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With Iowa's new hemp law taking effect, THC beverage producers launch new drinks

BY: **ROBIN OPSAHL** - JULY 30, 2024 4:34 PM



📷 Delta-8 THC products like this cherry seltzer can be sold in stores in Missouri because the intoxicating ingredient, THC, is derived from hemp, not marijuana which is a controlled substance. (Rebecca Rivas/The Missouri Independent)

With a federal judge refusing to block the enforcement of a new state law restricting THC-infused drinks, Iowa manufacturers are debuting new drinks that conform to state regulations.

The Iowa-based companies Climbing Kites in Polk County and Field Day Brewing Co. in Johnson County have [pursued a lawsuit](#) challenging a measure passed by Iowa lawmakers in the 2024 legislative session in an effort to restrict the amount of tetrahydrocannabinol in consumable hemp products.

The lawsuit, along with one filed by other beverage producers, challenge the rules set by the Iowa Department of Health and Human Services and argue that the new law is unconstitutional.

But in two rulings last Friday, U.S. District Court Chief Judge Stephanie Rose ruled the companies did not prove the law violates the U.S. Constitution.

The law, which [went into effect July 1](#), sets a 4 milligrams of THC per serving for consumable hemp products, such as drinks or gummies, as well as a 10 mg THC limit per container. [House File 2605](#) also created new rules and penalties related to the sale, manufacturing and possession of hemp-derived consumables, including an age limit of 21 for purchases and requiring manufacturers include warning labels on such products.

In the lawsuits, the companies argue that the Iowa law is at odds with the federal Farm Bill, in addition to violating rules on interstate commerce. In an earlier June ruling when Rose denied a motion for an injunction, she wrote that she had “serious concerns” about the constitutionality of the law given its vagueness in defining terms like “serving” and “container” while limiting the amount of THC by using those same parameters – a point the companies later raised in litigation.

In last week’s ruling, Rose wrote “there is no longer a viable argument that ‘serving’ as set forth in the Hemp Amendments is an unconstitutionally vague term” as the final rules are now in effect and publicized.

The law also faced challenges on the basis of rules set by DHHS and which went into effect more than two weeks after the law took effect. Manufacturers said that while the law was not being immediately enforced, the measure stipulating that individuals and businesses in possession of the consumable products containing THC deemed controlled substances would be “at immediate risk of

criminal and civil enforcement,” which meant that stores, bars and restaurants would no longer purchase their products.

The judge ruled that the challenge over the short timeframe between the law being signed and taking effect, as well as arguments about unequal enforcement of the law, did not mean the measure violated the U.S. Constitution.

On Monday, Climbing Kites announced it was launching new products in compliance with the Iowa law. Previously, the drinks came in 12-ounce cans containing 10, 5 and 2.5 milligrams of THC. The new products now come in two versions, with 4- and 2.5-mg of THC, in multiple flavors. The sparkling water drinks also contain CBD.

Climbing Kites did not respond to a request for comment from Iowa Capital Dispatch. In [an Instagram post](#), the company wrote that “while this isn’t the legislative outcome we and many of you hoped for, we’re not going anywhere,” and that their new THC drinks will still be available at Iowa retailers, bars and restaurants.

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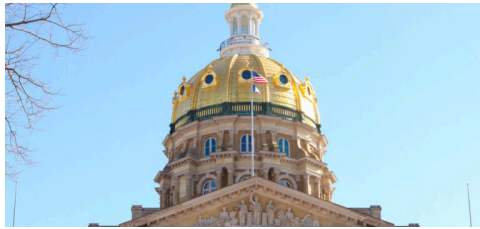
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