

204.15 Negligent violation — program.

1. *a.* The department may find that a licensee has negligently violated a provision of [this chapter](#) by doing any of the following:

(1) Completing an application for a license without providing a legal description of the crop site pursuant to [section 204.4](#).

(2) Failing to renew a hemp license for an existing crop site or obtain a hemp license for a new crop site pursuant to [section 204.4](#).

(3) Producing a crop on the licensee's crop site with a maximum concentration of delta-9 tetrahydrocannabinol that exceeds three-tenths of one percent according to the results of an official test of a sample obtained from the licensed crop site pursuant to an inspection conducted under [section 204.8](#).

b. It is conclusively presumed that a licensee acted with a culpable mental state greater than negligence, if the department obtains a sample of a crop produced on the licensee's crop site and the official test results of the sample conducted pursuant to [section 204.8](#) indicate a maximum concentration of delta-9 tetrahydrocannabinol in excess of two percent on a dry weight basis.

c. If the department determines a licensee violated [this chapter](#) with a culpable mental state greater than negligence, the department shall immediately report the licensee's violation to the department of public safety, the county attorney, and the attorney general, who shall take action as the facts and circumstances warrant. The department shall also report the licensee to the United States attorney general to the extent required by the federal hemp law.

2. The department may establish a negligent violation program. The purpose of the program is to allow a participating licensee who has negligently violated a provision of [this chapter](#) as described in [subsection 1](#) to comply with a corrective plan established by the department to correct each negligent violation, including by providing for all of the following:

a. A reasonable date, established by the department, for the licensee to correct each cause for the violation.

b. The filing of periodic reports to the department evidencing that the licensee is complying with the requirements of [this chapter](#). The licensee shall submit the reports to the department according to a schedule required by the department. The licensee shall submit a report to the department for at least two years from the date that the licensee first participated in the program.

c. Any other requirement established by the department.

3. A licensee shall not participate in the negligent violation program, if a test of a sample of plants that are part of a crop produced on the licensee's crop site exceeds a maximum concentration of two percent delta-9 tetrahydrocannabinol on a dry weight basis.

4. A person who has violated a provision of [this chapter](#) three times in a five-year period shall be ineligible to participate in the negligent violation program, or produce hemp, for a period of five years beginning on the date of the third violation.

5. The department shall certify that a licensee has successfully completed the negligent violation program. The certification shall be published by the department as an official form. The department shall deliver the certification to the licensee which shall be proof of the licensee's compliance.

6. A licensee who is participating in or has successfully completed the negligent violation program shall not be subject to any of the following:

a. A civil penalty under [section 204.12](#) for committing a violation of [this chapter](#).

b. A criminal offense under [chapter 124](#) or [453B](#) arising out of a negligent violation of [this chapter](#), if the licensee would otherwise be guilty of producing, possessing, using, harvesting, handling, or distributing the plant cannabis pursuant to the results of a test conducted pursuant to [section 204.8](#).

2019 Acts, ch 130, §15, 18, 19

Referred to in §204.2, 204.4, 204.11, 204.12

Implementation of section subject to approval of a state plan as described in section 204.3 by the United States department of agriculture;
2019 Acts, ch 130, §18

NEW section