

Senate File 589

S-3102

1 Amend Senate File 589 as follows:

2 1. Page 18, after line 21 by inserting:

3 <DIVISION ____

4 CONTROLLED SUBSTANCES

5 Sec. ____ . Section 124.401, subsection 5, Code 2019, is
6 amended to read as follows:

7 5. It is unlawful for any person knowingly or intentionally
8 to possess a controlled substance unless such substance was
9 obtained directly from, or pursuant to, a valid prescription
10 or order of a practitioner while acting in the course of the
11 practitioner's professional practice, or except as otherwise
12 authorized by **this chapter**. Any Except as otherwise provided
13 in this subsection, any person who violates this subsection
14 is guilty of a serious misdemeanor for a first offense. A
15 person who commits a violation of **this subsection** and who has
16 previously been convicted of violating **this chapter** or chapter
17 124B or **453B**, or **chapter 124A** as it existed prior to July 1,
18 2017, is guilty of an aggravated misdemeanor. A person who
19 commits a violation of **this subsection** and has previously
20 been convicted two or more times of violating **this chapter** or
21 chapter 124B or **453B**, or **chapter 124A** as it existed prior to
22 July 1, 2017, is guilty of a class "D" felony.

23 a. (1) If Except as otherwise provided in subparagraph (4),
24 if the controlled substance is marijuana, the punishment shall
25 be by imprisonment in the county jail for not more than six
26 months or by a fine of not more than one thousand dollars, or by
27 both such fine and imprisonment for a first offense.

28 (2) If the controlled substance is marijuana and the person
29 has been previously convicted of a violation of this subsection
30 in which the controlled substance was marijuana, the punishment
31 shall be as provided in section 903.1, subsection 1, paragraph
32 "b".

33 (3) If the controlled substance is marijuana and the person
34 has been previously convicted two or more times of a violation
35 of this subsection in which the controlled substance was

1 marijuana, the person is guilty of an aggravated misdemeanor.

2 (4) If the controlled substance is marijuana and is five
3 grams or less and subparagraphs (2) and (3) do not apply, the
4 person is guilty of a simple misdemeanor.

5 b. A person may knowingly or intentionally recommend,
6 possess, use, dispense, deliver, transport, or administer
7 cannabidiol if the recommendation, possession, use, dispensing,
8 delivery, transporting, or administering is in accordance
9 with the provisions of [chapter 124E](#). For purposes of this
10 paragraph, "cannabidiol" means the same as defined in section
11 124E.2.

12 c. All or any part of a sentence imposed pursuant to
13 this subsection may be suspended and the person placed upon
14 probation upon such terms and conditions as the court may
15 impose including the active participation by such person in a
16 drug treatment, rehabilitation or education program approved
17 by the court.

18 d. If a person commits a violation of [this subsection](#), the
19 court shall order the person to serve a term of imprisonment of
20 not less than forty-eight hours. Any sentence imposed may be
21 suspended, and the court shall place the person on probation
22 upon such terms and conditions as the court may impose. If
23 the person is not sentenced to confinement under the custody
24 of the director of the department of corrections, the terms
25 and conditions of probation shall require submission to random
26 drug testing. If the person fails a drug test, the court may
27 transfer the person's placement to any appropriate placement
28 permissible under the court order.

29 e. If the controlled substance is amphetamine, its salts,
30 isomers, or salts of its isomers, or methamphetamine, its
31 salts, isomers, or salts of its isomers, the court shall order
32 the person to serve a term of imprisonment of not less than
33 forty-eight hours. Any sentence imposed may be suspended,
34 and the court shall place the person on probation upon such
35 terms and conditions as the court may impose. The court may

1 place the person on intensive probation. However, the terms
2 and conditions of probation shall require submission to random
3 drug testing. If the person fails a drug test, the court may
4 transfer the person's placement to any appropriate placement
5 permissible under the court order.>
6 2. By renumbering as necessary.

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