

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

Proposing rule making related to hemp and providing an opportunity for public comment

The Agriculture and Land Stewardship Department hereby proposes to amend Chapter 40, “Agricultural Seeds,” and to adopt new Chapter 96, “Hemp,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 204.3(5).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 204.3(5).

Purpose and Summary

This proposed rule making outlines provisions for the Department to submit a state plan for approval from the United States Department of Agriculture (USDA) for the domestic production of hemp.

New Chapter 96 includes provisions for maintaining information on the land where hemp is produced, testing the levels of delta-9 tetrahydrocannabinol (THC), disposing of plants not meeting necessary requirements, establishing licensing requirements, and ensuring compliance with the requirements of the Agriculture Improvement Act of 2018, which amended the Agricultural Marketing Act of 1946, and with further restrictions found in 2019 Iowa Acts, Senate File 599.

Fiscal Impact

The fiscal impact of 2019 Iowa Acts, Senate File 599, increases expenditures for the Department by an estimated \$304,000 in FY 2020 and \$209,000 in FY 2021. The fee income that will be deposited into the hemp fund cannot be estimated, because it is unknown how many persons will participate in the manufacturing of industrial hemp. The other unknown factor is how much it will cost to destroy crops that exceed the maximum allowable THC levels.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 21—Chapter 8.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 22, 2020. Comments should be directed to:

Maison Blead
Iowa Department of Agriculture and Land Stewardship
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319
Email: maison.bleam@iowaagriculture.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

January 22, 2020
11 a.m. to 12 noon

Second Floor Conference Room
Wallace State Office Building
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Emergency Rule Making Adopted by Reference

This proposed rule making is also published herein as an Adopted and Filed Emergency rule making (see **ARC 4842C**, IAB 1/1/20). The purpose of this Notice of Intended Action is to solicit public comment on that emergency rule making, whose subject matter is hereby adopted by reference.