

Senate File 2152 - Introduced

SENATE FILE 2152

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A BILL FOR

1 An Act relating to 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 ACT

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, subsection 2, Code 2020, is amended by adding the following new paragraphs:

- NEW PARAGRAPH. *j.* Glaucoma.
- NEW PARAGRAPH. *k.* Hepatitis C.
- NEW PARAGRAPH. *l.* Ehlers-Danlos syndrome.
- NEW PARAGRAPH. *m.* Post-traumatic stress disorder.
- NEW PARAGRAPH. *n.* Tourette's syndrome.
- NEW PARAGRAPH. *o.* Muscular dystrophy.

Sec. 3. 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 podiatric physician licensed under chapter 149, an advanced registered nurse practitioner licensed under chapter 152, or an advanced practice registered nurse licensed 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.

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

3 Subject to subsection 7, the department may ~~approve the~~
4 ~~issuance of~~ issue a medical ~~eannabidiol~~ cannabis registration
5 card ~~by the department of transportation~~ to a patient who:

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

9 Submits an application to the department, on a form created
10 by the department, ~~in consultation with the department of~~
11 ~~transportation~~, that contains all of the following:

12 Sec. 6. Section 124E.4, subsection 1, paragraph e, Code
13 2020, is amended to read as follows:

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

20 Sec. 7. Section 124E.4, subsection 2, unnumbered paragraph
21 1, Code 2020, is amended to read as follows:

22 A medical ~~eannabidiol~~ cannabis registration card issued
23 to a patient by the department ~~of transportation~~ pursuant to
24 subsection 1 shall contain, at a minimum, all of the following:

25 Sec. 8. Section 124E.4, subsection 3, unnumbered paragraph
26 1, Code 2020, is amended to read as follows:

27 For a patient in a primary caregiver's care, subject to
28 subsection 7, the department may ~~approve the issuance of~~
29 issue a medical ~~eannabidiol~~ cannabis registration card ~~by the~~
30 ~~department of transportation~~ to the primary caregiver who:

31 Sec. 9. Section 124E.4, subsection 3, paragraph b,
32 unnumbered paragraph 1, Code 2020, is amended to read as
33 follows:

34 Submits an application to the department, on a form created
35 by the department, ~~in consultation with the department of~~

1 ~~transportation~~, that contains all of the following:

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

4 A medical ~~eannabidiol~~ cannabis registration card issued
5 by the department of ~~transportation~~ to a primary caregiver
6 pursuant to subsection 3 shall contain, at a minimum, all of
7 the following:

8 Sec. 11. Section 124E.4, subsection 6, Code 2020, is amended
9 by striking the subsection.

10 Sec. 12. Section 124E.5, subsection 1, paragraph a, Code
11 2020, is amended to read as follows:

12 a. A medical ~~eannabidiol~~ cannabis board is created
13 consisting of eight practitioners representing the fields
14 of neurology, pain management, gastroenterology, oncology,
15 psychiatry, pediatrics, family medicine, and pharmacy, ~~and~~ one
16 representative from law enforcement, and three patients with
17 valid medical cannabis registration cards.

18 Sec. 13. Section 124E.5, subsection 4, Code 2020, is amended
19 to read as follows:

20 4. Recommendations made by the medical ~~eannabidiol~~ cannabis
21 board pursuant to subsection 3, paragraphs "b" and "e", shall
22 be made to the ~~board of medicine department~~ for consideration,
23 and if approved, shall be adopted by the ~~board of medicine~~
24 department by rule.

25 Sec. 14. Section 124E.8, subsection 1, paragraph a, Code
26 2020, is amended to read as follows:

27 a. The department shall issue a request for proposals to
28 select and license by April 1, ~~2018~~ 2021, up to five seventeen
29 medical ~~eannabidiol~~ cannabis dispensaries to dispense medical
30 ~~eannabidiol~~ cannabis within this state consistent with the
31 provisions of this chapter and shall prioritize the approval
32 of licenses for new medical cannabis dispensaries in rural
33 communities. The department shall license new medical
34 ~~eannabidiol~~ cannabis dispensaries or relicense the existing
35 medical ~~eannabidiol~~ cannabis dispensaries by December 1 of each

1 year.

2 Sec. 15. Section 124E.9, Code 2020, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 13. a. Except as otherwise provided
5 in paragraph "b", a medical cannabis dispensary shall not
6 dispense more than a combined total of twenty-five grams of
7 tetrahydrocannabinol to a patient and the patient's primary
8 caregiver in a ninety-day period.

9 b. The department shall adopt rules allowing the health
10 care practitioner who originally certified a patient to receive
11 a medical cannabis registration card to apply for, and the
12 medical cannabis board to expeditiously and efficiently grant,
13 a waiver to permit the patient and the patient's primary
14 caregiver to receive more than a combined total of twenty-five
15 grams of tetrahydrocannabinol in a ninety-day period if the
16 health care practitioner submits documentation certifying all
17 of the following:

18 (1) The health care practitioner performed a physical
19 examination of the patient and has determined that twenty-five
20 grams of tetrahydrocannabinol per ninety-day period is not an
21 adequate amount to alleviate the patient's debilitating medical
22 condition.

23 (2) The patient's debilitating medical condition is a
24 terminal illness with a life expectancy of less than one year.

25 Sec. 16. Section 124E.11, subsection 1, paragraph b,
26 subparagraph (1), subparagraph divisions (a) and (c), Code
27 2020, are amended to read as follows:

28 (a) To authorized employees or agents of the department and
29 ~~the department of transportation~~ as necessary to perform the
30 duties of the department ~~and the department of transportation~~
31 pursuant to [this chapter](#).

32 (c) To authorized employees of a medical ~~cannabidiol~~
33 cannabis dispensary, but only for the ~~purpose~~ purposes
34 of verifying that a person is lawfully in possession of
35 a medical ~~cannabidiol~~ cannabis registration card issued

1 pursuant to this chapter and that a person has not purchased
2 tetrahydrocannabinol in excess of the amount authorized by this
3 chapter.

4 Sec. 17. Section 124E.11, subsection 2, paragraph c, Code
5 2020, is amended to read as follows:

6 c. Establish the form and quantity of medical ~~cannabidiol~~
7 cannabis allowed to be dispensed to a patient or primary
8 caregiver pursuant to this chapter as appropriate to serve the
9 medical needs of patients with debilitating medical conditions,
10 subject to recommendation by the medical ~~cannabidiol~~ cannabis
11 board and approval by the ~~board of medicine~~ department.

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

14 7. Notwithstanding any law to the contrary, the department,
15 ~~the department of transportation,~~ the governor, or any employee
16 of any state agency shall not be held civilly or criminally
17 liable for any injury, loss of property, personal injury, or
18 death caused by any act or omission while acting within the
19 scope of office or employment as authorized under this chapter.

20 Sec. 19. TRANSITION PROVISIONS. A medical cannabidiol
21 registration card issued prior to July 1, 2020, remains
22 effective and continues in effect as issued for the
23 twelve-month period following its issuance.

24 DIVISION II

25 CONFORMING CHANGES

26 Sec. 20. Section 124.401, subsection 5, unnumbered
27 paragraph 3, Code 2020, is amended to read as follows:

28 A person may knowingly or intentionally recommend, possess,
29 use, dispense, deliver, transport, or administer ~~cannabidiol~~
30 medical cannabis if the recommendation, possession, use,
31 dispensing, delivery, transporting, or administering is in
32 accordance with the provisions of chapter 124E. For purposes
33 of this paragraph, "~~cannabidiol~~" "medical cannabis" means the
34 same as defined in section 124E.2.

35 Sec. 21. Section 124E.2, subsection 7, Code 2020, is amended

1 to read as follows:

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

10 Sec. 22. Section 124E.3, subsection 1, Code 2020, is amended
11 to read as follows:

12 1. Prior to a patient's submission of an application for
13 a medical ~~cannabidiol~~ cannabis registration card pursuant to
14 section 124E.4, a health care practitioner shall do all of the
15 following:

16 a. Determine, in the health care practitioner's medical
17 judgment, whether the patient whom the health care practitioner
18 has examined and treated suffers from a debilitating medical
19 condition that qualifies for the use of medical ~~cannabidiol~~
20 cannabis under [this chapter](#), and if so determined, provide the
21 patient with a written certification of that diagnosis.

22 b. Provide explanatory information as provided by the
23 department to the patient about the therapeutic use of medical
24 ~~cannabidiol~~ cannabis and the possible risks, benefits, and side
25 effects of the proposed treatment.

26 Sec. 23. Section 124E.4, subsection 1, paragraph e, Code
27 2020, is amended to read as follows:

28 e. Submits a medical ~~cannabidiol~~ cannabis registration card
29 fee of one hundred dollars to the department. If the patient
30 attests to receiving social security disability benefits,
31 supplemental security insurance payments, or being enrolled in
32 the medical assistance program, the fee shall be twenty-five
33 dollars.

34 Sec. 24. Section 124E.4, subsection 2, paragraph c, Code
35 2020, is amended to read as follows:

1 c. The date of issuance and expiration date of the medical
2 ~~cannabidiol~~ cannabis registration card.

3 Sec. 25. Section 124E.4, subsection 3, paragraph d, Code
4 2020, is amended to read as follows:

5 d. Submits a medical ~~cannabidiol~~ cannabis registration card
6 fee of twenty-five dollars to the department.

7 Sec. 26. Section 124E.4, subsection 4, paragraph d, Code
8 2020, is amended to read as follows:

9 d. The medical ~~cannabidiol~~ cannabis registration card
10 number of each patient in the primary caregiver's care. If
11 the patient in the primary caregiver's care is under the age
12 of eighteen, the full name of the patient's parent or legal
13 guardian.

14 Sec. 27. Section 124E.4, subsections 5 and 7, Code 2020, are
15 amended to read as follows:

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

19 7. *Federally approved clinical trials.* The department shall
20 not approve the issuance of a medical ~~cannabidiol~~ cannabis
21 registration card pursuant to [this section](#) for a patient who
22 is enrolled in a federally approved clinical trial for the
23 treatment of a debilitating medical condition with medical
24 ~~cannabidiol~~ cannabis.

25 Sec. 28. Section 124E.5, subsection 1, paragraph b, Code
26 2020, is amended to read as follows:

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

30 Sec. 29. Section 124E.5, subsections 2, 3, and 5, Code 2020,
31 are amended to read as follows:

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

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

1 *a.* Accepting and reviewing petitions to add medical
2 conditions, medical treatments, or debilitating diseases to the
3 list of debilitating medical conditions for which the medical
4 use of ~~eannabidiol~~ cannabis would be medically beneficial under
5 this chapter.

6 *b.* Making recommendations relating to the removal or
7 addition of debilitating medical conditions to the list
8 of allowable debilitating medical conditions for which the
9 medical use of ~~eannabidiol~~ cannabis under **this chapter** would
10 be medically beneficial.

11 *c.* Working with the department regarding the requirements
12 for the licensure of medical ~~eannabidiol~~ cannabis manufacturers
13 and medical ~~eannabidiol~~ cannabis dispensaries, including
14 licensure procedures.

15 *d.* Advising the department regarding the location of medical
16 ~~eannabidiol~~ cannabis manufacturers and medical ~~eannabidiol~~
17 cannabis dispensaries throughout the state.

18 *e.* Making recommendations relating to the form and quantity
19 of allowable medical uses of ~~eannabidiol~~ cannabis.

20 5. On or before January 1 of each year, beginning January
21 1, 2018, the medical ~~eannabidiol~~ cannabis board shall submit a
22 report detailing the activities of the board.

23 Sec. 30. Section 124E.6, Code 2020, is amended to read as
24 follows:

25 **124E.6 Medical ~~eannabidiol~~ cannabis manufacturer licensure.**

26 1. *a.* The department shall issue a request for proposals
27 to select and license by December 1, 2017, up to two medical
28 ~~eannabidiol~~ cannabis manufacturers to manufacture and to
29 possess, cultivate, harvest, transport, package, process,
30 or supply medical ~~eannabidiol~~ cannabis within this state
31 consistent with the provisions of **this chapter**. The department
32 shall license new medical ~~eannabidiol~~ cannabis manufacturers
33 or relicense the existing medical ~~eannabidiol~~ cannabis
34 manufacturers by December 1 of each year.

35 *b.* Information submitted during the application process

1 shall be confidential until a medical ~~cannabidiol~~ cannabis
2 manufacturer is licensed by the department unless otherwise
3 protected from disclosure under state or federal law.

4 2. As a condition for licensure, a medical ~~cannabidiol~~
5 cannabis manufacturer must agree to begin supplying medical
6 ~~cannabidiol~~ cannabis to medical ~~cannabidiol~~ cannabis
7 dispensaries in this state no later than December 1, 2018.

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

11 a. The technical expertise of the medical ~~cannabidiol~~
12 cannabis manufacturer regarding medical ~~cannabidiol~~ cannabis.

13 b. The qualifications of the medical ~~cannabidiol~~ cannabis
14 manufacturer's employees.

15 c. The long-term financial stability of the medical
16 ~~cannabidiol~~ cannabis manufacturer.

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

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

28 f. The medical ~~cannabidiol~~ cannabis manufacturer's
29 projection of and ongoing assessment of fees on patients with
30 debilitating medical conditions.

31 4. The department shall require each medical ~~cannabidiol~~
32 cannabis manufacturer to contract with the state hygienic
33 laboratory at the university of Iowa in Iowa City or an
34 independent medical ~~cannabidiol~~ cannabis testing laboratory to
35 perform spot-check testing of the medical ~~cannabidiol~~ cannabis

1 produced by the manufacturer as provided in [section 124E.7](#).
2 The department shall require that the laboratory report testing
3 results to the manufacturer in a manner determined by the
4 department pursuant to rule.

5 5. Each entity submitting an application for licensure
6 as a medical ~~cannabidiol~~ cannabis manufacturer shall pay a
7 nonrefundable application fee of seven thousand five hundred
8 dollars to the department.

9 Sec. 31. Section 124E.7, Code 2020, is amended to read as
10 follows:

11 **124E.7 Medical ~~cannabidiol~~ cannabis manufacturers.**

12 1. A medical ~~cannabidiol~~ cannabis manufacturer shall
13 contract with the state hygienic laboratory at the university
14 of Iowa in Iowa City or an independent medical ~~cannabidiol~~
15 cannabis testing laboratory to perform spot-check testing of
16 the medical ~~cannabidiol~~ cannabis manufactured by the medical
17 ~~cannabidiol~~ cannabis manufacturer as to content, contamination,
18 and consistency. The cost of all laboratory testing shall be
19 paid by the medical ~~cannabidiol~~ cannabis manufacturer.

20 2. The operating documents of a medical ~~cannabidiol~~
21 cannabis manufacturer shall include all of the following:

22 a. Procedures for the oversight of the medical ~~cannabidiol~~
23 cannabis manufacturer and procedures to ensure accurate
24 recordkeeping.

25 b. Procedures for the implementation of appropriate security
26 measures to deter and prevent the theft of medical ~~cannabidiol~~
27 cannabis and unauthorized entrance into areas containing
28 medical ~~cannabidiol~~ cannabis.

29 3. A medical ~~cannabidiol~~ cannabis manufacturer shall
30 implement security requirements, including requirements for
31 protection of each location by a fully operational security
32 alarm system, facility access controls, perimeter intrusion
33 detection systems, and a personnel identification system.

34 4. A medical ~~cannabidiol~~ cannabis manufacturer shall
35 not share office space with, refer patients to, or have any

1 financial relationship with a health care practitioner.

2 5. A medical ~~cannabidiol~~ cannabis manufacturer shall not
3 permit any person to consume medical ~~cannabidiol~~ cannabis on
4 the property of the medical ~~cannabidiol~~ cannabis manufacturer.

5 6. A medical ~~cannabidiol~~ cannabis manufacturer is subject
6 to reasonable inspection by the department.

7 7. A medical ~~cannabidiol~~ cannabis manufacturer shall not
8 employ a person who is under eighteen years of age or who has
9 been convicted of a disqualifying felony offense. An employee
10 of a medical ~~cannabidiol~~ cannabis manufacturer shall be subject
11 to a background investigation conducted by the division of
12 criminal investigation of the department of public safety and a
13 national criminal history background check pursuant to section
14 124E.19.

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

21 9. A medical ~~cannabidiol~~ cannabis manufacturer shall not
22 operate at the same physical location as a medical ~~cannabidiol~~
23 cannabis dispensary.

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

30 11. A medical ~~cannabidiol~~ cannabis manufacturer shall
31 comply with reasonable restrictions set by the department
32 relating to signage, marketing, display, and advertising of
33 medical ~~cannabidiol~~ cannabis.

34 12. a. A medical ~~cannabidiol~~ cannabis manufacturer shall
35 provide a reliable and ongoing supply of medical ~~cannabidiol~~

1 cannabis to medical ~~cannabidiol~~ cannabis dispensaries pursuant
2 to [this chapter](#).

3 *b.* All manufacturing, cultivating, harvesting, packaging,
4 and processing of medical ~~cannabidiol~~ cannabis shall take place
5 in an enclosed, locked facility at a physical address provided
6 to the department during the licensure process.

7 *c.* A medical ~~cannabidiol~~ cannabis manufacturer shall not
8 manufacture edible medical ~~cannabidiol~~ cannabis products.

9 Sec. 32. Section 124E.8, subsection 1, paragraph b, Code
10 2020, is amended to read as follows:

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

15 Sec. 33. Section 124E.8, subsections 2, 3, and 4, Code 2020,
16 are amended to read as follows:

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

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

23 *a.* The technical expertise of the medical ~~cannabidiol~~
24 cannabis dispensary regarding medical ~~cannabidiol~~ cannabis.

25 *b.* The qualifications of the medical ~~cannabidiol~~ cannabis
26 dispensary's employees.

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

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

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

35 4. Each entity submitting an application for licensure

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

4 Sec. 34. Section 124E.9, Code 2020, is amended to read as
5 follows:

6 **124E.9 Medical ~~eannabidiol~~ cannabis dispensaries.**

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

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

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

17 *a.* Procedures for the oversight of the medical ~~eannabidiol~~
18 cannabis dispensary 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 dispensary shall
25 implement security requirements, including requirements for
26 protection by a fully operational security alarm system,
27 facility access controls, perimeter intrusion detection
28 systems, and a personnel identification system.

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

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

35 6. A medical ~~eannabidiol~~ cannabis dispensary is subject to

1 reasonable inspection by the department.

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

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

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

27 12. Prior to dispensing of any medical ~~cannabidiol~~
28 cannabis, a medical ~~cannabidiol~~ cannabis dispensary shall do
29 all of the following:

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

34 b. Assign a tracking number to any medical ~~cannabidiol~~
35 cannabis dispensed from the medical ~~cannabidiol~~ cannabis

1 dispensary.

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

7 Sec. 35. Section 124E.10, Code 2020, is amended to read as
8 follows:

9 **124E.10 Fees.**

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

24 Sec. 36. Section 124E.11, subsection 1, paragraph a, Code
25 2020, is amended to read as follows:

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

31 Sec. 37. Section 124E.11, subsection 1, paragraph b,
32 subparagraph (1), subparagraph divisions (b) and (d), Code
33 2020, are amended to read as follows:

34 (b) To authorized employees of law enforcement agencies
35 of a state or political subdivision thereof, but only for the

1 purpose of verifying that a person is lawfully in possession
2 of a medical ~~eannabidiol~~ cannabis registration card issued
3 pursuant to [this chapter](#).

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

8 Sec. 38. Section 124E.11, subsection 2, paragraphs a, b, d,
9 e, f, g, h, and i, Code 2020, are amended to read as follows:

10 a. Govern the manner in which the department shall consider
11 applications for new and renewal medical ~~eannabidiol~~ cannabis
12 registration cards.

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

15 d. Establish requirements for the licensure of medical
16 ~~eannabidiol~~ cannabis manufacturers and medical ~~eannabidiol~~
17 cannabis dispensaries and set forth procedures for medical
18 ~~eannabidiol~~ cannabis manufacturers and medical ~~eannabidiol~~
19 cannabis dispensaries to obtain licenses.

20 e. Develop a dispensing system for medical ~~eannabidiol~~
21 cannabis within this state that provides for all of the
22 following:

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

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

29 f. Establish and collect annual fees from medical
30 ~~eannabidiol~~ cannabis manufacturers and medical ~~eannabidiol~~
31 cannabis dispensaries to cover the costs associated with
32 regulating and inspecting medical ~~eannabidiol~~ cannabis
33 manufacturers and medical ~~eannabidiol~~ cannabis dispensaries.

34 g. Specify and implement procedures that address public
35 safety including security procedures and product quality

1 including measures to ensure contaminant-free cultivation of
2 medical ~~eannabidiol~~ cannabis, safety, and labeling.

3 *h.* Establish and implement a real-time, statewide medical
4 ~~eannabidiol~~ cannabis registry management sale tracking system
5 that is available to medical ~~eannabidiol~~ cannabis dispensaries
6 on a twenty-four-hour-a-day, seven-day-a-week basis for the
7 purpose of verifying that a person is lawfully in possession
8 of a medical ~~eannabidiol~~ cannabis registration card issued
9 pursuant to [this chapter](#) and for tracking the date of the sale
10 and quantity of medical ~~eannabidiol~~ cannabis purchased by a
11 patient or a primary caregiver.

12 *i.* Establish and implement a medical ~~eannabidiol~~ cannabis
13 inventory and delivery tracking system to track medical
14 ~~eannabidiol~~ cannabis from production by a medical ~~eannabidiol~~
15 cannabis manufacturer through dispensing at a medical
16 ~~eannabidiol~~ cannabis dispensary.

17 Sec. 39. Section 124E.12, subsections 1, 2, 3, 4, 5, 6, 8,
18 and 9, Code 2020, are amended to read as follows:

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

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

32 3. A medical ~~eannabidiol~~ cannabis dispensary, including
33 any authorized agent or employee thereof, shall not be subject
34 to prosecution for dispensing medical ~~eannabidiol~~ cannabis
35 pursuant to [this chapter](#).

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

12 b. In a prosecution for the unlawful possession of marijuana
13 under the laws of this state for the possession of medical
14 ~~eannabidiol~~ cannabis, including but not limited to chapters
15 124 and [453B](#), it is an affirmative and complete defense to
16 the prosecution that the person possessed medical ~~eannabidiol~~
17 cannabis because the person is a primary caregiver of a patient
18 who has been diagnosed with a debilitating medical condition
19 and is in possession of a valid medical ~~eannabidiol~~ cannabis
20 registration card issued pursuant to [this chapter](#), and where
21 the primary caregiver's possession of the medical ~~eannabidiol~~
22 cannabis is on behalf of the patient and for the patient's use
23 only as authorized under [this chapter](#).

24 c. If a patient or primary caregiver is charged with
25 the unlawful possession of marijuana under the laws of this
26 state for the possession of medical ~~eannabidiol~~ cannabis,
27 including but not limited to [chapters 124](#) and [453B](#), and is not
28 in possession of the person's medical ~~eannabidiol~~ cannabis
29 registration card, any charge or charges filed against the
30 person for the possession of medical ~~eannabidiol~~ cannabis
31 shall be dismissed by the court if the person produces to the
32 court prior to or at the person's trial a medical ~~eannabidiol~~
33 cannabis registration card issued to that person and valid at
34 the time the person was charged.

35 5. An agency of this state or a political subdivision

1 thereof, including any law enforcement agency, shall not remove
2 or initiate proceedings to remove a patient under the age
3 of eighteen from the home of a parent based solely upon the
4 parent's or patient's possession or use of medical ~~eannabidiol~~
5 cannabis as authorized under [this chapter](#).

6 6. The department, the department of transportation,
7 and any health care practitioner, including any authorized
8 agent or employee thereof, are not subject to any civil
9 or disciplinary penalties by the board of medicine or any
10 business, occupational, or professional licensing board
11 or entity, solely for activities conducted relating to a
12 patient's possession or use of medical ~~eannabidiol~~ cannabis as
13 authorized under [this chapter](#). Nothing in [this section](#) affects
14 a professional licensing board from taking action in response
15 to violations of any other section of law.

16 8. An attorney shall not be subject to disciplinary action
17 by the Iowa supreme court or attorney disciplinary board for
18 providing legal assistance to a patient, primary caregiver, or
19 others based upon a patient's or primary caregiver's possession
20 or use of medical ~~eannabidiol~~ cannabis as authorized under this
21 chapter.

22 9. Possession of a medical ~~eannabidiol~~ cannabis
23 registration card or an application for a medical ~~eannabidiol~~
24 cannabis registration card by a person entitled to possess or
25 apply for a medical ~~eannabidiol~~ cannabis registration card
26 shall not constitute probable cause or reasonable suspicion,
27 and shall not be used to support a search of the person or
28 property of the person possessing or applying for the medical
29 ~~eannabidiol~~ cannabis registration card, or otherwise subject
30 the person or property of the person to inspection by any
31 governmental agency.

32 Sec. 40. Section 124E.13, Code 2020, is amended to read as
33 follows:

34 **124E.13 Medical ~~eannabidiol~~ cannabis source.**

35 Medical ~~eannabidiol~~ cannabis provided exclusively pursuant

1 to a written certification of a health care practitioner, if
2 not legally available in this state or from any other bordering
3 state, shall be obtained from an out-of-state source.

4 Sec. 41. Section 124E.14, Code 2020, is amended to read as
5 follows:

6 **124E.14 Out-of-state medical ~~cannabidiol~~ cannabis**
7 **dispensaries.**

8 The department of public health shall utilize a request for
9 proposals process to select and license by December 1, 2017, up
10 to two out-of-state medical ~~cannabidiol~~ cannabis dispensaries
11 from a bordering state to sell and dispense medical ~~cannabidiol~~
12 cannabis to a patient or primary caregiver in possession of a
13 valid medical ~~cannabidiol~~ cannabis registration card issued
14 under [this chapter](#).

15 Sec. 42. Section 124E.15, Code 2020, is amended to read as
16 follows:

17 **124E.15 Iowa patients and primary caregivers registering in**
18 **the state of Minnesota.**

19 A patient or a primary caregiver with a valid medical
20 ~~cannabidiol~~ cannabis registration card issued pursuant to this
21 chapter may register in the state of Minnesota as a visiting
22 qualified patient or primary caregiver and may register with
23 one or more medical cannabis manufacturers registered under the
24 laws of Minnesota.

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

27 **124E.16 Penalties.**

28 1. A person who knowingly or intentionally possesses or uses
29 medical ~~cannabidiol~~ cannabis in violation of the requirements
30 of [this chapter](#) is subject to the penalties provided under
31 chapters 124 and 453B.

32 2. A medical ~~cannabidiol~~ cannabis manufacturer or a medical
33 ~~cannabidiol~~ cannabis dispensary shall be assessed a civil
34 penalty of up to one thousand dollars per violation for any
35 violation of [this chapter](#) in addition to any other applicable

1 penalties.

2 Sec. 44. Section 124E.17, Code 2020, is amended to read as
3 follows:

4 **124E.17 Use of medical ~~eannabidiol~~ cannabis — smoking**
5 **prohibited.**

6 A patient shall not consume medical ~~eannabidiol~~ cannabis
7 possessed or used as authorized under [this chapter](#) by smoking
8 medical ~~eannabidiol~~ cannabis.

9 Sec. 45. Section 124E.18, Code 2020, is amended to read as
10 follows:

11 **124E.18 Reciprocity.**

12 A valid medical ~~eannabidiol~~ cannabis registration card,
13 or its equivalent, issued under the laws of another state
14 that allows an out-of-state patient to possess or use medical
15 ~~eannabidiol~~ cannabis in the jurisdiction of issuance shall
16 have the same force and effect as a valid medical ~~eannabidiol~~
17 cannabis registration card issued pursuant to [this chapter](#),
18 except that an out-of-state patient in this state shall not
19 obtain medical ~~eannabidiol~~ cannabis from a medical ~~eannabidiol~~
20 cannabis dispensary in this state.

21 Sec. 46. Section 124E.19, subsections 1, 2, and 4, Code
22 2020, are amended to read as follows:

23 1. The division of criminal investigation of the
24 department of public safety shall conduct thorough background
25 investigations for the purposes of licensing medical
26 ~~eannabidiol~~ cannabis manufacturers and medical ~~eannabidiol~~
27 cannabis dispensaries under [this chapter](#). The results of any
28 background investigation conducted pursuant to [this section](#)
29 shall be presented to the department.

30 a. An applicant for a medical ~~eannabidiol~~ cannabis
31 manufacturer license or a medical ~~eannabidiol~~ cannabis
32 dispensary license and their owners, investors, and employees
33 shall submit all required information on a form prescribed by
34 the department of public safety.

35 b. The department shall charge an applicant for a medical

1 ~~eannabidiol~~ cannabis manufacturer license or a medical
2 ~~eannabidiol~~ cannabis dispensary license a fee determined by
3 the department of public safety and adopted by the department
4 by rule to defray the costs associated with background
5 investigations conducted pursuant to the requirements of this
6 section. The fee shall be in addition to any other fees
7 charged by the department. The fee may be retained by the
8 department of public safety and shall be considered repayment
9 receipts as defined in [section 8.2](#).

10 2. The department shall require an applicant for a
11 medical ~~eannabidiol~~ cannabis manufacturer license or a
12 medical ~~eannabidiol~~ cannabis dispensary license, their owners
13 and investors, and applicants for employment at a medical
14 ~~eannabidiol~~ cannabis manufacturer or medical ~~eannabidiol~~
15 cannabis dispensary to submit fingerprints and other required
16 identifying information to the department on a form prescribed
17 by the department of public safety. The department shall
18 submit the fingerprint cards and other identifying information
19 to the division of criminal investigation of the department
20 of public safety for submission to the federal bureau of
21 investigation for the purpose of conducting a national criminal
22 history record check. The department may require employees and
23 contractors involved in carrying out a background investigation
24 to submit fingerprints and other identifying information for
25 the same purpose.

26 4. An applicant for a medical ~~eannabidiol~~ cannabis
27 manufacturer license or a medical ~~eannabidiol~~ cannabis
28 dispensary license shall submit information and fees required
29 by [this section](#) at the time of application.

30 Sec. 47. Section 204.17, subsection 4, Code 2020, is amended
31 to read as follows:

32 4. Nothing in [this chapter](#) shall be construed or applied
33 to authorize a person to manufacture, recommend, possess, use,
34 dispense, deliver, transport, or administer medical ~~eannabidiol~~
35 cannabis pursuant to [chapter 124E](#).

1 Sec. 48. Section 730.5, subsection 11, paragraph f, Code
2 2020, is amended to read as follows:

3 *f.* Testing or taking action against an employee or
4 prospective employee with a confirmed positive test result due
5 to the employee's or prospective employee's use of medical
6 ~~cannabidiol~~ cannabis as authorized under [chapter 124E](#).

7 EXPLANATION

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

10 This bill relates to the medical cannabidiol Act. The bill
11 is organized into divisions.

12 DIVISION I — MEDICAL CANNABIDIOL ACT. This division makes
13 changes to the medical cannabidiol Act (Code chapter 124E).
14 The bill changes the name of the medical cannabidiol Act to the
15 medical cannabis Act.

16 The bill adds new medical conditions to the current list
17 of debilitating medical conditions for which a health care
18 practitioner may issue a written certification to a patient for
19 a medical cannabidiol registration card pursuant to the medical
20 cannabidiol Act.

21 The bill removes the percentage cap on the amount of
22 tetrahydrocannabinol (THC) that medical cannabidiol, as defined
23 in Code section 124E.2(6), is allowed to contain. The bill
24 prohibits a dispensary from dispensing more than 25 grams
25 of THC to a patient or a patient's caregiver in a 90-day
26 period. The bill allows the department of public health to
27 disclose certain patient information to authorized employees
28 of medical cannabidiol dispensaries to ensure that a person
29 has not purchased THC in excess of this limit. The bill
30 requires the department to adopt rules allowing a patient
31 or a patient's caregiver to receive more than 25 grams of
32 THC in a 90-day period if the patient's primary caregiver
33 determines that 25 grams of THC is not sufficient to treat the
34 patient's debilitating medical condition and that the patient's
35 debilitating medical condition is a terminal illness with a

1 life expectancy of less than one year.

2 The bill changes the medical cannabidiol registration card
3 fee for a patient applying for a registration card from \$100
4 to \$25, the same as the registration card fee for a primary
5 caregiver.

6 The bill amends the definition of "health care practitioner"
7 to allow a licensed physician assistant, licensed podiatric
8 physician, licensed advanced registered nurse practitioner, and
9 an advanced practice registered nurse to certify a patient to
10 receive a medical cannabidiol registration card.

11 The bill requires the department of public health to
12 issue a request for proposals and license up to 17 medical
13 cannabidiol dispensaries by April 1, 2021, with priority given
14 to dispensaries serving rural communities.

15 The bill amends the membership of the medical cannabidiol
16 board by adding three members who are patients with valid
17 medical cannabidiol registration cards.

18 The bill removes the department of transportation from the
19 process of issuing medical cannabidiol registration cards.
20 The bill provides that any medical cannabidiol registration
21 card issued by the department of transportation prior to July
22 1, 2020, remains in effect and continues in effect for the
23 12-month period following its issuance. The bill requires
24 the department of public health to issue medical cannabidiol
25 registration cards.

26 The bill removes the board of medicine from the process
27 for adding conditions to the list of debilitating medical
28 conditions. The bill allows the medical cannabidiol board
29 to make recommendations for new conditions directly to the
30 department of public health.

31 DIVISION II — CONFORMING CHANGES. This division changes
32 references throughout the Code from "medical cannabidiol" to
33 "medical cannabis".