

Senate File 599

S-3160

1 Amend Senate File 599 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <DIVISION I

5 IOWA HEMP ACT

6 Section 1. NEW SECTION. 204.1 Short title.

7 This chapter shall be known as the "*Iowa Hemp Act*".

8 Sec. 2. NEW SECTION. 204.2 Definitions.

9 As used in this chapter, unless the context otherwise  
10 requires:

11 1. "*Controlled substance*" means the same as defined in  
12 section 124.101.

13 2. "*Conviction*" means a conviction for an indictable  
14 offense, in this state or another state, and includes a guilty  
15 plea, deferred judgment from the time of entry of the deferred  
16 judgment until the time the defendant is discharged by the  
17 court without entry of judgment, or other finding of guilt by a  
18 court of competent jurisdiction.

19 3. "*Crop site*" or "*site*" means a single contiguous parcel  
20 of agricultural land suitable for the planting, growing, or  
21 harvesting of hemp, if the parcel does not exceed forty acres.

22 4. "*Department*" means the department of agriculture and land  
23 stewardship.

24 5. "*Federal hemp law*" means that part of Tit. X of the  
25 Agriculture Improvement Act of 2018, Pub. L. No. 115-334, that  
26 authorizes hemp production according to a state plan approved  
27 by the United States department of agriculture, as provided in  
28 §10113 of that Act, amending the Agricultural Marketing Act  
29 of 1946, 7 U.S.C. §1621 et seq., including by adding §§297A  
30 through 297E.

31 6. a. "*Hemp*" means the plant *cannabis sativa* L. and  
32 any part of that plant, including the seeds thereof, and  
33 all derivatives, extracts, cannabinoids, isomers, acids,  
34 salts, and salts of isomers, whether growing or not, with a  
35 delta-9 tetrahydrocannabinol concentration of not more than

1 three-tenths of one percent on a dry weight basis.

2 *b.* "*Hemp*" also means a plant of the genus *cannabis* other  
3 than *cannabis sativa* L., with a delta-9 tetrahydrocannabinol  
4 concentration of not more than three-tenths of one percent  
5 on a dry weight basis, but only to the extent allowed by the  
6 department in accordance with applicable federal law, including  
7 the federal hemp law.

8 7. "*Hemp license*" or "*license*" means a hemp license issued  
9 pursuant to section 204.4.

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

15 *b.* "*Hemp product*" does not include any of the following:

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

19 (2) Hemp seed that is capable of germination.

20 9. "*Licensee*" means a person who obtains a hemp license from  
21 the department under this chapter.

22 10. "*Local law enforcement agency*" means an office of county  
23 sheriff or a municipal police department.

24 11. "*Negligent violation program*" or "*program*" means the  
25 program that may be established by the department to allow  
26 a licensee to correct certain violations of this chapter as  
27 provided in section 204.14.

28 12. "*Produce*" means to provide for the planting, raising,  
29 cultivating, managing, harvesting, and storing a crop.

30 **Sec. 3. NEW SECTION. 204.3 State plan — implementing**  
31 **rules.**

32 1. The department shall prepare a state plan to be submitted  
33 to the United States secretary of agriculture under the federal  
34 hemp law.

35 2. Upon approval of the state plan, the department shall

1 assume primary regulatory authority over the production of hemp  
2 in this state as provided in this chapter. However, nothing in  
3 this chapter affects the powers and duties of the department of  
4 public safety or local law enforcement agencies from enforcing  
5 any law within its purview or jurisdiction. The department of  
6 public safety shall be the chief criminal enforcement agency  
7 under this chapter.

8 3. The department may prepare any number of amended state  
9 plans or any number of amendments to an existing state plan to  
10 be submitted for approval by the United States secretary of  
11 agriculture.

12 4. The department may provide for the receipt, filing,  
13 processing, and return of documents described in this chapter  
14 in an electronic format, including but not limited to the  
15 transmission of documents by the internet. The department  
16 shall provide for the authentication of official forms in an  
17 electronic format that may include electronic signatures as  
18 provided in chapter 554D. An official form in an electronic  
19 format shall have the same validity and is discoverable and  
20 admissible in evidence if given under penalty of perjury in the  
21 same manner as an original printed form. The department shall  
22 provide for the issuance of certificates of crop inspection in  
23 an electronic format as provided in section 204.8.

24 5. *a.* The department shall prepare the state plan, any  
25 amended state plan, or amendment to an approved state plan, by  
26 adopting rules pursuant to chapter 17A.

27 *b.* The department may adopt the rules on an emergency basis  
28 as provided in section 17A.4, subsection 3, and section 17A.5,  
29 subsection 2, and the rules shall be effective immediately upon  
30 filing unless a later date is specified in the rules.

31 **Sec. 4. NEW SECTION. 204.4 Hemp license — requirements.**

32 1. The department shall establish and administer a process  
33 to receive, evaluate, and approve or disapprove applications  
34 for a hemp license.

35 2. The department shall prepare and publish one or more hemp

1 license application forms in cooperation with the department of  
2 public safety. A completed application form submitted to the  
3 department shall contain all of the following:

4 *a.* The applicant's full name and residence address.

5 *b.* A legal description and map of each crop site where the  
6 applicant proposes to produce the hemp including its global  
7 positioning system location.

8 *c.* The number of crop acres to be used for hemp production.

9 *d.* The name of the hemp variety.

10 *e.* The results of a national criminal history record check  
11 of an applicant as may be required by the department. The  
12 department shall inform an applicant if a national criminal  
13 history record check will be conducted. If a national criminal  
14 history record check is conducted, the applicant shall  
15 provide the applicant's fingerprints to the department. The  
16 department shall provide the fingerprints to the department  
17 of public safety for submission through the state criminal  
18 history repository to the federal bureau of investigation. The  
19 applicant shall pay the actual cost of conducting any national  
20 criminal history record check to the department of agriculture  
21 and land stewardship. The department shall pay the actual cost  
22 of conducting the national criminal history record check to  
23 the department of public safety from moneys deposited in the  
24 hemp fund pursuant to section 204.6. The department of public  
25 safety shall treat such payments as repayment receipts as  
26 defined in section 8.2. The results of the national criminal  
27 history check shall not be considered a public record under  
28 chapter 22.

29 *f.* Any other information required in order to administer and  
30 enforce the provisions of this chapter.

31 3. As a condition for issuance of a hemp license, the  
32 licensee consents to the department, the department of public  
33 safety, or a local law enforcement agency entering upon a crop  
34 site as provide in section 204.9.

35 4. The department may do all of the following:

1     *a.* Require that all or some licenses expire on the same  
2 date.

3     *b.* Provide a different application form and requirements  
4 relating to the submission, evaluation, and approval or  
5 disapproval of an application for a renewed hemp license  
6 consistent with federal law.

7     5. An applicant shall not be issued a hemp license unless  
8 the applicant agrees to comply with all terms and conditions  
9 relating to the regulation of a licensee as provided in this  
10 chapter.

11     6. A person may hold any number of licenses at the same  
12 time. However, the person shall not hold a legal or equitable  
13 interest in a licensed crop site, if the total number of acres  
14 of all licensed crop sites in which the person holds all such  
15 interests equals more than forty acres.

16     7. An initial hemp license expires one year from the date  
17 of issuance and may be issued on a renewal basis annually. The  
18 department may require that a licensee apply for an amended or  
19 new initial license if information contained in the existing  
20 application is no longer accurate or is incomplete.

21     8. The department and the department of public safety shall  
22 cooperate to develop procedures for the sharing of information  
23 regarding applicants, including information required to be  
24 completed on application forms. Upon request, the department  
25 or the department of public safety shall provide information  
26 regarding an applicant to a department of agriculture or law  
27 enforcement agency in another state.

28     9. Information received on an application form shall be  
29 maintained by the department for not less than three years.

30     10. The department shall disapprove the application of a  
31 person for good cause, which shall include, but is not limited  
32 to, any of the following:

33     *a.* A conviction for committing a criminal offense involving  
34 a controlled substance as described in section 204.7.

35     *b.* A third violation of a provision of this chapter in

1 a five-year period. The department shall disapprove any  
2 application of a person for a five-year period following the  
3 date of the person's last violation in the same manner as  
4 provided in section 204.15.

5 c. The revocation of a hemp license under section 204.11,  
6 or the revocation of a license, permit, registration, or other  
7 authorization to produce hemp in any other state.

8 11. A hemp license shall be suspended or revoked as provided  
9 in section 204.11.

10 Sec. 5. NEW SECTION. **204.5 Hemp fees.**

11 1. The department shall impose, assess, and collect the  
12 following hemp fees:

13 a. A license fee which shall be paid by a person being  
14 issued a hemp license as provided in section 204.4.

15 b. An inspection fee which shall be paid by a licensee for  
16 the inspection of the licensee's crop site, including obtaining  
17 samples of plants to conduct a test, as provided in section  
18 204.8.

19 2. a. For each hemp license, the license fee shall be  
20 imposed on an interim basis until June 30, 2022. The amount of  
21 the license fee shall not be more than the following:

22 (1) Five hundred dollars plus five dollars per acre, for  
23 each crop site that is five acres or less.

24 (2) Seven hundred and fifty dollars, plus five dollars per  
25 acre, for each crop site that is more than five acres but not  
26 more than ten acres.

27 (3) One thousand dollars plus five dollars per acre, for  
28 each crop site that is more than ten acres.

29 b. For conducting an inspection and official test as  
30 provided in section 204.8, the department shall charge an  
31 inspection fee on an interim basis until June 30, 2022, as  
32 follows:

33 (1) In the case of an annual inspection and official test, a  
34 base fee of not more than one thousand dollars. The department  
35 may charge a supplemental fee in an amount determined by the

1 department for conducting an inspection and official test of  
2 any additional variety of hemp produced on the same licensed  
3 crop site.

4 (2) In the case of any other inspection and official test,  
5 conducted at the request of the licensee, the department shall  
6 charge a base fee or supplemental fee in the same manner as  
7 provided in subparagraph (1).

8 c. This subsection is repealed on July 1, 2022.

9 3. a. The department shall adopt rules to establish hemp  
10 fees for the issuance of a hemp license pursuant to section  
11 204.4.

12 b. The department shall adopt rules to establish hemp fees  
13 for conducting inspections and obtaining samples of plants  
14 to conduct tests, including but not limited to an annual  
15 inspection and official test, pursuant to section 204.8.

16 c. The department shall calculate the rates, or a range of  
17 rates, of the hemp fees to be effective for each successive  
18 twelve-month period. The total amount of hemp fees collected  
19 by the department pursuant to this subsection shall not be  
20 more than the department's estimate of the total amount of  
21 revenues necessary to administer and enforce the provisions  
22 of this chapter based on the expected revenue collected from  
23 the hemp fees and the costs to be incurred by the department  
24 in administering and enforcing the provisions of this chapter  
25 during that period. The department may adjust the rates within  
26 the range throughout the period as the department determines  
27 necessary to comply with this paragraph.

28 d. The department may establish different rates for any  
29 category of hemp fees based on criteria determined relevant by  
30 the department, which may include the number of acres of the  
31 licensee's crop site and the type of hemp license issued.

32 e. (1) The rules shall first take effect immediately after  
33 the repeal of subsection 2.

34 (2) This paragraph "e" is repealed immediately after the  
35 rules described in subparagraph (1) take effect.

1 4. The license fee and any annual inspection fee shall  
2 be collected by the department at the time the hemp license  
3 application is submitted.

4 5. Any hemp fee collected by the department under this  
5 section shall be deposited in the hemp fund established  
6 pursuant to section 204.6.

7 6. The department may refund all or any part of a hemp fee  
8 collected under this section to an applicant.

9 **Sec. 6. NEW SECTION. 204.6 Hemp fund.**

10 1. A hemp fund is established in the state treasury under  
11 the management and control of the department.

12 2. The hemp fund shall include moneys collected by the  
13 department from hemp fees imposed and assessed under section  
14 204.5 and moneys appropriated by the general assembly for  
15 deposit in the hemp fund. The hemp fund may include other  
16 moneys available to and obtained or accepted by the department,  
17 including moneys from public or private sources.

18 3. Moneys in the hemp fund are appropriated to the  
19 department and shall be used exclusively to carry out the  
20 responsibilities conferred upon the department under this  
21 chapter as determined and directed by the department, and  
22 shall not require further special authorization by the general  
23 assembly.

24 4. *a.* Notwithstanding section 12C.7, interest or earnings  
25 on moneys in the hemp fund shall be credited to the hemp fund.

26 *b.* Notwithstanding section 8.33, moneys credited to the  
27 hemp fund that remain unexpended or unobligated at the end of a  
28 fiscal year shall not revert to any other fund.

29 **Sec. 7. NEW SECTION. 204.7 Regulations — exemption for**  
30 **certain criminal offenses.**

31 1. The Iowa crop improvement association recognized in  
32 chapter 177 shall adopt procedures to certify hemp seed capable  
33 of germination. Hemp seed certified under this subsection  
34 shall be presumed to comply with the requirements for hemp  
35 produced under this chapter.



1 2. A person who materially falsifies any information  
2 contained in an application under section 204.4 shall be  
3 ineligible to produce hemp under this chapter.

4 3. a. A licensee convicted of an offense punishable  
5 as a felony, for producing, possessing, using, harvesting,  
6 handling, manufacturing, marketing, transporting, delivering,  
7 or distributing a controlled substance before, on, or after  
8 the implementation date of this chapter shall be ineligible to  
9 produce hemp under this chapter for a ten-year period following  
10 the date of conviction.

11 b. A licensee convicted in another state of an offense,  
12 punishable in that state as a felony, substantially  
13 corresponding to an offense described in paragraph "a", before,  
14 on, or after the implementation date of this chapter, shall be  
15 ineligible to produce hemp under this chapter for a ten-year  
16 period following the date of conviction. The department shall  
17 recognize the statute of another state which defines such  
18 offense substantially equivalent to an offense described in  
19 paragraph "a" as a corresponding statute.

20 4. The department shall adopt rules regulating the  
21 production of hemp, including but not limited to inspection  
22 and testing requirements under section 204.8 or 204.9, and the  
23 issuance of a certificate of crop inspection under section  
24 204.8. The department shall adopt rules as necessary to  
25 administer the negligent violation program. The department may  
26 adopt other rules as necessary or desirable to administer and  
27 enforce the provisions of this chapter relating to hemp or hemp  
28 products.

29 5. A licensee is not subject to a criminal offense  
30 under chapter 124 or 453B for producing, possessing, using,  
31 harvesting, handling, manufacturing, marketing, transporting,  
32 delivering, or distributing hemp, if all of the following  
33 apply:

34 a. The hemp is hemp seed delivered to the licensee for  
35 planting at the licensee's crop site, or the hemp is or was

1 produced at the licensee's crop site.

2 *b.* The department, the department of public safety, or  
3 a local law enforcement agency is allowed to access the  
4 licensee's crop site as part of an inspection as provided in  
5 sections 204.8 and 204.9, including by obtaining a sample of  
6 plants to conduct a test pursuant to section 204.8.

7 *c.* The department has issued a certificate of crop  
8 inspection to the licensee covering the harvested hemp as  
9 provided in section 204.8.

10 6. A person other than a licensee is not subject to a  
11 criminal offense under chapter 124 or 453B for producing,  
12 possessing, using, harvesting, handling, manufacturing,  
13 marketing, transporting, delivering, or distributing hemp,  
14 while on the licensee's crop site, if all of the following  
15 applies:

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

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

19 7. A person other than a licensee is not subject to a  
20 criminal offense under chapter 124 or 453B for possessing,  
21 handling, using, manufacturing, marketing, transporting,  
22 delivering, or distributing hemp produced in this state, if all  
23 of the following applies:

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

27 *b.* If the hemp has been harvested, the person holds a  
28 certificate of crop inspection covering the harvested hemp as  
29 provided in section 204.8.

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

32 8. A person is not subject to a criminal offense under  
33 chapter 124 or 453B for possessing, using, harvesting,  
34 handling, manufacturing, marketing, transporting, delivering,  
35 or distributing hemp produced in another state in compliance

1 with the federal hemp law and other applicable federal law.

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

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

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

20 *d.* A hemp product complying with this subsection is not a  
21 controlled substance under chapter 124 or 453B.

22 **Sec. 8. NEW SECTION. 204.8 Inspections and tests —**  
23 **certificate of crop inspection.**

24 1. *a.* The department shall conduct an annual inspection  
25 of a licensee's crop site to determine if the crop produced  
26 at the site qualifies as hemp under this section. The annual  
27 inspection shall include obtaining a sample of plants that  
28 are part of the crop and providing for an official test of  
29 that sample. The inspection shall be conducted as provided in  
30 section 204.9.

31 *b.* A licensee shall deliver a notice to the department  
32 stating the expected harvest date for the crop produced at the  
33 licensee's crop site. The department must receive the notice  
34 at least thirty days prior to the expected harvest date. The  
35 department shall conduct the annual inspection of the site

1 within thirty days prior to the actual harvest date.

2 *c.* The department shall provide the department of public  
3 safety any official test results that indicate a sample exceeds  
4 the maximum concentration of delta-9 tetrahydrocannabinol in  
5 excess of two percent on a dry weight basis.

6 *d.* A licensee shall not harvest any portion of a crop  
7 produced at the licensee's crop site unless the department has  
8 issued the licensee a certificate of crop inspection. The  
9 department shall issue a verified copy of the certificate to  
10 any other person upon request of the licensee. The certificate  
11 shall be published by the department as an official form. To  
12 the extent allowed by the federal hemp law, the certificate  
13 shall be proof that the harvested crop described on the form  
14 qualifies as hemp pursuant to the results of an official test.

15 2. The department may conduct official tests for additional  
16 varieties of hemp located on the same licensed crop site. The  
17 department may conduct additional inspections and tests upon  
18 the request of a licensee.

19 3. The official test shall be a composite test of the plants  
20 obtained by the department from a licensee's crop site during  
21 the annual inspection and shall be conducted by a laboratory  
22 designated by the department. The sample must have a maximum  
23 concentration of delta-9 tetrahydrocannabinol that does not  
24 exceed three-tenths of one percent on a dry weight basis.

25 4. The department of public safety or a local law  
26 enforcement agency may conduct an inspection of a licensee's  
27 crop site in order to determine that the licensee is complying  
28 with the criminal provisions of this chapter as well as  
29 chapters 124 and 453B. The department of public safety or a  
30 local law enforcement agency may conduct a test of the plants  
31 obtained by that department or local law enforcement agency  
32 from the licensee's crop site during the inspection according  
33 to procedures adopted by the department of public safety.

34 **Sec. 9. NEW SECTION. 204.9 Right of access.**

35 1. *a.* The department, including an authorized inspector,

1 employee, or agent of the department, may enter onto a crop  
2 site during reasonable hours to determine whether a licensee is  
3 acting in compliance with the requirements under this chapter.  
4 The department may also enter into any structure if all of the  
5 following apply:

6 (1) The structure is not a dwelling.

7 (2) The structure is located on or in close proximity to the  
8 licensee's crop site, and the use of such structure is directly  
9 related to the production of hemp, including but not limited to  
10 a barn, machine shed, greenhouse, or storage crib.

11 *b.* The department may require the licensee to furnish  
12 business records, including books, accounts, records, files,  
13 and any other documents in print or electronic media that the  
14 department deems relevant to an inquiry conducted under this  
15 chapter.

16 *c.* The department may request the department of public  
17 safety or a local law enforcement agency accompany the  
18 department of agriculture and land stewardship when conducting  
19 an inspection.

20 2. *a.* The department of public safety or a local law  
21 enforcement agency may conduct an inspection of a licensee's  
22 crop site or enter into a structure located on or in close  
23 proximity to the crop site and may require a licensee to  
24 furnish business records, in the same manner and according to  
25 the same limitations as the department of agriculture and land  
26 stewardship pursuant to subsection 1.

27 *b.* The department of public safety or a law enforcement  
28 agency may obtain a sample of plants that are part of the  
29 crop and provide for a test of that sample as provided in  
30 section 204.8. The department of public safety or a local law  
31 enforcement agency shall not impose, assess, or collect a fee  
32 for conducting an inspection or test under this section.

33 4. A person shall not prevent the department, the department  
34 of public safety, or a local law enforcement agency from  
35 administering and enforcing the provisions of this section by

1 any means, including but not limited to any act, including  
2 a refusal to allow entry, misrepresentation, omission, or  
3 concealment of facts.

4 5. A licensee shall not harvest any portion of a crop  
5 produced at the licensee's crop site if the department, the  
6 department of public safety, or a local law enforcement agency  
7 has been prevented from accessing the site under this section.

8 Sec. 10. NEW SECTION. 204.10 Order of disposal.

9 1. If a crop that is produced at a licensee's crop site does  
10 not qualify as hemp according to an official test conducted  
11 pursuant to section 204.8, the department, in consultation with  
12 the department of public safety, shall order the disposal of  
13 the crop by destruction at the site or if necessary require the  
14 crop to be removed to another location for destruction.

15 2. The department may request assistance from the  
16 department of public safety or a local law enforcement agency  
17 as necessary to carry out the provisions of this section. The  
18 department upon request shall deliver any sample of the crop  
19 to the department of public safety or a local law enforcement  
20 agency.

21 3. The licensee shall pay the department for all actual  
22 and reasonable costs of the destruction of the crop. If the  
23 department assumes any amount of the costs, it may charge that  
24 amount to the licensee. If the licensee fails to reimburse any  
25 of that amount to the department, the department may report the  
26 amount to the county treasurer. The amount shall be placed  
27 upon the tax books, and collected with interest and penalties  
28 after due, in the same manner as other unpaid property taxes.  
29 The county shall reimburse the department within thirty days  
30 from the collection of the property taxes.

31 4. To the extent allowed by applicable federal law, the  
32 department may provide for the disposal of the mature stalks  
33 of the crop confiscated by the department for the licensee's  
34 on-farm use and at the licensee's expense.

35 Sec. 11. NEW SECTION. 204.11 Disciplinary action.

1 1. The department may suspend or revoke a hemp license  
2 obtained under section 204.4 by a person who does any of the  
3 following:

4 a. Provides false or misleading information to the  
5 department under this chapter, including by submitting a false  
6 application.

7 b. Fails to comply with or violates any provision of this  
8 chapter, including a rule adopted by the department, the  
9 department of public safety, or a condition of an application  
10 for the issuance of a hemp license under section 204.4.

11 c. Fails to comply with an order issued by the department  
12 under this chapter.

13 2. The department shall revoke a license issued pursuant to  
14 section 204.4, if any of the following apply:

15 a. The department would disapprove a new application to that  
16 person for good cause as provided in section 204.4, subsection  
17 10.

18 b. The person submits a materially false application to  
19 participate in the negligent violation program.

20 3. The suspension or revocation of a hemp license is in  
21 addition to an order of disposal under section 204.10; the  
22 imposition of a civil penalty under section 204.12, subject  
23 to the provisions of section 204.15; or the imposition of any  
24 other civil or criminal penalty authorized under state law.

25 **Sec. 12. NEW SECTION. 204.12 Civil penalties.**

26 1. A person who violates a provision of this chapter is  
27 subject to a civil penalty of not less than five hundred  
28 dollars and not more than two thousand five hundred dollars.  
29 The department shall impose, assess, and collect the civil  
30 penalty. Each day that a continuing violation occurs may be  
31 considered a separate offense.

32 2. Notwithstanding subsection 1, a civil penalty shall not  
33 be imposed, assessed, or collected against a licensee who is  
34 participating in or has successfully completed the negligent  
35 violation program pursuant to section 204.15.

1 3. All civil penalties collected under this section shall be  
2 deposited into the general fund of the state.

3 Sec. 13. NEW SECTION. 204.13 Injunctive relief.

4 The department, or the attorney general acting on behalf of  
5 the department, may apply to the district court for injunctive  
6 relief in order to restrain a person from acting in violation  
7 of this chapter. In order to obtain injunctive relief, the  
8 department, or attorney general, shall not be required to post  
9 a bond or prove the absence of an adequate remedy at law unless  
10 the court for good cause otherwise orders. The court may order  
11 any form of prohibitory or mandatory relief that is appropriate  
12 under principles of equity, including but not limited to  
13 issuing a temporary or permanent restraining order.

14 Sec. 14. NEW SECTION. 204.14 Criminal offense — falsified  
15 certificate of crop inspection.

16 A person is subject to criminal penalties provided under the  
17 applicable provisions in chapter 124 or 453B, if all of the  
18 following apply:

19 1. The person commits an offense under one of the applicable  
20 provisions of chapter 124 or 453B by possessing, handling,  
21 using, manufacturing, marketing, transporting, delivering, or  
22 distributing the plant cannabis, regardless of whether the  
23 plant was produced in compliance with the provisions of this  
24 chapter.

25 2. The person is required to hold a certificate of crop  
26 inspection under section 204.8 to possess, handle, use,  
27 manufacture, market, transport, deliver, or distribute hemp  
28 that has been harvested under this chapter.

29 3. The person knowingly or intentionally does any of the  
30 following:

31 a. Falsifies the certificate of crop inspection.

32 b. Acquires the certificate of crop inspection that the  
33 person knows has been falsified.

34 Sec. 15. NEW SECTION. 204.15 Negligent violation —  
35 program.



1 1. *a.* The department may find that a licensee has  
2 negligently violated a provision of this chapter by doing any  
3 of the following:

4 (1) Completing an application for a license without  
5 providing a legal description of the crop site pursuant to  
6 section 204.4.

7 (2) Failing to renew a hemp license for an existing crop  
8 site or obtain a hemp license for a new crop site pursuant to  
9 section 204.4.

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

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

22 *c.* If the department determines a licensee violated this  
23 chapter with a culpable mental state greater than negligence,  
24 the department shall immediately report the licensee's  
25 violation to the department of public safety, the county  
26 attorney, and the attorney general, who shall take action as  
27 the facts and circumstances warrant. The department shall also  
28 report the licensee to the United States attorney general to  
29 the extent required by the federal hemp law.

30 2. The department may establish a negligent violation  
31 program. The purpose of the program is to allow a  
32 participating licensee who has negligently violated a provision  
33 of this chapter as described in subsection 1 to comply with a  
34 corrective plan established by the department to correct each  
35 negligent violation, including by providing for all of the

1 following:

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

4     *b.* The filing of periodic reports to the department  
5 evidencing that the licensee is complying with the requirements  
6 of this chapter. The licensee shall submit the reports to the  
7 department according to a schedule required by the department.  
8 The licensee shall submit a report to the department for  
9 at least two years from the date that the licensee first  
10 participated in the program.

11     *c.* Any other requirement established by the department.

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

17     4. A person who has violated a provision of this chapter  
18 three times in a five-year period shall be ineligible to  
19 participate in the negligent violation program, or produce  
20 hemp, for a period of five years beginning on the date of the  
21 third violation.

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

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

31     *a.* A civil penalty under section 204.12 for committing a  
32 violation of this chapter.

33     *b.* A criminal offense under chapter 124 or 453B arising  
34 out of a negligent violation of this chapter, if the licensee  
35 would otherwise be guilty of producing, possessing, using,

1 harvesting, handling, or distributing the plant cannabis  
2 pursuant to the results of a test conducted pursuant to section  
3 204.8.

4 Sec. 16. NEW SECTION. 204.16 **Waivers or variances.**

5 If the department determines there is a conflict with a  
6 regulation or order promulgated by a federal agency and a  
7 provision of this chapter, the department may grant a variance  
8 or waiver from the provision of this chapter to the extent such  
9 variance or waiver is allowed under the federal hemp law and  
10 the United States department of agriculture. The waiver or  
11 variance shall expire not later than July 1 of the succeeding  
12 legislative session.

13 Sec. 17. NEW SECTION. 204.17 **Statutory construction.**

14 1. Nothing in this chapter shall be construed or applied to  
15 be less stringent than required under the federal hemp law.

16 2. Nothing in this chapter shall be construed or applied to  
17 be in conflict with any of the following:

18 a. Applicable federal law and related regulations.

19 b. Other laws of this state, including any administrative  
20 rules, relating to product development, product manufacturing,  
21 consumer safety, or public health so long as the state law is  
22 compatible with applicable federal law.

23 c. Local law relating to product development, product  
24 manufacturing, consumer safety, or public health so long as the  
25 local law is consistent with federal and state law.

26 3. Except as provided in section 204.7, nothing in this  
27 chapter shall be construed or applied to prohibit a person  
28 from possessing, handling, using, manufacturing, marketing,  
29 transporting, delivering, or distributing a hemp product.

30 4. Nothing in this chapter shall be construed or applied  
31 to authorize a person to manufacture, recommend, possess, use,  
32 dispense, deliver, transport, or administer medical cannabidiol  
33 pursuant to chapter 124E.

34 5. Nothing in this chapter shall be construed or applied to  
35 infringe upon the ability of the department of public safety

1 or a local law enforcement agency to obtain a search warrant  
2 issued by a court, or enter onto any premises in a manner  
3 consistent with the laws of this state and the United States,  
4 including Article I, section 8, of the Constitution of the  
5 State of Iowa, or the fourth amendment to the Constitution of  
6 the United States.

7 6. Nothing in this chapter shall be construed or applied  
8 to affect a statute or rule of which applies to hemp or hemp  
9 product in the same manner as other articles subject to the  
10 same general regulation.

11 Sec. 18. CONTINGENT IMPLEMENTATION.

12 1. Except as provided in subsection 2, the provisions of  
13 chapter 204, as enacted in this division of this Act, shall  
14 only be implemented, including administered and enforced,  
15 by the department of agriculture and land stewardship,  
16 the department of public safety, and local law enforcement  
17 agencies, beginning on the publication date of the edition of  
18 the Iowa administrative bulletin that includes a statement by  
19 the secretary of agriculture of the department of agriculture  
20 and land stewardship certifying that the United States  
21 department of agriculture has approved a state plan as  
22 described in section 204.3, as enacted in this division of this  
23 Act. The department shall forward a copy of the statement to  
24 the Iowa Code editor prior to publication.

25 2. Section 204.3 and this subsection shall be implemented on  
26 the effective date of this Act.

27 Sec. 19. EFFECTIVE DATE. This division of this Act, being  
28 deemed of immediate importance, takes effect upon enactment.

29 DIVISION II

30 COORDINATING AMENDMENTS

31 Sec. 20. Section 29B.107A, Code 2019, is amended by adding  
32 the following new subsection:

33 NEW SUBSECTION. 3. Notwithstanding subsection 2,  
34 "*controlled substance*" does not include hemp or a hemp product  
35 excluded from schedule I of controlled substances as provided

1 in section 124.204, subsection 7.

2 Sec. 21. Section 80.9, subsection 7, Code 2019, is amended  
3 to read as follows:

4 7. a. The department shall assist persons who are  
5 responsible for the care of private and public land in  
6 identifying growing marijuana plants when the plants are  
7 reported to the department. The department shall also provide  
8 education to the persons regarding methods of eradicating the  
9 plants.

10 b. Notwithstanding paragraph "a", the department is not  
11 required to provide such assistance if the marijuana plants are  
12 hemp produced in accordance with the provisions of chapter 204.

13 c. The department shall adopt rules necessary to carry out  
14 this subsection.

15 Sec. 22. Section 124.204, subsection 4, paragraphs m and u,  
16 Code 2019, are amended to read as follows:

17 m. Marijuana, except as otherwise provided ~~by rules of the~~  
18 ~~board for medicinal purposes~~ in subsection 7.

19 u. (1) Tetrahydrocannabinols, except as otherwise  
20 provided by rules of the board for medicinal purposes,  
21 meaning tetrahydrocannabinols naturally contained in a plant  
22 of the genus Cannabis (Cannabis plant) as well as synthetic  
23 equivalents of the substances contained in the Cannabis plant,  
24 or in the resinous extractives of such plant, and synthetic  
25 substances, derivatives, and their isomers with similar  
26 chemical structure and pharmacological activity to those  
27 substances contained in the plant, such as the following:

28 ~~(1)~~ (a) 1 cis or trans tetrahydrocannabinol, and their  
29 optical isomers.

30 ~~(2)~~ (b) 6 cis or trans tetrahydrocannabinol, and their  
31 optical isomers.

32 ~~(3)~~ (c) 3,4 cis or trans tetrahydrocannabinol, and their  
33 optical isomers. (Since nomenclature of these substances  
34 is not internationally standardized, compounds of these  
35 structures, regardless of numerical designation of atomic

1 positions covered.)

2 (2) Subparagraph (1) does not include tetrahydrocannabinol  
3 to the extent excluded in subsection 7.

4 Sec. 23. Section 124.204, subsection 7, Code 2019, is  
5 amended to read as follows:

6 7. *Exclusions.* This section does not apply to ~~marijuana~~,  
7 any of the following:

8 a. Marijuana, tetrahydrocannabinols, or chemical  
9 derivatives of tetrahydrocannabinol, when utilized for  
10 medicinal purposes pursuant to rules of the board.

11 b. (1) Hemp as defined in section 204.2 that is or was  
12 produced in this state, or was produced in another state, in  
13 accordance with the provisions of chapter 204 with a maximum  
14 delta-9 tetrahydrocannabinol concentration that does not exceed  
15 three-tenths of one percent on a dry weight basis.

16 (2) A hemp product as provided in chapter 204 with a maximum  
17 delta-9 tetrahydrocannabinol concentration that does not exceed  
18 three-tenths of one percent on a dry weight basis.

19 Sec. 24. Section 124.401, Code 2019, is amended by adding  
20 the following new subsection:

21 NEW SUBSECTION. 6. Notwithstanding any other provision in  
22 this section to the contrary, a person may produce, possess,  
23 use, harvest, handle, manufacture, market, transport, deliver,  
24 or distribute any of the following:

25 a. Hemp that is hemp seed delivered for planting at a  
26 licensed crop site, or hemp that is or was produced at the  
27 site, by a person operating under a hemp license issued by the  
28 department of agriculture and land stewardship in accordance  
29 with the provisions of chapter 204.

30 b. Hemp that was produced in another state in accordance  
31 with the federal hemp law and other applicable law.

32 c. A hemp product as provided in chapter 204.

33 Sec. 25. NEW SECTION. 124.401H Iowa hemp Act — negligent  
34 violation program.

35 Notwithstanding any provision of this chapter to the

1 contrary, a person shall not be guilty of an offense under  
2 this chapter, including under section 124.401 or 124.410,  
3 for producing, possessing, using, harvesting, handling,  
4 manufacturing, marketing, transporting, delivering, or  
5 distributing the plant cannabis, if all of the following apply:

6 1. The person holds a valid hemp license issued by the  
7 department of agriculture and land stewardship as provided in  
8 chapter 204.

9 2. The plant is or was produced on the licensee's crop site  
10 as provided in chapter 204.

11 3. The offense arises out of a test of a sample of plants  
12 that are part of a crop produced on the licensee's crop site  
13 and the test indicates that the sample does not qualify as hemp  
14 under section 204.8 and does not exceed maximum concentration  
15 of two percent delta-9 tetrahydrocannabinol on a dry weight  
16 basis.

17 4. The licensee is participating in or has successfully  
18 completed the negligent violation program that applies to the  
19 licensee's crop site described in subsection 3 if such program  
20 is established by the department of agriculture and land  
21 stewardship pursuant to section 204.15.

22 Sec. 26. Section 124.410, Code 2019, is amended to read as  
23 follows:

24 **124.410 Accommodation offense.**

25 1. In a prosecution for unlawful delivery or possession  
26 with intent to deliver marijuana, if the prosecution proves  
27 that the defendant violated the provisions of section 124.401,  
28 subsection 1, by proving that the defendant delivered or  
29 possessed with intent to deliver one-half ounce or less of  
30 marijuana which was not offered for sale, the defendant is  
31 guilty of an accommodation offense and rather than being  
32 sentenced as if convicted for a violation of section 124.401,  
33 subsection 1, paragraph "d", shall be sentenced as if  
34 convicted of a violation of [section 124.401, subsection 5](#). An  
35 accommodation offense may be proved as an included offense

1 under a charge of delivering or possessing with the intent to  
2 deliver marijuana in violation of section 124.401, subsection  
3 1. ~~This section~~

4 2. Subsection 1 does not apply to hashish, any of the  
5 following:

6 a. Hashish, hashish oil, or other derivatives of marijuana  
7 as defined in section 124.101, subsection 20.

8 b. Hemp or a hemp product excluded from schedule I  
9 of controlled substances as provided in section 124.204,  
10 subsection 7.

11 Sec. 27. Section 124.411, subsection 3, Code 2019, is  
12 amended to read as follows:

13 3. ~~This section~~ does not apply to ~~offenses~~ any of the  
14 following:

15 a. An offense under section 124.401, subsection 5.

16 b. Hemp or a hemp product excluded from schedule I  
17 of controlled substances as provided in section 124.204,  
18 subsection 7.

19 Sec. 28. Section 124.506A, subsection 1, Code 2019, is  
20 amended to read as follows:

21 1. a. Notwithstanding the provisions of section 124.506, if  
22 more than ten pounds of marijuana or more than one pound of any  
23 other controlled substance is seized as a result of a violation  
24 of this chapter, the law enforcement agency responsible for  
25 retaining the seized controlled substance may destroy the  
26 seized controlled substance if the law enforcement agency  
27 retains at least ten pounds of the marijuana seized or at least  
28 one pound of any other controlled substance seized for evidence  
29 purposes.

30 b. Paragraph "a" does not apply to hemp or a hemp product  
31 excluded from schedule I of controlled substances as provided  
32 in section 124.204, subsection 7.

33 Sec. 29. Section 189.1, subsection 1, Code 2019, is amended  
34 to read as follows:

35 1. "Article" means food, commercial feed, agricultural



1 seed, commercial fertilizer, drug, pesticide, hemp or a hemp  
2 product, and paint, in the sense in which they are defined in  
3 the various provisions of this subtitle.

4 Sec. 30. NEW SECTION. 317.1D **Exemption — Iowa hemp Act.**

5 This chapter does not apply to a plant or any part of the  
6 plant qualifying as hemp, if the hemp is produced on a crop  
7 site regulated under chapter 204.

8 Sec. 31. NEW SECTION. 453B.17 **Exemption — Iowa hemp Act —**  
9 **hemp and hemp products.**

10 This chapter does not apply to any of the following:

11 1. Hemp that is hemp seed delivered for planting at a  
12 licensed crop site, or hemp that is or was produced at the  
13 site, by a person operating under a hemp license issued by the  
14 department of agriculture and land stewardship in accordance  
15 with the provisions of chapter 204.

16 2. Hemp that was produced in another state in accordance  
17 with the federal hemp law and other applicable law.

18 3. A hemp product as provided in chapter 204.

19 Sec. 32. NEW SECTION. 453B.18 **Exemption — Iowa hemp Act**  
20 **— negligent violation program.**

21 Notwithstanding any provision of this chapter to the  
22 contrary, a person shall not be guilty of an offense under this  
23 chapter for producing or possessing the plant cannabis, if all  
24 of the following apply:

25 1. The person holds a valid hemp license issued by the  
26 department of agriculture and land stewardship as provided in  
27 chapter 204.

28 2. The plant is or was produced on the licensee's crop site  
29 as provided in chapter 204.

30 3. The offense arises out of a test of a sample of plants  
31 that are part of a crop produced on the licensee's crop  
32 site and the test indicates that the sample does not qualify  
33 as hemp under section 204.8 and it does not exceed maximum  
34 concentration of two percent delta-9 tetrahydrocannabinol on a  
35 dry weight basis.

1 4. The licensee is participating in or has successfully  
2 completed the negligent violation program that applies to the  
3 licensee's crop site described in subsection 3 if such program  
4 is established by the department of agriculture and land  
5 stewardship pursuant to section 204.15.

6 Sec. 33. CONTINGENT EFFECTIVE DATE. The amendments to  
7 sections 29B.107A, 80.9, 124.204, 124.401, 124.410, 124.411,  
8 124.506A, and 189.1, and new sections 124.401H, 317.1D,  
9 453B.17, and 453B.18, as enacted in this division of this  
10 Act, shall become effective upon the date of implementation  
11 of chapter 204 as described in subsection 1 of the section  
12 providing for the contingent implementation of that chapter, as  
13 enacted in division I of this Act.>

14 2. By renumbering, redesignating, and correcting internal  
15 references as necessary.

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TOM SHIPLEY