

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 478

BY ANDRUS

AN ACT

1 RELATING TO INDUSTRIAL HEMP; AMENDING CHAPTER 17, TITLE 22, IDAHO CODE, BY  
2 THE ADDITION OF A NEW SECTION 22-1708, IDAHO CODE, TO ESTABLISH PROVI-  
3 SIONS REGARDING RETAIL SALE OF INDUSTRIAL HEMP; AND PROVIDING AN EFFEC-  
4 TIVE DATE.  
5

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

7 SECTION 1. That Chapter 17, Title 22, Idaho Code, be, and the same is  
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
9 ignated as Section 22-1708, Idaho Code, and to read as follows:

10 22-1708. RETAIL SALE OF INDUSTRIAL HEMP PRODUCTS. (1) Food or drink  
11 products that are intended for human consumption and that contain cannabi-  
12 noids shall not be sold within the state of Idaho.

13 (2) Any retail store within the state of Idaho that sells hemp prod-  
14 ucts shall obtain a license from the Idaho department of agriculture. Li-  
15 censes shall be valid for one (1) year. The annual license fee shall be six  
16 hundred dollars (\$600). The department may issue a single license that cov-  
17 ers multiple retail store locations owned, operated, or controlled by a per-  
18 son. Each additional store covered by a single license shall be subject to a  
19 twenty-five dollar (\$25.00) fee.

20 (3) The department may conduct inspections to ensure compliance is  
21 maintained with applicable state and federal laws and regulations and the  
22 state hemp plan. During an inspection, the department may randomly select  
23 reasonably sized samples from the retail store for future off-site test-  
24 ing. The license holder may request a retest of the original sample within  
25 five (5) days from the date the license holder receives the result of the  
26 first test. The licensee shall bear the full cost of laboratory testing and  
27 retesting.

28 (4) Any person who violates or fails to comply with the provisions of  
29 this section or any rules promulgated pursuant to this section may be as-  
30 sessed a civil penalty by the department or its duly authorized agent of not  
31 more than ten thousand dollars (\$10,000) for each offense and shall be liable  
32 for reasonable attorney's fees. Assessment of a civil penalty may be made  
33 in conjunction with any other department administrative action. No civil  
34 penalty may be assessed unless the person charged was given notice and op-  
35 portunity for a hearing pursuant to the Idaho administrative procedure act,  
36 chapter 52, title 67, Idaho Code.

37 (5) The department may promulgate rules, subject to legislative  
38 approval, through a negotiated rulemaking process to effectuate the provi-  
39 sions of this section.

40 SECTION 2. This act shall be in full force and effect on and after Jan-  
41 uary 1, 2027.