

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 126

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO INDUSTRIAL HEMP; AMENDING TITLE 22, IDAHO CODE, BY THE ADDITION
2 OF A NEW CHAPTER 17, TITLE 22, IDAHO CODE, TO PROVIDE FOR THE INDUSTRIAL
3 HEMP RESEARCH AND DEVELOPMENT ACT, TO PROVIDE A SHORT TITLE, TO PROVIDE
4 LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE FOR A STATE PLAN, TO AU-
5 THORIZE THE PRODUCTION, PROCESSING, TRANSPORTATION AND RESEARCH OF IN-
6 DUSTRIAL HEMP, TO PROVIDE FOR THE INDUSTRIAL HEMP ADMINISTRATION FUND,
7 AND TO PROVIDE EXCEPTIONS; AMENDING SECTION 37-2701, IDAHO CODE, TO RE-
8 VISE A DEFINITION; AMENDING SECTION 37-2705, IDAHO CODE, TO PROVIDE AN
9 EXCEPTION; AMENDING CHAPTER 29, TITLE 67, IDAHO CODE, BY THE ADDITION OF
10 A NEW SECTION 67-2921, IDAHO CODE, TO PROVIDE FOR THE TRANSPORTATION OF
11 INDUSTRIAL HEMP; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.
12

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

14 SECTION 1. That Title 22, Idaho Code, be, and the same is hereby amended
15 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
16 ter 17, Title 22, Idaho Code, and to read as follows:

17 CHAPTER 17

18 INDUSTRIAL HEMP RESEARCH AND DEVELOPMENT ACT

19 22-1701. SHORT TITLE. This act shall be known and may be cited as the
20 "Industrial Hemp Research and Development Act."

21 22-1702. LEGISLATIVE INTENT. It is the policy of this state to:

22 (1) Assume primary regulatory authority of industrial hemp as allowed
23 by federal law;

24 (2) Allow production, processing, transportation, and research of in-
25 dustrial hemp in Idaho; and

26 (3) Require the director to submit a state plan to the secretary of
27 agriculture as expeditiously as possible and, by a date certain, to allow the
28 production of industrial hemp.

29 22-1703. DEFINITIONS. For purposes of this chapter:

30 (1) "2018 farm bill" means the agriculture improvement act of 2018,
31 P.L. 115-334.

32 (2) "Director" means the director of the Idaho state department of
33 agriculture.

34 (3) "Hemp" or "industrial hemp" means the plant *Cannabis sativa* L. and
35 any part of that plant, including the seeds thereof and all derivatives, ex-
36 tracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether
37 growing or not, with a delta-9 tetrahydrocannabinol concentration of not
38 more than three-tenths of one percent (0.3%) on a dry weight basis, as de-
39 fined in the 2018 farm bill.

1 (4) "Secretary of agriculture" means the United States secretary of
2 agriculture.

3 22-1704. STATE PLAN. The director must prepare and submit a state plan
4 as expeditiously as possible, but no later than September 1, 2021, to the
5 secretary of agriculture in compliance with the 2018 farm bill and the rules
6 promulgated thereunder. The state plan must be created in consultation with
7 the governor, the director of the Idaho state police, and Idaho's agricul-
8 tural industry and must allow for the production, processing, transporta-
9 tion, and research of industrial hemp in Idaho to the greatest extent allowed
10 under federal law.

11 22-1705. PRODUCTION, PROCESSING, TRANSPORTATION, AND RESEARCH OF IN-
12 DUSTRIAL HEMP AUTHORIZED. (1) Production, processing, transportation, and
13 research of industrial hemp are subject to the rules promulgated under this
14 chapter, the state plan, and the 2018 farm bill and the rules promulgated
15 thereunder.

16 (2) The director must expeditiously promulgate rules that are compli-
17 ant with the 2018 farm bill in time to allow for the production, processing,
18 transportation, and research of industrial hemp in Idaho under the state
19 plan beginning with the spring 2022 growing season of industrial hemp. Any
20 rule formulated and recommended by the Idaho state department of agricul-
21 ture regarding the production, processing, transportation, or research of
22 industrial hemp that is broader in scope or more stringent than federal law
23 or regulations as outlined in the 2018 farm bill or that proposes to regu-
24 late an activity not regulated by the federal government is subject to the
25 following additional requirements: the notice of proposed rulemaking and
26 rulemaking record requirements under chapter 52, title 67, Idaho Code, must
27 clearly specify that the proposed rule, or portions of the proposed rule,
28 are broader in scope or more stringent than federal law or regulations or
29 regulate an activity not regulated by the federal government and delineate
30 which portions of the proposed rule are broader in scope or more stringent
31 than federal law or regulations or regulate an activity not regulated by the
32 federal government.

33 (3) Once a state plan is accepted by the secretary of agriculture, the
34 production, processing, transportation, and research of industrial hemp in
35 Idaho will also be subject to the state plan.

36 (4) The department is authorized to promulgate rules establishing fees
37 and penalties for violations associated with the provisions of this chapter.

38 (5) No penalty may be imposed against a person unless the person was
39 given notice and opportunity for a hearing pursuant to the Idaho administra-
40 tive procedure act, chapter 52, title 67, Idaho Code. A person against whom
41 the department has assessed a penalty under this chapter or the rules pro-
42 mulgated pursuant to this chapter may, within thirty (30) days of the final
43 agency action making the assessment, appeal the assessment to the district
44 court of the county in which the violation is alleged to have occurred.

45 (6) Notwithstanding any provision of this chapter:

46 (a) Rules promulgated under this chapter must be adopted through the
47 negotiated rulemaking process; and

1 (b) The transportation of industrial hemp in interstate commerce may
2 continue subject to the provisions of section 67-2921, Idaho Code.

3 22-1706. INDUSTRIAL HEMP ADMINISTRATION FUND. There is hereby estab-
4 lished in the dedicated fund in the state treasury the industrial hemp ad-
5 ministration fund to which will be credited the revenues derived from fees
6 and civil penalties collected as authorized by this chapter and rules pro-
7 mulgated under this chapter, as well as section 67-2921, Idaho Code, and the
8 rules promulgated under that section. Moneys in the fund must be used solely
9 for carrying out the provisions of this chapter and the provisions of section
10 67-2921, Idaho Code.

11 22-1707. EXCEPTIONS. Industrial hemp is not subject to inspection or
12 indemnification pursuant to chapter 51, title 22, Idaho Code, or chapters 2
13 and 5, title 69, Idaho Code.

14 SECTION 2. That Section 37-2701, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 37-2701. DEFINITIONS. As used in this chapter:

17 (a) "Administer" means the direct application of a controlled sub-
18 stance whether by injection, inhalation, ingestion, or any other means, to
19 the body of a patient or research subject by:

20 (1) A practitioner or, in his presence, by his authorized agent; or

21 (2) The patient or research subject at the direction and in the presence
22 of the practitioner.

23 (b) "Agent" means an authorized person who acts on behalf of or at the
24 direction of a manufacturer, distributor or dispenser. It does not include
25 a common or contract carrier, public warehouseman or employee of the carrier
26 or warehouseman.

27 (c) "Board" means the state board of pharmacy created in chapter 17, ti-
28 tle 54, Idaho Code, or its successor agency.

29 (d) "Bureau" means the drug enforcement administration, United States
30 department of justice, or its successor agency.

31 (e) "Controlled substance" means a drug, substance or immediate pre-
32 cursor in schedules I through VI of article II of this chapter.

33 (f) "Counterfeit substance" means a controlled substance which, or the
34 container or labeling of which, without authorization, bears the trademark,
35 trade name, or other identifying mark, imprint, number or device, or any
36 likeness thereof, of a manufacturer, distributor or dispenser other than the
37 person who in fact manufactured, distributed or dispensed the substance.

38 (g) "Deliver" or "delivery" means the actual, constructive, or at-
39 tempted transfer from one (1) person to another of a controlled substance,
40 whether or not there is an agency relationship.

41 (h) "Director" means the director of the Idaho state police.

42 (i) "Dispense" means to deliver a controlled substance to an ultimate
43 user or research subject by or pursuant to the lawful order of a practi-
44 tioner, including the packaging, labeling, or compounding necessary to
45 prepare the substance for that delivery.

46 (j) "Dispenser" means a practitioner who dispenses.

1 (k) "Distribute" means to deliver other than by administering or dis-
2 pensing a controlled substance.

3 (l) "Distributor" means a person who distributes.

4 (m) "Drug" means (1) substances recognized as drugs in the official
5 United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the
6 United States, or official National Formulary, or any supplement to any of
7 them; (2) substances intended for use in the diagnosis, cure, mitigation,
8 treatment or prevention of disease in man or animals; (3) substances, other
9 than food, intended to affect the structure or any function of the body of man
10 or animals; and (4) substances intended for use as a component of any article
11 specified in clause (1), (2), or (3) of this subsection. It does not include
12 devices or their components, parts, or accessories.

13 (n) "Drug paraphernalia" means all equipment, products and materi-
14 als of any kind which are used, intended for use, or designed for use, in
15 planting, propagating, cultivating, growing, harvesting, manufactur-
16 ing, compounding, converting, producing, processing, preparing, testing,
17 analyzing, packaging, repackaging, storing, containing, concealing, in-
18 jecting, ingesting, inhaling, or otherwise introducing into the human body
19 a controlled substance in violation of this chapter. It includes, but is not
20 limited to:

21 (1) Kits used, intended for use, or designed for use in planting, prop-
22 agating, cultivating, growing or harvesting of any species of plant
23 which is a controlled substance or from which a controlled substance can
24 be derived;

25 (2) Kits used, intended for use, or designed for use in manufacturing,
26 compounding, converting, producing, processing or preparing con-
27 trolled substances;

28 (3) Isomerization devices used, intended for use, or designed for use
29 in increasing the potency of any species of plant which is a controlled
30 substance;

31 (4) Testing equipment used, intended for use, or designed for use in
32 identifying, or in analyzing the strength, effectiveness or purity of
33 controlled substances;

34 (5) Scales and balances used, intended for use, or designed for use in
35 weighing or measuring controlled substances;

36 (6) Diluents and adulterants, such as quinine hydrochloride, mannitol,
37 mannite, dextrose and lactose, used, intended for use, or designed for
38 use in cutting controlled substances;

39 (7) Separation gins and sifters used, intended for use, or designed for
40 use in removing twigs and seeds from, or in otherwise cleaning or refin-
41 ing, marijuana;

42 (8) Blenders, bowls, containers, spoons and mixing devices used,
43 intended for use, or designed for use in compounding controlled sub-
44 stances;

45 (9) Capsules, balloons, envelopes and other containers used, intended
46 for use, or designed for use in packaging small quantities of controlled
47 substances;

48 (10) Containers and other objects used, intended for use, or designed
49 for use in storing or concealing controlled substances;

1 (11) Hypodermic syringes, needles and other objects used, intended
2 for use, or designed for use in parenterally injecting controlled sub-
3 stances into the human body;

4 (12) Objects used, intended for use, or designed for use in ingesting,
5 inhaling, or otherwise introducing marijuana, cocaine, hashish, or
6 hashish oil into the human body, such as:

7 (i) Metal, wooden, acrylic, glass, stone, plastic, or ceramic
8 pipes with or without screens, permanent screens, hashish heads,
9 or punctured metal bowls;

10 (ii) Water pipes;

11 (iii) Carburetion tubes and devices;

12 (iv) Smoking and carburetion masks;

13 (v) Roach clips: meaning objects used to hold burning material,
14 such as a marijuana cigarette, that has become too small or too
15 short to be held in the hand;

16 (vi) Miniature cocaine spoons, and cocaine vials;

17 (vii) Chamber pipes;

18 (viii) Carburetor pipes;

19 (ix) Electric pipes;

20 (x) Air-driven pipes;

21 (xi) Chillums;

22 (xii) Bongs;

23 (xiii) Ice pipes or chillers;

24 In determining whether an object is drug paraphernalia, a court or other
25 authority should consider, in addition to all other logically relevant fac-
26 tors, the following:

27 1. Statements by an owner or by anyone in control of the object concern-
28 ing its use;

29 2. Prior convictions, if any, of an owner, or of anyone in control of the
30 object, under any state or federal law relating to any controlled sub-
31 stance;

32 3. The proximity of the object, in time and space, to a direct violation
33 of this chapter;

34 4. The proximity of the object to controlled substances;

35 5. The existence of any residue of controlled substances on the object;

36 6. Direct or circumstantial evidence of the intent of an owner, or of
37 anyone in control of the object, to deliver it to persons whom he knows,
38 or should reasonably know, intend to use the object to facilitate a vi-
39 olation of this chapter; the innocence of an owner, or of anyone in con-
40 trol of the object, as to a direct violation of this chapter shall not
41 prevent a finding that the object is intended for use, or designed for
42 use as drug paraphernalia;

43 7. Instructions, oral or written, provided with the object concerning
44 its use;

45 8. Descriptive materials accompanying the object which explain or de-
46 pict its use;

47 9. National and local advertising concerning its use;

48 10. The manner in which the object is displayed for sale;

1 11. Whether the owner, or anyone in control of the object, is a legit-
 2 imate supplier of like or related items to the community, such as a li-
 3 censed distributor or dealer of tobacco products;

4 12. Direct or circumstantial evidence of the ratio of sales of the ob-
 5 ject(s) to the total sales of the business enterprise;

6 13. The existence and scope of legitimate uses for the object in the com-
 7 munity;

8 14. Expert testimony concerning its use.

9 (o) "Financial institution" means any bank, trust company, savings and
 10 loan association, savings bank, mutual savings bank, credit union, or loan
 11 company under the jurisdiction of the state or under the jurisdiction of an
 12 agency of the United States.

13 (p) "Immediate precursor" means a substance which the board has found
 14 to be and by rule designates as being the principal compound commonly used or
 15 produced primarily for use, and which is an immediate chemical intermediary
 16 used or likely to be used in the manufacture of a controlled substance, the
 17 control of which is necessary to prevent, curtail or limit manufacture.

18 (q) "Isomer" means the optical isomer, except as used in section
 19 37-2705(d), Idaho Code.

20 (r) "Law enforcement agency" means a governmental unit of one (1) or
 21 more persons employed full-time or part-time by the state or a political sub-
 22 division of the state for the purpose of preventing and detecting crime and
 23 enforcing state laws or local ordinances, employees of which unit are autho-
 24 rized to make arrests for crimes while acting within the scope of their au-
 25 thority.

26 (s) "Manufacture" means the production, preparation, propagation,
 27 compounding, conversion or processing of a controlled substance, and in-
 28 cludes extraction, directly or indirectly, from substances of natural
 29 origin, or independently by means of chemical synthesis, or by a combina-
 30 tion of extraction and chemical synthesis, and includes any packaging or
 31 repackaging of the substance or labeling or relabeling of its container,
 32 except that this term does not include the preparation or compounding of a
 33 controlled substance:

34 (1) By a practitioner as an incident to his administering, dispensing
 35 or, as authorized by board rule, distributing of a controlled substance
 36 in the course of his professional practice; or

37 (2) By a practitioner, or by his authorized agent under his supervi-
 38 sion, for the purpose of, or as an incident to, research, teaching, or
 39 chemical analysis and not for delivery.

40 (t) "Marijuana" or "marihuana" means all parts of the plant of the
 41 genus Cannabis, regardless of species, and whether growing or not; the seeds
 42 thereof; the resin extracted from any part of such plant; and every compound,
 43 manufacture, salt, derivative, mixture, or preparation of such plant, its
 44 seeds or resin. It does not include:

45 (1) Industrial hemp or hemp possessed, grown, transported, farmed,
 46 produced, processed, or possessed by any other entity engaged in haul-
 47 ing, transporting, delivering, or otherwise moving hemp in interstate
 48 or intrastate commerce pursuant to a license granted under the provi-
 49 sions of the 2014 farm bill, the 2018 farm bill, 7 CFR 990.1 et seq.,
 50 or the approved state plan for the state of Idaho. "Industrial hemp"

1 or "hemp" means the plant species Cannabis sativa L. and any part of
2 that plant, including the seeds thereof and all derivatives, extracts,
3 cannabinoids, isomers, acids, salts, and salts of isomers, whether
4 growing or not, with a measured total delta-9 tetrahydrocannabinol con-
5 centration of not more than three-tenths of one percent (0.3%) on a dry
6 weight or volume basis that shall determine the total delta-9 tetrahy-
7 drocannabinol (THC) concentration, including both delta-9 tetrahydro-
8 cannabinol and delta-9 tetrahydrocannabinolic acid (THCA) evaluated
9 by decarboxylation during analysis, or by measuring each compound and
10 calculating the total percentage of delta-9 tetrahydrocannabinol if
11 the THCA was decarboxylated, which must not exceed three-tenths of one
12 percent (0.3%).

13 (2) The mature stalks of the plant genus Cannabis unless the same
14 are intermixed with prohibited parts thereof, fiber produced from the
15 stalks, oil or cake made from the seeds or the achene of such plant, any
16 other compound, manufacture, salt, derivative, mixture, or preparation
17 of the mature stalks, except the resin extracted therefrom or where the
18 same are intermixed with prohibited parts of such plant, fiber, oil, or
19 cake, or the sterilized seed of such plant which is incapable of germi-
20 nation.

21 Evidence that any plant material or the resin or any derivative
22 thereof, regardless of form, that does not meet the definition of "indus-
23 trial hemp" or "hemp" as provided in this section, or that is possessed
24 without a license granted under the provisions of the 2014 farm bill, the
25 2018 farm bill, 7 CFR 990.1 et seq., or the approved state plan for the state
26 of Idaho, contains any of the chemical substances classified as tetrahydro-
27 cannabinols shall create a presumption that such material is "marijuana" as
28 defined and prohibited herein.

29 (u) "Narcotic drug" means any of the following, whether produced di-
30 rectly or indirectly by extraction from substances of vegetable origin, or
31 independently by means of chemical synthesis, or by a combination of extrac-
32 tion and chemical synthesis:

33 (1) Opium and opiate, and any salt, compound, derivative, or prepara-
34 tion of opium or opiate.

35 (2) Any salt, compound, isomer, derivative, or preparation thereof
36 which is chemically equivalent or identical with any of the substances
37 referred to in clause 1, but not including the isoquinoline alkaloids of
38 opium.

39 (3) Opium poppy and poppy straw.

40 (4) Coca leaves and any salt, compound, derivative, or preparation of
41 coca leaves, and any salt, compound, isomer, derivative, or preparation
42 thereof which is chemically equivalent or identical with any of these
43 substances, but not including decocainized coca leaves or extractions
44 of coca leaves which do not contain cocaine or ecgonine.

45 (v) "Opiate" means any substance having an addiction-forming or ad-
46 diction-sustaining liability similar to morphine or being capable of
47 conversion into a drug having addiction-forming or addiction-sustaining
48 liability. It does not include, unless specifically designated as con-
49 trolled under section 37-2702, Idaho Code, the dextrorotatory isomer of

1 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does in-
2 clude its racemic and levorotatory forms.

3 (w) "Opium poppy" means the plant of the species *Papaver somniferum* L.,
4 except its seeds.

5 (x) "Peace officer" means any duly appointed officer or agent of a law
6 enforcement agency, as defined herein, including, but not limited to, a duly
7 appointed investigator or agent of the Idaho state police, an officer or em-
8 ployee of the board of pharmacy, who is authorized by the board to enforce
9 this chapter, an officer of the Idaho state police, a sheriff or deputy sher-
10 iff of a county, or a marshal or policeman of any city.

11 (y) "Person" means individual, corporation, government, or governmen-
12 tal subdivision or agency, business trust, estate, trust, partnership or as-
13 sociation, or any other legal entity.

14 (z) "Poppy straw" means all parts, except the seeds, of the opium poppy,
15 after mowing.

16 (aa) "Practitioner" means:

17 (1) A physician, dentist, veterinarian, scientific investigator, or
18 other person licensed, registered or otherwise permitted to distrib-
19 ute, dispense, conduct research with respect to or to administer a
20 controlled substance in the course of his professional practice or re-
21 search in this state;

22 (2) A pharmacy, hospital, or other institution licensed, registered,
23 or otherwise permitted to distribute, dispense, conduct research with
24 respect to or to administer a controlled substance in the course of its
25 professional practice or research in this state.

26 (bb) "Prescribe" means a direction or authorization permitting an ul-
27 timate user to lawfully obtain or be administered controlled substances.

28 (cc) "Prescriber" means an individual currently licensed, registered
29 or otherwise authorized to prescribe and administer controlled substances
30 in the course of professional practice.

31 (dd) "Production" includes the manufacture, planting, cultivation,
32 growing, or harvesting of a controlled substance.

33 (ee) "Simulated controlled substance" means a substance that is not a
34 controlled substance, but which by appearance or representation would lead
35 a reasonable person to believe that the substance is a controlled substance.
36 Appearance includes, but is not limited to, color, shape, size, and markings
37 of the dosage unit. Representation includes, but is not limited to, repre-
38 sentations or factors of the following nature:

39 (1) Statements made by an owner or by anyone else in control of the sub-
40 stance concerning the nature of the substance, or its use or effect;

41 (2) Statements made to the recipient that the substance may be resold
42 for inordinate profit; or

43 (3) Whether the substance is packaged in a manner normally used for il-
44 licit controlled substances.

45 (ff) "State," when applied to a part of the United States, includes any
46 state, district, commonwealth, territory, insular possession thereof, and
47 any area subject to the legal authority of the United States of America.

48 (gg) "Ultimate user" means a person who lawfully possesses a controlled
49 substance for his own use or for the use of a member of his household or for
50 administering to an animal owned by him or by a member of his household.

1 (hh) "Utility" means any person, association, partnership or corpora-
2 tion providing telephone and/or communication services, electricity, natu-
3 ral gas or water to the public.

4 SECTION 3. That Section 37-2705, Idaho Code, be, and the same is hereby
5 amended to read as follows:

6 37-2705. SCHEDULE I. (a) The controlled substances listed in this sec-
7 tion are included in schedule I.

8 (b) Any of the following opiates, including their isomers, esters,
9 ethers, salts, and salts of isomers, esters, and ethers, unless specifically
10 excepted, whenever the existence of these isomers, esters, ethers and salts
11 is possible within the specific chemical designation:

- 12 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-pip-
13 eridiny]l)-N-phenylacetamide);
- 14 (2) Acetylmethadol;
- 15 (3) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylac-
16 etamide);
- 17 (4) Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacry-
18 lamide);
- 19 (5) Allylprodine;
- 20 (6) Alphacetylmethadol (except levo-alphacetylmethadol also known as
21 levo-alpha-acetylmethadol, levomethadyl acetate or LAAM);
- 22 (7) Alphameprodine;
- 23 (8) Alphamethadol;
- 24 (9) Alpha-methylfentanyl;
- 25 (10) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
26 piperidiny]l)-N-phenylpropanamide);
- 27 (11) Benzethidine;
- 28 (12) Betacetylmethadol;
- 29 (13) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperid-
30 inyl]l)-N-phenylpropanamide);
- 31 (14) Beta-hydroxy-3-methylfentanyl (N-(1-(2-hydroxy-2-phenethyl)-3-
32 methyl-4-piperidiny]l)-N-phenylpropanamide);
- 33 (15) Betameprodine;
- 34 (16) Betamethadol;
- 35 (17) Betaprodine;
- 36 (18) Clonitazene;
- 37 (19) Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcy-
38 clopentanecarboxamide);
- 39 (20) Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcy-
40 clopropanecarboxamide);
- 41 (21) Dextromoramide;
- 42 (22) Diampromide;
- 43 (23) Diethylthiambutene;
- 44 (24) Difenoxyin;
- 45 (25) Dimenoxadol;
- 46 (26) Dimepheptanol;
- 47 (27) Dimethylthiambutene;
- 48 (28) Dioxaphetyl butyrate;
- 49 (29) Dipipanone;

- 1 (30) Ethylmethylthiambutene;
2 (31) Etonitazene;
3 (32) Etoxeridine;
4 (33) Fentanyl-related substances. "Fentanyl-related substances"
5 means any substance not otherwise listed and for which no exemption or
6 approval is in effect under section 505 of the federal food, drug, and
7 cosmetic act, 21 U.S.C. 355, and that is structurally related to fen-
8 tanyl by one (1) or more of the following modifications:
9 i. Replacement of the phenyl portion of the phenethyl group by any
10 monocycle, whether or not further substituted in or on the monocy-
11 cle;
12 ii. Substitution in or on the phenethyl group with alkyl, alkenyl,
13 alkoxy, hydroxyl, halo, haloalkyl, amino, or nitro groups;
14 iii. Substitution in or on the piperidine ring with alkyl,
15 alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino,
16 or nitro groups;
17 iv. Replacement of the aniline ring with any aromatic monocycle,
18 whether or not further substituted in or on the aromatic monocy-
19 cle; and/or
20 v. Replacement of the N-propionyl group by another acyl group;
21 (34) 4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-
22 phenethylpiperidin-4-yl)isobutyramide);
23 (35) Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-
24 2-carboxamide);
25 (36) Furethidine;
26 (37) Hydroxypethidine;
27 (38) Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-
28 phenylisobutyramide);
29 (39) Ketobemidone;
30 (40) Levomoramide;
31 (41) Levophenacymorphan;
32 (42) 3-Methylfentanyl;
33 (43) 3-methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-pip-
34 eridinyl]-N-phenylpropanamide);
35 (44) Morpheridine;
36 (45) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
37 (46) MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
38 (47) Noracymethadol;
39 (48) Norlevorphanol;
40 (49) Normethadone;
41 (50) Norpipanone;
42 (51) Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperi-
43 din-4-yl)acetamide);
44 (52) Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-
45 phenethylpiperidin-4-yl)isobutyramide);
46 (53) Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-
47 phenethylpiperidin-4-yl)butyramide);
48 (54) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-
49 piperidinyl]propanamide);

- 1 (55) Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-
2 phenethylpiperidin-4-yl) butyramide);
3 (56) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
4 (57) Phenadoxone;
5 (58) Phenampromide;
6 (59) Phenomorphan;
7 (60) Phenoperidine;
8 (61) Piritramide;
9 (62) Proheptazine;
10 (63) Properidine;
11 (64) Propiram;
12 (65) Racemoramide;
13 (66) Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidine-4-yl)-N-
14 phenyltetrahydrofuran-2-carboxamide);
15 (67) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-
16 propanamide);
17 (68) Tilidine;
18 (69) Trimeperidine;
19 (70) u-47700 (3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-
20 methylbenzamide);
21 (71) Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylpen-
22 tanamide).
- 23 (c) Any of the following opium derivatives, their salts, isomers and
24 salts of isomers, unless specifically excepted, whenever the existence of
25 these salts, isomers and salts of isomers is possible within the specific
26 chemical designation:
- 27 (1) Acetorphine;
28 (2) Acetyldihydrocodeine;
29 (3) Benzylmorphine;
30 (4) Codeine methylbromide;
31 (5) Codeine-N-Oxide;
32 (6) Cyprenorphine;
33 (7) Desomorphine;
34 (8) Dihydromorphine;
35 (9) Drotebanol;
36 (10) Etorphine (except hydrochloride salt);
37 (11) Heroin;
38 (12) Hydromorphanol;
39 (13) Methyldesorphine;
40 (14) Methyldihydromorphine;
41 (15) Morphine methylbromide;
42 (16) Morphine methylsulfonate;
43 (17) Morphine-N-Oxide;
44 (18) Myrophine;
45 (19) Nicocodeine;
46 (20) Nicomorphine;
47 (21) Normorphine;
48 (22) Pholcodine;
49 (23) Thebacon.

1 (d) Hallucinogenic substances. Any material, compound, mixture or
2 preparation which contains any quantity of the following hallucinogenic
3 substances, their salts, isomers and salts of isomers, unless specifically
4 excepted, whenever the existence of these salts, isomers, and salts of iso-
5 mers is possible within the specific chemical designation (for purposes of
6 this paragraph only, the term "isomer" includes the optical, position and
7 geometric isomers):

8 (1) Dimethoxyphenethylamine, or any compound not specifically
9 excepted or listed in another schedule that can be formed from
10 dimethoxyphenethylamine by replacement of one (1) or more hydrogen
11 atoms with another atom(s), functional group(s) or substructure(s)
12 including, but not limited to, compounds such as DOB, DOC, 2C-B,
13 25B-NBOMe;

14 (2) Methoxyamphetamine or any compound not specifically excepted or
15 listed in another schedule that can be formed from methoxyamphetamine
16 by replacement of one (1) or more hydrogen atoms with another atom(s),
17 functional group(s) or substructure(s) including, but not limited to,
18 compounds such as PMA and DOM;

19 (3) 5-methoxy-3,4-methylenedioxy-amphetamine;

20 (4) 5-methoxy-N,N-diisopropyltryptamine;

21 (5) Amphetamine or methamphetamine with a halogen substitution on the
22 benzyl ring, including compounds such as fluorinated amphetamine and
23 fluorinated methamphetamine;

24 (6) 3,4-methylenedioxy amphetamine;

25 (7) 3,4-methylenedioxymethamphetamine (MDMA);

26 (8) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-et-
27 hyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and N-et-
28 hyl MDA, MDE, MDEA);

29 (9) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hyd-
30 roxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and N-hyd-
31 roxy MDA);

32 (10) 3,4,5-trimethoxy amphetamine;

33 (11) 5-methoxy-N,N-dimethyltryptamine (also known as 5-methoxy-3-2[2-
34 (dimethylamino)ethyl]indole and 5-MeO-DMT);

35 (12) Alpha-ethyltryptamine (some other names: etryptamine, 3-(2-am-
36 inobutyl) indole);

37 (13) Alpha-methyltryptamine;

38 (14) Bufotenine;

39 (15) Diethyltryptamine (DET);

40 (16) Dimethyltryptamine (DMT);

41 (17) Ibogaine;

42 (18) Lysergic acid diethylamide;

43 (19) Marijuana;

44 (20) Mescaline;

45 (21) Parahexyl;

46 (22) Peyote;

47 (23) N-ethyl-3-piperidyl benzilate;

48 (24) N-methyl-3-piperidyl benzilate;

49 (25) Psilocybin;

50 (26) Psilocyn;

1 (27) Tetrahydrocannabinols or synthetic equivalents of the substances
 2 contained in the plant, or in the resinous extractives of Cannabis, sp.
 3 and/or synthetic substances, derivatives, and their isomers with simi-
 4 lar chemical structure such as the following:

5 i. Tetrahydrocannabinols, except for the permitted amount of
 6 tetrahydrocannabinol found in industrial hemp:

7 a. Δ^1 cis or trans tetrahydrocannabinol, and their opti-
 8 cal isomers, excluding dronabinol in sesame oil and encapsu-
 9 lated in either a soft gelatin capsule or in an oral solution
 10 in a drug product approved by the U.S. Food and Drug Adminis-
 11 tration.

12 b. Δ^6 cis or trans tetrahydrocannabinol, and their optical
 13 isomers.

14 c. $\Delta^{3,4}$ cis or trans tetrahydrocannabinol, and its optical
 15 isomers. (Since nomenclature of these substances is not in-
 16 ternationally standardized, compounds of these structures,
 17 regardless of numerical designation of atomic positions are
 18 covered.)

19 d. [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2methyl-
 20 octan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-
 21 1-ol)], also known as 6aR-trans-3-(1,1-dimethylhep-
 22 tyl)-6a,7,10,10a-tetrahydro-1-hydroxy-6,6-dimethyl-6H-
 23 dibenzo[b,d]pyran-9-methanol (HU-210) and its geometric
 24 isomers (HU211 or dexanabinol).

25 ii. The following synthetic drugs:

26 a. Any compound structurally derived from (1H-indole-3-
 27 yl)(cycloalkyl, cycloalkenyl, aryl)methanone, or (1H-in-
 28 dole-3-yl)(cycloalkyl, cycloalkenyl, aryl)methane, or
 29 (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl), methyl
 30 or dimethyl butanoate, amino-methyl (or dimethyl)-1-oxobu-
 31 tan-2-yl) carboxamide by substitution at the nitrogen atoms
 32 of the indole ring or carboxamide to any extent, whether or
 33 not further substituted in or on the indole ring to any ex-
 34 tent, whether or not substituted to any extent in or on the
 35 cycloalkyl, cycloalkenyl, aryl ring(s) (substitution in the
 36 ring may include, but is not limited to, heteroatoms such as
 37 nitrogen, sulfur and oxygen).

38 b. N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluo-
 39 ropentyl)-1 H-indazole-3-carboxamide (5F-AB-PINACA).

40 c. 1-(1.3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one
 41 (N-ethylpentylone, ephylone).

42 d. 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1 H-inda-
 43 zole-3-carboxamide (4-cn-cumyl-BUTINACA).

44 e. Ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3carboxam-
 45 ido)-3,3-dimethylbutanoate * (5f-edmbpinaca).

46 f. (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3tetram-
 47 ethylcyclopropyl)methanone (fub-144).

48 g. 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-inda-
 49 zole-3-carboxamide (5f-cumyl-pinaca; sgt25).

- 1 h. (1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1
2 H-pyrrolo[2.3-B]pyridine-3-carboxamide (5fcumyl-P7AICA).
3 i. Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxam-
4 ido)-3-methylbutanoate (MMB-CHMICA, AMB-CHMICA).
5 j. Methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxam-
6 ido)-3,3-dimethylbutanoate (5f-mdmbpica).
7 k. N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-
8 carboxamide (fub-akb48; fub-apinaca).
9 l. Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-car-
10 boxylate (NM2201; CBL2201).
11 m. Any compound structurally derived from 3-(1-naph-
12 thoyl)pyrrole by substitution at the nitrogen atom of the
13 pyrrole ring to any extent, whether or not further sub-
14 stituted in the pyrrole ring to any extent, whether or not
15 substituted in the naphthyl ring to any extent.
16 n. Any compound structurally derived from 1-(1-naphthyl-
17 methyl)indene by substitution at the 3-position of the in-
18 dene ring to any extent, whether or not further substituted
19 in the indene ring to any extent, whether or not substituted
20 in the naphthyl ring to any extent.
21 o. Any compound structurally derived from 3-pheny-
22 lacetylindole by substitution at the nitrogen atom of the
23 indole ring to any extent, whether or not further substi-
24 tuted in the indole ring to any extent, whether or not sub-
25 stituted in the phenyl ring to any extent.
26 p. Any compound structurally derived from 2-(3-hydroxycy-
27 clohexyl)phenol by substitution at the 5-position of the
28 phenolic ring to any extent, whether or not substituted in
29 the cyclohexyl ring to any extent.
30 q. Any compound structurally derived from 3-(benzoyl)in-
31 dole structure with substitution at the nitrogen atom of
32 the indole ring to any extent, whether or not further sub-
33 stituted in the indole ring to any extent and whether or not
34 substituted in the phenyl ring to any extent.
35 r. [2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrol-
36 o[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone
37 (WIN-55,212-2).
38 s. 3-dimethylheptyl-11-hydroxyhexahydrocannabinol (HU-
39 243).
40 t. [(6S, 6aR, 9R, 10aR)-9-hydroxy-6-methyl-3-[(2R)-
41 5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahy-
42 drophenanthridin-1-yl]acetate (CP 50,5561).
43 (28) Ethylamine analog of phencyclidine: N-ethyl-1-phenylcy-
44 clohexylamine (1-phenylcyclohexyl) ethylamine; N-(1-phenylcy-
45 clohexyl) ethylamine, cyclohexamine, PCE;
46 (29) Pyrrolidine analog of phencyclidine: 1-(phenylcyclohexyl) -
47 pyrrolidine, PCPy, PHP;
48 (30) Thiophene analog of phencyclidine 1-[1-(2-thienyl)-cyclohexyl]-
49 piperidine, 2-thienylanalog of phencyclidine, TPCP, TCP;
50 (31) 1-[1-(2-thienyl) cyclohexyl] pyrrolidine another name: TCPy;

1 (32) Spores or mycelium capable of producing mushrooms that contain
2 psilocybin or psilocin.

3 (e) Unless specifically excepted or unless listed in another schedule,
4 any material, compound, mixture or preparation which contains any quantity
5 of the following substances having a depressant effect on the central ner-
6 vous system, including its salts, isomers, and salts of isomers whenever the
7 existence of such salts, isomers, and salts of isomers is possible within the
8 specific chemical designation:

9 (1) Gamma hydroxybutyric acid (some other names include GHB; gam-
10 ma-hydroxybutyrate, 4-hydroxybutyrate; 4-hydroxybutanoic acid; sod-
11 ium oxybate; sodium oxybutyrate);

12 (2) Flunitrazepam (also known as "R2," "Rohypnol");

13 (3) Mecloqualone;

14 (4) Methaqualone.

15 (f) Stimulants. Unless specifically excepted or unless listed in an-
16 other schedule, any material, compound, mixture, or preparation which con-
17 tains any quantity of the following substances having a stimulant effect on
18 the central nervous system, including its salts, isomers, and salts of iso-
19 mers:

20 (1) Aminorex (some other names: aminoxaphen, 2-amino-5-phenyl-2-ox-
21 azoline, or 4,5-dihydro-5-phenyl-2-oxazolamine);

22 (2) Cathinone (some other names: 2-amino-1-phenol-1-propanone, alp-
23 ha-aminopropiophenone, 2-aminopropiophenone and norephedrone);

24 (3) Substituted cathinones. Any compound, except bupropion or com-
25 pounds listed under a different schedule, structurally derived from
26 2-aminopropan-1-one by substitution at the 1-position with either
27 phenyl, naphthyl or thiophene ring systems, whether or not the compound
28 is further modified in any of the following ways:

29 i. By substitution in the ring system to any extent with alkyl,
30 alkylendioxy, alkoxy, haloalkyl, hydroxyl or halide sub-
31 stituents, whether or not further substituted in the ring system
32 by one (1) or more other univalent substituents;

33 ii. By substitution at the 3-position with an acyclic alkyl sub-
34 stituent;

35 iii. By substitution at the 2-amino nitrogen atom with alkyl,
36 dialkyl, benzyl or methoxybenzyl groups, or by inclusion of the
37 2-amino nitrogen atom in a cyclic structure.

38 (4) Alpha-pyrrolidinoheptaphenone* (PV8);

39 (5) Alpha-pyrrolidinohexanophenone* (a-php);

40 (6) 4-chloro-alpha-pyrrolidinovalerophenone* (4chloro-a-pvp);

41 (7) Fenethylamine;

42 (8) Methcathinone (some other names: 2-(methyl-amino)-propioph-
43 enone, alpha-(methylamino)-propiophenone, N-methylcathinone, AL-
44 464, AL-422, AL-463 and UR1423);

45 (9) (+/-)cis-4-methylaminorex [(+/-)cis-4,5-dihydro-4-methyl-5-
46 phenyl-2-oxazolamine];

47 (10) 4-methyl-alpha-ethylaminopentiophenone* (4meap);

48 (11) 4'-methyl-alpha-pyrrolidinohexiophenone* (mphp);

49 (12) N-benzylpiperazine (also known as: BZP, 1-benzylpiperazine);

50 (13) N-ethylamphetamine;

- 1 (14) N-ethylhexedrone*;
2 (15) N,N-dimethylamphetamine (also known as: N,N-alpha-trimethyl-
3 benzeneethanamine).

4 SECTION 4. That Chapter 29, Title 67, Idaho Code, be, and the same is
5 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
6 ignated as Section 67-2921, Idaho Code, and to read as follows:

7 67-2921. TRANSPORTATION OF INDUSTRIAL HEMP. (1) As used in this sec-
8 tion:

- 9 (a) "2014 farm bill" means the agriculture act of 2014, P.L. 113-79.
10 (b) "2018 farm bill" means the agriculture improvement act of 2018,
11 P.L. 115-334.
12 (c) "Hemp" or "industrial hemp" means the plant Cannabis sativa L. and
13 any part of that plant, including the seeds thereof and all derivatives,
14 extracts, cannabinoids, isomers, acids, salts, and salts of isomers,
15 whether growing or not, with a delta-9 tetrahydrocannabinol concentra-
16 tion of not more than three-tenths of one percent (0.3%) on a dry weight
17 basis, as defined in the 2018 farm bill.
18 (d) "Peace officer" has the same meaning as provided in section
19 19-5101, Idaho Code.
20 (e) "Transporter" means any person, individual, partnership, corpora-
21 tion, association, grower, farmer, producer, or any other entity en-
22 gaged in hauling, transporting, delivering, or otherwise moving hemp in
23 interstate or intrastate commerce.
24 (f) "Vehicle" has the same meaning as provided in section 49-123, Idaho
25 Code.

26 (2) Any rule formulated and recommended by the Idaho state police or
27 the Idaho state department of agriculture regarding the interstate or in-
28 trastate transportation of hemp by a transporter or vehicle hauling indus-
29 trial hemp that is broader in scope or more stringent than federal law or reg-
30 ulations as outlined in the 2014 farm bill and the 2018 farm bill or that pro-
31 poses to regulate an activity not regulated by the federal government is sub-
32 ject to the following additional requirements: the notice of proposed rule-
33 making and rulemaking record requirements under chapter 52, title 67, Idaho
34 Code, must clearly specify that the proposed rule, or portions of the pro-
35 posed rule, are broader in scope or more stringent than federal law or regu-
36 lations or regulate an activity not regulated by the federal government and
37 delineate which portions of the proposed rule are broader in scope or more
38 stringent than federal law or regulations or regulate an activity not regu-
39 lated by the federal government. Such rules must be promulgated and adopted
40 through the negotiated rulemaking process.

41 (3) When a transporter or vehicle hauling industrial hemp pursuant to a
42 license under the provisions of the 2014 farm bill, the 2018 farm bill, or 7
43 CFR 990.1 et seq., is lawfully detained by a peace officer, the transporter
44 of industrial hemp must consent to inspection of the shipment for the purpose
45 of ensuring compliance with the 2014 farm bill, the 2018 farm bill, and 7 CFR
46 990.1 et seq. The peace officer may randomly select reasonably sized samples
47 not to exceed twenty (20) grams per sampling event for each unique lot, pack-
48 age, or identified quantity and retain them for future off-sight testing.
49 Transporters are not entitled to compensation for these de minimis samples.

1 The length of the detention must be only as long as reasonably necessary to
2 effectuate inspection, sampling, and weighing of industrial hemp.

3 (4) Industrial hemp samples are subject to analysis in a manner consis-
4 tent with the 2018 farm bill and 7 CFR 990.1 et seq. to determine the total
5 delta-9 tetrahydrocannabinol (THC) concentration, including all tetrahy-
6 drocannabinolic acid (THCA). Industrial hemp samples not in compliance with
7 the 2018 farm bill and 7 CFR 990.1 et seq. may subject the transporter to
8 criminal penalties for marijuana under chapter 27, title 37, Idaho Code.

9 (5) Violations. It is unlawful for any person to knowingly possess in-
10 dustrial hemp without a license or in violation of any of the provisions of
11 the 2014 farm bill, the 2018 farm bill, or 7 CFR 990.1 et seq., except when
12 lawfully engaged in transporting industrial hemp on behalf of and at the di-
13 rection of the licensee.

14 (6) Penalties.

15 (a) Any person who pleads guilty to or is found guilty of a violation of
16 subsection (5) of this section for the first time is guilty of a misde-
17 meanor and is subject to a fine of no more than one hundred fifty dollars
18 (\$150).

19 (b) Any person who pleads guilty to or is found guilty of a violation
20 of subsection (5) of this section for the second time within a period of
21 five (5) years of the first conviction is guilty of a misdemeanor and is
22 subject to a fine of no more than three hundred dollars (\$300).

23 (c) Any person who pleads guilty to or is found guilty of a violation of
24 subsection (5) of this section for the third or subsequent time within
25 a period of five (5) years of the first conviction is guilty of a mis-
26 demeanor, punishable by a fine of no more than one thousand dollars
27 (\$1,000), or by imprisonment in the county jail not to exceed six (6)
28 months, or by both such fine and imprisonment.

29 (d) Industrial hemp transported or possessed in violation of subsec-
30 tion (5) of this section is deemed contraband and is subject to seizure
31 and destruction.

32 (7) When a substance transported and tested pursuant to this section
33 fails to meet the definition of industrial hemp set forth in this sec-
34 tion because the test results demonstrate that the substance has a delta-9
35 tetrahydrocannabinol concentration greater than three-tenths of one per-
36 cent (0.3%) on a dry weight basis, nothing in this section otherwise inhibits
37 or restricts any peace officer from enforcing the provisions of chapter 27,
38 title 37, Idaho Code.

39 (8) The provisions of this section must not be construed to apply to any
40 material or product derived from industrial hemp that contains no quantity
41 of delta-9 tetrahydrocannabinol concentration and is not derived from the
42 prohibited parts of the marijuana plant, as provided in section 37-2701(t),
43 Idaho Code.

44 (9) This section must not be interpreted to apply to industrial hemp
45 transported in or through the state of Idaho prior to enactment of this sec-
46 tion.

47 SECTION 5. SEVERABILITY. The provisions of this act are hereby declared
48 to be severable, and if any provision of this act or the application of such
49 provision to any person or circumstance is declared invalid for any reason,

1 such declaration does not affect the validity of the remaining portions of
2 this act.

3 SECTION 6. An emergency existing therefor, which emergency is hereby
4 declared to exist, this act shall be in full force and effect on and after its
5 passage and approval.