the medical ~~eannabidiol~~
18 cannabis manufacturer and procedures to ensure accurate
19 recordkeeping.

20 b. Procedures for the implementation of appropriate security
21 measures to deter and prevent the theft of medical ~~eannabidiol~~
22 cannabis and unauthorized entrance into areas containing
23 medical ~~eannabidiol~~ cannabis.

24 3. A medical ~~eannabidiol~~ cannabis manufacturer shall
25 implement security requirements, including requirements for
26 protection of each location by a fully operational security
27 alarm system, facility access controls, perimeter intrusion
28 detection systems, and a personnel identification system.

29 4. A medical ~~eannabidiol~~ cannabis manufacturer shall
30 not share office space with, refer patients to, or have any
31 financial relationship with a health care practitioner.

32 5. A medical ~~eannabidiol~~ cannabis manufacturer shall not
33 permit any person to consume medical ~~eannabidiol~~ cannabis on
34 the property of the medical ~~eannabidiol~~ cannabis manufacturer.

35 6. A medical ~~eannabidiol~~ cannabis manufacturer is subject

1 to reasonable inspection by the department.

2 7. A medical ~~cannabidiol~~ cannabis manufacturer shall not
3 employ a person who is under eighteen years of age or who has
4 been convicted of a disqualifying felony offense. An employee
5 of a medical ~~cannabidiol~~ cannabis manufacturer shall be subject
6 to a background investigation conducted by the division of
7 criminal investigation of the department of public safety and a
8 national criminal history background check pursuant to section
9 124E.19.

10 8. A medical ~~cannabidiol~~ cannabis manufacturer owner shall
11 not have been convicted of a disqualifying felony offense and
12 shall be subject to a background investigation conducted by
13 the division of criminal investigation of the department of
14 public safety and a national criminal history background check
15 pursuant to [section 124E.19](#).

16 9. A medical ~~cannabidiol~~ cannabis manufacturer shall not
17 operate at the same physical location as a medical ~~cannabidiol~~
18 cannabis dispensary.

19 10. A medical ~~cannabidiol~~ cannabis manufacturer shall not
20 operate in any location, whether for manufacturing, possessing,
21 cultivating, harvesting, transporting, packaging, processing,
22 or supplying, within one thousand feet of a public or private
23 school existing before the date of the medical ~~cannabidiol~~
24 cannabis manufacturer's licensure by the department.

25 11. A medical ~~cannabidiol~~ cannabis manufacturer shall
26 comply with reasonable restrictions set by the department
27 relating to signage, marketing, display, and advertising of
28 medical ~~cannabidiol~~ cannabis.

29 12. *a.* A medical ~~cannabidiol~~ cannabis manufacturer shall
30 provide a reliable and ongoing supply of medical ~~cannabidiol~~
31 cannabis to medical ~~cannabidiol~~ cannabis dispensaries pursuant
32 to [this chapter](#).

33 *b.* All manufacturing, cultivating, harvesting, packaging,
34 and processing of medical ~~cannabidiol~~ cannabis shall take place
35 in an enclosed, locked facility at a physical address provided

1 to the department during the licensure process.

2 *c.* A medical ~~cannabidiol~~ cannabis manufacturer shall not
3 manufacture edible medical ~~cannabidiol~~ cannabis products.

4 Sec. 35. Section 124E.8, Code 2020, is amended to read as
5 follows:

6 **124E.8 Medical ~~cannabidiol~~ cannabis dispensary licensure.**

7 1. *a.* The department shall issue a request for proposals
8 to select and license by April 1, 2018, up to five medical
9 ~~cannabidiol~~ cannabis dispensaries to dispense medical
10 ~~cannabidiol~~ cannabis within this state consistent with the
11 provisions of this chapter. The department shall license new
12 medical ~~cannabidiol~~ cannabis dispensaries or relicense the
13 existing medical ~~cannabidiol~~ cannabis dispensaries by December
14 1 of each year.

15 *b.* Information submitted during the application process
16 shall be confidential until a medical ~~cannabidiol~~ cannabis
17 dispensary is licensed by the department unless otherwise
18 protected from disclosure under state or federal law.

19 2. As a condition for licensure, a medical ~~cannabidiol~~
20 cannabis dispensary must agree to begin supplying medical
21 ~~cannabidiol~~ cannabis to patients by December 1, 2018.

22 3. The department shall consider the following factors in
23 determining whether to select and license a medical ~~cannabidiol~~
24 cannabis dispensary:

25 *a.* The technical expertise of the medical ~~cannabidiol~~
26 cannabis dispensary regarding medical ~~cannabidiol~~ cannabis.

27 *b.* The qualifications of the medical ~~cannabidiol~~ cannabis
28 dispensary's employees.

29 *c.* The long-term financial stability of the medical
30 ~~cannabidiol~~ cannabis dispensary.

31 *d.* The ability to provide appropriate security measures on
32 the premises of the medical ~~cannabidiol~~ cannabis dispensary.

33 *e.* The medical ~~cannabidiol~~ cannabis dispensary's projection
34 and ongoing assessment of fees for the purchase of medical
35 ~~cannabidiol~~ cannabis on patients with debilitating medical

1 conditions.

2 4. Each entity submitting an application for licensure
3 as a medical ~~cannabidiol~~ cannabis dispensary shall pay a
4 nonrefundable application fee of five thousand dollars to the
5 department.

6 Sec. 36. Section 124E.9, Code 2020, is amended to read as
7 follows:

8 **124E.9 Medical ~~cannabidiol~~ cannabis dispensaries.**

9 1. *a.* The medical ~~cannabidiol~~ cannabis dispensaries shall
10 be located based on geographical need throughout the state to
11 improve patient access.

12 *b.* A medical ~~cannabidiol~~ cannabis dispensary may dispense
13 medical ~~cannabidiol~~ cannabis pursuant to the provisions of this
14 chapter but shall not dispense any medical ~~cannabidiol~~ cannabis
15 in a form or quantity other than the form or quantity allowed
16 by the department pursuant to rule.

17 2. The operating documents of a medical ~~cannabidiol~~
18 cannabis dispensary shall include all of the following:

19 *a.* Procedures for the oversight of the medical ~~cannabidiol~~
20 cannabis dispensary and procedures to ensure accurate
21 recordkeeping.

22 *b.* Procedures for the implementation of appropriate security
23 measures to deter and prevent the theft of medical ~~cannabidiol~~
24 cannabis and unauthorized entrance into areas containing
25 medical ~~cannabidiol~~ cannabis.

26 3. A medical ~~cannabidiol~~ cannabis dispensary shall
27 implement security requirements, including requirements for
28 protection by a fully operational security alarm system,
29 facility access controls, perimeter intrusion detection
30 systems, and a personnel identification system.

31 4. A medical ~~cannabidiol~~ cannabis dispensary shall not
32 share office space with, refer patients to, or have any
33 financial relationship with a health care practitioner.

34 5. A medical ~~cannabidiol~~ cannabis dispensary shall not
35 permit any person to consume medical ~~cannabidiol~~ cannabis on

1 the property of the medical ~~eannabidiol~~ cannabis dispensary.

2 6. A medical ~~eannabidiol~~ cannabis dispensary is subject to
3 reasonable inspection by the department.

4 7. A medical ~~eannabidiol~~ cannabis dispensary shall not
5 employ a person who is under eighteen years of age or who has
6 been convicted of a disqualifying felony offense. An employee
7 of a medical ~~eannabidiol~~ cannabis dispensary shall be subject
8 to a background investigation conducted by the division of
9 criminal investigation of the department of public safety and a
10 national criminal history background check pursuant to section
11 124E.19.

12 8. A medical ~~eannabidiol~~ cannabis dispensary owner shall
13 not have been convicted of a disqualifying felony offense and
14 shall be subject to a background investigation conducted by
15 the division of criminal investigation of the department of
16 public safety and a national criminal history background check
17 pursuant to [section 124E.19](#).

18 9. A medical ~~eannabidiol~~ cannabis dispensary shall not
19 operate at the same physical location as a medical ~~eannabidiol~~
20 cannabis manufacturer.

21 10. A medical ~~eannabidiol~~ cannabis dispensary shall not
22 operate in any location within one thousand feet of a public
23 or private school existing before the date of the medical
24 ~~eannabidiol~~ cannabis dispensary's licensure by the department.

25 11. A medical ~~eannabidiol~~ cannabis dispensary shall comply
26 with reasonable restrictions set by the department relating
27 to signage, marketing, display, and advertising of medical
28 ~~eannabidiol~~ cannabis.

29 12. Prior to dispensing of any medical ~~eannabidiol~~
30 cannabis, a medical ~~eannabidiol~~ cannabis dispensary shall do
31 all of the following:

32 a. Verify that the medical ~~eannabidiol~~ cannabis dispensary
33 has received a valid medical ~~eannabidiol~~ cannabis registration
34 card from a patient or a patient's primary caregiver, if
35 applicable.

1 *b.* Assign a tracking number to any medical ~~cannabidiol~~
2 cannabis dispensed from the medical ~~cannabidiol~~ cannabis
3 dispensary.

4 *c.* Properly package medical ~~cannabidiol~~ cannabis in
5 compliance with federal law regarding child resistant packaging
6 and exemptions for packaging for elderly patients, and
7 label medical ~~cannabidiol~~ cannabis with a list of all active
8 ingredients and individually identifying information.

9 Sec. 37. Section 124E.10, Code 2020, is amended to read as
10 follows:

11 **124E.10 Fees.**

12 All fees collected by the department under [this chapter](#)
13 shall be retained by the department for operation of the
14 medical ~~cannabidiol~~ cannabis registration card program and
15 the medical ~~cannabidiol~~ cannabis manufacturer and medical
16 ~~cannabidiol~~ cannabis dispensary licensing programs. The moneys
17 retained by the department shall be considered repayment
18 receipts as defined in [section 8.2](#) and shall be used for any of
19 the department's duties under [this chapter](#), including but not
20 limited to the addition of full-time equivalent positions for
21 program services and investigations. Notwithstanding section
22 8.33, moneys retained by the department pursuant to this
23 section shall not revert to the general fund of the state but
24 shall remain available for expenditure only for the purposes
25 specified in [this section](#).

26 Sec. 38. Section 124E.11, subsection 1, paragraph a, Code
27 2020, is amended to read as follows:

28 *a.* The department shall maintain a confidential file of the
29 names of each patient to or for whom the department issues a
30 medical ~~cannabidiol~~ cannabis registration card and the name of
31 each primary caregiver to whom the department issues a medical
32 ~~cannabidiol~~ cannabis registration card under [section 124E.4](#).

33 Sec. 39. Section 124E.11, subsection 1, paragraph b,
34 subparagraph (1), subparagraph divisions (b) and (d), Code
35 2020, are amended to read as follows:

1 (b) To authorized employees of law enforcement agencies
2 of a state or political subdivision thereof, but only for the
3 purpose of verifying that a person is lawfully in possession
4 of a medical ~~eannabidiol~~ cannabis registration card issued
5 pursuant to [this chapter](#).

6 (d) To any other authorized persons recognized by the
7 department by rule, but only for the purpose of verifying that
8 a person is lawfully in possession of a medical ~~eannabidiol~~
9 cannabis registration card issued pursuant to [this chapter](#).

10 Sec. 40. Section 124E.11, subsection 2, Code 2020, is
11 amended to read as follows:

12 2. The department shall adopt rules pursuant to chapter
13 17A to administer [this chapter](#) which shall include but not be
14 limited to rules to do all of the following:

15 a. Govern the manner in which the department shall consider
16 applications for new and renewal medical ~~eannabidiol~~ cannabis
17 registration cards.

18 b. Ensure that the medical ~~eannabidiol~~ cannabis registration
19 card program operates on a self-sustaining basis.

20 c. Establish the form and quantity of medical ~~eannabidiol~~
21 cannabis allowed to be dispensed to a patient or primary
22 caregiver pursuant to [this chapter](#) as appropriate to serve the
23 medical needs of patients with debilitating medical conditions,
24 subject to recommendation by the medical ~~eannabidiol~~ cannabis
25 board and approval by the board of medicine.

26 d. Establish requirements for the licensure of medical
27 ~~eannabidiol~~ cannabis manufacturers and medical ~~eannabidiol~~
28 cannabis dispensaries and set forth procedures for medical
29 ~~eannabidiol~~ cannabis manufacturers and medical ~~eannabidiol~~
30 cannabis dispensaries to obtain licenses.

31 e. Develop a dispensing system for medical ~~eannabidiol~~
32 cannabis within this state that provides for all of the
33 following:

34 (1) Medical ~~eannabidiol~~ cannabis dispensaries within this
35 state housed on secured grounds and operated by licensed

1 medical ~~cannabidiol~~ cannabis dispensaries.

2 (2) The dispensing of medical ~~cannabidiol~~ cannabis to
3 patients and their primary caregivers to occur at locations
4 designated by the department.

5 *f.* Establish and collect annual fees from medical
6 ~~cannabidiol~~ cannabis manufacturers and medical ~~cannabidiol~~
7 cannabis dispensaries to cover the costs associated with
8 regulating and inspecting medical ~~cannabidiol~~ cannabis
9 manufacturers and medical ~~cannabidiol~~ cannabis dispensaries.

10 *g.* Specify and implement procedures that address public
11 safety including security procedures and product quality
12 including measures to ensure contaminant-free cultivation of
13 medical ~~cannabidiol~~ cannabis, safety, and labeling.

14 *h.* Establish and implement a real-time, statewide medical
15 ~~cannabidiol~~ cannabis registry management sale tracking system
16 that is available to medical ~~cannabidiol~~ cannabis dispensaries
17 on a twenty-four-hour-a-day, seven-day-a-week basis for the
18 purpose of verifying that a person is lawfully in possession
19 of a medical ~~cannabidiol~~ cannabis registration card issued
20 pursuant to [this chapter](#) and for tracking the date of the sale
21 and quantity of medical ~~cannabidiol~~ cannabis purchased by a
22 patient or a primary caregiver.

23 *i.* Establish and implement a medical ~~cannabidiol~~ cannabis
24 inventory and delivery tracking system to track medical
25 ~~cannabidiol~~ cannabis from production by a medical ~~cannabidiol~~
26 cannabis manufacturer through dispensing at a medical
27 ~~cannabidiol~~ cannabis dispensary.

28 Sec. 41. Section 124E.12, subsections 1, 2, 3, 4, 5, 6, 8,
29 and 9, Code 2020, are amended to read as follows:

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

1 treatment of a patient diagnosed with a debilitating medical
2 condition as authorized by [this chapter](#).

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

8 3. A medical ~~cannabidiol~~ cannabis dispensary, including
9 any authorized agent or employee thereof, shall not be subject
10 to prosecution for dispensing medical ~~cannabidiol~~ cannabis
11 pursuant to [this chapter](#).

12 4. *a.* In a prosecution for the unlawful possession of
13 marijuana under the laws of this state for the possession
14 of medical ~~cannabidiol~~ cannabis, including but not limited
15 to [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 ~~cannabidiol~~ cannabis pursuant to a certification by a
19 health care practitioner as authorized under [this chapter](#), and,
20 for a patient eighteen years of age or older, is in possession
21 of a valid medical ~~cannabidiol~~ cannabis registration card
22 issued pursuant to [this chapter](#).

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

35 *c.* If a patient or primary caregiver is charged with

1 the unlawful possession of marijuana under the laws of this
2 state for the possession of medical ~~cannabidiol~~ cannabis,
3 including but not limited to [chapters 124](#) and [453B](#), and is not
4 in possession of the person's medical ~~cannabidiol~~ cannabis
5 registration card, any charge or charges filed against the
6 person for the possession of medical ~~cannabidiol~~ cannabis
7 shall be dismissed by the court if the person produces to the
8 court prior to or at the person's trial a medical ~~cannabidiol~~
9 cannabis registration card issued to that person and valid at
10 the time the person was charged.

11 5. An agency of this state or a political subdivision
12 thereof, including any law enforcement agency, shall not remove
13 or initiate proceedings to remove a patient under the age
14 of eighteen from the home of a parent based solely upon the
15 parent's or patient's possession or use of medical ~~cannabidiol~~
16 cannabis as authorized under [this chapter](#).

17 6. The department, the department of transportation,
18 and any health care practitioner, including any authorized
19 agent or employee thereof, are not subject to any civil
20 or disciplinary penalties by the board of medicine or any
21 business, occupational, or professional licensing board
22 or entity, solely for activities conducted relating to a
23 patient's possession or use of medical ~~cannabidiol~~ cannabis as
24 authorized under [this chapter](#). Nothing in [this section](#) affects
25 a professional licensing board from taking action in response
26 to violations of any other section of law.

27 8. An attorney shall not be subject to disciplinary action
28 by the Iowa supreme court or attorney disciplinary board for
29 providing legal assistance to a patient, primary caregiver, or
30 others based upon a patient's or primary caregiver's possession
31 or use of medical ~~cannabidiol~~ cannabis as authorized under [this](#)
32 [chapter](#).

33 9. Possession of a medical ~~cannabidiol~~ cannabis
34 registration card or an application for a medical ~~cannabidiol~~
35 cannabis registration card by a person entitled to possess or

1 apply for a medical ~~cannabidiol~~ cannabis registration card
2 shall not constitute probable cause or reasonable suspicion,
3 and shall not be used to support a search of the person or
4 property of the person possessing or applying for the medical
5 ~~cannabidiol~~ cannabis registration card, or otherwise subject
6 the person or property of the person to inspection by any
7 governmental agency.

8 Sec. 42. Section 124E.13, Code 2020, is amended to read as
9 follows:

10 **124E.13 Medical ~~cannabidiol~~ cannabis source.**

11 Medical ~~cannabidiol~~ cannabis provided exclusively pursuant
12 to a written certification of a health care practitioner, if
13 not legally available in this state or from any other bordering
14 state, shall be obtained from an out-of-state source.

15 Sec. 43. Section 124E.14, Code 2020, is amended to read as
16 follows:

17 **124E.14 Out-of-state medical ~~cannabidiol~~ cannabis
18 dispensaries.**

19 The department of public health shall utilize a request for
20 proposals process to select and license by December 1, 2017, up
21 to two out-of-state medical ~~cannabidiol~~ cannabis dispensaries
22 from a bordering state to sell and dispense medical ~~cannabidiol~~
23 cannabis to a patient or primary caregiver in possession of a
24 valid medical ~~cannabidiol~~ cannabis registration card issued
25 under [this chapter](#).

26 Sec. 44. Section 124E.15, Code 2020, is amended to read as
27 follows:

28 **124E.15 Iowa patients and primary caregivers registering in
29 the state of Minnesota.**

30 A patient or a primary caregiver with a valid medical
31 ~~cannabidiol~~ cannabis registration card issued pursuant to this
32 chapter may register in the state of Minnesota as a visiting
33 qualified patient or primary caregiver and may register with
34 one or more medical cannabis manufacturers registered under the
35 laws of Minnesota.

1 Sec. 45. Section 124E.16, Code 2020, is amended to read as
2 follows:

3 **124E.16 Penalties.**

4 1. A person who knowingly or intentionally possesses or uses
5 medical ~~eannabidiol~~ cannabis in violation of the requirements
6 of this chapter is subject to the penalties provided under
7 chapters 124 and 453B.

8 2. A medical ~~eannabidiol~~ cannabis manufacturer or a medical
9 ~~eannabidiol~~ cannabis dispensary shall be assessed a civil
10 penalty of up to one thousand dollars per violation for any
11 violation of this chapter in addition to any other applicable
12 penalties.

13 Sec. 46. Section 124E.17, Code 2020, is amended to read as
14 follows:

15 **124E.17 Use of medical ~~eannabidiol~~ cannabis — smoking**
16 **prohibited.**

17 A patient shall not consume medical ~~eannabidiol~~ cannabis
18 possessed or used as authorized under this chapter by smoking
19 medical ~~eannabidiol~~ cannabis.

20 Sec. 47. Section 124E.18, Code 2020, is amended to read as
21 follows:

22 **124E.18 Reciprocity.**

23 A valid medical ~~eannabidiol~~ cannabis registration card,
24 or its equivalent, issued under the laws of another state
25 that allows an out-of-state patient to possess or use medical
26 ~~eannabidiol~~ cannabis in the jurisdiction of issuance shall
27 have the same force and effect as a valid medical ~~eannabidiol~~
28 cannabis registration card issued pursuant to this chapter,
29 except that an out-of-state patient in this state shall not
30 obtain medical ~~eannabidiol~~ cannabis from a medical ~~eannabidiol~~
31 cannabis dispensary in this state.

32 Sec. 48. Section 124E.19, subsections 1, 2, and 4, Code
33 2020, are amended to read as follows:

34 1. The division of criminal investigation of the
35 department of public safety shall conduct thorough background

1 investigations for the purposes of licensing medical
2 ~~cannabidiol~~ cannabis manufacturers and medical ~~cannabidiol~~
3 cannabis dispensaries under [this chapter](#). The results of any
4 background investigation conducted pursuant to [this section](#)
5 shall be presented to the department.

6 *a.* An applicant for a medical ~~cannabidiol~~ cannabis
7 manufacturer license or a medical ~~cannabidiol~~ cannabis
8 dispensary license and their owners, investors, and employees
9 shall submit all required information on a form prescribed by
10 the department of public safety.

11 *b.* The department shall charge an applicant for a medical
12 ~~cannabidiol~~ cannabis manufacturer license or a medical
13 ~~cannabidiol~~ cannabis dispensary license a fee determined by
14 the department of public safety and adopted by the department
15 by rule to defray the costs associated with background
16 investigations conducted pursuant to the requirements of this
17 section. The fee shall be in addition to any other fees
18 charged by the department. The fee may be retained by the
19 department of public safety and shall be considered repayment
20 receipts as defined in [section 8.2](#).

21 2. The department shall require an applicant for a
22 medical ~~cannabidiol~~ cannabis manufacturer license or a
23 medical ~~cannabidiol~~ cannabis dispensary license, their owners
24 and investors, and applicants for employment at a medical
25 ~~cannabidiol~~ cannabis manufacturer or medical ~~cannabidiol~~
26 cannabis dispensary to submit fingerprints and other required
27 identifying information to the department on a form prescribed
28 by the department of public safety. The department shall
29 submit the fingerprint cards and other identifying information
30 to the division of criminal investigation of the department
31 of public safety for submission to the federal bureau of
32 investigation for the purpose of conducting a national criminal
33 history record check. The department may require employees and
34 contractors involved in carrying out a background investigation
35 to submit fingerprints and other identifying information for

1 the same purpose.

2 4. An applicant for a medical ~~cannabidiol~~ cannabis
3 manufacturer license or a medical ~~cannabidiol~~ cannabis
4 dispensary license shall submit information and fees required
5 by this section at the time of application.

6 Sec. 49. Section 204.17, subsection 4, Code 2020, is amended
7 to read as follows:

8 4. Nothing in this chapter shall be construed or applied
9 to authorize a person to manufacture, recommend, possess, use,
10 dispense, deliver, transport, or administer medical ~~cannabidiol~~
11 cannabis pursuant to chapter 124E.

12 Sec. 50. Section 730.5, subsection 11, paragraph f, Code
13 2020, is amended to read as follows:

14 *f.* Testing or taking action against an employee or
15 prospective employee with a confirmed positive test result due
16 to the employee's or prospective employee's use of medical
17 ~~cannabidiol~~ cannabis as authorized under chapter 124E.

18 EXPLANATION

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

21 This bill relates to the medical cannabidiol program. The
22 bill is organized into divisions.

23 DIVISION I — MEDICAL CANNABIDIOL PROGRAM. The bill changes
24 the name of the medical cannabidiol Act to the medical cannabis
25 Act.

26 The bill adds physician assistants, advanced registered
27 nurse practitioners, advanced practice registered nurses, and
28 podiatrists to the list of health care practitioners allowed to
29 certify a patient to receive a medical cannabidiol registration
30 card.

31 The bill removes the 3 percent tetrahydrocannabinol (THC)
32 limit on medical cannabidiol. The bill prohibits a medical
33 cannabidiol patient or a patient's primary caregiver from
34 receiving more than 4.5 grams of total THC in a 90-day period.
35 The bill allows medical cannabidiol dispensaries to access the

1 files of the department of public health to determine whether
2 a patient has received more than 4.5 grams of total THC in a
3 90-day period. The bill defines "total THC" as the amount of
4 THC plus the amount of tetrahydrocannabinolic acid.

5 The bill removes the department of transportation from the
6 process of issuing medical cannabidiol registration cards and
7 makes conforming Code changes. The bill directs the department
8 of public health to issue medical cannabidiol registration
9 cards.

10 The bill removes the prohibitions on patients and primary
11 caregivers with certain disqualifying felony offenses from
12 receiving a medical cannabidiol registration card.

13 The bill removes the limit on the number of meetings per year
14 of the medical cannabidiol board. Current law sets the maximum
15 number of meetings to four per year.

16 The bill requires medical cannabidiol dispensaries to employ
17 a pharmacist or pharmacy technician for the purpose of making
18 medical cannabidiol dosing recommendations.

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

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

1 The bill provides that a medical cannabidiol registration
2 card issued prior to July 1, 2020, by the department of
3 transportation shall remain valid until the card's expiration
4 date.

5 DIVISION II — CONFORMING CODE CHANGES. This division
6 changes references to "medical cannabidiol" to "medical
7 cannabis" throughout the Code.