

## CHAPTER 124E

### MEDICAL CANNABIDIOL ACT

Referred to in [§124.401](#), [204.17](#), [730.5](#)

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#### 124E.1 Short title.

[This chapter](#) shall be known and may be cited as the “*Medical Cannabidiol Act*”.  
[2017 Acts, ch 162, §4, 25](#)

#### 124E.2 Definitions.

As used in [this chapter](#):

1. “*Bordering state*” means the same as defined in [section 331.910](#).
2. “*Debilitating medical condition*” means any of the following:
  - a. Cancer, if the underlying condition or treatment produces one or more of the following:
    - (1) Severe or chronic pain.
    - (2) Nausea or severe vomiting.
    - (3) Cachexia or severe wasting.
  - b. Multiple sclerosis with severe and persistent muscle spasms.
  - c. Seizures, including those characteristic of epilepsy.
  - d. AIDS or HIV as defined in [section 141A.1](#).
  - e. Crohn’s disease.
  - f. Amyotrophic lateral sclerosis.
  - g. Any terminal illness, with a probable life expectancy of under one year, if the illness or its treatment produces one or more of the following:
    - (1) Severe or chronic pain.
    - (2) Nausea or severe vomiting.
    - (3) Cachexia or severe wasting.
  - h. Parkinson’s disease.
  - i. Chronic pain.
  - j. Severe, intractable autism with self-injurious or aggressive behaviors.
  - k. Post-traumatic stress disorder.
3. “*Department*” means the department of public health.
4. “*Disqualifying felony offense*” means a violation under federal or state law of a felony under federal or state law, which has as an element the possession, use, or distribution of a controlled substance, as defined in 21 U.S.C. §802(6).
5. “*Employee*” means a natural person who is employed in this state for wages by an employer.

6. “Employer” means a person who in this state employs for wages an employee.

7. “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](#), an advanced registered nurse practitioner licensed under [chapter 152](#), or an advanced practice registered nurse under [chapter 152E](#), who is a patient’s primary care provider or a podiatrist licensed pursuant to [chapter 149](#).

8. “Laboratory” means the state hygienic laboratory at the university of Iowa in Iowa City or any other independent medical cannabidiol testing facility accredited to standard ISO/IEC 17025 by an international organization for standards-approved accrediting body, with a controlled substance registration certificate from the United States drug enforcement administration and a certificate of registration from the board of pharmacy. For the purposes of [this chapter](#), an independent laboratory is a laboratory operated by an entity that has no equity ownership in a medical cannabidiol manufacturer.

9. “Marijuana” means any derivative of marijuana including but not limited to medical cannabidiol.

10. “Medical cannabidiol” means any pharmaceutical grade cannabinoid found in the plant *Cannabis sativa L.* or *Cannabis indica* or any other preparation thereof that is delivered in a form recommended by the medical cannabidiol board, approved by the board of medicine, and adopted by the department pursuant to rule.

11. “Primary caregiver” means a person who is a resident of this state or a bordering state as defined in [section 331.910](#), including but not limited to a parent or legal guardian, at least eighteen years of age, who has been designated by a patient’s health care practitioner as a necessary caretaker taking responsibility for managing the well-being of the patient with respect to the use of medical cannabidiol pursuant to the provisions of [this chapter](#).

12. “Total tetrahydrocannabinol” means eighty-seven and seven-tenths percent of the amount of tetrahydrocannabinolic acid plus the amount of tetrahydrocannabinol.

13. “Untreatable pain” means any pain whose cause cannot be removed and, according to generally accepted medical practice, the full range of pain management modalities appropriate for the patient has been used without adequate result or with intolerable side effects.

14. “Written certification” means a document signed by a health care practitioner, with whom the patient has established a patient-provider relationship, which states that the patient has a debilitating medical condition and identifies that condition and provides any other relevant information.

[2017 Acts, ch 162, §5, 25; 2020 Acts, ch 1116, §2 – 5](#)

Referred to in [§96.5, 124.401](#)

Section amended and editorially internally renumbered

### **124E.3 Health care practitioner certification — duties.**

1. Prior to a patient’s submission of an application for a medical cannabidiol registration card pursuant to [section 124E.4](#), a health care practitioner shall do all of the following:

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

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

2. Subsequently, the health care practitioner shall do the following:

a. Determine, on an annual basis, if the patient continues to suffer from a debilitating medical condition and, if so, issue the patient a new certification of that diagnosis.

b. Otherwise comply with all requirements established by the department pursuant to rule.

3. A health care practitioner may provide, but has no duty to provide, a written certification pursuant to [this section](#).

[2017 Acts, ch 162, §6, 25](#)

Referred to in [§124E.11](#)

**124E.4 Medical cannabidiol registration card.**

1. *Issuance to patient.* Subject to [subsection 6](#), the department may issue a medical cannabidiol registration card to a patient who:

- a. Is at least eighteen years of age.
- b. Is a permanent resident of this state.
- c. Submits a written certification to the department signed by the patient's health care practitioner that the patient is suffering from a debilitating medical condition.
- d. Submits an application to the department, on a form created by the department, that contains all of the following:
  - (1) The patient's full name, Iowa residence address, date of birth, and telephone number.
  - (2) A copy of the patient's valid photo identification.
  - (3) Full name, address, and telephone number of the patient's health care practitioner.
  - (4) Full name, residence address, date of birth, and telephone number of each primary caregiver of the patient, if any.
  - (5) Any other information required by rule.
- e. Submits a medical cannabidiol registration card fee of one hundred dollars to the department. If the patient attests to receiving social security disability benefits, supplemental security insurance payments, or being enrolled in the medical assistance program, the fee shall be twenty-five dollars.

2. *Patient card contents.* A medical cannabidiol registration card issued to a patient by the department pursuant to [subsection 1](#) shall contain, at a minimum, all of the following:

- a. The patient's full name, Iowa residence address, and date of birth.
  - b. The date of issuance and expiration date of the medical cannabidiol registration card.
  - c. Any other information required by rule.
3. *Issuance to primary caregiver.* For a patient in a primary caregiver's care, subject to [subsection 6](#), the department may issue a medical cannabidiol registration card to the primary caregiver who:

- a. Submits a written certification to the department signed by the patient's health care practitioner that the patient in the primary caregiver's care is suffering from a debilitating medical condition.
- b. Submits an application to the department, on a form created by the department, that contains all of the following:
  - (1) The primary caregiver's full name, residence address, date of birth, and telephone number.
  - (2) The patient's full name.
  - (3) A copy of the primary caregiver's valid photo identification.
  - (4) Full name, address, and telephone number of the patient's health care practitioner.
  - (5) Any other information required by rule.
- c. Submits a medical cannabidiol registration card fee of twenty-five dollars to the department.

4. *Primary caregiver card contents.* A medical cannabidiol registration card issued by the department to a primary caregiver pursuant to [subsection 3](#) shall contain, at a minimum, all of the following:

- a. The primary caregiver's full name, residence address, and date of birth.
- b. The date of issuance and expiration date of the registration card.
- c. The medical cannabidiol registration card number of each patient in the primary caregiver's care. If the patient in the primary caregiver's care is under the age of eighteen, the full name of the patient's parent or legal guardian.
- d. Any other information required by rule.

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

6. *Federally approved clinical trials.* The department shall not approve the issuance of a medical cannabidiol registration card pursuant to [this section](#) for a patient who is enrolled in

a federally approved clinical trial for the treatment of a debilitating medical condition with medical cannabidiol.

2017 Acts, ch 162, §7, 25; 2019 Acts, ch 24, §17, 18; 2020 Acts, ch 1116, §6 – 16

Referred to in §124E.3, 124E.11

Section amended and subsections and paragraphs editorially renumbered

#### 124E.5 Medical cannabidiol board — duties.

1. a. A medical cannabidiol board is created consisting of eight practitioners representing the fields of neurology, pain management, gastroenterology, oncology, psychiatry, pediatrics, family medicine, and pharmacy, and one representative from law enforcement.

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

c. Applicants for membership on the board shall submit a membership application to the department and the governor shall appoint members from the applicant pool.

d. For purposes of [this subsection](#), “*representative from law enforcement*” means a regularly employed member of a police force of a city or county, including a sheriff, or of the state patrol, in this state, who is responsible for the prevention and detection of crime and the enforcement of the criminal laws of this state.

2. The medical cannabidiol board shall convene at least twice per year.

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

a. Accepting and reviewing petitions to add medical conditions, medical treatments, or debilitating diseases to the list of debilitating medical conditions for which the medical use of cannabidiol would be medically beneficial under [this chapter](#).

b. Making recommendations relating to the removal or addition of debilitating medical conditions to the list of allowable debilitating medical conditions for which the medical use of cannabidiol under [this chapter](#) would be medically beneficial.

c. Working with the department regarding the requirements for the licensure of medical cannabidiol manufacturers and medical cannabidiol dispensaries, including licensure procedures.

d. Advising the department regarding the location of medical cannabidiol manufacturers and medical cannabidiol dispensaries throughout the state.

e. Making recommendations relating to the form and quantity of allowable medical uses of cannabidiol.

4. Recommendations made by the medical cannabidiol board pursuant to [subsection 3](#), paragraphs “*b*” and “*e*”, shall be made to the board of medicine for consideration, and if approved, shall be adopted by the board of medicine by rule.

5. On or before January 1 of each year, beginning January 1, 2018, the medical cannabidiol board shall submit a report detailing the activities of the board.

6. The general assembly shall have the sole authority to revise the definition of medical cannabidiol for purposes of [this chapter](#).

2017 Acts, ch 162, §8, 25; 2020 Acts, ch 1116, §17

Subsections 2 and 6 amended

#### 124E.6 Medical cannabidiol manufacturer licensure.

1. a. The department shall issue a request for proposals to select and license by December 1, 2017, up to two medical cannabidiol manufacturers to manufacture and to possess, cultivate, harvest, transport, package, process, or supply medical cannabidiol within this state consistent with the provisions of [this chapter](#). The department shall license new medical cannabidiol manufacturers or relicense the existing medical cannabidiol manufacturers by December 1 of each year.

b. Information submitted during the application process shall be confidential until a medical cannabidiol manufacturer is licensed by the department unless otherwise protected from disclosure under state or federal law.

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

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

a. The technical expertise of the medical cannabidiol manufacturer regarding medical cannabidiol.

b. The qualifications of the medical cannabidiol manufacturer's employees.

c. The long-term financial stability of the medical cannabidiol manufacturer.

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

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

f. The medical cannabidiol manufacturer's projection of and ongoing assessment of fees on patients with debilitating medical conditions.

4. A medical cannabidiol manufacturer shall contract with a laboratory to perform spot-check testing of the medical cannabidiol produced by the medical cannabidiol manufacturer as provided in [section 124E.7](#). The department shall require that the laboratory report testing results to the medical cannabidiol manufacturer and the department as determined by the department by rule. If a medical cannabidiol manufacturer contracts with a laboratory other than the state hygienic laboratory at the university of Iowa in Iowa City, the department shall approve the laboratory to perform testing pursuant to [this chapter](#).

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

[2017 Acts, ch 162, §9, 25; 2020 Acts, ch 1116, §18](#)

Subsection 4 stricken and rewritten

#### **124E.7 Medical cannabidiol manufacturers.**

1. A medical cannabidiol manufacturer shall contract with a laboratory to perform spot-check testing of the medical cannabidiol produced by the medical cannabidiol manufacturer as to content, contamination, and consistency. The cost of all laboratory testing shall be paid by the medical cannabidiol manufacturer.

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

a. Procedures for the oversight of the medical cannabidiol manufacturer and procedures to ensure accurate recordkeeping.

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

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

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

5. A medical cannabidiol manufacturer shall not permit any person to consume medical cannabidiol on the property of the medical cannabidiol manufacturer.

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

7. A medical cannabidiol manufacturer shall not employ a person who is under eighteen years of age or who has been convicted of a disqualifying felony offense. An employee of a medical cannabidiol manufacturer shall be subject to a background investigation conducted by the division of criminal investigation of the department of public safety and a national criminal history background check pursuant to [section 124E.19](#).

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

9. A medical cannabidiol manufacturer shall not operate at the same physical location as a medical cannabidiol dispensary.

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

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

12. *a.* A medical cannabidiol manufacturer shall provide a reliable and ongoing supply of medical cannabidiol to medical cannabidiol dispensaries pursuant to [this chapter](#).

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

*c.* A medical cannabidiol manufacturer shall not manufacture edible medical cannabidiol products.

[2017 Acts, ch 162, §10, 25; 2018 Acts, ch 1165, §122, 126; 2020 Acts, ch 1116, §19](#)

Referred to in [§124E.6](#)

Subsection 1 stricken and rewritten

#### **124E.8 Medical cannabidiol dispensary licensure.**

1. *a.* The department shall issue a request for proposals to select and license by April 1, 2018, up to five medical cannabidiol dispensaries to dispense medical cannabidiol within this state consistent with the provisions of [this chapter](#). The department shall license new medical cannabidiol dispensaries or relicense the existing medical cannabidiol dispensaries by December 1 of each year.

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

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

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

*a.* The technical expertise of the medical cannabidiol dispensary regarding medical cannabidiol.

*b.* The qualifications of the medical cannabidiol dispensary's employees.

*c.* The long-term financial stability of the medical cannabidiol dispensary.

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

*e.* The medical cannabidiol dispensary's projection and ongoing assessment of fees for the purchase of medical cannabidiol on patients with debilitating medical conditions.

4. Each entity submitting an application for licensure as a medical cannabidiol dispensary shall pay a nonrefundable application fee of five thousand dollars to the department.

[2017 Acts, ch 162, §11, 25](#)

#### **124E.9 Medical cannabidiol dispensaries.**

1. *a.* The medical cannabidiol dispensaries shall be located based on geographical need throughout the state to improve patient access.

*b.* A medical cannabidiol dispensary may dispense medical cannabidiol pursuant to the provisions of [this chapter](#) but shall not dispense any medical cannabidiol in a form or quantity other than the form or quantity allowed by the department pursuant to rule.



2. The operating documents of a medical cannabidiol dispensary shall include all of the following:

a. Procedures for the oversight of the medical cannabidiol dispensary and procedures to ensure accurate recordkeeping.

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

3. A medical cannabidiol dispensary shall implement security requirements, including requirements for protection by a fully operational security alarm system, facility access controls, perimeter intrusion detection systems, and a personnel identification system.

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

5. A medical cannabidiol dispensary shall not permit any person to consume medical cannabidiol on the property of the medical cannabidiol dispensary.

6. A medical cannabidiol dispensary is subject to reasonable inspection by the department.

7. A medical cannabidiol dispensary shall not employ a person who is under eighteen years of age or who has been convicted of a disqualifying felony offense. An employee of a medical cannabidiol dispensary shall be subject to a background investigation conducted by the division of criminal investigation of the department of public safety and a national criminal history background check pursuant to [section 124E.19](#).

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

9. A medical cannabidiol dispensary shall not operate at the same physical location as a medical cannabidiol manufacturer.

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

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

12. Prior to dispensing of any medical cannabidiol, a medical cannabidiol dispensary shall do all of the following:

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

b. Assign a tracking number to any medical cannabidiol dispensed from the medical cannabidiol dispensary.

c. Properly package medical cannabidiol in compliance with federal law regarding child resistant packaging and exemptions for packaging for elderly patients, and label medical cannabidiol with a list of all active ingredients and individually identifying information.

13. A medical cannabidiol dispensary shall employ a pharmacist or pharmacy technician licensed or registered pursuant to [chapter 155A](#) for the purpose of making dosing recommendations.

14. A medical cannabidiol dispensary shall not dispense more than a combined total of four and one-half grams of total tetrahydrocannabinol to a patient and the patient's primary caregiver in a ninety-day period, except as provided in [subsection 15](#).

15. A medical cannabidiol dispensary may dispense more than a combined total of four and one-half grams of total tetrahydrocannabinol to a patient and the patient's primary caregiver in a ninety-day period if any of the following apply:

a. The health care practitioner who certified the patient to receive a medical cannabidiol registration card certifies that patient's debilitating medical condition is a terminal illness with a life expectancy of less than one year. A certification issued pursuant to this paragraph shall include a total tetrahydrocannabinol cap deemed appropriate by the patient's health care practitioner.

b. The health care practitioner who certified the patient to receive a medical cannabidiol

registration card certifies that the patient has participated in the medical cannabidiol program and that the health care practitioner has determined that four and one-half grams of total tetrahydrocannabinol in a ninety-day period is insufficient to treat the patient's debilitating medical condition. A certification issued pursuant to this paragraph shall include a total tetrahydrocannabinol cap deemed appropriate by the patient's health care practitioner.

2017 Acts, ch 162, §12, 25; 2018 Acts, ch 1165, §123, 126; 2020 Acts, ch 1116, §20; 2020 Acts, ch 1121, §62, 70

NEW subsections 13, 14, and 15

#### 124E.10 Fees.

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

2017 Acts, ch 162, §13, 25; 2018 Acts, ch 1165, §124, 126

#### 124E.11 Department duties — rules.

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

*b.* Individual names contained in the file shall be confidential and shall not be subject to disclosure, except as provided in subparagraph (1).

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

(a) To authorized employees or agents of the department as necessary to perform the duties of the department pursuant to [this chapter](#).

(b) To authorized employees of law enforcement agencies of a state or political subdivision thereof, but only for the purpose of verifying that a person is lawfully in possession of a medical cannabidiol registration card issued pursuant to [this chapter](#).

(c) To authorized employees of a medical cannabidiol dispensary, but only for the purposes of verifying that a person is lawfully in possession of a medical cannabidiol registration card issued pursuant to [this chapter](#) and that a person has not purchased total tetrahydrocannabinol in excess of the amount authorized by [this chapter](#).

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

(e) To a health care practitioner for the purpose of determining whether a patient seeking a written certification pursuant to [section 124E.3](#) has already received a written certification from another health care practitioner.

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

2. The department shall adopt rules pursuant to [chapter 17A](#) to administer [this chapter](#) which shall include but not be limited to rules to do all of the following:

*a.* Govern the manner in which the department shall consider applications for new and renewal medical cannabidiol registration cards.

*b.* Ensure that the medical cannabidiol registration card program operates on a self-sustaining basis.

*c.* Establish the form and quantity of medical cannabidiol allowed to be dispensed to a patient or primary caregiver pursuant to [this chapter](#) as appropriate to serve the medical



needs of patients with debilitating medical conditions, subject to recommendation by the medical cannabidiol board and approval by the board of medicine.

d. Establish requirements for the licensure of medical cannabidiol manufacturers and medical cannabidiol dispensaries and set forth procedures for medical cannabidiol manufacturers and medical cannabidiol dispensaries to obtain licenses.

e. Develop a dispensing system for medical cannabidiol within this state that provides for all of the following:

(1) Medical cannabidiol dispensaries within this state housed on secured grounds and operated by licensed medical cannabidiol dispensaries.

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

f. Establish and collect annual fees from medical cannabidiol manufacturers and medical cannabidiol dispensaries to cover the costs associated with regulating and inspecting medical cannabidiol manufacturers and medical cannabidiol dispensaries.

g. Specify and implement procedures that address public safety including security procedures and product quality including measures to ensure contaminant-free cultivation of medical cannabidiol, safety, and labeling.

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

i. Establish and implement a medical cannabidiol inventory and delivery tracking system to track medical cannabidiol from production by a medical cannabidiol manufacturer through dispensing at a medical cannabidiol dispensary.

[2017 Acts, ch 162, §14, 25; 2020 Acts, ch 1116, §21, 22](#)

Subsection 1, paragraph b, subparagraph (1), subparagraph divisions (a) and (c) amended  
Subsection 1, paragraph b, subparagraph (1), NEW subparagraph division (e)

#### **124E.12 Use of medical cannabidiol — affirmative defenses.**

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

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

3. A medical cannabidiol dispensary, including any authorized agent or employee thereof, shall not be subject to prosecution for dispensing medical cannabidiol pursuant to [this chapter](#).

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

b. In a prosecution for the unlawful possession of marijuana under the laws of this state for the possession of medical cannabidiol, including but not limited to [chapters 124 and 453B](#), it is an affirmative and complete defense to the prosecution that the person possessed medical cannabidiol because the person is a primary caregiver of a patient who has been diagnosed with a debilitating medical condition and is in possession of a valid medical cannabidiol registration card issued pursuant to [this chapter](#), and where the primary

caregiver's possession of the medical cannabidiol is on behalf of the patient and for the patient's use only as authorized under [this chapter](#).

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

5. An agency of this state or a political subdivision thereof, including any law enforcement agency, shall not remove or initiate proceedings to remove a patient under the age of eighteen from the home of a parent based solely upon the parent's or patient's possession or use of medical cannabidiol as authorized under [this chapter](#).

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

7. Notwithstanding any law to the contrary, the department, the governor, or any employee of any state agency shall not be held civilly or criminally liable for any injury, loss of property, personal injury, or death caused by any act or omission while acting within the scope of office or employment as authorized under [this chapter](#).

8. An attorney shall not be subject to disciplinary action by the Iowa supreme court or attorney disciplinary board for providing legal assistance to a patient, primary caregiver, or others based upon a patient's or primary caregiver's possession or use of medical cannabidiol as authorized under [this chapter](#).

9. Possession of a medical cannabidiol registration card or an application for a medical cannabidiol registration card by a person entitled to possess or apply for a medical cannabidiol registration card shall not constitute probable cause or reasonable suspicion, and shall not be used to support a search of the person or property of the person possessing or applying for the medical cannabidiol registration card, or otherwise subject the person or property of the person to inspection by any governmental agency.

[2017 Acts, ch 162, §15, 25; 2020 Acts, ch 1116, §23](#)

Subsection 7 amended

#### **124E.13 Medical cannabidiol source.**

Medical cannabidiol provided exclusively pursuant to a written certification of a health care practitioner, if not legally available in this state or from any other bordering state, shall be obtained from an out-of-state source.

[2017 Acts, ch 162, §16, 25](#)

#### **124E.14 Out-of-state medical cannabidiol dispensaries.**

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

[2017 Acts, ch 162, §17, 25](#)

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

A patient or a primary caregiver with a valid medical cannabidiol registration card issued pursuant to [this chapter](#) may register in the state of Minnesota as a visiting qualified patient or primary caregiver and may register with one or more medical cannabis manufacturers registered under the laws of Minnesota.

[2017 Acts, ch 162, §18, 25](#)

**124E.16 Penalties.**

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

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

[2017 Acts, ch 162, §19, 25](#)

**124E.17 Use of medical cannabidiol — smoking prohibited.**

A patient shall not consume medical cannabidiol possessed or used as authorized under [this chapter](#) by smoking medical cannabidiol.

[2017 Acts, ch 162, §20, 25](#)

**124E.18 Reciprocity.**

A valid medical cannabidiol registration card, or its equivalent, issued under the laws of another state that allows an out-of-state patient to possess or use medical cannabidiol in the jurisdiction of issuance shall have the same force and effect as a valid medical cannabidiol registration card issued pursuant to [this chapter](#), except that an out-of-state patient in this state shall not obtain medical cannabidiol from a medical cannabidiol dispensary in this state.

[2017 Acts, ch 162, §21, 25](#)

**124E.19 Background investigations.**

1. The division of criminal investigation of the department of public safety shall conduct thorough background investigations for the purposes of licensing medical cannabidiol manufacturers and medical cannabidiol dispensaries under [this chapter](#). The results of any background investigation conducted pursuant to [this section](#) shall be presented to the department.

a. An applicant for a medical cannabidiol manufacturer license or a medical cannabidiol dispensary license and their owners, investors, and employees shall submit all required information on a form prescribed by the department of public safety.

b. The department shall charge an applicant for a medical cannabidiol manufacturer license or a medical cannabidiol dispensary license a fee determined by the department of public safety and adopted by the department by rule to defray the costs associated with background investigations conducted pursuant to the requirements of [this section](#). The fee shall be in addition to any other fees charged by the department. The fee may be retained by the department of public safety and shall be considered repayment receipts as defined in [section 8.2](#).

2. The department shall require an applicant for a medical cannabidiol manufacturer license or a medical cannabidiol dispensary license, their owners and investors, and applicants for employment at a medical cannabidiol manufacturer or medical cannabidiol dispensary to submit fingerprints and other required identifying information to the department on a form prescribed by the department of public safety. The department shall submit the fingerprint cards and other identifying information to the division of criminal investigation of the department of public safety for submission to the federal bureau of investigation for the purpose of conducting a national criminal history record check. The department may require employees and contractors involved in carrying out a background investigation to submit fingerprints and other identifying information for the same purpose.

3. The department may enter into a [chapter 28E](#) agreement with the department of public safety to meet the requirements of [this section](#).

4. An applicant for a medical cannabidiol manufacturer license or a medical cannabidiol dispensary license shall submit information and fees required by [this section](#) at the time of application.

5. The results of background investigations conducted pursuant to [this section](#) shall not be considered public records under [chapter 22](#).

[2018 Acts, ch 1165, §125, 126](#)

Referred to in [§124E.7, 124E.9](#)

#### **124E.20 Observational effectiveness study.**

The department may conduct an observational effectiveness study in cooperation with patients and health care practitioners and pursuant to rules of the department in order to study the effectiveness of medical cannabidiol in the treatment of debilitating medical conditions.

[2020 Acts, ch 1116, §24](#)

NEW section

#### **124E.21 Employer regulation of marijuana use.**

1. Nothing in [this chapter](#) shall require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, distribution, sale, or growing of marijuana in the workplace.

2. Nothing in [this chapter](#) shall prohibit an employer from implementing policies restricting the use of marijuana by employees for the purpose of promoting workplace health and safety.

3. Nothing in [this chapter](#) shall prohibit an employer from including in a contract with an employee a provision prohibiting the use of marijuana.

4. Nothing in [this chapter](#) shall prohibit an employer from establishing and enforcing a zero-tolerance drug policy or a drug-free workplace by use of a drug testing policy in accordance with [section 730.5](#) or any other procedures provided by federal statutes, federal regulations, or orders issued pursuant to federal law.

[2020 Acts, ch 1116, §25](#)

NEW section

#### **124E.22 Regulation of marijuana use by government medical assistance programs, private health insurers, and other entities.**

Nothing in [this chapter](#) shall require a government medical assistance program, private health insurer, workers' compensation carrier, or self-insured employer providing workers' compensation benefits to reimburse a person for costs associated with the medical use of marijuana.

[2020 Acts, ch 1116, §26](#)

NEW section

#### **124E.23 Regulation of marijuana use on property.**

Nothing in [this chapter](#) shall require a person that owns, occupies, or controls a property to allow the use, consumption, possession, transfer, display, transportation, distribution, sale, or growing of marijuana on or in that property.

[2020 Acts, ch 1116, §27](#)

NEW section

#### **124E.24 Limitation of liability.**

Nothing in [this chapter](#) shall create any claim, cause of action, sanction, or penalty, for discrimination or under any other theory of liability, under [chapter 216](#) or any other provision of law, based on an act, omission, policy, or contractual provision permissible under [this chapter](#) including but not limited to refusing to hire, discharging, disciplining, discriminating, retaliating, or otherwise taking any adverse employment action against a person with respect to hiring, tenure, or any terms, conditions, or privileges of employment.

[2020 Acts, ch 1116, §28](#)

NEW section

**124E.25 Cannabis-derived products — exemption.**

[This chapter](#) shall not apply to any cannabis-derived investigational product or cannabis-derived product approved as a prescription drug medication by the United States food and drug administration.

[2020 Acts, ch 1116, §29](#)

NEW section

**124E.26 Applicability.**

The provisions of [this chapter](#) apply notwithstanding any other provision of law to the contrary.

[2020 Acts, ch 1116, §30](#)

NEW section