

Public Consumption of THC Beverages

Purpose

This document provides guidance regarding the lawful possession and consumption of hemp-derived tetrahydrocannabinol (THC) beverages in Iowa. It is intended to clarify existing state law, highlight restrictions, and provide compliance recommendations. This document is intended for general guidance only and does not constitute legal advice.

Background

Consumable Hemp Products in Iowa

- Iowa Code Chapter 204 authorizes the production and sale of hemp-derived products containing no more than 0.3% delta-9 THC by dry weight, consistent with federal law.
- In 2024, additional limits were established for consumable hemp products, including, but not limited to:
 - Maximum 4 mg THC per serving.
 - Maximum 10 mg THC per container.
 - Sales and possession restricted to individuals 21 years of age and older.
- In 2025, Iowa lawmakers expanded restrictions to apply “open container” rules to THC beverages, mirroring existing alcohol regulations in motor vehicles.

Public Consumption Laws

General Public Use

- Iowa law does not expressly prohibit consumption of hemp-derived THC beverages in public places, however:
- Public intoxication laws (Iowa Code § 123.46) may apply:
 - Iowa Code § 123.46 only deals with intoxication by alcohol, however, if an individual displays objective signs of intoxication, such as being notably disruptive or posing a risk to themselves or others, the individual may be charged under section 123.46(3).

Locations with Additional Restrictions

- Consumption may be prohibited by local ordinance or by property owner policy. Examples include:
 - City parks or municipal property where alcohol is already prohibited.
 - College campuses, schools, or government buildings.
 - Private businesses and events with posted restrictions.

Motor Vehicles – Open Container Law

- Effective in 2025, Iowa's open container restrictions extend to hemp-derived THC beverages.
- Prohibited: Possession of an opened or unsealed THC beverage in the passenger area of a motor vehicle on a public street or highway.
- Permitted: Transporting sealed THC beverages or placing opened containers in the trunk or area of the vehicle not accessible to passengers.
- Violations are treated similarly to open container offenses.

Enforcement Considerations

Law Enforcement Discretion

- Officers may enforce public intoxication or impaired driving laws if an individual is consuming THC beverages in public and appears impaired.

Underage Use

- Sale or possession by individuals under 21 years old is prohibited.

Impaired Driving

- Operating a vehicle under the influence of THC remains illegal under Iowa Code § 321J.2.

Summary

While hemp-derived THC beverages are legal to purchase and consume in Iowa within defined limits, public consumption is subject to existing intoxication, open container, and impaired driving laws. Consumers should exercise caution when consuming in public places, and businesses should adopt clear compliance measures.