

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, March 25, 2019

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and McCoy(Buckner-Webb)

ABSENT/ EXCUSED: None

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: **Chairwoman Lodge** called the Senate State Affairs Committee (Committee) to order at 8:05 a.m.

RS 27158 **UNANIMOUS CONSENT REQUEST** from the Senate Transportation Committee related to motor vehicles to provide for certain registration and mileage fees.

Senator Bert Brackett, District 23, explained this legislation is not intended as a revenue raising measure. It replaces the current five-tier system of registering all commercial and farm vehicles having a maximum gross weight in excess of 60,000 pounds.

MOTION: **Senator Anthon** moved to send **RS 27158** to print. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

H 122 **RELATING TO HEMP** by the addition of a new chapter to enact the Hemp Research and Development Act to provide legislative intent and attendant requirements for that addition.

Senator Abby Lee, District 9, asked the Committee to refer to the first handout "2018 Farm Bill and What it Means for Hemp in Idaho" (see attachment 1). This is referring to the 2018 United States (U.S.) Farm Bill (Farm Bill). One of the most significant things in that bill is it removes industrial hemp, defined as cannabis sativa, and all of its extracts with not more than .3 percent tetrahydrocannabinol (THC) from the list of controlled substances. This is a major change at the federal level. In Idaho, we need to preserve our primacy for how hemp would be regulated in our state, and we need to do it this session. This handout provides a blueprint of what it would look like to regulate hemp in our state. **Senator Lee** said that the Federal Government has not recognized marijuana as a legal substance, but has recognized hemp as legal when it contains .3 percent THC or less. That means that the Drug Enforcement Agency has no authority to interfere with interstate transportation of hemp; this creates a major issue for Idaho. It is important that action is taken this session because of the requirements in Idaho Code, Title 37, Chapter 27 and Title 67, Chapter 52 (see attachment 2). As the Federal Government works to promulgate rules, Idaho needs to give them and the Idaho Department of Agriculture (ISDA) legislative direction on what is expected to be Idaho's policy. This bill would conform the appropriate Idaho statutes and policies with the Farm Bill. **Senator Lee** pointed to a display of hemp products that are currently being sold in Idaho but are imported from other places, mainly China and Canada. The U.S. purchases about \$60 million worth of hemp products from China. She called attention to a second handout called "Poised for Takeoff," taken from the

Farm Journal, February, 2019, that shows the diversity of hemp (see attachment 3). If action is taken, Idaho would be one of the last states to legalize hemp.

Senator Lee discussed Idaho's current policy which says that anything that contains THC is marijuana. There are several questions that must be resolved: how do we measure THC; how will law enforcement be affected; and how will producers be protected. Under the Farm Bill producers could get crop insurance and bank loans similar to other crops. The objective is to make sure there are tools for law enforcement and time for research for a highly regulated industry. It is also an assurance that Idaho would have a part in promulgating those federal rules as well as Idaho rules over the interim.

Representative Dorothy Moon, District 8, stated she was here to explain the testing that will determine if the product is hemp or marijuana. There are some tools available for testing as shown in Sage Analytics (Sage) that can determine CBD content and THC content (see attachment 4). **Representative Moon** addressed the testing methods, the available kits, and how the industry is changing. She referred to Trace Analytics (Trace) showing that there is a place to test both CBD and THC and explained Trace capabilities in detail (see attachment 5).

DISCUSSION:

Senator Winder asked how long it took Trace to run a test. **Representative Moon** said the turnaround time is 24 hours after they receive a sample; the cost is \$60 per sample.

Senator Anthon asked if the field testing kits from Sage were available to law enforcement at this time. **Representative Moon** responded that they were available.

Representative Moon reinforced the information that: 1.) there are places that can do testing; 2.) there are roadside devices that can be used; and 3.) there was time to establish protocols for testing and to put them in place.

Senator Stennett asked if they have been working with law enforcement and the Office of Drug Policy to come to an understanding of what this bill is about. **Representative Moon** described the steps taken including holding the bill four weeks so the three co-sponsors and Representative Boyle could meet with the Idaho Sheriff's Association, Idaho State Police, and the prosecutors to address their concerns and incorporate them into the bill as far as possible—keeping in mind that the plan will be developed by the Idaho Department of Agriculture (ISDA) with law enforcement's input. This will continue to be a work in progress because this bill only provides an idea for what the final document will look like. **Senator Stennett** asked for clarity about what this bill is leading the Legislature to do.

Representative Caroline Nilsson Troy, District 5, stated that this request authorizes Idaho farmers and entrepreneurs the option to cultivate and process hemp. The Farm Bureau has had hemp as part of their policy for 22 years. She stated she had annually attempted to bring hemp legislation in compliance with the 2014 U.S. Farm Bill that allows each state to authorize agricultural colleges and the state Departments of Agriculture to grow and analyze how hemp would work in that individual state.

Representative Troy explained that Idaho is used to a highly regulated agriculture environment with water, pesticides, chemicals, and cattle operations. Most of those are regulated through rule. There will be significant state and federal regulations over hemp cultivation and production similar to what Idaho already manages. The U.S. Department of Agriculture (USDA) will require provisions for how Idaho will identify and track the land used for planting, how to test at every level of the process, and interstate transport. There will be annual inspections for growers and processors to submit information to the USDA and Idaho must certify that there are resources and personnel available to carry out the plan. States or Native

American tribal nations do not have to submit a plan for the 2020 growing season until the U.S. regulations are in place; that is expected in the fall of 2019. All state submissions must be reviewed by the USDA within 60 days after their submission. **Representative Troy** handed out an example of an application from Montana (see attachment 6). She explained the pertinent parts of the requirements in the application.

Representative Troy commented that **H 122** is not an effort to legalize marijuana. It only provides resources and direction to the ISDA to put together a plan which would then come back to the Legislature next year through the rules process and would be reviewed again.

DISCUSSION: **Vice Chairman Harris** asked if there was a timeline for ISDA to have a plan submitted. **Representative Troy** responded that there was no clear timeline at this time.

Senator Stennett asked how law enforcement and the Office of Drug Policy have been involved in crafting this bill so their needs would be met. **Representative Troy** stated she has tried to work with the Office of Drug Policy over the last four years but their threshold was no hemp, not even research. However, they did work with law enforcement on some potential changes to the bill. Any changes needed could occur through the rules process.

Senator Anthon stated he has no interest in recreational marijuana in the State of Idaho. He asked, with rule being the governing force, if that would give law enforcement agencies the ability to enforce the law. Also, relating to the testing methods, which of those have been certified by the courts as admissible. **Representative Troy** agreed there was no interest in marijuana. This bill does not deal with compliance with interstate transportation of hemp products, this bill is specifically for Idaho agriculture to grow and process hemp. The primary regulations that will take place are for the producers to assure that THC levels are below the .3 percent level. As the plan moves forward, compliance with interstate commerce would have to be part of the plan; however, the plan is determined by the federal guidelines. **Representative Troy** said they are addressing the testing through another bill that would allow for additional scientific instrumentation for the ISP lab so they can do some research to determine the best solution to incorporate into the plan.

Senator Winder asked if Idaho farmers have to be fingerprinted for any other activity and, if not, shouldn't that be a warning the something is different with this product. **Representative Troy** replied that they did not. She agreed that something was different with this crop. The opportunity is going to be in seed production and Idaho is very good at seed production. Farmers will be taking a chance because of the .3 percent THC level; if it goes above that, the whole crop will be destroyed.

TESTIMONY: **Greg Willison** is a farmer in the New Plymouth area; he spoke as a grower of hemp and supports this bill. After retiring in 2016, he and his son, who farmed in Willamette, formed a partnership to grow hemp in Oregon. He provided a background about that endeavor and how they ended up farming in Coos Bay. He outlined their experiences there (see attachment 9).

DISCUSSION: **Senator Winder** inquired if hemp processors also processed marijuana and if so, are they specifically set apart so there can be no contamination or intermixing of the product. **Mr. Willison** said hemp processors do not process marijuana. He explained that marijuana is licensed through the Oregon Liquor Commission and the CBD extractions were licensed through the Oregon Department of Agriculture; they are completely separate entities and there is no crossover.

Senator Stennett asked if the hemp plant prefers a dryer climate and is it invasive. **Mr. Willison** responded that their plants grew well. The problem arose in the fall

when they were trying to dry it when there was so much moisture in the air. That is where Idaho would have a huge advantage because harvest falls during late September and October and those are dry months. However, in his opinion, seed production would create the most opportunities in Idaho. Cannabis is not grown in Idaho so there is no chance of a crossover and in the second year, the THC content would be nearly non-existent; that is unique.

Senator Anthon asked if Mr. Willison's crop was tested for THC levels and if so, was it over the .3 percent. **Mr. Willison** explained that they were tested 30 days before harvest as required and they passed that test easily. They also had to carry that report with them when transporting their product and they did that with a manifest they designed (see attachment 8) which included a chain of custody and the lab test. All of this information is not required but they wanted to maintain a level of transparency.

Chairwoman Lodge asked who the buyers were. **Mr. Willison** said they marketed some of it themselves and the extraction companies sold some of it for them.

TESTIMONY: **Dean McKay** is from the Wilder area where they grow hops and he supports this bill. **Mr. McKay** said they are excited about the possibility of an alternative crop where they can utilize their existing infrastructure to process industrial hemp. Idaho is the second, highest hops producing state in the country for the craft brewing industry. Their farm also grows commodity crops, fruits, and vegetables. They need a crop to offset the tight margins in which they operate. **Mr. McKay** stated his opinion that they were ready to take on this new crop. The practices of growing, harvesting and processing are nearly identical to what they do now. Industrial hemp would provide the ability to extend their growing season beyond that of the hops season.

DISCUSSION: **Chairwoman Lodge** said she had heard that hemp could not grow close to hops. **Mr. McKay** responded that he is a nurseryman and that is not true.

Senator Anthon questioned whether growing industrial hemp close to marijuana would compromise the hemp production. **Mr. McKay** answered that they could cross pollinate. Idaho is in a better position because they would only have industrial hemp here, not marijuana.

TESTIMONY: **Benjamin Kelly**, Food Producers of Idaho and representing 40 agriculture commodity groups, testified in support of **H 122**. **Mr. Kelly** advised the Committee that their members agree that the Hemp Research and Development Act is a responsible step forward in providing Idaho farmers with a viable opportunity to produce an additional crop and further diversify their operations. The Farm Bill did not mandate pesticide laws and regulations, leaving states and the private sector to develop their own procedures. Those procedures would necessitate keeping a record of where the hemp was produced and ensure that the product met the legal definition of not more than .3 percent THC content. **Mr. Kelly** explained that the process would include items such as disposal of hemp over the .3 percent limit. He also discussed some of the reasons the Treasure Valley is a great place to grow seed and the opportunities available in other Idaho areas for dry land farming of hemp.

DISCUSSION: **Senator Stennett** asked Mr. Kelly if, in his opinion, it would be lucrative and productive for growers in Idaho to "jump" in with growers across the nation to grow and process hemp. **Mr. Kelly** said Idaho should grow and process hemp. How lucrative this might be is the question. However, Idaho growers are the best in the country, they do what they do very well. It would be good in the sense of crop rotation between current crops and hemp. Of course it depends on the market, locations of processing facilities, and transportation.

Senator Winder questioned Mr. Kelly about any research he may have done on the effect of public acceptance of other forms of hemp when the ability to grow industrial hemp became legalized and the ensuing problems for law enforcement. **Mr. Kelly** responded that they had not done that research.

TESTIMONY: **Braden Jehnsen**, Farm Bureau of Idaho (FB), spoke in support of **H 122**. **Mr. Jehnsen** stated this has been a policy of the FB for 22 years and has been discussed repeatedly. The FB has a policy at both the state and federal level of supporting industrial hemp and opposing marijuana; they are very different crops. He stated that Idaho farmers understand very well the inherent risk of producing any new or emerging crop. It is important to have the research institutions study which varieties would be the best options for Idaho. Up to this time, the biggest objection to industrial hemp was that it was considered a controlled substance at the federal level. The change in federal law allows industrial hemp containing .3 percent THC or less; that is significantly different from other plants. Idaho farmers are capable of evaluating and studying for themselves then taking that information to make an informed decision. They need to be allowed to make those decisions and determine for themselves if this is a viable option for their operations.

DISCUSSTION: **Senator Lee** recognized that they did work hard with law enforcement and hoped they would have time to speak. There may be some things that could be fixed on this bill. She said they are aware of law enforcement's issues and concerns and hope that **H 122** gets us to the rule process. That would give law enforcement more flexibility than putting something in statute at this time without knowing exactly what the federal regulations are. Right now, THC is illegal in Idaho.

Senator Winder queried whether law enforcement could enforce rules. He had heard from them that they could only enforce laws that were in statute. **Senator Lee** said that it is better to have it in statute. However, having an opportunity to put rules in place allows time to bring this back and put something in statute that will be long term. The federal government has not come up with their rules yet so having law enforcement, the Governor's office, and others come to the table and develop a plan that could then be submitted to the Legislature next session. It would also provide information to the federal agency when they are developing their rules. Between statute and rules, law enforcement's authority would be enhanced. **Senator Lee** added that they also sponsored legislation that provided funds for law enforcement to research what is needed for the field tests.

TESTIMONY: **Hari Heath**, Inland Hemp in Benewah County, stated that he is located in a primarily timber based economy. He explained the problems of a one crop economy and expounded on the opportunities of hemp and some of the products that come from hemp. **Mr. Heath** discussed an invention from Australia that allows the pulverization of the core of the stem of the hemp plant. He provided some details and statistics of what was happening throughout the country with hemp as well as how the growing and production would help his county and the surrounding counties. He discussed the availability of a suitcase sized field testing kit that is available out of Maine, and at the website orangephotronics.com.

Mathew Mead stated he was a Blaine County resident and Idaho business owner speaking in favor of **H 122**. He explained that his company, Hempintexture, uses industrial hemp as a component in high performing, sustainable building materials; specifically focusing on an insulating composite. He described in detail what parts of the hemp plant were used and the process. **Mr. Mead** talked about where they obtain their hemp and the variety of buildings that have been built in Idaho and across the country. There are many applications for industrial hemp, and there are opportunities for agricultural businesses and businesses such as his own if industrial hemp can be recognized as an agricultural commodity.

Senator Vick asked Mr. Mead where he manufactured these products. **Mr. Mead** said they are assembled on site and the materials come primarily from Kentucky. **Senator Vick** asked if, under current law, Mr. Mead worried about importing these products. **Mr. Mead** responded that this product has zero THC so it is legal to buy, sell, and trade any of these types of industrial hemp products; it is just illegal to grow it.

Senator Stennett queried Mr. Mead about the number of building materials where hemp is used. **Mr. Mead** replied that he didn't know how many types are being used but he did know that the crop they use is far different than that used for CBD oil. They are not looking for a row crop, they want plants that grow 15 feet tall and have stalks that are at least three to four inches in diameter. It is easy to recognize the difference between a CBD based row crop versus a fiber or seed based crop.

Michelle Gooding, Gooding Farms, Inc., stated she is a sixth generation farmer from Parma and President of the Idaho Hop Growers Association. They believe hemp can be as successful as growing hops has been. She asked the farmers in the room who support the bill to stand showing that Idaho is an agriculture state and it is important to focus on that aspect.

Katie Donahue spoke in favor of **H 122** but noted that she has a unique perspective because she is also a cannabis patient but is adamantly against recreational marijuana; she explained her reasons. She emphasized how different the cannabis and hemp species are and how different the resulting products are.

Scott Bandy spoke on behalf of the Idaho Prosecuting Attorneys Association stating they have never taken the position that they are opposed to the lawful growing of hemp in Idaho. They have never believed that preventing Idaho farmers from growing a viable crop was a good idea as long as the necessary precautions are taken to allow law enforcement to do their job. **Mr. Bandy** stated that he worked hard on amendments with the co-sponsors but they were stricken from **H 122**; those changes did not prevent the growing of hemp, it only allows the regulation of interstate transport. He stated they do not enforce rules because the violation of rules are not criminal violations. **Mr. Bandy** said he respectfully disagrees with those testifying today about the testing kits; Sage and Trace instruments have not been validated in a court of law nor have their lab tests. Also, Washington and Oregon law enforcement does not use Trace. All of these must be validated to be usable in a court of law. **Mr. Bandy** said that the current proposed amendments will allow them to do their job and will not interfere with any interstate transport of hemp that is being done in a lawful manner.

DISCUSSION:

Senator Vick asked why these amendments have an emergency clause. **Mr. Bandy** answered that they are subject to the overlay of the Farm Bill. They cannot ignore developing a scheme to allow interstate transport through Idaho. They need to allow trucks to come through Idaho that have lawfully developed plants and still be able to enforce violations for those that do not. **Mr. Bandy** noted that Representative Moon said earlier today that they had seen the amendments but they went too far.

Senator Stennett asked how other states that have legalized hemp, but not marijuana, found a way for law enforcement to determine the difference between the two. **Mr. Bandy** said that the amendments they proposed were modeled on Kentucky statutes that provided a basis for roadside testing that was enforceable.

Vice Chairman Harris inquired about Mr. Bandy's timeline for implementation since he had indicated they couldn't be ready by July 1st. **Mr. Bandy** acknowledged that it would take about a year to get the testing equipment at the ISP lab ready to analyze the quantitative levels needed. There is currently no court validation to determine the .3 percent THC level.

TESTIMONY: **Alex Barron**, Secretary, Kooteni County Republican Central Committee (Central Com.), stated he was an engineer for 30 years and has studied this hemp legislation extensively. The Central Com. and Republican Party endorsed this bill. **Mr. Barron** provided a history of hemp since its beginning in Taiwan. He touched on the passage of the Farm Bill and noted that marijuana does not harm hemp, hemp harms marijuana. He also talked about hemp as a noninvasive species, fingerprinting, testing, and some of the products. He addressed what is happening in other states and the U.S. **Mr. Barron** noted that the agricultural community could be benefited by growing industrial hemp here rather than allowing China to get all the benefits. **Mr. Barron** talked about certified seed coming from Canada.

Jeff Lavey, Meridian Chief of Police representing the Idaho Chiefs of Police Association, spoke in opposition to **H 122**. **Chief Lavey** explained that they oppose the bill as written. They met with the sponsors of the bill, the chairman of the House Agriculture Committee, and the Speaker of the House to express their concerns with the bill. The process went forward, the bill was heard but none of the amendments were attached to it. **Chief Lavey** acknowledged that there are now amendments to **H 122** before the Committee. In response to a phone call, it is his understanding that they are in agreement with those amendments. He requested the bill go to the 14th Order of Business.

Dennis Shaver, Boise, ID, spoke in support of **H 122**. **Mr. Shaver** is a grocer but was involved in the organization of several farmer cooperatives for CBD hemp in western Colorado, a very conservative area of that state. He said he was very impressed with their rules which were extremely helpful to the local sheriffs. **Mr. Shaver** shared some of his experiences in growing this crop. His final points were that the statute and the ISDA rules can be constructed using the best policies from other states in order to choose the best practices while keeping law enforcement as an integral part of the process.

DISCUSSION: **Senator Lee** stated she had reviewed the amendments that were written by law enforcement and that the amendments before the Committee essentially will get the bill to the same place. This is a different product and we must be careful and get ahead of it and give legislative direction. They will be happy to work to get the stakeholders to the same place. They are concerned about law enforcement.

Senator Hill asked Senator Lee if she was opposed to the amendments. **Senator Lee** said she briefly looked through them and they are significantly different than the first amendments. She said there were no concerns and there may be some additions to be made as far as the actual date to direct the plan.

TESTIMONY: **Sheriff Kieran Donahue**, Canyon County, stated that profits can't override law; law enforcement has to enforce the law. He discussed the fact that canines cannot determine the level of THC in roadside testing, they can only tell if it is THC. **Sheriff Donahue** explained how the Mexican Cartels control drug trafficking in this area and are exploiting people with expectations of the increased amounts of money the growing and production of hemp will bring. It will also be a distraction for law enforcement because of the attendant complications of discerning the difference between the levels of THC. The Department of Justice has designated Oregon and Idaho as a drug trafficking area. He explained how hemp would lead to the marijuana movement and the cost to the State for recovery. A good example is Oregon. There is a crossover and we need to be very careful.

DISCUSSION: **Senator Stennett** asked how other states that do not have marijuana, but grow hemp, manage out in the field. **Sheriff Donahue** referred to the Kentucky example. That is the best model. He emphasized that law needs to be prior to rule. **Senator Stennett** asked what is out there for best practices. **Sheriff Donahue** could not answer that question; it was subjective.

TESTIMONY: **Charlie Spencer**, Major, Idaho State Police, is in charge of their forensics program. He stated that best practices are in Virginia and Kentucky. They have looked at these two states for legislation that would help law enforcement as it relates to roadside testing. The supplemental appropriation funded for this year through the Joint Finance Appropriations Committee in the amount of \$240,000 allows for an instrument in each of their laboratories; that would be in Coeur d'Alene, Pocatello, and Meridian. That instrumentation will allow them to tell what compounds are in a substance submitted from law enforcement. They can only do testing as it relates to criminal allegations. At this time, there is no court approved instrumentation that will allow roadside testing of a substance. **Major Spencer** explained that law enforcement cannot enforce Idaho Administrative Procedures Act (Rules) regulations so any regulations must be in statute.

DISCUSSION: **Senator Vick** asked what the turnaround time is for the installation of the new instrumentation. **Major Spencer** said that all preliminary work has been done in order to purchase those instruments. They are waiting for the appropriation to be finalized before they can go out to bid. When those instruments are set up, they will go through validation tests to make sure the results are repeatable, certifiable, and that they can testify as to the results of the tests in a court of law. He noted that the current lab can only test positive or negative. It will take approximately six to eight months to be up and running. **Senator Vick** inquired about the time between receiving the sample and the results showing the amount of THC in that sample. **Major Spencer** answered it would be about 24 hours or less; processing depends on the number of tests in the queue.

Senator Souza queried about the process for testing if a truck were to be stopped for roadside testing. **Major Spencer** described the step-by-step process from the time the truck was stopped, samples were obtained, and they were submitted to the lab for testing. Currently, the instrumentation does not exist that is admissible in a court of law.

Senator Winder pointed out that this is a very difficult issue. However, if the parties are agreeable to the amendments, those would be supported. **Senator Winder** stated he does not view this as an agriculture issue, it is about how to provide a balance to allow for a potential crop that could be beneficial without the disadvantages of THC. If there is a balance between the sponsors and law enforcement, that is the direction the Committee should go.

MOTION: **Senator Vick** moved to send **H 122** to the 14th Order of Business for possible amendment. **Vice Chairman Harris** seconded the motion. The motion carried by **voice vote**.

H 206 **RELATED TO CONCEALED WEAPONS** to lower the age limit for the concealed carrying of a handgun within city limits.

Representative Christy Zito, District 23, explained that currently in Idaho, young adults between the ages of 18 and 21 years of age can carry a handgun open anywhere in the state. They can also carry concealed anywhere in the state except in the city limits. This bill proposes to remove that caveat so those young adults will be able to carry open or concealed throughout the State of Idaho.

TESTIMONY: **Senator Winder** asked if this bill, in any way, allows someone 18 years of age and still enrolled in school, to carry a gun on campus. **Representative Zito** responded in the affirmative. **Adrian Fisher** introduced himself as a 16-year-old from Mountain Home, Idaho, and spoke in support of **H 206**. **Mr. Fisher** stated that this bill carries a special significance because in a little over a year he will be 18. He will be old enough to vote, to purchase a firearm, and to carry a firearm open or concealed throughout Idaho except, he will not be able to carry a concealed firearm within city limits. This

limitation seems frustrating considering the National Bureau of Economic Research has found you are more likely to be a victim of a violent crime in an urban area than in a rural area; concealed carry is intended for the express purpose of protecting yourself from a crime. Idaho's current constitutional carry law creates a gap between the time someone becomes a legal adult and when someone is granted their full second amendment rights. For these reasons, **Mr. Fisher** encouraged the members of this Committee to support **H 206**.

DISCUSSION: **Senator Stennett** asked Mr. Fisher how allowing this age group to concealed carry within city limits without training is similar to being in the military where there are rigorous rules to follow on how to handle a weapon; members of the military are highly trained, and they do not carry weapons off base. **Mr. Fisher** stated that the principal is the same whether carrying a concealed weapon to protect yourself or family members, or carrying a firearm in defense of your fellow countrymen. Training is not required for open or concealed carry for any other individual who is 18 to 21. **Senator Stennett** commented that one of the biggest problems law enforcement has is gang activity in schools. Kids younger than 18 can get guns from an 18-year-old who is still in school. She asked how he felt those younger student body members could be protected. **Mr. Fisher** said the law already prohibits guns on school grounds. Those laws are already being broken; one more law will not prevent gangs from doing things they are not supposed to do.

Senator Winder recalled from Mr. Fisher's testimony that an 18-year-old could buy a gun. He didn't agree but asked those coming forward to testify about that. **Mr. Fisher** stated that you couldn't purchase a handgun from a federally licensed dealer but you can buy one from someone who is not licensed.

TESTIMONY: **Representative Julianne Young**, District 31, outlined **H 206** as being basic because it addresses an issue related to the basic God-given right of every person to protect and defend their life, liberty, and property. The point of the bill is to simplify current laws that are confusing, especially in rural towns where it is not always clear where city limits start and end. Since the 2016 Constitutional Carry law, crime rates have dropped across the state. This bill extends the opportunity for young adults aged 18 to 21 to lawfully conceal carry within the city limits. These young men and women are making contributions throughout Idaho, they are studying in universities and trade schools, serving in the armed forces, and living away from home. This gives those young, law abiding citizens the opportunity for self protection.

DISCUSSION: **Senator Stennett** referred to Idaho Code § 18-3302 that allows for those who are 18 years old to carry within city limits as long as they meet very basic training requirements. This bill does not require any kind of threshold like requiring a high school diploma, training, gun registration, proof of residency, and no information about a juvenile or disciplinary record. **Representative Young** said that section of code concerns constitutional carry and none of those things are required of anyone else who is concealed carrying or openly carrying a handgun. Some concern was raised about the effects this bill would have on reciprocity with Washington. The only way that could be affected was if Idaho did require a permit. She noted that since constitutional carry was passed, the number of people getting permits and training has increased. **Senator Stennett** said, according to the Uniform Crime Reporting Program put out by the Department of Justice, those aged 18 to 21 years have a gun homicide rate four times higher than adults 21 or older. She asked if that demographic should be carrying weapons. **Representative Young** quoted some information on weapons used in crime: 50 percent of those weapons were stolen; 25 percent of the remaining were obtained from a family member or friend; and only 1.2 percent of those weapons were obtained lawfully.

TESTIMONY: **William Bones** stated he is the Chief of Police for the City of Boise; he is representing both the Boise Police Department and the City of Boise. **Chief Bones**

commented that the ability and right to keep and bear arms is not the same as the manner in which those arms are carried; it is the legislative body of the state that makes those determinations. He commented on the basic information that has been stated in previous testimony and added that this bill would be giving those who are 18 years old the ability to carry guns concealed in areas where people are most concentrated with no controls, no prior training, no review of their capabilities or past decision making practices, or no evaluation for readiness before a gun is put in their hands. **Chief Bones** responded to the comments about the military. As Senator Stennett pointed out, the military comes with a great deal of supervision; intense direction, training, controls, and education on the decision behind using a firearm. People 18 to 21 years old are more likely to die from gun violence than older adults, are more likely to be involved in criminal activity, and they are more likely to make an impulsive decision without the experience to temper their action on potential outcomes. He described a variety of scenarios where carrying a concealed weapon could get out of control. He requested the Committee to leave the law in place as it is.

DISCUSSION: **Chairwoman Lodge** ask if there are any reports regarding criminal activity for those aged 18 to 21 years in Boise. **Chief Bones** said they did not have that number available. However, 60 percent of crimes are committed by males age 18 to 26 and violent crime has dropped in Idaho.

Senator Winder asked if any problems have been apparent since the constitutional concealed carry laws for 18-year-olds passed one and a half years ago. **Chief Bones** reported that he was unaware of any problems that was created. He is concerned that the main concentration of Idaho's population, 70 percent, is within cities where big events are held and that is where there is most likely to be a problem. Those young people out hunting and hiking had a decreased risk.

Senator Vick asked why it is considered more dangerous to carry concealed than to carry open. **Chief Bones** said that when a gun is carried openly, there is an awareness of the gun and most youth will not carry openly because of that awareness. However, when the gun is concealed, the attitude changes and even though there is no intent for any consequences, the opportunities for something to happen is greater. **Senator Vick** observed that most larger venues have the ability to prohibit guns now. **Chief Bones** responded that most special events in Boise are held in the parks and downtown; they draw 10,000 to 20,000 people. Law enforcement finds it a little more difficult because they can't assume someone that age should have a permit or that they have the gun lawfully.

Senator Stennett asked how likely would it be, when defending yourself in a violent situation if you are not trained to use a gun, that you would inadvertently hit someone or do something unintentionally. **Chief Bones** said that even police officers, in violent encounters, miss most of the time.

Senator McCoy asked if Chief Bones was aware of the rate of alcohol and behavioral issues among those 18 to 21 year olds and if it is higher than the rest of the population. **Chief Bones** said he couldn't specify to the 18 to 21 group but for the population of those 16 to 20 years old, compared to the general population, there is a stronger likelihood that, in a violent encounter, alcohol or drugs would be involved.

TESTIMONY: **Greg Pruett**, Idaho Second Amendment Alliance (ISAA), clarified issues that have been discussed. The law has been in effect for decades that this age group could carry concealed outside city limits. Training has been discussed, and the ISAA encourages as much training as possible; however, it is not the government's job to force that on its citizens. When constitutional carry passed in 2016, many dire scenarios were predicted; none of that happened. **Mr. Pruett** asked for the Committee's support.

Nicole Brown, a retired Air Force officer, spoke in opposition of **H 206**. She noted that the U.S. Army just increased its infantry corps training from 14 weeks to 32 weeks. She outlined the requirements for a student going through that training, from background checks and the attendant requirements, to the number of rounds and hours of marksmanship training that was required.

DISCUSSION: **Senator Stennett** inquired if it was Ms. Brown's point that one individual's right is not more important than public safety. **Ms. Brown** replied in the affirmative.

TESTIMONY: **David Sasser**, a former law enforcement officer, stated that he agreed with Chief Bones remarks. He noted that Idaho's Legislature is the only entity authorized to address the issues of weapons. He talked about the constitutional rights of citizens to keep and bear arms, provided some statistics regarding percentages of people who do not serve in the military, of young people who have taken the Fish and Game training, and some personal experiences. He asked the Committee to request some amendments to require training and a background check.

DISCUSSION: **Senator Vick** asked if Mr. Sasser had any statistics related to an increase in gun crimes where 18-year-olds have permitless carry. **Mr. Sasser** did not know of any such statistics.

Senator Stennett asked if Mr. Sasser has heard of anyone coming forward to say this bill is needed. **Mr. Sasser** was not aware of any public safety organization or public entity that supported, requested, or indicated in any way that this change is appropriate for cities.

TESTIMONY: **Matthew Jensen**, Vice Chairman of the District 17 Republican Committee, spoke in support of the bill.

Ilana Story, Chapter Leader, Moms Demand Action for Gun Sense in America, spoke in opposition to the bill. **Ms. Story's** testimony focused on the safety of families in Idaho's communities and that urban areas required more regulation of firearms than rural areas. She asked that, at the very least, the bill be amended to require some training but would prefer a no vote.

Diane Terhune read a letter of testimony from Kathy Dougherty, a psychologist who works with youth. Dr. Dougherty wrote in opposition to the bill.

Thad Butterworth, Meridian, ID, co-founder and co-owner of Watchman Training, Inc., stated that they are a company that focuses on self defense and firearms training including for 18-year-olds. He said they did not see any change in the number of participants with the passage of constitutional carry. **Mr. Butterworth** commented about the military aspect as well. Former military people have come to take their training and many of them were far below what was required to graduate from their classes. He also noted that when his son joined the military, he found it below the level he had been trained. In **Mr. Butterworth's** opinion, if this bill passes, there will be more 18-year-olds getting training because parents with kids within that age group will want them to be trained to use that firearm. He stated his belief that this bill should be heard by the full Senate.

Jill Watts spoke in support of **H 206**. **Ms. Watts** said that, as a woman, it is not "fashionable" to carry a gun openly. It is more appropriate for her to put a gun in her purse. Someone who may be vulnerable should be allowed to carry a gun in a way that suits them.

Nicholas Gage, District 11, retired law enforcement officer from the U. S. Army Military Police, spoke in support of this bill. **Mr. Gage** provided some background information of his military experience and the training that went with it. He stated that the question today is, is an 18-year-old an adult. Both the federal and state laws and constitutions clearly state they are, and they should be allowed to carry concealed within city limits.

DISCUSSION: **Senator Winder** gave a scenario of driving from Eagle to Kuna and how one would go from county to city limits several times during that trip. He asked Mr. Gage to address that issue. **Mr. Gage** focused on the confusion for both law enforcement and the 18 to 21 age group, and the problems that may cause. Idaho needs to conform and also have a better understanding of what constitutional carry is and what it is not; those in that age group are adults.

Senator Stennett commented on Mr. Gage's positions and training while in the military. **Mr. Gage** stated that any amount of training with firearms is beneficial.

TESTIMONY: **Diana David** is a retired insurance risk manager and a gun violence survivor; she spoke in opposition to this bill. Being from a military family and a risk manager, **Ms. David** said, from her perspective, you don't just hand a gun to someone. Not only do they need training, there is a need for a psychological and mental assessment. **Ms. David** told about her experience as a gun violence survivor. She stated she comes from a family of gun owners and is one herself, but does not think this is a good bill. It at least needs a training amendment.

Diane Shores read a statement from Brigadier General Richard Turner who wrote in opposition to **H 206** (see attachment 9).

Klaus Hermann, the owner of American Firearms Academy in Boise stated he has students that come to him for training, especially for the enhanced concealed carry classes. Training is very important for an individual, especially if they carry concealed. He explained the differences between carrying concealed and carrying open, from how to get a gun away from clothing that is being worn, to keeping up the continuing practice and training needed; firearms training is a perishable skill. He also pointed out that if you have a gun, you must know how to care for it including cleaning, making sure it works well, and storage. **Mr. Hermann** discussed what happens when someone is under stress and is required to remember all the steps that must be taken when handling a gun. **Mr. Hermann** also agreed with Chief Bones.

DISCUSSION: **Senator McCoy** asked whether Mr. Hermann would encourage training or require training. **Mr. Hermann** said he would encourage training but it would be better if training was required, especially for the 18 to 21 age group. As a requirement, training would give that gun owner proficiency, precision, and practice in acting under stressful conditions, and general knowledge about the gun.

Senator Vick asked Mr. Hermann if he would be against permitless carry for anyone at any age. **Mr. Hermann** agreed that everyone should have training of some kind whether it is hunter training, going to a firing range, or any other kind of activity. He stated his belief that training is crucial especially if someone is walking amongst others with a concealed gun.

TESTIMONY: **Derek Harper**, from Blaine County and represents the Three Percent Group of Idaho stated that this bill is only simplifying law. It makes it so that a young person who comes into the city limits with a concealed gun is not breaking the law. Currently, if a young person is caught with a concealed gun, it is a felony. Training is occurring all the time, and 18-year-olds are being trained all the time.

DISCUSSION: **Senator Stennett** stated that currently, it is a federal law that you can't be within 1,000 feet of a school with a gun. This Legislature cannot change that. She asked why some training isn't helpful. **Mr. Harper** responded that training is absolutely helpful, they are just asking that it not be mandated.

TESTIMONY: **Anne Woodhouse**, Moms Demand Action, asked if there is a compelling need for this law and if it has a societal benefit. She said that in her opinion, neither of those things are true. Important stakeholders did not participate in writing the

bill, nor are they endorsing it. It has not been vetted. She asked that the bill be held in Committee.

CONCLUSION: **Representative Zito** said that Senator Winder pointed out the essence of what is trying to be accomplished in this bill. Young adults can already open carry within city limits and have been able to carry open or concealed anywhere else in the state since 2016, when the constitutional carry law took effect. She recounted that: 1.) no measurable issues support the idea that the 18 to 21 age group is less capable or more impulsive; and 2.) no statistics show crime rates have increased. All this bill does is bring consistency to the law across the state. **Representative Zito** listed those organizations that support this bill: Idaho Constitutional Sheriffs Association, the National Constitutional Sheriffs and Peace Officers Association, Gun Owners of America, Idaho Second Amendment Alliance, the Idaho Three Percent Group and several different militia groups. They also have a press release from the National Rifle Association in support of the bill, and the Idaho Sheriffs Association is neutral.

Chairwoman Lodge asked about the training component. **Representative Zito** responded that her information and research shows an increase for people who are seeking training. She said she believes in training and spoke of a personal experience. She stated her belief that training should not be mandated. Those that care about the right to have firearms know they have a responsibility and the people of Idaho have proven that.

MOTION: **Senator Vick** moved to send **H 206** to the floor with a **do pass** recommendation. **Vice Chairman Harris** seconded the motion.

DISCUSSION: **Senator Vick** stated his appreciation for the concerns that were brought by law enforcement. This bill extends a fundamental right of self defense to the 18 to 21 age group. Much of the debate today was whether or not that group should have the right to carry weapons; they already have that right and this bill doesn't address that. **Senator Vick** read from a letter of support from Brian Judy, Idaho State Director, National Rifle Association, who is in Anchorage, Alaska today (see attachment 10). In the third paragraph it says "**House Bill 206** only applies to the subset of law-abiding individuals over the age of 18 who are Idaho residents; individuals who can carry a handgun concealed without a license in most of the state and can already carry a handgun openly without a license within city limits. **HB 206** would merely allow these individuals to cover their handguns and carry discreetly within city limits." **Senator Vick** stated that this is a reasonable piece of legislation and asked for the Committee's support.

SUBSTITUTE MOTION: **Senator Stennett** made a substitute motion to send **H 206** to the 14th Order of Business for possible amendment. **Senator McCoy** seconded the motion.

DISCUSSION: **Senator Stennett** voiced her concern that all the people who must try to enforce or navigate this bill are not here to testify. She listed the groups that would be affected by this bill: those in law enforcement, school systems, and city entities. She stated her concern about the lack of training for the people who carry guns. **Senator Stennett** asked for the bill to go to the amending order so the stakeholders can come together with some amending language and, at least, add a training component before this bill is considered.

Chairwoman Lodge agreed that training is important but there are young people out there who do not have families that will give them that opportunity. It is important to be aware of public safety and also that we have gun rights. It is important to work together to have both.

VOTE ON SUBSTITUTE MOTION: Motion to send **H 206** to the 14th Order of Business for possible amendment failed by **voice vote**.

VOTE ON ORIGINAL MOTION:

The motion to send **H 206** to the floor with a **do pass** recommendation carried by **voice vote**. **Senators Stennett** and **McCoy** requested to be recorded as voting nay.

MINUTES APPROVAL:

Postponed until the next meeting.

PAGE GRADUATION:

Postponed until the next meeting.

ADJOURNED:

There being no further business, **Chairwoman Lodge** adjourned the meeting at 11:58 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary