

## CHAPTER 204

## HEMP AND HEMP PRODUCTS

Referred to in §80.5, 124.204, 124.401, 204A.4, 453B.17

For regulation of hemp production, see chapter 204A

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**204.1 Short title.** Transferred to §204A.1; 2024 Acts, ch 1177, §45.

### 204.2 Definitions.

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

1. “*Advertise*” means to present a commercial message in any medium, including but not limited to print, radio, television, sign, display, label, tag, or articulation.

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 all of the following apply:

(1) It is any of the following:

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

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

(c) Distributed, exported, imported, offered for sale, or sold to be introduced into the human body.

(2) Its maximum total tetrahydrocannabinol concentration is less than or equal to the lesser of the following:

(a) Three-tenths of one percent on a dry weight basis.

(b) Four milligrams per serving and ten milligrams per container on a dry weight basis.

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. “Department of health and human services” or “department” means the principal central department established in [section 7E.5, subsection 1](#), paragraph “i”.

5. “Distribute” means to transfer possession.

6. “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](#).

7. “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.

8. “Hemp” means the same as defined in [section 204A.2](#).

9. 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) (a) An item or part of an item that exceeds the maximum total tetrahydrocannabinol concentration allowed for a hemp product under [section 124.204, subsection 7](#).

(b) An item or part of an item that is metabolized or is otherwise subject to a biotransformative process when introduced into the human body and that exceeds the maximum total tetrahydrocannabinol concentration allowed for a consumable hemp product.

(2) Hemp seed that is capable of germination.

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

11. “Registrant” means a person who is registered with the department of health and human services pursuant to [section 204.7](#).

[2019 Acts, ch 130, §2, 18, 19; 2020 Acts, ch 1065, §2, 3, 19; 2020 Acts, ch 1121, §107 – 109; 2021 Acts, ch 93, §37, 38; 2022 Acts, ch 1030, §1, 3; 2024 Acts, ch 1176, §1 – 3; 2024 Acts, ch 1177, §28 – 30, 55](#)

2024 amendments to section by 2024 Acts, ch 1177, effective December 31, 2024; 2024 Acts, ch 1177, §55  
Section amended and editorially internally renumbered

### **204.3 State plan — implementing rules.** Repealed by 2024 Acts, ch 1177, §44, 55.

2024 repeal effective December 31, 2024; 2024 Acts, ch 1177, §55

### **204.4 Hemp license — requirements.** Repealed by 2024 Acts, ch 1177, §44, 55.

2024 repeal effective December 31, 2024; 2024 Acts, ch 1177, §55  
See Code editor’s note at the beginning of this Code volume

### **204.5 Hemp fees.** Repealed by 2024 Acts, ch 1177, §44, 55.

2024 repeal effective December 31, 2024; 2024 Acts, ch 1177, §55

### **204.6 Hemp fund.** Repealed by 2024 Acts, ch 1177, §44, 55.

2024 repeal effective December 31, 2024; 2024 Acts, ch 1177, §55

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

1. Except as provided in subsection 6, a consumable hemp product shall not be manufactured, sold, or consumed in this state unless all of the following conditions are met:

a. The consumable hemp product is manufactured in this state in compliance with [this chapter](#).

b. The hemp contained in the consumable hemp product was produced exclusively in this state in compliance with [this chapter](#).

c. The consumable hemp product complies with packaging and labeling requirements, which shall be established by rules adopted by the department of health and human services. Each container storing a consumable hemp product shall be affixed with a notice advising consumers regarding the risks associated with its use. The department of health and human services shall adopt rules regarding the language of the notice and its display on the container.

d. The consumable hemp product complies with restrictions upon the sale or other distribution of a consumable hemp product established by rules adopted by the department of health and human services.

2. a. A person is engaged in the retail sale of a consumable hemp product, if any of the following apply:

(1) The person offers to distribute a consumable hemp product to a consumer in exchange for consideration.

(2) The person is an owner of a business that distributes consumable hemp products to consumers in exchange for consideration.

(3) The person is a business that distributes consumable hemp products to consumers in exchange for consideration and presents a consumable hemp product to a consumer in the form of a gift.

b. A person, including a business, is engaged in the sale of a consumable hemp product regardless of whether the person is registered with the department of health and human services as provided in [this section](#).

3. A person manufacturing a consumable hemp product in this state shall register with the department of health and human services on a form prescribed by the department of health and human services by rule. The department of health and human services may impose a fee, established by the department of health and human services by rule, on a registrant not to exceed the cost of processing the registration. The department of health and human services shall adopt rules for the revocation of a registration issued to a manufacturer who manufactures a consumable hemp product not in compliance with [this chapter](#).

4. A person selling a consumable hemp product in this state shall register with the department of health and human services on a form prescribed by the department of health and human services by rule and shall keep on the premises of the person's business a copy of the certificate of analysis issued pursuant to [section 204.8](#) for the hemp contained in the consumable hemp products sold by the person. The department of health and human services may impose a fee, established by the department of health and human services by rule, on a registrant not to exceed the cost of processing the registration. The department of health and human services shall adopt rules for the revocation of a registration issued to a person who sells a consumable hemp product not in compliance with [this section](#).

5. Except as otherwise provided in [this section](#), a political subdivision of the state shall not adopt any ordinance, rule, or regulation regarding the manufacture, sale, or consumption of a consumable hemp product.

6. A consumable hemp product manufactured in another jurisdiction pursuant to a state or tribal plan approved by the United States department of agriculture pursuant to the federal hemp law may be imported for use by a consumer or sale by a retailer to a consumer if the state has substantially similar testing requirements as those provided in [section 204.8](#).

7. A consumable hemp product manufactured, sold, or consumed in compliance with [this section](#) is not a controlled substance under [chapter 124](#) or [453B](#) regardless of whether the consumable hemp product has been approved by the United States food and drug administration.

2019 Acts, ch 130, §7, 18, 19; 2020 Acts, ch 1065, §5 – 11, 19; 2020 Acts, ch 1121, §107 – 109; 2023 Acts, ch 19, §281, 282; 2024 Acts, ch 1154, §14; 2024 Acts, ch 1176, §4 – 6; 2024 Acts, ch 1177, §31, 55

Referred to in §204.2, 204.14A, 204.14B, 204.14C, 204.15A, 204.17

See Code editor's note on simple harmonization at the beginning of this Code volume

2024 strike of former subsections 1 – 7 effective December 31, 2024; 2024 Acts, ch 1177, §55  
Section amended and editorially internally renumbered and redesignated

#### **204.8 Hemp — testing requirements and certificate of analysis.**

For purposes of [this chapter](#), requirements for testing hemp and the issuance of a certificate of analysis for hemp are governed by [chapter 204A](#).

[2019 Acts, ch 130, §8, 18, 19; 2020 Acts, ch 1065, §12, 13, 19; 2020 Acts, ch 1121, §107 – 109; 2021 Acts, ch 80, §99; 2024 Acts, ch 1177, §32, 55](#)

Referred to in [§204.7](#)

2024 amendment effective December 31, 2024; 2024 Acts, ch 1177, §55  
Section stricken and rewritten

#### **204.9 Right of access.** Repealed by 2024 Acts, ch 1177, §44, 55.

2024 repeal effective December 31, 2024; 2024 Acts, ch 1177, §55

#### **204.10 Order of disposal.** Repealed by 2024 Acts, ch 1177, §44, 55.

2024 repeal effective December 31, 2024; 2024 Acts, ch 1177, §55

#### **204.11 Disciplinary action.** Repealed by 2024 Acts, ch 1177, §44, 55.

2024 repeal effective December 31, 2024; 2024 Acts, ch 1177, §55

#### **204.12 Civil penalties.**

1. Unless another civil penalty is otherwise provided in [this chapter](#), a person who violates a provision of [this chapter](#) is subject to a civil penalty of not less than five hundred dollars and not more than two thousand five hundred dollars. The department shall impose, assess, and collect the civil penalty. Each day that a continuing violation occurs may be considered a separate offense.

2. All civil penalties collected under [this section](#) shall be deposited into the general fund of the state.

[2019 Acts, ch 130, §12, 18, 19; 2024 Acts, ch 1176, §7; 2024 Acts, ch 1177, §33, 55](#)

Referred to in [§204.14B](#), [204.14E](#)

2024 strike of subsection 2 effective December 31, 2024; 2024 Acts, ch 1177, §55

Subsection 1 amended

Subsection 2 stricken and former subsection 3 renumbered as 2

#### **204.13 Injunctive relief.** Repealed by 2024 Acts, ch 1177, §44, 55.

2024 repeal effective December 31, 2024; 2024 Acts, ch 1177, §55

**204.14 Criminal offense — falsified permit or certificate.** Transferred to [§204A.7; 2024 Acts, ch 1177, §45](#).

#### **204.14A Criminal offense — inhalation.**

1. A person shall not possess, use, manufacture, market, transport, deliver, or distribute harvested hemp or a hemp product if the intended use of the harvested hemp or hemp product is introduction into the body of a human by any method of inhalation, including any of the following:

- a. Smoke produced from combustion.
- b. A type of article that uses a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical process.
- c. A device, including but not limited to a cigarette, cigar, cigarillo, or pipe, regardless of whether such device produces smoke or vapor.

2. A person shall not use, market, or distribute a raw or dried flower form of hemp for the purposes of inhalation as described in [subsection 1](#), paragraph “b” or “c”. Any raw or dried flower form of hemp marketed or distributed within this state shall contain the following notice on the raw or dried product container:

This is a raw or dried agricultural commodity not suitable or intended for human consumption in conjunction with Iowa Code [section 204.14A, subsection 1](#), paragraph “b” or “c”.

3. A person required to be registered to manufacture or sell a consumable hemp product under [section 204.7](#) shall not manufacture, produce, distribute, market, or sell a synthetic

consumable hemp product, as defined by rules adopted by the department of health and human services.

4. A person who violates [this section](#) is guilty of a serious misdemeanor.

5. [This section](#) does not apply to the extent that federal law, including the federal Food, Drug, and Cosmetic Act, authorizes as its intended use the introduction of harvested hemp or a hemp product into the body of a human by a method of inhalation.

[2020 Acts, ch 1065, §17, 19; 2020 Acts, ch 1121, §107 – 109; 2024 Acts, ch 1154, §15; 2024 Acts, ch 1176, §8, 9](#)

Referred to in [§204.2](#)

See Code editor's note on simple harmonization at the beginning of this Code volume

NEW subsections 2 and 3

Former subsection 2 amended and renumbered as 4

Former subsection 3 renumbered as 5

#### **204.14B Sale of consumable hemp product — failure to register — civil penalty.**

1. A person engaged in the retail sale of a consumable hemp product in this state without being registered with the department of health and human services as required in [section 204.7](#) shall be subject to a civil penalty of not more than ten thousand dollars. The department of health and human services shall impose, assess, and collect the civil penalty. Each day that a continuing violation occurs may be considered a separate offense.

2. All civil penalties collected under [this section](#) shall be deposited into the general fund of the state.

3. A person in violation of [this section](#) is not also subject to a civil penalty as provided in [section 204.12](#).

[2024 Acts, ch 1176, §10](#)

NEW section

#### **204.14C Sale of consumable hemp product — failure to register — criminal penalty.**

1. *a.* A person engaged in the retail sale of a consumable hemp product who is not registered with the department of health and human services as required in [section 204.7](#) commits a serious misdemeanor.

*b.* A person engaged in the retail sale of an item advertised as a consumable hemp product that is not a consumable hemp product commits a serious misdemeanor.

2. [This section](#) shall be presumed not to be in conflict with or limit a prosecution for a violation of any other provision of law, including but not limited to [chapter 124](#) or 21 U.S.C. ch. 13.

[2024 Acts, ch 1176, §11](#)

NEW section

#### **204.14D Persons under legal age — criminal offense.**

1. A person shall not sell, give, or otherwise distribute a consumable hemp product to a person under twenty-one years of age.

2. A person who violates [subsection 1](#) is guilty of a simple misdemeanor.

[2024 Acts, ch 1176, §12](#)

Referred to in [§204.14F](#)

NEW section

#### **204.14E Persons under legal age — scheduled violation and community service.**

1. A person under twenty-one years of age shall not consume, possess, purchase, or attempt to purchase a consumable hemp product.

2. A person who violates [subsection 1](#) shall be subject to a scheduled violation in the form of a civil penalty pursuant to [section 805.8C](#), [subsection 3](#), paragraph “d”.

3. In addition to the imposition of a civil penalty as provided in [subsection 2](#), a person who violates [subsection 1](#) shall be subject to a court appearance as provided in [section 805.10](#). The court shall sentence the person to perform a specified number of hours of unpaid community service as deemed appropriate by the court subject to the following:

*a.* For a first violation, eight hours, unless waived by the court.

*b.* For a second offense, twelve hours.

*c.* For a third or subsequent offense, sixteen hours.

4. A person who violates [this section](#) is not subject to a civil penalty as provided in [section 204.12](#).

5. A person does not violate [subsection 1](#) by possessing a consumable hemp product if the person is employed by a registrant and the person is possessing the consumable hemp product as part of their employment.

[2024 Acts, ch 1176, §13](#)

Referred to in [§204.14F](#), [805.8C\(3\)\(d\)](#), [805.10](#)

NEW section

**204.14F Persons under legal age — exception — cooperation with department of public safety or local law enforcement agency.**

1. a. A person who would otherwise act to commit an offense under [section 204.14D](#) is not guilty of that offense if the person acts under the direction or consent of the department of public safety or a local law enforcement agency as part of an enforcement investigation.

b. A person who would otherwise act to commit a violation under [section 204.14E](#) is not subject to that offense if the person acts under the direction or consent of the department of public safety or a local law enforcement agency as part of an enforcement investigation.

2. In enforcing [this section](#), the department of public safety or a local law enforcement agency shall take all measures necessary to ensure that a consumable hemp product is not introduced into the body of a person under the age of twenty-one.

3. Notwithstanding [chapter 22](#), any personal information identifying the person committing an offense or violation as described in [this section](#) shall be confidential.

[2024 Acts, ch 1176, §14](#)

NEW section

**204.15 Negligent violation program.** Transferred to [§204A.8](#); [2024 Acts, ch 1177, §45](#).

**204.15A Hemp products — order of confiscation and disposal.**

1. The department of health and human services may order the confiscation and disposal of a hemp product based on any of the following:

a. It is falsely advertised, sold, or distributed as a consumable hemp product.

b. It exceeds the maximum tetrahydrocannabinol concentration allowed under [section 124.204, subsection 7](#), or [this chapter](#).

c. It is a consumable hemp product manufactured, sold, or distributed by a person who is not registered with the department of health and human services as is required in [section 204.7](#).

2. The department of health and human services shall act in consultation with the department of public safety. The department of health and human services may request assistance from the department of public safety or a local law enforcement agency as necessary to carry out the provisions of [this section](#). The department of health and human services, upon request, shall deliver any sample of the item to the department of public safety or a local law enforcement agency.

3. A person required to be registered with the department of health and human services as provided in [section 204.7](#) shall pay the department of health and human services all actual and reasonable costs of the destruction of the item. If that department assumes any amount of the costs, it may charge that amount to the person.

[2024 Acts, ch 1176, §15](#)

NEW section

**204.16 Waivers or variances.** Repealed by [2024 Acts, ch 1177, §44, 55](#).

2024 repeal effective December 31, 2024; [2024 Acts, ch 1177, §55](#)

**204.17 Statutory construction.**

1. Nothing in [this chapter](#) shall be construed or applied to be in conflict with any of the following:

a. Applicable federal law and related regulations.

b. Other laws of this state, including any administrative rules, relating to product



development, product manufacturing, consumer safety, or public health so long as the state law is compatible with applicable federal law.

c. Local law relating to product development, product manufacturing, consumer safety, or public health so long as the local law is consistent with federal and state law, except as provided in [section 204.7](#).

2. Except as provided in [section 204.7](#), nothing in [this chapter](#) shall be construed or applied to prohibit a person from possessing, handling, using, manufacturing, marketing, transporting, delivering, or distributing a hemp product.

3. Nothing in [this chapter](#) shall be construed or applied to authorize a person to manufacture, recommend, possess, use, dispense, deliver, transport, or administer medical cannabidiol pursuant to [chapter 124E](#).

4. Nothing in [this chapter](#) shall be construed or applied to infringe upon the ability of the department of public safety or a local law enforcement agency to obtain a search warrant issued by a court, or enter onto any premises in a manner consistent with the laws of this state and the United States, including [Article I, section 8, of the Constitution of the State of Iowa](#), or the fourth amendment to the Constitution of the United States.

5. Nothing in [this chapter](#) shall be construed or applied to affect a statute or rule which applies to an article under [this chapter](#), if it would apply in the same manner as to other articles subject to the same general regulation in other chapters.

[2019 Acts, ch 130, §17 – 19; 2020 Acts, ch 1065, §18, 19; 2020 Acts, ch 1121, §107 – 109; 2024 Acts, ch 1177, §36, 37, 55](#)

2024 strike of subsection 1 effective December 31, 2024; 2024 Acts, ch 1177, §55

2024 amendment to subsection 6 effective December 31, 2024; 2024 Acts, ch 1177, §55

Subsection 1 stricken and former subsections 2 – 5 renumbered as 1 – 4

Former subsection 6 stricken and rewritten and renumbered as 5