

House File 2605

H-8182

1 Amend the amendment, H-8180, to House File 2605, as follows:

2 1. By striking page 1, line 1, through page 7, line 20, and
3 inserting:

4 <Amend House File 2605 as follows:

5 1. By striking everything after the enacting clause and
6 inserting:

7 <DIVISION I

8 IOWA HEMP ACT

9 Section 1. Section 204.2, Code 2024, is amended by adding
10 the following new subsections:

11 NEW SUBSECTION. 01. "*Advertise*" means to present a
12 commercial message in any medium, including but not limited to
13 print, radio, television, sign, display, text message, label,
14 tag, or articulation.

15 NEW SUBSECTION. 6A. "*Distribute*" means to transfer
16 possession.

17 NEW SUBSECTION. 15A. "*Registrant*" means a person who is
18 registered with the department of health and human services and
19 the department of revenue pursuant to section 204.7.

20 Sec. 2. Section 204.2, subsection 2, paragraph c, Code 2024,
21 is amended to read as follows:

22 c. A hemp product is deemed to be a consumable hemp product
23 if ~~it is any of the following~~ all of the following apply:

24 (1) It is any of the following:

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

27 (2) ~~(b)~~ (b) Advertised as an item to be introduced into the
28 human body.

29 (3) ~~(c)~~ (c) Distributed, exported, or imported, offered for
30 sale, or distribution sold to be introduced into the human
31 body.

32 (4) Its maximum tetrahydrocannabinol concentration is less
33 than or equal to the maximum tetrahydrocannabinol concentration
34 allowed under section 124.204, subsection 7.

35 Sec. 3. Section 204.7, subsection 8, paragraph a,

1 subparagraph (3), Code 2024, is amended to read as follows:

2 (3) The consumable hemp product complies with packaging
3 and labeling requirements, which shall be established by rules
4 adopted by the department of health and human services ~~by rule~~.

5 Sec. 4. Section 204.7, subsection 8, paragraph a, Code 2024,
6 is amended by adding the following new subparagraphs:

7 NEW SUBPARAGRAPH. (4) The consumable hemp product complies
8 with restrictions upon the sale or other distribution of a
9 consumable hemp product established by rules adopted by the
10 department of health and human services.

11 NEW SUBPARAGRAPH. (5) The consumable hemp product meets
12 requirements for total delta-9 tetrahydrocannabinol potency on
13 a per serving and per container basis, as set forth by rules
14 adopted by the department of health and human services.

15 Sec. 5. Section 204.7, subsection 8, Code 2024, is amended
16 by adding the following new paragraph:

17 NEW PARAGRAPH. *Ob.* (1) A person is engaged in the retail
18 sale of a consumable hemp product, if any of the following
19 apply:

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

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

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

29 (2) A person, including a business, is engaged in the sale
30 of a consumable hemp product regardless of whether the person
31 is registered with the department of health and human services
32 and the department of revenue as provided in this section.

33 Sec. 6. Section 204.7, subsection 8, paragraphs b and c,
34 Code 2024, are amended to read as follows:

35 *b.* A person manufacturing a consumable hemp product in this

1 state shall register with the department of health and human
2 services and the department of revenue on a form prescribed by
3 ~~the department of health and human services~~ by rule adopted
4 jointly by both departments. The department of health and
5 human services and the department of revenue may impose a fee,
6 established ~~by the department of health and human services~~
7 jointly by rule, on a registrant not to exceed the cost of
8 processing the registration. The department of health and
9 human services and the department of revenue shall jointly
10 adopt rules for the revocation of a registration issued to a
11 manufacturer who manufactures a consumable hemp product not in
12 compliance with [this chapter](#).

13 c. A person selling a consumable hemp product in this
14 state shall register with the department of health and human
15 services and the department of revenue on a form prescribed by
16 ~~the department of health and human services~~ by rule and rule
17 adopted jointly by both departments. The person shall keep on
18 the premises of the person's business a copy of the certificate
19 of analysis issued pursuant to [section 204.8](#) for the hemp
20 contained in the consumable hemp products sold by the person.
21 The department of health and human services ~~may impose~~ and the
22 department of revenue may jointly adopt by rule a registration
23 ~~fee, established by the department of health and human services~~
24 ~~by rule, imposed~~ on a registrant not to exceed the cost of
25 processing the registration. The department of health and
26 human services and the department of revenue shall jointly
27 adopt rules for the revocation of a registration issued to a
28 person who sells a consumable hemp product not in compliance
29 with [this section](#).

30 Sec. 7. Section 204.12, subsection 1, Code 2024, is amended
31 to read as follows:

32 1. A Unless another civil penalty is otherwise provided in
33 this chapter, a person who violates a provision of [this chapter](#)
34 is subject to a civil penalty of not less than five hundred
35 dollars and not more than two thousand five hundred dollars.

1 The department shall impose, assess, and collect the civil
2 penalty. Each day that a continuing violation occurs may be
3 considered a separate offense.

4 Sec. 8. Section 204.14A, Code 2024, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 1A. A person shall not possess, use,
7 manufacture, market, transport, deliver, or distribute a
8 consumable hemp product if it is capable of inhalation by using
9 either method described in subsection 1, paragraph "b" or "c".

10 Sec. 9. Section 204.14A, subsection 2, Code 2024, is amended
11 to read as follows:

12 2. A person who violates [subsection 1](#) or [1A](#) is guilty of a
13 serious misdemeanor.

14 Sec. 10. NEW SECTION. **204.14B Sale of consumable hemp**
15 **product — failure to register — civil penalty.**

16 1. A person engaged in the retail sale of a consumable
17 hemp product in this state without being registered with the
18 department of health and human services as required in section
19 204.7 shall be subject to a civil penalty of not more than ten
20 thousand dollars. The department of health and human services
21 shall impose, assess, and collect the civil penalty. Each day
22 that a continuing violation occurs may be considered a separate
23 offense.

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

26 3. A person in violation of this section is not also subject
27 to a civil penalty as provided in section 204.12.

28 Sec. 11. NEW SECTION. **204.14C Sale of consumable hemp**
29 **product — failure to register — criminal penalty.**

30 1. *a.* A person engaged in the retail sale of a consumable
31 hemp product who is not registered with the department of
32 health and human services as required in section 204.7 commits
33 a serious misdemeanor.

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

1 product commits a serious misdemeanor.

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

6 Sec. 12. NEW SECTION. 204.14D Persons under legal age —
7 criminal offense.

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

11 2. A person who violates subsection 1 is guilty of a simple
12 misdemeanor.

13 Sec. 13. NEW SECTION. 204.14E Persons under legal age —
14 scheduled violation and community service.

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

18 2. A person who violates subsection 1 shall be subject to a
19 scheduled violation in the form of a civil penalty pursuant to
20 section 805.8C, subsection 3, paragraph "d".

21 3. In addition to the imposition of a civil penalty as
22 provided in subsection 2, a person who violates subsection 1
23 shall be subject to a court appearance as provided in section
24 805.10. The court shall sentence the person to perform a
25 specified number of hours of unpaid community service as deemed
26 appropriate by the court subject to the following:

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

29 b. For a second offense, twelve hours.

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

31 4. A person who violates this section is not subject to a
32 civil penalty as provided in section 204.12.

33 5. A person does not violate subsection 1 by possessing
34 a consumable hemp product if the person is employed by a
35 registrant and the person is possessing the consumable hemp

1 product as part of their employment.

2 Sec. 14. NEW SECTION. 204.14F Persons under legal age —
3 exception — cooperation with department of public safety or
4 local law enforcement agency.

5 1. *a.* A person who would otherwise act to commit an offense
6 under section 204.14D is not guilty of that offense if the
7 person acts under the direction or consent of the department
8 of public safety or a local law enforcement agency as part of
9 an enforcement investigation.

10 *b.* A person who would otherwise act to commit a violation
11 under section 204.14E is not subject to that offense if the
12 person acts under the direction or consent of the department
13 of public safety or a local law enforcement agency as part of
14 an enforcement investigation.

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

20 3. Notwithstanding chapter 22, any personal information
21 identifying the person committing an offense or violation as
22 described in this section shall be confidential.

23 Sec. 15. NEW SECTION. 204.15A Hemp products — order of
24 confiscation and disposal.

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

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

30 *b.* It exceeds the maximum tetrahydrocannabinol concentration
31 allowed under section 124.204, subsection 7, or this chapter.

32 *c.* It is a consumable hemp product manufactured, sold,
33 or distributed by a person who is not registered with the
34 department of health and human services as is required in
35 section 204.7.

1 2. The department of health and human services shall act
2 in consultation with the department of public safety. The
3 department of health and human services may request assistance
4 from the department of public safety or a local law enforcement
5 agency as necessary to carry out the provisions of this
6 section. The department of health and human services, upon
7 request, shall deliver any sample of the item to the department
8 of public safety or a local law enforcement agency.

9 3. A person required to be registered with the department of
10 health and human services as provided in section 204.7 shall
11 pay the department of health and human services all actual
12 and reasonable costs of the destruction of the item. If that
13 department assumes any amount of the costs, it may charge that
14 amount to the person.

15 Sec. 16. Section 805.8C, subsection 3, Code 2024, is amended
16 by adding the following new paragraph:

17 NEW PARAGRAPH. *d.* (1) For violations of section 204.14E,
18 the scheduled fine is as follows:

19 (a) If the violation is a first offense, the scheduled fine
20 is seventy dollars.

21 (b) If the violation is a second offense, the scheduled fine
22 is one hundred thirty-five dollars.

23 (c) If the violation is a third or subsequent offense, the
24 scheduled fine is three hundred twenty-five dollars.

25 (2) The fine shall be imposed as a civil penalty.

26 (3) The crime services surcharge under section 911.1 shall
27 not be added to the penalty, and the court costs pursuant to
28 section 805.9, subsection 6, shall not be imposed.

29 (4) Notwithstanding section 805.12, any civil penalty paid
30 under this subsection shall be retained by the city or county
31 enforcing the violation.

32 Sec. 17. Section 805.10, subsection 1, Code 2024, is amended
33 by adding the following new paragraph:

34 NEW PARAGRAPH. *e.* When a violation charged involves the
35 consumption, possession, purchase, or attempt to purchase of

1 a consumable hemp product as provided in section 204.14E, for
2 which there is a community service sentence.

3

DIVISION II

4

REGULATION OF ALCOHOLIC BEVERAGES

5 Sec. 18. Section 123.49, subsection 2, Code 2024, is amended
6 by adding the following new paragraph:

7 NEW PARAGRAPH. 1. Sell, give, or otherwise supply any
8 alcoholic beverage containing tetrahydrocannabinol as described
9 in chapter 124, including any isomers, derivatives, or analogs
10 of tetrahydrocannabinol, whether naturally occurring or
11 synthesized, to any person on the licensed premises.

12 Sec. 19. NEW SECTION. 123.49A **Restriction on alcoholic**
13 **beverages containing tetrahydrocannabinol.**

14 A holder of a license, permit, or certificate of compliance
15 issued by the department under this chapter shall not
16 manufacture, import, or sell at wholesale in this state an
17 alcoholic beverage containing tetrahydrocannabinol as described
18 in chapter 124, including any isomers, derivatives, or analogs
19 of tetrahydrocannabinol, whether naturally occurring or
20 synthesized.>>

KONFRST of Polk