

**124.410 Accommodation offense.**

1. In a prosecution for unlawful delivery or possession with intent to deliver marijuana, if the prosecution proves that the defendant violated the provisions of [section 124.401, subsection 1](#), by proving that the defendant delivered or possessed with intent to deliver one-half ounce or less of marijuana which was not offered for sale, the defendant is guilty of an accommodation offense and rather than being sentenced as if convicted for a violation of [section 124.401, subsection 1](#), paragraph “d”, shall be sentenced as if convicted of a violation of [section 124.401, subsection 5](#). An accommodation offense may be proved as an included offense under a charge of delivering or possessing with the intent to deliver marijuana in violation of [section 124.401, subsection 1](#).

2. [Subsection 1](#) does not apply to any of the following:

- a. Hashish, hashish oil, or other derivatives of marijuana as defined in [section 124.101, subsection 20](#).
- b. Hemp or a hemp product excluded from schedule I of controlled substances as provided in [section 124.204, subsection 7](#).

[C73, 75, 77, 79, 81, §204.410]

[89 Acts, ch 225, §13](#)

C93, §124.410

[99 Acts, ch 67, §1](#); [2019 Acts, ch 130, §26, 33](#)

Referred to in [§124.401G, 124.413](#)