

**House Study Bill 572 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
PUBLIC SAFETY BILL BY  
CHAIRPERSON KLEIN)

**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 transport, deliver, or distribute harvested hemp or a hemp  
2 product if the intended use of the harvested hemp or hemp  
3 product is introduction into the body of a human or animal by  
4 any method of inhalation, including any of the following:

5 a. Smoke produced from combustion.

6 b. A type of article that uses a heating element, power  
7 source, electronic circuit, or other electronic, chemical, or  
8 mechanical process.

9 c. A device, including but not limited to a cigarette,  
10 cigar, cigarillo, or pipe, regardless of whether such device  
11 produces smoke or vapor.

12 2. A person who violates subsection 1 is guilty of a serious  
13 misdemeanor.

14 3. This section does not apply to the extent that federal  
15 law, including the federal Food, Drug, and Cosmetic Act,  
16 authorizes as its intended use the introduction of harvested  
17 hemp or a hemp product into the body of a human or animal by a  
18 method of inhalation.

19 Sec. 4. CONTINGENT IMPLEMENTATION.

20 This Act shall be implemented, including administered  
21 and enforced, by the department of agriculture and land  
22 stewardship, the department of public safety, and local law  
23 enforcement agencies, beginning on the date that the provisions  
24 of chapter 204 are implemented as provided in 2019 Iowa Acts,  
25 chapter 130, section 18, subsection 1.

26 Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate  
27 importance, takes effect upon enactment.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with  
30 the explanation's substance by the members of the general assembly.

31 INHALATION. This bill prohibits a person from possessing,  
32 using, manufacturing, marketing, transporting, delivering, or  
33 distributing harvested hemp or a hemp product if the intended  
34 use of the harvested hemp or hemp product is introduction into  
35 the body of a human or animal by any method of inhalation

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

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.