

To: Iowa Legislative Services Agency
From: Iowa Department of Public Safety
Re: Consumable Hemp Pre-File Bill Request

November 27, 2023

Background (e.g. current law or status):

In 2019, Iowa passed the Iowa Hemp Act in accordance with the 2018 Farm Bill. The intent of establishing the consumable hemp program was to regulate non-intoxicating products derived from hemp. However, since its passage, products have emerged with a wide variety of cannabinoids and potencies, including THC and semi-synthetic cannabinoids. Under federal law, all hemp products are limited to no more than 0.3% delta-9-THC by weight. In foods and beverages that contain heavy and dense ingredients, 0.3% can contain sufficiently high levels of THC that can lead to intoxication.

The Department of Health and Human Services (DHHS) has limited inspection authority but does not have the ability to seize illegal products. Local law enforcement can intervene when a business sells illegal products or is not registered, however, the charges that would be brought forth are not clearly defined.

Additionally, there is no age restriction for purchasing these products.

Solution:

Grant DHHS authority to determine dose and volume/serving size limitations via administrative rule. Prohibit the sale of consumable hemp to individuals under 21 years of age and create a new crime for selling products as an unregistered business and/or knowingly selling illegal products.

Goal:

Remove highly intoxicating products from the market and give law enforcement and prosecutors the tools to properly charge businesses who choose to knowingly sell illegal products.