

Senate File 104 - Introduced

SENATE FILE 104
BY GREENE

A BILL FOR

1 An Act relating to 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 2019, are amended by striking the paragraphs.

3 Sec. 2. Section 124.204, subsection 7, Code 2019, is amended
4 by striking the subsection.

5 Sec. 3. Section 124.206, subsection 7, Code 2019, 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 ~~e.~~ d. Dronabinol [(-)-delta-9-trans-tetrahydrocannabinol]
4 in an oral solution in a drug product approved for marketing by
5 the United States food and drug administration.

6 Sec. 4. Section 124.401, subsection 5, unnumbered paragraph
7 3, Code 2019, is amended to read as follows:

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

15 Sec. 5. NEW SECTION. 124F.1 Short title.

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

18 Sec. 6. NEW SECTION. 124F.2 Definitions.

19 As used in this chapter:

20 1. *"Debilitating medical condition"* means any of the
21 following:

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

24 (1) Intractable pain.

25 (2) Nausea or severe vomiting.

26 (3) Cachexia or severe wasting.

27 b. Multiple sclerosis.

28 c. Epilepsy or seizure disorders.

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

30 e. Glaucoma.

31 f. Hepatitis C.

32 g. Crohn's disease or ulcerative colitis.

33 h. Amyotrophic lateral sclerosis.

34 i. Ehlers-Danlos syndrome.

35 j. Post-traumatic stress disorder.

- 1 *k.* Tourette's syndrome.
- 2 1. Any terminal illness, with a probable life expectancy of
3 under one year, if the illness or its treatment produces one or
4 more of the following:
- 5 (1) Intractable pain.
- 6 (2) Nausea or severe vomiting.
- 7 (3) Cachexia or severe wasting.
- 8 *m.* Intractable pain.
- 9 *n.* Parkinson's disease.
- 10 *o.* Muscular dystrophy.
- 11 *p.* Huntington's disease.
- 12 *q.* Alzheimer's disease.
- 13 *r.* Complex regional pain syndrome, type I and II.
- 14 *s.* Rheumatoid arthritis.
- 15 *t.* Polyarteritis nodosa.
- 16 *u.* Any other chronic or debilitating disease or medical
17 condition or its medical treatment approved by the department
18 pursuant to rule.
- 19 2. "*Department*" means the department of public health.
- 20 3. "*Disqualifying felony offense*" means a violation under
21 federal or state law of a felony offense, which has as an
22 element the possession, use, or distribution of a controlled
23 substance, as defined in 21 U.S.C. §802(6).
- 24 4. "*Enclosed, locked facility*" means a closet, room,
25 greenhouse, or other enclosed area equipped with locks or
26 other security devices that permit access only by authorized
27 personnel.
- 28 5. "*Health care practitioner*" means an individual licensed
29 under chapter 148 to practice medicine and surgery or
30 osteopathic medicine and surgery or an individual licensed to
31 practice medicine in any other state who provides specialty
32 care for an Iowa resident for one or more of the debilitating
33 medical conditions provided in this chapter.
- 34 6. "*Intractable pain*" means a pain in which the cause of the
35 pain cannot be removed or otherwise treated with the consent

1 of the patient and which, in the generally accepted course of
2 medical practice, no relief or cure of the cause of the pain
3 is possible, or none has been found after reasonable efforts.
4 Reasonable efforts for relieving or curing the cause of the
5 pain may be determined on the basis of but are not limited to
6 any of the following:

7 *a.* When treating a nonterminally ill patient for intractable
8 pain, evaluation by the attending physician and one or more
9 physicians specializing in pain medicine or the treatment of
10 the area, system, or organ of the body perceived as the source
11 of the pain.

12 *b.* When treating a terminally ill patient, evaluation by
13 the attending physician who does so in accordance with the
14 level of care, skill, and treatment that would be recognized
15 by a reasonably prudent physician under similar conditions and
16 circumstances.

17 7. "*Medical cannabis*" means any species of the genus
18 cannabis plant, or any mixture or preparation of them,
19 including whole plant extracts and resins.

20 8. "*Medical cannabis dispensary*" means an entity licensed
21 under section 124F.8 that acquires medical cannabis from a
22 medical cannabis manufacturer in this state for the purpose
23 of dispensing medical cannabis in this state pursuant to this
24 chapter.

25 9. "*Medical cannabis manufacturer*" means an entity licensed
26 under section 124F.6 to manufacture and to possess, cultivate,
27 transport, or supply medical cannabis pursuant to the
28 provisions of this chapter.

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

35 11. "*Written certification*" means a document signed by a

1 health care practitioner, with whom the patient has established
2 a patient-provider relationship, which states that the patient
3 has a debilitating medical condition and identifies that
4 condition and provides any other relevant information.

5 **Sec. 7. NEW SECTION. 124F.3 Health care practitioner**
6 **certification — duties.**

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

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

16 *b.* Provide explanatory information as provided by the
17 department to the patient about the therapeutic use of medical
18 cannabis.

19 *c.* Determine, on an annual basis, if the patient continues
20 to suffer from a debilitating medical condition and, if so,
21 issue the patient a new certification of that diagnosis. This
22 paragraph shall not apply if the patient is suffering from an
23 incurable debilitating medical condition.

24 *d.* Otherwise comply with all requirements established by the
25 department pursuant to rule.

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

28 **Sec. 8. NEW SECTION. 124F.4 Medical cannabis registration**
29 **card.**

30 1. *Issuance to patient.* The department may approve the
31 issuance of a medical cannabis registration card by the
32 department of transportation to a patient who:

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

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

35 *c.* Submits a written certification to the department signed

1 by the patient's health care practitioner that the patient is
2 suffering from a debilitating medical condition.

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

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

8 (2) A copy of the patient's valid photograph
9 identification.

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

12 (4) Full name, residence address, date of birth, and
13 telephone number of each primary caregiver of the patient, if
14 any.

15 (5) Any other information required by rule.

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

21 2. *Patient card contents.* A medical cannabis registration
22 card issued to a patient by the department of transportation
23 pursuant to subsection 1 shall contain, at a minimum, all of
24 the following:

25 *a.* The patient's full name, Iowa residence address, and date
26 of birth.

27 *b.* The patient's photograph.

28 *c.* The date of issuance and expiration of the registration
29 card.

30 *d.* Any other information required by rule.

31 3. *Issuance to primary caregiver.* For a patient in a
32 primary caregiver's care, the department may approve the
33 issuance of a medical cannabis registration card by the
34 department of transportation to the primary caregiver who:

35 *a.* Submits a written certification to the department signed

1 by the patient's health care practitioner that the patient in
2 the primary caregiver's care is suffering from a debilitating
3 medical condition.

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

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

9 (2) The patient's full name.

10 (3) A copy of the primary caregiver's valid photograph
11 identification.

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

14 (5) Any other information required by rule.

15 *c.* Submits a medical cannabis registration card fee of
16 twenty-five dollars to the department.

17 4. *Primary caregiver card contents.* A medical cannabis
18 registration card issued by the department of transportation to
19 a primary caregiver pursuant to subsection 3 shall contain, at
20 a minimum, all of the following:

21 *a.* The primary caregiver's full name, residence address, and
22 date of birth.

23 *b.* The primary caregiver's photograph.

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

26 *d.* The registration card number of each patient in the
27 primary caregiver's care. If the patient in the primary
28 caregiver's care is under the age of eighteen, the full name of
29 the patient's parent or legal guardian.

30 *e.* Any other information required by rule.

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

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

35 *a.* The department may enter into a chapter 28E agreement

1 with the department of transportation to facilitate the
2 issuance of medical cannabis registration cards pursuant to
3 subsections 1 and 3.

4 *b.* The department of transportation may issue renewal
5 medical cannabis registration cards through an online or
6 in-person process.

7 **Sec. 9. NEW SECTION. 124F.5 Medical advisory board —**
8 **duties.**

9 1. No later than August 15, 2019, the director of public
10 health shall establish a medical advisory board consisting of
11 nine practitioners representing the fields of neurology, pain
12 management, gastroenterology, oncology, psychiatry, pediatrics,
13 infectious disease, family medicine, and pharmacy, and three
14 patients or primary caregivers with valid medical cannabis
15 registration cards. The practitioners shall be nationally
16 board-certified in their area of specialty and knowledgeable
17 about the use of medical cannabis.

18 2. A quorum of the advisory board shall consist of seven
19 members.

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

22 *a.* Reviewing and recommending to the department for
23 approval additional chronic or debilitating diseases or
24 medical conditions or their treatments as debilitating medical
25 conditions that qualify for the use of medical cannabis under
26 this chapter.

27 *b.* Accepting and reviewing petitions to add chronic or
28 debilitating diseases or medical conditions or their medical
29 treatments to the list of debilitating medical conditions that
30 qualify for the use of medical cannabis under this chapter.

31 *c.* Working with the department regarding the requirements
32 for the licensure of medical cannabis manufacturers and medical
33 cannabis dispensaries, including licensure procedures.

34 *d.* Advising the department regarding the location of
35 medical cannabis dispensaries throughout the state, the form

1 and quantity of allowable medical cannabis to be dispensed
2 to a patient or primary caregiver, and the general oversight
3 of medical cannabis manufacturers and medical cannabis
4 dispensaries in this state.

5 *e.* Convening at least twice per year to conduct public
6 hearings and to review and recommend for approval petitions,
7 which shall be maintained as confidential personal health
8 information, to add chronic or debilitating diseases or
9 medical conditions or their medical treatments to the list of
10 debilitating medical conditions that qualify for the use of
11 medical cannabis under this chapter.

12 *f.* Recommending improvements relating to the effectiveness
13 of the provisions of this chapter.

14 *g.* In making recommendations pursuant to this section,
15 consideration of the economic and financial impacts on patients
16 and the medical cannabis industry, and making recommendations
17 that minimize the extent of such impacts to the greatest extent
18 practicable.

19 **Sec. 10. NEW SECTION. 124F.6 Medical cannabis manufacturer**
20 **licensure.**

21 1. *a.* The department shall license up to four medical
22 cannabis manufacturers to manufacture medical cannabis within
23 this state consistent with the provisions of this chapter by
24 December 1, 2019. The department shall license new medical
25 cannabis manufacturers or relicense the existing medical
26 cannabis manufacturers by December 1 of each year.

27 *b.* Information submitted during the application process
28 shall be confidential until the medical cannabis manufacturer
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 manufacturer must agree to begin supplying medical cannabis to
33 medical cannabis dispensaries in this state by July 2, 2020.

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

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

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

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

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

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

18 *f.* The medical cannabis manufacturer's projection of and
19 ongoing assessment of fees on patients with debilitating
20 medical conditions.

21 *g.* The medical cannabis manufacturer's experience in medical
22 cannabis production, plant extraction, and pharmaceutical
23 formulations.

24 4. The department shall require each medical cannabis
25 manufacturer to contract with a laboratory approved by the
26 department to test the medical cannabis produced by the
27 manufacturer. The department shall require that the laboratory
28 report testing results to the manufacturer in a manner
29 determined by the department pursuant to rule.

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

33 Sec. 11. NEW SECTION. 124F.7 **Medical cannabis**
34 **manufacturers.**

35 1. A medical cannabis manufacturer shall contract with a

1 laboratory approved by the department for purposes of testing
2 the medical cannabis manufactured by the medical cannabis
3 manufacturer as to content, contamination, and consistency.
4 The cost of all laboratory testing shall be paid by the medical
5 cannabis manufacturer.

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

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

10 b. Procedures for the implementation of appropriate security
11 measures to deter and prevent the theft of medical cannabis and
12 unauthorized entrance into areas containing medical cannabis.

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

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

21 5. A medical cannabis manufacturer shall not permit any
22 person to consume medical cannabis on the property of the
23 medical cannabis manufacturer.

24 6. A medical cannabis manufacturer is subject to reasonable
25 inspection by the department.

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

33 8. A medical cannabis manufacturer shall not operate in any
34 location, whether for manufacturing, cultivating, harvesting,
35 packaging, or processing, within one thousand feet of a public

1 or private school existing before the date of the medical
2 cannabis manufacturer's licensure by the department.

3 9. A medical cannabis manufacturer shall comply with
4 reasonable restrictions set by the department relating to
5 signage, marketing, display, and advertising of medical
6 cannabis.

7 10. *a.* A medical cannabis manufacturer shall provide a
8 reliable and ongoing supply of medical cannabis to medical
9 cannabis dispensaries pursuant to this chapter.

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

14 *c.* A medical cannabis manufacturer shall not manufacture
15 edible medical cannabis products utilizing food coloring.

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

19 11. The department shall establish and collect an annual
20 fee from a medical cannabis manufacturer not to exceed the cost
21 of regulating and inspecting the manufacturer in the calendar
22 year.

23 Sec. 12. NEW SECTION. 124F.8 **Medical cannabis dispensary**
24 **licensure.**

25 1. *a.* The department shall license by April 2, 2020, twelve
26 medical cannabis dispensaries to dispense medical cannabis
27 within this state consistent with the provisions of this
28 chapter. The department shall license new medical cannabis
29 dispensaries or relicense the existing medical cannabis
30 dispensaries by December 1 of each year.

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

35 2. As a condition for licensure, a medical cannabis

1 dispensary must agree to begin supplying medical cannabis to
2 patients by July 16, 2020.

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

5 a. The technical expertise of the medical cannabis
6 dispensary regarding medical cannabis.

7 b. The qualifications of the medical cannabis dispensary's
8 owners and management team.

9 c. The long-term financial stability of the medical cannabis
10 dispensary.

11 d. The ability to provide appropriate security measures on
12 the premises of the medical cannabis dispensary.

13 e. The medical cannabis dispensary's projection and ongoing
14 assessment of fees for the purchase of medical cannabis on
15 patients with debilitating medical conditions.

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

19 Sec. 13. NEW SECTION. **124F.9 Medical cannabis dispensaries.**

20 1. a. Medical cannabis dispensaries shall be located based
21 on geographical need throughout the state to improve patient
22 access.

23 b. A medical cannabis dispensary may dispense medical
24 cannabis pursuant to the provisions of this chapter but shall
25 not dispense any medical cannabis in a form or quantity other
26 than the form or quantity allowed by the department pursuant
27 to rule.

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

30 a. Procedures for the oversight of the medical cannabis
31 dispensary and procedures to ensure accurate recordkeeping.

32 b. Procedures for the implementation of appropriate security
33 measures to deter and prevent the theft of medical cannabis and
34 unauthorized entrance into areas containing medical cannabis.

35 3. A medical cannabis dispensary shall implement security

1 requirements, including requirements for protection by a fully
2 operational security alarm system, facility access controls,
3 perimeter intrusion detection systems, and a personnel
4 identification system.

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

8 5. A medical cannabis dispensary shall not permit any person
9 to consume medical cannabis on the property of the medical
10 cannabis dispensary.

11 6. A medical cannabis dispensary is subject to reasonable
12 inspection by the department.

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

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

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

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

30 a. Verify that the medical cannabis dispensary has received
31 a valid medical cannabis registration card from a patient or a
32 patient's primary caregiver, if applicable.

33 b. Assign a tracking number to any medical cannabis
34 dispensed from the medical cannabis dispensary.

35 c. (1) Properly package medical cannabis in compliance with

1 federal law regarding child resistant packaging and exemptions
2 for packaging for elderly patients, and label medical cannabis
3 with a list of all active ingredients and individually
4 identifying information, including all of the following:

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

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

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

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

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

14 (b) Clearly labeled packaging indicating that an edible
15 medical cannabis product contains medical cannabis and which
16 packaging shall not imitate candy products or in any way make
17 the product marketable to children.

18 Sec. 14. NEW SECTION. 124F.10 Fees.

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

27 Sec. 15. NEW SECTION. 124F.11 Department duties — rules.

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

35 b. Individual names contained in the file shall be

1 confidential and shall not be subject to disclosure, except as
2 provided in subparagraph (1).

3 (1) Information in the confidential file maintained
4 pursuant to paragraph "a" may be released on an individual basis
5 to the following persons under the following circumstances:

6 (a) To authorized employees or agents of the department and
7 the department of transportation as necessary to perform the
8 duties of the department and the department of transportation
9 pursuant to this chapter.

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

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

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

22 (2) Release of information pursuant to subparagraph
23 (1) shall be consistent with the federal Health Insurance
24 Portability and Accountability Act of 1996, Pub. L. No.
25 104-191.

26 2. The department shall adopt rules pursuant to chapter
27 17A to administer this chapter which shall include but not be
28 limited to rules to do all of the following:

29 a. Govern the manner in which the department shall consider
30 applications for new and renewal medical cannabis registration
31 cards.

32 b. Identify criteria and set forth procedures for
33 including additional chronic or debilitating diseases or
34 medical conditions or their medical treatments on the list of
35 debilitating medical conditions that qualify for the use of

1 medical cannabis. Procedures shall include a petition process
2 and shall allow for public comment and public hearings before
3 the medical advisory board.

4 *c.* Set forth additional chronic or debilitating diseases
5 or medical conditions or associated medical treatments for
6 inclusion on the list of debilitating medical conditions that
7 qualify for the use of medical cannabis as recommended by the
8 medical advisory board.

9 *d.* Establish, in consultation with medical cannabis
10 manufacturers and medical cannabis dispensaries, the form and
11 quantity of medical cannabis allowed to be dispensed to a
12 patient or primary caregiver pursuant to this chapter. The
13 form and quantity of medical cannabis shall be appropriate to
14 serve the medical needs of patients with debilitating medical
15 conditions.

16 *e.* Establish, in conjunction with the medical advisory
17 board, requirements for the licensure of medical cannabis
18 manufacturers and medical cannabis dispensaries and set forth
19 procedures for medical cannabis manufacturers and medical
20 cannabis dispensaries to obtain licenses.

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

23 (1) Medical cannabis dispensaries within this state housed
24 on secured grounds and operated by licensed medical cannabis
25 dispensaries.

26 (2) The dispensing of medical cannabis to patients and
27 their primary caregivers to occur at locations designated by
28 the department.

29 *g.* Establish and collect annual fees from medical cannabis
30 manufacturers and medical cannabis dispensaries to cover
31 the costs associated with regulating and inspecting medical
32 cannabis manufacturers and medical cannabis dispensaries.

33 *h.* Specify and implement procedures that address public
34 safety including security procedures and product quality
35 including measures to ensure contaminant-free cultivation of

1 medical cannabis, safety, and labeling.

2 *i.* Establish and implement a medical cannabis inventory
3 and delivery tracking system to track medical cannabis
4 from production by a medical cannabis manufacturer through
5 dispensing at a medical cannabis dispensary.

6 Sec. 16. NEW SECTION. 124F.12 **Reciprocity.**

7 A valid medical cannabis registration card, or its
8 equivalent, issued under the laws of another state that allows
9 an out-of-state patient to possess or use medical cannabis in
10 the jurisdiction of issuance shall have the same force and
11 effect as a valid medical cannabis registration card issued
12 pursuant to this chapter, except that an out-of-state patient
13 in this state shall not obtain medical cannabis from a medical
14 cannabis dispensary in this state and an out-of-state patient
15 shall not smoke medical cannabis.

16 Sec. 17. NEW SECTION. 124F.13 **Use of medical cannabis —**
17 **affirmative defenses.**

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

26 2. A medical cannabis manufacturer, including any
27 authorized agent or employee thereof, shall not be subject
28 to prosecution for manufacturing, possessing, cultivating,
29 harvesting, packaging, processing, transporting, or supplying
30 medical cannabis pursuant to this chapter.

31 3. A medical cannabis dispensary, including any authorized
32 agent or employee thereof, shall not be subject to prosecution
33 for transporting, supplying, or dispensing medical cannabis
34 pursuant to this chapter.

35 *a.* In a prosecution for the unlawful possession of marijuana

1 under the laws of this state, including but not limited to
2 chapters 124 and 453B, it is an affirmative and complete
3 defense to the prosecution that the patient has been diagnosed
4 with a debilitating medical condition, used or possessed
5 medical cannabis pursuant to a certification by a health care
6 practitioner as authorized under this chapter, and, for a
7 patient eighteen years of age or older, is in possession of a
8 valid medical cannabis registration card.

9 *b.* In a prosecution for the unlawful possession of marijuana
10 under the laws of this state, including but not limited to
11 chapters 124 and 453B, it is an affirmative and complete
12 defense to the prosecution that the person possessed medical
13 cannabis because the person is a primary caregiver of a patient
14 who has been diagnosed with a debilitating medical condition
15 and is in possession of a valid medical cannabis registration
16 card, and where the primary caregiver's possession of the
17 medical cannabis is on behalf of the patient and for the
18 patient's use only as authorized under this chapter.

19 *c.* If a patient or primary caregiver is charged with the
20 commission of a crime and is not in possession of the person's
21 medical cannabis registration card, any charge or charges filed
22 against the person shall be dismissed by the court if the
23 person produces to the court prior to or at the person's trial
24 a medical cannabis registration card issued to that person and
25 valid at the time the person was charged.

26 4. An agency of this state or a political subdivision
27 thereof, including any law enforcement agency, shall not remove
28 or initiate proceedings to remove a patient under the age
29 of eighteen from the home of a parent based solely upon the
30 parent's or patient's possession or use of medical cannabis as
31 authorized under this chapter.

32 Sec. 18. NEW SECTION. **124F.14 Penalties.**

33 1. A person who knowingly or intentionally possesses or
34 uses medical cannabis in violation of the requirements of this
35 chapter is subject to the penalties provided under chapters 124

1 and 453B.

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

6 Sec. 19. NEW SECTION. 124F.15 Use of medical cannabis —
7 smoking prohibited.

8 A patient shall not consume medical cannabis possessed
9 or used as authorized under this chapter by smoking medical
10 cannabis.

11 Sec. 20. NEW SECTION. 124F.16 Employment.

12 1. An employer in this state may retain, create, reinstate,
13 or enforce a written zero tolerance policy prohibiting the
14 possession or use of medical cannabis or any derivative
15 thereof including cannabidiol by an employee in the employer's
16 workplace, including but not limited to a policy prohibiting
17 an employee from having any detectable amount of medical
18 cannabis or any derivative thereof including cannabidiol in the
19 employee's body while at work.

20 2. An employer's prohibition of the possession or use
21 of medical cannabis or any derivative thereof including
22 cannabidiol under this section shall not be considered to be
23 an unfair or discriminatory employment practice under section
24 216.6.

25 Sec. 21. Section 730.5, subsection 11, paragraph f, Code
26 2019, is amended to read as follows:

27 f. Testing or taking action against an employee or
28 prospective employee with a confirmed positive test result due
29 to the employee's or prospective employee's use of medical
30 ~~cannabidiol~~ cannabis as authorized under ~~chapter 124E~~ 124F.

31 Sec. 22. REPEAL. Chapter 124E, Code 2019, is repealed.

32 Sec. 23. EMERGENCY RULES. The department may adopt
33 emergency rules under section 17A.4, subsection 3, and section
34 17A.5, subsection 2, paragraph "b", to implement the provisions
35 of this division of this Act and the rules shall be effective

1 immediately upon filing unless a later date is specified in the
2 rules. Any rules adopted in accordance with this section shall
3 also be published as a notice of intended action as provided
4 in section 17A.4.

5 Sec. 24. TRANSITION PROVISIONS.

6 1. A medical cannabidiol registration card issued
7 under chapter 124E prior to the effective date of this Act
8 remains effective and continues in effect as issued for the
9 twelve-month period following its issuance. This Act does not
10 preclude a medical cannabidiol registration card holder from
11 seeking to renew the registration card prior to the expiration
12 of the twelve-month period.

13 2. Members of the medical cannabidiol board created in
14 section 124E.5 shall continue to serve until the appointment of
15 the medical advisory board created in section 124F.5.

16 3. Any rule, form, order, license, or directive promulgated
17 by the medical cannabidiol board created in section 124E.5, or
18 by the department, in force and effect immediately prior to the
19 appointment of the medical advisory board, shall continue in
20 full force and effect until the earlier of the following:

21 a. It is amended, rescinded, or supplemented by the
22 affirmative actions of the medical advisory board or the
23 department, as applicable.

24 b. It expires by its own terms.

25 4. A medical cannabidiol manufacturer licensed pursuant
26 to section 124E.6 and operating immediately prior to the
27 effective date of this Act shall operate as a medical cannabis
28 manufacturer pursuant to section 124F.6 until the earlier of
29 the following:

30 a. The license is revoked by the affirmative action of the
31 department.

32 b. The license expires by its own terms.

33 c. The medical cannabidiol manufacturer becomes licensed as
34 a medical cannabis manufacturer.

35 5. A medical cannabidiol dispensary licensed pursuant to

1 section 124E.8 and operating immediately prior to the effective
2 date of this Act shall operate as a medical cannabis dispensary
3 pursuant to section 124F.8 until the earlier of the following:

4 a. The license is revoked by the affirmative action of the
5 department.

6 b. The license expires by its own terms.

7 c. The medical cannabidiol dispensary becomes licensed as
8 a medical cannabis dispensary.

9 Sec. 25. EFFECTIVE UPON ENACTMENT. This Act, being deemed
10 of immediate importance, takes effect upon enactment.

11 EXPLANATION

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

14 This bill creates the compassionate use of medical cannabis
15 Act, reclassifies marijuana, including tetrahydrocannabinols,
16 from a schedule I controlled substance to a schedule II
17 controlled substance, and provides for civil and criminal
18 penalties and fees.

19 OVERVIEW. The bill allows a patient with a debilitating
20 medical condition who receives a written certification from
21 the patient's health care practitioner that the patient has
22 a debilitating medical condition and who submits the written
23 certification along with an application to the department of
24 public health (department) for a medical cannabis registration
25 card to allow for the lawful use of medical cannabis to treat
26 the patient's debilitating medical condition. A patient who
27 is issued a medical cannabis registration card will be able
28 to receive medical cannabis directly from a medical cannabis
29 dispensary operated and licensed in this state.

30 RECLASSIFICATION. The bill reclassifies marijuana,
31 including tetrahydrocannabinols as a schedule II controlled
32 substance instead of a schedule I controlled substance and
33 strikes references to the authority of the board of pharmacy to
34 adopt rules for the use of marijuana or tetrahydrocannabinols
35 for medicinal purposes.

1 A schedule I controlled substance is a highly addictive
2 substance that has no accepted medical use in the United States
3 and a schedule II controlled substance is a highly addictive
4 substance that has an accepted medical use in the United
5 States. The reclassification of marijuana from a schedule I
6 controlled substance to a schedule II controlled substance
7 would allow a physician to issue a prescription for marijuana
8 under state law. However, federal regulations may prohibit
9 such prescriptions.

10 The penalties remain unchanged for violations involving
11 marijuana under the bill. The penalties under Code section
12 124.401 range from a class "B" felony punishable by up to 50
13 years of confinement to a serious misdemeanor punishable by
14 up to six months of confinement depending on the amount of
15 marijuana involved in the offense.

16 The bill amends Code section 124.401, relating to prohibited
17 acts involving controlled substances, to provide that it is
18 lawful for a person to knowingly or intentionally recommend,
19 possess, use, dispense, deliver, transport, or administer
20 medical cannabis if the recommendation, possession, use,
21 dispensing, delivery, transporting, or administering is in
22 accordance with the provisions of the bill.

23 DEFINITIONS. The bill provides the following definitions:

24 "Debilitating medical condition" means cancer, multiple
25 sclerosis, epilepsy or seizure disorders, AIDS or HIV,
26 Hepatitis C, Crohn's disease or ulcerative colitis, amyotrophic
27 lateral sclerosis, intractable pain, glaucoma, any terminal
28 illness with a probable life expectancy of under one year,
29 Ehlers-Danlos syndrome, post-traumatic stress disorder,
30 Tourette's syndrome, and any other chronic or debilitating
31 disease or medical condition or its medical treatment approved
32 by the department by rule.

33 "Health care practitioner" means an individual licensed
34 under Code chapter 148 to practice medicine and surgery or
35 osteopathic medicine and surgery or an individual licensed to

1 prescribe medicine in any other state who provides specialty
2 care to an Iowa resident for one or more debilitating medical
3 conditions specified in the bill.

4 "Medical cannabis" means any species of the genus cannabis
5 plant, or any mixture or preparation of them, including whole
6 plant extracts and resins.

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

10 "Medical cannabis dispensary" means an entity licensed under
11 the bill that acquires medical cannabis from a medical cannabis
12 manufacturer in this state for the purpose of dispensing
13 medical cannabis in this state pursuant to the bill.

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

20 "Written certification" means a document signed by a health
21 care practitioner, with whom the patient has established a
22 patient-provider relationship, which states that the patient
23 has a debilitating medical condition and which identifies that
24 condition, and provides any other relevant information.

25 HEALTH CARE PRACTITIONER CERTIFICATION. The bill provides
26 that prior to a patient's submission of an application
27 for a medical cannabis registration card, if a health care
28 practitioner determines that the patient whom the health
29 care practitioner has examined and treated suffers from a
30 debilitating medical condition, the health care practitioner
31 may provide the patient with a written certification of that
32 diagnosis. The health care practitioner must also provide
33 explanatory information to the patient about the therapeutic
34 use of medical cannabis, and if the patient continues to
35 suffer from a debilitating medical condition, the health care

1 practitioner may issue the patient a new certification of
2 that diagnosis on an annual basis. The bill specifies that
3 a health care practitioner has no duty to provide a written
4 certification.

5 MEDICAL CANNABIS REGISTRATION CARD — PATIENT AND PRIMARY
6 CAREGIVER. The department may approve the issuance of a
7 medical cannabis registration card to a patient who is at least
8 18 years of age and is a permanent resident of this state, who
9 submits a written certification by the patient's health care
10 practitioner to the department, and who submits an application
11 to the department with certain information along with a medical
12 registration card fee. The department may also approve the
13 issuance of a medical cannabis registration card to a primary
14 caregiver who is at least 18 years of age, who submits a
15 written certification by the patient's health care practitioner
16 to the department on behalf of the patient, and who submits an
17 application to the department with certain information along
18 with a medical cannabis registration card fee. A medical
19 cannabis registration card expires one year after the date of
20 issuance and may be renewed.

21 MEDICAL ADVISORY BOARD. The director of public health is
22 directed to establish a medical advisory board, no later than
23 August 15, 2019, to consist of nine practitioners representing
24 the fields of neurology, pain management, gastroenterology,
25 oncology, psychiatry, pediatrics, infectious disease,
26 family medicine, and pharmacy, and three patients or primary
27 caregivers with valid medical cannabis registration cards. The
28 duties of the board include but are not limited to reviewing
29 and recommending to the department for approval additional
30 chronic or debilitating diseases or medical conditions or their
31 treatments as debilitating medical conditions that qualify for
32 the use of medical cannabis under the bill.

33 MEDICAL CANNABIS MANUFACTURERS AND MEDICAL CANNABIS
34 DISPENSARIES — LICENSURE. The bill requires the department
35 to license up to four medical cannabis manufacturers for

1 the manufacture of medical cannabis within this state by
2 December 1, 2019, and to license twelve medical cannabis
3 dispensaries by April 2, 2020. Information submitted during
4 the application process is confidential until the medical
5 cannabis manufacturer or the medical cannabis dispensary is
6 licensed by the department unless otherwise protected from
7 disclosure under state or federal law. As a condition for
8 licensure, a medical cannabis manufacturer must agree to begin
9 supplying medical cannabis to medical cannabis dispensaries in
10 this state by July 2, 2020, and a medical cannabis dispensary
11 must agree to begin supplying medical cannabis to patients by
12 July 16, 2020. The department is directed to consider several
13 factors in determining whether to license a medical cannabis
14 manufacturer and a medical cannabis dispensary including
15 technical expertise, employee qualifications, financial
16 stability, security measures, and production needs and
17 capacity. Each medical cannabis manufacturer is required to
18 contract with a laboratory approved by the department to test
19 the medical cannabis produced by the manufacturer and to report
20 testing results to the medical cannabis manufacturer. Each
21 entity submitting an application for licensure as a medical
22 cannabis manufacturer shall pay a nonrefundable application
23 fee of \$15,000 to the department and each entity submitting
24 an application for licensure as a medical cannabis dispensary
25 shall pay a nonrefundable application fee of \$15,000 to the
26 department.

27 MEDICAL CANNABIS MANUFACTURERS AND MEDICAL CANNABIS
28 DISPENSARIES — ADDITIONAL PROVISIONS. The operating
29 documents of a medical cannabis manufacturer and a medical
30 cannabis dispensary shall include procedures for oversight and
31 recordkeeping activities of the medical cannabis manufacturer
32 and the medical cannabis dispensary and certain security
33 measures undertaken by the medical cannabis manufacturer
34 and the medical cannabis dispensary. A medical cannabis
35 manufacturer and a medical cannabis dispensary are prohibited

1 from sharing office space with, referring patients to,
2 or having a financial relationship with a health care
3 practitioner, permitting any person to consume medical cannabis
4 on the property of the medical cannabis manufacturer or the
5 medical cannabis dispensary, employing a person who is under
6 18 years of age or who has been convicted of a disqualifying
7 felony offense, and from operating in any location within 1,000
8 feet of a public or private school existing before the date
9 of the licensure of the medical cannabis manufacturer or the
10 medical cannabis dispensary. In addition, a medical cannabis
11 manufacturer and a medical cannabis dispensary are subject to
12 reasonable inspection and certain reasonable restrictions.

13 A medical cannabis manufacturer is required to provide a
14 reliable and ongoing supply of medical cannabis to medical
15 cannabis dispensaries and shall not manufacture edible medical
16 cannabis products utilizing food coloring. All manufacturing,
17 cultivating, harvesting, packaging, and processing of medical
18 cannabis is required to take place in an enclosed, locked
19 facility.

20 Prior to dispensing any medical cannabis, a medical cannabis
21 dispensary is required to verify that the medical cannabis
22 dispensary has received a valid medical cannabis registration
23 card from a patient or a patient's primary caregiver, if
24 applicable, assign a tracking number to any medical cannabis
25 dispensed from the medical cannabis dispensary, and properly
26 package and label medical cannabis in compliance with the
27 provisions of the bill and certain federal laws.

28 DEPARTMENT DUTIES — CONFIDENTIALITY. The department
29 is required to maintain a confidential file of the names
30 of each patient and primary caregiver issued a medical
31 cannabis registration card, and the names of each health
32 care practitioner who provides a written certification for
33 medical cannabis under the bill. Individual names contained
34 in the file shall be confidential and shall not be subject to
35 disclosure, except that information in the confidential file

1 may be released on an individual basis to authorized employees
2 or agents of the department, the department of transportation,
3 and a medical cannabis dispensary as necessary to perform
4 their duties, to authorized employees of state or local law
5 enforcement agencies for the purpose of verifying that a person
6 is lawfully in possession of a medical cannabis registration
7 card, and to any other authorized employees for the purpose of
8 verifying that a person is lawfully in possession of a medical
9 cannabis registration card. Release of information must also
10 be consistent with federal Health Insurance Portability and
11 Accountability Act regulations.

12 ADDITIONAL DEPARTMENT DUTIES — RULES. The bill requires
13 the department to adopt rules relating to the manner in which
14 the department shall consider applications for new and renewal
15 medical cannabis registration cards, identify criteria and
16 set forth procedures for including additional chronic or
17 debilitating diseases or medical conditions or their medical
18 treatments on the list of debilitating medical conditions,
19 establish the form and quantity of medical cannabis allowed to
20 be dispensed to a patient or primary caregiver in the form and
21 quantity appropriate to serve the medical needs of the patient
22 with the debilitating medical condition, establish requirements
23 for the licensure of medical cannabis manufacturers and medical
24 cannabis dispensaries, develop a dispensing system for medical
25 cannabis within this state that follows certain requirements,
26 establish and implement a medical cannabis inventory and
27 delivery tracking system, and specify and implement procedures
28 that address public safety including security procedures and
29 product quality, safety, and labeling.

30 RECIPROCITY. The bill provides that a valid medical
31 cannabis registration card, or its equivalent, issued under
32 the laws of another state that allows an out-of-state patient
33 to possess or use medical cannabis in the jurisdiction of
34 issuance shall have the same force and effect as a valid
35 medical cannabis card issued under the bill, except that an

1 out-of-state patient in this state shall not obtain medical
2 cannabis from a medical cannabis dispensary and an out-of-state
3 patient shall not smoke medical cannabis in this state.

4 USE OF MEDICAL CANNABIS — SMOKING PROHIBITED. The bill
5 provides that a patient shall not consume the medical cannabis
6 by smoking the medical cannabis.

7 USE OF MEDICAL CANNABIS — AFFIRMATIVE DEFENSES. The bill
8 provides prosecution immunity for a health care practitioner,
9 a medical cannabis manufacturer, and a medical cannabis
10 dispensary, including any authorized agents or employees of the
11 health care practitioner, medical cannabis manufacturer, and
12 medical cannabis dispensary, for activities undertaken by the
13 health care practitioner, medical cannabis manufacturer, and
14 medical cannabis dispensary pursuant to the provisions of the
15 bill.

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

30 The bill provides that an agency of this state or a political
31 subdivision thereof, including any law enforcement agency,
32 shall not remove or initiate proceedings to remove a patient
33 under the age of 18 from the home of a parent based solely upon
34 the parent's or patient's possession or use of medical cannabis
35 as authorized under the bill.

1 PENALTIES. The bill provides that a person who knowingly or
2 intentionally possesses or uses medical cannabis in violation
3 of the requirements of the bill is subject to the penalties
4 provided under Code chapters 124 and 453B. In addition, a
5 medical cannabis manufacturer or a medical cannabis dispensary
6 shall be assessed a civil penalty of up to \$1,000 per violation
7 for any violation of the bill in addition to any other
8 applicable penalties.

9 REPEAL. The bill repeals Code chapter 124E, the medical
10 cannabidiol Act.

11 EMERGENCY RULES. The bill provides that the department
12 may adopt emergency rules and the rules shall be effective
13 immediately upon filing unless a later date is specified in the
14 rules.

15 EFFECTIVE DATE. The bill takes effect upon enactment.

16 TRANSITION PROVISIONS. The bill provides that a medical
17 cannabis registration card issued under Code chapter 124E
18 (medical cannabidiol Act) prior to the effective date of the
19 bill, shall remain effective and continues in effect as issued
20 for the 12-month period following its issuance. The bill also
21 provides that members of the medical cannabidiol board shall
22 continue to serve until the appointment of the medical advisory
23 board and that rules, forms, orders, licenses, and directives
24 promulgated by the medical cannabidiol board that are in force
25 and effect immediately prior to the appointment of the medical
26 advisory board shall remain in full force and effect until
27 amended, rescinded, or supplemented by affirmative actions of
28 the medical advisory board or they expire by their own terms.