

**Senate Study Bill 3188 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON DAWSON)

**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.