

CHAPTER 28
MARIJUANA ERADICATION PROCEDURES

661—28.1(80) Reports of marijuana. Persons wishing to report marijuana growing in Iowa, whether cultivated or uncultivated, may contact any local law enforcement agency within the state of Iowa or the Division of Narcotics Enforcement, Iowa Department of Public Safety, Wallace State Office Building, Des Moines, Iowa 50319. Reports may be made to the division of narcotics enforcement by telephone through the toll-free Marijuana Hotline at 1-800-532-0052.

661—28.2(80) Cultivated marijuana. Upon receipt of information pertaining to marijuana cultivation or harvesting, the department of public safety, division of narcotics enforcement, shall investigate. If the information is valid and cultivation or harvesting of marijuana is confirmed, the division of narcotics enforcement shall initiate a criminal investigation, which may lead to the subsequent filing of criminal charges.

661—28.3(80) Uncultivated marijuana.

28.3(1) Upon receipt of information pertaining to wild uncultivated marijuana, the department of public safety, division of narcotics enforcement, shall notify the county sheriff of the report. If the property on which uncultivated marijuana is reported lies within a municipality with a police department, the chief of police shall also be notified. After the sheriff has been notified, the department of public safety, division of narcotics enforcement, shall notify, by regular mail, the owner of the land where uncultivated marijuana has been reported and shall request that the land owner voluntarily remove the marijuana. The county sheriff and the local police chief, if any, shall be sent copies of the notice to the landowner, also by regular mail.

28.3(2) Notification to a landowner of information regarding uncultivated marijuana, as provided in subrule 28.3(1), shall be provided on a completed form “Notice of Marijuana Complaint.”

Notification to a landowner of information regarding uncultivated marijuana growing on the landowner’s property, as provided in this subrule, is intended to obtain voluntary cooperation in the eradication of marijuana.

28.3(3) The department shall provide information and training to law enforcement agencies regarding the identification and removal of marijuana and assistance to the Iowa State University Agriculture and Home Economics Extension Service in developing programs concerning the identification and removal of marijuana.

661—28.4(80) Scope and limitation. Nothing in this chapter shall be construed to be a restriction or limitation upon the nature or scope of the authority of any member of the department of public safety or of any other public officer as otherwise provided by law.

These rules are intended to implement Iowa Code section 80.9.

[Filed 10/15/91, Notice 7/10/91—published 11/13/91, effective 1/1/92]