

House File 2237 - Introduced

HOUSE FILE 2237

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 572)

A BILL FOR

1 An Act prohibiting hemp and hemp products intended for
2 inhalation, providing penalties, making penalties
3 applicable, and including implementation and effective date
4 provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 204.2, Code 2020, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4A. *"Federal Food, Drug, and Cosmetic Act"*
4 means the Act so entitled as codified in 21 U.S.C. §301 et
5 seq., including regulations adopted pursuant to that Act by the
6 United States food and drug administration under the Code of
7 Federal Regulations, Title 21.

8 Sec. 2. Section 204.7, subsection 9, Code 2020, is amended
9 to read as follows:

10 9. a. Except as otherwise provided in section 204.14A, all
11 of the following apply:

12 (1) A person may engage in the retail sale of a hemp
13 product if the hemp was produced in this state or another state
14 in compliance with the federal hemp law or other applicable
15 federal law. A person may engage in the retail sale of a hemp
16 product if the hemp was produced in another jurisdiction in
17 compliance with applicable federal law and the laws of the
18 other jurisdiction, if such law is substantially the same as
19 applicable federal law.

20 ~~b.~~ (2) To the extent consistent with applicable federal
21 law, a derivative of hemp, including hemp-derived cannabidiol,
22 may be added to cosmetics, personal care products, and products
23 intended for human or animal consumption. The addition of such
24 a derivative shall not be considered an adulteration of the
25 product, unless otherwise provided in applicable federal law.

26 ~~c.~~ (3) A person may transport a hemp product within and
27 through this state and may export a hemp product to any foreign
28 nation, in accordance with applicable federal law and the law
29 of the foreign nation.

30 ~~d.~~ b. A hemp product complying with ~~this subsection~~
31 paragraph "a" is not a controlled substance under [chapter 124](#)
32 [or 453B](#).

33 Sec. 3. NEW SECTION. 204.14A **Criminal offense —**
34 **inhalation.**

35 1. A person shall not possess, use, manufacture, market,

1 (e.g., cigarette, cigar, cigarillo, or pipe). The prohibition
2 does not apply to the extent that federal law, including
3 the federal Food, Drug, and Cosmetic Act, authorizes as its
4 intended use the introduction of harvested hemp or a hemp
5 product by a method of inhalation.

6 BACKGROUND. The bill amends provisions enacted in 2019 Iowa
7 Acts, chapter 130 (Iowa's 2019 Act), including new Code chapter
8 204, the "Iowa Hemp Act" (IHA) (see Code section 204.1),
9 authorizing the production of a certain type of cannabis
10 (sativa L.) and providing for the manufacture, sale, and
11 transportation of hemp products, if the hemp or hemp product
12 has a delta-9 tetrahydrocannabinol (THC) concentration of not
13 more than 0.3 percent on a dry weight basis (Code section
14 204.2). Iowa's 2019 Act was enacted after the enactment of
15 the federal Agriculture Improvement Act of 2018, commonly
16 known as the 2018 farm bill, including provisions allowing the
17 production of hemp (7 U.S.C. §1639o et seq.). The federal
18 hemp law allows states and tribes to assume primary regulatory
19 authority over the production of hemp by submitting a plan
20 for approval by the United States department of agriculture
21 (USDA). The USDA has neither approved nor disapproved Iowa's
22 state plan. By its own terms, the federal hemp law does
23 not affect or modify the federal Food, Drug, and Cosmetic
24 Act (21 U.S.C. §301 et seq.), and therefore it preserves the
25 authority of the United States food and drug administration
26 to regulate articles that may be introduced in the body of a
27 human or animal (see 7 U.S.C. §1639r). Generally, the IHA is
28 to be implemented on the publication date of that edition of
29 the Iowa administrative bulletin that includes a statement
30 by the department of agriculture and land stewardship (DALs)
31 certifying USDA approval of the state plan.

32 PENALTIES. The bill provides that a person who violates
33 the bill's provisions is guilty of a serious misdemeanor which
34 is punishable by confinement for no more than one year and
35 a fine of at least \$315 but not more than \$1,875. A person

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1 who violates the bill's provisions is also subject to a civil
2 penalty of not less than \$500 and not more than \$2,500 that
3 DALS may impose, assess, and collect for any violation of the
4 IHA (Code section 204.12).

5 IMPLEMENTATION DATE. The bill is to be implemented on the
6 same date as the IHA.

7 EFFECTIVE DATE. The bill takes effect upon enactment.