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High on hemp? Why Iowa's medical marijuana laws may increase edible THC use



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Years after a federal law paved the way for consumable hemp products to be sold in Iowa, business is still booming at a downtown Des Moines store promoting these products.

The shelves at the Dispensary on Fourth Street are lined with a colorful array of gummies, lotions, flower and drinks, all available without a prescription to those ages 21 and older. And Chief Operating Officer Sabrina Bergloff says thanks to a growing awareness of their benefits, products are flying off the shelves.

But the rising popularity of this store, and many others across the state, has created a growing debate over the use of edible hemp.

Legal loopholes in federal and state laws allow for consumable hemp products to be bought and sold in states like Iowa, where recreational pot remains illegal and medical marijuana is strictly regulated.

More recently, as the industry has grown nationwide, Iowans have had increasing access to products containing delta-8 and delta-9 THC, or [tetrahydrocannabinol](#), the primary psychoactive ingredient that gives people a high.

The popularity of these products has boomed in recent years, and they have popped up on gas station shelves and in standalone brick-and-mortar stores across Iowa, despite their murky legal status.

While some people use these products recreationally, others have turned to them for relief from their health problems. Retailers and their customers have claimed CBD and THC have

helped reduce symptoms of a variety of maladies, including anxiety, post-traumatic stress disorder, inflammation and chronic pain.

What's the legality of products with tetrahydrocannabinol?

Consumable hemp products, including those that contain delta-8 and delta-9 THC, are legal under the 2018 Farm Bill, a law that removed hemp from the federal controlled substances list.

Delta-8 and delta-9 THC are derived from hemp and have similar psychoactive properties that give individuals a high associated with cannabis use. Delta-8 is typically less potent than delta-9, however.

[Iowa law](#) dictates THC levels in these products must be 0.3% or less to be legal. But vague language within state and federal law has created loopholes that allow products, including those with high amounts of THC, to be bought legally, even by minors.

While some brick-and-mortar retailers such as the Dispensary set strict age limits for those younger than 21 years of age, minors still have the opportunity to purchase items online.

Bergloff says products with high amounts of THC can be sold legally in Iowa because they still fall under the 0.3% per volume limit. If the volume of the product is high enough, it could contain a sufficient concentration of THC to have an intoxicating effect.

State law also regulates which items can be sold, and allows stores to offer gummies, drinks, tablets, lotions, tinctures and other products. However, the law bans products that can be inhaled, such as vape or combustible flower that can be smoked.

Still, vague language within federal and state law has left doors open for stores to gain a foothold. Dispensary sells hemp flower, but because it does not promote smoking the product, the store's lawyers say it's complying with the law, Bergloff said.

But Iowa's elected officials say these products circumvent the intent of the 2018 federal law.

"We were promised that industrial hemp couldn't be used to mimic the effects of marijuana," Republican U.S. Sen. Chuck Grassley said in a statement. "I was skeptical at the time and voiced my concerns. It turns out my skepticism was well-placed. As a result of this policy, anyone, regardless of their age, can purchase hemp-derived THC that is otherwise federally

banned in other forms. It's incumbent on those who championed industrial hemp to take action to address these unintended consequences that allow the sale of intoxicating THC."

The 2018 Farm Bill was set to expire Sept. 30, and Congress was expected to vote on a new version earlier this year. However, the work to avert the recent government shutdown until mid-November has put those discussions on hold, leaving it unclear when lawmakers would begin debating the bill's next iteration.

Do Iowa's laws on medical marijuana, recreational use affect hemp sales? Many say yes.

Many have argued Iowa's ban on recreational use and the strict nature of its medical marijuana program have driven Iowans to seek hemp products, including those containing delta-8 and delta-9.

"There's quite a high ceiling with these products, and there's very limited regulation," Owen Parker, bureau chief of Iowa's Bureau of Cannabis Regulation, said during a public meeting last month. "In general, especially in states like Iowa where cannabis forms are limited, these products are more popular. There is more demand, considering they are legal."

State officials with the [Bureau of Cannabis Regulation](#), a new office established July 1 within the Iowa Department of Health and Human Services, did not respond to requests for comment.

Some proponents for increased access to cannabis products say the popularity of these hemp-derived products for medicinal use, despite their questionable legality, raises questions about the inaccessibility of Iowa's medical marijuana program.

Retailers like Bergloff agree. She said her employees have seen a number of customers arrive at their doors because the state's medical cannabidiol program is inaccessible for them because of transportation issues or other barriers.

Bergloff said other customers tell her that they can find the same desired effect in hemp products, but for half the cost.

"Our customers get the (medical marijuana) card and shop here," said Bergloff, referring to the license required for Iowans to purchase items under the state's medical cannabidiol program. "Most of our customers have one, but they tell me it's a waste of their money."

Bud & Mary's, Iowa's sole manufacturer for the medical cannabidiol program, declined to comment on the prevalence of hemp-derived products in the state. However, its officials agreed that they would like to see an expansion to the state-managed medical marijuana program.

"Iowans need better access to affordable, safe, regulated cannabis," Bud & Mary's said in a statement. "Accomplishing this goal means we must provide vaporized flower in licensed dispensaries, which will significantly reduce costs for patients. Bud & Mary's will continue to support and push for changes that improve access."

Rep. Jennifer Konfrst, minority leader of the Iowa House of Representatives, said that to safely regulate hemp-derived products, the state needs to open the doors on legalizing marijuana.

"I think what we see here is a clear need for legalization for adult use for recreation, and also an expansion of our medical cannabis program," said Konfrst, D-Windsor Heights. "Rather than continuing to ask people to find loopholes or to continue to work around different laws, let's just make it clear to Iowans what's legal and what's not regulated to make sure the product they're using is safe. Trust Iowans to make their own decisions, just like they can with alcohol."

Still, Bergloff argued businesses must navigate a restrictive landscape, particularly as a new state entity takes over regulation of consumable hemp under Iowa's government reorganization efforts. That oversight recently resulted in the shutdown of Despensary's sales for a few weeks as the business worked out issues over its state licensing.

Despite that interruption, sales have been strong at the Despensary. The store is weeks away from opening a second location on Ingersoll Avenue.

"For me, it's quality of life," said Bergloff, who uses the products. "I can go out and go bowling with my son. I'm on a bowling league myself. I can go hiking and jogging and do all of the things I want to, but I also feel good."

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