



Jeff Youtz  
Director

# Legislative Services Office Idaho State Legislature

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## MEMORANDUM

**TO:** Senators LODGE, Broadsword, Bock and Heider, Vick & Nuxoll  
Representatives MCGEACHIN, Bilbao, Rusche

**FROM:** Ryan Bush - Principal Legal Analyst

**DATE:** September 17, 2012

**SUBJECT:** Temporary Rule

IDAPA 27.01.01 - Rules of Idaho State Board of Pharmacy (Temporary Rule) - Docket No.  
27-0101-1206

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. Please call with any questions - 334-4845. Thank you.

Mike Nugent Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

# IDAPA 27 - BOARD OF PHARMACY

## 27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1206

### NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is August 22, 2012.

**AUTHORITY:** In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 37-2702 and 37-2715, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

The substances listed within this temporary rule pass the Schedule I test found in Section 37-2704, Idaho Code, and are being abused in Idaho. This temporary rule would render the substances found within it Schedule I substances.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The substances listed within this temporary rule are being abused in Idaho and their inclusion into the list of Schedule I controlled substances is necessary to protect the public health, safety, and welfare.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Mark Johnston, R.Ph., Executive Director, at (208) 334-2356.

DATED this 4<sup>th</sup> day of September, 2012.

Mark Johnston, R.Ph., Executive Director  
Board of Pharmacy  
3380 Americana Terrace, Ste. 320  
P. O. Box 83720  
Boise, ID 83720-0067  
Phone: (208) 334-2356  
Fax: (208) 334-3536

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#### THE FOLLOWING IS THE TEMPORARY TEXT FOR DOCKET NO. 27-0101-1206

**210. CONTROLLED SUBSTANCES: SCHEDULE I.**

Unless specifically excepted or unless listed in another schedule, the following substances, their derivatives, salts, isomers, and salts of isomers with similar chemical structure shall be listed in Schedule I, under Article II, Title 37, Chapter 27, Idaho Code. (8-22-12)T

**01. Tetrahydrocannabinols.** Tetrahydrocannabinols or synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structures; and (8-22-12)T

**02. Structural Compounds.** Any compound structurally derived from 3-(1-cycloalkyl, cycloalkenyl, aryl-oyl)indole or 1H-indol-3-yl-(1-cycloalkyl, cycloalkenyl, aryl)methane by substitution at the nitrogen atom of the indole ring to any extent, whether or not further substituted in the indole ring to any extent, whether or not substituted to any extent in or on the cycloalkyl, cycloalkenyl, aryl ring(s) (Substitution in the ring may include, but are not limited to heteroatoms such as nitrogen, sulfur, and oxygen). (8-22-12)T

**2101. -- 219. (RESERVED)**