

**NINETIETH GENERAL ASSEMBLY  
2024 REGULAR SESSION  
DAILY  
SENATE CLIP SHEET**

**February 29, 2024**

**Clip Sheet Summary**

Displays all amendments, fiscal notes, and conference committee reports for previous day.

<b>Bill</b>	<b>Amendment</b>	<b>Action</b>	<b>Sponsor</b>
<a href="#">SF 108</a> .....	<a href="#">S-5034</a> .....	Lost	TONY BISIGNANO
<a href="#">SF 108</a> .....	<a href="#">S-5035</a> .....	Lost	NATE BOULTON
<a href="#">SF 108</a> .....	<a href="#">S-5036</a> .....	Not Germane	NATE BOULTON
<a href="#">SF 2106</a> .....	<a href="#">S-5033</a> .....	Lost	NATE BOULTON, et al
<a href="#">SF 2180</a> .....	<a href="#">S-5031</a> .....	Adopted	DAN DAWSON
<a href="#">SF 2283</a> .....	<a href="#">S-5030</a> .....	Filed	DAWN DRISCOLL
<a href="#">HF 2318</a> .....	<a href="#">S-5032</a> .....	Adopted	DAN DAWSON

**Fiscal Notes**

[SF 108](#) — [Employment of Unauthorized Aliens, E-Verify](#) (LSB1369XS.1)

[SF 2159](#) — [Health Insurance Coverage, Biomarker Testing](#) (LSB5095SV)

[SF 2335](#) — [Cannabidiol Dispensaries, Maximum Number of Licensees](#)  
(LSB5831SV)

[SF 2352](#) — [Consumable Hemp, Penalties and Licensing](#) (LSB5341SV)

[HF 349](#) — [Probation, Early Discharge](#) (LSB1338HV.1)

[HF 2248](#) — [Robbery, Statute of Limitations](#) (LSB5426HV.1)

SENATE FILE 108

S-5034

- 1 Amend Senate File 108 as follows:
- 2 1. Page 1, line 19, after <state> by inserting <and that
- 3 employs fifty or more employees in this state>

By TONY BISIGNANO

S-5034 FILED FEBRUARY 28, 2024

LOST

SENATE FILE 108

S-5035

1 Amend Senate File 108 as follows:

2 1. Page 2, line 24, after <department.> by inserting <The  
3 department shall not accept anonymous complaints.>

4 2. Page 2, line 26, after <that> by inserting <the complaint  
5 was made in good faith and that>

6 3. Page 8, after line 11 by inserting:

7 <Sec. \_\_\_\_ . NEW SECTION. 95.7 Complaints not made in good  
8 faith — penalties.

9 1. If the department determines that a complaint under  
10 this chapter was not made in good faith and was made for  
11 the purpose of disrupting the operations of an employer, the  
12 complainant shall be subject to a civil penalty as provided in  
13 this section.

14 2. If the department determines that a complaint under this  
15 chapter was not made in good faith and may have been made for a  
16 discriminatory purpose, the department shall refer the matter  
17 to the Iowa state civil rights commission for investigation.  
18 If the commission determines that the complaint was made for a  
19 discriminatory purpose, the complainant shall be subject to a  
20 civil penalty as provided in this section.

21 3. For a first violation under this section, a complainant  
22 shall be subject to a civil penalty of not less than five  
23 hundred dollars. For a second violation, a complainant shall  
24 be subject to a civil penalty of not less than one thousand  
25 dollars. For a third or subsequent violation, a complainant  
26 shall be subject to a civil penalty of not less than ten  
27 thousand dollars. Civil penalties shall be collected by the  
28 department or the Iowa civil rights commission, as applicable,  
29 and shall be deposited in the general fund of the state.>

30 4. By renumbering as necessary.

By NATE BOULTON

S-5035 FILED FEBRUARY 28, 2024

LOST

SENATE FILE 108

S-5036

- 1 Amend Senate File 108 as follows:
- 2 1. Page 2, after line 9 by inserting:
- 3 <\_\_\_. "*Unauthorized minor*" means a minor employed to perform
- 4 work for which the minor was not of legal age under chapter 92
- 5 or the federal Fair Labor Standards Act.>
- 6 2. Page 2, line 12, after <aliens> by inserting <or
- 7 **unauthorized minors**>
- 8 3. Page 2, line 13, after <aliens> by inserting <or
- 9 *unauthorized minors*>
- 10 4. Page 2, line 14, after <alien> by inserting <or an
- 11 unauthorized minor>
- 12 5. Page 2, line 16, after <alien> by inserting <or minor>
- 13 6. Page 2, line 18, after <alien> by inserting <or an
- 14 unauthorized minor>
- 15 7. Page 2, line 19, after <alien> by inserting <or an
- 16 unauthorized minor>
- 17 8. Page 2, line 28, after <alien> by inserting <or
- 18 unauthorized minor>
- 19 9. Page 3, line 1, after <aliens> by inserting <or
- 20 unauthorized minors>
- 21 10. Page 3, line 4, after <alien> by inserting <or
- 22 unauthorized minor>
- 23 11. Page 3, line 8, after <alien> by inserting <or
- 24 unauthorized minor>
- 25 12. Page 3, line 14, after <aliens> by inserting <or
- 26 unauthorized minors>
- 27 13. Page 3, line 15, after <alien> by inserting <or an
- 28 unauthorized minor>
- 29 14. Page 3, line 27, after <alien> by inserting <or
- 30 unauthorized minor>
- 31 15. Page 3, line 29, after <alien> by inserting <or
- 32 unauthorized minor>
- 33 16. Page 4, line 11, after <aliens> by inserting <or
- 34 unauthorized minors>
- 35 17. Page 4, line 25, after <alien> by inserting <or

1 unauthorized minor>

2 18. Page 4, line 27, after <alien> by inserting <or  
3 unauthorized minor>

4 19. Page 5, line 15, by striking <In>

5 20. Page 5, by striking line 16 and inserting:

6 <a. In determining whether an employee is an unauthorized  
7 alien, the>

8 21. Page 5, after line 24 by inserting:

9 <b. An employer may present evidence that an employee is not  
10 an unauthorized minor, including evidence of compliance with  
11 applicable provisions of chapter 92 and the federal Fair Labor  
12 Standards Act.>

13 22. Page 5, line 25, by striking <For the purposes of this  
14 section,>

15 23. Page 5, by striking line 26 and inserting:

16 <a. For the purposes of this section, an employer that  
17 establishes that it has complied in good>

18 24. Page 6, line 2, by striking <a.> and inserting <(1)>

19 25. Page 6, line 6, by striking <b.> and inserting <(2)>

20 26. Page 6, line 8, by striking <c.> and inserting <(3)>

21 27. Page 6, after line 10 by inserting:

22 <b. For the purposes of this section, an employer that  
23 establishes that it has complied in good faith with the  
24 requirements of applicable provisions of chapter 92 and the  
25 federal Fair Labor Standards Act establishes a conclusive  
26 affirmative defense that the employer did not knowingly employ  
27 an unauthorized minor. An employer is considered to have  
28 complied with applicable provisions of chapter 92 and the  
29 federal Fair Labor Standards Act notwithstanding an isolated,  
30 sporadic, or accidental technical or procedural failure to  
31 meet the requirements, if there is a good-faith attempt to  
32 comply with the requirements. For purposes of this subsection,  
33 *"good-faith attempt to comply"* means all of the following apply  
34 with respect to an employee hired or rehired by the employer:

35 (1) The employer made a bona fide attempt to meet the

S-5036 (Continued)

1 requirements for completion of the form I-9 for the employee  
2 found in 8 C.F.R. §274a.2(a)(3), as amended through January 1,  
3 2023.

4 (2) The employer had in place a practice or procedure  
5 requiring an employee to produce government-issued  
6 documentation indicating the employee's age prior to beginning  
7 work for the employer.

8 (3) The employer followed the practice or procedure  
9 described in subparagraph (2) before an employee in question  
10 began work for the employer.>

11 28. Page 6, lines 30 and 31, by striking <E-verify program  
12 — employer participation> and inserting <Employer compliance>

13 29. Page 6, line 35, after <program> by inserting <and  
14 by examining government-issued documentation indicating the  
15 employee's age>

16 30. Page 7, line 12, after <program> by inserting <and  
17 shall implement a practice or procedure requiring an employee  
18 to produce government-issued documentation indicating the  
19 employee's age prior to beginning work for the employer>

20 31. Page 7, by striking lines 14 and 15 and inserting  
21 <government entity that the employer is in compliance with this  
22 subsection. If the government>

23 32. Title page, line 1, after <aliens> by inserting <or  
24 unauthorized minors>

25 33. By renumbering, redesignating, and correcting internal  
26 references as necessary.

By NATE BOULTON

S-5036 FILED FEBRUARY 28, 2024

NOT GERMANE

SENATE FILE 2106

S-5033

1 Amend Senate File 2106 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 96.4, subsection 3, paragraph b, Code  
4 2024, is amended to read as follows:

5 b. Notwithstanding any provision of this chapter to the  
6 contrary, the department may establish by rule a process to  
7 waive or alter the work search requirements of this subsection  
8 for a claim for benefits if an individual has a reasonable  
9 expectation that the individual will be returning to employment  
10 and is attached to a regular job or industry or a member in  
11 good standing of a union therein eligible for referral for  
12 employment. To be considered attached to a regular job or  
13 industry, an individual must be on a short-term seasonal  
14 temporary layoff. If work is not available at the conclusion  
15 of the layoff period due to short-term circumstances beyond  
16 the employer's control, the employer may request an extension  
17 of the waiver or alteration for up to two weeks from the  
18 department. For purposes of this paragraph, "short-term  
19 seasonal temporary layoff" means a layoff period of sixteen  
20 weeks or less due to seasonal weather conditions that impact  
21 the ability to perform work, including but not limited to work  
22 related to highway construction, repair, or maintenance, with a  
23 specific return-to-work date verified by the employer.>

24 2. Page 2, after line 11 by inserting:

25 <Sec. \_\_\_\_ . Section 96.5, subsection 3, paragraph b, Code  
26 2024, is amended by adding the following new subparagraphs:

27 NEW SUBPARAGRAPH. (4) (a) If the individual has a  
28 reasonable expectation that the individual will be returning  
29 to employment, as defined by the department by rule, and  
30 is attached to a regular job or industry or is a member in  
31 good standing of a union therein eligible for referral for  
32 employment.

33 (b) To be considered attached to a regular job or industry,  
34 an individual must be on a short-term seasonal temporary layoff  
35 as defined in section 96.4, subsection 3.

S-5033 (Continued)

1     NEW SUBPARAGRAPH. (5) If all of the following circumstances  
2 apply:

3     (a) The individual is unemployed due to the individual's  
4 employer temporarily ceasing operations or going out of  
5 business at the factory, establishment, or other premises at  
6 which the individual was last employed.

7     (b) The reason for the employer going out of business was a  
8 result of unforeseen circumstances, including but not limited  
9 to cybersecurity attacks.

10    (c) The individual has a reasonable expectation that the  
11 individual will be returning to employment with the employer  
12 that temporarily ceased operations or went out of business.>

13    3. By renumbering as necessary.

By NATE BOULTON  
CHARLIE McCLINTOCK

[S-5033](#) FILED FEBRUARY 28, 2024

LOST



SENATE FILE 2180

S-5031

1 Amend Senate File 2180 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <Section 1. Section 717C.1, subsection 1, paragraph b, Code  
5 2024, is amended to read as follows:

6 *b.* ~~"Sex act" means any sexual contact between a person and~~  
7 ~~an animal by penetration of the penis into the vagina or anus,~~  
8 ~~contact between the mouth and genitalia, or by contact between~~  
9 ~~the genitalia of one and the genitalia or anus of the other. of~~  
10 the following conduct that is not the practice of veterinary  
11 medicine under section 169.3, subsection 13, an accepted animal  
12 husbandry livestock management practice under section 169.3,  
13 subsection 1, an accepted practice related to the insemination  
14 of animals for the purpose of procreation, or an accepted  
15 practice related to conformation judging:

16 (1) An act between a person and an animal involving physical  
17 contact between the sex organ, genitals, or anus of one and the  
18 mouth, sex organ, genitals, or anus of the other.

19 (2) Any touching or fondling by a person, either directly  
20 or through clothing, of the sex organ, genitals, or anus of  
21 an animal or any insertion, however slight, of any part of a  
22 person's body or any object into the vaginal or anal opening of  
23 an animal except for veterinarian advised care of the animal.

24 (3) Any insertion, however slight, of any part of an  
25 animal's body into the vaginal or anal opening of a person.

26 (4) Advertising, offering, selling, transferring,  
27 purchasing, or otherwise obtaining an animal with the intent  
28 that the animal be used for sexual contact in this state.

29 (5) Organizing, promoting, conducting, or participating  
30 as an observer of an act involving conduct described in  
31 subparagraph (1), (2), or (3).

32 (6) Knowingly permits conduct described in subparagraph  
33 (1), (2), or (3) to occur in any premises under the person's  
34 ownership or control.

35 (7) Photographing or filming obscene material, as defined

S-5031 (Continued)

1 in section 728.1, depicting a person engaging in conduct  
2 described in subparagraph (1), (2), or (3).

3 (8) Distributing, selling, publishing, or transmitting  
4 obscene material, as defined in section 728.1, depicting a  
5 person engaged in conduct described in subparagraph (1), (2),  
6 or (3).

7 (9) Possessing with the intent to distribute, sell,  
8 publish, or transmit obscene material, as defined in section  
9 728.1, depicting a person engaged in conduct described in  
10 subparagraph (1), (2), or (3).

11 (10) Forcing, coercing, enticing, or encouraging a minor to  
12 engage in conduct described in subparagraph (1), (2), or (3).

13 Sec. 2. Section 717C.1, subsection 2, Code 2024, is amended  
14 to read as follows:

15 2. a. A person who performs a sex act with an animal is  
16 guilty of an aggravated misdemeanor.

17 b. A person who commits a second or subsequent violation of  
18 this section is guilty of a class "D" felony.

19 c. A person previously convicted of a violation of section  
20 717B.2, 717B.3, 717B.3A, or 717B.3B who commits a violation of  
21 this section is guilty of a class "D" felony.>

By DAN DAWSON

[S-5031](#) FILED FEBRUARY 28, 2024

ADOPTED

SENATE FILE 2283

S-5030

- 1 Amend Senate File 2283 as follows:
- 2 1. Page 1, by striking lines 1 and 2.
- 3 2. By striking page 2, line 11, through page 4, line 7.
- 4 3. Title page, by striking lines 1 through 3 and inserting
- 5 <An Act relating to county supervisor representation plans, and
- 6 including effective date provisions.>
- 7 4. By renumbering as necessary.

By DAWN DRISCOLL

S-5030 FILED FEBRUARY 28, 2024

HOUSE FILE 2318

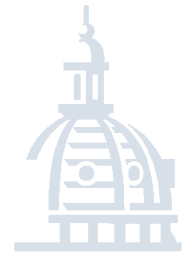
S-5032

- 1 Amend House File 2318, as passed by the House, as follows:
- 2 1. Page 2, after line 9 by inserting:
- 3 <(11) Engaging in a sex act in the presence of a minor.>

By DAN DAWSON

S-5032 FILED FEBRUARY 28, 2024

ADOPTED



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**SF 108** – Employment of Unauthorized Aliens, E-Verify (LSB1369XS.1)  
Staff Contact: Evan Johnson (515.281.6301) [evan.johnson@legis.iowa.gov](mailto:evan.johnson@legis.iowa.gov)  
Fiscal Note Version – Revised for new data

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### **Description**

**Senate File 108** prohibits licensed employers from knowingly employing unauthorized aliens and authorizes a county attorney, local law enforcement official, or member of the public to file a complaint of a violation with Iowa Workforce Development (IWD). If IWD determines that an employer has committed a violation, IWD is required to bring an action in district court against the employer for the violation in the county where the unauthorized alien employee is or was employed. The Bill requires licensed employers hiring or rehiring an employee to verify the employee's employment eligibility through the federal E-Verify Program and certify to IWD that the employer has done so. The Bill further requires IWD to adopt administrative rules to carry out the IWD's duties under the Bill.

The Bill also requires the Secretary of State to maintain an online database of employers registered with the federal E-Verify Program, first-time employer offenders, and related court documents.

### **Background**

The federal **Immigration Reform and Control Act of 1986** (IRCA) (8 U.S.C. §1324a) made it illegal for employers to knowingly hire immigrants who are unauthorized to work in the United States. The IRCA established an employment verification process (the Form I-9 process) that required employers to review documents presented by new employees to establish their identity and employment eligibility. The IRCA provides for penalties or sanctions against employers that knowingly violate the law. Employers are required to certify that they have reviewed the employees' documents and that the documents reasonably appear genuine and relate to the individual presenting them. The **Illegal Immigration Reform and Immigration Responsibility Act of 1996** created E-Verify as a pilot program. The program has since been expanded. Employers participating in E-Verify are required to retain Forms I-9 for all newly hired employees in accordance with the IRCA. The federal government mandates that all **federal contractors** utilize E-Verify.

### **Assumptions**

- The Secretary of State will develop and maintain a searchable database. The database will be developed internally and any costs are assumed to be paid by the Technology Modernization Fund.
- IWD may create a new division and may hire new full-time equivalent (FTE) positions to implement the Bill. This includes Investigator 2 FTE positions at a cost of \$70,000 each and Attorney 2 FTE positions at a cost of \$90,000 each.
- The average trial will be two days long and will include a jury trial.
- One Investigator 2 FTE position at IWD could investigate approximately seven cases per month or 84 cases per year.

**Fiscal Impact**

The fiscal impact for SF 108 is estimated as follows:

The one-time cost to the Secretary of State’s Office to develop a searchable database is approximately \$70,000 in FY 2025.

The Judicial Branch will incur expenses estimated at \$3,600 per trial to administer cases filed against an employer by IWD.

IWD will incur expenses that average an estimated \$1,400 per case that is brought to trial. According to IWD assumptions, the Department may need to hire at least five Investigator 2 FTE positions and one Attorney 2 FTE position to implement the requirements of the Bill. However, the number of cases investigated and prosecuted annually cannot be fully estimated at this time and may require additional FTE positions.

**Sources**

Iowa Workforce Development  
Secretary of State  
Judicial Branch  
Department of Management  
Legislative Services Agency calculations

/s/ Jennifer Acton

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February 27, 2024

Doc ID 1445600

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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[SF 2159](#) – Health Insurance Coverage, Biomarker Testing (LSB5095SV)  
Staff Contact: Xavier Leonard (515.725.0509) [xavier.leonard@legis.iowa.gov](mailto:xavier.leonard@legis.iowa.gov)  
Fiscal Note Version – New

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**Description**

[Senate File 2159](#) relates to insurance coverage for biomarker testing and does the following:

- Requires a policy, contract, or plan providing third-party payment or prepayment of medical expenses to provide coverage for biomarker testing for select purposes when the biomarker testing has demonstrated clinical utility.
- Provides requirements for demonstrating clinical utility in biomarker testing.
- Provides additional coverage requirements for biomarker testing covered by the Bill.
- Provides applicability standards to policies, contracts, or plans delivered, issued for delivery, continued, or renewed in the State on or after January 1, 2025.
- Requires the Commissioner of Insurance to adopt rules to administer the Bill.

**Background**

The Bill defines “biomarker testing” as an analysis of an individual’s tissue, blood, or other biospecimen for the presence of a biomarker. The Bill defines “biomarker” as a characteristic that is objectively measured and evaluated as an indicator of normal biological processes, pathogenic processes, or pharmacologic responses to a specific therapeutic intervention.

Federal fiscal year (FFY) 2025 Federal Medical Assistance Percentage (FMAP) rates are based on per capita personal incomes for calendar years 2020 through 2022. Iowa’s FFY 2025 FMAP rate decreased by 0.88% to 63.25%, meaning that beginning October 1, 2024, for every dollar spent on the Medicaid program, the federal government will pay \$0.6325 and Iowa will pay \$0.3675.

**Assumptions**

- For State FY 2025, the State share for provider reimbursement is approximately 36.53%, which is a blended FMAP rate consisting of 25.0% of the FFY 2024 FMAP rate and 75.0% of the FFY 2025 FMAP rate. In FY 2025, the enhanced rate to providers is expected to cost \$2.4 million total, with the State paying \$874,000 and the federal government paying \$1.5 million.
- For State FY 2026, the State share for provider reimbursement is approximately 36.75%, or the State share of FY 2025 Medicaid costs via the FMAP rate. Beginning in FY 2026 and continuing annually, the enhanced rate is expected to cost \$2.4 million total, with the State paying \$880,000 and the federal government paying \$1.5 million.
- An increase in the General Fund appropriation to the Department of Health and Human Services (HHS) for Medicaid will be necessary to pay for the costs in the Bill.
- According to the HHS, potential contracting updates that may be required could be absorbed by the HHS.
- According to the HHS, increased access to biomarker testing may generate savings in the long term as a result of earlier intervention. Data to estimate potential cost savings is not currently available; therefore, potential cost savings as a result of the Bill are not included.

**Fiscal Impact**

Senate File 2159 is estimated to increase costs to the State by approximately \$874,000 in FY 2025 and \$880,000 annually beginning in FY 2026.

**Figure 1 — Annual Fiscal Impact Summary of SF 2159**

<b>Cost</b>	<b>FY 2025</b>	<b>FY 2026</b>
State	\$ 874,000	\$ 880,000
State + Federal	2,394,000	2,394,000

**Sources**

Department of Health and Human Services  
Legislative Services Agency analysis

/s/ Jennifer Acton

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February 28, 2024

Doc ID 1447339

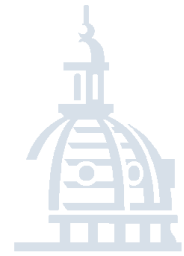
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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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**SF 2335** – Cannabidiol Dispensaries, Maximum Number of Licensees (LSB5831SV)  
 Staff Contact: Louie Hoehle (515.281.6561) [louie.hoehle@legis.iowa.gov](mailto:louie.hoehle@legis.iowa.gov)  
 Fiscal Note Version – New

**Description**

**Senate File 2335** increases the maximum number of medical cannabidiol dispensary licenses in the State from 5 to 10. The Bill allows a licensee to hold no more than three medical cannabidiol dispensary licenses.

**Background**

The Medical Cannabidiol Program was established in 2017, authorizing the manufacture and sale of products that contain both Cannabidiol (CBD) and tetrahydrocannabinol (THC). Through the Program, the Department of Health and Human Services (HHS) can award up to five cannabidiol licenses in the State. Currently, MedPharm Iowa holds two dispensary licenses, while Iowa Cannabis Company holds three dispensary licenses.

Taxable sales of medical cannabidiol were approximately \$13.2 million in FY 2023.

**Assumptions**

- Senate File 2335 may expand the availability of medical cannabidiol.
- The number of active registration cards issued to patients may remain unchanged.
- Medical cannabidiol taxable sales revenue may increase by 25.0% because of previously unmet demand.
- Medical cannabidiol taxable sales and sales tax revenue are estimated to grow at an average annual inflation rate of 2.0% from FY 2024 to FY 2029.
- Secure an Advanced Vision for Education (SAVE) refunds are 1.0% of taxable sales. Local option sales tax (LOST) distributions are estimated to be 0.97% of taxable sales.
- The HHS reports that approximately \$100,000 of information technology (IT) costs and any additional licensing costs associated with validating and integrating new dispensaries and dispensary personnel will be absorbed by the Program’s current operational funding.

**Fiscal Impact**

Senate File 2335 is estimated to increase revenue to the General Fund, SAVE Fund, and LOST by the estimated amounts in **Figure 1**.

**Figure 1 — Fiscal Impact of SF 2335 (in millions)**

	<u>General Fund</u>	<u>SAVE</u>	<u>LOST</u>
FY 2025	\$ 0.16	\$ 0.03	\$ 0.03
FY 2026	0.16	0.03	0.03
FY 2027	0.16	0.03	0.03
FY 2028	0.17	0.03	0.03
FY 2029	0.17	0.03	0.03

**Sources**

Department of Health and Human Services  
Department of Revenue

\_\_\_\_\_  
/s/ Jennifer Acton

February 28, 2024

Doc ID 1447030

\_\_\_\_\_  
The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.  
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[www.legis.iowa.gov](http://www.legis.iowa.gov)



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[SF 2352](#) – Consumable Hemp, Penalties and Licensing (LSB5341SV)  
Staff Contact: Austin Brinks (515.725.2200) [austin.brinks@legis.iowa.gov](mailto:austin.brinks@legis.iowa.gov)  
Fiscal Note Version – New

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**Description**

[Senate File 2352](#) makes various changes to the Iowa Hemp Act.

**Division I** of the Bill does the following:

- Updates the definition of a consumable hemp product to require that the product's maximum tetrahydrocannabinol (THC) concentration be less than or equal to the maximum THC concentration allowed in Iowa Code section [124.204\(7\)](#).
- Updates the requirements for manufacturing, selling, or consuming a consumable hemp product to require that the product complies with restrictions set forth in rules adopted by the Department of Health and Human Services (HHS).
- Prohibits a person from possessing, using, manufacturing, marketing, transporting, delivering, or distributing a consumable hemp product if the product is capable of inhalation by using a method outlined in Iowa Code section [204.14A](#). A person who violates this provision is guilty of a serious misdemeanor.
- Creates a civil penalty not to exceed \$10,000 per day for a person who is engaged in the retail sale of a consumable hemp product and has failed to register with the HHS.
- Creates a serious misdemeanor for a person who is engaged in the retail sale of consumable hemp products but has not registered with the HHS and for selling a consumable hemp product that is advertised as a consumable hemp product but is not a consumable hemp product.
- Creates a simple misdemeanor for a person who sells, gives, or distributes a consumable hemp product to a person under the age of 21.
- Specifies that a person under the age of 21 who consumes, possesses, purchases, or attempts to purchase a consumable hemp product is subject to a scheduled violation. In addition, the person is subject to a court appearance where the court shall sentence the person to a number of hours of community service depending on the number of violations. A person under the age of 21 does not violate the Bill if the person is possessing a consumable hemp product as part of the person's employment or if the person is working under the direction or consent of the Department of Public Safety (DPS) or local law enforcement.
- Provides scheduled violations for a person under the age of 21 who violates the Bill. For a first violation, there is a scheduled fine of \$70; for a second violation, a scheduled fine of \$135; and for a third or subsequent violation, a scheduled fine of \$325. These scheduled violations are not subject to the Crime Services Surcharge or court costs otherwise added to scheduled violations. Any fines paid for these violations are retained by the city or county that enforced the violation.
- Allows the HHS to order the confiscation and disposal of a hemp product if the product is in violation of this Bill, requires the HHS to deliver any sample of the product to the DPS or local law enforcement, and requires a person who is registered with the HHS to pay for the cost incurred by the HHS for the destruction of the product.

**Division II** of the Bill does the following:

- Adds the prohibition of a person holding a retail alcohol license and the person's agents or employees from selling, giving, or otherwise supplying any alcoholic beverage containing THC, as described in Iowa Code chapter [124](#) and Iowa Code section [123.49](#).
- Prohibits a person holding a license, permit, or certificate of compliance from manufacturing, importing, or selling at wholesale an alcoholic beverage containing THC as described in Iowa Code chapter 124.

### **Background**

Iowa Code chapter [204](#), known as the Iowa Hemp Act, was created in 2019 and governs the production and sale of products derived from hemp. Hemp is defined as a species of cannabis that has a maximum concentration of delta-9 THC that does not exceed 0.3% on a dry weight basis. The current definition does not include hemp products that are intended to be inhaled and does not specify an age limit on the use of consumable hemp products.

The Iowa Hemp Act prohibits a person from possessing, using, manufacturing, marketing, transporting, delivering, or distributing harvested hemp or a hemp product if the intended use is introduction into the body through an electronic, chemical, or mechanical process, or a device such as a cigarette, cigar, cigarillo, or pipe. Any person who manufactures or sells a consumable hemp product must register with the HHS.

Iowa Code chapter [123](#) provides regulation on alcoholic beverages in the State. A violation of Iowa Code section 123.49 is a simple misdemeanor, while a general violation of Iowa Code chapter 123 is a serious misdemeanor for a first and second offense and an aggravated misdemeanor for a third and subsequent offense.

A simple misdemeanor is punishable by confinement for up to 30 days in jail and a fine of at least \$105 but no more than \$855. A serious misdemeanor is punishable by confinement for up to one year and a fine of at least \$430 but no more than \$2,560. An aggravated misdemeanor is punishable by confinement for up to two years and a fine of at least \$865 but no more than \$8,540.

### **Assumptions**

- There may be an increase in simple, serious, and aggravated misdemeanors as a result of this Bill, but the number is unknown.
- There may be an increase in the number of scheduled violations as a result of this Bill, but the number is unknown.
- Registration revenue collected by the HHS may decrease, but the amount of this decrease is unknown.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.
- The marginal cost per day in prison is \$24.94.

### **Correctional Impact**

Senate File 2352 creates and expands criminal offenses. As a result, the correctional impact cannot be estimated due to a lack of existing data. **Figure 1** shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; length of stay (LOS) in months under those supervisions; and supervision marginal costs per day for serious and aggravated misdemeanors. A conviction for a simple misdemeanor does not result in a prison sentence but does carry the possibility of confinement in jail for up to 30 days. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2024, for information related to the correctional system.

**Figure 1 — Sentencing Estimate and Length of Stay (LOS)**

Conviction Offense Class	Percent Ordered to State Prison	FY 2023 Avg LOS in Prison (All Releases)	Marginal Cost per Day in Prison	Percent Ordered to Probation	FY23 Field Avg LOS on Probation	Avg Cost per Day on Probation	Percent sentenced to CBC Residential Facility	Marginal Cost CBC per Day	Percent Ordered to County Jail	Marginal Cost per Day Jail	FY23 Field Avg LOS on Parole	Marginal Cost per Day Parole
Aggravated Misdemeanor	47.6%	10.6	\$24.94	67.6%	25.1	\$ 7.67	5.2%	\$ 20.00	55.9%	\$ 50.00	6.7	\$ 7.67
Serious Misdemeanor	1.7%	6.6	\$24.94	53.0%	19.2	\$ 7.67	1.2%	\$ 20.00	74.2%	\$ 50.00	N/A	\$ 7.67

**Minority Impact**

Senate File 2352 creates and expands criminal offenses, and the minority impact cannot be determined due to lack of conviction data. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 16, 2024, for information related to minorities in the criminal justice system.

**Fiscal Impact**

The fiscal impact cannot be estimated due to a lack of existing data. **Figure 2** shows the average State cost per offense for an aggravated misdemeanor, serious misdemeanor, and simple misdemeanor.

**Figure 2 — Average State Cost Per Offense**

Offense Class	Average Cost
Aggravated Misdemeanor	\$7,500 to \$10,800
Serious Misdemeanor	\$400 to \$6,900
Simple Misdemeanor	\$40 to \$400

Revenue from scheduled violations paid to cities and counties for violations under the Bill cannot be estimated.

There may be a loss of revenue from registration fees associated with consumable hemp products, but the impact is unknown.

**Sources**

Criminal and Juvenile Justice Planning, Department of Management  
 Department of Health and Human Services  
 Legislative Services Agency

/s/ Jennifer Acton

February 28, 2024

Doc ID 1446705

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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[HF 349](#) – Probation, Early Discharge (LSB1338HV.1)  
Staff Contact: Molly Kilker (515.725.1286) [molly.kilker@legis.iowa.gov](mailto:molly.kilker@legis.iowa.gov)  
Fiscal Note Version – Revised for new data

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**Description**

[House File 349](#) provides that an individual on probation may earn discharge credits, educational credits, and workforce credits that reduce the individual's term of probation. The maximum reduction of the individual's probation term earned through these credits may not exceed 40.0% of the probation period imposed. The individual may not be discharged from probation until probation fees and court debt have been paid or are subject to a payment plan.

The Bill establishes the following probation credits:

- A discharge credit of 14 days for each full calendar month in which the individual is in compliance with the terms of the individual's probation.
- An educational credit of 90 days when the individual earns a high school diploma, high school equivalency certificate, or academic degree or completes a certified vocational, technical, or career education or training program.
- A workforce credit of 30 days for each 6-month period in which the individual maintains verifiable employment for at least an average of 30 hours per week.

The Bill also provides that at least twice per year, an individual's probation officer must provide the individual with an accounting of the individual's accrued discharge credits, educational credits, and workforce credits.

The Bill establishes annual reporting requirements for the Department of Corrections (DOC) related to discharge credits, educational credits, and workforce credits.

**Background**

According to Iowa Code section [907.1](#), probation is the procedure under which a defendant, against whom a judgment of conviction of a public offense has been or may be entered, is released by the court subject to supervision by a resident of the State or by a Community-Based Corrections (CBC) judicial district.

Under Iowa Code section [907.9](#), at any time that the court or the probation officer determines that the purposes of probation have been fulfilled and probation fees and court debt have been paid, the court or the probation officer may order the discharge of a person from probation. The probation officer must have the approval of the CBC district director and notify the sentencing court and the county attorney who prosecuted the case. The sentencing judge may order a hearing on its own motion, or must order a hearing upon the request of the county attorney, for the review of the discharge. Following the hearing, the court must approve or rescind the discharge. If a hearing is not ordered within 30 days, the person on probation must be discharged.

According to Iowa Code section [907.7](#), the purposes of probation are to provide maximum opportunity for the rehabilitation of the defendant and to protect the community from further offenses by the defendant and others.

### **Assumptions**

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay (LOS); revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.
- The marginal cost per day of probation is \$7.67.
- The DOC will incur costs for programming the Iowa Corrections Offender Network (ICON) system to calculate and program the credit requirements and to create a report to summarize credits. The DOC estimates that it will incur approximately \$368,000 in one-time programming costs in FY 2025 and \$4,000 in annual ongoing costs for the generation of public reports detailing the number of defendants on probation who earned discharge credits, educational credits, and workforce credits that year.
- There are approximately 32,960 individuals who are supervised on probation by the DOC each year.
- The discharge credit, educational credit, and workforce credit will require probation officer time to verify compliance with the terms of probation, verify education status, and verify employment status.
- The DOC reports that each credit will require 1.0 additional hour of probation officer time per individual per year to perform the necessary verification, for a total of 3.0 hours per individual.
- The DOC reports that it will take approximately 1.0 hour of probation officer time per individual per year to provide each individual with an accounting of credits accrued.
- The hourly rate for a probation officer, including benefits, is \$50.90.
- The impact of HF 349 on the LOS on probation cannot be estimated.

### **Correctional Impact**

According to the DOC, the Bill may increase the LOS on probation compared to the time individuals currently serve on probation because the DOC currently discharges individuals from probation when they have met the terms and conditions of supervision. **Figure 1** shows the FY 2023 average LOS on probation served by individuals for all offense classes. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2024, for information related to the correctional system.

**Figure 1 — FY 2023 Average LOS on Probation**

<b>Offense Class</b>	<b>LOS (Months)</b>
Class B Felony (Persons)	53.3
Class B Felony (Non-Persons)	34.0
Class B Felony (Sex)	38.3
Class C Felony (Persons)	41.3
Class C Felony (Non-Persons)	42.2
Class C Felony (Sex)	41.5
Class D Felony (Persons)	35.5
Class D Felony (Non-Persons)	39.5
Class D Felony (Sex)	40.1
Aggravated Misdemeanor (Persons)	25.1
Aggravated Misdemeanor (Non-Persons)	25.1
Aggravated Misdemeanor (Sex)	25.6
Serious Misdemeanor	19.2

**Minority Impact**

The minority impact of HF 349 cannot be estimated because the effect on the LOS of individuals on probation cannot be determined. Of the individuals on probation in FY 2023, 70.7% were White, 17.4% were Black, and 11.9% were other races. Iowa’s population is 89.8% White, 4.4% Black, and 5.7% other races. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 16, 2024, for information related to minorities in the criminal justice system.

**Fiscal Impact**

According to the DOC, HF 349 is estimated to increase the workload for probation officers to verify eligibility for discharge credits, education credits, and employment credits for supervised clients. The estimated cost is approximately \$7.1 million in FY 2025 and \$6.7 million beginning in FY 2026 and each year thereafter.

**Figure 2 — Annual Costs to the DOC Under HF 349**

	<b>Annual Offenders Served</b>	<b>Increased Hourly Workload Required</b>	<b>Hourly Pay</b>	<b>FY 2025 Total</b>	<b>FY 2026 Total</b>
Discharge Credits	32,962	1.0	\$ 50.9	\$1,677,766	\$1,677,766
Educational Credits	32,962	1.0	\$ 50.9	1,677,766	1,677,766
Workforce Credits	32,962	1.0	\$ 50.9	1,677,766	1,677,766
Discharge Credit Review	32,962	1.0	\$ 50.9	1,677,766	1,677,766
Report Generation	--	80.0	\$ 50.0	4,000	4,000
FY 2025 Programming Costs	--	--	--	367,500	--
<b>Total</b>				<b>\$7,082,563</b>	<b>\$6,715,063</b>

The fiscal impact of the change in individuals’ LOS on probation under HF 349 cannot be estimated. The DOC reports that the Bill may result in increased LOS, but the extent cannot be estimated. If the Bill does increase the LOS for individuals on probation, costs to the DOC would increase. If the Bill decreases the LOS for individuals on probation, costs to the DOC would decrease. The marginal cost per day for an individual on probation is \$7.67.



**Sources**

Department of Corrections  
Criminal and Juvenile Justice Planning, Department of Management  
Legislative Services Agency

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/s/ Jennifer Acton

February 28, 2024

Doc ID 1445338

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.  
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[www.legis.iowa.gov](http://www.legis.iowa.gov)



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[HF 2248](#) – Robbery, Statute of Limitations (LSB5426HV.1)  
Staff Contact: Molly Kilker (515.725.1286) [molly.kilker@legis.iowa.gov](mailto:molly.kilker@legis.iowa.gov)  
Fiscal Note Version – As amended and passed by the House

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## **Description**

[House File 2248](#) as amended extends the statute of limitations for robbery in the first degree under Iowa Code section [711.2](#), and robbery in the second degree under Iowa Code section [711.3](#), from three years to five years after the commission of the offense.

## **Background**

Under Iowa Code section [802.3](#), for any felony except for those enumerated in Iowa Code section [802.1](#) (murder), [802.2](#) (sexual abuse — first, second, or third degree), [802.2A](#) (incest), [802.2B](#) (other sexual offenses), [802.2C](#) (kidnapping), [802.2D](#) (human trafficking), [802.2E](#) (sexual abuse — fourth degree), or [802.10](#) (DNA profile of accused), an indictment or information for a felony must be found within three years after the commission of the offense.

Robbery in the first degree is a Class B felony, which is punishable by confinement for up to 25 years. Under Iowa Code section [902.12](#), this offense carries a mandatory minimum term. A person commits robbery in the first degree when, while perpetrating a robbery, the person purposely inflicts or attempts to inflict serious injury or is armed with a dangerous weapon.

Robbery in the second degree is a Class C felony, which is punishable by confinement for up to 10 years and a fine of at least \$1,370 but no more than \$13,660. Under Iowa Code section [902.12](#), this offense carries a mandatory minimum. All robbery that is not robbery in the first degree is robbery in the second degree.

In FY 2023, 24 individuals were convicted of robbery in the first degree under Iowa Code section [711.2](#) and 56 individuals were convicted of robbery in the second degree under Iowa Code section [711.3](#).

## **Assumptions**

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay (LOS); revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A delay of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.

## **Correctional Impact**

The correctional impact of expanding the existing statute of limitations for robbery in the first degree and robbery in the second degree from three years to five years cannot be estimated due to a lack of data. **Figure 1** shows estimates for sentencing to State prison, parole, probation, or community-based corrections (CBC) residential facilities; LOS in months under those supervisions; and supervision marginal costs per day for Class B and Class C felonies. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly,

[Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2024, for information related to the correctional system.

**Figure 1 — Sentencing Estimate and Length of Stay (LOS)**

Conviction Offense Class	Percent Ordered to State Prison	FY 2023 Avg LOS in Prison (All Releases)	Marginal Cost Per Day Prison	Percent Ordered to Probation	FY23 Field Avg LOS on Probation	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	Marginal Cost Per Day CBC	Percent Ordered to County Jail	Marginal Cost Per Day Jail	FY23 Field Avg LOS on Parole	Marginal Cost Per Day Parole
B Felony (Persons)	95.2%	132.1	\$24.94	9.7%	53.3	\$ 7.67	2.1%	\$ 20.00	45.5%	\$ 50.00	26.7	\$ 7.67
C Felony (Non-Persons)	86.0%	19.4	\$24.94	64.2%	42.2	\$ 7.67	13.0%	\$ 20.00	34.0%	\$ 50.00	21.3	\$ 7.67

**Minority Impact**

House File 2248 as amended extends the statute of limitations for robbery in the first degree and robbery in the second degree from three years to five years and may disproportionately impact Black individuals if trends remain constant. Of the 24 individuals convicted in FY 2023 of first-degree robbery under Iowa Code section 711.2, 25.0% were White, 66.7% were Black, and 8.3% were of other races. Of the 52 individuals convicted in FY 2023 of second-degree robbery under Iowa Code section 711.3, 34.6% were White, 48.1% were Black, 17.3% were of other races. Iowa’s population is 89.8% White, 4.4% Black, and 5.8% other races. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 16, 2024, for information related to minorities in the criminal justice system.

**Fiscal Impact**

House File 2248 as amended extends the statute of limitations for first-degree and second-degree robbery, and the fiscal impact cannot be estimated due to a lack of data. **Figure 2** shows the average State cost per offense for a Class B felony and a Class C felony. The estimated impact to the State General Fund includes operating costs incurred by the Judicial Branch, the Indigent Defense Fund, and the Department of Corrections (DOC). The cost would be incurred across multiple fiscal years for prison and parole supervision.

**Figure 2 — Average State Cost Per Offense**

Offense Class	Average Cost
Class B Felony	\$16,100 to \$55,200
Class C Felony	\$14,300 to \$27,500

**Sources**

Department of Corrections  
 Criminal and Juvenile Justice Planning, Department of Management  
 Legislative Services Agency

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 /s/ Jennifer Acton

February 28, 2024

Doc ID 1447254

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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