

**204.7 Regulations — exemption for certain criminal offenses.**

1. The Iowa crop improvement association recognized in [chapter 177](#) shall adopt procedures to certify hemp seed capable of germination. Hemp seed certified under [this subsection](#) shall be presumed to comply with the requirements for hemp produced under [this chapter](#).

2. A person who materially falsifies any information contained in an application under [section 204.4](#) shall be ineligible to produce hemp under [this chapter](#).

3. *a.* A licensee convicted of an offense punishable as a felony, for producing, possessing, using, harvesting, handling, manufacturing, marketing, transporting, delivering, or distributing a controlled substance before, on, or after the implementation date of [this chapter](#) shall be ineligible to produce hemp under [this chapter](#) for a ten-year period following the date of conviction.

*b.* A licensee convicted in another state of an offense, punishable in that state as a felony, substantially corresponding to an offense described in paragraph “a”, before, on, or after the implementation date of [this chapter](#), shall be ineligible to produce hemp under [this chapter](#) for a ten-year period following the date of conviction. The department shall recognize the statute of another state which defines such offense substantially equivalent to an offense described in paragraph “a” as a corresponding statute.

4. The department shall adopt rules regulating the production of hemp, including but not limited to inspection and testing requirements under [section 204.8](#) or [204.9](#), and the issuance of a certificate of crop inspection under [section 204.8](#). The department shall adopt rules as necessary to administer the negligent violation program. The department may adopt other rules as necessary or desirable to administer and enforce the provisions of [this chapter](#) relating to hemp or hemp products.

5. A licensee is not subject to a criminal offense under [chapter 124](#) or [453B](#) for producing, possessing, using, harvesting, handling, manufacturing, marketing, transporting, delivering, or distributing hemp, if all of the following apply:

*a.* The hemp is hemp seed delivered to the licensee for planting at the licensee’s crop site, or the hemp is or was produced at the licensee’s crop site.

*b.* The department, the department of public safety, or a local law enforcement agency is allowed to access the licensee’s crop site as part of an inspection as provided in [sections 204.8](#) and [204.9](#), including by obtaining a sample of plants to conduct a test pursuant to [section 204.8](#).

*c.* The department has issued a certificate of crop inspection to the licensee covering the harvested hemp as provided in [section 204.8](#).

*d.* During any period that the licensee is transporting hemp, other than only on the licensee’s property, the licensee carries all of the following:

(1) The licensee’s hemp license issued pursuant to [section 204.4](#), or a copy of that license.

(2) The licensee’s certificate of crop inspection covering the licensee’s harvested hemp as provided in [section 204.8](#).

6. A person other than a licensee is not subject to a criminal offense under [chapter 124](#) or [453B](#) for producing, possessing, using, harvesting, handling, manufacturing, marketing, transporting, delivering, or distributing hemp, while on the licensee’s crop site, if all of the following apply:

*a.* The hemp is produced at the licensee’s crop site.

*b.* The person is authorized to be on the licensee’s crop site by the licensee.

7. A person other than a licensee is not subject to a criminal offense under [chapter 124](#) or [453B](#) for possessing, handling, using, manufacturing, marketing, transporting, delivering, or distributing hemp produced in this state, if all of the following apply:

*a.* The hemp is hemp seed delivered to the licensee for planting at the licensee’s crop site, or the hemp was produced at a licensee’s crop site.

*b.* During any period that the person is transporting hemp the person carries all of the following:

(1) If the hemp has been harvested, a certificate of crop inspection covering the harvested hemp as provided in [section 204.8](#).

(2) A bill of lading that includes information required by the department, which must at least indicate the name of the owner of the hemp, the point of origin, and the point of delivery.

c. The person is acting in compliance with the federal hemp law and other applicable federal law.

8. A person is not subject to a criminal offense under [chapter 124](#) or [453B](#) for possessing, using, harvesting, handling, manufacturing, marketing, transporting, delivering, or distributing hemp produced in another state, if all of the following apply:

a. During any period that the person is transporting hemp, the person carries a bill of lading that includes information required by the department, which must at least indicate the name of the owner of the hemp, the point of origin, and the point of delivery.

b. The person is acting in compliance with the federal hemp law and other applicable federal law.

9. a. A person may engage in the retail sale of a hemp product if the hemp was produced in this state or another state in compliance with the federal hemp law or other applicable federal law. A person may engage in the retail sale of a hemp product if the hemp was produced in another jurisdiction in compliance with applicable federal law and the laws of the other jurisdiction, if such law is substantially the same as applicable federal law.

b. To the extent consistent with applicable federal law, a derivative of hemp, including hemp-derived cannabidiol, may be added to cosmetics, personal care products, and products intended for human or animal consumption. The addition of such a derivative shall not be considered an adulteration of the product, unless otherwise provided in applicable federal law.

c. A person may transport a hemp product within and through this state and may export a hemp product to any foreign nation, in accordance with applicable federal law and the law of the foreign nation.

d. A hemp product complying with [this subsection](#) is not a controlled substance under [chapter 124](#) or [453B](#).

[2019 Acts, ch 130, §7, 18, 19](#)

Referred to in [§204.4, 204.17](#)

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