

House File 487 - Introduced

HOUSE FILE 487
BY LOHSE and BARKER

A BILL FOR

- 1 An Act relating to drug paraphernalia and drug-checking
- 2 equipment.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 124.414, subsection 1, paragraph b, Code
2 2025, is amended to read as follows:

3 b. "*Drug paraphernalia*" does not include hypodermic any of
4 the following:

5 (1) Hypodermic needles or syringes if manufactured,
6 delivered, sold, or possessed for a lawful purpose.

7 (2) Fentanyl test strips, xylazine test strips, or other
8 materials used or intended for use in testing for the presence
9 of fentanyl, xylazine, or a fentanyl or xylazine analog in a
10 substance.

11 (3) Other drug-checking equipment used to inform individuals
12 of whether a substance has been adulterated by the presence of
13 a synthetic opioid, another controlled substance, or undisclosed
14 chemical compound or contaminant.

15 (4) Materials used by agents of organizations that provide
16 harm reduction services authorized by the state, a county, a
17 municipality, or a public health department in the processing,
18 preparing, packaging, repackaging, storing, or containing of a
19 nominal amount of a controlled substance for the purpose of
20 confirmatory testing.

21 (5) Drug-checking equipment used, purchased, transported,
22 or distributed by agents of organizations that provide harm
23 reduction services authorized by the state, a county, a
24 municipality, or a public health department.

25 Sec. 2. NEW SECTION. 124.414A Drug-checking equipment use
26 permitted.

27 1. As used in this section and section 124.414:

28 a. "*Drug checking*" means the process of identifying,
29 analyzing, or detecting the composition of a drug or the presence
30 or composition of an unexpected substance within the drug.

31 b. "*Drug-checking equipment*" means equipment, products, or
32 materials used, designed for use, or intended for use to perform
33 drug checking, including materials and items used by the person
34 operating the equipment or products to store, measure, or process
35 samples for analysis. "*Drug-checking equipment*" includes fentanyl

1 test strips, xylazine test strips, other immunoassay drug testing
2 strips, colorimetric reagents, spectrometers such as Fourier
3 transform infrared and Raman spectrometers, and equipment that
4 uses high-performance liquid chromatography, gas chromatography,
5 mass spectrometry, and nuclear magnetic resonance techniques.
6 "Drug-checking equipment" does not include the substances being
7 analyzed, drug packaging, or drug supplies.

8 c. "Drug-checking packaging" means the materials or items
9 used by agents of organizations that provide harm reduction
10 services to safely store, contain, cover, or transport small
11 amounts of one or more controlled substances or controlled
12 substance analogs. "Drug-checking packaging" includes but is
13 not limited to plastic bags, plastic vials, glass vials, and wax
14 paper bindles.

15 d. "Eligible activities" means purchasing, obtaining,
16 providing, transporting, distributing, using, or evaluating the
17 use of drug-checking equipment by organizations that provide harm
18 reduction services.

19 e. "Harm reduction" means a program, service, support, or
20 resource that attempts to reduce the adverse consequences of
21 substance use among people who use substances. "Harm reduction"
22 addresses conditions that give rise to substance use, as well as
23 the substance use itself, and may include but is not limited to
24 drug checking, naloxone distribution, and education about laws
25 protecting overdose reporters, as defined in section 214.418.

26 2. A person may do any of the following:

27 a. Obtain, possess, purchase, sell, provide, transport,
28 distribute, use, or request another person to use drug-checking
29 equipment.

30 b. Possess, transport, deliver, or provide drug paraphernalia
31 or a nominal amount of one or more controlled substances
32 or controlled substance analogs for, or during, analysis by
33 drug-checking equipment.

34 c. Possess, provide, or communicate the results of the
35 drug-checking analysis in paper, electronic, or verbal form.

1 3. The state may authorize use of state or state-administered
2 funds including but not limited to moneys in the Iowa opioid
3 litigation settlement proceeds fund for eligible drug-checking
4 activities.

5 4. No person shall prohibit another person from using federal
6 funds for eligible drug-checking activities, provided the use of
7 the federal funds is consistent with federal law and any rules
8 governing use of the funds.

9 5. No person shall be subject to the following for engaging
10 in any act authorized under this section:

11 a. Arrested, charged, prosecuted, or subject to revocation of
12 probation, parole, or pretrial release.

13 b. Civil, disciplinary, or administrative action.

14 c. The loss of one or more dependents.

15 d. The loss of housing.

16 e. Any other punitive action or penalty taken against the
17 person for engaging in any act authorized under this section.

18 6. The fact that a person engages in any act authorized under
19 this section shall not:

20 a. Serve as the basis, in whole or in part, for a
21 determination by a law enforcement officer or any court of
22 probable cause or reasonable suspicion to stop, search, or arrest
23 the person or search or seize the person's property.

24 b. Be admissible as evidence in a criminal case or
25 administrative action against the person.

26 7. The results from a drug-checking analysis shall not be
27 used by any person for treatment or other clinical decisions, in
28 any criminal investigation, or as evidence in a criminal case or
29 administrative action.

30 EXPLANATION

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

33 This bill relates to drug paraphernalia and drug-checking
34 equipment.

35 Under current law, a person who knowingly or intentionally

1 manufactures, delivers, sells, or possesses drug paraphernalia
2 commits a simple misdemeanor. Hypodermic needles or syringes
3 manufactured, delivered, sold, or possessed for a lawful purpose
4 are exempt from the definition of "drug paraphernalia". The
5 bill also exempts test strips or other materials used or
6 intended for use in testing for the presence of fentanyl,
7 xylazine, or a fentanyl or xylazine analog in a substance;
8 drug-checking equipment used to inform individuals of whether
9 a substance has been adulterated; materials used by agents
10 of organizations that provide harm reduction services in
11 the processing, preparing, packaging, repackaging, storing, or
12 containing of a nominal amount of a controlled substance for
13 the purpose of confirmatory testing; and drug-checking equipment
14 used, purchased, transported, or distributed by agents of
15 organizations that provide harm reduction services authorized
16 by the state, a county, a municipality, or a public health
17 department from the definition of "drug paraphernalia".

18 The bill provides that a person may do any of the following:
19 obtain, possess, purchase, sell, provide, transport, distribute,
20 use, or request another person to use drug-checking equipment;
21 possess, transport, deliver, or provide drug paraphernalia or a
22 nominal amount of one or more controlled substances or controlled
23 substance analogs for, or during, analysis by drug-checking
24 equipment; and possess, provide, or communicate the results of
25 the drug-checking analysis in paper, electronic, or verbal form.

26 The bill provides that the state may authorize use of state or
27 state-administered funds including but not limited to moneys in
28 the Iowa opioid litigation settlement proceeds fund for eligible
29 drug-checking activities.

30 The bill provides that no person shall be subject to the
31 following for engaging in any act authorized by the bill:
32 arrested, charged, prosecuted, or subject to revocation of
33 probation, parole, or pretrial release; civil, disciplinary, or
34 administrative action; the loss of one or more dependents; the
35 loss of housing; or any other punitive action or penalty taken

1 against the person.

2 The bill provides that the fact that a person is engaging in
3 any act authorized by the bill shall not: serve as the basis
4 for a determination by a law enforcement officer or any court
5 of probable cause or reasonable suspicion to stop, search, or
6 arrest the person or search or seize the person's property; or
7 be admissible as evidence in a criminal case or administrative
8 action against the person. The results from a drug-checking
9 analysis shall not be used by any person for treatment or other
10 clinical decisions, in any criminal investigation, or as evidence
11 in a criminal case or administrative action.

unofficial