

Senate Study Bill 1098 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

A BILL FOR

1 An Act prohibiting open containers of beverages containing
2 tetrahydrocannabinol in the passenger area of motor vehicles
3 on highways, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 321.284, Code 2025, is amended to read as
2 follows:

3 **321.284 Open containers in motor vehicles — drivers.**

4 1. A ~~driver of~~ person operating a motor vehicle upon a public
5 street or highway shall not possess in the passenger area of
6 the motor vehicle an open or unsealed bottle, can, jar, or
7 other receptacle containing an alcoholic beverage or a beverage
8 containing any amount of tetrahydrocannabinol. "Passenger area"
9 means the area designed to seat the driver and passengers
10 while the motor vehicle is in operation and any area that
11 is readily accessible to the driver or a passenger while in
12 their seating positions, including the glove compartment. An
13 open or unsealed receptacle containing an alcoholic beverage
14 or an otherwise lawful beverage containing tetrahydrocannabinol
15 may be transported in the trunk of the motor vehicle. An
16 unsealed receptacle containing an alcoholic beverage or an
17 otherwise lawful beverage containing tetrahydrocannabinol may
18 be transported behind the last upright seat of the motor
19 vehicle if the motor vehicle does not have a trunk. A person
20 convicted of a violation of this section is guilty of a simple
21 misdemeanor punishable as a scheduled violation under section
22 805.8A, subsection 14, paragraph "e".

23 2. A person under the age of twenty-one who ~~violates~~
24 possesses an alcoholic beverage in violation of this section is
25 guilty of a violation of section 123.47.

26 Sec. 2. Section 321.284A, subsections 1 and 4, Code 2025, are
27 amended to read as follows:

28 1. A passenger in a motor vehicle upon a public street or
29 highway shall not possess in the passenger area of the motor
30 vehicle an open or unsealed bottle, can, jar, or other receptacle
31 containing an alcoholic beverage or a beverage containing any
32 amount of tetrahydrocannabinol. "Passenger area" means the area
33 of a motor vehicle designed to seat the driver and passengers
34 while the motor vehicle is in operation and any area that
35 is readily accessible to the driver or a passenger while in

1 their seating positions, including the glove compartment. An
2 open or unsealed receptacle containing an alcoholic beverage
3 or an otherwise lawful beverage containing tetrahydrocannabinol
4 may be transported in the trunk of the motor vehicle. An
5 unsealed receptacle containing an alcoholic beverage or an
6 otherwise lawful beverage containing tetrahydrocannabinol may be
7 transported behind the last upright seat of the motor vehicle if
8 the motor vehicle does not have a trunk.

9 4. A person under the age of twenty-one years who ~~violates~~
10 possesses an alcoholic beverage in violation of this section is
11 guilty of a violation of section 123.47.

12 EXPLANATION

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

15 Under current law, the driver of a motor vehicle and
16 passengers, other than passengers being transported in a
17 motor vehicle designed, maintained, or used primarily for
18 the transportation of persons for compensation, and passengers
19 being transported in the living quarters of a motor home,
20 motorsports recreational vehicle, manufactured or mobile home,
21 travel trailer, or fifth-wheel travel trailer, are prohibited
22 from possessing in the passenger area of the motor vehicle an
23 open or unsealed bottle, can, jar, or other receptacle containing
24 an alcoholic beverage while the vehicle is operated on a public
25 street or highway. An open or unsealed receptacle containing an
26 alcoholic beverage may be transported in the trunk of the motor
27 vehicle or behind the last upright seat of the motor vehicle if
28 the motor vehicle does not have a trunk.

29 This bill similarly prohibits a driver and passenger
30 from possessing an open container of an otherwise lawful
31 beverage containing tetrahydrocannabinol (THC). A lawful beverage
32 containing THC must not exceed 0.3 percent on a dry weight basis,
33 is limited to 4 milligrams of THC (on a dry weight basis) per
34 serving and 10 milligrams of THC (on a dry weight basis) per
35 container, and must hold a minimum of 12 ounces (641 IAC 156.1),

1 in addition to certain labeling requirements under Code chapter
2 204 (hemp and hemp products).

3 By operation of law, a person who violates the open container
4 prohibitions in Code section 321.284 (driver) or 321.284A
5 (passenger), including by possessing an open container of an
6 otherwise lawful beverage containing THC, commits a simple
7 misdemeanor punishable by a \$260 scheduled fine.

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