

**Senate File 2225 - Introduced**

SENATE FILE 2225

BY T. TAYLOR

**A BILL FOR**

1 An Act relating to the possession of marijuana, and providing  
2 penalties.

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

1 Section 1. Section 124.401, subsection 5, Code 2022, is  
2 amended to read as follows:

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

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

24 (2) If the controlled substance is marijuana and the person  
25 has been previously convicted of a violation of this subsection  
26 in which the controlled substance was marijuana, the punishment  
27 shall be as provided in section 903.1, subsection 1, paragraph  
28 "b". This subparagraph does not apply if the controlled  
29 substance is five grams or less of marijuana.

30 (3) If the controlled substance is marijuana and the person  
31 has been previously convicted two or more times of a violation  
32 of this subsection in which the controlled substance was  
33 marijuana, the person is guilty of an aggravated misdemeanor.  
34 This subparagraph does not apply if the controlled substance is  
35 five grams or less of marijuana.

1     (4) If the controlled substance is five grams or less of  
2 marijuana the person is guilty of a simple misdemeanor.

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

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

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

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

1 drug testing. If the person fails a drug test, the court may  
2 transfer the person's placement to any appropriate placement  
3 permissible under the court order.

4

EXPLANATION

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

7

This bill relates to the possession of marijuana.

8

The bill provides that a person who possesses five grams  
9 or less of marijuana commits a simple misdemeanor. A simple  
10 misdemeanor is punishable by confinement for no more than 30  
11 days and a fine of at least \$105 but not more than \$855.

12 Current law provides that a person who commits first offense  
13 possession of marijuana is subject to no more than six months  
14 imprisonment in a county jail, a fine of no more than \$1,000,  
15 or both.

16 The bill provides that if the controlled substance is five  
17 grams or less of marijuana, the enhanced penalties for a second  
18 or subsequent offense do not apply and the person is guilty of  
19 a simple misdemeanor.