

**Senate File 77 - Introduced**

SENATE FILE 77

BY ZAUN and BOULTON

**A BILL FOR**

1 An Act relating to the regulation of medical cannabidiol, by  
2 altering the list of debilitating medical conditions and  
3 changing the definition of medical cannabidiol under the  
4 medical cannabidiol Act.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 124E.2, subsections 2 and 6, Code 2019,  
2 are amended to read as follows:

3 2. "*Debilitating medical condition*" means any of the  
4 following:

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

7 (1) Severe or chronic pain.

8 (2) Nausea or severe vomiting.

9 (3) Cachexia or severe wasting.

10 b. Multiple sclerosis ~~with severe and persistent muscle~~  
11 ~~spasms.~~

12 c. Seizures, including those characteristic of epilepsy.

13 d. AIDS or HIV as defined in [section 141A.1](#).

14 e. Crohn's disease.

15 f. Amyotrophic lateral sclerosis.

16 g. Any terminal illness, with a probable life expectancy of  
17 under one year, if the illness or its treatment produces one or  
18 more of the following:

19 (1) Severe or chronic pain.

20 (2) Nausea or severe vomiting.

21 (3) Cachexia or severe wasting.

22 h. Parkinson's disease.

23 ~~i. Untreatable pain~~ Severe or chronic pain.

24 j. Any other medical condition for which the patient's  
25 health care practitioner determines the use of medical  
26 cannabidiol could be medically beneficial.

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

34 Sec. 2. Section 124E.2, subsection 8, Code 2019, is amended  
35 by striking the subsection.

1     Sec. 3. Section 124E.3, subsection 1, paragraph a, Code  
2 2019, is amended to read as follows:

3     a. (1) Determine, in the health care practitioner's medical  
4 judgment, whether the patient whom the health care practitioner  
5 has examined and treated suffers from a debilitating medical  
6 condition that qualifies for the use of medical cannabidiol  
7 under [this chapter](#), and if so determined, provide the patient  
8 with a written certification of that diagnosis.

9     (2) If a health care practitioner determines that the  
10 patient whom the health care practitioner has examined and  
11 treated suffers from a debilitating medical condition pursuant  
12 to section 124E.2, subsection 2, paragraph "j", that qualifies  
13 for the use of medical cannabidiol under this chapter, the  
14 health care practitioner's written certification shall be based  
15 on reasonable medical evidence, and shall be made in good  
16 faith, in the best interest of the patient, without fraudulent  
17 intent, and with the same reasonable medical judgment and  
18 prudence exercised according to generally accepted medical  
19 practice.

20     Sec. 4. Section 124E.5, subsection 6, Code 2019, is amended  
21 to read as follows:

22     6. The medical cannabidiol board may recommend a statutory  
23 revision to the definition of medical cannabidiol contained  
24 in [this chapter](#) that increases the tetrahydrocannabinol  
25 level to more than ~~three~~ thirteen percent, however, any such  
26 recommendation shall be submitted to the general assembly  
27 during the regular session of the general assembly following  
28 such submission. The general assembly shall have the sole  
29 authority to revise the definition of medical cannabidiol for  
30 purposes of [this chapter](#).

31

EXPLANATION

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

34     This bill relates to the regulation of medical cannabidiol.  
35     The bill amends the definition of "debilitating medical

1 condition" under the medical cannabidiol Act (Code chapter  
2 124E) by removing the requirement that multiple sclerosis be  
3 accompanied by severe and persistent muscle spasms, replacing  
4 the term "untreatable pain" with "severe or chronic pain", and  
5 including any medical condition for which a patient's health  
6 care practitioner determines the use of medical cannabidiol  
7 could be medically beneficial.

8 The bill requires that any certification made by a health  
9 care practitioner for a patient for any medical condition  
10 not explicitly included on the list of debilitating medical  
11 conditions shall be made by a health care practitioner pursuant  
12 to reasonable medical evidence, in good faith, in the best  
13 interest of the patient, without fraudulent intent, and with  
14 the same reasonable medical judgment and prudence exercised  
15 according to generally accepted medical practice. Under  
16 current law, a health care practitioner may only issue a  
17 written certification for a debilitating medical condition  
18 explicitly included on the list of debilitating medical  
19 conditions. A written certification may be renewed on an  
20 annual basis if the health care practitioner determines that  
21 the patient continues to suffer from the debilitating medical  
22 condition.

23 The bill alters the definition of medical cannabidiol by  
24 increasing the allowable tetrahydrocannabinol (THC) level in  
25 medical cannabidiol from no more than 3 percent to no more  
26 than 13 percent. The medical cannabidiol board retains the  
27 authority to recommend increasing the allowable THC level.