

MINUTES
SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Tuesday, March 24, 2026

TIME: 8:00 A.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Nichols, Vice Chairman Zito, Senators Lakey, Lent, VanOrden, Kohl, Semmelroth, and Taylor

ABSENT/ EXCUSED: Senator Blaylock

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Nichols** called the meeting of the Senate Agricultural Affairs Committee (Committee) to order at 8:00 a.m.

MINUTES APPROVAL: **Senator VanOrden** moved to approve the Minutes of March 10, 2026. **Senator Lent** seconded the motion. The motion carried by **voice vote**.

PRESENTATION: **Senate Page Farewell - Thanking Isabella Froshiesar for her service to the Senate Agricultural Affairs Committee.** **Ms. Froshiesar** thanked the Committee and shared her appreciation for how welcoming the Senators were.

DISCUSSION: **Senator Lakey** thanked Ms. Froshiesar for her service, noted her positivity, and asked what she was most surprised about during her time at the Legislature. **Ms. Froshiesar** said she was very intimidated at first, but quickly realized how fun the legislators were. **Senator Kohl** inquired about her future plans. **Ms. Froshiesar** stated she planned to graduate from Weiser High School, then attend Montana State University where she would study agribusiness and concentrate in farm and ranch management, with a minor in political science. She hoped to become an agricultural lobbyist. **Senator Taylor** and **Chairman Nichols** thanked her for her service and applauded her positivity.

PASSED THE GAVEL: Chairman Nichols passed the gavel to Vice Chairman Zito.

H 879 **INDUSTRIAL HEMP - Amends existing law to provide for the sale of hemp products intended for human ingestion or inhalation.** **Chairman Nichols** stated this legislation clarified regulation for retail hemp products. She deferred to Braden Jensen. **Mr. Braden Jensen**, Director of Government Affairs, Idaho Farm Bureau, explained Idaho had established a comprehensive framework governing the production, processing, transporting, and research of industrial hemp, which aligned with federal laws. He ensured the legislation did not change this framework. **Mr. Jensen** stated **H 879** addressed a gap in statute by clarifying that hemp products intended for human ingestion or inhalation were subject to Idaho Code. **Mr. Jensen** noted the legislation excluded certain hemp products, which were widely recognized by the Food and Drug Administration as generally safe and did not present the same regulatory considerations.

DISCUSSION: **Senator Lakey** asked if the excluded products contained tetrahydrocannabinol (THC). **Mr. Jensen** explained that any legal hemp product must not contain any amount of THC. **Vice Chairman Zito** queried why this legislation came about. **Mr. Jensen** said this bill brought clarity and oversight on retail hemp products to ensure such products were in compliance with Idaho law. **Senator Lent** asked what hemp-related inhalation was taking place. **Mr. Jensen** believed certain vape products could contain hemp. **Senator Lent** shared his confusion about the continuous mention of the word "excluded". He was also confused about how hemp products were not to contain THC, however, some vaping products contained hemp. **Mr. Jensen** stated non-viable, whole-hemp seed, hemp seed protein powder, and hemp seed oil were exempt from this legislation and said they worked with the Legislative Services Office for clarification purposes and with stakeholders. **Senator Kohl** asked why hemp was being vaped if it did not contain THC. **Mr. Jensen** said he was not aware of the motivation behind it being vaped. **Senator Semmelroth** asked if there were distinctions in cannabidiol (CBD) products between Delta-8 and Delta-9 in terms of how they were derived. **Mr. Jensen** deferred to Director Chanel Tewalt. **Ms. Chanel Tewalt**, Director, Idaho State Department of Agriculture, stated both Delta-8 and Delta-9 were covered in Idaho Code; THC had a separate definition from marijuana and hemp in Idaho Code and current state law was very specific about total THC. **Senator Semmelroth** referred to a loophole surrounding Delta-8 and Delta-9 in the One Big Beautiful Bill and asked if what was occurring at the federal level would affect Idaho law. **Ms. Tewalt** answered negatively. **Senator Lakey** wanted confirmation that all products, including products excluded from **H 879**, did not contain THC. **Ms. Tewalt** answered affirmatively.

Mr. Cameron Kolos, Boise Police Officer, overviewed his 18 years of experience, which focused on substance abuse and enforcement. **Senator Lent** mentioned how Texas was working on legislation to address the smoking of hemp seeds due to its concentration of THC. He asked Mr. Kolos if the listed exclusions would create a workaround that could enable the smoking of THC. **Mr. Kolos** responded these exemptions were FDA approved and was not aware of any situation where these products could be used to ingest THC. **Mr. Kolos** explained how he discovered THC products were being imported from other states and had false labeling; these products claimed to not contain THC, when state lab tests said otherwise. **Senator Kohl** asked if this legislation would close the loophole of masking THC as hemp. **Mr. Kolos** answered affirmatively.

Chairman Nichols closed by stating this legislation would clarify that establishments offering certain retail hemp products were subject to the authorities of the existing Industrial Hemp Research and Development Act in Idaho Code. She requested **H 879** be sent to the floor with a do pass recommendation.

MOTION: **Senator Semmelroth** moved to send **H 879** to the floor with a **do pass** recommendation. **Senator Taylor** seconded the motion. The motion carried by **voice vote**.

H 772 **INDUSTRIAL HEMP - Amends existing law to provide for negligent violations.** **Chairman Nichols** explained this legislation protected farmers who were acting in good faith and growing hemp for the purpose of grain or fiber. She explained this legislation addressed grower's concerns of penalization despite following state law and having no control of natural fluctuations in THC levels. **Mr. Jensen** explained under this legislation, a hemp producer would not be considered negligent if three conditions were met: first, producers were only growing for grain or fiber. Second, the producer made reasonable effort to comply with Idaho laws. Lastly, hemp tests could not exceed 1 percent of THC of dry weight matter. He noted this proposed change aligned with federal standards.

- DISCUSSION:** **Senator Lakey** asked if a crop was "hot", as in the crop exceeded the THC threshold, if the crop still had to be remediated on the field and could not leave the field unless it contained zero percent THC. **Mr. Jensen** answered affirmatively but noted the crop could be within a 0.3 percent THC threshold. He clarified that growers could grow up to the 0.3 percent federal threshold, however, retail products sold in Idaho could not contain THC.
- TESTIMONY:** **Mr. Monte Stiles**, former federal drug prosecutor, testified against **H 772**. He was hesitant of proposed changes in accordance with federal policies. In addition, he explained there was an effort to legalize marijuana in Idaho for apparent medicinal purposes. He said the group had raised almost \$1.5 million to get marijuana on the ballot and suggested the Committee look more into this matter.
- DISCUSSION:** **Chairman Nichols** closed by stating this legislation only applied to grain and fiber production and the bill made a distinction between negligent and non-negligent cases. She said **H 772** passed the House without opposition. She requested the legislation be sent to the floor with a do pass recommendation. **Senator Lakey** wanted clarification that this legislation did not change circumstances under which hemp could leave the field. **Chairman Nichols** answered affirmatively. **Senator Taylor** asked for confirmation that the percentage of THC needed to feel a psychoactive reaction from marijuana was 22 percent. **Ms. Tewalt** answered hemp was a vastly different crop than other commodities, and said the percentage needed was much higher than 22 percent. **Senator Lakey** shared his caution with hemp and the ability for law enforcement to conduct drug interdiction operations for marijuana. He asked if a drug dog could detect varying levels of THC. **Mr. Kolos** said he was not confident in speaking on the capabilities of narcotics canines, but believed they were not able to detect various THC levels. **Senator Lent** asked how many hemp producers had been charged with negligent violations. **Ms. Tewalt** answered very few. She outlined their testing, violation, and remedial process and noted they had never had a hemp crop test significantly higher than the 0.3 percent threshold. **Vice Chairman Zito** asked if a crop tested "hot" due to circumstances that were out of a farmer's control, then why they were issued a violation. **Ms. Tewalt** responded this was a very unique and stringent program, and believed Idaho was the only state that handled on-farm violations in this manner.
- MOTION:** **Senator Taylor** moved to send **H 772** to the floor with a **do pass** recommendation. **Senator Kohl** seconded the motion.
- DISCUSSION:** **Senator Lakey** appreciated Mr. Stiles' comments and was concerned about the large amounts of money that marijuana interests were spending to legalize marijuana in Idaho. He believed this legislation addressed farmers who engaged in legitimate agricultural activity and acknowledged **H 772** did not change standards.
- VOICE VOTE:** The motion to send **H 772** to the floor with a **do pass** recommendation passed by **voice vote**. **Senator Lent** requested to be recorded as voting nay.
- PASSED THE GAVEL:** Vice Chairman Zito passed the gavel to Chairman Nichols.
- ADJOURNED:** There being no further business at this time, **Chairman Nichols** adjourned the meeting at 9:00 a.m.

Senator Nichols
Chair

Rachel Verrette
Secretary