

Proposed Amendments to HB 300

SECTION 1

- 1) 67-2920(2)(a) at page 1, ln. 30 insert “or foreign country” after foreign state

**Reason:** Hemp is lawful in Canada, but it is uncertain if it now may cross international borders or not. This ensures Idaho has the authority to regulate the transport of hemp from a foreign country through Idaho.

- 2) 67-2920(2)(d) at page 2, ln. 2 insert at the end “which shall be enforced by the director.”

**Reason:** Only ISDA knows how to enforce the cited chapter; ISP does not.

- 3) 67-2920(2)(k) at page 2, ln. 34 insert at the end “However, the provisions of this section shall not be construed to apply to any material or product derived from hemp that contains no quantity of delta-9 tetrahydrocannabinol concentration, as described in section 37-2705(d)(27), and is not derived from the prohibited parts of the marijuana plant, as provided in section 37-2701(t).”

**Reason:** There is significant concern that H.B. 300 and H.B. 122a as written would regulate hemp products that are currently legal. This is an attempt to make sure any material or product derived from hemp that is currently legal is not unwittingly regulated by the provisions of this new section.

- 4) 67-2920(3) at page 2, ln. 37 insert “civil” before the word penalties

**Reason:** To add extra assurance that only the fees and civil penalties authorized and collected under the new section are deposited into this fund (and not any criminal fines).

Insert new SECTION 2

Does not create a new code section but is placed in the session law.

LEGISLATIVE INTENT. Because the federal agriculture improvement act of 2018, P.L. 115-334, allows states to have primary regulatory authority over the production of industrial hemp, it is the intent of the Legislature that through the negotiated rulemaking process, and in consultation with the governor and the director of the Idaho state police, the director of the Idaho state department of agriculture shall develop and submit a state plan to the secretary of agriculture by November 1, 2019, or immediately upon the date after which the United States department of agriculture is ready to accept state plans, whichever is later, to allow for the research and production of industrial hemp in Idaho to the greatest extent allowed under federal law. As part of the state plan, the director of the Idaho state department of agriculture, in consultation with the governor and the director of the Idaho state police, shall prepare by rule and submit to

the secretary of agriculture a corrective action plan consistent with the federal agriculture improvement act of 2018.

Insert new SECTION 3

Does not create a new code section but is placed in the session law.

LEGISLATIVE INTENT. Because industrial hemp has numerous commercial uses, has the potential to be an alternate crop, and presents the possibility of creating jobs in production, processing, transportation, and research of industrial hemp in Idaho, the Idaho state department of agriculture and the Idaho state police are authorized to take regulatory action in preparation to allow for the cultivation, growing, and production of industrial hemp in the 2020 growing season to the maximum extent allowed under federal law. Further, the university of Idaho, in fulfillment of its land grant mission, leads the nation in many areas of agricultural research and is encouraged to research and study this burgeoning field.

**Reason:** (for Sections 2 & 3) The intent of these two sections is to authorize a state plan and request ISDA and ISP prepare for the 2020 growing season of industrial hemp.

Keep the emergency clause as SECTION 4