

Davis, Ch
Boddicker
Kreiman

HsB9

JUDICIARY

HOUSE FILE _____

Si 165

BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY CHAIRPERSON
LARSON)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act including the preparation or compounding of a controlled
2 substance for one's own use within the definition of
3 manufacturing a controlled substance, and providing an
4 effective date.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 Section 1. Section 124.101, subsection 16, unnumbered
2 paragraph 1, Code 1999, is amended to read as follows:

3 "Manufacture" means the production, preparation,
4 propagation, compounding, conversion, or processing of a
5 controlled substance, either directly or by extraction from
6 substances of natural origin, or independently by means of
7 chemical synthesis, or by a combination of extraction and
8 chemical synthesis, and includes any packaging or repackaging
9 of the substance or labeling or relabeling of its container,
10 except that this term does not include ~~the preparation or~~
11 ~~compounding of a controlled substance by an individual for the~~
12 ~~individual's own use, or~~ the preparation, compounding,
13 packaging, or labeling of a controlled substance:

14 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
15 immediate importance, takes effect upon enactment.

16 EXPLANATION

17 This bill amends the definition of manufacturing a
18 controlled substance. Existing law exempts from the
19 definition, persons who manufacture a controlled substance by
20 preparing or compounding the substance for the person's own
21 use. The bill provides that a person who prepares or
22 compounds a controlled substance for the person's own use
23 meets the definition of manufacturing.

24 This bill takes effect upon enactment.

25

26

27

28

29

30

31

32

33

34

35

JAN 28 1999
Place On Calendar

5-2 Judiciary
5-2/24/99 Do Pass
165

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 9)

(p. 238)
Passed House, Date 2/3/99 Passed Senate, (p. 1079) Date 4/13/99
Vote: Ayes 92 Nays 0 Vote: Ayes 45 Nays 3
Approved April 29, 1999

A BILL FOR

1 An Act including the preparation or compounding of a controlled
2 substance for one's own use within the definition of
3 manufacturing a controlled substance, and providing an
4 effective date.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

HSB 165

1 Section 1. Section 124.101, subsection 16, unnumbered
2 paragraph 1, Code 1999, is amended to read as follows:

3 "Manufacture" means the production, preparation,
4 propagation, compounding, conversion, or processing of a
5 controlled substance, either directly or by extraction from
6 substances of natural origin, or independently by means of
7 chemical synthesis, or by a combination of extraction and
8 chemical synthesis, and includes any packaging or repackaging
9 of the substance or labeling or relabeling of its container,
10 except that this term does not include ~~the preparation or~~
11 ~~compounding of a controlled substance by an individual for the~~
12 ~~individual's own use, or~~ the preparation, compounding,
13 packaging, or labeling of a controlled substance:

14 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
15 immediate importance, takes effect upon enactment.

16 EXPLANATION

17 This bill amends the definition of manufacturing a
18 controlled substance. Existing law exempts from the
19 definition, persons who manufacture a controlled substance by
20 preparing or compounding the substance for the person's own
21 use. The bill strikes the exemption and therefore provides
22 that a person who prepares or compounds a controlled substance
23 for the person's own use meets the definition of
24 manufacturing.

25 This bill takes effect upon enactment.

26

27

28

29

30

31

32

33

34

35

HOUSE FILE 165
FISCAL NOTE

The estimate for House File 165 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 165 amends the definition of manufacturing a controlled substance by providing that a person who prepares or compounds a controlled substance for the person's own use meets the definition of manufacturing.

ASSUMPTION

This bill changes the definition of manufacturing a controlled substance in Chapter 124 of the Code of Iowa. According to the Criminal and Juvenile Justice Planning, few cases such as this occur.

CORRECTIONAL IMPACT

The correctional impact of House File 165 is expected to be minimal.

FISCAL IMPACT

The fiscal impact of House File 165 is expected to be minimal.

SOURCES

Criminal and Juvenile Justice Planning
Department of Justice
Department of Public Safety
State Public Defender's Office

(LSB 1630hv, JDD)

FILED FEBRUARY 2, 1999

BY DENNIS PROUTY, FISCAL DIRECTOR

AN ACT

INCLUDING THE PREPARATION OR COMPOUNDING OF A CONTROLLED
SUBSTANCE FOR ONE'S OWN USE WITHIN THE DEFINITION OF
MANUFACTURING A CONTROLLED SUBSTANCE, AND PROVIDING AN
EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 124.101, subsection 16, unnumbered
paragraph 1, Code 1999, is amended to read as follows:

"Manufacture" means the production, preparation,
propagation, compounding, conversion, or processing of a
controlled substance, either directly or by extraction from
substances of natural origin, or independently by means of
chemical synthesis, or by a combination of extraction and
chemical synthesis, and includes any packaging or repackaging
of the substance or labeling or relabeling of its container,
except that this term does not include ~~the preparation or
compounding of a controlled substance by an individual for the
individual's own use, or~~ the preparation, compounding,
packaging, or labeling of a controlled substance:

Sec. 2. EFFECTIVE DATE. This Act, being deemed of
immediate importance, takes effect upon enactment.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 165, Seventy-eighth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved *April 29*, 1999

THOMAS J. VILSACK
Governor