

## 204.2 Definitions.

As used in [this chapter](#), unless the context otherwise requires:

1. “*Certificate of analysis*” means proof that a crop produced on a licensee’s crop site qualifies as hemp as provided in [section 204.8](#).

2. “*Consumable hemp product*” means a hemp product that includes a substance that is metabolized or is otherwise subject to a biotransformative process when introduced into the human body.

a. A consumable hemp product may be introduced into the human body by ingestion or absorption by any device including but not limited to an electronic device.

b. A consumable hemp product may exist in a solid or liquid state.

c. A hemp product is deemed to be a consumable hemp product if it is any of the following:

(1) Designed by the processor, including the manufacturer, to be introduced into the human body.

(2) Advertised as an item to be introduced into the human body.

(3) Distributed, exported, or imported for sale or distribution to be introduced into the human body.

d. “*Consumable hemp product*” includes but is not limited to any of the following:

(1) A noncombustible form of hemp that may be digested, such as food; internally absorbed, such as chew or snuff; or absorbed through the skin, such as a topical application.

(2) Hemp processed or otherwise manufactured, marketed, sold, or distributed as food, a food additive, a dietary supplement, or a drug.

e. “*Consumable hemp product*” does not include a hemp product if the intended use of the hemp product is introduction into the human body by any method of inhalation, as prohibited under [section 204.14A](#).

3. “*Controlled substance*” means the same as defined in [section 124.101](#).

4. “*Conviction*” means a conviction for an indictable offense, in this state or another state, and includes a guilty plea, deferred judgment from the time of entry of the deferred judgment until the time the defendant is discharged by the court without entry of judgment, or other finding of guilt by a court of competent jurisdiction.

5. “*Crop site*” or “*site*” means a single contiguous parcel of agricultural land suitable for the planting, growing, or harvesting of hemp, if the parcel does not exceed forty acres.

6. “*Department*” means the department of agriculture and land stewardship.

7. “*Federal Food, Drug, and Cosmetic Act*” means the Act so entitled as codified in 21 U.S.C. §301 et seq., including regulations adopted pursuant to that Act by the United States food and drug administration under the [Code of Federal Regulations, Title 21](#).

8. “*Federal hemp law*” means that part of Tit. X of the Agriculture Improvement Act of 2018, Pub. L. No. 115-334, that authorizes hemp production according to a state plan approved by the United States department of agriculture, as provided in §10113 of that Act, amending the Agricultural Marketing Act of 1946, 7 U.S.C. §1621 et seq., including by adding §297A through 297E.

9. a. “*Hemp*” means the plant *cannabis sativa* L. and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a maximum delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis as calculated pursuant to an official test as provided in [section 204.8](#).

b. “*Hemp*” also means a plant of the genus *cannabis* other than *cannabis sativa* L., with a maximum delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis as calculated pursuant to an official test as provided in [section 204.8](#), but only to the extent allowed by the department in accordance with applicable federal law, including the federal hemp law.

10. “*Hemp license*” or “*license*” means a hemp license issued pursuant to [section 204.4](#).

11. a. “*Hemp product*” means an item derived from or made by processing hemp or parts of hemp, including but not limited to any item manufactured from hemp, including but not limited to cloth, cordage, fiber, food, fuel, paint, paper, particle board, plastic, hemp seed, seed meal, or seed oil.

b. “Hemp product” does not include any of the following:

(1) An item or part of an item with a maximum delta-9 tetrahydrocannabinol concentration that exceeds three-tenths of one percent on a dry weight basis.

(2) Hemp seed that is capable of germination.

12. “Licensee” means a person who obtains a hemp license from the department under [this chapter](#).

13. “Local law enforcement agency” means an office of county sheriff or a municipal police department.

14. “Negligent violation program” or “program” means the program that may be established by the department to allow a licensee to correct certain violations of [this chapter](#) as provided in [section 204.15](#).

15. “Produce” means to provide for the planting, raising, cultivating, managing, harvesting, and storing a crop.

16. “Temporary harvest and transportation permit” means a document allowing the harvesting of a crop produced on a licensee’s crop site and the temporary movement of that crop subject to limitations provided in [section 204.8](#).

[2019 Acts, ch 130, §2, 18, 19; 2020 Acts, ch 1065, §2, 3, 19; 2020 Acts, ch 1121, §107 – 109](#)

Referred to in [§124.201A, 124.204](#)

Section implemented effective April 8, 2020; the secretary of agriculture published an advisory notice that the state plan for the production of hemp was certified by the United States department of agriculture in IAB Vol. XLII, No. 21 (4/8/20), p. 2630; [2019 Acts, ch 130, §18, 19](#)

NEW subsections 1 and 2 and former subsections 1 – 4 renumbered as 3 – 6

NEW subsection 7 and former subsection 5 renumbered as 8

Former subsection 6 amended and renumbered as 9

Former subsections 7 – 12 renumbered as 10 – 15

NEW subsection 16