

# SELLING HEMP SEED IN IOWA

## CAN I SELL HEMP SEED IN IOWA?

Hemp is not legal in Iowa until USDA approves the Iowa Department of Agriculture and Land Stewardship's (IDALS) Hemp State Plan and notice of the approval is published in the Iowa Administrative Bulletin. Until such time, hemp is considered marijuana by State Law. Distributing hemp seed in Iowa before hemp is legalized may result in criminal charges for possessing, marketing, delivering and/or distributing a controlled substance. Do not transport hemp in Iowa until hemp is legalized. Check <https://iowaagriculture.gov/hemp> for current announcements on the legalization of hemp.

## HOW CAN I PREPARE TO SELL HEMP SEED IN IOWA?

Before selling, distributing, advertising, soliciting for orders, offering, or exposing agricultural or vegetable seed for sale in Iowa, a person must obtain a seed permit from IDALS. A first-year seed permit is \$10. After the first year, the permit fee is a sliding scale based on gross annual sale of seed in Iowa the previous year. Individuals may acquire an Iowa Seed License before hemp is legalized; however, it is still illegal to possess, distribute, or propagate hemp in Iowa until it is legalized. Individuals may work with out-of-state suppliers to develop plans to sell seed at this time, but no deliveries may occur in Iowa until hemp is legalized. The seed permit application form can be found at:

<https://www.iowaagriculture.gov/Entomology/pdf/2019/Application%20for%20Seed%20Permit.pdf>.

## WHAT ARE THE SEED TESTING REQUIREMENTS FOR SEED SOLD IN IOWA?

Seed sold in Iowa must be labeled on the basis of tests performed by the Iowa State University Seed Laboratory or a commercial seed laboratory personally supervised by a registered seed technologist. The required tests are purity analysis, noxious weed examination and germination.

## HOW MUST SEED SOLD IN IOWA BE LABELED?

All agricultural and vegetable seed sold, offered for sale or transported within Iowa shall be labeled with the following:

1. The kind, or kind and variety, of each agricultural seed present in excess of five percent, and the percentage by weight. Seed shall not be labeled or advertised under a trademark or brand name in a manner that may create the impression that the trademark or brand name is a variety name.
2. Lot number or other lot identification.
3. Percentage by weight of all weed seed.
4. The name and weight of occurrence per unit weight of each kind of secondary noxious weed seed present.
5. Percentage by weight of agricultural seed which may be designated "other crop seed," which are not required to be named on the label.
6. Percentage by weight of inert matter.
7. For each named agricultural seed, the label must state:
  - a. Percentage of germination, exclusive of hard seed.
  - b. Percentage of hard seed, if present.
  - c. The calendar month and year the test was completed.
8. Name and address of the person/company who labeled the seed.
9. If the seed is treated, inoculated, or coated, contact IDALS for more labeling details.

*The test to determine the germination must have been completed within nine months, excluding the month of the tests, prior to sale, transporting, or advertising for sale.*

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## ▶ ARE THERE ANY SPECIFIC PROHIBITIONS A SELLER SHOULD BE AWARE OF BEFORE SELLING SEED IN IOWA?

Agricultural seed should not contain more than 1.5% by weight of weed seed. Seed cannot be labeled as a variety that is protected under the Plant Variety Protection Act unless properly certified by the Iowa Crop Improvement Association (ICIA) or other seed certification agency. The word 'trace' cannot be used as a substitute for any statement that is required. The word 'type' cannot be used in labeling in connection with the name of an agricultural seed variety.

## ▶ I AM SELLING HEMP SEED, WHAT RECORDS ARE REQUIRED?

A person whose name appears on the label of agricultural or vegetable seed that is distributed only in Iowa must keep complete records of each lot of agricultural or vegetable seed handled. Records must be maintained for a period of two years. If seed is distributed across state lines, the Federal Seed Act requires record retention for a period of three years, a complete record of origin, treatment, germination, purity and variety.

## ▶ DO I NEED TO RETAIN SAMPLES OF THE HEMP SEED I SELL IN IOWA?

A person whose name appears on the label of agricultural or vegetable seed must retain a sample of each lot of seed for a period of one year after the final disposition of the lot of seed. IDALS recommends keeping sufficient seed for seed quality testing, in the event a complaint is reported to IDALS.

## ▶ DO I NEED A SEED BOND IN IOWA?

A seed bond is required whenever a seed permit holder contracts with a grower to purchase agricultural seed, and the permit holder agrees to repurchase the seed crop produced at a price in excess of the current market price. Seed bonds must be filed with IDALS. If you intend to have a contract to grow seed in Iowa, contact IDALS for more information.

## ▶ QUESTIONS

1. For General Questions:
  - a. Website: <https://iowaagriculture.gov/hemp>
  - b. Email: [Hemp@IowaAgriculture.gov](mailto:Hemp@IowaAgriculture.gov)
  - c. Tel: (515) 725-1470
2. For questions on seed testing:
  - a. Iowa State University Seed Testing Laboratory
  - b. Email: [seedlab@iastate.edu](mailto:seedlab@iastate.edu)
  - c. Tel: (515) 294-6826
3. For questions on registered seed, approved conditioners or quality assurance:
  - a. Iowa Crop Improvement Association (ICIA)
  - b. Tel: (515) 294-6921
  - c. Email: [iowacrop@iastate.edu](mailto:iowacrop@iastate.edu).