

Moved by Lee

Seconded by Burgoyne

IN THE SENATE
SENATE AMENDMENT TO H.B. NO. 122

AMENDMENT TO SECTION 1

1 On page 1 of the printed bill, delete lines 18 through 39.

2 On page 2, delete lines 1 through 14, and insert:

3
4 "22-1702. LEGISLATIVE INTENT. (1) It is the policy of this state to al-
5 low and encourage the research and production of hemp in Idaho. The legis-
6 lature finds that the Cannabis sativa L. plant used for the production of
7 hemp is separate and distinct from the forms of cannabis used to produce mar-
8 ijuana. The federal agriculture improvement act of 2018, P.L. 115-334, has
9 eliminated barriers at the federal level to hemp research and development.
10 It is the policy of this state to immediately regulate the interstate trans-
11 port of hemp. It is also the policy of this state that, through the negoti-
12 ated rulemaking process, the director shall develop and submit by a date cer-
13 tain a state plan to the secretary of agriculture that allows for the produc-
14 tion of hemp in Idaho to the greatest extent allowed in compliance with the
15 agriculture improvement act of 2018.

16 (2) Hemp is used in products such as building materials, cordage,
17 fiber, food, floor coverings, fuel, paint, animal feed, paper, particle
18 board, plastics, seed meal, cosmetics, seed, and yarn. The university of
19 Idaho, in fulfillment of its land grant mission, leads the nation in many
20 areas of agricultural research and is encouraged to research and study this
21 burgeoning field. Hemp has the potential to be an alternate crop in Idaho's
22 thriving agricultural economy. A growing hemp industry also has the poten-
23 tial to create jobs in production, processing, and research, and Idahoans
24 will benefit from numerous consumer products made from hemp.

25 22-1703. DEFINITIONS. As used in this chapter:

26 (1) "Chief law enforcement officer" means the director of the Idaho
27 state police.

28 (2) "Director" means the director of the Idaho state department of
29 agriculture.

30 (3) "Hemp" means the plant Cannabis sativa L. and any part of that
31 plant, including the seeds thereof and all derivatives, extracts, cannabi-
32 noids, isomers, acids, salts, and salts of isomers, whether growing or
33 not, with a delta-9 tetrahydrocannabinol concentration of not more than
34 three-tenths of one percent (0.3%) on a dry weight basis, as defined in
35 the federal agriculture improvement act of 2018. It does not include any
36 approved cannabidiol drugs listed on schedule V in section 37-2713, Idaho
37 Code.

38 (4) "Person" means any individual, partnership, corporation, associa-
39 tion, grower, farm, or any other business unit.

1 22-1704. INTERSTATE TRANSPORT. (1) No person shall move, convey, or
2 transport hemp through the state without a permit issued by the director
3 based on documentation from the equivalent foreign state authorizing body in
4 compliance with the agriculture improvement act of 2018. Hemp is exempted
5 from the provisions of chapter 27, title 37, Idaho Code, for the purpose of
6 interstate transport when being moved, conveyed, or transported pursuant to
7 a permit and in compliance with the agriculture improvement act of 2018.

8 (2) The director shall expeditiously promulgate rules, in consultation
9 with the chief law enforcement officer, regulating the transport of hemp
10 through the state. The director may assess fees for permits created in this
11 chapter and civil penalties for violations of this chapter or any rules pro-
12 mulgated under this chapter.

13 (3) Any person transporting hemp through the state has the duty to keep
14 and furnish upon request by the director or a peace officer any permits re-
15 quired by this chapter.

16 (4) Any hemp transported through the state must be free of pests as de-
17 fined in chapter 20, title 22, Idaho Code.

18 (5) The chief law enforcement officer may establish check stations at
19 ports of entry or other locations as established by rule as necessary to
20 carry out the provisions of this chapter.

21 (6) No person shall proceed past or travel through any established
22 check station at a port of entry or other location as established by rule
23 during hours of operations when required by rule to stop for inspection while
24 transporting hemp.

25 (7) The director or the chief law enforcement officer may issue hold
26 orders to take prompt regulatory action on hemp transported through the
27 state when either reasonably believes hemp is transported in violation of
28 this chapter or the federal agriculture improvement act of 2018 or any rules
29 promulgated thereunder. The hold order shall contain contact information,
30 the reason for the hold order, and the conditions for release.

31 (8) It shall be the duty of all peace officers within the state, as de-
32 fined by section 19-5101(d), Idaho Code, to enforce the provisions of this
33 chapter by making a complaint or citation as described in section 19-3901,
34 Idaho Code.

35 (9) A peace officer may inspect any vehicle transporting hemp presented
36 at a check station at a port of entry or other location as established by rule
37 or during lawful traffic enforcement contacts and collect reasonably sized
38 samples selected by the peace officer for testing.

39 (10) If a peace officer has probable cause to believe that a person is
40 transporting hemp without permits required in this chapter, the peace offi-
41 cer may seize and impound the hemp, provided however, if permits that were
42 valid at the time of seizure and impoundment are subsequently furnished, the
43 peace officer shall immediately release the hemp.

44 (11) Except when hemp is transported through this state in compliance
45 with the permits required in this section, nothing in this section shall in-
46 hibit or restrict any peace officer from enforcing to the fullest extent the
47 laws of this state prohibiting marijuana as provided in chapter 27, title 37,
48 Idaho Code.

1 22-1705. STATE PLAN. (1) The director shall prepare a plan through
2 negotiated rulemaking and submit the plan to the secretary of agriculture by
3 November 1, 2019, or immediately upon the date after which the United States
4 department of agriculture is ready to accept state plans, whichever is
5 later. The plan shall be created through the negotiated rulemaking process,
6 in consultation with the governor and the chief law enforcement officer of
7 the state, and shall allow for the research and production of hemp in Idaho to
8 the greatest extent allowed under federal law.

9 (2) As part of the state plan, the director, in consultation with the
10 governor and the chief law enforcement officer of the state, shall prepare
11 by rule and submit to the secretary of agriculture a corrective action plan
12 consistent with the federal agriculture improvement act of 2018.

13 (3) If approved by the secretary of agriculture, the state plan and the
14 corrective action plan will not take effect until enacted in Idaho Code.

15 22-1706. HEMP DEVELOPMENT FUND. There shall be established in the
16 dedicated fund in the state treasury the hemp development fund to which shall
17 be credited the revenues derived from fees and penalties collected as autho-
18 rized by this chapter and the rules promulgated under this chapter. Moneys
19 in the fund shall be used solely for carrying out the provisions of this chap-
20 ter. The director is charged with the administration of moneys appropriated
21 from the fund unless otherwise provided by law. All interest or other income
22 accruing from moneys deposited to the fund shall be redeposited and accrue
23 to the fund.

24 22-1707. EXCEPTIONS. Hemp shall not be subject to inspection or indem-
25 nification pursuant to chapter 51, title 22, Idaho Code, or chapter 2 or 5,
26 title 69, Idaho Code.".

27 AMENDMENT TO THE BILL

28 On page 2, delete lines 15 through 47.

29 Delete pages 3 through 15, and insert:

30 "SECTION 2. An emergency existing therefor, which emergency is hereby
31 declared to exist, this act shall be in full force and effect on and after its
32 passage and approval.".

33 CORRECTION TO TITLE

34 On page 1, delete lines 3 through 9, and insert: "CHAPTER 17, TITLE 22,
35 IDAHO CODE, TO PROVIDE FOR THE HEMP RESEARCH AND DEVELOPMENT ACT, TO PROVIDE
36 A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE FOR
37 INTERSTATE TRANSPORT, TO PROVIDE FOR A STATE PLAN, TO PROVIDE FOR THE HEMP
38 DEVELOPMENT FUND, AND TO PROVIDE EXCEPTIONS; AND DECLARING AN EMERGENCY.".