

**Senate File 2363 - Introduced**

SENATE FILE 2363  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3136)

**A BILL FOR**

1 An Act relating to the medical cannabidiol Act, and including  
2 transition provisions.

3 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~~ Severe or chronic pain.

4 Sec. 2. Section 124E.2, subsection 2, Code 2020, is amended  
5 by adding the following new paragraphs:

6 NEW PARAGRAPH. j. Autism.

7 NEW PARAGRAPH. k. Post-traumatic stress disorder.

8 Sec. 3. Section 124E.2, subsections 5 and 6, Code 2020, are  
9 amended to read as follows:

10 5. "*Health care practitioner*" means an individual licensed  
11 under [chapter 148](#) to practice medicine and surgery or  
12 osteopathic medicine and surgery, a physician assistant  
13 licensed under chapter 148C, a podiatrist licensed under  
14 chapter 149, an advanced registered nurse practitioner licensed  
15 under chapter 152, or an advanced practice registered nurse  
16 licensed under chapter 152E, who is a patient's primary care  
17 provider. "~~Health care practitioner~~" shall not include a  
18 physician assistant licensed under [chapter 148C](#) or an advanced  
19 registered nurse practitioner licensed pursuant to chapter 152  
20 or [152E](#).

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

28 Sec. 4. Section 124E.2, subsection 8, Code 2020, is amended  
29 by striking the subsection.

30 Sec. 5. NEW SECTION. 124E.3A Health care practitioner  
31 decertification.

32 1. The department shall adopt rules to allow a health  
33 care practitioner who has issued a written certification to a  
34 patient to revoke the certification.

35 2. A medical cannabidiol registration card issued to

1 a patient or primary caregiver on the basis of a written  
2 certification that has been revoked pursuant to subsection 1  
3 shall not be valid after the date of revocation.

4 3. A patient or primary caregiver in possession of medical  
5 cannabidiol after the revocation of a written certification  
6 shall not be subject to a penalty under section 124E.16 for  
7 thirty days after the revocation. Before the expiration of  
8 thirty days after revocation, the patient or primary caregiver  
9 shall return any unused medical cannabidiol to a medical  
10 cannabidiol dispensary unless the patient has been recertified  
11 pursuant to subsection 4.

12 4. A patient whose written certification has been  
13 revoked pursuant to subsection 1 may receive a new written  
14 certification pursuant to section 124E.3. If a patient  
15 receives a new written certification within thirty days of  
16 the revocation of the initial certification, the patient  
17 or the patient's primary caregiver may retain any medical  
18 cannabidiol still in the possession of the patient or the  
19 primary caregiver. A patient shall not receive more than two  
20 written certifications per year.

21 Sec. 6. Section 124E.4, subsections 1 and 5, Code 2020, are  
22 amended to read as follows:

23 1. *Issuance to patient.*

24 ~~a. Subject~~ Except as otherwise provided in paragraph "b",  
25 and subject to subsection 7, the department may ~~approve the~~  
26 ~~issuance of~~ issue a medical cannabidiol registration card ~~by~~  
27 ~~the department of transportation~~ to a patient who:

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

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

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

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

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

3     ~~(2)~~ (b) A copy of the patient's valid photo identification.

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

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

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

10    ~~e.~~ (5) Submits a medical cannabidiol registration card  
11 fee of one hundred dollars to the department. If the patient  
12 attests to receiving social security disability benefits,  
13 supplemental security insurance payments, or being enrolled in  
14 the medical assistance program, the fee shall be twenty-five  
15 dollars.

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

17    b. Subject to subsection 7, the department may issue a  
18 medical cannabidiol registration card to a patient who provides  
19 documentation to the department, on a form prescribed by the  
20 department, that the patient is receiving hospice care in this  
21 state.

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

26    Sec. 7. Section 124E.4, subsection 2, unnumbered paragraph  
27 1, Code 2020, is amended to read as follows:

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

31    Sec. 8. Section 124E.4, subsection 3, unnumbered paragraph  
32 1, Code 2020, is amended to read as follows:

33    For a patient in a primary caregiver's care, subject to  
34 subsection 7, the department may ~~approve the issuance of issue~~  
35 a medical cannabidiol registration card ~~by the department of~~

1 ~~transportation~~ to the primary caregiver who:

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

5     Submits an application to the department, on a form created  
6 by the department, ~~in consultation with the department of~~  
7 ~~transportation~~, that contains all of the following:

8     Sec. 10. Section 124E.4, subsection 3, paragraph c, Code  
9 2020, is amended by striking the paragraph.

10     Sec. 11. Section 124E.4, Code 2020, is amended by adding the  
11 following new subsection:

12     NEW SUBSECTION. 3A. *Issuance to an institution.* The  
13 department shall adopt rules for the issuance of a caregiver  
14 registration card to an institution, including but not limited  
15 to a school, university, nursing home, long-term care facility,  
16 correctional facility, or jail, allowing employees of the  
17 institution to administer medical cannabidiol to patients in  
18 the care of the institution.

19     Sec. 12. Section 124E.4, subsection 4, unnumbered paragraph  
20 1, Code 2020, is amended to read as follows:

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

24     Sec. 13. Section 124E.4, subsection 6, Code 2020, is amended  
25 by striking the subsection.

26     Sec. 14. Section 124E.5, subsection 2, Code 2020, is amended  
27 to read as follows:

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

30     Sec. 15. Section 124E.5, subsection 3, paragraph b, Code  
31 2020, is amended to read as follows:

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

1 beneficial. The department shall adopt rules to modify the  
2 list of allowable debilitating medical conditions consistent  
3 with recommendations of the board.

4 Sec. 16. Section 124E.5, subsection 4, Code 2020, is amended  
5 to read as follows:

6 4. Recommendations made by the medical cannabidiol board  
7 pursuant to [subsection 3](#), paragraphs "b" and "e", shall be made  
8 to the ~~board of medicine~~ department for consideration, and if  
9 approved, shall be adopted by the ~~board of medicine~~ department  
10 by rule.

11 Sec. 17. Section 124E.6, subsection 4, Code 2020, is amended  
12 to read as follows:

13 4. The department shall require each medical cannabidiol  
14 manufacturer to contract with the state hygienic laboratory at  
15 the university of Iowa in Iowa City or an independent medical  
16 cannabidiol testing laboratory to perform spot-check testing  
17 of the medical cannabidiol produced by the manufacturer as  
18 provided in [section 124E.7](#). The department shall require that  
19 the laboratory report testing results to the manufacturer  
20 and the department in a manner determined by the department  
21 pursuant to rule.

22 Sec. 18. Section 124E.6, Code 2020, is amended by adding the  
23 following new subsection:

24 NEW SUBSECTION. 6. A medical cannabidiol manufacturer  
25 shall pay a renewal fee of two thousand dollars per year to the  
26 department to renew a medical cannabidiol manufacturer license  
27 in addition to any other requirement imposed by the department  
28 by rule.

29 Sec. 19. Section 124E.7, subsection 1, Code 2020, is amended  
30 to read as follows:

31 1. A medical cannabidiol manufacturer shall contract with  
32 the state hygienic laboratory at the university of Iowa in Iowa  
33 City or an independent medical cannabidiol testing laboratory  
34 to perform spot-check testing of the medical cannabidiol  
35 manufactured by the medical cannabidiol manufacturer as to

1 content, contamination, and consistency. The cost of all  
2 laboratory testing shall be paid by the medical cannabidiol  
3 manufacturer. The state hygienic laboratory shall not charge  
4 a medical cannabidiol manufacturer more than fifty thousand  
5 dollars per year to perform spot-check testing.

6 Sec. 20. NEW SECTION. 124E.7A Medical cannabidiol testing  
7 laboratory — review committee.

8 1. The department shall establish a committee to review  
9 product matrices, testing protocols, and testing procedures  
10 used by the state hygienic laboratory at the university of Iowa  
11 in Iowa City and any independent medical cannabidiol testing  
12 laboratory operating in this state not later than September 1.

13 2. *a.* The committee shall consist of the following members,  
14 selected by the department:

15 (1) Three members representing independent medical  
16 cannabidiol testing laboratories.

17 (2) Two members who shall be professors at regents  
18 institutions with relevant education and experience, as  
19 determined by rule of the department, who are not associated  
20 with the state hygienic laboratory at the university of Iowa  
21 in Iowa City or any independent medical cannabidiol testing  
22 laboratory.

23 *b.* Members shall serve for a period of time as determined by  
24 rules of the department.

25 3. Prior to implementing any new product matrix, testing  
26 protocol, or testing procedure, the state hygienic laboratory  
27 at the university of Iowa in Iowa City and any independent  
28 medical cannabidiol testing laboratory operating in this  
29 state shall submit the new product matrix, testing protocol,  
30 or testing procedure to the committee. The committee shall  
31 approve or disapprove of the product matrix, testing protocol,  
32 or testing procedure by a simple majority vote. The state  
33 hygienic laboratory at the university of Iowa in Iowa City  
34 and any independent medical cannabidiol testing laboratory  
35 operating in this state shall not use a new product matrix,

1 testing protocol, or testing procedure until it has been  
2 approved by the committee, and shall not use a new product  
3 matrix, testing protocol, or testing procedure that has been  
4 disapproved by the committee. Product matrices, testing  
5 protocols, and testing procedures in use prior to July 1, 2020,  
6 shall not be subject to approval by the committee except as  
7 provided in subsection 4.

8 4. A medical cannabidiol manufacturer of a product that has  
9 failed a test administered by the state hygienic laboratory  
10 at the university of Iowa in Iowa City or an independent  
11 medical cannabidiol testing laboratory operating in this state  
12 may dispute the result and request that the committee review  
13 a product matrix, testing protocol, or testing procedure  
14 used in testing the product. The committee shall approve or  
15 disapprove of the result, and in the case of disapproval, shall  
16 explain the reason for disapproval. A medical cannabidiol  
17 manufacturer of a product tested using a product matrix,  
18 testing protocol, or testing procedure disapproved of by the  
19 committee may request that the product be tested again without  
20 the disapproved product matrix, testing protocol, or testing  
21 procedure.

22 5. The department shall adopt rules to administer this  
23 section.

24 Sec. 21. Section 124E.8, Code 2020, is amended by adding the  
25 following new subsection:

26 NEW SUBSECTION. 5. A medical cannabidiol dispensary shall  
27 pay an annual renewal fee of two thousand dollars to the  
28 department to renew a medical cannabidiol dispensary license  
29 in addition to any other requirement imposed by the department  
30 by rule.

31 Sec. 22. Section 124E.9, Code 2020, is amended by adding the  
32 following new subsections:

33 NEW SUBSECTION. 13. A medical cannabidiol dispensary  
34 may employ a pharmacist or pharmacy technician licensed or  
35 registered pursuant to chapter 155A.



1     NEW SUBSECTION. 14. A medical cannabidiol dispensary shall  
2 not dispense more than a combined total of twenty-five grams  
3 of tetrahydrocannabinol to a patient and the patient's primary  
4 caregiver in a ninety-day period.

5     Sec. 23. Section 124E.11, subsection 1, paragraph b,  
6 subparagraph (1), subparagraph divisions (a) and (c), Code  
7 2020, are amended to read as follows:

8     (a) To authorized employees or agents of the department ~~and~~  
9 ~~the department of transportation~~ as necessary to perform the  
10 duties of the department ~~and the department of transportation~~  
11 pursuant to [this chapter](#).

12     (c) To authorized employees of a medical cannabidiol  
13 dispensary, but only for the ~~purpose~~ purposes of verifying  
14 that a person is lawfully in possession of a medical  
15 cannabidiol registration card issued pursuant to this chapter  
16 and that a patient or primary caregiver has not purchased  
17 tetrahydrocannabidiol in excess of the amount authorized by  
18 this chapter.

19     Sec. 24. Section 124E.11, subsection 1, paragraph b,  
20 subparagraph (1), Code 2020, is amended by adding the following  
21 new subparagraph division:

22     NEW SUBPARAGRAPH DIVISION. (e) To a health care  
23 practitioner, but only for the purpose of monitoring the  
24 amount of medical cannabidiol purchased by the health care  
25 practitioner's patient or the primary caregiver of a patient.

26     Sec. 25. Section 124E.11, subsection 2, paragraph c, Code  
27 2020, is amended to read as follows:

28     c. Establish the form and quantity of medical cannabidiol  
29 allowed to be dispensed to a patient or primary caregiver  
30 pursuant to [this chapter](#) as appropriate to serve the medical  
31 needs of patients with debilitating medical conditions, subject  
32 to recommendation by the medical cannabidiol board and approval  
33 by the ~~board of medicine~~ department.

34     Sec. 26. Section 124E.12, subsections 6 and 7, Code 2020,  
35 are amended to read as follows:

1 6. The department, ~~the department of transportation,~~  
2 and any health care practitioner, including any authorized  
3 agent or employee thereof, are not subject to any civil  
4 or disciplinary penalties by the board of medicine or any  
5 business, occupational, or professional licensing board or  
6 entity, solely for activities conducted relating to a patient's  
7 possession or use of medical cannabidiol as authorized under  
8 this chapter. Nothing in **this section** affects a professional  
9 licensing board from taking action in response to violations of  
10 any other section of law.

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

17 **Sec. 27. NEW SECTION. 124E.20 Observational effectiveness**  
18 **study.**

19 The department shall, upon receipt of funding, conduct  
20 an observational effectiveness study in cooperation with  
21 patients and health care practitioners and pursuant to rules  
22 of the department in order to study the effectiveness of  
23 medical cannabidiol in the treatment of debilitating medical  
24 conditions.

25 **Sec. 28. PROTECTION OF FEDERAL FUNDING. The department**  
26 **of public health shall request guarantees from the agencies**  
27 **of the federal government providing funding to educational**  
28 **and long-term care facilities that facilities with policies**  
29 **allowing patients to possess medical cannabidiol on the grounds**  
30 **of the facilities consistent with chapter 124E or allowing**  
31 **facility staff to administer medical cannabidiol to a patient**  
32 **shall not lose eligibility for any federal funding due to such**  
33 **policies.**

34 **Sec. 29. TRANSITION PROVISIONS. A medical cannabidiol**  
35 **registration card issued by the department of transportation**

1 prior to July 1, 2020, remains effective and continues in  
2 effect as issued for the twelve-month period following its  
3 issuance.

4 EXPLANATION

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

7 This bill relates to the medical cannabidiol Act.

8 The bill adds autism and post-traumatic stress disorder  
9 to the list of debilitating medical conditions for which a  
10 written certification for a medical cannabidiol registration  
11 card may be issued. The bill replaces "untreatable pain" with  
12 "severe or chronic pain" on the list of debilitating medical  
13 conditions. The bill adds licensed physician assistants,  
14 podiatrists, advanced registered nurse practitioners, and  
15 advanced practice registered nurses to the list of health care  
16 practitioners that may issue written certifications for a  
17 medical cannabidiol registration card.

18 The bill removes the 3 percent tetrahydrocannabinol (THC)  
19 limit from the definition of medical cannabidiol. The bill  
20 instead prohibits a patient or a primary caregiver from  
21 purchasing more than 25 grams of THC in a 90-day period. The  
22 bill allows medical cannabidiol dispensaries to access the  
23 registry of medical cannabidiol patients to verify that a  
24 patient or primary caregiver has not purchased more than 25  
25 grams of THC in a 90-day period. The bill also allows a health  
26 care practitioner to access the registry of medical cannabidiol  
27 patients in order to monitor the amount of medical cannabidiol  
28 purchased by the health care practitioners's patient or the  
29 primary caregiver of a patient.

30 The bill removes the board of medicine from the process  
31 of amending the acceptable form and quantity of medical  
32 cannabidiol.

33 The bill directs the department of public health to adopt  
34 rules allowing a health care practitioner who has issued a  
35 written certification for a medical cannabidiol registration

1 card to a patient to revoke that certification. A medical  
2 cannabidiol registration card issued on the basis of a written  
3 certification shall no longer be valid. A patient or primary  
4 caregiver with a revoked written certification has 30 days  
5 to dispose of medical cannabidiol still in the possession of  
6 the patient or primary caregiver or to receive another written  
7 certification. A patient or primary caregiver shall not  
8 receive more than two written certifications per year.

9 The bill removes provisions preventing a patient or a  
10 primary caregiver from receiving a medical cannabidiol  
11 registration card if the patient or primary caregiver has been  
12 convicted of a disqualifying felony.

13 The bill directs the department of public health to  
14 adopt rules for issuance of a caregiver medical cannabidiol  
15 registration card to an institution, including but not limited  
16 to a school, university, nursing home, long-term care facility,  
17 correctional facility, or jail, to allow employees of the  
18 institution to administer medical cannabidiol to patients  
19 in the care of the institution. The bill also permits the  
20 department of public health to issue a medical cannabidiol  
21 registration card to a patient receiving hospice care in this  
22 state without first receiving a written certification from a  
23 health care practitioner.

24 The bill changes the expiration date of medical cannabidiol  
25 registration cards from one year after the date of issuance to  
26 two years after the date of issuance.

27 The bill removes the department of transportation from the  
28 process of applying for and receiving a medical cannabidiol  
29 registration card and requires the department of public health  
30 to issue medical cannabidiol registration cards and makes  
31 conforming Code changes. A medical cannabidiol registration  
32 card previously issued by the department of transportation  
33 prior to July 1, 2020, remains effective and continues in  
34 effect for the 12-month period following its issuance.

35 The bill allows the medical cannabidiol board to meet more

1 than four times per year.

2 The bill requires the department of public health to  
3 adopt rules to modify the list of debilitating medical  
4 conditions for which a certification for a medical cannabidiol  
5 registration card may be issued when the medical cannabidiol  
6 board recommends such a change. The bill removes the board  
7 of medicine from the process of adding debilitating medical  
8 conditions to the list of debilitating conditions for which a  
9 written certification for a medical cannabidiol registration  
10 card may be issued.

11 The bill makes changes with respect to medical cannabidiol  
12 manufacturers, medical cannabidiol dispensaries, and medical  
13 cannabidiol product testing. A medical cannabidiol testing  
14 laboratory must report testing results to the department of  
15 public health in addition to the manufacturer of the product  
16 being tested. The bill provides that an annual renewal fee  
17 for a medical cannabidiol manufacturer license or medical  
18 cannabidiol dispensary license shall be \$2,000. The state  
19 hygienic laboratory at the university of Iowa in Iowa City  
20 shall not charge a medical cannabidiol manufacturer more  
21 than \$50,000 per year for the testing of medical cannabidiol  
22 products.

23 The bill requires the department of public health to  
24 establish a committee to review product matrices, testing  
25 protocols, and testing procedures used by medical cannabidiol  
26 testing laboratories. The committee shall consist of five  
27 members, selected by the department of public health, with  
28 three members representing independent medical cannabidiol  
29 testing laboratories and two members who are professors at  
30 regents institutions with relevant education and experience and  
31 no association with any medical cannabidiol testing laboratory.  
32 Prior to implementing any new product matrix, testing protocol,  
33 or testing procedure, a medical cannabidiol testing laboratory  
34 must submit the product matrix, protocol, or procedure to  
35 the committee for approval. A medical cannabidiol testing

1 laboratory shall not use a new product matrix, protocol, or  
2 procedure that has not been approved by the committee or has  
3 been disapproved. Product matrices, protocols, and procedures  
4 in use prior to July 1, 2020, are not subject to review,  
5 except that a medical cannabidiol manufacturer of a product  
6 that has failed a test administered by a medical cannabidiol  
7 testing laboratory may contest the results of the test with the  
8 committee, who shall approve or disapprove the results of the  
9 test. A manufacturer of a product that failed a test that was  
10 disapproved by the committee may request that the product be  
11 tested again without the disapproved product matrix, testing  
12 protocol, or testing procedure by the committee.

13 The bill requires the department of public health to conduct  
14 a study on the efficacy of medical cannabidiol in treating  
15 patients with debilitating medical conditions upon receipt  
16 of funding. The bill also requires the department of public  
17 health to request guarantees from agencies of the federal  
18 government providing funding to educational and long-term care  
19 facilities in the state that such facilities shall not lose  
20 such funding for allowing patients to possess and use medical  
21 cannabidiol on the grounds of the facilities.