

Senate File 178 - Introduced

SENATE FILE 178

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DOTZLER, PETERSEN, BENNETT,
and CELSI

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, paragraphs a and
2 b, Code 2023, are amended to read as follows:

3 a. 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 b. (1) If 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.

