

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 410

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO CANNABIDIOL OIL; AMENDING CHAPTER 27, TITLE 37, IDAHO CODE,
BY THE ADDITION OF A NEW SECTION 37-2728, IDAHO CODE, TO PROVIDE FOR
CANNABIDIOL OIL REGISTRATION, APPLICATION, CARD, FEES AND PROCEDURE;
AMENDING CHAPTER 27, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW
SECTION 37-2729, IDAHO CODE, TO PROVIDE AN EXEMPTION FOR LAWFUL USE AND
POSSESSION OF CANNABIDIOL OIL; AND PROVIDING AN EFFECTIVE DATE.

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

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

37-2728. CANNABIDIOL OIL REGISTRATION -- APPLICATION -- CARD -- FEES. (1) As used in this section and section 37-2729, Idaho Code:

(a) "Board" means the Idaho board of pharmacy.

(b) "Cannabidiol oil" means a product containing primarily cannabidiol and trace amounts of tetrahydrocannabinol formulated to not produce a psychoactive or hallucinogenic effect.

(c) "Cannabidiol oil registration card" means a card issued by the board under this section.

(d) "Illness" means a medical condition for which a practitioner licensed under chapter 18, title 54, Idaho Code, has recommended treatment.

(e) "Parent" means a parent or legal guardian of a minor who is responsible for the medical care of the minor.

(f) "Registrant" means an individual to whom the board issues a cannabidiol oil registration card under this section.

(2) The board shall issue a cannabidiol oil registration card to an individual who:

(a) Is at least eighteen (18) years of age;

(b) Is an Idaho resident;

(c) Has a statement signed by a practitioner licensed under chapter 18, title 54, Idaho Code, that:

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

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

(d) Pays the board a fee in an amount not to exceed the cost incurred by the board; and

(e) Submits an application to the board on a form provided by the board that contains:

(i) The individual's name and address;

(ii) A copy of the individual's valid photo identification; and

- 1 (iii) Any other information the board considers necessary to im-
2 plement this section.
- 3 (3) The board shall issue a cannabidiol oil registration card to a par-
4 ent who:
- 5 (a) Is at least eighteen (18) years of age;
- 6 (b) Is an Idaho resident;
- 7 (c) Has a statement signed by a neurologist that:
- 8 (i) Indicates that a minor in the parent's care suffers from an
9 illness and may benefit from treatment with cannabidiol oil; and
10 (ii) Is consistent with a record from the neurologist concerning
11 the minor;
- 12 (d) Pays the board a fee in an amount not to exceed the cost incurred by
13 the board; and
- 14 (e) Submits an application to the board on a form provided by the board
15 that contains:
- 16 (i) The parent's name and address;
- 17 (ii) The minor's name;
- 18 (iii) A copy of the parent's valid photo identification; and
19 (iv) Any other information the board considers necessary to im-
20 plement this section.
- 21 (4) Cannabidiol oil registration cards are valid for one (1) year. Reg-
22 istrants may apply to renew their cards in the manner set forth in subsection
23 (2) or (3) of this section. If the registrant meets such requirements, then
24 the board shall renew the card.
- 25 (5) The board shall maintain a record of the name of each registrant and
26 the name of each minor receiving care from a registrant. The board shall also
27 maintain a database of the records it receives pursuant to subsection (6) of
28 this section.
- 29 (6) A practitioner licensed under chapter 18, title 54, Idaho Code, who
30 signs a statement pursuant to this section shall keep a record of his evalua-
31 tion and observation of a patient who is a registrant or minor patient under
32 a registrant's care. The practitioner licensed under chapter 18, title 54,
33 Idaho Code, shall transmit such record to the board upon the request from an
34 individual seeking a cannabidiol oil registration card or seeking to renew
35 the individual's card.
- 36 (7) Notwithstanding any other provision of law to the contrary, any
37 practitioners licensed under chapter 18, title 54, Idaho Code, acting in
38 good faith and exercising reasonable care shall not be liable for civil or
39 administrative action or be subject to criminal prosecution for such acts
40 for signing a statement pursuant to this section for an application for a
41 cannabidiol oil registration card.
- 42 (8) (a) The board shall promulgate rules in accordance with chapter 52,
43 title 67, Idaho Code, to:
- 44 (i) Set the application fee amount required by this section;
- 45 (ii) Establish the information an applicant is required to pro-
46 vide to the board pursuant to subsections (2) and (3) of this sec-
47 tion; and
- 48 (iii) Establish the form and content of the cannabidiol oil regis-
49 tration card.

1 (b) The board shall provide a report upon request of the germane commit-
2 tees of the legislature on the use of cannabidiol oil pursuant to this
3 section and section 37-2729, Idaho Code.

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

7 37-2729. EXEMPTION FOR LAWFUL USE AND POSSESSION OF CANNABIDIOL
8 OIL. (1) Notwithstanding any other provision of law, an individual who pos-
9 sesses or uses cannabidiol oil is not subject to the penalties set forth in
10 this chapter for the possession or use of the cannabidiol oil if the individ-
11 ual:

12 (a) Possesses or uses the cannabidiol oil to treat an illness, and the
13 cannabidiol oil is used in the person's or parent's residence by the
14 person for whom the use was recommended;

15 (b) Has a current cannabidiol oil registration card issued by the
16 board;

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

20 (d) Possesses a certificate of analysis that:

21 (i) Has a number that corresponds with the number on the label de-
22 scribed in paragraph (c) of this subsection;

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

26 (iii) Is created by a laboratory that is not affiliated with the
27 producer of the cannabidiol oil and is licensed in the state where
28 the cannabidiol oil was produced.

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

35 SECTION 3. This act shall be in full force and effect on and after Jan-
36 uary 1, 2019.