

CHAPTER 149

MARIJUANA AND OTHER DRUGS

H. F. 516

AN ACT relating to depressant, stimulant, and hallucinogenic drugs.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter one hundred eighty-nine (189), section one (1),
2 subsection three (3), Acts of the Sixty-second General Assembly, is hereby
3 amended by striking from line three (3) the words "prior to the effective
4 date of this Act".

1 SEC. 2. Chapter one hundred eighty-nine (189), section ten (10), Acts
2 of the Sixty-second General Assembly, is hereby amended as follows:

3 1. By inserting in line one (1) after the word "provisions" the words
4 "of sections three (3) or seven (7)".

5 2. By adding the following:

6 "Any person who violates any of the provisions of sections four (4) or
7 five (5) of this Act shall upon conviction for a first offense be subject to a
8 fine of not more than five hundred dollars. On conviction for any second
9 offense, such person shall be subject to a fine of not more than one thou-
10 sand dollars or imprisonment in the county jail for not more than one year,
11 or both such fine and imprisonment. In any case where the evidence shows
12 that records were kept that were intentionally incorrect to conceal an il-
13 legal diversion of drugs, such person shall be guilty of a felony and shall
14 be punished as provided for violations of sections three (3) and seven (7)
15 of this Act."

16 3. By inserting in line four (4) after the word "imprisonment" the words
17 "in the penitentiary".

1 SEC. 3. Chapter one hundred eighty-nine (189), section eleven (11),
2 Acts of the Sixty-second General Assembly, is hereby amended as follows:

3 1. By inserting in line six (6) after the word "imprisonment" the words
4 "in the penitentiary".

5 2. By inserting in line nine (9) after the word "imprisonment" the words
6 "in the penitentiary".

1 SEC. 4. Section two hundred four point twenty (204.20), Code 1966, is
2 hereby amended by adding thereto the following new subsection:

3 "5. Any person violating this chapter by possessing, purchasing, or at-
4 tempting to purchase marijuana in such quantity that it can logically be
5 inferred that such marijuana is intended for personal use only and is not
6 held for sale to others, and such marijuana is not part of any other narcotic
7 drug, shall be guilty of possession of marijuana for personal use and shall,
8 upon a first conviction after July 1, 1969, be imprisoned in the county jail
9 not to exceed six months or be fined not to exceed one thousand dollars, or
10 both. All or any part of the sentence may be suspended or such person may
11 be granted probation upon a finding by the court that a recurrence of a
12 violation of this chapter by such person is not likely. Any person violating
13 this chapter by possession, purchasing, or attempting to purchase mari-
14 juana in such quantity that it can logically be inferred that such mari-
15 juana is intended for sale shall be guilty of possession of marijuana held
16 for sale and shall be punished as provided in subsection one (1) of this sec-

17 tion. Possession of marijuana for personal use shall be a lesser included
 18 offense of possession of marijuana held for sale. Second and subsequent
 19 offenses of possession of marijuana for whatever purpose shall be punished
 20 as provided in subsection one (1) of this section."

Approved June 6, 1969.

CHAPTER 150

PESTICIDES IN PUBLIC WATERS

H. F. 165

AN ACT relating to the use of pesticides in relation to public waters.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section two hundred six point three (206.3), Code 1966,
 2 subsection two (2), paragraph "d", line five (5), is amended by striking the
 3 word and figures "section 135.18" and inserting in lieu thereof the words and
 4 figures "chapter four hundred fifty-five B (455B)".

Approved March 14, 1969.

CHAPTER 151

MOISTURE-MEASURING DEVICES

H. F. 548

AN ACT to provide for the testing or inspecting by the Iowa department of agriculture of devices used in this state in testing or measuring the moisture content of agricultural products offered for sale, processing, or storage and to make an appropriation therefor.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. As used in this Act:
 2 1. "Secretary" means the secretary of agriculture.
 3 2. "Department" means the Iowa department of agriculture.
 4 3. "Moisture-measuring devices" means any device or instrument used
 5 by any person in proving or ascertaining the moisture content of agricul-
 6 tural products.
 7 4. "Agricultural products" means any product of agricultural activity
 8 which is tested for moisture content when offered for sale, processing, or
 9 storage.
 10 5. "Person" means an individual, corporation, partnership, cooperative
 11 association, or two or more persons having a joint or common interest in