

Text: [HF00201](#)

Text: [HF00203](#)

Text: [HF00200 - HF00299](#)

Text: [HF Index](#)

Bills and Amendments: [General Index](#)

Bill History: [General Index](#)

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# House File 202

## Partial Bill History

- Bill Introduced: [H.J. 296](#)
- [Complete Bill History](#)

## Bill Text

PAG LIN

1 1 Section 1. FINDINGS. The general assembly finds that a  
1 2 trend exists among states to consider the economic importance  
1 3 of industrial hemp, which is a major crop in other nations.  
1 4 Industrial hemp historically has contributed to the economic  
1 5 welfare of this country, and is a renewable natural resource  
1 6 manufactured for textiles, pulp, paper, oil, building  
1 7 materials, and other products. The purpose of this Act is to  
1 8 promote the economy of this state by promoting industrial hemp  
1 9 as a viable crop.  
1 10 Sec. 2. NEW SECTION. 159.41 INDUSTRIAL HEMP LICENSING  
1 11 AND REGULATION.  
1 12 1. As used in this section, "industrial hemp" means  
1 13 cannabis sativa L. which has a percentage of  
1 14 tetrahydrocannabinol of not more than one percent, as provided  
1 15 by rules which shall be adopted by the department.  
1 16 2. The department of agriculture and land stewardship, in  
1 17 cooperation with the department of public safety, shall  
1 18 administer this section. The department of agriculture and  
1 19 land stewardship shall cooperate with other law enforcement  
1 20 agencies. The department shall also collaborate with agencies  
1 21 of the United States government, including but not limited to  
1 22 the drug enforcement administration of the United States  
1 23 department of justice, in order to provide for the production,  
1 24 harvesting, storage, and marketing of industrial hemp  
1 25 according to the terms and conditions required by the United  
1 26 States government. The department may execute any memorandum  
1 27 of understanding with a United States government agency in  
1 28 order to administer this section.  
1 29 3. To the extent permitted by the United States  
1 30 government, the department shall issue licenses to persons for  
1 31 the production, harvesting, storage, and marketing of  
1 32 industrial hemp, notwithstanding any section of this chapter  
1 33 to the contrary. A person must possess a license pursuant to  
1 34 this section to produce, harvest, store, or market industrial  
1 35 hemp. The department of agriculture and land stewardship  
2 1 shall limit the number of licenses that it grants each year in

2 2 order to ensure that the department of agriculture and land  
2 3 stewardship, in cooperation with the department of public  
2 4 safety, may strictly enforce compliance with the requirements  
2 5 of this section. A license shall expire not later than one  
2 6 year following the date of issuance.

2 7 a. A person applying for a license shall file an  
2 8 application on a form prescribed by the department of  
2 9 agriculture and land stewardship according to procedures  
2 10 required by the department. The department may charge an  
2 11 application fee which shall not exceed five hundred dollars.  
2 12 An applicant and each employee of the applicant must satisfy  
2 13 eligibility requirements of the department, which shall  
2 14 include but shall not be limited to all of the following:

2 15 (1) Be eighteen years of age or older.  
2 16 (2) Never have been convicted of a felony, an aggravated  
2 17 misdemeanor, or of any other offense related to the possession  
2 18 of a controlled substance.  
2 19 (3) Not be addicted to the use of alcohol or a controlled  
2 20 substance.  
2 21 (4) Be of good moral character and not have been judged  
2 22 guilty of a crime involving moral turpitude.

2 23 b. The licensee shall maintain accurate records as  
2 24 required by the department, which shall contain information  
2 25 relating to the licensee's operation, including but not  
2 26 limited to the production site, the time and manner of  
2 27 harvest, and persons involved in the production, harvesting,  
2 28 and marketing of the industrial hemp.

2 29 4. Notwithstanding chapter 124, the licensee may produce,  
2 30 harvest, store, and market industrial hemp. However, the  
2 31 licensee must act in strict conformance with this section.  
2 32 The licensee shall raise industrial hemp upon demonstration  
2 33 plots as approved by the department. The demonstration plots  
2 34 must be used to develop optimal agricultural practices for  
2 35 raising industrial hemp. All plant materials from industrial  
3 1 hemp grown on demonstration plots, except plant materials  
3 2 retained for breeding and propagation, must be used for  
3 3 commercial uses approved by the department.

3 4 5. The department of agriculture and land stewardship or  
3 5 the department of public safety may inspect a production,  
3 6 storage, or marketing site of a licensee at any time, and may  
3 7 inspect records required to be maintained as provided in this  
3 8 section. The department of agriculture and land stewardship  
3 9 shall assess and the licensee shall pay the actual costs of  
3 10 the inspection. If the owner or occupant of any property used  
3 11 by the licensee refuses admittance onto the property, or if  
3 12 prior to such refusal the department of agriculture and land  
3 13 stewardship or department of public safety demonstrates the  
3 14 necessity for a warrant, the department of agriculture and  
3 15 land stewardship may make application under oath or  
3 16 affirmation to the district court of the county in which the  
3 17 property is located for the issuance of a search warrant. If  
3 18 the court is satisfied from examination of the applicant, of  
3 19 other witnesses, if any, and of the allegations of the  
3 20 application of the existence of the grounds of the  
3 21 application, or that probable cause exists to believe such  
3 22 grounds exist, the court may issue such search warrant.

3 23 6. The department may suspend or revoke a license if the  
3 24 licensee or an employee of the licensee is determined to have  
3 25 committed any of the following:

3 26 a. Fraud in applying for or obtaining a license.  
3 27 b. A violation of this section or rules adopted by the  
3 28 department pursuant to this section, including failing to  
3 29 comply with a requirement of this section.  
3 30 c. An offense involving moral turpitude, a felony, an  
3 31 aggravated misdemeanor, or any other offense related to the

3 32 possession of a controlled substance.  
3 33 7. a. Except as provided in paragraph "b", an applicant  
3 34 for a license or a licensee who knowingly violates a  
3 35 requirement of this section or a rule adopted by the  
4 1 department pursuant to this section is subject to a civil  
4 2 penalty of not more than fifty thousand dollars.  
4 3 b. A person who makes a false statement on the application  
4 4 for a license regarding the conviction of a felony, aggravated  
4 5 misdemeanor, or any other offense related to the possession of  
4 6 a controlled substance is guilty of an aggravated misdemeanor.  
4 7 Sec. 3. Section [317.1A](#), Code 2001, is amended by adding  
4 8 the following new unnumbered paragraph:  
4 9 NEW UNNUMBERED PARAGRAPH. "Industrial hemp" which is

4 10 produced as provided in section 159.41 is not a noxious weed.  
4 11 EXPLANATION  
4 12 This bill provides for the production of industrial hemp  
4 13 which has a percentage of tetrahydrocannabinol of not more  
4 14 than 1 percent.  
4 15 The bill requires the department of agriculture and land  
4 16 stewardship, in cooperation with the department of public  
4 17 safety, to administer a program to license persons involved in  
4 18 industrial hemp production. The bill requires the department  
4 19 to collaborate with agencies of the United States government,  
4 20 including but not limited to the drug enforcement  
4 21 administration in order to provide for the production,  
4 22 harvesting, storage, and marketing of industrial hemp  
4 23 according to the terms and conditions required by the United  
4 24 States government. The bill provides that to the extent  
4 25 permitted by the United States government, the department  
4 26 shall issue licenses to persons for the production,  
4 27 harvesting, storage, and marketing of industrial hemp,  
4 28 notwithstanding any other provision of Code chapter 124  
4 29 regulating controlled substances. The bill provides  
4 30 requirements for applicants and persons involved in the  
4 31 production, harvesting, storage, and marketing of industrial  
4 32 hemp. The bill provides for the inspection of the premises  
4 33 and records of licensees. The bill provides for the  
4 34 suspension or revocation of a license.  
4 35 The bill provides that licensees who violate the provisions  
5 1 of the bill are subject to a civil penalty of up to \$50,000.  
5 2 The bill provides that a person who makes a false statement on  
5 3 the application for a license regarding a conviction of a  
5 4 felony, aggravated misdemeanor, or any other offense related  
5 5 to the possession of a controlled substance is guilty of an  
5 6 aggravated misdemeanor. An aggravated misdemeanor is  
5 7 punishable by confinement for no more than two years and a  
5 8 fine of at least \$500 but not more than \$5,000.  
5 9 LSB 1975YH 79  
5 10 da/gg/8

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Bill History: [General Index](#)

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