



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

---

*Serving Idaho's Citizen Legislature*

### MEMORANDUM

**TO:** Senators HEIDER, Souza, Jordan and,  
Representatives WOOD, Packer, Chew

**FROM:** Elizabeth Bowen - Principal Legislative Research Analyst

**DATE:** October 05, 2018

**SUBJECT:** Temporary Rule

IDAPA 27.01.03 - Rules Governing Pharmacy Practice - Adoption of Temporary Rule - Docket No.  
27-0103-1802

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Elizabeth Bowen at the Legislative Services Office at (208) 334-4834. Thank you.

Attachment: Temporary Rule

Kristin Ford, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

**IDAPA 27 – BOARD OF PHARMACY**  
**27.01.03 – RULES GOVERNING PHARMACY PRACTICE**  
**DOCKET NO. 27-0103-1802**  
**NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is September 28, 2018.

**AUTHORITY:** In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 37-2702 and 54-1717, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

On June 25, 2018, The U.S. Food and Drug Administration (FDA) approved Epidiolex (cannabidiol – CBD) oral solution for the treatment of seizures associated with two rare and severe forms of epilepsy. On September 27, 2018, the U.S. Drug Enforcement Administration (DEA) made a scheduling determination that removes this specific drug product from Schedule I of the Controlled Substances Act and places it in Schedule V. This temporary rule ensures conformity between federal law and Idaho law. As a result, Epidiolex can be prescribed and dispensed to patients in accordance with the other provisions of the Controlled Substances Act.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Per Section 37-2702, Idaho Code, if any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the board, the board shall similarly control the substance under this act by promulgating a temporary rule or proposing a statutory amendment, or both, within thirty (30) days from publication in the federal register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, unless within that thirty (30) day period, the board objects to inclusion, rescheduling, or deletion.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Alex Adams, Executive Director, at (208) 334-2356.

Dated this 27th day of September, 2018.

Alex J. Adams, Pharm D, MPH  
Executive Director  
Board of Pharmacy  
1199 W. Shoreline Ln., Ste. 303  
P. O. Box 83720  
Boise, ID 83720-0067  
Phone: (208) 334-2356  
Fax: (208) 334-3536

**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 27-0103-1802**  
**(Only Those Sections With Amendments Are Shown.)**

**316. CONTROLLED SUBSTANCES: TEMPORARY SCHEDULING.**

Cannabidiol in a drug product approved by the FDA, specifically derived from cannabis and containing no more than one tenth percent (0.1%) tetrahydrocannabinols, is removed from Schedule I, under Article II, Title 37, Chapter 27, Idaho Code, and placed in Schedule V, under Article II, Title 37, Chapter 27, Idaho Code. (9-28-18)T

**3167. – 399. (RESERVED).**