

House File 259

S-5068

1 Amend House File 259, as passed by the House, as follows:

2 1. Page 6, after line 3 by inserting:

3 <Sec. _____. Section 124E.12, Code 2024, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 4A. In a prosecution for operating while
6 intoxicated under chapter 321J, if the violation is solely
7 based on an amount of a controlled substance that the person
8 is authorized to consume under this chapter, present in the
9 person as measured in the person's blood or urine, it is an
10 affirmative and complete defense to the prosecution if the
11 person is a veteran, as defined in section 35.1, and furnishes
12 proof in accordance with section 321J.2, subsection 11,
13 paragraph "b", subparagraph (2).

14 Sec. _____. Section 321J.2, subsection 8, Code 2024, is
15 amended by adding the following new paragraph:

16 NEW PARAGRAPH. d. A conviction for a violation of
17 subsection 1, paragraph "c", committed prior to the effective
18 date of this Act shall not be considered a previous offense
19 if the person is a veteran, as defined in section 35.1, and
20 furnishes proof that a medical cannabidiol registration card
21 was issued to the person pursuant to chapter 124E, the card was
22 valid on the date the person committed the offense, and there
23 was no admissible evidence of consumption of alcohol or any
24 other controlled substance that was not covered by the person's
25 medical cannabidiol registration card.

26 Sec. _____. Section 321J.2, Code 2024, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 11A. a. This section does not apply to a
29 person who is a veteran, as defined in section 35.1, operating
30 a motor vehicle while under the influence of a drug if the
31 substance was consumed in accordance with chapter 124E and
32 there is no admissible evidence of the consumption of alcohol.

33 b. When charged with a violation of subsection 1, paragraph
34 "c", a person who is a veteran may assert, as an affirmative
35 defense, that the controlled substance present in the person's

1 blood or urine was consumed in accordance with chapter
2 124E. For purposes of this paragraph, it is presumed that
3 a controlled substance present in a person's blood or urine
4 was consumed in accordance with chapter 124E if the person
5 furnishes proof that the person held a medical cannabidiol
6 registration card issued pursuant to chapter 124E valid on the
7 date the person is alleged to have committed the offense.

8 Sec. _____. Section 321J.6, Code 2024, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 4. If a person is suspected of violating
11 section 321J.2, and at the time of the traffic stop the person
12 is a veteran, as defined in section 35.1, and furnishes proof
13 in accordance with section 321J.2, subsection 11A, and if
14 there are no reasonable grounds to believe the person consumed
15 alcohol or any other controlled substance that is not covered
16 by the person's medical cannabidiol registration card, then
17 no reasonable grounds exist to subject the person to chemical
18 testing under this section.>

19 2. Title page, line 1, before < matters > by inserting
20 < veterans, including >

21 3. Title page, lines 2 and 3, by striking < including county
22 commissions of veteran affairs and cemetery expenditures. > and
23 inserting < county commissions of veteran affairs, cemetery
24 expenditures, and certain defenses available to a veteran
25 operating a motor vehicle after consuming medical cannabidiol. >

26 4. By renumbering as necessary.

LIZ BENNETT