

Marijuana Considerations by State

IOWA

(Updated as of May 2021)

Legal Status of Marijuana

Medical Marijuana Law	
Recreational Marijuana Law	
No broad laws legalizing marijuana*	Yes

*Marijuana is either totally illegal, or there may be laws decriminalizing possession, or use of marijuana, or, the state may have a CBD law legalizing THC at a level constituting marijuana-derived CBD.

Understanding this report: The objective of this state report is to identify direct factors that impact employment rights, protections and obligations as they relate to an employee’s use of marijuana.

In some cases, information can be confusing or even appear contradictory. This underscores the necessity of having legal counsel, specialized in marijuana and all related state laws, assist the employer in determining impactors/influences. Further, it is wise to have a professional experienced in drug-responsible workplace programs (i.e., drug-free workplace program [DFWP] consultant) assist in the development of corporate policies and operational practices. (See the NDS article, *Finding Answers to Your Questions about Marijuana in the Workplace.*)

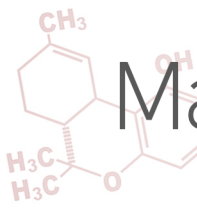
The subtitle categories within each state report are standardized. Because the marijuana laws and other laws directly associated to dealing with employee use of marijuana are different in every state, there may be categories within a state’s report that have no information. This indicates there has been no specific information found.

Lastly, where there are quotation marks, the language is directly from published law cited just before the quote. The quoted words are significant, but it will benefit the reader to review the information in context (go to the law) and in relation to other laws (e.g., disability discrimination, workers’ compensation, unemployment law). Additionally, there may be case decisions in a state, that set precedence and clarify or further detail the operational meaning of a law for an employer.

FROM THE STATE

Significant

- Iowa has a low-THC oils law denoting a THC cap of 3% and legal protection for registrants, if they obtain a card from the state. Allowable forms include oral, topical, nebulized inhalable, and rectal or vaginal suppositories.
- (Iowa’s Medical Cannabidiol Act 124E-21) states that for health and safety, an employer may restrict use of marijuana and can establish and enforce a zero-tolerance drug-free workplace.



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- If an employer does drug testing in this state there are some restrictions (i.e., marijuana is included in the drug testing panel, safety-sensitive employees can be in only one random testing pool, test results need to be sent to the donor (applicant or employee)).

Testing

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Hiring/Termination

Discipline

Use/Possession

- Smoking of CBD is not permitted.

Other Impacting Laws (e.g., drug testing, workers' compensation, unemployment)

- Impaired driving has zero-tolerance for THC.
- There is a rebuttable presumption of intoxication if an employee has a positive post-injury test and the employee does not qualify for workers' compensation benefits.
- Apply the **Checklist of Impacting Issues to Research** provided by NDS for additional state laws and issues that can relate to and/or impact your operations regarding employee use of marijuana.

Miscellaneous

Sources (e.g., Bill Number, Authority)

- Iowa SF 2360 – Medical Cannabidiol Act
- Iowa HB 524 – CBD related
- Iowa 124E.21 – Medical Cannabidiol Act reference to marijuana
- Iowa's Office of Medical Cannabidiol – <http://idph.iowa.gov/omc>
- Iowa Code Ann. 730.5 – Drug testing related
- Iowa Admin. Code 641-12.1 to 12.21 – Drug testing related
- Sims v. NCI Holding Company (2009) Supreme Court of Iowa No. 07-1468 – Case decision related to drug testing
- Iowa Code Ann. 96.5(2) – Unemployment related
- Iowa Code Ann. 85.16 – Workers' compensation related

DISCLAIMER: This resource, developed by *Working Partners*[®], is meant for educational purposes only. It is provided with the understanding that those involved in the resource are not engaged in rendering legal counsel. An experienced attorney with proven knowledge about these issues should be consulted for legal advice. In addition, an experienced drug-free workplace professional should be relied upon for assistance on operational issues for your company's program.