

**IOWA PEACE OFFICERS ASSOCIATION**

***LEGISLATIVE UPDATE***

**February 8 - 12, 2016**

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***House Introduces Medical Marijuana Legislation***

[HSB 607](https://www.legis.iowa.gov/legislation/BillBook?ba=HSB607&ga=86) creates the “Medical Cannabidiol Act” and establishes a manufacturing and distribution system within Iowa for Cannabidiol. The legislation also reclassifies marijuana, including tetrahydrocannabinols, as a schedule II controlled substance instead of a schedule I controlled substance and strikes references to the authority of the board of pharmacy to adopt rules for the use of marijuana or tetrahydrocannabinols for medicinal purposes.

HSB 607 provides that a patient with a debilitating medical condition, who receives written certification from the patient’s health care practitioner that the patient has a debilitating medical condition and who submits the written certification along with an application to the department of public health (department) for a medical cannabidiol registration card, may lawfully use medical cannabidiol to treat the patient’s debilitating medical condition. A patient who is issued a medical cannabidiol registration card will be able to receive medical cannabidiol directly from a licensed medical cannabidiol dispensary in this state. “Medical Cannabidiol” can contain no more than 3% THC, but is not required to have a minimum level of CBD. The bill provides that a patient, including an out-of-state patient who is in Iowa, shall not consume the medical cannabidiol by smoking the medical cannabidiol.

The director of public health is required to establish a medical advisory board, no later than August 15, 2016, to consist of nine practitioners representing the fields of neurology, pain management, gastroenterology, oncology, psychiatry, pediatrics, infectious disease, family medicine, and pharmacy, and three patients with valid medical cannabidiol registration cards. The Board is required to make recommendations to the department of public health for approval of additional debilitating medical conditions that can be treated with medical cannabidiol.

HSB 607 requires the department to license by December 1, 2016, four medical cannabidiol manufacturers for the manufacture of medical cannabidiol within this state and and 12 medical cannabidiol dispensaries to dispense medical cannabidiol within this state and to license new medical cannabidiol manufacturers and dispensaries or relicense existing medical cannabidiol manufacturers and dispensaries by December 1 of each year.

As a condition for licensure, a medical cannabidiol manufacturer must agree to begin supplying medical cannabidiol to medical cannabidiol dispensaries in this state by July 1, 2017. A medical cannabidiol manufacturer is required to provide a reliable and ongoing supply of medical cannabidiol to medical cannabidiol dispensaries and to treat every debilitating medical condition pursuant to the provisions of the bill and manufacture, cultivate, harvest, package, and process medical cannabidiol in an enclosed, locked facility at a physical address provided to the department during the licensure process; and is prohibited from manufacturing edible medical cannabidiol products with food coloring.

Prior to dispensing of any medical cannabidiol, a medical cannabidiol dispensary is required to 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, assign a tracking number to any medical cannabidiol dispensed from the medical cannabidiol dispensary and follow proper packaging procedures in compliance with federal law.

HSB 607 requires the department of public health to adopt administrative rules relating to applications for medical cannabidiol registration cards, chronic and debilitating diseases or medical conditions, the form and quantity of medical cannabidiol allowed to be dispensed, requirements for the licensure of medical cannabidiol manufacturers and medical cannabidiol dispensaries, a dispensing system for medical cannabidiol within this state that follows certain requirements, annual fees from medical cannabidiol manufacturers and medical cannabidiol dispensaries public safety procedures.

The bill also allows reciprocity for 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 card issued under the bill, except that an out-of-state patient in this state shall not obtain medical cannabidiol from a medical cannabidiol dispensary in this state.

The bill provides prosecution immunity for a health care practitioner, a medical cannabidiol manufacturer, and a medical cannabidiol dispensary, including any authorized agents or employees of the health care practitioner, medical cannabidiol manufacturer, and medical cannabidiol dispensary, for activities undertaken by the health care practitioner, medical cannabidiol manufacturer, and medical cannabidiol dispensary pursuant to the provisions of the bill.

***Senate Proposes Changes to Criminal Asset Forfeiture Law***

[SF 2166](https://www.legis.iowa.gov/legislation/BillBook?ba=SF2166&ga=86) - This bill relates to criminal asset forfeiture. Under current law, criminal asset forfeiture is governed by Code chapter 809A. The bill repeals Code chapter 809A and replaces it with new Code chapter 809B. Currently under Code chapter 809A, a conviction for a criminal offense is not required for an asset to be subject to forfeiture, and forfeiture need not be expressly authorized as a penalty in the criminal statute. The bill provides that property is not subject to forfeiture until a person has been convicted of a felony for which forfeiture is expressly authorized as a penalty. The bill exempts homestead real property, motor vehicles of less than $10,000 in market value, and United States currency totaling $200 or less from forfeiture.

SF 2166 also changes the standard of proof required for forfeiture. Current law requires the state to prove that property is subject to forfeiture by a preponderance of the evidence. This bill would require the state to prove, by clear and convincing evidence, that the property is forfeitable.

Finally, SF 2166 requires law enforcement agencies to provide annual reports to the Department of Revenue regarding forfeitures completed by the law enforcement agencies. The bill requires the Department of Revenue to prepare an annual report aggregating the results and to post the aggregate report on the department’s internet site.

**Bills of Interest**

The following bills of interest were introduced this week.

[SF 2120](https://www.legis.iowa.gov/legislation/BillBook?ba=SF2120&ga=86) - A bill for an act modifying the elements defining hate crimes, and providing penalties.

[SF 2115](https://www.legis.iowa.gov/legislation/BillBook?ba=SF2115&ga=86) - A bill for an act relating to the criminal offense of interference with official acts at county jails, municipal holding facilities, and judicial district departments of correctional services, and providing penalties.

[HF 2195](https://www.legis.iowa.gov/legislation/BillBook?ba=HF2195&ga=86) - A bill for an act permitting the operation of motor vehicles with tinted windshields and windows for health reasons.

[HF 2194](https://www.legis.iowa.gov/legislation/BillBook?ba=HF2194&ga=86) - A bill for an act allowing possession of a handgun while hunting and including penalties.

[HF 2193](https://www.legis.iowa.gov/legislation/BillBook?ba=HF2193&ga=86) - A bill for an act requiring search warrants for certain activities under the jurisdiction of the natural resource commission.

[HF 2192](https://www.legis.iowa.gov/legislation/BillBook?ba=HF2192&ga=86) - A bill for an act establishing an office within the department of public safety to oversee efforts to combat human trafficking.

[HF 2191](https://www.legis.iowa.gov/legislation/BillBook?ba=HF2191&ga=86) - A bill for an act reclassifying felony offenses when a firearm is possessed, displayed, used, or attempted to be used during their commission, and providing penalties.

[SSB 3114](https://www.legis.iowa.gov/legislation/BillBook?ba=SSB3114&ga=86) - A study bill for an act concerning child welfare, including provisions relating to children under the custody, control, and supervision of the department of human services and provisions relating to children who are sex trafficking victims.

[HF 2209](https://www.legis.iowa.gov/legislation/BillBook?ba=HF2209&ga=86) - A bill for an act prohibiting the use of automated or remote traffic law enforcement systems, requiring removal of existing systems, and including effective date provisions.

[SSB 3127](https://www.legis.iowa.gov/legislation/BillBook?ba=SSB3127&ga=86) - A study bill for an act modifying the criminal penalties for a controlled substance that contains cocaine base, and providing penalties.

[SSB 3124](https://www.legis.iowa.gov/legislation/BillBook?ba=SSB3124&ga=86) - A study bill for an act relating to the use of licenses and advertisements by motor vehicle dealers and wholesalers, and providing penalties.

[SSB 3123](https://www.legis.iowa.gov/legislation/BillBook?ba=SSB3123&ga=86) - A study bill for an act relating to the modification of the sex offender registry requirements for certain offenders.

[SSB 3122](https://www.legis.iowa.gov/legislation/BillBook?ba=SSB3122&ga=86) - A study bill for an act relating to the criminal offense of identity theft, and providing penalties.

[SSB 3121](https://www.legis.iowa.gov/legislation/BillBook?ba=SSB3121&ga=86) - A study bill for an act relating to a criminal trespass that results in a violation of a persons expectation of privacy, and providing penalties.

[HF 2221](https://www.legis.iowa.gov/legislation/BillBook?ba=HF2221&ga=86) - A bill for an act providing for the establishment of county chemical substance abuse monitoring programs for certain criminal offenders.

[HSB 606](https://www.legis.iowa.gov/legislation/BillBook?ba=HSB606&ga=86) - A study bill for providing for the establishment of a statewide sobriety and drug monitoring program to be used for certain criminal offenders in participating jurisdictions, and providing a penalty.

[SF 2174](https://www.legis.iowa.gov/legislation/BillBook?ba=SF2174&ga=86) - A bill for an act relating to the access to and retention of peace officer body camera data.

[SF 2173](https://www.legis.iowa.gov/legislation/BillBook?ba=SF2173&ga=86) - A bill for an act relating to law enforcement profiling by standardizing the collection and centralizing the compilation and reporting of officer stop and complaint data, providing for officer training, creating a community policing advisory board, providing for penalties and remedies, and including effective date provisions.

[HF 2234](https://www.legis.iowa.gov/legislation/BillBook?ba=HF2234&ga=86) - A bill for an act relating to the authority of peace officers to investigate and enforce human trafficking laws.