

Senate File 2350 - Introduced

SENATE FILE 2350
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 3188)

A BILL FOR

1 An Act providing for regulation by employers and other entities
2 of the use of marijuana and derivatives thereof.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 94.1 Definitions.

2 For purposes of this chapter, unless the context otherwise
3 requires:

4 1. "Employee" means a natural person who is employed in this
5 state for wages by an employer.

6 2. "Employer" means a person who in this state employs for
7 wages an employee.

8 3. "Marijuana" includes any derivative of marijuana
9 including but not limited to medical cannabidiol as defined in
10 section 124E.2.

11 Sec. 2. NEW SECTION. 94.2 Employer regulation of marijuana
12 use.

13 1. An employer shall not be required to permit or
14 accommodate the use, consumption, possession, transfer,
15 display, transportation, distribution, sale, or growing of
16 marijuana in the workplace.

17 2. An employer may implement policies restricting the use of
18 marijuana by employees for the purpose of promoting workplace
19 health and safety.

20 3. An employer may include in a contract with an employee a
21 provision prohibiting the use of marijuana.

22 4. An employer may establish and enforce a zero-tolerance
23 drug policy or a drug-free workplace by use of a drug testing
24 policy in accordance with section 730.5 or any other procedures
25 provided by federal statutes, federal regulations, or orders
26 issued pursuant to federal law.

27 Sec. 3. NEW SECTION. 94.3 Regulation of marijuana use by
28 government medical assistance programs, private health insurers,
29 and other entities.

30 A government medical assistance program, private health
31 insurer, workers' compensation carrier, or self-insured
32 employer providing workers' compensation benefits shall not be
33 required to reimburse a person for costs associated with the
34 medical use of marijuana.

35 Sec. 4. NEW SECTION. 94.4 Regulation of marijuana use on

1 **property.**

2 A person that owns, occupies, or controls a property
3 may prohibit or otherwise regulate the use, consumption,
4 possession, transfer, display, transportation, distribution,
5 sale, or growing of marijuana on or in that property.

6 Sec. 5. NEW SECTION. **94.5 Limitation of liability.**

7 A person shall not be subject to any claim, cause of action,
8 sanction, or penalty, for discrimination or under any other
9 theory of liability, under chapter 216 or any other provision
10 of law, based on an act, omission, policy, or contractual
11 provision permissible under this chapter.

12 Sec. 6. NEW SECTION. **94.6 Applicability.**

13 The provisions of this chapter apply notwithstanding any
14 other provision of law to the contrary.

15 Sec. 7. Section 96.5, Code 2020, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 14. *Marijuana or controlled substance use in*
18 *the workplace — disqualified.*

19 a. For purposes of this subsection, unless the context
20 otherwise requires:

21 (1) "Controlled substance" means the same as defined in
22 section 124.101.

23 (2) "Marijuana" means the same as defined in section 94.1.

24 b. If the department finds that the individual became
25 separated from employment due to ingesting marijuana in the
26 workplace, working while under the influence of marijuana, or
27 testing positive for any other controlled substance, for which
28 the individual did not have a current prescription or which the
29 individual was otherwise using unlawfully, under a drug testing
30 policy pursuant to section 730.5 or any other procedures
31 provided by federal statutes, federal regulations, or orders
32 issued pursuant to federal law.

33 c. A disqualification under this subsection shall continue
34 until the individual has worked in and has been paid wages for
35 insured work equal to ten times the individual's weekly benefit

1 amount, provided the individual is otherwise eligible.

2

EXPLANATION

3

The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5

This bill provides for regulation by employers and other
6 entities of the use of marijuana in new Code chapter 94.

7

The bill provides that marijuana includes any derivative of
8 marijuana including but not limited to medical cannabidiol as
9 defined in Code chapter 124E, the "Medical Cannabidiol Act".

10

The bill provides that an employer shall not be required
11 to permit or accommodate the use, consumption, possession,
12 transfer, display, transportation, distribution, sale, or
13 growing of marijuana in the workplace. The bill authorizes an
14 employer to implement policies restricting the use of marijuana
15 by employees for the purpose of promoting workplace health
16 and safety. The bill authorizes an employer to include in a
17 contract with an employee a provision prohibiting the use of
18 marijuana. The bill authorizes an employer to establish and
19 enforce a zero-tolerance drug policy or a drug-free workplace
20 by use of a drug testing policy in accordance with Iowa law
21 or any other procedures provided by federal statutes, federal
22 regulations, or orders issued pursuant to federal law.

23

The bill provides that a government medical assistance
24 program, private health insurer, workers' compensation carrier,
25 or self-insured employer providing workers' compensation
26 benefits shall not be required to reimburse a person for costs
27 associated with the medical use of marijuana.

28

The bill provides that a person that owns, occupies, or
29 controls a property may prohibit or otherwise regulate the use,
30 consumption, possession, transfer, display, transportation,
31 distribution, sale, or growing of marijuana on or in that
32 property.

33

The bill provides that a person shall not be subject
34 to any claim, cause of action, sanction, or penalty, for
35 discrimination or under any other theory of liability, under

1 the Iowa civil rights Act of 1965 or any other provision
2 of law, based on an act, omission, policy, or contractual
3 provision permissible under Code chapter 94. The provisions
4 of Code chapter 94 apply notwithstanding any other provision
5 of law to the contrary.

6 The bill provides that an individual shall be disqualified
7 from unemployment benefits if the department of workforce
8 development finds that the individual became separated from
9 employment due to ingesting marijuana in the workplace,
10 working while under the influence of marijuana, or testing
11 positive for any other controlled substance, for which the
12 individual did not have a current prescription or which the
13 individual was otherwise using unlawfully, under a drug testing
14 policy pursuant to Iowa law or any other procedures provided
15 by federal statutes, federal regulations, or orders issued
16 pursuant to federal law. The disqualification shall continue
17 until the individual has worked in and has been paid wages for
18 insured work equal to 10 times the individual's weekly benefit
19 amount, provided the individual is otherwise eligible.