

House File 2589 - Introduced

HOUSE FILE 2589

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 653)

A BILL FOR

1 An Act concerning 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, paragraph i, Code
2 2020, is amended to read as follows:

3 ~~i. Untreatable~~ Chronic pain.

4 Sec. 2. Section 124E.2, subsections 5 and 6, Code 2020, are
5 amended to read as follows:

6 5. "*Health care practitioner*" means an individual licensed
7 under chapter 148 to practice medicine and surgery or
8 osteopathic medicine and surgery, a physician assistant
9 licensed under chapter 148C, a podiatrist licensed pursuant to
10 chapter 149, an advanced registered nurse practitioner licensed
11 under chapter 152, or an advanced practice registered nurse
12 under chapter 152E, who is a patient's primary care provider.

13 ~~"Health care practitioner" shall not include a physician~~
14 ~~assistant licensed under chapter 148C or an advanced registered~~
15 ~~nurse practitioner licensed pursuant to chapter 152 or 152E.~~

16 6. "*Medical cannabidiol*" means any pharmaceutical
17 grade cannabinoid found in the plant *Cannabis sativa* L. or
18 *Cannabis indica* or any other preparation thereof ~~that has~~
19 ~~a tetrahydrocannabinol level of no more than three percent~~
20 ~~and that is delivered in a form recommended by the medical~~
21 ~~cannabidiol board, approved by the board of medicine, and~~
22 ~~adopted by the department pursuant to rule.~~

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

25 NEW SUBSECTION. 7A. "*Total tetrahydrocannabinol*" means
26 eighty-seven and seven-tenths percent of the amount of
27 tetrahydrocannabinol plus the amount of tetrahydrocannabinolic
28 acid.

29 Sec. 4. Section 124E.4, subsection 1, unnumbered paragraph
30 1, Code 2020, is amended to read as follows:

31 Subject to subsection 7, the department may ~~approve the~~
32 ~~issuance of~~ issue a medical cannabidiol registration card by
33 ~~the department of transportation~~ to a patient who:

34 Sec. 5. Section 124E.4, subsection 1, paragraph d,
35 unnumbered paragraph 1, Code 2020, is amended to read as

1 follows:

2 Submits an application to the department, on a form created
3 by the department, ~~in consultation with the department of~~
4 ~~transportation~~, that contains all of the following:

5 Sec. 6. Section 124E.4, subsection 1, paragraph f, Code
6 2020, is amended by striking the paragraph.

7 Sec. 7. Section 124E.4, subsection 2, unnumbered paragraph
8 1, Code 2020, is amended to read as follows:

9 A medical cannabidiol registration card issued to a patient
10 by the department ~~of transportation~~ pursuant to [subsection 1](#)
11 shall contain, at a minimum, all of the following:

12 Sec. 8. Section 124E.4, subsection 2, paragraph b, Code
13 2020, is amended by striking the paragraph.

14 Sec. 9. Section 124E.4, subsection 3, unnumbered paragraph
15 1, Code 2020, is amended to read as follows:

16 For a patient in a primary caregiver's care, subject to
17 subsection 7, the department may ~~approve the issuance of~~ issue
18 a medical cannabidiol registration card ~~by the department of~~
19 ~~transportation~~ to the primary caregiver who:

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

23 Submits an application to the department, on a form created
24 by the department, ~~in consultation with the department of~~
25 ~~transportation~~, that contains all of the following:

26 Sec. 11. Section 124E.4, subsection 3, paragraph c, Code
27 2020, is amended by striking the paragraph.

28 Sec. 12. Section 124E.4, subsection 4, unnumbered paragraph
29 1, Code 2020, is amended to read as follows:

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

33 Sec. 13. Section 124E.4, subsection 4, paragraph b, Code
34 2020, is amended by striking the paragraph.

35 Sec. 14. Section 124E.4, subsection 6, Code 2020, is amended

1 by striking the subsection.

2 Sec. 15. Section 124E.5, subsection 2, Code 2020, is amended
3 to read as follows:

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

6 Sec. 16. Section 124E.5, subsection 6, Code 2020, is amended
7 to read as follows:

8 ~~6. The medical cannabidiol board may recommend a statutory~~
9 ~~revision to the definition of medical cannabidiol contained in~~
10 ~~this chapter~~ that increases the tetrahydrocannabinol level to
11 more than three percent, however, any such recommendation shall
12 be submitted to the general assembly during the regular session
13 of the general assembly following such submission. The general
14 assembly shall have the sole authority to revise the definition
15 of medical cannabidiol for purposes of **this chapter**.

16 Sec. 17. Section 124E.9, Code 2020, is amended by adding the
17 following new subsections:

18 NEW SUBSECTION. 13. A medical cannabidiol dispensary
19 shall employ a pharmacist or pharmacy technician licensed or
20 registered pursuant to chapter 155A for the purpose of making
21 dosing recommendations.

22 NEW SUBSECTION. 14. A medical cannabidiol dispensary shall
23 not dispense more than a combined total of four and one-half
24 grams of total tetrahydrocannabinol to a patient and the
25 patient's primary caregiver in a ninety-day period, except as
26 provided in subsection 15. The department may decrease this
27 limit by rule as provided in section 124E.11, subsection 2,
28 paragraph "c".

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

34 a. The health care practitioner who certified the patient to
35 receive a medical cannabidiol registration card certifies that

1 patient's debilitating medical condition is a terminal illness
2 with a life expectancy of less than one year. A certification
3 issued pursuant to this paragraph shall include a total
4 tetrahydrocannabinol cap deemed appropriate by the patient's
5 health care practitioner.

6 *b.* The health care practitioner who certified the patient to
7 receive a medical cannabidiol registration card certifies that
8 the patient has participated in the medical cannabidiol program
9 and that the health care practitioner has determined that four
10 and one-half of total tetrahydrocannabinol in a ninety-day
11 period is insufficient to treat the patient's debilitating
12 medical condition. A certification issued pursuant to this
13 paragraph shall include a total tetrahydrocannabinol cap deemed
14 appropriate by the patient's health care practitioner.

15 Sec. 18. Section 124E.11, subsection 1, paragraph b,
16 subparagraph (1), subparagraph division (a), Code 2020, is
17 amended to read as follows:

18 (a) To authorized employees or agents of the department and
19 ~~the department of transportation~~ as necessary to perform the
20 duties of the department and ~~the department of transportation~~
21 pursuant to [this chapter](#).

22 Sec. 19. Section 124E.11, subsection 1, paragraph b,
23 subparagraph (1), subparagraph division (c), Code 2020, is
24 amended to read as follows:

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

31 Sec. 20. Section 124E.11, subsection 1, paragraph b,
32 subparagraph (1), Code 2020, is amended by adding the following
33 new subparagraph division:

34 NEW SUBPARAGRAPH DIVISION. (e) To a health care
35 practitioner for the purpose of determining whether a patient

1 seeking a written certification pursuant to section 124E.3 has
2 already received a written certification from another health
3 care practitioner.

4 Sec. 21. Section 124E.12, subsection 7, Code 2020, is
5 amended to read as follows:

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

12 Sec. 22. NEW SECTION. **124E.20 Observational effectiveness**
13 **study.**

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

19 **Sec. 23. PROTECTION OF FEDERAL FUNDING.** The department
20 of public health shall request guarantees from the agencies
21 of the federal government providing funding to educational
22 and long-term care facilities that facilities with policies
23 allowing patients to possess medical cannabidiol on the grounds
24 of the facilities consistent with chapter 124E or allowing
25 facility staff to administer medical cannabidiol to a patient
26 shall not lose eligibility for any federal funding due to such
27 policies.

28 Sec. 24. **TRANSITION PROVISIONS.** A medical cannabidiol
29 registration card issued prior to July 1, 2020, remains
30 effective and continues in effect as issued for the
31 twelve-month period following its issuance.

32 **EXPLANATION**

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

35 This bill relates to the medical cannabidiol program.

1 The bill replaces "untreatable pain" with "chronic pain" on
2 the list of debilitating medical conditions for which a patient
3 may receive a written certification to receive a medical
4 cannabidiol registration card.

5 The bill adds physician assistants, advanced registered
6 nurse practitioners, advanced practice registered nurses, and
7 podiatrists to the list of health care practitioners allowed to
8 certify a patient to receive a medical cannabidiol registration
9 card.

10 The bill removes the 3 percent tetrahydrocannabinol (THC)
11 limit on medical cannabidiol. The bill prohibits a medical
12 cannabidiol patient or a patient's primary caregiver from
13 receiving more than 4.5 grams of total THC in a 90-day period.
14 However, a medical cannabidiol dispensary may dispense more
15 than 4.5 grams of total THC in a 90-day period to a patient
16 or a patient's primary caregiver, up to a cap determined by
17 the patient's health care practitioner, if the health care
18 practitioner who certified the patient to receive a medical
19 cannabidiol registration card certifies that the patient has
20 a debilitating medical condition with a life expectancy of
21 less than one year or that the patient has participated in the
22 medical cannabidiol program and the health care practitioner
23 has determined that 4.5 grams of total THC in a 90-day period
24 is insufficient to treat the patient's debilitating medical
25 condition. The bill allows medical cannabidiol dispensaries
26 to access the files of the department of public health to
27 determine whether a patient has received more than 4.5 grams
28 of total THC in a 90-day period. The bill defines "total
29 THC" as the amount of THC plus 87.7 percent of the amount of
30 tetrahydrocannabinolic acid.

31 The bill removes the department of transportation from the
32 process of issuing medical cannabidiol registration cards and
33 makes conforming Code changes. The bill directs the department
34 of public health to issue medical cannabidiol registration
35 cards. The bill also removes the requirement that a medical

1 cannabidiol registration card include a photograph of the
2 patient or primary caregiver.

3 The bill removes the prohibitions on patients and primary
4 caregivers with certain disqualifying felony offenses from
5 receiving a medical cannabidiol registration card.

6 The bill removes the limit on the number of meetings per year
7 of the medical cannabidiol board. Current law sets the maximum
8 number of meetings to four per year.

9 The bill removes a provision allowing the medical
10 cannabidiol board to recommend statutory revisions to
11 the definition of medical cannabidiol that increase the
12 tetrahydrocannabinol level to more than 3 percent.

13 The bill requires medical cannabidiol dispensaries to employ
14 a pharmacist or pharmacy technician for the purpose of making
15 medical cannabidiol dosing recommendations.

16 The bill allows health care practitioners to access the
17 patient registry maintained by the department of public health
18 to determine whether a patient seeking a written certification
19 for a medical cannabidiol registration card has already
20 received a written certification from another health care
21 practitioner.

22 The bill requires the department of public health to
23 conduct an observational effectiveness study, in cooperation
24 with patients and health care practitioners, on the efficacy
25 of medical cannabis products. The bill also requires the
26 department to seek guarantees from federal agencies that
27 provide funding to educational and long-term care facilities
28 that facilities with policies allowing patients to possess
29 medical cannabis on the property of the facility or allowing
30 facility staff to administer medical cannabis to a patient
31 will not lose eligibility for any federal funding due to such
32 policies.

33 The bill provides that a medical cannabidiol registration
34 card issued prior to July 1, 2020, by the department of
35 transportation shall remain valid until the card's expiration

H.F. 2589

1 date.