

House File 2641

H-8280

1 Amend House File 2641 as follows:

2 1. Page 8, after line 16 by inserting:

3 <DIVISION ____
4 HEMP
5 PART A
6 HEMP REGULATIONS

7 Sec. _____. Section 204.2, subsections 1, 4, 5, 10, 12, 14,
8 15, and 16, Code 2024, are amended by striking the subsections.

9 Sec. _____. Section 204.2, subsection 6, Code 2024, is amended
10 by striking the subsection and inserting in lieu thereof the
11 following:

12 6. *“Department of health and human services”* or *“department”*
13 means the principal central department established in section
14 7E.5, subsection 1, paragraph *“i”*.

15 Sec. _____. Section 204.2, subsection 9, Code 2024, is amended
16 by striking the subsection and inserting in lieu thereof the
17 following:

18 9. *“Hemp”* means the same as defined in section 204A.2.

19 Sec. _____. Section 204.7, subsections 1, 2, 3, 4, 5, 6, and
20 7, Code 2024, are amended by striking the subsections.

21 Sec. _____. Section 204.8, Code 2024, is amended by striking
22 the section and inserting in lieu thereof the following:

23 **204.8 Hemp — testing requirements and certificate of**
24 **analysis.**

25 For purposes of this chapter, requirements for testing hemp
26 and the issuance of a certificate of analysis for hemp are
27 governed by chapter 204A.

28 Sec. _____. Section 204.12, subsection 2, Code 2024, is
29 amended by striking the subsection.

30 Sec. _____. Section 204.14, subsections 2 and 3, Code 2024,
31 are amended to read as follows:

32 2. ~~*a.* Except as provided in paragraph *“b”*, the~~ The person
33 is required to hold a certificate of analysis to possess,
34 handle, use, manufacture, market, transport, deliver, or
35 distribute hemp that has been harvested under [this chapter](#).

1 ~~b. The person is required to hold a temporary harvest and~~
2 ~~transportation permit to possess, harvest, or move hemp.~~

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

5 a. ~~Falsifies the temporary harvest and transportation permit~~
6 ~~or a~~ certificate of analysis.

7 b. ~~Acquires the temporary harvest and transportation permit~~
8 ~~or a~~ certificate of analysis that the person knows has been
9 falsified.

10 Sec. _____. Section 204.15, Code 2024, is amended by striking
11 the section and inserting in lieu thereof the following:

12 **204.15 Negligent violation program.**

13 A USDA licensee who is participating in or has successfully
14 completed the program for negligent violations as provided in 7
15 C.F.R. §990.29 shall not be subject to a criminal offense under
16 chapter 124 or 453B for committing an act that otherwise would
17 constitute the offense.

18 Sec. _____. Section 204.17, subsection 1, Code 2024, is
19 amended by striking the subsection.

20 Sec. _____. Section 204.17, subsection 6, Code 2024, is
21 amended by striking the subsection and inserting in lieu
22 thereof the following:

23 6. Nothing in this chapter shall be construed or applied
24 to affect a statute or rule which applies to an article under
25 this chapter, if it would apply in the same manner as to other
26 articles subject to the same general regulation in other
27 chapters.

28 Sec. _____. NEW SECTION. **204A.2 Definitions.**

29 As used in this chapter, unless the context otherwise
30 requires:

31 1. *"Acceptable hemp THC level"* means the same as defined in
32 7 C.F.R. §990.1.

33 2. *"Cannabis"* means the same as defined in 7 C.F.R. §990.1.

34 3. *"Controlled substance"* means the same as defined in
35 section 124.101.

1 4. "*Delta-9 tetrahydrocannabinol*" or "*THC*" means the same as
2 defined in 7 C.F.R. §990.1.

3 5. "*Department*" means the department of agriculture and land
4 stewardship.

5 6. "*Federal hemp law*" means 7 U.S.C. §1639o, 1639q, and
6 1639r, together with the domestic hemp production program as
7 provided in 7 C.F.R. pt. 990.

8 7. "*Hemp*" means the same as defined in 7 C.F.R. §990.1.

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

11 9. "*Lot*" means the same as defined in 7 C.F.R. §990.1.

12 10. "*Total THC*" means the same as defined in 7 C.F.R.
13 §990.1.

14 11. "*USDA licensee*" means the same as defined in 7 C.F.R.
15 §990.1.

16 Sec. ____ . NEW SECTION. **204A.3 Administration — rules.**

17 The department may adopt rules that it deems necessary to
18 administer and enforce this chapter. The rules shall comply
19 with the federal hemp law, or requirements of the United States
20 department of agriculture acting under the federal hemp law.

21 Sec. ____ . NEW SECTION. **204A.4 Criminal offenses.**

22 A criminal offense involving hemp includes but is not
23 limited to production, use, harvest, transportation, delivery,
24 distribution, or sale of cannabis as a controlled substance
25 except as otherwise provided in this chapter and chapter 204.

26 Sec. ____ . NEW SECTION. **204A.5 Hemp production.**

27 1. Except to the extent otherwise provided in the federal
28 hemp law, or by the United States department of agriculture
29 acting under the federal hemp law, this chapter does not affect
30 the powers and duties of the state, including the department of
31 public safety or a local law enforcement agency, to investigate
32 or prosecute a person for a violation of a criminal offense,
33 including an act in violation of chapter 124 or 453B.

34 2. a. Except to the extent otherwise provided in the
35 federal hemp law, or by the United States department of

1 agriculture acting under the federal hemp law, the department
2 of public safety may require a USDA licensee to submit to the
3 department of public safety any of the following:

4 (1) A notice that the United States department of
5 agriculture's lot includes cannabis that exceeds the acceptable
6 hemp THC level and a description of the noncompliant plant's
7 disposal as required in 7 C.F.R. §990.27.

8 (2) A corrective action plan filed with the United States
9 department of agriculture to cure the negligent violation as
10 required in 7 C.F.R. §990.27.

11 (3) A notice of the United States department of
12 agriculture's license suspension under 7 C.F.R. §990.30 or
13 United States department of agriculture's license revocation
14 under 7 C.F.R. §990.31.

15 (4) A report or record required to be submitted to
16 the United States department of agriculture as part of
17 participation in the domestic hemp program as provided in 7
18 C.F.R. §990.32.

19 *b.* Any data or business information designated as
20 confidential by the United States department of agriculture
21 under this subsection and received by a government body as
22 defined in section 22.1 shall be a confidential record under
23 chapter 22 and subject to any restrictions imposed by the
24 United States department of agriculture.

25 Sec. ____ . NEW SECTION. **204A.6 Hemp transportation.**

26 Except to the extent otherwise provided in the federal
27 hemp law, including 7 C.F.R. §990.25, or by the United States
28 department of agriculture acting under the federal hemp law, a
29 person transporting hemp seed or harvested hemp in this state,
30 on an intrastate or interstate basis, is subject to all of the
31 following public safety requirements:

32 1. If the person is licensed under 7 C.F.R. ch. 990, subpt.
33 B or C, the person must carry a copy of that license.

34 2. The person must carry a certificate of analysis.

35 3. The person must carry a bill of lading under all of the

1 following circumstances:

2 *a.* The person is in possession of the hemp in transit to
3 transfer ownership.

4 *b.* The person is delivering cannabis seed for planting and
5 the seed is not of the licensee's own production.

6 *c.* A person brings hemp produced in another state into or
7 through this state.

8 Sec. _____. NEW SECTION. **204A.9 Statutory construction.**

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

11 2. Nothing in this chapter shall be construed or applied
12 to be in conflict with applicable federal law and related
13 regulations.

14 3. Nothing in this chapter shall be construed or applied to
15 infringe upon the ability of the department of public safety
16 or a local law enforcement agency to obtain a search warrant
17 issued by a court, or enter onto any premises in a manner
18 consistent with the laws of this state and the United States,
19 including Article I, section 8, of the Constitution of the
20 State of Iowa, or the fourth amendment to the Constitution of
21 the United States.

22 4. Nothing in this chapter shall be construed or applied
23 to affect a statute or rule which applies to an article under
24 this chapter, if it would apply in the same manner as to other
25 articles subject to the same general regulation in other
26 chapters.

27 Sec. _____. **REPEAL.** Sections 204.3, 204.4, 204.5, 204.6,
28 204.9, 204.10, 204.11, 204.13, and 204.16, Code 2024, are
29 repealed.

30 Sec. _____. **CODE EDITOR DIRECTIVE.**

31 1. The Code editor is directed to make the following
32 transfers:

33 *a.* Section 204.1 to section 204A.1.

34 *b.* Section 204.14 to section 204A.7.

35 *c.* Section 204.15 to section 204A.8.

1 2. The Code editor shall correct internal references in the
2 Code and in any enacted legislation as necessary due to the
3 enactment of this section.

4 PART B

5 CORRESPONDING CHANGES

6 Sec. _____. Section 124.201A, subsection 4, Code 2024, is
7 amended to read as follows:

8 4. Any cannabis-derived investigational product or
9 cannabis-derived product approved as a prescription drug
10 medication by the United States food and drug administration
11 shall not be considered marijuana or cannabimimetic agents,
12 both as defined in [section 124.204](#), tetrahydrocannabinols
13 as used in [section 124.204, subsection 4](#), paragraph "u",
14 unnumbered paragraph 1, or hemp as defined in ~~section 204.2~~
15 204A.2.

16 Sec. _____. Section 124.204, subsection 7, paragraph a, Code
17 2024, is amended to read as follows:

18 a. Hemp as defined in ~~section 204.2~~ 204A.2, including hemp
19 that is or was produced in this state, or was produced in
20 another state, in accordance with the provisions of ~~chapter 204~~
21 the federal hemp law as defined in chapter 204A, with a maximum
22 delta-9 tetrahydrocannabinol concentration that does not exceed
23 three-tenths of one percent on a dry weight basis.

24 Sec. _____. Section 124.401, subsection 6, paragraph a, Code
25 2024, is amended by striking the paragraph and inserting in
26 lieu thereof the following:

27 a. Hemp that is hemp seed, including hemp seed delivered
28 for planting at a lot by a USDA licensee or hemp that is or was
29 produced at a lot by a USDA licensee, in accordance with the
30 provisions of the federal hemp law, as those terms are defined
31 in chapter 204A.

32 Sec. _____. Section 124.401G, Code 2024, is amended by
33 striking the section and inserting in lieu thereof the
34 following:

35 **124.401G Iowa hemp Act – negligent violation program.**

1 Notwithstanding any provision of this chapter to the
2 contrary, a person shall not be guilty of an offense under
3 this chapter, including under section 124.401 or 124.410,
4 for producing, possessing, using, harvesting, handling,
5 manufacturing, marketing, transporting, delivering, or
6 distributing the plant cannabis, to the extent that the person
7 is a USDA licensee acting in accordance with the federal hemp
8 law, as those terms are defined in chapter 204A.

9 Sec. _____. Section 124.506, subsection 5, Code 2024, is
10 amended by striking the subsection.

11 Sec. _____. Section 317.1D, Code 2024, is amended to read as
12 follows:

13 **317.1D Exemption — Iowa hemp Act.**

14 This chapter does not apply to a plant or any part of the
15 plant qualifying as hemp, if the hemp is produced ~~on a crop~~
16 ~~site regulated under~~ chapter 204 on the USDA licensee's lot
17 in accordance with the federal hemp law, as those terms are
18 defined in chapter 204A.

19 Sec. _____. Section 453B.17, subsection 1, Code 2024, is
20 amended by striking the subsection and inserting in lieu
21 thereof the following:

22 1. Hemp as defined in section 204A.2, including hemp seed
23 delivered for planting at a lot by a USDA licensee or hemp that
24 is or was produced at a lot by a USDA licensee, in accordance
25 with the provisions of the federal hemp law, as those terms are
26 defined in chapter 204A.

27 Sec. _____. Section 453B.18, Code 2024, is amended by striking
28 the section and inserting in lieu thereof the following:

29 **453B.18 Exemption — Iowa hemp Act — negligent violation**
30 **program.**

31 Notwithstanding any provision of this chapter to the
32 contrary, a person shall not be guilty of an offense under this
33 chapter for producing or possessing the plant cannabis, to the
34 extent that the person is a USDA licensee acting in accordance
35 with the federal hemp law, as those terms are defined in

1 chapter 204A.

2 Sec. _____. Section 716.14, subsection 1, paragraph b, Code
3 2024, is amended to read as follows:

4 *b. "Agricultural crop" means a plant produced for food,*
5 *animal feed, fiber, oil, or fuel if the plant is classified*
6 *as a forage or cereal plant, including but not limited to*
7 *alfalfa, barley, buckwheat, corn, flax, forage, hemp as defined*
8 *in [section 204.2 204A.2](#), millet, oats, popcorn, rye, sorghum,*
9 *soybeans, sunflowers, wheat, and grasses used for forage or*
10 *silage. A plant which is a noxious weed pursuant to section*
11 *317.1A shall not be considered an agricultural crop unless the*
12 *plant is produced as a research crop.*

13

PART C

14

EFFECTIVE DATE

15 Sec. _____. EFFECTIVE DATE. This division of this Act takes
16 effect December 31, 2024.>

17 2. Title page, line 3, after <appropriations,> by inserting
18 <providing penalties,>

19 3. By renumbering as necessary.

SEXTON of Calhoun