

Rules Governing Hemp

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Hemp Program

H.B. 126 signed in April 2021

- Assume primary regulatory authority of hemp as allowed by federal law;
- Allow production, processing, transportation, and research of industrial hemp in Idaho; and
- Require ISDA to submit a state plan to USDA.

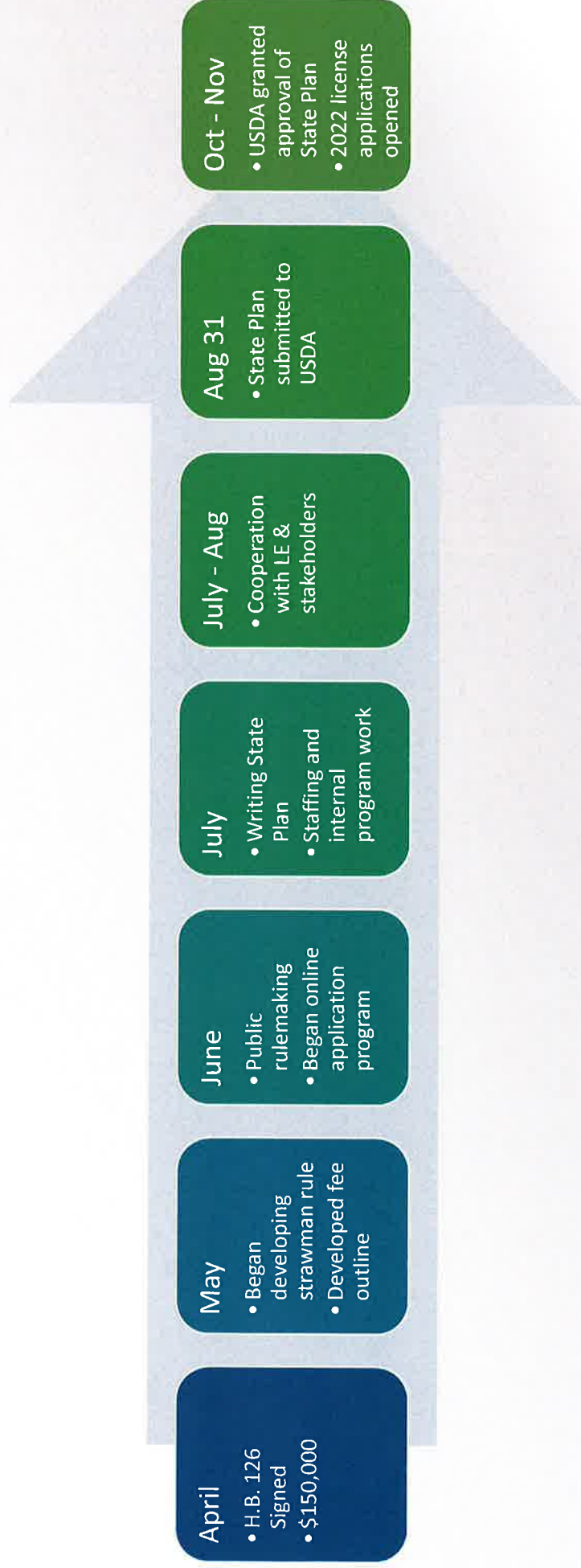
Plan components:

- The Industrial Hemp Research and Development Act, Title 22, Chapter 17, Idaho Code
- ISDA's Hemp Rule
- ISDA's protocols

Process

- New Idaho law, federal regulation and rule, stakeholder feedback and law enforcement

Hemp Program Timeline



Application Process

Application

- Contact information, lot or facility information, background check, fee

ISDA review – approval or denial

- Denial criteria (300.08)

License fee

Annual license

Fees

01. **Licensing and Inspection Fees.** Hemp program fees are as follows: ()

Fee Type	Grower	Handler
Annual application	\$100	\$100
Annual license	\$500	\$1,000
Modification to application information	\$250	\$500
Producer pre-harvest inspection and other inspections	\$250/lot + \$35/hour for travel to site + actual costs for shipping samples	
Handler annual site inspection and other inspections		\$500/site + \$35/hour for travel to site

a. Applicants seeking to produce and handle hemp require both license types. The annual application fee is charged only for the first license type. ()

02. **Other Costs.** Licensees pay the costs of background checks and required testing directly to the entity providing the service. ()

Licensed Producer Process

Keep records

Report to USDA Farm Service Agency Office

Harvest process

- ISDA notification 35 days before harvest
- ISDA will inspect each lot (sample number based on size)
- Producer has 30 days from the sample collection to harvest
- Samples go for THC testing

THC level

- Move to market if under the acceptable THC level
- If over acceptable THC level, identify disposal or remediation
- ISDA follow-up

Hemp Handler

- A handler license authorizes a person or entity to obtain and possess hemp, including seed, for processing but not intended for the license holder's own cultivation.
- I.C. 22-1702 (2)
 - “LEGISLATIVE INTENT. It is the policy of this state to...
Allow production, **processing**, transportation, and research of industrial hemp in Idaho”

Licensed Handler Process

ISDA will inspect handlers annually

Handler duties

- Acquire hemp from a licensed producer (can be out of state)
- Do not sell or transfer illegal products within Idaho

Records maintenance for three years

- Acquisitions
- Sales of unprocessed hemp
- Products

Violations

Negligent violations

- Failure to provide an accurate legal description of land where hemp is produced
- Failure to obtain a license;
- Production of hemp exceeding the acceptable THC level.
- License holders shall not be subject to more than one negligent violation per calendar year.
- Not subject to criminal enforcement.

Non-negligent

- Violations with a culpable mental state greater than negligence.