

**Senate File 256 - Introduced**

SENATE FILE 256

BY ZAUN

**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:

1 Section 1. Section 124E.2, subsection 2, paragraphs b and i,  
2 Code 2019, are amended to read as follows:

3 *b.* Multiple sclerosis ~~with severe and persistent muscle~~  
4 ~~spasms.~~

5 *i.* ~~Untreatable pain~~ Severe or chronic pain.

6 Sec. 2. Section 124E.2, subsection 2, Code 2019, is amended  
7 by adding the following new paragraphs:

8 NEW PARAGRAPH. *j.* Post-traumatic stress disorder.

9 NEW PARAGRAPH. *k.* Any other medical condition for which  
10 the patient's health care practitioner determines the use of  
11 medical cannabidiol could be medically beneficial pursuant to  
12 rules of the board licensing the health care practitioner.

13 Sec. 3. Section 124E.2, subsection 5, Code 2019, is amended  
14 to read as follows:

15 5. "*Health care practitioner*" means an individual licensed  
16 under [chapter 148](#) to practice medicine and surgery or  
17 osteopathic medicine and surgery, a physician assistant  
18 licensed under chapter 148C, or an advanced registered nurse  
19 practitioner licensed under chapter 152 or 152E, who is a  
20 patient's primary care provider. ~~"Health care practitioner"~~  
21 ~~shall not include a physician assistant licensed under chapter~~  
22 ~~148C or an advanced registered nurse practitioner licensed~~  
23 ~~pursuant to [chapter 152](#) or [152E.](#)~~

24 Sec. 4. Section 124E.2, subsection 8, Code 2019, is amended  
25 by striking the subsection.

26 Sec. 5. Section 124E.3, subsection 1, Code 2019, is amended  
27 by adding the following new paragraph:

28 NEW PARAGRAPH. *c.* For a certification issued under section  
29 124E.2, subsection 2, paragraph "k", determine whether the  
30 certification would comply with rules of the board licensing  
31 the health care practitioner, and if so, provide written  
32 documentation to that effect to the patient.

33 Sec. 6. Section 124E.4, subsection 1, Code 2019, is amended  
34 to read as follows:

35 1. *a.* Issuance to patient. ~~Subject~~ Except as otherwise

1 provided in paragraph "b", and subject to subsection  
2 7, the department may ~~approve the issuance of~~ issue a  
3 medical cannabidiol registration card ~~by the department of~~  
4 ~~transportation~~ to a patient who:

5 ~~a.~~ (1) Is at least eighteen years of age.

6 ~~b.~~ (2) Is a permanent resident of this state.

7 ~~c.~~ (3) Submits a written certification to the department  
8 signed by the patient's health care practitioner that the  
9 patient is suffering from a debilitating medical condition.

10 ~~d.~~ (4) Submits an application to the department, on a form  
11 created by the department, ~~in consultation with the department~~  
12 ~~of transportation,~~ that contains all of the following:

13 ~~(1)~~ (a) The patient's full name, Iowa residence address,  
14 date of birth, and telephone number.

15 ~~(2)~~ (b) A copy of the patient's valid photograph  
16 identification.

17 ~~(3)~~ (c) Full name, address, and telephone number of the  
18 patient's health care practitioner.

19 ~~(4)~~ (d) Full name, residence address, date of birth, and  
20 telephone number of each primary caregiver of the patient, if  
21 any.

22 ~~(5)~~ (e) Any other information required by rule.

23 ~~e.~~ (5) Submits a medical cannabidiol registration card  
24 fee of one hundred dollars to the department. If the patient  
25 attests to receiving social security disability benefits,  
26 supplemental security insurance payments, or being enrolled in  
27 the medical assistance program, the fee shall be twenty-five  
28 dollars.

29 ~~f.~~ ~~Has not been convicted of a disqualifying felony offense.~~

30 b. Issuance to hospice patient. Notwithstanding the  
31 requirements of paragraph "a", and subject to subsection 7,  
32 the department may issue a medical cannabidiol registration  
33 card to a patient who provides documentation to the department,  
34 on a form prescribed by the department, that the patient is  
35 receiving inpatient hospice care in this state.

1 Sec. 7. Section 124E.4, subsection 2, unnumbered paragraph  
2 1, Code 2019, is amended to read as follows:

3 A medical cannabidiol registration card issued to a patient  
4 by the department ~~of transportation~~ pursuant to subsection 1  
5 shall contain, at a minimum, all of the following:

6 Sec. 8. Section 124E.4, subsection 3, unnumbered paragraph  
7 1, Code 2019, is amended to read as follows:

8 For a patient in a primary caregiver's care, subject to  
9 subsection 7, the department may ~~approve the issuance of~~ issue  
10 a medical cannabidiol registration card ~~by the department of~~  
11 ~~transportation~~ to the primary caregiver who:

12 Sec. 9. Section 124E.4, subsection 3, paragraph b,  
13 unnumbered paragraph 1, Code 2019, is amended to read as  
14 follows:

15 Submits an application to the department, on a form created  
16 by the department, ~~in consultation with the department of~~  
17 ~~transportation~~, that contains all of the following:

18 Sec. 10. Section 124E.4, subsection 4, unnumbered paragraph  
19 1, Code 2019, is amended to read as follows:

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

23 Sec. 11. Section 124E.4, subsection 6, Code 2019, is amended  
24 by striking the subsection.

25 Sec. 12. Section 124E.5, subsection 1, paragraph a, Code  
26 2019, is amended to read as follows:

27 a. A medical cannabidiol board is created consisting of  
28 eight practitioners representing the fields of neurology, pain  
29 management, gastroenterology, oncology, psychiatry, pediatrics,  
30 family medicine, and pharmacy, ~~and~~ one representative from law  
31 enforcement, and two patients with valid medical cannabidiol  
32 registration cards.

33 Sec. 13. Section 124E.5, subsection 2, Code 2019, is amended  
34 to read as follows:

35 2. The medical cannabidiol board shall convene at least

1 twice but no more than ~~four~~ eight times per year.

2 Sec. 14. Section 124E.7, Code 2019, is amended by adding the  
3 following new subsections:

4 NEW SUBSECTION. 13. A medical cannabidiol manufacturer  
5 may deliver medical cannabidiol to a patient at the patient's  
6 residence pursuant to rules of the department.

7 NEW SUBSECTION. 14. A medical cannabidiol manufacturer  
8 shall neutralize plant material waste through the application  
9 of a chemical such as bleach prior to transporting such plant  
10 material waste to an approved solid waste disposal facility.

11 Sec. 15. Section 124E.11, subsection 1, paragraph b,  
12 subparagraph (1), subparagraph division (a), Code 2019, is  
13 amended to read as follows:

14 (a) To authorized employees or agents of the department and  
15 ~~the department of transportation~~ as necessary to perform the  
16 duties of the department ~~and the department of transportation~~  
17 pursuant to [this chapter](#).

18 Sec. 16. Section 124E.11, subsection 2, paragraph i, Code  
19 2019, is amended to read as follows:

20 *i.* Establish and implement a medical cannabidiol inventory  
21 and delivery tracking system to track medical cannabidiol  
22 from production by a medical cannabidiol manufacturer through  
23 dispensing at a medical cannabidiol dispensary or delivery to a  
24 patient at the patient's Iowa residence.

25 Sec. 17. Section 124E.11, subsection 2, Code 2019, is  
26 amended by adding the following new paragraph:

27 NEW PARAGRAPH. *j.* Establish the circumstances under  
28 which a medical cannabidiol manufacturer may deliver medical  
29 cannabidiol to a patient at the patient's Iowa residence.

30 Sec. 18. Section 124E.12, subsection 6, Code 2019, is  
31 amended to read as follows:

32 6. The department, ~~the department of transportation,~~ and  
33 ~~any health care practitioner~~ person licensed, registered, or  
34 certified by an entity listed in section 272C.1, including any  
35 authorized agent or employee thereof, are not subject to any

1 civil or disciplinary penalties by the board of medicine or  
2 any business, occupational, or professional licensing board or  
3 entity, solely for activities conducted relating to a patient's  
4 possession or use of medical cannabidiol as authorized under  
5 this chapter. Such an entity shall not subject a licensed,  
6 registered, or certified person to discipline relating to  
7 a patient's possession or use of medical cannabidiol as  
8 authorized under this chapter. Nothing in this section affects  
9 a professional licensing board from taking action in response  
10 to violations of any other section of law.

11 Sec. 19. Section 124E.12, subsection 7, Code 2019, is  
12 amended to read as follows:

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

19 Sec. 20. Section 423.3, Code 2019, is amended by adding the  
20 following new subsection:

21 NEW SUBSECTION. 107. The sales price of any medical  
22 cannabidiol product sold by a medical cannabidiol manufacturer  
23 or a medical cannabidiol dispensary pursuant to chapter 124E.

24 Sec. 21. TRANSITION PROVISIONS. A medical cannabidiol  
25 registration card issued prior to July 1, 2019, remains  
26 effective and continues in effect as issued for the  
27 twelve-month period following its issuance.

28 EXPLANATION

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

31 This bill relates to the medical cannabidiol Act.

32 The bill amends the definition of debilitating medical  
33 condition by removing the requirement that multiple sclerosis  
34 be accompanied by severe and persistent muscle spasms,  
35 replacing untreatable pain with severe or chronic pain,

1 and adding post-traumatic stress disorder to the list of  
2 conditions which allow a patient to be certified by a health  
3 care practitioner to receive a medical cannabidiol registration  
4 card. The bill also allows a health care practitioner to  
5 certify a patient to receive a medical cannabidiol registration  
6 card for any other medical condition for which the health care  
7 practitioner determines the use of medical cannabidiol would be  
8 medically beneficial, pursuant to rules of the board licensing  
9 the health care practitioner, and provide written documentation  
10 to that effect to the patient.

11 The bill amends the definition of a health care practitioner  
12 to allow a licensed physician assistant and a licensed advanced  
13 registered nurse practitioner to certify a patient to receive a  
14 medical cannabidiol registration card.

15 The bill allows the department of public health to issue a  
16 medical cannabidiol registration card to a patient receiving  
17 inpatient hospice care in Iowa without complying with any other  
18 requirement to receive a medical cannabidiol registration card  
19 after producing proof that the patient is receiving hospice  
20 care. The bill also removes the restriction on certain felons  
21 receiving medical cannabidiol patient registration cards.

22 The bill amends the membership of the medical cannabidiol  
23 board by adding two members who are patients with valid medical  
24 cannabidiol registration cards. The bill also allows the board  
25 to meet up to eight times per year.

26 The bill allows medical cannabidiol manufacturers to make  
27 deliveries to patients pursuant to rules of the board. The  
28 bill requires medical cannabidiol manufacturers to neutralize  
29 plant waste with a chemical such as bleach before transporting  
30 such waste to a solid waste disposal site. Currently, such  
31 material must be composted prior to transportation pursuant to  
32 rules of the department.

33 The bill prohibits any licensing board from disciplining a  
34 person licensed, certified, or registered by that licensing  
35 board for conducting activities related to a patient's

1 certification to purchase and consume medical cannabidiol or  
2 for purchasing and consuming medical cannabidiol.

3 The bill exempts sales of medical cannabidiol products by  
4 a medical cannabidiol manufacturer or a medical cannabidiol  
5 dispensary pursuant to Code chapter 124E from sales tax.

6 The bill removes the department of transportation from the  
7 process of issuing medical cannabidiol registration cards.  
8 The bill provides that any medical cannabidiol registration  
9 card issued by the department of transportation prior to July  
10 1, 2019, remains in effect and continues in effect for the  
11 12-month period following its issuance. The bill requires  
12 the department of public health to issue medical cannabidiol  
13 registration cards.