

House File 183 - Introduced

HOUSE FILE 183

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 4)

A BILL FOR

1 An Act relating to the control of marijuana, including an

2 effective date provision, and providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 124.204, subsection 4, paragraph m, Code
2 2011, is amended to read as follows:

3 ~~m. Marijuana, except as otherwise provided by rules of the~~
4 ~~board for medicinal purposes.~~

5 Sec. 2. Section 124.204, subsection 4, paragraph u,
6 unnumbered paragraph 1, Code 2011, is amended to read as
7 follows:

8 ~~Tetrahydrocannabinols, except as otherwise provided~~
9 ~~by rules of the board for medicinal purposes,~~ meaning
10 tetrahydrocannabinols naturally contained in a plant of
11 the genus Cannabis (Cannabis plant) as well as synthetic
12 equivalents of the substances contained in the Cannabis plant,
13 or in the resinous extractives of such plant, and synthetic
14 substances, derivatives, and their isomers with similar
15 chemical structure and pharmacological activity to those
16 substances contained in the plant, such as the following:

17 Sec. 3. Section 124.204, subsection 7, Code 2011, is amended
18 by striking the subsection.

19 Sec. 4. Section 124.206, subsection 7, Code 2011, is amended
20 to read as follows:

21 7. *Hallucinogenic substances.* Unless specifically excepted
22 or unless listed in another schedule, any material, compound,
23 mixture, or preparation which contains any quantity of ~~the~~
24 ~~following substances:~~

25 ~~a. Marijuana when used for medicinal purposes pursuant to~~
26 ~~rules of the board.~~

27 ~~b. Nabilone nabilone [another name for nabilone:~~
28 ~~(+)- trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-~~
29 ~~hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one].~~

30 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
31 immediate importance, takes effect upon enactment.

32 EXPLANATION

33 This bill relates to the control of marijuana.

34 Under the bill, all types of marijuana and
35 tetrahydrocannabinols are classified as schedule I controlled

1 substances. The bill eliminates a provision classifying
2 marijuana used for medicinal purposes, pursuant to rules of the
3 board of pharmacy, as a schedule II controlled substance.

4 The bill strikes references to the authority of the board
5 to establish rules relating to the medicinal use of marijuana
6 including tetrahydrocannabinols naturally contained in a
7 cannabis plant.

8 A schedule I controlled substance is a highly addictive
9 substance that has no accepted medical use in the United States
10 and a schedule II controlled substance is a highly addictive
11 substance that has an accepted medical use in the United
12 States.

13 The penalties for possessing, manufacturing, delivering,
14 or possessing with intent to deliver marijuana, including
15 tetrahydrocannabinols, range from a six-month serious
16 misdemeanor to a 50-year class "B" felony depending on the
17 amount of marijuana or tetrahydrocannabinols involved in the
18 offense.

19 A first marijuana possession offense is classified as a
20 serious misdemeanor but is punishable by confinement for no
21 more than six months and a fine of no more than \$1,000. A
22 second marijuana possession offense is punishable in the same
23 manner as other serious misdemeanor offenses.

24 A serious misdemeanor is punishable by confinement for no
25 more than one year and a fine of at least \$315 but not more than
26 \$1,875. An aggravated misdemeanor is punishable by confinement
27 for no more than two years and a fine of at least \$625 but
28 not more than \$6,250. A class "D" felony is punishable by
29 confinement for no more than five years and a fine of at
30 least \$750 but not more than \$7,500. A class "C" felony is
31 punishable by confinement for no more than 10 years and a fine
32 of at least \$1,000 but not more than \$10,000. A class "B"
33 felony is normally punishable by confinement for no more than
34 25 years. A 50-year class "B" felony, sometimes referred to as
35 a "super B" felony, is punishable by confinement for no more

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1 than 50 years.

2 The bill takes effect upon enactment.