

**House Study Bill 279 - Introduced**

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

**A BILL FOR**

- 1 An Act providing for the regulation of hemp products, and making
- 2 penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 204.2, Code 2025, is amended by adding the  
2 following new subsections:

3 NEW SUBSECTION. 1A. "*Attractive to children*" means the use  
4 of any characters or symbols designed to appeal, or likely  
5 to appeal, primarily to individuals under twenty-one years of  
6 age, including but not limited to an anthropomorphized animal,  
7 a creature, a promotional character, a licensed character, an  
8 inanimate object, a depiction of a child, or a depiction of  
9 candy.

10 NEW SUBSECTION. 1B. a. "*Beverage*" means a liquid that may  
11 be consumed by a human or animal.

12 b. "*Beverage*" does not include a consumable hemp product in  
13 the form of a tincture.

14 NEW SUBSECTION. 1C. "*Child resistant safeguard*" means a  
15 final packaged form that complies with the United States Poison  
16 Prevention Packaging Act of 1970, 15 U.S.C. §14711 et seq., as  
17 amended.

18 NEW SUBSECTION. 1D. "*Consumable hemp establishment*" includes  
19 a consumable hemp manufacturer and consumable hemp retailer.

20 NEW SUBSECTION. 1E. a. "*Consumable hemp manufacturer*" means  
21 a consumable hemp establishment engaged in manufacturing,  
22 processing, packing, holding, preparing, distributing, or selling  
23 a consumable hemp product on a wholesale basis.

24 b. "*Consumable hemp manufacturer*" includes a person located  
25 outside of this state who distributes a consumable hemp product  
26 in this state.

27 c. "*Consumable hemp manufacturer*" does not include a person  
28 exclusively engaged in producing, harvesting, storing, or  
29 distributing raw hemp.

30 NEW SUBSECTION. 2A. a. "*Consumable hemp product in the form*  
31 *of a tincture*" means a consumable hemp product that is in a  
32 liquid state in which THC is suspended in a consumable base oil.

33 b. "*Consumable hemp product in the form of a tincture*" does  
34 not include a beverage.

35 NEW SUBSECTION. 2B. "*Consumable hemp product in the form of*

1 a *topical application*" means a consumable hemp product in a solid  
2 or liquid state that is a lotion, oil, transdermal patch, or  
3 other manufactured form.

4 NEW SUBSECTION. 2C. a. "*Consumable hemp retailer*" means a  
5 consumable hemp establishment selling consumable hemp products to  
6 consumers on a retail basis.

7 b. "*Consumable hemp retailer*" includes an establishment  
8 selling consumable hemp products on a retail basis on the  
9 internet.

10 NEW SUBSECTION. 7A. "*Final packaged form*" means the form or  
11 packaging in which a consumable hemp product is intended for  
12 individual retail sale.

13 NEW SUBSECTION. 9A. "*Intellectual property infringement*"  
14 means to infringe on any trade dress, trademark, branding, mark,  
15 or other related right as described in 15 U.S.C. ch. 22, or as  
16 described in chapter 548.

17 NEW SUBSECTION. 9B. "*Label*" means any display of written,  
18 printed, or graphic matter printed on or affixed to a product  
19 or package containing the product that provides information  
20 regarding the product.

21 NEW SUBSECTION. 10A. "*Mental health professional*" means the  
22 same as defined in section 228.1.

23 NEW SUBSECTION. 10B. a. "*Package*" means the immediate  
24 container or wrapping in which a product is enclosed for  
25 consumption, use, or storage by consumers of that product.

26 b. "*Package*" does not include any of the following:

27 (1) Any shipping container or wrapping used solely for the  
28 transportation of any product in bulk or in a quantity to  
29 manufacturers, packers, or processors, or to wholesale or retail  
30 distributors.

31 (2) Any shipping container or outer wrapping used by  
32 retailers to ship or deliver a product to consumers unless it is  
33 the only such container or wrapping.

34 NEW SUBSECTION. 10C. "*Resemblance to a recognizable food*  
35 *product*" means to bear a reasonable appearance to an existing

1 candy, snack, or other food product that is widely distributed  
2 and familiar to the public.

3 NEW SUBSECTION. 12. "Serving" means the portion of a  
4 substance customarily consumed per dose.

5 NEW SUBSECTION. 13. "Synthetic consumable hemp product"  
6 means an engineered product containing cannabinoids not naturally  
7 occurring in hemp.

8 NEW SUBSECTION. 14. "THC" means delta-9  
9 tetrahydrocannabinol.

10 NEW SUBSECTION. 15. "Total THC" means the same as defined in  
11 7 C.F.R. §990.1.

12 Sec. 2. Section 204.2, subsection 2, Code 2025, is amended to  
13 read as follows:

14 2. "Consumable hemp product" means a hemp product that  
15 includes a substance that is metabolized or is otherwise subject  
16 to a biotransformative process when introduced into the human  
17 body of a human or animal.

18 a. A consumable hemp product may be introduced into the human  
19 body of a human or animal by ingestion or absorption by any  
20 device including but not limited to an electronic device.

21 b. A consumable hemp product may exist in a solid or liquid  
22 state and in any form.

23 ~~e. A hemp product is deemed to be a consumable hemp product  
24 if all of the following apply:~~

25 ~~(1) It is any of the following:~~

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

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

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

32 ~~(2) Its maximum total tetrahydrocannabinol concentration is  
33 less than or equal to the lesser of the following:~~

34 ~~(a) Three tenths of one percent on a dry weight basis.~~

35 ~~(b) Four milligrams per serving and ten milligrams per~~

1 ~~container on a dry weight basis.~~

2 ~~d.~~ c. "Consumable hemp product" includes but is not limited  
3 to any of the following:

4 (1) A noncombustible form of hemp that may be digested, such  
5 as food; internally absorbed, ~~such as chew or snuff~~; or absorbed  
6 through the skin, ~~such as a topical application.~~

7 (2) Hemp ~~processed or otherwise~~ manufactured, marketed, sold,  
8 or distributed as food, a food additive, or a dietary supplement,  
9 ~~or a drug.~~

10 ~~e.~~ d. "Consumable hemp product" does not include a hemp  
11 product if the intended use of the hemp product is introduction  
12 into the human body by any method of inhalation, as prohibited  
13 under section 204.14A.

14 Sec. 3. NEW SECTION. **204.3 Department — administration and**  
15 **rulemaking.**

16 1. The department of health and human services shall  
17 administer this chapter.

18 2. The department shall adopt rules under this chapter only  
19 to the extent that the rules are necessary to effectively comply  
20 with any of the following matters:

21 a. Administrative procedure, including methods to regularly  
22 process registrations, conduct investigations, and make decisions  
23 in compliance with chapter 17A.

24 b. The health and safety of the public.

25 (1) Except as provided in subparagraph (2), a rule regulating  
26 a health and safety matter must cover a matter expressly  
27 addressed in this chapter.

28 (2) A rule regulating a health and safety matter may cover a  
29 matter that is implied in this chapter, if the rule is required  
30 to comply with applicable federal law.

31 (3) A rule regulating a health and safety matter regulating  
32 a health and safety matter must be supported by scientific  
33 evidence.

34 3. As part of giving notice of intended action, the  
35 department shall afford interested persons not less than sixty

1 days to make written or oral presentations regarding the  
2 adoption, amendment, or repeal of a rule, notwithstanding section  
3 17A.4, subsection 1, paragraph "b".

4 Sec. 4. NEW SECTION. **204.4 Department — continuing**  
5 **education programs.**

6 1. The department of health and human services shall  
7 establish and administer continuing education programs for  
8 all departmental staff involved in the regulation of hemp  
9 and hemp products, including matters relating to production,  
10 transportation, manufacture, and distribution, including sale on  
11 a wholesale or retail basis. The education program must include  
12 current hemp industry standards and practices, the best practices  
13 for effective and consistent enforcement of laws regulating  
14 hemp products, and emerging research regarding consumable hemp  
15 products.

16 2. A continuing education program must be conducted by  
17 persons who have credentials in conducting hemp education or  
18 training, including persons accredited by the hemp industry  
19 association, the national hemp association, or the United States  
20 department of agriculture.

21 3. The department shall annually review and update the  
22 continuing education program to ensure the program's ongoing  
23 relevance and effectiveness.

24 Sec. 5. NEW SECTION. **204.5 Department — public outreach**  
25 **programs.**

26 The department of health and human services, in cooperation  
27 with the department of agriculture and land stewardship  
28 under chapter 204A, shall establish and administer continuing  
29 public outreach programs regarding the regulation of hemp  
30 and hemp products, including matters relating to production,  
31 transportation, manufacture, and distribution, including sale on  
32 a wholesale or retail basis.

33 Sec. 6. NEW SECTION. **204.6 Department — annual state hemp**  
34 **report.**

35 1. The department of health and human services, in

1 cooperation with the department of agriculture and land  
2 stewardship under chapter 204A, and the department of revenue,  
3 shall prepare and submit an annual state hemp report to the  
4 governor and general assembly.

5 2. The annual state hemp report must include a summary of all  
6 of the following:

7 a. To the extent it can be determined, the status of hemp  
8 production under chapter 204A, including all of the following:

9 (1) The number of applications received and approved or not  
10 approved for licenses issued to persons seeking to produce hemp  
11 in this state by the United States department of agriculture  
12 under the federal hemp law.

13 (2) The number of years that licensees have produced hemp in  
14 this state.

15 (3) The number of acres used to produce hemp in this state  
16 and this state's ranking among all states.

17 (4) The total revenue generated from the production and sale  
18 of hemp in this state.

19 (5) The total property taxes paid on land used to produce  
20 hemp.

21 (6) The number and type of enforcement actions taken by the  
22 state against growers and transporters of hemp.

23 b. To the extent it can be determined, the status of hemp  
24 product manufacturing and distribution, including sales on a  
25 wholesale and retail basis, including all of the following:

26 (1) The number of applications received and approved or  
27 not approved as registrants by the department of health and  
28 human services, including applications to be consumable hemp  
29 manufacturers and consumable hemp retailers.

30 (2) The number of years that registrants have been  
31 in business in this state, including as consumable hemp  
32 manufacturers and consumable hemp retailers.

33 (3) Efforts that the department of health and human services  
34 has taken or plans to take to cooperate with other states  
35 regulating hemp products.

1 (4) The total revenue generated by registrants, including as  
2 consumable hemp manufacturers and consumable hemp retailers. The  
3 report must indicate this state's ranking among all states.

4 (5) The total state revenue collected in fees and taxes  
5 contributed by consumable hemp manufacturers and consumable hemp  
6 retailers.

7 (6) The number of jobs created by consumable hemp  
8 manufacturers and consumable hemp retailers.

9 (7) The number and type of enforcement actions taken by the  
10 state against consumable hemp manufacturers and consumable hemp  
11 retailers.

12 (8) Continuing education programs under section 204.4.

13 (9) Public outreach programs under section 204.5.

14 (10) The type of rules that the department of health and  
15 human services proposes to adopt in the next twelve months.

16 3. The department of health and human services shall deliver  
17 the annual report to the governor and general assembly not later  
18 than January 15 of each year.

19 Sec. 7. Section 204.7, subsection 1, paragraph c, Code 2025,  
20 is amended to read as follows:

21 c. The consumable hemp product complies with packaging and  
22 labeling requirements, ~~which shall be established by rules~~  
23 ~~adopted by the department of health and human services. Each~~  
24 ~~container storing a consumable hemp product shall be affixed with~~  
25 ~~a notice advising consumers regarding the risks associated with~~  
26 ~~its use provided in this chapter. The department of health and~~  
27 ~~human services shall adopt rules regarding the language of the~~  
28 ~~notice and its display on the container.~~

29 Sec. 8. NEW SECTION. **204.7A Hemp product deemed to be**  
30 **consumable hemp product.**

31 A hemp product is deemed to be a consumable hemp product if  
32 all of the following apply:

33 1. It is any of the following:

34 a. Designed by the processor, including the manufacturer, to  
35 be introduced into the body of a human or animal.

1 b. Advertised as an item to be introduced into the body of a  
2 human or animal.

3 c. Distributed, exported, imported, offered for sale, or sold  
4 to be introduced into the body of a human or animal.

5 2. Its maximum total THC concentration is less than or equal  
6 to the lesser of the following:

7 a. Three-tenths of one percent on a dry weight basis.

8 b. Five milligrams per serving on a dry weight basis.

9 Sec. 9. Section 204.8, Code 2025, is amended to read as  
10 follows:

11 **204.8 Hemp — testing requirements and certificate of**  
12 **analysis.**

13 1. For purposes of this chapter, requirements for testing  
14 hemp and the issuance of a certificate of analysis for hemp are  
15 governed by chapter 204A.

16 2. A valid certificate of analysis issued pursuant to  
17 chapter 204A may be required to be held by a consumable hemp  
18 establishment for the shelf life of the consumable hemp product  
19 covered by the certificate of analysis.

20 Sec. 10. NEW SECTION. **204.9 Consumable hemp products —**  
21 **total THC concentrations per form.**

22 1. Except as provided in subsection 2, a consumable hemp  
23 product shall not exceed a maximum total THC per form as follows:

24 a. A consumable hemp product in the form of a tincture, three  
25 milligrams per one milliliter.

26 b. A beverage, ten milligrams per twelve fluid ounces or the  
27 proportionate equivalent of a beverage.

28 c. A consumable hemp product in the form of a topical  
29 application, one thousand milligrams per package.

30 2. A consumable hemp product shall not exceed ten milligrams  
31 if manufactured in this state for distribution outside this  
32 state.

33 Sec. 11. NEW SECTION. **204.10 Consumable hemp products —**  
34 **packaging requirements.**

35 1. A person preparing a consumable hemp product in its final

1 package form shall do all of the following:

2     a. Provide for safety requirements as follows:

3         (1) Protect the packaged consumable hemp product from  
4 contamination from or exposure to any toxic or harmful substance.

5         (2) Include a child resistant safeguard to reduce the risk of  
6 poisoning in children.

7         (3) Use resealable units to separate more than one serving of  
8 a consumable hemp product.

9         (4) If the packaging includes a consumable hemp product  
10 manufactured in the form of a tincture, include a calibrated  
11 dropper or similar device for measuring a single serving.

12         (5) Include on a packing label a conspicuous statement  
13 indicating the consumable hemp product's ratio of THC to  
14 cannabidiol.

15     b. Not include more than a thirty-day supply of a consumable  
16 hemp product for human or animal consumption.

17     2. A person preparing a consumable hemp product in its final  
18 package form shall not do any of the following:

19         a. Mislead potential or actual consumers regarding the  
20 contents of the package.

21         b. Engage in deceptive advertising as provided in section  
22 204.11.

23     Sec. 12. NEW SECTION.   **204.11 Consumable hemp products —**  
24 **advertising.**

25     A person shall not engage in the deceptive advertising of a  
26 consumable hemp product, including but not limited to any of the  
27 following:

28         1. Stating or suggesting a consumable hemp product  
29 constitutes or contains medical cannabidiol regulated under  
30 chapter 124E, or any substance commonly known as medical  
31 marijuana or medical cannabis.

32         2. Engage in intellectual property infringement.

33         3. Present the consumable hemp product in a manner that is  
34 any of the following:

35             a. Bears a resemblance to a recognizable food product.

1     b. Is attractive to children.

2     Sec. 13. NEW SECTION.   **204.11A Consumable hemp establishment**  
3 **— locations.**

4     1. The department may require separate registrations for a  
5 person doing business as different types of consumable hemp  
6 establishments or at different locations.

7     2. The department shall allow a person to engage in the  
8 retail sale of consumable hemp products as part of the same  
9 consumable hemp establishment doing business at two locations  
10 under the same registration, if all of the following apply:

11     a. The person has been engaged in the retail sale of  
12 consumable hemp products at the first location for at least two  
13 years without violating this chapter.

14     b. The person maintains the first location as the principal  
15 place of business.

16     c. The person maintains the second location on a temporary or  
17 mobile basis.

18     Sec. 14. Section 204.14A, subsection 3, Code 2025, is amended  
19 to read as follows:

20     3. A person required to be registered to manufacture or  
21 sell a consumable hemp product under section 204.7 shall not  
22 manufacture, produce, distribute, market, or sell a synthetic  
23 consumable hemp product, ~~as defined by rules adopted by the~~  
24 ~~department of health and human services.~~

25     Sec. 15. Section 204.14E, subsection 1, Code 2025, is amended  
26 to read as follows:

27     1. A person under twenty-one years of age shall not consume,  
28 possess, purchase, or attempt to purchase a consumable hemp  
29 product, unless such action is approved by a mental health  
30 professional.

31     Sec. 16. CODE EDITOR DIRECTIVE.

32     1. The Code editor is directed to transfer section 204.17,  
33 Code 2025, to section 204.6A.

34     2. The Code editor shall correct internal references in the  
35 Code and in any enacted legislation as necessary due to the

1 enactment of this section.

2

EXPLANATION

3

The inclusion of this explanation does not constitute agreement with

4

the explanation's substance by the members of the general assembly.

5

BACKGROUND. This bill provides for the regulation of hemp, including hemp products. The regulation of hemp production is governed by federal law. Hemp must have a maximum concentration of the compound delta-9 tetrahydrocannabinol (THC) not exceeding three-tenths of 1 percent as measured on a dry weight basis. A plant or a product manufactured from that plant exceeding the concentration limit is no longer classified as hemp and instead is regulated as a controlled substance under Code chapters 124 and 453B, which include criminal offenses.

The regulation of hemp has been divided between the production, harvesting, storage, and transportation of raw hemp and the manufacture and sale of hemp products, including consumable hemp products. Prior to 2024, the department of agriculture and land stewardship (DALSS) was required to regulate hemp. In 2024 Iowa Acts, chapter 1177, the United States department of agriculture (USDA) assumed regulation over the production of hemp including the issuance of licenses to growers, and remaining state regulatory provisions were transferred from Code chapter 204 to Code chapter 204A. Certain state regulations continue to apply to hemp. A person is required to hold a certificate of analysis (COA) to possess, handle, use, manufacture, market, transport, deliver, or distribute hemp (Code section 204.7). A COA is evidence that hemp originates from a legal source (e.g., a licensee's production site).

The department of health and human services (HHS) regulates the manufacture and sale of hemp products under Code chapter 204. Generally, HHS regulations are concerned with consumable hemp products that are metabolized or otherwise subject to a biotransformative process when introduced into the human body. HHS must register any person manufacturing or selling a consumable hemp product on a retail basis (Code section 204.7).

1 Many of the regulations covering consumable hemp products have  
2 been adopted by rule (641 IAC 156). In general, consumable hemp  
3 products are regulated according to milligrams (mg) per amount  
4 or volume (often per serving, per milliliter (ml), or per ounce  
5 (oz)).

6 BILL'S PROVISIONS — ADMINISTRATION BY HHS. The bill provides  
7 that HHS may adopt rules only to the extent that the rules  
8 are necessary to comply with administrative procedures or the  
9 health and safety of the public. In addition, the rules must  
10 be supported by scientific evidence. During the rulemaking  
11 process, 60 days must be set aside for public comment. HHS must  
12 establish and administer continuing education programs for its  
13 staff covering the regulation of hemp and hemp products. HHS,  
14 in cooperation with DALs, must establish and administer outreach  
15 programs regarding the regulation of hemp and hemp products.  
16 HHS, in cooperation with DALs and the department of revenue,  
17 must prepare and submit an annual report to the governor and  
18 general assembly summarizing information regarding the production  
19 and regulation of hemp and hemp growers licensed by USDA, and  
20 information regarding the manufacture and sale of hemp products,  
21 including consumable hemp products, by registrants.

22 BILL'S PROVISIONS — REGULATION BY HHS — SERVING. The bill  
23 amends a provision that describes when a hemp product is  
24 considered to be a consumable hemp product, including when its  
25 maximum total THC is less than or equal to four mg per serving  
26 and 10 mg per container on a dry weight basis. The bill  
27 increases the mg per serving to five and eliminates the per  
28 container measurement.

29 BILL'S PROVISIONS — REGULATION BY HHS — COA. The bill  
30 provides that a valid COA held by a consumable hemp establishment  
31 is valid for the shelf life of the consumable hemp product  
32 covered by the COA.

33 BILL'S PROVISIONS — REGULATION BY HHS — THC LIMITS. The  
34 bill imposes maximum limits on certain consumable hemp products,  
35 including a consumable hemp product in the form of a tincture (1

1 mg), a beverage other than a tincture (10 mg per 12 oz), and a  
2 topical application (1,000 mg per package). The bill provides  
3 that a consumable hemp product cannot exceed 10 mg per serving  
4 if the consumable hemp product is manufactured in this state for  
5 distribution outside this state.

6 BILL'S PROVISIONS — REGULATION BY HHS — PACKAGING AND  
7 ADVERTISING. The bill provides that a person preparing a  
8 consumable product in its final package form must comply with  
9 a number of requirements regarding safety, including providing  
10 for child resistant safeguards, the separation of servings,  
11 the inclusion of a dropper if necessary, label requirements,  
12 and a 30-day supply limit. The bill prohibits a person  
13 from engaging in deceptive advertising, including by stating  
14 that the consumable hemp product is medical cannabidiol. The  
15 bill prohibits a person from engaging in intellectual property  
16 infringement (e.g., a violation of a trademark), or from  
17 presenting a consumable hemp product in a manner that bears a  
18 resemblance to a recognizable food product or a manner that is  
19 attractive to children.

20 BILL'S PROVISIONS — REGULATION BY HHS — LOCATIONS. According  
21 to administrative rule, a consumable hemp registration is  
22 restricted to one physical location (641 IAC 156.2). The bill  
23 provides HHS must allow a person to engage in the retail sale  
24 of consumable hemp products under the same registration if the  
25 person has been engaged in the retail sale of consumable hemp  
26 products for two years without violation, the person maintains  
27 the first location as the principal place of residence, and the  
28 second location is maintained on a temporary or mobile basis.

29 BILL'S PROVISIONS — REGULATION BY HHS — USE BY PERSONS UNDER  
30 THE AGE OF 21. The bill amends a provision that prohibits a  
31 person under 21 years of age to consume, possess, or purchase  
32 a consumable hemp product (Code section 204.12E). The bill  
33 provides an exception if the action is approved by a mental  
34 health professional.

35 BILL'S PROVISIONS — APPLICABLE PENALTIES. Generally, a person

1 engaged in the retail sale of a consumable hemp product without  
2 being registered is subject to a civil penalty of not more than  
3 \$10,000 with each day of a violation considered as a separate  
4 offense (Code section 204.14B). A person who is unregistered  
5 and a person who is engaged in the retail sale of an item  
6 wrongly advertised as a consumable hemp product commits a serious  
7 misdemeanor. The bill provides that a person who distributes  
8 a consumable hemp product to a person under 21 years of age is  
9 guilty of a simple misdemeanor (Code section 204.14D). A person  
10 under that age limit who consumes, possesses, or attempts to  
11 purchase or purchases a consumable hemp product is subject to  
12 a scheduled violation ranging from \$70 to \$325 (Code section  
13 204.14E). A simple misdemeanor is punishable by confinement for  
14 no more than 30 days and a fine of at least \$105 but not more  
15 than \$855. A serious misdemeanor is punishable by confinement  
16 for no more than one year and a fine of at least \$430 but not  
17 more than \$2,560.