

House Amendment to
Senate File 2360

S-5208

1 Amend Senate File 2360, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 124.401, subsection 5, Code
6 2014, is amended by adding the following new unnumbered
7 paragraph after unnumbered paragraph 2:

8 NEW UNNUMBERED PARAGRAPH. A person may knowingly
9 or intentionally recommend, possess, use, dispense,
10 deliver, transport, or administer cannabidiol if the
11 recommendation, possession, use, dispensing, delivery,
12 transporting, or administering is in accordance with
13 the provisions of chapter 124D. For purposes of this
14 paragraph, "cannabidiol" means the same as defined in
15 section 124D.2.

16 Sec. 2. NEW SECTION. 124D.1 Short title.

17 This chapter shall be known and may be cited as the
18 "Medical Cannabidiol Act".

19 Sec. 3. NEW SECTION. 124D.2 Definitions.

20 As used in this chapter:

21 1. "Cannabidiol" means a nonpsychoactive
22 cannabinoid found in the plant *Cannabis sativa* L.
23 or *Cannabis indica* or any other preparation thereof
24 that is essentially free from plant material, and has
25 a tetrahydrocannabinol level of no more than three
26 percent.

27 2. "Department" means the department of public
28 health.

29 3. "Intractable epilepsy" means an epileptic seizure
30 disorder for which standard medical treatment does
31 not prevent or significantly ameliorate recurring,
32 uncontrolled seizures or for which standard medical
33 treatment results in harmful side effects.

34 4. "Neurologist" means an allopathic or osteopathic
35 physician board-certified in neurology in good standing
36 and licensed under chapter 148.

37 5. "Primary caregiver" means a person, at least
38 eighteen years of age, who has been designated by a
39 patient's neurologist or a person having custody of a
40 patient, as being necessary to take responsibility for
41 managing the well-being of the patient with respect
42 to the medical use of cannabidiol pursuant to the
43 provisions of this chapter.

44 Sec. 4. NEW SECTION. 124D.3 Neurologist
45 recommendation — medical use of cannabidiol.

46 A neurologist who has examined and treated a patient
47 suffering from intractable epilepsy may provide but
48 has no duty to provide a written recommendation for
49 the patient's medical use of cannabidiol to treat or
50 alleviate symptoms of intractable epilepsy if no other

1 satisfactory alternative treatment options exist for
2 the patient and all of the following conditions apply:

3 1. The patient is a permanent resident of this
4 state.

5 2. A neurologist has treated the patient for
6 intractable epilepsy for at least six months. For
7 purposes of this treatment period, and notwithstanding
8 section 124D.2, subsection 4, treatment provided by a
9 neurologist may include treatment by an out-of-state
10 licensed neurologist in good standing.

11 3. The neurologist has tried alternative treatment
12 options that have not alleviated the patient's
13 symptoms.

14 4. The neurologist determines the risks of
15 recommending the medical use of cannabidiol are
16 reasonable in light of the potential benefit for the
17 patient.

18 5. The neurologist maintains a patient treatment
19 plan.

20 Sec. 5. NEW SECTION. 124D.4 Cannabidiol
21 registration card.

22 1. *Issuance to patient.* The department may approve
23 the issuance of a cannabidiol registration card by the
24 department of transportation to a patient who:

25 a. Is at least eighteen years of age.

26 b. Is a permanent resident of this state.

27 c. Requests the patient's neurologist to submit
28 a written recommendation to the department signed by
29 the neurologist that the patient may benefit from the
30 medical use of cannabidiol pursuant to section 124D.3.

31 d. Submits an application to the department, on a
32 form created by the department, in consultation with
33 the department of transportation, that contains all of
34 the following:

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

37 (2) A copy of the patient's valid photo
38 identification.

39 (3) Full name, address, and telephone number of the
40 patient's neurologist.

41 (4) Full name, residence address, date of birth,
42 and telephone number of each primary caregiver of the
43 patient, if any.

44 (5) Any other information required by rule.

45 2. *Patient card contents.* A cannabidiol
46 registration card issued to a patient by the department
47 of transportation pursuant to subsection 1 shall
48 contain, at a minimum, all of the following:

49 a. The patient's full name, Iowa residence address,
50 and date of birth.

1 *b.* The patient's photo.
2 *c.* The date of issuance and expiration date of the
3 registration card.
4 *d.* Any other information required by rule.
5 3. *Issuance to primary caregiver.* For a patient in
6 a primary caregiver's care, the department may approve
7 the issuance of a cannabidiol registration card by the
8 department of transportation to the primary caregiver
9 who:
10 *a.* Is at least eighteen years of age.
11 *b.* Requests a patient's neurologist to submit a
12 written recommendation to the department signed by the
13 neurologist that a patient in the primary caregiver's
14 care may benefit from the medical use of cannabidiol
15 pursuant to section 124D.3.
16 *c.* Submits an application to the department, on a
17 form created by the department, in consultation with
18 the department of transportation, that contains all of
19 the following:
20 (1) The primary caregiver's full name, residence
21 address, date of birth, and telephone number.
22 (2) The patient's full name.
23 (3) A copy of the primary caregiver's valid photo
24 identification.
25 (4) Full name, address, and telephone number of the
26 patient's neurologist.
27 (5) Any other information required by rule.
28 4. *Primary caregiver card contents.* A cannabidiol
29 registration card issued by the department of
30 transportation to a primary caregiver pursuant to
31 subsection 3 shall contain, at a minimum, all of the
32 following:
33 *a.* The primary caregiver's full name, residence
34 address, and date of birth.
35 *b.* The primary caregiver's photo.
36 *c.* The date of issuance and expiration date of the
37 registration card.
38 *d.* The full name of each patient in the primary
39 caregiver's care.
40 *e.* Any other information required by rule.
41 5. *Expiration date of card.* A cannabidiol
42 registration card issued pursuant to this section shall
43 expire one year after the date of issuance and may be
44 renewed.
45 6. *Card issuance — department of transportation.*
46 The department may enter into a chapter 28E agreement
47 with the department of transportation to facilitate the
48 issuance of a cannabidiol registration card pursuant to
49 subsections 1 and 3.
50 Sec. 6. NEW SECTION. 124D.5 Department duties —

1 rules.

2 1. a. The department shall maintain a confidential
3 file of the names of each patient to or for whom the
4 department issues a cannabidiol registration card
5 and the name of each primary caregiver to whom the
6 department issues a cannabidiol registration card under
7 section 124D.4.

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

11 (1) Information in the confidential file maintained
12 pursuant to paragraph "a" may be released to the
13 following persons under the following circumstances:

14 (a) To authorized employees or agents of the
15 department and the department of transportation as
16 necessary to perform the duties of the department and
17 the department of transportation pursuant to this
18 chapter.

19 (b) To authorized employees of state or local
20 law enforcement agencies, but only for the purpose of
21 verifying that a person is lawfully in possession of a
22 cannabidiol registration card issued pursuant to this
23 chapter.

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

28 2. The department, in consultation with the
29 department of transportation, shall adopt rules to
30 administer this chapter which shall include but not
31 be limited to rules to establish the manner in which
32 the department shall consider applications for new and
33 renewal cannabidiol registration cards.

34 **Sec. 7. NEW SECTION. 124D.6 Medical use of**
35 **cannabidiol — affirmative defense.**

36 1. a. A recommendation for the possession or use
37 of cannabidiol as authorized by this chapter shall be
38 provided exclusively by a neurologist for a patient who
39 has been diagnosed with intractable epilepsy.

40 b. Cannabidiol provided exclusively pursuant to the
41 recommendation of a neurologist shall be obtained from
42 an out-of-state source and shall only be recommended
43 for oral or transdermal administration.

44 c. A neurologist shall be the sole authorized
45 recommender as part of the treatment plan by the
46 neurologist of a patient diagnosed with intractable
47 epilepsy. A neurologist shall have the sole authority
48 to recommend the use or amount of cannabidiol, if any,
49 in the treatment plan of a patient diagnosed with
50 intractable epilepsy.

1 2. A neurologist, including any authorized agent
2 thereof, shall not be subject to prosecution for the
3 unlawful recommendation, possession, or administration
4 of marijuana under the laws of this state for
5 activities arising directly out of or directly related
6 to the recommendation or use of cannabidiol in the
7 treatment of a patient diagnosed with intractable
8 epilepsy.

9 3. *a.* In a prosecution for the unlawful possession
10 of marijuana under the laws of this state, including
11 but not limited to chapters 124 and 453B, it is an
12 affirmative and complete defense to the prosecution
13 that the patient has been diagnosed with intractable
14 epilepsy, used or possessed cannabidiol pursuant to a
15 recommendation by a neurologist as authorized under
16 this chapter, and, for a patient eighteen years of
17 age or older, is in possession of a valid cannabidiol
18 registration card.

19 *b.* In a prosecution for the unlawful possession
20 of marijuana under the laws of this state, including
21 but not limited to chapters 124 and 453B, it is an
22 affirmative and complete defense to the prosecution
23 that the person possessed cannabidiol because the
24 person is a primary caregiver of a patient who has
25 been diagnosed with intractable epilepsy and is in
26 possession of a valid cannabidiol registration card,
27 and where the primary caregiver's possession of the
28 cannabidiol is on behalf of the patient and for the
29 patient's use only as authorized under this chapter.

30 *c.* (1) The defenses afforded a patient under
31 paragraph "a" apply to a patient only if the quantity
32 of cannabidiol oil possessed by the patient does not
33 exceed thirty-two ounces.

34 (2) The defenses afforded a primary caregiver
35 under paragraph "b" apply to a primary caregiver only
36 if the quantity of cannabidiol oil possessed by the
37 primary caregiver does not exceed thirty-two ounces per
38 patient.

39 *d.* If a patient or primary caregiver is charged
40 with the commission of a crime and is not in possession
41 of the person's cannabidiol registration card, any
42 charge or charges filed against the person shall be
43 dismissed by the court if the person produces to the
44 court at the person's trial a cannabidiol registration
45 card issued to that person and valid at the time the
46 person was charged.

47 4. An agency of this state or a political
48 subdivision thereof, including any law enforcement
49 agency, shall not remove or initiate proceedings
50 to remove a patient under the age of eighteen from

1 the home of a parent based solely upon the parent's
2 or patient's possession or use of cannabidiol as
3 authorized under this chapter.

4 **Sec. 8. NEW SECTION. 124D.7 Penalties.**

5 A person who knowingly or intentionally possesses or
6 uses cannabidiol in violation of the requirements of
7 this chapter is subject to the penalties provided under
8 chapters 124 and 453B.

9 **Sec. 9. NEW SECTION. 124D.8 Repeal.**

10 This chapter is repealed July 1, 2017.

11 **Sec. 10. REPORTS.** The university of Iowa carver
12 college of medicine and college of pharmacy shall, on
13 or before July 1 of each year, beginning July 1, 2015,
14 submit a report detailing the scientific literature,
15 studies, and clinical trials regarding the use of
16 cannabidiol on patients diagnosed with intractable
17 epilepsy to the department of public health and the
18 general assembly.>

19 2. Title page, by striking line 2 and inserting
20 <penalties.>