

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 577

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO CANNABIDIOL OIL; AMENDING CHAPTER 27, TITLE 37, IDAHO CODE, BY
2 THE ADDITION OF A NEW SECTION 37-2728, IDAHO CODE, TO PROVIDE FOR LE-
3 GAL CANNABIDIOL OIL POSSESSION, TO PROVIDE FOR PROCEDURES AND TO DEFINE
4 TERMS; AMENDING CHAPTER 27, TITLE 37, IDAHO CODE, BY THE ADDITION OF A
5 NEW SECTION 37-2729, IDAHO CODE, TO PROVIDE AN EXEMPTION FOR LAWFUL USE
6 AND POSSESSION OF CANNABIDIOL OIL; AND DECLARING AN EMERGENCY AND PRO-
7 VIDING FOR A REPEAL IF CERTAIN CONTINGENCIES OCCUR.
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Chapter 27, Title 37, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 37-2728, Idaho Code, and to read as follows:

13 37-2728. CANNABIDIOL OIL. (1) As used in this section and section
14 37-2729, Idaho Code:

15 (a) "Cannabidiol oil" means a product containing primarily cannabid-
16 iol and trace amounts of tetrahydrocannabinol composed of no more than
17 three-tenths percent (0.3%) tetrahydrocannabinol by weight formulated
18 to not produce a psychoactive or hallucinogenic effect.

19 (b) "Illness" means a medical condition for which a practitioner li-
20 censed under chapter 18, title 54, Idaho Code, has recommended treat-
21 ment.

22 (c) "Parent" means a parent or legal guardian of a minor who is respon-
23 sible for the medical care of the minor.

24 (2) To legally possess cannabidiol oil, an individual must:

25 (a) Be an Idaho resident;

26 (b) Have a statement signed by a practitioner licensed under chapter
27 18, title 54, Idaho Code, that:

28 (i) Indicates that the individual suffers from an illness and may
29 benefit from treatment with cannabidiol oil; and

30 (ii) Is consistent with a record from the practitioner licensed
31 under chapter 18, title 54, Idaho Code, concerning the individual.

32 (3) To legally possess cannabidiol oil, a parent must:

33 (a) Be an Idaho resident;

34 (b) Have a statement signed by a neurologist or other practitioner li-
35 censed under chapter 18, title 54, Idaho Code, that:

36 (i) Indicates that a minor in the parent's care suffers from an
37 illness and may benefit from treatment with cannabidiol oil; and

38 (ii) Is consistent with a record from the neurologist or other
39 practitioner licensed under chapter 18, title 54, Idaho Code, con-
40 cerning the minor.

1 (4) A practitioner licensed under chapter 18, title 54, Idaho Code, who
2 signs a statement pursuant to this section shall keep a record of his evalua-
3 tion and observation of a patient.

4 (5) Notwithstanding any other provision of law to the contrary, any
5 practitioners licensed under chapter 18, title 54, Idaho Code, acting in
6 good faith and exercising reasonable care shall not be liable for civil or
7 administrative action or be subject to criminal prosecution for such acts
8 for signing a statement pursuant to this section.

9 SECTION 2. That Chapter 27, Title 37, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 37-2729, Idaho Code, and to read as follows:

12 37-2729. EXEMPTION FOR LAWFUL USE AND POSSESSION OF CANNABIDIOL
13 OIL. (1) Notwithstanding any other provision of law, an individual who pos-
14 sesses or uses cannabidiol oil is not subject to the penalties set forth in
15 this chapter for the possession or use of the cannabidiol oil if the individ-
16 ual:

17 (a) Possesses or uses the cannabidiol oil to treat an illness of the
18 person for whom the use was recommended;

19 (b) Obtained the cannabidiol oil from a sealed container with a label
20 indicating the place of origin of the cannabidiol oil and a number that
21 corresponds with a certificate of analysis; and

22 (c) Possesses a certificate of analysis that:

23 (i) Has a number that corresponds with the number on the label de-
24 scribed in paragraph (b) of this subsection;

25 (ii) Indicates the ingredients of the cannabidiol oil, including
26 percentages of tetrahydrocannabinol and cannabidiol by weight;
27 and

28 (iii) Is created by an independent laboratory that is not affili-
29 ated with the producer of the cannabidiol oil.

30 (2) Notwithstanding any other provision of law, an individual who law-
31 fully possesses cannabidiol oil and administers cannabidiol oil to a minor
32 who suffers from an illness recognized as treatable by cannabidiol oil is
33 not subject to the penalties set forth in this chapter for administering
34 the cannabidiol oil to the minor if the individual is the parent or legal
35 guardian of the minor.

36 SECTION 3. An emergency existing therefor, which emergency is hereby
37 declared to exist, this act shall be in full force and effect on and after its
38 passage and approval. In the event that the United States Congress enacts
39 legislation that becomes law that declassifies cannabidiol oil as a con-
40 trolled substance, the Governor of Idaho shall, upon his determination that
41 such event has occurred, make a proclamation declaring said event to have
42 happened and the date of such event, and Sections 1 and 2 of this act shall be
43 and are then repealed.