

Senate File 501 - Introduced

SENATE FILE 501
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 256)

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. NEW SECTION. **124E.20 Federal regulations not**
20 **applicable.**

21 Notwithstanding any federal regulation to the contrary, the
22 use of medical cannabidiol pursuant to this chapter is not
23 subject to federal regulation.

24 Sec. 21. Section 423.3, Code 2019, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 107. The sales price of any medical
27 cannabidiol product sold by a medical cannabidiol manufacturer
28 or a medical cannabidiol dispensary pursuant to chapter 124E.

29 Sec. 22. **TRANSITION PROVISIONS.** A medical cannabidiol
30 registration card issued prior to July 1, 2019, remains
31 effective and continues in effect as issued for the
32 twelve-month period following its issuance.

33

EXPLANATION

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

1 This bill relates to the medical cannabidiol Act.

2 The bill amends the definition of debilitating medical
3 condition by removing the requirement that multiple sclerosis
4 be accompanied by severe and persistent muscle spasms,
5 replacing untreatable pain with severe or chronic pain,
6 and adding post-traumatic stress disorder to the list of
7 conditions which allow a patient to be certified by a health
8 care practitioner to receive a medical cannabidiol registration
9 card. The bill also allows a health care practitioner to
10 certify a patient to receive a medical cannabidiol registration
11 card for any other medical condition for which the health care
12 practitioner determines the use of medical cannabidiol would be
13 medically beneficial, pursuant to rules of the board licensing
14 the health care practitioner, and provide written documentation
15 to that effect to the patient.

16 The bill amends the definition of a health care practitioner
17 to allow a licensed physician assistant and a licensed advanced
18 registered nurse practitioner to certify a patient to receive a
19 medical cannabidiol registration card.

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

27 The bill amends the membership of the medical cannabidiol
28 board by adding two members who are patients with valid medical
29 cannabidiol registration cards. The bill also allows the board
30 to meet up to eight times per year.

31 The bill allows medical cannabidiol manufacturers to make
32 deliveries to patients pursuant to rules of the board. The
33 bill requires medical cannabidiol manufacturers to neutralize
34 plant waste with a chemical such as bleach before transporting
35 such waste to a solid waste disposal site. Currently, such

1 material must be composted prior to transportation pursuant to
2 rules of the department.

3 The bill prohibits any licensing board from disciplining a
4 person licensed, certified, or registered by that licensing
5 board for conducting activities related to a patient's
6 certification to purchase and consume medical cannabidiol or
7 for purchasing and consuming medical cannabidiol.

8 The bill exempts sales of medical cannabidiol products by
9 a medical cannabidiol manufacturer or a medical cannabidiol
10 dispensary pursuant to Code chapter 124E from sales tax.

11 The bill removes the department of transportation from the
12 process of issuing medical cannabidiol registration cards.
13 The bill provides that any medical cannabidiol registration
14 card issued by the department of transportation prior to July
15 1, 2019, remains in effect and continues in effect for the
16 12-month period following its issuance. The bill requires
17 the department of public health to issue medical cannabidiol
18 registration cards.

19 The bill provides that notwithstanding any contrary federal
20 regulation, the use of medical cannabidiol pursuant to Code
21 chapter 124E is not subject to federal regulation.