LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature First Regular Session - 2021

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 126

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT
RELATING TO INDUSTRIAL HEMP; AMENDING TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 17, TITLE 22, IDAHO CODE, TO PROVIDE FOR THE INDUSTRIAL HEMP RESEARCH AND DEVELOPMENT ACT, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE FOR A STATE PLAN, TO AUTHORIZE THE PRODUCTION, PROCESSING, TRANSPORTATION AND RESEARCH OF INDUSTRIAL HEMP, TO PROVIDE FOR THE INDUSTRIAL HEMP ADMINISTRATION FUND, AND TO PROVIDE EXCEPTIONS; AMENDING SECTION 37-2701, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 37-2705, IDAHO CODE, TO PROVIDE AN EXCEPTION; AMENDING CHAPTER 29, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2921, IDAHO CODE, TO PROVIDE FOR THE TRANSPORTATION OF INDUSTRIAL HEMP; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 22, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 17, Title 22, Idaho Code, and to read as follows:

CHAPTER 17
INDUSTRIAL HEMP RESEARCH AND DEVELOPMENT ACT

22-1701. SHORT TITLE. This act shall be known and may be cited as the "Industrial Hemp Research and Development Act."

22-1702. LEGISLATIVE INTENT. It is the policy of this state to:
(1) Assume primary regulatory authority of industrial hemp as allowed by federal law;
(2) Allow production, processing, transportation, and research of industrial hemp in Idaho; and
(3) Require the director to submit a state plan to the secretary of agriculture as expeditiously as possible and, by a date certain, to allow the production of industrial hemp.

22-1703. DEFINITIONS. For purposes of this chapter:
(1) "2018 farm bill" means the agriculture improvement act of 2018, P.L. 115-334.
(2) "Director" means the director of the Idaho state department of agriculture.
(3) "Hemp" or "industrial hemp" means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis, as defined in the 2018 farm bill.
(4) "Secretary of agriculture" means the United States secretary of agriculture.

22-1704. STATE PLAN. The director must prepare and submit a state plan as expeditiously as possible, but no later than September 1, 2021, to the secretary of agriculture in compliance with the 2018 farm bill and the rules promulgated thereunder. The state plan must be created in consultation with the governor, the director of the Idaho state police, and Idaho's agricultural industry and must allow for the production, processing, transportation, and research of industrial hemp in Idaho to the greatest extent allowed under federal law.

22-1705. PRODUCTION, PROCESSING, TRANSPORTATION, AND RESEARCH OF INDUSTRIAL HEMP AUTHORIZED. (1) Production, processing, transportation, and research of industrial hemp are subject to the rules promulgated under this chapter, the state plan, and the 2018 farm bill and the rules promulgated thereunder.

(2) The director must expeditiously promulgate rules that are compliant with the 2018 farm bill in time to allow for the production, processing, transportation, and research of industrial hemp in Idaho under the state plan beginning with the spring 2022 growing season of industrial hemp. Any rule formulated and recommended by the Idaho state department of agriculture regarding the production, processing, transportation, or research of industrial hemp that is broader in scope or more stringent than federal law or regulations as outlined in the 2018 farm bill or that proposes to regulate an activity not regulated by the federal government is subject to the following additional requirements: the notice of proposed rulemaking and rulemaking record requirements under chapter 52, title 67, Idaho Code, must clearly specify that the proposed rule, or portions of the proposed rule, are broader in scope or more stringent than federal law or regulations or regulate an activity not regulated by the federal government and delineate which portions of the proposed rule are broader in scope or more stringent than federal law or regulations or regulate an activity not regulated by the federal government.

(3) Once a state plan is accepted by the secretary of agriculture, the production, processing, transportation, and research of industrial hemp in Idaho will also be subject to the state plan.

(4) The department is authorized to promulgate rules establishing fees and penalties for violations associated with the provisions of this chapter.

(5) No penalty may be imposed against a person unless the person was given notice and opportunity for a hearing pursuant to the Idaho administrative procedure act, chapter 52, title 67, Idaho Code. A person against whom the department has assessed a penalty under this chapter or the rules promulgated pursuant to this chapter may, within thirty (30) days of the final agency action making the assessment, appeal the assessment to the district court of the county in which the violation is alleged to have occurred.

(6) Notwithstanding any provision of this chapter:

(a) Rules promulgated under this chapter must be adopted through the negotiated rulemaking process; and
(b) The transportation of industrial hemp in interstate commerce may continue subject to the provisions of section 67-2921, Idaho Code.

22-1706. INDUSTRIAL HEMP ADMINISTRATION FUND. There is hereby established in the dedicated fund in the state treasury the industrial hemp administration fund to which will be credited the revenues derived from fees and civil penalties collected as authorized by this chapter and rules promulgated under this chapter, as well as section 67-2921, Idaho Code, and the rules promulgated under that section. Moneys in the fund must be used solely for carrying out the provisions of this chapter and the provisions of section 67-2921, Idaho Code.

22-1707. EXCEPTIONS. Industrial hemp is not subject to inspection or indemnification pursuant to chapter 51, title 22, Idaho Code, or chapters 2 and 5, title 69, Idaho Code.

SECTION 2. That Section 37-2701, Idaho Code, be, and the same is hereby amended to read as follows:

37-2701. DEFINITIONS. As used in this chapter:
(a) "Administer" means the direct application of a controlled substance whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:
(1) A practitioner or, in his presence, by his authorized agent; or
(2) The patient or research subject at the direction and in the presence of the practitioner.
(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.
(c) "Board" means the state board of pharmacy created in chapter 17, title 54, Idaho Code, or its successor agency.
(d) "Bureau" means the drug enforcement administration, United States department of justice, or its successor agency.
(e) "Controlled substance" means a drug, substance or immediate precursor in schedules I through VI of article II of this chapter.
(f) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.
(g) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one (1) person to another of a controlled substance, whether or not there is an agency relationship.
(h) "Director" means the director of the Idaho state police.
(i) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling, or compounding necessary to prepare the substance for that delivery.
(j) "Dispenser" means a practitioner who dispenses.
(k) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(l) "Distributor" means a person who distributes.

(m) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals; (3) substances, other than food, intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(n) "Drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter. It includes, but is not limited to:

(1) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

(3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

(4) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

(5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

(6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;

(7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

(9) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

(10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
(11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
(12) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
   (i) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
   (ii) Water pipes;
   (iii) Carburetion tubes and devices;
   (iv) Smoking and carburetion masks;
   (v) Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
   (vi) Miniature cocaine spoons, and cocaine vials;
   (vii) Chamber pipes;
   (viii) Carburetor pipes;
   (ix) Electric pipes;
   (x) Air-driven pipes;
   (xi) Chillums;
   (xii) Bongs;
   (xiii) Ice pipes or chillers;

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:
1. Statements by an owner or by anyone in control of the object concerning its use;
2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;
3. The proximity of the object, in time and space, to a direct violation of this chapter;
4. The proximity of the object to controlled substances;
5. The existence of any residue of controlled substances on the object;
6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
7. Instructions, oral or written, provided with the object concerning its use;
8. Descriptive materials accompanying the object which explain or depict its use;
9. National and local advertising concerning its use;
10. The manner in which the object is displayed for sale;
11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
13. The existence and scope of legitimate uses for the object in the community;

(o) "Financial institution" means any bank, trust company, savings and loan association, savings bank, mutual savings bank, credit union, or loan company under the jurisdiction of the state or under the jurisdiction of an agency of the United States.

(p) "Immediate precursor" means a substance which the board has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(q) "Isomer" means the optical isomer, except as used in section 37-2705(d), Idaho Code.

(r) "Law enforcement agency" means a governmental unit of one (1) or more persons employed full-time or part-time by the state or a political subdivision of the state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.

(s) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, and includes extraction, directly or indirectly, from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance:

(1) By a practitioner as an incident to his administering, dispensing or, as authorized by board rule, distributing of a controlled substance in the course of his professional practice; or
(2) By a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for delivery.

(t) "Marijuana" or "marihuana" means all parts of the plant of the genus Cannabis, regardless of species, and whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. It does not include:

(1) Industrial hemp or hemp possessed, grown, transported, farmed, produced, processed, or possessed by any other entity engaged in hauling, transporting, delivering, or otherwise moving hemp in interstate or intrastate commerce pursuant to a license granted under the provisions of the 2014 farm bill, the 2018 farm bill, 7 CFR 990.1 et seq., or the approved state plan for the state of Idaho. "Industrial hemp"
or "hemp" means the plant species Cannabis sativa L. and any part of
that plant, including the seeds thereof and all derivatives, extracts,
cannabinoids, isomers, acids, salts, and salts of isomers, whether
growing or not, with a measured total delta-9 tetrahydrocannabinol con-
centration of not more than three-tenths of one percent (0.3%) on a dry
weight or volume basis that shall determine the total delta-9 tetrahy-
drocanabinol (THC) concentration, including both delta-9 tetrahydro-
cannabinol and delta-9 tetrahydrocannabinolic acid (THCA) evaluated
by decarboxylation during analysis, or by measuring each compound and
calculating the total percentage of delta-9 tetrahydrocannabinol if
the THCA was decarboxylated, which must not exceed three-tenths of one
percent (0.3%).

(2) The mature stalks of the plant genus Cannabis unless the same
are intermixed with prohibited parts thereof, fiber produced from the
stalks, oil or cake made from the seeds or the achene of such plant, any
other compound, manufacture, salt, derivative, mixture, or preparation
of the mature stalks, except the resin extracted therefrom or where the
same are intermixed with prohibited parts of such plant, fiber, oil, or
cake, or the sterilized seed of such plant which is incapable of germi-
nation.

Evidence that any plant material or the resin or any derivative
thereof, regardless of form, that does not meet the definition of "indus-
trial hemp" or "hemp" as provided in this section, or that is possessed
without a license granted under the provisions of the 2014 farm bill, the
2018 farm bill, 7 CFR 990.1 et seq., or the approved state plan for the state
of Idaho, contains any of the chemical substances classified as tetrahydro-
cannabinols shall create a presumption that such material is "marijuana" as
defined and prohibited herein.

(u) "Narcotic drug" means any of the following, whether produced di-
rectly or indirectly by extraction from substances of vegetable origin, or
independently by means of chemical synthesis, or by a combination of extrac-
tion and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or prepara-
tion of opium or opiate.
(2) Any salt, compound, isomer, derivative, or preparation thereof
which is chemically equivalent or identical with any of the substances
referred to in clause 1, but not including the isoquinoline alkaloids of
opium.
(3) Opium poppy and poppy straw.
(4) Coca leaves and any salt, compound, derivative, or preparation of
coca leaves, and any salt, compound, isomer, derivative, or preparation
thereof which is chemically equivalent or identical with any of these
substances, but not including decocainized coca leaves or extractions
of coca leaves which do not contain cocaine or ecgonine.
(v) "Opiate" means any substance having an addiction-forming or ad-
diction-sustaining liability similar to morphine or being capable of
conversion into a drug having addiction-forming or addiction-sustaining
liability. It does not include, unless specifically designated as con-
trolled under section 37-2702, Idaho Code, the dextrorotatory isomer of
3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(w) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.

(x) "Peace officer" means any duly appointed officer or agent of a law enforcement agency, as defined herein, including, but not limited to, a duly appointed investigator or agent of the Idaho state police, an officer or employee of the board of pharmacy, who is authorized by the board to enforce this chapter, an officer of the Idaho state police, a sheriff or deputy sheriff of a county, or a marshal or policeman of any city.

(y) "Person" means individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(z) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(aa) "Practitioner" means:

(1) A physician, dentist, veterinarian, scientific investigator, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of his professional practice or research in this state;

(2) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of its professional practice or research in this state.

(bb) "Prescribe" means a direction or authorization permitting an ultimate user to lawfully obtain or be administered controlled substances.

(cc) "Prescriber" means an individual currently licensed, registered or otherwise authorized to prescribe and administer controlled substances in the course of professional practice.

(dd) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(ee) "Simulated controlled substance" means a substance that is not a controlled substance, but which by appearance or representation would lead a reasonable person to believe that the substance is a controlled substance. Appearance includes, but is not limited to, color, shape, size, and markings of the dosage unit. Representation includes, but is not limited to, representations or factors of the following nature:

(1) Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, or its use or effect;

(2) Statements made to the recipient that the substance may be resold for inordinate profit; or

(3) Whether the substance is packaged in a manner normally used for illicit controlled substances.

(ff) "State," when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(gg) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.
"Utility" means any person, association, partnership or corporation providing telephone and/or communication services, electricity, natural gas or water to the public.

SECTION 3. That Section 37-2705, Idaho Code, be, and the same is hereby amended to read as follows:

37-2705. SCHEDULE I. (a) The controlled substances listed in this section are included in schedule I.
(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:
(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
(2) Acetylmethadol;
(3) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);
(4) Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide);
(5) Alillylprodine;
(6) Alphacetylmethadol (except levo-alphacetylmethadol also known as levomethadyl acetate or LAAM);
(7) Alphameprodine;
(8) Alphamethadol;
(9) Alpha-methylfentanyl;
(10) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
(11) Benzethidine;
(12) Betacetylmethadol;
(13) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);
(14) Beta-hydroxy-3-methylfentanyl (N-(1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl)-N-phenylpropanamide);
(15) Betameprodine;
(16) Betamethadol;
(17) Betaprodine;
(18) Clonitazene;
(19) Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropenecarboxamide);
(20) Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide);
(21) Dextromoramide;
(22) Diamproamide;
(23) Diethylthiambutene;
(24) Difenoxin;
(25) Dimenoxadol;
(26) Dimepheptanol;
(27) Dimethylthiambutene;
(28) Dioxaphetyl butyrate;
(29) Dipipanone;
(30) Ethylmethylthiambutene;
(31) Etonitazene;
(32) Etoxeridine;
(33) Fentanyl-related substances. "Fentanyl-related substances"
means any substance not otherwise listed and for which no exemption or
approval is in effect under section 505 of the federal food, drug, and
cosmetic act, 21 U.S.C. 355, and that is structurally related to fentanyl
by one (1) or more of the following modifications:
   i. Replacement of the phenyl portion of the phenethyl group by any
      monocycle, whether or not further substituted in or on the monocycle;
   ii. Substitution in or on the phenethyl group with alkyl, alkenyl,
       alkoxy, hydroxy, halo, haloalkyl, amino, or nitro groups;
   iii. Substitution in or on the piperidine ring with alkenyl,
       alkoxy, hydroxy, halo, haloalkyl, amino, or nitro groups;
   iv. Replacement of the aniline ring with any aromatic monocycle,
       whether or not further substituted in or on the aromatic monocycle;
   and/or
   v. Replacement of the N-propionyl group by another acyl group;
(34) 4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-
      phenethylpiperidin-4-yl)isobutyramide);
(35) Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-
      2-carboxamide);
(36) Furethidine;
(37) Hydroxypethidine;
(38) Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-
      phenylisobutyramide);
(39) Ketobemidone;
(40) Levomoramide;
(41) Levophenacylmorphan;
(42) 3-Methylfentanyl;
(43) 3-methylthiofentanyl (N-[3-methyl-1-((2-thienyl)ethyl-4-pip-
      eridinyl]-N-phenylpropanamide);
(44) Morpheridine;
(45) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
(46) MT-45 (1-cyclohexyl-4-((1,2-diphenylethyl)piperazine);
(47) Noracymethadol;
(48) Norlevorphanol;
(49) Normethadone;
(50) Norpipanone;
(51) Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperi-
      din-4-yl) acetamide);
(52) Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-
      phenethylpiperidin-4-yl) isobutyramide);
(53) Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-
      phenethylpiperidin-4-yl) butyramide);
(54) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)4-
      piperidinyl] propanamide);
(55) Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl) butyramide);
(56) PEAP (1-(-2-phenethyl)-4-phenyl-4-acetoxy Piperidine);
(57) Phenadoxone;
(58) Phenampromide;
(59) Phenomorphan;
(60) Phenoperidine;
(61) Piritramide;
(62) Propiram;
(63) Properidine;
(64) Propiram;
(65) Racemoramide;
(66) Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidine-4-yl)-N-phenyl tetrahydrofururan-2-carboxamide);
(67) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);
(68) Tilidine;
(69) Trimeperidine;
(70) u-47700 (3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl benzamid);
(71) Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylpen- tanamide).
(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:
(1) Acetorphine;
(2) Acetyldihydrocodeine;
(3) Benzylmorphine;
(4) Codeine methylbromide;
(5) Codeine-N-Oxide;
(6) Cyprenorphine;
(7) Desomorphine;
(8) Dihydromorphine;
(9) Drotebanol;
(10) Etorphine (except hydrochloride salt);
(11) Heroin;
(12) Hydromorphinol;
(13) Methyldesorphine;
(14) Methyldihydromorphine;
(15) Morphine methylbromide;
(16) Morphine methylsulfonate;
(17) Morphine-N-Oxide;
(18) Myrophine;
(19) Nicocodeine;
(20) Nicomorphine;
(21) Normorphine;
(22) Pholcodine;
(23) Thebacon.
(d) Hallucinogenic substances. Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

1. Dimethoxyphenethylamine, or any compound not specifically excepted or listed in another schedule that can be formed from dimethoxyphenethylamine by replacement of one (1) or more hydrogen atoms with another atom(s), functional group(s) or substructure(s) including, but not limited to, compounds such as DOB, DOC, 2C-B, 25B-NBOMe;

2. Methoxyamphetamine or any compound not specifically excepted or listed in another schedule that can be formed from methoxyamphetamine by replacement of one (1) or more hydrogen atoms with another atom(s), functional group(s) or substructure(s) including, but not limited to, compounds such as PMA and DOM;

3. 5-methoxy-3,4-methylenedioxy-amphetamine;

4. 5-methoxy-N,N-diisopropyltryptamine;

5. Amphetamine or methamphetamine with a halogen substitution on the benzyl ring, including compounds such as fluorinated amphetamine and fluorinated methamphetamine;

6. 3,4-methylenedioxy amphetamine;

7. 3,4-methylenedioxyamphetamine (MDMA);

8. 3,4-methylenedioxy-N-ethylamphetamine (also known as N-et-hyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and N-et-hyl MDA, MDE, MDEA);

9. N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy) phenethylamine, and N-hydroxy MDA);

10. 3,4,5-trimethoxy amphetamine;

11. 5-methoxy-N,N-dimethyltryptamine (also known as 5-methoxy-3-2[2-dimethylamino)ethyl]indole and 5-MeO-DMT);

12. Alpha-ethyltryptamine (some other names: etryptamine, 3-(2-aminoethyl) indole);

13. Alpha-methyltryptamine;

14. Bufotenine;

15. Diethyltryptamine (DET);

16. Dimethyltryptamine (DMT);

17. Ibogaine;

18. Lysergic acid diethylamide;

19. Marihuana;

20. Mescaline;

21. Parahexyl;

22. Peyote;

23. N-ethyl-3-piperidyl benzilate;

24. N-methyl-3-piperidyl benzilate;

25. Psilocybin;

26. Psilocyn;
(27) 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 structure such as the following:

i. Tetrahydrocannabinols, except for the permitted amount of tetrahydrocannabinol found in industrial hemp:
   a. $\Delta^1$ cis or trans tetrahydrocannabinol, and their optical isomers, excluding dronabinol in sesame oil and encapsulated in either a soft gelatin capsule or in an oral solution in a drug product approved by the U.S. Food and Drug Administration.
   b. $\Delta^6$ cis or trans tetrahydrocannabinol, and their optical isomers.
   c. $\Delta^{3,4}$ cis or trans tetrahydrocannabinol, and its optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered.)
   d. [(6aR,10aR)-9-[(hydroxymethyl)-6,6-dimethyl-3-(2methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol)], also known as 6aR-trans-3-(1,1-dimethylheptyl)-6a,7,10,10a-tetrahydro-1-hydroxy-6,6-dimethyl-6H-dibenzo[b,d]pyran-9-methanol (HU-210) and its geometric isomers (HU211 or dexamabinol).

ii. The following synthetic drugs:
   a. Any compound structurally derived from (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl)methane, or (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl)methane, or (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl), methyl or dimethyl butanoate, amino-methyl (or dimethyl)-1-oxobutan-2-yl) carboxamide by substitution at the nitrogen atoms of the indole ring or carboxamide to any extent, whether or not further substituted in or on 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 is not limited to, heteroatoms such as nitrogen, sulfur and oxygen).
   b. N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5F-AB-PINACA).
   c. 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one (N-ethylpentylone, ephylone).
   d. 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (4-cn-cumyl-BUTINACA).
   e. Ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3carboxido)-3,3-dimethylbutanoate * (5f-edmbpinaca).
   f. (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3tetramethylcyclopropyl)methaneone (fub-144).
   g. 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (5f-cumyl-pinaca; sgt25).
h. (1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-B]pyridine-3-carboxamide (5fcumyl-P7AICA).
i. Methyl 2-((1-cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate (MMB-CHMICA, AMB-CHMICA).
j. Methyl 2-((1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (5f-mdmbpica).
k. N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (fub-akb48; fub-aphinaca).
l. Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (NM2201; CBL2201).
m. Any compound structurally derived from 3-(1-naphthyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring to any extent, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent.
n. Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring to any extent, whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent.
o. Any compound structurally derived from 3-phenylacetylindole 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 in the phenyl ring to any extent.
p. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring to any extent, whether or not substituted in the cyclohexyl ring to any extent.
q. Any compound structurally derived from 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring to any extent, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.
r. [2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone (WIN-55,212-2).
s. 3-dimethylheptyl-11-hydroxyhexahydrocannabinol (HU-243).
t. [(6S, 6αR, 9R, 10aαR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6α,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate (CP 50,5561).

(28) Ethylamine analog of phencyclidine: N-ethyl-1-phenylcyclohexylamine (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;
(29) Pyrrolidine analog of phencyclidine: 1-(phenylcyclohexyl) - pyrrolidine, PCPy, PHP;
(30) Thiophene analog of phencyclidine 1-[(1-2-thienyl)-cyclohexyl]- piperidine, 2-thienylanalogue of phencyclidine, TPCP, TCP;
(31) 1-[(1-2-thienyl) cyclohexyl] pyrrolidine another name: TCPy;
(32) Spores or mycelium capable of producing mushrooms that contain
psilocybin or psilocin.
(e) Unless specifically excepted or unless listed in another schedule,
any material, compound, mixture or preparation which contains any quantity
of the following substances having a depressant effect on the central ner-
vous system, including its salts, isomers, and salts of isomers whenever the
existence of such salts, isomers, and salts of isomers is possible within the
specific chemical designation:
   (1) Gamma hydroxybutyric acid (some other names include GHB; gam-
ma-hydroxybutyrate, 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodi-
um oxybate; sodium oxybutyrate);
   (2) Flunitrazepam (also known as "R2," "Rohypnol");
   (3) Mecloqualone;
   (4) Methaqualone.
(f) Stimulants. Unless specifically excepted or unless listed in an-
other schedule, any material, compound, mixture, or preparation which con-
tains any quantity of the following substances having a stimulant effect on
the central nervous system, including its salts, isomers, and salts of isomers:
   (1) Aminorex (some other names: aminoxaphen, 2-amino-5-phenyl-2-ox-
azoline, or 4,5-dihydro-5-phenyl-2-oxazolamine);
   (2) Cathinone (some other names: 2-amino-1-phenol-1-propanone, alp-
ha-aminopropiophenone, 2-aminopropiophenone and norephedrine);
   (3) Substituted cathinones. Any compound, except bupropion or com-
pounds listed under a different schedule, structurally derived from
2-aminopropan-1-one by substitution at the 1-position with either
phenyl, naphthyl or thiophene ring systems, whether or not the compound
is further modified in any of the following ways:
   i. By substitution in the ring system to any extent with alkyl,
   alkylenedioxo, alkoxy, haloalkyl, hydroxy or halide sub-
   stituents, whether or not further substituted in the ring system
   by one (1) or more other univalent substituents;
   ii. By substitution at the 3-position with an acyclic alkyl sub-
   stituent;
   iii. By substitution at the 2-amino nitrogen atom with alkyl,
   dialkyl, benzyl or methoxybenzyl groups, or by inclusion of the
   2-amino nitrogen atom in a cyclic structure.
   (4) Alpha-pyrrolidinoheptaphenone* (PV8);
   (5) Alpha-pyrrolidinoheptaphenone* (a-php);
   (6) 4-chloro-alpha-pyrrolidinovalerophenone* (4chloro-a-pvp);
   (7) Fenethylline;
   (8) Methcathinone (some other names: 2-(methyl-amino)-propio-
   phenone, alpha-(methylamino)-propiophenone, N-methylcathinone, AL-
   464, AL-422, AL-463 and UR1423);
   (9) (+/-)cis-4-methylaminorex [(+/-)cis-4,5-dihydro-4-methyl-5-
   phenyl-2-oxazolamine];
   (10) 4-methyl-alpha-ethylaminopentiophenone* (4meap);
   (11) 4'-methyl-alpha-pyrrolidinoheptaphenone* (mphp);
   (12) N-benzylpiperazine (also known as: BZP, 1-benzylpiperazine);
   (13) N-ethylamphetamine;
(14) N-ethylhexedrone*;
(15) N,N-dimethylamphetamine (also known as: N,N-alpha-trimethyl-benzeneethanamine).

SECTION 4. That Chapter 29, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-2921, Idaho Code, and to read as follows:

67-2921. TRANSPORTATION OF INDUSTRIAL HEMP. (1) As used in this section:
(a) "2014 farm bill" means the agriculture act of 2014, P.L. 113-79.
(b) "2018 farm bill" means the agriculture improvement act of 2018, P.L. 115-334.
(c) "Hemp" or "industrial hemp" means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis, as defined in the 2018 farm bill.
(d) "Peace officer" has the same meaning as provided in section 19-5101, Idaho Code.
(e) "Transporter" means any person, individual, partnership, corporation, association, grower, farmer, producer, or any other entity engaged in hauling, transporting, delivering, or otherwise moving hemp in interstate or intrastate commerce.
(f) "Vehicle" has the same meaning as provided in section 49-123, Idaho Code.

(2) Any rule formulated and recommended by the Idaho state police or the Idaho state department of agriculture regarding the interstate or intrastate transportation of hemp by a transporter or vehicle hauling industrial hemp that is broader in scope or more stringent than federal law or regulations as outlined in the 2014 farm bill and the 2018 farm bill or that proposes to regulate an activity not regulated by the federal government is subject to the following additional requirements: the notice of proposed rulemaking and rulemaking record requirements under chapter 52, title 67, Idaho Code, must clearly specify that the proposed rule, or portions of the proposed rule, are broader in scope or more stringent than federal law or regulations or regulate an activity not regulated by the federal government and delineate which portions of the proposed rule are broader in scope or more stringent than federal law or regulations or regulate an activity not regulated by the federal government. Such rules must be promulgated and adopted through the negotiated rulemaking process.

(3) When a transporter or vehicle hauling industrial hemp pursuant to a license under the provisions of the 2014 farm bill, the 2018 farm bill, or 7 CFR 990.1 et seq., is lawfully detained by a peace officer, the transporter of industrial hemp must consent to inspection of the shipment for the purpose of ensuring compliance with the 2014 farm bill, the 2018 farm bill, and 7 CFR 990.1 et seq. The peace officer may randomly select reasonably sized samples not to exceed twenty (20) grams per sampling event for each unique lot, package, or identified quantity and retain them for future off-sight testing. Transporters are not entitled to compensation for these de minimis samples.
The length of the detention must be only as long as reasonably necessary to
offset the inspection, sampling, and weighing of industrial hemp.

(4) Industrial hemp samples are subject to analysis in a manner con-
istent with the 2018 farm bill and 7 CFR 990.1 et seq. to determine the total
delta-9 tetrahydrocannabinol (THC) concentration, including all tetrahy-
dro cannabinolic acid (THCA). Industrial hemp samples not in compliance with
the 2018 farm bill and 7 CFR 990.1 et seq. may subject the transporter to
criminal penalties for marijuana under chapter 27, title 37, Idaho Code.

(5) Violations. It is unlawful for any person to knowingly possess in-
dustrial hemp without a license or in violation of any of the provisions of
the 2014 farm bill, the 2018 farm bill, or 7 CFR 990.1 et seq., except when
lawfully engaged in transporting industrial hemp on behalf of and at the di-
rection of the licensee.

(6) Penalties.
(a) Any person who pleads guilty to or is found guilty of a violation of
subsection (5) of this section for the first time is guilty of a misde-
meanor and is subject to a fine of no more than one hundred fifty dollars
($150).
(b) Any person who pleads guilty to or is found guilty of a violation
of subsection (5) of this section for the second time within a period of
five (5) years of the first conviction is guilty of a misdemeanor and is
subject to a fine of no more than three hundred dollars ($300).
(c) Any person who pleads guilty to or is found guilty of a violation of
subsection (5) of this section for the third or subsequent time within
a period of five (5) years of the first conviction is guilty of a misde-
meanor, punishable by a fine of no more than one thousand dollars
($1,000), or by imprisonment in the county jail not to exceed six (6)
months, or by both such fine and imprisonment.
(d) Industrial hemp transported or possessed in violation of subsec-
tion (5) of this section is deemed contraband and is subject to seizure
and destruction.

(7) When a substance transported and tested pursuant to this section
fails to meet the definition of industrial hemp set forth in this sec-
tion because the test results demonstrate that the substance has a delta-9
tetrahydrocannabinol concentration greater than three-tenths of one per-
cent (0.3%) on a dry weight basis, nothing in this section otherwise inhibits
or restricts any peace officer from enforcing the provisions of chapter 27,
title 37, Idaho Code.

(8) The provisions of this section must not be construed to apply to any
material or product derived from industrial hemp that contains no quantity
of delta-9 tetrahydrocannabinol concentration and is not derived from the
prohibited parts of the marijuana plant, as provided in section 37-2701(t),
Idaho Code.

(9) This section must not be interpreted to apply to industrial hemp
transported in or through the state of Idaho prior to enactment of this sec-
tion.

SECTION 5. SEVERABILITY. The provisions of this act are hereby declared
to be severable, and if any provision of this act or the application of such
provision to any person or circumstance is declared invalid for any reason,
such declaration does not affect the validity of the remaining portions of this act.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.