

House File 78 - Introduced

HOUSE FILE 78
BY JONES

A BILL FOR

1 An Act relating to the possession of small quantities of
2 marijuana, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 124.401, subsection 1, paragraph d, Code
2 2025, is amended to read as follows:

3 d. (1) Violation Except as provided in subparagraph
4 (2), violation of this subsection, with respect to any
5 other controlled substances, counterfeit substances, simulated
6 controlled substances, or imitation controlled substances
7 classified in schedule IV or V is an aggravated misdemeanor.

8 ~~However,~~

9 (2) (a) Except as otherwise provided in subparagraph
10 division (b), a violation of this subsection involving fifty
11 kilograms or less of marijuana or involving flunitrazepam is a
12 class "D" felony.

13 (b) A violation of this subsection involving the possession
14 of one-half ounce or less of marijuana that was not offered for
15 sale is a simple misdemeanor punishable as a scheduled violation
16 under section 805.8A, subsection 14.

17 Sec. 2. Section 124.401, subsection 5, paragraph b, Code
18 2025, is amended to read as follows:

19 b. If Except as provided in subsection 1, paragraph "d",
20 subparagraph (2), subparagraph division (b), involving one-half
21 ounce or less of marijuana that was not offered for sale,
22 if the controlled substance is marijuana, the punishment shall
23 be by imprisonment in the county jail for not more than six
24 months or by a fine of not more than one thousand dollars, or
25 by both such fine and imprisonment for a first offense. If
26 the controlled substance is marijuana and the person has been
27 previously convicted of a violation of this subsection in which
28 the controlled substance was marijuana, the punishment shall be
29 as provided in section 903.1, subsection 1, paragraph "b". If
30 the controlled substance is marijuana and the person has been
31 previously convicted two or more times of a violation of this
32 subsection in which the controlled substance was marijuana, the
33 person is guilty of an aggravated misdemeanor.

34 Sec. 3. Section 805.8A, subsection 14, Code 2025, is amended
35 by adding the following new paragraph:

1 NEW PARAGRAPH. *q. Marijuana possession violations.* For
2 violations under section 124.401, subsection 1, paragraph "d",
3 subparagraph (2), subparagraph division (b), involving less than
4 one-half ounce of marijuana that was not offered for sale, the
5 scheduled fine is five hundred dollars.

6 Sec. 4. REPEAL. Section 124.410, Code 2025, is repealed.

7 EXPLANATION

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

10 This bill relates to the possession of small quantities of
11 marijuana.

12 The bill provides that certain conduct involving one-half
13 ounce or less of marijuana that was not offered for sale
14 is a simple misdemeanor punishable by a scheduled fine of
15 \$500. Current law imposes penalties ranging from an aggravated
16 misdemeanor up to a class "B" felony depending upon the conduct
17 of the defendant and the quantity of marijuana.

18 The bill repeals Code section 124.410, which involves proving
19 that the defendant delivered or possessed with intent to deliver
20 one-half ounce or less of marijuana that was not offered for
21 sale.