

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 499

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE IDAHO DIETARY SUPPLEMENT ACT; AMENDING TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 35, TITLE 37, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE THAT THE PRODUCTION, MARKETING, DISTRIBUTION, SALE, AND USE OF DIETARY SUPPLEMENTS IN COMPLIANCE WITH CERTAIN LAWS AND REGULATIONS SHALL BE LEGAL IN IDAHO AND TO DEFINE A TERM; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 35, Title 37, Idaho Code, and to read as follows:

CHAPTER 35
IDAHO DIETARY SUPPLEMENT ACT

37-3501. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho Dietary Supplement Act."

37-3502. LEGAL STATUS OF DIETARY SUPPLEMENTS IN IDAHO. (1) For purposes of this section, "dietary supplement" means a product that intends to supplement the diet that:

- (a) Bears or contains one (1) or more of the following dietary ingredients:
 - (i) A vitamin;
 - (ii) A mineral;
 - (iii) An herb or other botanical;
 - (iv) An amino acid;
 - (v) A dietary substance for use by a person to supplement the diet by increasing the total dietary intake; or
 - (vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient listed in this subsection;
- (b) Is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form;
- (c) If not intended for ingestion in any form pursuant to paragraph (b) of this subsection, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet;
- (d) Is labeled as a dietary supplement; and
- (e) Does not contain any component applicable to the prevention, treatment, or cure of a disease or condition of Homo sapiens, including any virus, therapeutic serum, toxin, antitoxin, blood, blood component or derivative, allergenic product, protein, or analogous product.

(2) The production, marketing, distribution, sale, and use of dietary supplements shall be legal in the state of Idaho in compliance with appli-

1 cable federal law and regulations as of July 1, 2023, notwithstanding any
2 amendment, repeal, or addition made to federal law or regulations applicable
3 to dietary supplements subsequent to July 1, 2023.

4 SECTION 2. An emergency existing therefor, which emergency is hereby
5 declared to exist, this act shall be in full force and effect on and after
6 July 1, 2024.