

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 370

BY VANDER WOUDE

AN ACT

1 RELATING TO THE IDAHO MEDICAL CANNABIS ACT; AMENDING TITLE 37, IDAHO CODE,
2 BY THE ADDITION OF A NEW CHAPTER 35, TITLE 37, IDAHO CODE, TO PROVIDE A
3 SHORT TITLE AND LEGISLATIVE INTENT, TO PROVIDE FOR STATUTORY CONSTRUC-
4 TION, TO DEFINE TERMS, TO AUTHORIZE CERTAIN ACTIVITIES, TO ESTABLISH
5 PROVISIONS REGARDING SUBSTANTIAL HEALTH CONDITIONS, TO PROVIDE FOR
6 MEDICAL CANNABIS CARDS, TO ESTABLISH PROVISIONS REGARDING THE PUR-
7 CHASE AND DISTRIBUTION OF MEDICAL CANNABIS BY PHARMACISTS, TO PROVIDE
8 FOR MEDICAL CANNABIS PRODUCTION LICENSES, TO PROVIDE FOR CRIMINAL
9 BACKGROUND CHECKS, TO ESTABLISH PROVISIONS REGARDING AN OPERATING
10 PLAN, TO ESTABLISH PROVISIONS REGARDING THE NUMBER OF LICENSES THAT
11 MAY BE ISSUED, EVALUATION OF LICENSE APPLICANTS, REQUIREMENTS FOR LI-
12 CENSE HOLDERS, AND RULEMAKING, TO PROVIDE FOR INSPECTIONS, TO PROVIDE
13 REQUIREMENTS FOR THE SHIPMENT OF MEDICAL CANNABIS, TO PROVIDE FOR EN-
14 FORCEMENT, TO PROVIDE LIMITATIONS ON LIABILITY AND TO PROVIDE FOR A
15 CERTAIN STANDARD OF CARE, TO ESTABLISH PROVISIONS REGARDING A QUALIFIED
16 PATIENT ENTERPRISE FUND AND REVENUE NEUTRALITY, TO ESTABLISH PROVI-
17 SIONS REGARDING NONDISCRIMINATION, TO PROVIDE THAT INSURERS OR OTHERS
18 DO NOT HAVE TO PAY FOR A PATIENT'S MEDICAL CANNABIS, TO PROVIDE THAT THE
19 CHAPTER DOES NOT RESTRICT OR AFFECT OTHER DRUGS OR SUBSTANCES, TO PRO-
20 VIDE FOR CRIMINAL ENFORCEMENT, TO PROVIDE FOR RULEMAKING AND TRAINING,
21 TO PROVIDE IMMUNITIES, TO CLARIFY THAT CERTAIN ACTIVITIES ARE NOT PER-
22 MITTED, TO PROVIDE PENALTIES, TO PROVIDE PROHIBITIONS, AND TO PROVIDE
23 PROTECTIONS; AMENDING SECTION 37-2705, IDAHO CODE, TO REMOVE MARIJUANA
24 AND TETRAHYDROCANNABINOL FROM SCHEDULE I; AMENDING SECTION 37-2707,
25 IDAHO CODE, TO INCLUDE MARIJUANA AND TETRAHYDROCANNABINOL IN SCHEDULE
26 II; AMENDING SECTION 37-2732, IDAHO CODE, TO REVISE PROVISIONS REGARD-
27 ING PENALTIES; AMENDING SECTION 37-2732B, IDAHO CODE, TO PROVIDE AN
28 EXCEPTION; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.
29

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

31 SECTION 1. That Title 37, Idaho Code, be, and the same is hereby amended
32 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
33 ter 35, Title 37, Idaho Code, and to read as follows:

34 CHAPTER 35
35 IDAHO MEDICAL CANNABIS ACT

36 37-3501. SHORT TITLE -- LEGISLATIVE INTENT -- STATUTORY CONSTRUC-
37 TION. (1) This chapter shall be known and may be cited as the "Idaho Medical
38 Cannabis Act."

39 (2) In enacting this chapter, it is the intent of the legislature to au-
40 thorize the use of medical cannabis for persons diagnosed with a substantial
41 health condition. Persons whose actions are permitted by and in compliance

1 with the provisions of this chapter will not, for such actions, be held to vi-
2 olate chapter 27, title 37, Idaho Code, or any other provision of state law,
3 local ordinance, or administrative rule contrary to the provisions of this
4 chapter.

5 (3) The provisions of this chapter should be construed in the light most
6 consistent with the intent provided in this section.

7 37-3502. DEFINITIONS. For purposes of this chapter:

8 (1) "Board" means the state board of pharmacy.

9 (2) "Cannabidiol" or "CBD" means a nonintoxicating cannabinoid found
10 in cannabis and hemp.

11 (3) "Cannabis" means marijuana as defined in section 37-2701, Idaho
12 Code.

13 (4) "Department" means the state department of health and welfare.

14 (5) "Marijuana" shall have the same meaning as provided in section
15 37-2701, Idaho Code.

16 (6) "Medical cannabis" means ingestible cannabis processed to a
17 tablet, chewable, droplet, or pill containing up to ten (10) milligrams of
18 tetrahydrocannabinol per tablet, chewable, droplet, or pill.

19 (7) "Medical cannabis cardholder" or "cardholder" means an individual
20 with a diagnosed substantial health condition that has been approved by the
21 department for a medical cannabis card.

22 (8) "Medical cannabis production license holder" or "license holder"
23 means a person that has been licensed by the board to grow, handle, process,
24 manufacture, test, transport, and distribute to pharmacists medical
25 cannabis according to this chapter.

26 (9) "Person" means:

27 (a) An individual, a facility, a partnership, an association, a firm, a
28 trust, a limited liability company, or a corporation; or

29 (b) An agent or an employee of an individual, a facility, a partnership,
30 an association, a firm, a trust, a limited liability company, or a cor-
31 poration.

32 (10) "Practitioner" shall have the same meaning as provided in section
33 54-1705, Idaho Code.

34 (11) "Qualified patient enterprise fund" means the fund established in
35 section 37-3515, Idaho Code.

36 (12) "Substantial health condition" means a condition described in sec-
37 tion 37-3504, Idaho Code.

38 (13) "Tetrahydrocannabinol" or "THC" means a substance derived from
39 cannabis and contained in a plant of the genus cannabis, as well as synthetic
40 equivalents of the substances contained in the cannabis plant, or in the
41 resinous extractives of cannabis, sp. and/or synthetic substances, deriva-
42 tives, and their isomers with similar chemical structure as described in
43 section 37-2707(i), Idaho Code.

44 37-3503. AUTHORIZATION. Notwithstanding any provision of law to the
45 contrary, the possession, distribution, transportation, and use of medi-
46 cal cannabis, as well as activities related to the possession, distribution,
47 transportation, and use of medical cannabis, are authorized as provided in
48 this chapter.

1 37-3504. SUBSTANTIAL HEALTH CONDITIONS. (1) For purposes of this
 2 chapter, each of the following conditions diagnosed by a practitioner qual-
 3 ified to make such diagnosis is considered a substantial health condition
 4 allowing for the use of medical cannabis:

- 5 (a) Acquired immune deficiency syndrome (AIDS) or human immunodefi-
 6 ciency virus (HIV);
 7 (b) Alzheimer's disease;
 8 (c) Amyotrophic lateral sclerosis (ALS);
 9 (d) Autism;
 10 (e) Cachexia;
 11 (f) Cancer;
 12 (g) Severe chronic pain;
 13 (h) Crohn's disease, irritable bowel syndrome, or ulcerative colitis;
 14 (i) Epilepsy or debilitating seizures;
 15 (j) Multiple sclerosis or debilitating muscle spasms;
 16 (k) Nausea that is not significantly responsive to traditional treat-
 17 ment, except for nausea related to:
 18 (i) Pregnancy;
 19 (ii) Cannabis-induced cyclical vomiting syndrome; or
 20 (iii) Cannabinoid hyperemesis syndrome;
 21 (l) Post-traumatic stress disorder (PTSD) that is being treated and
 22 monitored by a licensed mental health therapist;
 23 (m) A terminal illness where the patient's condition is not expected to
 24 improve with or without other medical treatments;
 25 (n) A condition resulting in the individual receiving hospice care;
 26 (o) A rare condition or disease that:
 27 (i) Affects fewer than two hundred thousand (200,000) individu-
 28 als in the United States, as defined in section 526 of the federal
 29 food, drug, and cosmetic act; and
 30 (ii) Is not adequately managed despite treatment attempts using:
 31 1. Conventional medications other than opioids or opiates;
 32 or
 33 2. Physical interventions; and
 34 (p) Any other condition designated by the board through rulemaking.
 35 (2) By designating a particular condition under subsection (1) of this
 36 section for which the use of medical cannabis to treat symptoms is decrimi-
 37 nalized, the legislature does not conclusively state that:
 38 (a) Current scientific evidence clearly supports the efficacy of a med-
 39 ical cannabis treatment for the condition; or
 40 (b) A medical cannabis treatment will treat, cure, or positively affect
 41 the condition.

42 37-3505. MEDICAL CANNABIS CARD. (1) Effective January 1, 2026, a per-
 43 son with a diagnosed substantial health condition may apply with the depart-
 44 ment for a medical cannabis card.

- 45 (2) An individual is eligible for a medical cannabis card if the indi-
 46 vidual:
 47 (a) Is diagnosed with a substantial health condition by a practitioner
 48 qualified to make such a diagnosis;
 49 (b) Is an Idaho resident;

1 (c) Signs an acknowledgment stating that the individual received the
2 information described in subsection (7) of this section and agrees to
3 inform the practitioner of the use of medical cannabis; and

4 (d) Pays to the department a fee in an amount set by the department to
5 administer a medical cannabis card program.

6 (3) An individual who is eligible for a medical cannabis card described
7 in subsection (2) of this section will submit an application for a medical
8 cannabis card to the department with the following information:

9 (a) The applicant's name, gender, age, and address;

10 (b) A photocopy of the applicant's current identification that in-
11 cludes a state-issued driver's license or identification card, a United
12 States passport, a United States passport card, or a United States mili-
13 tary identification card; and

14 (c) A medical health record stating that the applicant has a diagnosis
15 of a substantial health condition as defined by this chapter by a prac-
16 titioner qualified to make such a diagnosis.

17 (4) A medical cannabis card that the department issues under this sec-
18 tion is valid for the lesser of twelve (12) months or if the cardholder is no
19 longer diagnosed with a substantial health condition.

20 (5) (a) A medical cannabis card is renewable if, at the time of renewal,
21 the cardholder meets the requirements of subsections (2) and (3) of this
22 section.

23 (b) A cardholder described in paragraph (a) of this subsection may re-
24 new a medical cannabis card according to a process established by the
25 department.

26 (6) A cardholder under this section must carry the cardholder's valid
27 medical cannabis card, as well as a government-issued form of identifica-
28 tion, with the patient's name when engaging in activities authorized by this
29 chapter.

30 (7) The department, in cooperation with the board, will provide infor-
31 mation regarding the following to an individual receiving a medical cannabis
32 card:

33 (a) Risks associated with medical cannabis treatment and the fact that
34 a condition's listing as a qualifying condition does not suggest that
35 medical cannabis treatment is an effective treatment or cure for that
36 condition; and

37 (b) Other relevant warnings and safety information.

38 (8) The department may establish procedures by rule to implement the
39 application and issuance provisions of this section.

40 (9) The applicant may designate a licensed caregiver to assist with ob-
41 taining and handling medical cannabis for a cardholder.

42 37-3506. PURCHASE AND DISTRIBUTION OF MEDICAL CANNABIS BY PHARMA-
43 CISTS. A pharmacist licensed by the board shall provide oversight to a
44 dispensary to disperse medical cannabis from a medical cannabis production
45 license holder and to sell medical cannabis to medical cannabis cardholders,
46 provided that such pharmacist shall:

47 (1) Limit each cardholder referred to the specific dispensary or dis-
48 pensary chain to one thousand (1,000) milligrams of medical cannabis per
49 month;

- 1 (2) Verify the cardholder's medical cannabis card with the card-
2 holder's valid form of identification;
- 3 (3) To the extent possible, store, maintain, sell, and transport medi-
4 cal cannabis under the same rules, policies, and conditions as pharmaceuti-
5 cal opioids;
- 6 (4) Purchase medical cannabis only from a valid medical cannabis pro-
7 duction license holder; and
- 8 (5) Provide medical cannabis with a label that includes:
- 9 (a) The following: "WARNING: Cannabis has intoxicating effects and may
10 be addictive. Do not operate a vehicle or machinery under its influ-
11 ence. KEEP OUT OF REACH OF CHILDREN. This product is for medical use
12 only";
- 13 (b) A warning about the risks of overconsumption; and
- 14 (c) Any other information deemed appropriate by the board.

15 37-3507. MEDICAL CANNABIS PRODUCTION LICENSE. (1) A medical cannabis
16 production license holder may grow, handle, process, manufacture, test,
17 transport, and distribute to licensed dispensaries medical cannabis accord-
18 ing to this chapter.

19 (2) An applicant is eligible for a medical cannabis production license
20 under this section if the applicant submits to the board:

- 21 (a) The location or locations where the applicant will operate the med-
22 ical cannabis production;
- 23 (b) The name and address of any individual who has:
- 24 (i) If the applicant is a publicly traded company, a financial or
25 voting interest of two percent (2%) or greater;
- 26 (ii) If the applicant is a privately held company, a financial or
27 voting interest; or
- 28 (iii) The power to direct or cause the management or control of the
29 applicant.

30 (3) A person may not locate a medical cannabis production establish-
31 ment in or within ten (10) miles of an area that the relevant municipality or
32 county has zoned as primarily residential.

33 (4) The applicant shall pay the board an initial license fee estab-
34 lished by the board to cover any of the board's administration costs.

35 (5) The board shall notify the following of license approval and the
36 names of each individual in the application:

- 37 (a) The Idaho state police;
- 38 (b) The sheriff of any county in which the medical cannabis production
39 establishment will operate; and
- 40 (c) The police department of any city in which the medical cannabis pro-
41 duction establishment will operate.

42 (6) The licensing board may not issue a license to operate a medical
43 cannabis production establishment to an applicant if any individual de-
44 scribed in subsection (2) (b) of this section:

- 45 (a) Has been convicted under state or federal law of:
- 46 (i) A felony; or
- 47 (ii) Within the five (5) years preceding the application, a misde-
48 meanor for drug distribution; or
- 49 (b) Is younger than twenty-one (21) years of age.

- 1 (7) The board may revoke a license issued under this section:
 2 (a) If the medical cannabis production license holder does not begin
 3 cannabis production operations within six (6) months after the day on
 4 which the board issues the initial license;
 5 (b) After the third of the same violation of this chapter by the li-
 6 censee;
 7 (c) If any individual described in subsection (2) (b) of this section is
 8 convicted, while the license is active, under state or federal law of:
 9 (i) A felony; or
 10 (ii) A misdemeanor for drug distribution; or
 11 (d) If the medical cannabis production license holder demonstrates a
 12 willful or reckless disregard for the requirements of this chapter or
 13 the rules promulgated in accordance with this chapter.

- 14 37-3508. CRIMINAL BACKGROUND CHECKS. (1) Each applicant for a medical
 15 cannabis production license shall submit to the board, at the time of appli-
 16 cation, from each individual who has a financial or voting interest of two
 17 percent (2%) or greater in the applicant or who has the power to direct or
 18 cause the management or control of the applicant:
 19 (a) A fingerprint card in a form acceptable to the Idaho state police;
 20 and
 21 (b) Consent to a fingerprint background check by:
 22 (i) The Idaho state police; and
 23 (ii) The federal bureau of investigation.
 24 (2) The Idaho state police shall:
 25 (a) Check the fingerprints the applicant submits under subsection (1)
 26 of this section against the applicable state, regional, and national
 27 criminal records databases, including the federal bureau of investiga-
 28 tion next generation identification system;
 29 (b) Report the results of the background check to the board;
 30 (c) Maintain a separate file of fingerprints that applicants submit
 31 under subsection (1) of this section for search by future submissions
 32 to the local and regional criminal records databases, including latent
 33 prints; and
 34 (d) Establish a privacy risk mitigation strategy to ensure that the
 35 board receives notifications only for an individual with whom the de-
 36 partment maintains an authorizing relationship.
 37 (3) The Idaho state police shall assess a fee covering the cost for the
 38 services associated with the background check.

- 39 37-3509. OPERATING PLAN. A person applying for a medical cannabis
 40 production license or license renewal shall submit to the board for the
 41 board's review a proposed operating plan that complies with this section and
 42 that includes:
 43 (1) A description of the physical characteristics of the proposed fa-
 44 cility or, for a medical cannabis production establishment, no more than two
 45 (2) facility locations, including a floor plan and an architectural eleva-
 46 tion;
 47 (2) A description of the credentials and experience of:

- 1 (a) Each officer, director, and owner of the proposed medical cannabis
 2 production establishment; and
 3 (b) Any highly skilled or experienced prospective employee;
 4 (3) The medical cannabis production establishment's employee training
 5 standards;
 6 (4) A security plan;
 7 (5) A description of the medical cannabis production establishment's
 8 inventory control system;
 9 (6) Storage protocols, both short- and long-term, to ensure that
 10 cannabis is stored in a manner that is sanitary and preserves the integrity
 11 of the cannabis;
 12 (7) Cannabis cultivation practices, including the facility's intended
 13 pesticide use and fertilizer use;
 14 (8) Acreage or square footage under cultivation and anticipated
 15 cannabis yield; and
 16 (9) The establishment's intended cannabis processing practices, in-
 17 cluding the cannabis processing establishment's intended:
 18 (a) Cannabinoid extraction method;
 19 (b) Cannabinoid extraction equipment;
 20 (c) Processing equipment;
 21 (d) Processing techniques;
 22 (e) Sanitation and manufacturing safety procedures for items for human
 23 consumption;
 24 (f) Cannabis and cannabis product testing capability;
 25 (g) Cannabis and cannabis product testing equipment; and
 26 (h) Testing methods, standards, practices, and procedures for testing
 27 cannabis and cannabis products.

28 37-3510. NUMBER OF LICENSES -- EVALUATION OF LICENSE APPLICANTS -- RE-
 29 QUIREMENTS FOR LICENSE HOLDERS -- RULEMAKING. (1) Except as provided in sub-
 30 section (2) (a) of this section, the board shall issue no more than four (4)
 31 medical cannabis production licenses in one (1) year.

32 (2) If there are more qualified applicants than the number of available
 33 medical cannabis production licenses under subsection (1) of this section,
 34 the board shall evaluate the applicants and award the limited number of li-
 35 censes to the applicants that best demonstrate:

- 36 (a) Experience with establishing and successfully operating a business
 37 that involves:
 38 (i) Complying with a regulatory environment;
 39 (ii) Tracking inventory; and
 40 (iii) Training, evaluating, and monitoring employees;
 41 (b) An operating plan that will best ensure the safety and security of
 42 patrons and the community;
 43 (c) Positive connections to the local community; and
 44 (d) The extent to which the applicant can increase efficiency and re-
 45 duce the cost of medical cannabis to patients.

46 (3) The board may conduct a face-to-face interview with an applicant
 47 for a license that the board evaluates under subsection (2) of this section.

48 (4) A medical cannabis production license holder shall operate in ac-
 49 cordance with the operating plan.

1 (5) A medical cannabis production license holder shall notify the board
2 before a change in the operating plan.

3 (6) If a medical cannabis production license holder changes the oper-
4 ating plan, the establishment shall ensure that the new operating plan com-
5 plies with this chapter.

6 (7) The board shall establish rules to:

7 (a) Review operating plans and changes to operating plans, in order to
8 ensure compliance with this chapter;

9 (b) Identify for the medical cannabis production license holder each
10 point of noncompliance between the operating plan and this chapter;

11 (c) Provide an opportunity for the medical cannabis production license
12 holder to address each identified point of noncompliance; and

13 (d) Suspend or revoke a license if the medical cannabis production li-
14 cense holder fails to cure the noncompliance.

15 37-3511. INSPECTIONS. (1) The board may inspect the records and facil-
16 ity of a medical cannabis production license holder, with reasonable notice,
17 at any time during business hours to determine if the medical cannabis pro-
18 duction establishment complies with this chapter.

19 (2) (a) An inspection under this section may include:

20 (i) Inspection of a site, facility, book, record, paper, docu-
21 ment, data, and other physical or electronic information;

22 (ii) Questioning of any relevant individual;

23 (iii) Observation of an independent cannabis testing laboratory's
24 methods, standards, practices, and procedures;

25 (iv) The taking of a specimen of cannabis or cannabis products
26 sufficient for testing purposes; or

27 (v) Inspection of equipment, an instrument, a tool, or machinery,
28 including a container or label.

29 (b) An authorized board employee may possess and transport a specimen
30 of cannabis or cannabis products for testing or in the standard course
31 of business.

32 (3) In making an inspection under this section, the board may freely
33 access any area and review and make copies of any book, record, paper, doc-
34 ument, data, or other physical or electronic information, including finan-
35 cial data, sales data, shipping data, pricing data, and employee data.

36 (4) Failure to provide the board immediate access to records and facil-
37 ities during business hours in accordance with this section may result in:

38 (a) Immediate license or registration suspension or revocation; or

39 (b) An immediate cessation of operations under a cease and desist order
40 that the board issues.

41 37-3512. SHIPMENT OF MEDICAL CANNABIS. Any cannabis that a medical
42 cannabis production license holder cultivates or otherwise produces and
43 subsequently ships shall be:

44 (1) Labeled with a unique batch identification number that is connected
45 to the license holder's inventory control system; and

46 (2) Packaged in a container that:

47 (a) Is tamper evident;

48 (b) Is not appealing to children; and

1 (c) Includes warnings consistent with section 37-3506(5), Idaho Code.

2 37-3513. ENFORCEMENT. (1) If a medical cannabis production license
3 holder violates any provisions of this chapter, the board may:

- 4 (a) Revoke the person's license;
5 (b) Decline to renew the person's license; or
6 (c) Assess an administrative fine of up to five thousand dollars
7 (\$5,000) per violation.

8 (2) Any license action shall be governed by chapter 52, title 67, Idaho
9 Code.

10 (3) A person who intentionally or knowingly violates the provisions of
11 this chapter is guilty of a misdemeanor and subject to a fine of up to one
12 thousand dollars (\$1,000).

13 (4) Nothing in this section shall prohibit the board from referring po-
14 tential criminal activity to law enforcement.

15 37-3514. LIMITATIONS ON LIABILITY -- STANDARD OF CARE. (1) A practi-
16 tioner described in subsection (2) of this section is not subject to the fol-
17 lowing for violating a federal law or regulation that would otherwise pro-
18 hibit recommending or dispensing medical cannabis or a cannabis-based drug
19 that the United States food and drug administration has not approved:

- 20 (a) Civil or criminal liability; or
21 (b) Licensure sanctions under title 54, Idaho Code.

22 (2) The limitations of liability described in subsection (1) of this
23 section apply to:

- 24 (a) A practitioner who recommends a medical cannabis treatment to a pa-
25 tient; or
26 (b) A pharmacist providing oversight in dispensing medical cannabis in
27 accordance with this chapter.

28 (3) Nothing in this section or chapter reduces or in any way negates the
29 duty of an individual described in subsection (2) of this section to use rea-
30 sonable and ordinary care in the treatment of a patient who may have a quali-
31 fying condition and:

- 32 (a) For whom a practitioner has recommended or might consider recom-
33 mending a medical cannabis treatment; or
34 (b) With whom a licensed pharmacist has interacted in the dosing or dis-
35 pensing of medical cannabis.

36 37-3515. QUALIFIED PATIENT ENTERPRISE FUND -- REVENUE NEUTRALITY. (1)
37 There is hereby established in the state treasury the qualified patient en-
38 terprise fund.

39 (2) Moneys in the fund established by this section will consist of:

- 40 (a) Moneys deposited in the fund under this chapter;
41 (b) Appropriations the legislature makes to the fund;
42 (c) Administrative fines assessed pursuant to section 39-3513, Idaho
43 Code; and
44 (d) The interest described in subsection (3) of this section.

45 (3) Interest earned on idle moneys in the fund shall be deposited in the
46 fund.

1 (4) The board may use moneys in the fund only to fund the board's respon-
2 sibilities under this chapter and to fund peer-reviewed studies regarding
3 the medical uses of cannabis.

4 (5) Fees authorized by this chapter shall be set in amounts necessary,
5 in total, to cover expenses related to implementation and enforcement of
6 this chapter.

7 37-3516. NONDISCRIMINATION. (1) For purposes of medical care, includ-
8 ing an organ transplant, a patient's use, in accordance with this chapter, of
9 medical cannabis:

10 (a) Is considered the equivalent of the authorized use of any other med-
11 ication; and

12 (b) Does not constitute the use of an illicit substance or otherwise
13 disqualify an individual from needed medical care.

14 (2) (a) Notwithstanding any other provision of law and except as pro-
15 vided in paragraph (b) of this subsection, the state or any political
16 subdivision must treat an employee's use of medical cannabis in accor-
17 dance with this chapter in the same way the state or political subdivi-
18 sion treats employee use of opioids and opiates.

19 (b) Paragraph (a) of this subsection does not apply where application
20 would jeopardize federal funding for the employee's position.

21 37-3517. NO INSURANCE REQUIREMENT. Nothing in this chapter requires
22 an insurer, a third-party administrator, or an employer to pay for or reim-
23 burse medical cannabis.

24 37-3518. NO EFFECT ON USE OF OTHER APPROVED DRUGS OR SUBSTANCES. Noth-
25 ing in this chapter restricts or otherwise affects the prescription, distri-
26 bution, or dispensing of a product that the United States food and drug ad-
27 ministration has approved.

28 37-3519. ENFORCEMENT -- CRIMINAL. (1) Except as provided in this chap-
29 ter, it is unlawful for a medical cannabis cardholder to sell or otherwise
30 give medical cannabis to another medical cannabis cardholder.

31 (2) (a) Except as provided in paragraph (b) of this subsection, a med-
32 ical cannabis cardholder who violates the provisions of subsection (1)
33 of this section is:

34 (i) Guilty of a misdemeanor; and

35 (ii) Subject to a fine of one thousand dollars (\$1,000).

36 (b) An individual is not guilty under paragraph (a) of this subsection
37 if the individual is a designated licensed caregiver and gives the prod-
38 uct described in subsection (1) of this section to the medical cannabis
39 cardholder who designated the individual as a designated caregiver with
40 the department.

41 (c) An individual who is guilty of a violation described in paragraph
42 (a) of this subsection is not guilty of a violation of chapter 27, title
43 37, Idaho Code, for the conduct underlying the violation.

44 (3) It is unlawful for a medical cannabis cardholder to sell or other-
45 wise give medical cannabis to a person who is not a medical cannabis card-

1 holder. A medical cannabis cardholder who violates the provisions of this
2 subsection is subject to:

- 3 (a) Any applicable penalty under chapter 27, title 37, Idaho Code; and
4 (b) Upon conviction, permanent revocation of the medical cannabis
5 card. Each medical cannabis card issued must include a warning visible
6 on the card that permanent revocation of the card may result from a vi-
7 olation of this subsection.

8 37-3520. RULEMAKING -- TRAINING. (1) The board and the department are
9 authorized to promulgate rules as necessary to implement the provisions of
10 this chapter.

11 (2) The board may establish by rule requirements for transporting med-
12 ical cannabis to ensure that the cannabis remains safe for human consumption
13 or use.

14 (3) If a person imports or transports medical cannabis in a manner that
15 does not comply with the rules described in this section, then the protec-
16 tions of this chapter do not apply, and such person will be subject to the
17 provisions of chapter 27, title 37, Idaho Code.

18 (4) The board shall, in cooperation with the Idaho state police and
19 other relevant agencies, develop and offer training on the provisions of
20 this chapter, including training for law enforcement personnel.

21 37-3521. IMMUNITIES -- ACTIVITIES NOT PERMITTED -- PENALTIES. (1)
22 Notwithstanding any provision of law to the contrary, a person acting under
23 the authorization of and in compliance with the provisions of this chapter
24 is not subject to prosecution under state law or local ordinance for any au-
25 thorized and compliant conduct.

26 (2) The provisions of this chapter should not be construed to permit a
27 person to:

28 (a) Operate, navigate, or be in actual physical control of any vehicle,
29 aircraft, railroad train, stationary heavy equipment, or vessel while
30 under the influence of cannabis; or

31 (b) Use medical cannabis in any public area unless specifically permit-
32 ted by board rule.

33 (3) A person who commits an act described in subsection (2) of this sec-
34 tion is subject to such penalties as are provided by law.

35 37-3522. PROHIBITIONS. (1) A peace officer may not expend any state or
36 local resources, including the peace officer's time, to:

37 (a) Effect an arrest or seizure of cannabis or conduct any investiga-
38 tion on the sole basis of activity that the peace officer believes to
39 constitute a violation of federal law if the peace officer has reason to
40 believe that the activity is in compliance with this chapter;

41 (b) Enforce a law that restricts an individual's right to acquire, own,
42 or possess a firearm based solely on the individual's possession or use
43 of medical cannabis in accordance with this chapter; or

44 (c) Provide any information or logistical support related to an activ-
45 ity described in paragraph (a) of this subsection to any federal law en-
46 forcement authority or prosecuting entity.

1 (2) A state agency or political subdivision may not take adverse action
2 against a person for providing a professional service to a medical cannabis
3 pharmacy on the sole basis that the service is a violation of federal law.

4 37-3523. PROTECTIONS. (1) A person will not be subject to arrest,
5 prosecution, or penalty in any manner or denied any right or privilege,
6 including without limitation a civil penalty or disciplinary action by a
7 licensing board or bureau, for any act authorized by this chapter.

8 (2) No landlord, school district, public charter school, state insti-
9 tution of higher education, or community college organized pursuant to chap-
10 ter 21, title 33, Idaho Code, may:

11 (a) Refuse to enroll, refuse to lease to, or otherwise penalize a per-
12 son for any act authorized by this chapter, unless failing to do so would
13 violate federal law or regulations or cause a loss of a monetary or li-
14 censing-related benefit under federal law or regulation; or

15 (b) Be penalized or denied any benefit under state law or local ordi-
16 nance for enrolling, leasing to, or employing a medical cannabis card-
17 holder.

18 (3) An employer may not:

19 (a) Discriminate against a person in hiring, termination, or any term
20 or condition of employment, or otherwise penalize a person, for any act
21 authorized by this chapter, unless compliance with this paragraph would
22 disqualify the employer from a monetary or licensing-related benefit
23 under federal law or regulation; or

24 (b) Be penalized or denied any benefit under state law or local ordi-
25 nance for employing a medical cannabis cardholder.

26 (4) A person otherwise entitled to custody of, or visitation or parent-
27 ing time with, a minor may not be denied custody or visitation or parenting
28 time solely for conduct allowed under this chapter, nor may there be:

29 (a) A finding or presumption of abuse solely for conduct allowed under
30 this chapter; or

31 (b) A finding or presumption of neglect or child endangerment solely
32 for conduct allowed under this chapter.

33 (5) A person who uses medical cannabis as authorized by this chapter
34 will be afforded all the same rights under state law and local ordinance as
35 the person would be afforded if the person were solely prescribed a pharma-
36 ceutical medication as it pertains to:

37 (a) Any interaction with a person's employer;

38 (b) Drug testing by a person's employer; or

39 (c) Drug testing required by any state law, local ordinance, state
40 agency, or state or local government official.

41 (6) Notwithstanding the provisions of subsection (3) or (5) of this
42 section, no employer is required to allow the ingestion of cannabis in any
43 workplace or to allow any employee to work while under the influence of
44 cannabis. A medical cannabis cardholder will not be considered to be under
45 the influence of cannabis solely because of the presence of metabolites or
46 components of cannabis that appear in insufficient concentration to cause
47 impairment.

48 SECTION 2. That Section 37-2705, Idaho Code, be, and the same is hereby
49 amended to read as follows:

1 37-2705. SCHEDULE I. (a) The controlled substances listed in this sec-
2 tion are included in schedule I.

3 (b) Any of the following opiates, including their isomers, esters,
4 ethers, salts, and salts of isomers, esters, and ethers, unless specifically
5 excepted, whenever the existence of these isomers, esters, ethers and salts
6 is possible within the specific chemical designation:

7 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-pip-
8 eridinyl]-N-phenylacetamide);

9 (2) Acetylmethadol;

10 (3) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylac-
11 etamide);

12 (4) Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacry-
13 lamide);

14 (5) Allylprodine;

15 (6) Alphacetylmethadol (except levo-alphacetylmethadol also known as
16 levo-alpha-acetylmethadol, levomethadyl acetate or LAAM);

17 (7) Alphameprodine;

18 (8) Alphamethadol;

19 (9) Alpha-methylfentanyl;

20 (10) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
21 piperidinyl]-N-phenylpropanamide);

22 (11) Benzethidine;

23 (12) Betacetylmethadol;

24 (13) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperid-
25 inyl]-N-phenylpropanamide);

26 (14) Beta-hydroxythiofentanyl;

27 (15) Beta-hydroxy-3-methylfentanyl (N-(1-(2-hydroxy-2-phenethyl)-3-
28 methyl-4-piperidinyl)-N-phenylpropanamide);

29 (16) Betameprodine;

30 (17) Betamethadol;

31 (18) Beta-methyl fentanyl;

32 (19) Beta'-phenyl fentanyl;

33 (20) Betaprodine;

34 (21) Brorphine (1-(1-(1-(4-Bromophenyl)ethyl)piperidin-4-yl)-1,3-
35 dihydro-2H-benzo[D]imidazol-2-one);

36 (22) Clonitazene;

37 (23) Crotonyl fentanyl ((E)-N-(1-phenethylpiperidin-4-yl)-N-phenyl-
38 but-2-enamide);

39 (24) Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcy-
40 clopentanecarboxamide);

41 (25) Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcy-
42 clopropanecarboxamide);

43 (26) Dextromoramide;

44 (27) Diampromide;

45 (28) Diethylthiambutene;

46 (29) Difenoxyin;

47 (30) Dimenoxadol;

48 (31) Dimepheptanol;

49 (32) Dimethylthiambutene;

50 (33) Dioxaphetyl butyrate;

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

- 1 (61) Norpipanone;
- 2 (62) Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperi-
- 3 din-4-yl) acetamide);
- 4 (63) Ortho-fluoroacryl fentanyl;
- 5 (64) Ortho-fluorobutyryl fentanyl;
- 6 (65) Ortho-fluorofentanyl;
- 7 (66) Ortho-fluoroisobutyryl fentanyl;
- 8 (67) Ortho-methyl acetylfentanyl;
- 9 (68) Ortho-methyl methoxyacetyl fentanyl;
- 10 (69) Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-
- 11 phenethylpiperidin-4-yl) isobutyramide);
- 12 (70) Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-
- 13 phenethylpiperidin-4-yl) butyramide);
- 14 (71) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-
- 15 piperidinyl] propanamide);
- 16 (72) Para-fluoro furanyl fentanyl;
- 17 (73) Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-
- 18 phenethylpiperidin-4-yl) butyramide);
- 19 (74) Para-methylfentanyl;
- 20 (75) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 21 (76) Phenadoxone;
- 22 (77) Phenampromide;
- 23 (78) Phenomorphan;
- 24 (79) Phenoperidine;
- 25 (80) Phenyl fentanyl;
- 26 (81) Piritramide;
- 27 (82) Proheptazine;
- 28 (83) Properidine;
- 29 (84) Propiram;
- 30 (85) Racemoramide;
- 31 (86) Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidine-4-yl)-N-
- 32 phenyltetrahydrofuran-2-carboxamide);
- 33 (87) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-
- 34 propanamide);
- 35 (88) Tilidine;
- 36 (89) Trimeperidine;
- 37 (90) u-47700 (3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-
- 38 methylbenzamide);
- 39 (91) Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylpen-
- 40 tanamide).
- 41 (c) Any of the following opium derivatives, their salts, isomers and
- 42 salts of isomers, unless specifically excepted, whenever the existence of
- 43 these salts, isomers and salts of isomers is possible within the specific
- 44 chemical designation:
- 45 (1) Acetorphine;
- 46 (2) Acetyldihydrocodeine;
- 47 (3) Benzylmorphine;
- 48 (4) Codeine methylbromide;
- 49 (5) Codeine-N-Oxide;
- 50 (6) Cyrenorphine;

- 1 (7) Desomorphine;
- 2 (8) Dihydromorphine;
- 3 (9) Drotebanol;
- 4 (10) Etorphine (except hydrochloride salt);
- 5 (11) Heroin;
- 6 (12) Hydromorphinol;
- 7 (13) Methyldesorphine;
- 8 (14) Methyldihydromorphine;
- 9 (15) Morphine methylbromide;
- 10 (16) Morphine methylsulfonate;
- 11 (17) Morphine-N-Oxide;
- 12 (18) Myrophine;
- 13 (19) Nicocodeine;
- 14 (20) Nicomorphine;
- 15 (21) Normorphine;
- 16 (22) Pholcodine;
- 17 (23) Thebacon.

18 (d) Hallucinogenic substances. Any material, compound, mixture or
19 preparation that contains any quantity of the following hallucinogenic
20 substances, their salts, isomers and salts of isomers, unless specifically
21 excepted, whenever the existence of these salts, isomers, and salts of iso-
22 mers is possible within the specific chemical designation (for purposes of
23 this subsection only, the term "isomer" includes the optical, position and
24 geometric isomers):

- 25 (1) Dimethoxyphenethylamine, or any compound not specifically
26 excepted or listed in another schedule that can be formed from
27 dimethoxyphenethylamine by replacement of one (1) or more hydrogen
28 atoms with another atom(s), functional group(s) or substructure(s)
29 including, but not limited to, compounds such as DOB, DOC, 2C-B,
30 25B-NBOMe;
- 31 (2) Methoxyamphetamine or any compound not specifically excepted or
32 listed in another schedule that can be formed from methoxyamphetamine
33 by replacement of one (1) or more hydrogen atoms with another atom(s),
34 functional group(s) or substructure(s) including, but not limited to,
35 compounds such as PMA and DOM;
- 36 (3) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 37 (4) 5-methoxy-N,N-diisopropyltryptamine;
- 38 (5) Amphetamine or methamphetamine with a halogen substitution on the
39 benzyl ring, including compounds such as fluorinated amphetamine and
40 fluorinated methamphetamine;
- 41 (6) 3,4-methylenedioxy amphetamine;
- 42 (7) 3,4-methylenedioxymethamphetamine (MDMA);
- 43 (8) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-et-
44 hyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and N-et-
45 hyl MDA, MDE, MDEA);
- 46 (9) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hyd-
47 roxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and N-hyd-
48 roxy MDA);
- 49 (10) 3,4,5-trimethoxy amphetamine;

- 1 (11) 5-methoxy-N,N-dimethyltryptamine (also known as 5-methoxy-3-2[2-
2 (dimethylamino)ethyl]indole and 5-MeO-DMT);
3 (12) Alpha-ethyltryptamine (some other names: etryptamine, 3-(2-am-
4 inobutyl) indole);
5 (13) Alpha-methyltryptamine;
6 (14) Bufotenine;
7 (15) Diethyltryptamine (DET);
8 (16) Dimethyltryptamine (DMT);
9 (17) Ibogaine;
10 (18) Lysergic acid diethylamide;
11 ~~(19) Marihuana;~~
12 ~~(20) (19) Mescaline;~~
13 ~~(21) (20) Parahexyl;~~
14 ~~(22) (21) Peyote;~~
15 ~~(23) (22) N-ethyl-3-piperidyl benzilate;~~
16 ~~(24) (23) N-methyl-3-piperidyl benzilate;~~
17 ~~(25) (24) Psilocybin;~~
18 ~~(26) (25) Psilocyn;~~
19 ~~(27) Tetrahydrocannabinols or synthetic equivalents of the substances~~
20 ~~contained in the plant, or in the resinous extractives of Cannabis, sp.~~
21 ~~and/or synthetic substances, derivatives, and their isomers with simi-~~
22 ~~lar chemical structure such as the following:~~
23 i. ~~Tetrahydrocannabinols, except for the permitted amount of~~
24 ~~tetrahydrocannabinol found in industrial hemp, or nabiximols in a~~
25 ~~drug product approved by the United States food and drug adminis-~~
26 ~~tration:~~
27 a. ~~Δ^1 -cis or trans tetrahydrocannabinol, and their opti-~~
28 ~~cal isomers, excluding dronabinol in sesame oil and encapsu-~~
29 ~~lated in either a soft gelatin capsule or in an oral solution~~
30 ~~in a drug product approved by the U.S. Food and Drug Adminis-~~
31 ~~tration.~~
32 b. ~~Δ^6 -cis or trans tetrahydrocannabinol, and their optical~~
33 ~~isomers.~~
34 c. ~~$\Delta^{3,4}$ -cis or trans tetrahydrocannabinol, and its optical~~
35 ~~isomers. (Since nomenclature of these substances is not in-~~
36 ~~ternationally standardized, compounds of these structures,~~
37 ~~regardless of numerical designation of atomic positions are~~
38 ~~covered.)~~
39 d. ~~[(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2methyl-~~
40 ~~loctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[e]chromen-~~
41 ~~1-ol)], also known as 6aR-trans-3-(1,1-dimethylhep-~~
42 ~~tyl)-6a,7,10,10a-tetrahydro-1-hydroxy-6,6-dimethyl-6H-~~
43 ~~dibenzo[b,d]pyran-9-methanol (HU-210) and its geometric~~
44 ~~isomers (HU211 or dexanabinol).~~
45 ii. ~~The following synthetic drugs:~~
46 a. ~~Any compound structurally derived from (1H-indole-3-~~
47 ~~yl)(cycloalkyl, cycloalkenyl, aryl)methanone, or (1H-in-~~
48 ~~dole-3-yl)(cycloalkyl, cycloalkenyl, aryl)methane, or~~
49 ~~(1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl), methyl~~
50 ~~or dimethyl butanoate, amino-methyl (or dimethyl)-1-oxobu-~~

- 1 ~~tan-2-yl) carboxamide by substitution at the nitrogen atoms~~
2 ~~of the indole ring or carboxamide to any extent, whether or~~
3 ~~not further substituted in or on the indole ring to any ex-~~
4 ~~tent, whether or not substituted to any extent in or on the~~
5 ~~cycloalkyl, cycloalkenyl, aryl ring(s) (substitution in the~~
6 ~~ring may include, but is not limited to, heteroatoms such as~~
7 ~~nitrogen, sulfur and oxygen).~~
8 b. ~~N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluo-~~
9 ~~ropentyl)-1H-indazole-3-carboxamide (5F-AB-PINACA).~~
10 c. ~~1-(1.3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one~~
11 ~~(N-ethylpentylone, ephylone).~~
12 d. ~~1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1-H-inda-~~
13 ~~zole-3-carboxamide (4-en-cumyl-BUTINACA).~~
14 e. ~~Ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3carboxam-~~
15 ~~ido)-3,3-dimethylbutanoate * (5F-EDMB-PINACA).~~
16 f. ~~(1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3tetram-~~
17 ~~ethylecyclopropyl)methanone (fub-144).~~
18 g. ~~1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-inda-~~
19 ~~zole-3-carboxamide (5f-cumyl-pinaca; sgt25).~~
20 h. ~~(1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1~~
21 ~~H-pyrrolo[2.3-B]pyridine-3-carboxamide (5fcumyl-P7AICA).~~
22 i. ~~FUB-AMB, MMB-FUBINACA (Methyl 2-(1-(4-fluoroben-~~
23 ~~zyl)-1H-indazole-3-carboxamido)-3-methylbutanoate.~~
24 j. ~~Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxam-~~
25 ~~ido)-3-methylbutanoate (MMB-CHMICA, AMB-CHMICA).~~
26 k. ~~Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxam-~~
27 ~~ido)-3,3-dimethylbutanoate (MDMB-CHMICA).~~
28 l. ~~Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxam-~~
29 ~~ido)-3,3-dimethylbutanoate (MDMB-FUBINACA).~~
30 m. ~~Methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxam-~~
31 ~~ido)-3,3-dimethylbutanoate (5F-MDMBPICA).~~
32 n. ~~Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxam-~~
33 ~~ido)-3,3-dimethylbutanoate (5F-ADB, 5FMDMB-PINACA).~~
34 o. ~~Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxam-~~
35 ~~ido)-3-methylbutanoate (5FAMB).~~
36 p. ~~N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluo-~~
37 ~~robenzyl)-1H-indazole-3-carboxamide (ADB-FUBINACA).~~
38 q. ~~N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-~~
39 ~~carboxamide (FUB-AKB48; FUB-APINACA).~~
40 r. ~~N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-~~
41 ~~carboxamide (5F-APINACA, 5F-AKB48).~~
42 s. ~~N-(1-amino-3-methyl-1-oxobutan-2-yl)1-(Cyclohexyl-~~
43 ~~methyl)-1H-indazole-3-carboxamide (AB-CHMINACA).~~
44 t. ~~Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-car-~~
45 ~~boxylate (NM2201; CBL2201).~~
46 u. ~~Any compound structurally derived from 3-(1-naph-~~
47 ~~thoyl)pyrrole by substitution at the nitrogen atom of the~~
48 ~~pyrrole ring to any extent, whether or not further sub-~~
49 ~~stituted in the pyrrole ring to any extent, whether or not~~
50 ~~substituted in the naphthyl ring to any extent.~~

v. Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring to any extent, whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent.

w. Any compound structurally derived from 3-phenylacetindole by substitution at the nitrogen atom of the indole ring to any extent, whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent.

x. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring to any extent, whether or not substituted in the cyclohexyl ring to any extent.

y. Any compound structurally derived from 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring to any extent, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

z. [2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolidino[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone (WIN-55,212-2).

aa. 3-dimethylheptyl-11-hydroxyhexahydrocannabinol (HU-243).

bb. [(6S, 6aR, 9R, 10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate (CP 50,5561).

~~(28)~~ (26) Ethylamine analog of phencyclidine: N-ethyl-1-phenylcyclohexylamine (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;

~~(29)~~ (27) Pyrrolidine analog of phencyclidine: 1-(phenylcyclohexyl) -pyrrolidine, PCPy, PHP;

~~(30)~~ (28) Thiophene analog of phencyclidine 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine, TPCP, TCP;

~~(31)~~ (29) Thiofuranyl fentanyl;

~~(32)~~ (30) 1-[1-(2-thienyl) cyclohexyl] pyrrolidine another name: TCPy;

~~(33)~~ (31) Spores or mycelium capable of producing mushrooms that contain psilocybin or psilocin.

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

(1) Gamma hydroxybutyric acid (some other names include GHB; gamma-hydroxybutyrate, 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

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

(3) Mecloqualone;

(4) Methaqualone.

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

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

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

10 (3) Substituted cathinones. Any compound, except bupropion or com-
11 pounds listed under a different schedule, structurally derived from
12 2-aminopropan-1-one by substitution at the 1-position with either
13 phenyl, naphthyl or thiophene ring systems, whether or not the compound
14 is further modified in any of the following ways:

15 i. By substitution in the ring system to any extent with alkyl,
16 alkylenedioxy, alkoxy, haloalkyl, hydroxyl or halide sub-
17 stituents, whether or not further substituted in the ring system
18 by one (1) or more other univalent substituents;

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

21 iii. By substitution at the 2-amino nitrogen atom with alkyl,
22 dialkyl, benzyl or methoxybenzyl groups, or by inclusion of the
23 2-amino nitrogen atom in a cyclic structure.

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

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

26 (6) 4-chloro-alpha-pyrrolidinovalerophenone* (4chloro-a-pvp);

27 (7) Fenethylamine;

28 (8) Methcathinone (some other names: 2-(methyl-amino)-propioph-
29 enone, alpha-(methylamino)-propiophenone, N-methylcathinone, AL-
30 464, AL-422, AL-463 and UR1423);

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

33 (10) 4-methyl-alpha-ethylaminopentiophenone* (4-MEAP);

34 (11) 4'-methyl-alpha-pyrrolidinohexiophenone* (mphp);

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

36 (13) N-ethylamphetamine;

37 (14) N-ethylhexedrone*;

38 (15) N,N-dimethylamphetamine (also known as: N,N-alpha-trimethyl-
39 benzeneethanamine).

40 SECTION 3. That Section 37-2707, Idaho Code, be, and the same is hereby
41 amended to read as follows:

42 37-2707. SCHEDULE II. (a) Schedule II shall consist of the drugs and
43 other substances, by whatever official name, common or usual name, chemical
44 name, or brand name designated, listed in this section.

45 (b) Substances, vegetable origin or chemical synthesis. Unless
46 specifically excepted or unless listed in another schedule, any of the fol-
47 lowing substances whether produced directly or indirectly by extraction
48 from substances of vegetable origin, or independently by means of chemical
49 synthesis, or by a combination of extraction and chemical synthesis:

1 (1) Opium and opiate, and any salt, compound, derivative, or prepara-
2 tion of opium or opiate, excluding apomorphine, dextrorphan, nal-
3 buphine, nalmefene, naloxone, naltrexone and their respective salts,
4 but including the following:

- 5 1. Raw opium;
- 6 2. Opium extracts;
- 7 3. Opium fluid extracts;
- 8 4. Powdered opium;
- 9 5. Granulated opium;
- 10 6. Tincture of opium;
- 11 7. Codeine;
- 12 8. Dihydroetorphine;
- 13 9. Diprenorphine;
- 14 10. Ethylmorphine;
- 15 11. Etorphine hydrochloride;
- 16 12. Hydrocodone;
- 17 13. Hydromorphone;
- 18 14. Metopon;
- 19 15. Morphine;
- 20 16. Oripavine;
- 21 17. Oxycodone;
- 22 18. Oxymorphone;
- 23 19. Tapentadol;
- 24 20. Thebaine.

25 (2) Any salt, compound, derivative, or preparation thereof which is
26 chemically equivalent or identical with any of the substances referred
27 to in paragraph (1) of this subsection, except that these substances
28 shall not include the isoquinoline alkaloids of opium.

29 (3) Opium poppy and poppy straw.

30 (4) Coca leaves and any salt, compound, derivative, or preparation
31 of coca leaves, and any salt, compound, derivative, or preparation
32 thereof which is chemically equivalent or identical with any of these
33 substances, but shall not include the following:

- 34 1. Decocainized coca leaves or extractions of coca leaves, which
35 extractions do not contain cocaine; or ecgonine; or
- 36 2. [¹²³I]ioflupane.

37 (5) Benzoylecgonine.

38 (6) Methylbenzoylecgonine (Cocaine - its salts, optical isomers, and
39 salts of optical isomers).

40 (7) Concentrate of poppy straw (the crude extract of poppy straw in liq-
41 uid, solid or powder form that contains the phenanthrine alkaloids of
42 the opium poppy).

43 (c) Any of the following opiates, including their isomers, esters,
44 ethers, salts, and salts of isomers, whenever the existence of these iso-
45 mers, esters, ethers and salts is possible within the specific chemical
46 designation, unless specifically excepted or unless listed in another
47 schedule:

- 48 (1) Alfentanil;
- 49 (2) Alphaprodine;
- 50 (3) Anileridine;

- 1 (4) Bezitramide;
- 2 (5) Bulk Dextropropoxyphene (nondosage forms);
- 3 (6) Carfentanil;
- 4 (7) Dihydrocodeine;
- 5 (8) Diphenoxylate;
- 6 (9) Fentanyl;
- 7 (10) Isomethadone;
- 8 (11) Levo-alpha-acetylmethadol (also known as levo-alpha-acetylmet-
- 9 hadol, levomethadyl acetate, LAAM);
- 10 (12) Levomethorphan;
- 11 (13) Levorphanol;
- 12 (14) Metazocine;
- 13 (15) Methadone;
- 14 (16) Methadone -- Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl
- 15 butane;
- 16 (17) Moramide -- Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl
- 17 propane-carboxylic acid;
- 18 (18) Norfentanyl (N-phenyl-N- (piperidin-4-yl) propionamide);
- 19 (19) Oliceridine;
- 20 (20) Pethidine (meperidine);
- 21 (21) Pethidine -- Intermediate -- A, 4-cyano-1-methyl-4-phenyl-
- 22 piperidine;
- 23 (22) Pethidine -- Intermediate -- B, ethyl-4-phenylpiperidine-4-car-
- 24 boxylate;
- 25 (23) Pethidine -- Intermediate -- C, 1-methyl-4-phenylpiperid-
- 26 ine-4-carboxylic acid;
- 27 (24) Phenazocine;
- 28 (25) Piminodine;
- 29 (26) Racemethorphan;
- 30 (27) Racemorphan;
- 31 (28) Remifentanil;
- 32 (29) Sufentanil.
- 33 (d) Stimulants. Unless specifically excepted or unless listed in an-
- 34 other schedule, any material, compound, mixture, or preparation which con-
- 35 tains any quantity of the following substances having a stimulant effect on
- 36 the central nervous system:
- 37 (1) Amphetamine, its salts, optical isomers, and salts of its optical
- 38 isomers;
- 39 (2) Lisdexamfetamine;
- 40 (3) Methamphetamine, its salts, isomers, and salts of its isomers;
- 41 (4) Phenmetrazine and its salts;
- 42 (5) Methylphenidate.
- 43 (e) Depressants. Unless specifically excepted or unless listed in an-
- 44 other schedule, any material, compound, mixture, or preparation which con-
- 45 tains any quantity of the following substances having a depressant effect on
- 46 the central nervous system, including its salts, isomers, and salts of iso-
- 47 mers, whenever the existence of such salts, isomers, and salts of isomers is
- 48 possible within the specific chemical designation:
- 49 (1) Amobarbital;
- 50 (2) Glutethimide;

- 1 (3) Pentobarbital;
 2 (4) Phencyclidine;
 3 (5) Secobarbital.
 4 (f) Hallucinogenic substances.
 5 (1) Nabilone (another name for nabilone:
 6 (+/-)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hy-
 7 droxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one) (21 CFR 1308.12 (f)).
 8 (g) Immediate precursors. Unless specifically excepted or unless
 9 listed in another schedule, any material, compound, mixture, or preparation
 10 which contains any quantity of the following substances:
 11 (1) Immediate precursor to amphetamine and methamphetamine:
 12 (a) Anthranilic acid;
 13 (b) Ephedrine;
 14 (c) Lead acetate;
 15 (d) Methylamine;
 16 (e) Methyl formamide;
 17 (f) N-methylephedrine;
 18 (g) Phenylacetic acid;
 19 (h) Phenylacetone;
 20 (i) Phenylpropanolamine;
 21 (j) Pseudoephedrine.

22 Except that any combination or compound containing ephedrine, or any of
 23 its salts and isomers, or phenylpropanolamine or its salts and isomers,
 24 or pseudoephedrine, or any of its salts and isomers which is prepared
 25 for dispensing or over-the-counter distribution is not a controlled
 26 substance for the purpose of this section, unless such substance is pos-
 27 sessed, delivered, or possessed with intent to deliver to another with
 28 the intent to manufacture methamphetamine, amphetamine or any other
 29 controlled substance in violation of section 37-2732, Idaho Code. For
 30 purposes of this provision, the requirements of the uniform controlled
 31 substances act shall not apply to a manufacturer, wholesaler or re-
 32 tailer of over-the-counter products containing the listed substances
 33 unless such person possesses, delivers, or possesses with intent to
 34 deliver to another the over-the-counter product with intent to manufac-
 35 ture a controlled substance.

36 (2) Immediate precursors to phencyclidine (PCP):

- 37 (a) 1-phenylcyclohexylamine;
 38 (b) 1-piperidinocyclohexanecarbonitrile (PCC).

39 (3) Immediate precursor to fentanyl: 4-anilino-N-phenethyl-4-piperi-
 40 dine (ANPP).

41 (h) Marijuana.

42 (i) Tetrahydrocannabinols or synthetic equivalents of the substances
 43 contained in the plant, or in the resinous extractives of Cannabis, sp.
 44 and/or synthetic substances, derivatives, and their isomers with similar
 45 chemical structure such as the following:

46 (1) Tetrahydrocannabinols, except for the permitted amount of tetrahy-
 47 drocannabinol found in industrial hemp, or nabiximols in a drug product
 48 approved by the United States food and drug administration:

- 49 (a) Δ^1 cis or trans tetrahydrocannabinol, and their optical iso-
 50 mers, excluding dronabinol in sesame oil and encapsulated in ei-

1 ther a soft gelatin capsule or in an oral solution in a drug product
 2 approved by the United States food and drug administration.

3 (b) Δ^6 cis or trans tetrahydrocannabinol, and their optical iso-
 4 mers.

5 (c) $\Delta^{3,4}$ cis or trans tetrahydrocannabinol, and its optical iso-
 6 mers. (Since nomenclature of these substances is not internation-
 7 ally standardized, compounds of these structures, regardless of
 8 numerical designation of atomic positions are covered.)

9 (d) [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2methyloc-
 10 tan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol], also
 11 known as 6aR-trans-3-(1,1-dimethylheptyl)-6a,7,10,10a-tetrahy-
 12 dro-1-hydroxy-6,6-dimethyl-6H-dibenzo[b,d]pyran-9-methanol
 13 (HU-210) and its geometric isomers (HU211 or dexanabinol).

14 (2) The following synthetic drugs:

15 (a) Any compound structurally derived from (1H-indole-3-yl) (cy-
 16 cloalkyl, cycloalkenyl, aryl)methanone, or (1H-indole-3-yl) (cy-
 17 cloalkyl, cycloalkenyl, aryl)methane, or (1H-indole-3-yl) (cy-
 18 cloalkyl, cycloalkenyl, aryl), methyl or dimethyl butanoate,
 19 amino-methyl (or dimethyl)-1-oxobutan-2-yl) carboxamide by sub-
 20 stitution at the nitrogen atoms of the indole ring or carboxamide
 21 to any extent, whether or not further substituted in or on the in-
 22 dole ring to any extent, whether or not substituted to any extent
 23 in or on the cycloalkyl, cycloalkenyl, aryl ring(s) (substitution
 24 in the ring may include, but is not limited to, heteroatoms such as
 25 nitrogen, sulfur and oxygen).

26 (b) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1
 27 H-indazole-3-carboxamide (5F-AB-PINACA).

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

30 (d) 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1 H-indazole-3-
 31 carboxamide (4-cn-cumyl-BUTINACA).

32 (e) Ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3carboxamido)-
 33 3,3-dimethylbutanoate * (5F-EDMB-PINACA).

34 (f) (1-(4-fluorobenzyl)-1H-indol-3-yl) (2,2,3,3-tetramethylcy-
 35 clopropyl)methanone (fub-144).

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

38 (h) (1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1
 39 H-pyrrolo[2.3-B]pyridine-3-carboxamide (5fcumyl-P7AICA).

40 (i) FUB-AMB, MMB- FUBINACA (Methyl 2-(1-(4-fluorobenzyl)-1H-in-
 41 dazole-3-carboxamido)-3-methylbutanoate.

42 (j) Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxam-
 43 ido)-3-methylbutanoate (MMB-CHMICA, AMB-CHMICA).

44 (k) Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxam-
 45 ido)-3,3-dimethylbutanoate (MDMB-CHMICA).

46 (l) Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxam-
 47 ido)-3,3-dimethylbutanoate (MDMB-FUBINACA).

48 (m) Methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-
 49 3,3-dimethylbutanoate (5F-MDMBPICA).

- 1 (n) Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxam-
 2 ido)-3,3-dimethylbutanoate (5F-ADB, 5FMDB-PINACA).
 3 (o) Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxam-
 4 ido)-3-methylbutanoate (5FAMB).
 5 (p) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluoroben-
 6 zyl)-1H-indazole-3-carboxamide (ADB-FUBINACA).
 7 (q) N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-car-
 8 boxamide (FUB-AKB48; FUB-APINACA).
 9 (r) N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-car-
 10 boxamide (5F-APINACA, 5F-AKB48).
 11 (s) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(Cyclohexylmethyl)-
 12 1H-indazole-3-carboxamide (AB-CHMINACA).
 13 (t) Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxy-
 14 late (NM2201; CBL2201).
 15 (u) Any compound structurally derived from 3-(1-naphthoyl)pyr-
 16 role by substitution at the nitrogen atom of the pyrrole ring to
 17 any extent, whether or not further substituted in the pyrrole ring
 18 to any extent, whether or not substituted in the naphthyl ring to
 19 any extent.
 20 (v) Any compound structurally derived from 1-(1-naphthyl-
 21 methyl)indene by substitution at the 3-position of the indene ring
 22 to any extent, whether or not further substituted in the indene
 23 ring to any extent, whether or not substituted in the naphthyl ring
 24 to any extent.
 25 (w) Any compound structurally derived from 3-phenylacetylindole
 26 by substitution at the nitrogen atom of the indole ring to any ex-
 27 tent, whether or not further substituted in the indole ring to any
 28 extent, whether or not substituted in the phenyl ring to any ex-
 29 tent.
 30 (x) Any compound structurally derived from 2-(3-hydroxycyclo-
 31 hexyl)phenol by substitution at the 5-position of the phenolic
 32 ring to any extent, whether or not substituted in the cyclohexyl
 33 ring to any extent.
 34 (y) Any compound structurally derived from 3-(benzoyl)indole
 35 structure with substitution at the nitrogen atom of the indole
 36 ring to any extent, whether or not further substituted in the
 37 indole ring to any extent and whether or not substituted in the
 38 phenyl ring to any extent.
 39 (z) [2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrol-
 40 o[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone
 41 (WIN-55,212-2).
 42 (aa) 3-dimethylheptyl-11-hydroxyhexahydrocannabinol (HU-243).
 43 (bb) [(6S, 6aR, 9R, 10aR)-9-hydroxy-6-methyl-3-[(2R)-5-
 44 phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenan-
 45 thridin-1-yl]acetate (CP 50,5561).

46 SECTION 4. That Section 37-2732, Idaho Code, be, and the same is hereby
 47 amended to read as follows:

48 37-2732. PROHIBITED ACTS A -- PENALTIES. (a) Except as authorized by
 49 this chapter or chapter 35, title 37, Idaho Code, it is unlawful for any per-

1 son to manufacture or deliver, or possess with intent to manufacture or de-
2 liver, a controlled substance.

3 (1) Any person who violates this subsection with respect to:

4 (A) A controlled substance classified in schedule I which is a
5 narcotic drug or a controlled substance classified in schedule II,
6 except as provided for in section 37-2732B(a) (3), Idaho Code, is
7 guilty of a felony and upon conviction may be imprisoned for a term
8 of years not to exceed life imprisonment, or fined not more than
9 twenty-five thousand dollars (\$25,000), or both;

10 (B) Any other controlled substance which is a nonnarcotic drug
11 classified in schedule I, or a controlled substance classified in
12 schedule III, is guilty of a felony and upon conviction may be im-
13 prisoned for not more than five (5) years, fined not more than fif-
14 teen thousand dollars (\$15,000), or both;

15 (C) A substance classified in schedule IV is guilty of a felony
16 and upon conviction may be imprisoned for not more than three (3)
17 years, fined not more than ten thousand dollars (\$10,000), or
18 both;

19 (D) A substance classified in schedules V and VI is guilty of a
20 misdemeanor and upon conviction may be imprisoned for not more
21 than one (1) year, fined not more than five thousand dollars
22 (\$5,000), or both.

23 (b) Except as authorized by this chapter, it is unlawful for any per-
24 son to create, deliver, or possess with intent to deliver, a counterfeit sub-
25 stance.

26 (1) Any person who violates this subsection with respect to:

27 (A) A counterfeit substance classified in schedule I which is a
28 narcotic drug, or a counterfeit substance classified in schedule
29 II, is guilty of a felony and upon conviction may be imprisoned for
30 not more than fifteen (15) years, fined not more than twenty-five
31 thousand dollars (\$25,000), or both;

32 (B) Any other counterfeit substance classified in schedule I
33 which is a nonnarcotic drug contained in schedule I or a counter-
34 feit substance contained in schedule III is guilty of a felony and
35 upon conviction may be imprisoned for not more than five (5) years,
36 fined not more than fifteen thousand dollars (\$15,000), or both;

37 (C) A counterfeit substance classified in schedule IV is guilty
38 of a felony and upon conviction may be imprisoned for not more
39 than three (3) years, fined not more than ten thousand dollars
40 (\$10,000), or both;

41 (D) A counterfeit substance classified in schedules V and VI or
42 a noncontrolled counterfeit substance is guilty of a misdemeanor
43 and upon conviction may be imprisoned for not more than one (1)
44 year, fined not more than five thousand dollars (\$5,000), or both.

45 (c) It is unlawful for any person to possess a controlled substance
46 unless the substance was obtained directly from, or pursuant to, a valid
47 prescription or order of a practitioner while acting in the course of his
48 professional practice, or except as otherwise authorized by this chapter or
49 chapter 35, title 37, Idaho Code.

1 (1) Any person who violates this subsection and has in his possession
2 a controlled substance classified in schedule I which is a narcotic
3 drug or a controlled substance classified in schedule II is guilty of
4 a felony and upon conviction may be imprisoned for not more than seven
5 (7) years, or fined not more than fifteen thousand dollars (\$15,000), or
6 both.

7 (2) Any person who violates this subsection and has in his possession
8 lysergic acid diethylamide is guilty of a felony and upon conviction may
9 be imprisoned for not more than three (3) years, or fined not more than
10 five thousand dollars (\$5,000), or both.

11 (3) Any person who violates this subsection and has in his possession a
12 controlled substance which is a nonnarcotic drug classified in schedule
13 I except lysergic acid diethylamide, or a controlled substance classi-
14 fied in schedules III, IV, V and VI is guilty of a misdemeanor and upon
15 conviction thereof may be imprisoned for not more than one (1) year, or
16 fined not more than one thousand dollars (\$1,000), or both.

17 (d) It shall be unlawful for any person to be present at or on premises
18 of any place where he knows illegal controlled substances are being manufac-
19 tured or cultivated, or are being held for distribution, transportation, de-
20 livery, administration, use, or to be given away. A violation of this sec-
21 tion shall deem those persons guilty of a misdemeanor and upon conviction
22 shall be punished by a fine of not more than three hundred dollars (\$300) and
23 not more than ninety (90) days in the county jail, or both.

24 (e) If any person is found to possess marijuana, which for the purposes
25 of this subsection shall be restricted to all parts of the plants of the
26 genus Cannabis, including the extract or any preparation of cannabis which
27 contains tetrahydrocannabinol, in an amount greater than three (3) ounces
28 net weight, it shall be a felony and upon conviction may be imprisoned for
29 not more than five (5) years, or fined not more than ten thousand dollars
30 (\$10,000), or both. The provisions of this subsection do not apply to a per-
31 son acting according to and in compliance with the provisions of chapter 35,
32 title 37, Idaho Code.

33 (f) If two (2) or more persons conspire to commit any offense defined in
34 this act, said persons shall be punished by a fine or imprisonment, or both,
35 which may not exceed the maximum punishment prescribed for the offense, the
36 commission of which was the object of the conspiracy.

37 (g) (1) It is unlawful for any person to manufacture or distribute a
38 "simulated controlled substance," or to possess with intent to distrib-
39 ute a "simulated controlled substance." Any person who violates this
40 subsection shall, upon conviction, be guilty of a misdemeanor and upon
41 conviction thereof shall be punished by a fine of not more than one thou-
42 sand dollars (\$1,000) and not more than one (1) year in the county jail,
43 or both.

44 (2) It is unlawful for any person to possess a "simulated controlled
45 substance." Any person who violates this subsection shall, upon convic-
46 tion, be guilty of a misdemeanor and upon conviction thereof shall be
47 punished by a fine of not more than three hundred dollars (\$300) and not
48 more than six (6) months in the county jail, or both.

49 (h) It is unlawful for any person to cause to be placed in any newspaper,
50 magazine, handbill, or other publication, or to post or distribute in any

1 public place, any advertisement or solicitation offering for sale simulated
2 controlled substances. Any person who violates this subsection is guilty of
3 a misdemeanor and shall be punished in the same manner as prescribed in sub-
4 section (g) (1) of this section.

5 (i) No civil or criminal liability shall be imposed by virtue of this
6 chapter on any person registered under the uniform controlled substances
7 act who manufactures, distributes, or possesses an imitation controlled
8 substance for use as a placebo or other use by a registered practitioner, as
9 defined in section 37-2701(bb), Idaho Code, in the course of professional
10 practice or research.

11 (j) No prosecution under this chapter shall be dismissed solely by rea-
12 son of the fact that the dosage units were contained in a bottle or other con-
13 tainer with a label accurately describing the ingredients of the imitation
14 controlled substance dosage units. The good faith of the defendant shall be
15 an issue of fact for the trier of fact.

16 (k) Upon conviction of a felony or misdemeanor violation under this
17 chapter or upon conviction of a felony pursuant to the racketeering act,
18 section 18-7804, Idaho Code, or the money laundering and illegal investment
19 provisions of section 18-8201, Idaho Code, the court may order restitution
20 for costs incurred by law enforcement agencies in investigating the viola-
21 tion. Law enforcement agencies shall include, but not be limited to, the
22 Idaho state police, county and city law enforcement agencies, the office
23 of the attorney general and county and city prosecuting attorney offices.
24 Costs shall include, but not be limited to, those incurred for the purchase
25 of evidence, travel and per diem for law enforcement officers and witnesses
26 throughout the course of the investigation, hearings and trials, and any
27 other investigative or prosecution expenses actually incurred, including
28 regular salaries of employees. In the case of reimbursement to the Idaho
29 state police, those moneys shall be paid to the Idaho state police for
30 deposit into the drug and driving while under the influence enforcement
31 donation fund created in section 57-816, Idaho Code. In the case of reim-
32 bursement to the office of the attorney general, those moneys shall be paid
33 to the general fund. A conviction for the purposes of this section means that
34 the person has pled guilty or has been found guilty, notwithstanding the form
35 of the judgment (s) or withheld judgment (s).

36 SECTION 5. That Section 37-2732B, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 37-2732B. TRAFFICKING -- MANDATORY SENTENCES. (a) Except as autho-
39 rized in this chapter or chapter 35, title 37, Idaho Code, and notwithstand-
40 ing the provisions of section 37-2732, Idaho Code:

41 (1) Any person who knowingly manufactures, delivers, or brings into
42 this state, or who is knowingly in actual or constructive possession
43 of, one (1) pound of marijuana or more, or twenty-five (25) marijuana
44 plants or more, as defined in section 37-2701, Idaho Code, is guilty of
45 a felony, which felony shall be known as "trafficking in marijuana." If
46 the quantity of marijuana involved:

47 (A) Is one (1) pound or more, but less than five (5) pounds, or con-
48 sists of twenty-five (25) marijuana plants or more but fewer than
49 fifty (50) marijuana plants, regardless of the size or weight of

1 the plants, such person shall be sentenced to a mandatory minimum
2 fixed term of imprisonment of one (1) year and fined not less than
3 five thousand dollars (\$5,000);

4 (B) Is five (5) pounds or more, but less than twenty-five (25)
5 pounds, or consists of fifty (50) marijuana plants or more but
6 fewer than one hundred (100) marijuana plants, regardless of the
7 size or weight of the plants, such person shall be sentenced to a
8 mandatory minimum fixed term of imprisonment of three (3) years
9 and fined not less than ten thousand dollars (\$10,000);

10 (C) Is twenty-five (25) pounds or more, or consists of one hundred
11 (100) marijuana plants or more, regardless of the size or weight
12 of the plants, such person shall be sentenced to a mandatory mini-
13 mum fixed term of imprisonment of five (5) years and fined not less
14 than fifteen thousand dollars (\$15,000).

15 (D) The maximum number of years of imprisonment for trafficking in
16 marijuana shall be fifteen (15) years, and the maximum fine shall
17 be fifty thousand dollars (\$50,000).

18 (E) For the purposes of this section, the weight of the marijuana
19 is its weight when seized or as determined as soon as practica-
20 ble after seizure, unless the provisions of subsection (c) of this
21 section apply.

22 (2) Any person who knowingly manufactures, delivers, or brings into
23 this state, or who is knowingly in actual or constructive possession
24 of, twenty-eight (28) grams or more of cocaine or of any mixture or sub-
25 stance containing a detectable amount of cocaine is guilty of a felony,
26 which felony shall be known as "trafficking in cocaine." If the quantity
27 involved:

28 (A) Is twenty-eight (28) grams or more, but less than two hundred
29 (200) grams, such person shall be sentenced to a mandatory minimum
30 fixed term of imprisonment of three (3) years and fined not less
31 than ten thousand dollars (\$10,000);

32 (B) Is two hundred (200) grams or more, but less than four hundred
33 (400) grams, such person shall be sentenced to a mandatory mini-
34 mum fixed term of imprisonment of five (5) years and fined not less
35 than fifteen thousand dollars (\$15,000);

36 (C) Is four hundred (400) grams or more, such person shall be sen-
37 tenced to a mandatory minimum fixed term of imprisonment of ten
38 (10) years and fined not less than twenty-five thousand dollars
39 (\$25,000).

40 (D) The maximum number of years of imprisonment for trafficking
41 in cocaine shall be life, and the maximum fine shall be one hundred
42 thousand dollars (\$100,000).

43 (3) Any person who knowingly manufactures or attempts to manufacture
44 methamphetamine and/or amphetamine is guilty of a felony which shall
45 be known as "trafficking in methamphetamine and/or amphetamine by man-
46 ufacturing." Any person convicted of trafficking in methamphetamine
47 and/or amphetamine by attempted manufacturing shall be sentenced to
48 a mandatory minimum fixed term of imprisonment of two (2) years and
49 not to exceed fifteen (15) years imprisonment and fined not less than
50 ten thousand dollars (\$10,000). Any person convicted of traffick-

1 ing in methamphetamine and/or amphetamine by manufacturing shall be
2 sentenced to a mandatory minimum fixed term of imprisonment of five
3 (5) years and not to exceed life imprisonment and fined not less than
4 twenty-five thousand dollars (\$25,000). The maximum number of years of
5 imprisonment for trafficking in methamphetamine and/or amphetamine by
6 manufacturing shall be life, and the maximum fine shall be one hundred
7 thousand dollars (\$100,000).

8 (4) Any person who knowingly delivers, or brings into this state, or
9 who is knowingly in actual or constructive possession of, twenty-eight
10 (28) grams or more of methamphetamine or amphetamine or of any mixture
11 or substance containing a detectable amount of methamphetamine or am-
12 phetamine is guilty of a felony, which felony shall be known as "traf-
13 ficking in methamphetamine or amphetamine." If the quantity involved:

14 (A) Is twenty-eight (28) grams or more, but less than two hundred
15 (200) grams, such person shall be sentenced to a mandatory minimum
16 fixed term of imprisonment of three (3) years and fined not less
17 than ten thousand dollars (\$10,000);

18 (B) Is two hundred (200) grams or more, but less than four hundred
19 (400) grams, such person shall be sentenced to a mandatory mini-
20 mum fixed term of imprisonment of five (5) years and fined not less
21 than fifteen thousand dollars (\$15,000);

22 (C) Is four hundred (400) grams or more, such person shall be sen-
23 tenced to a mandatory minimum fixed term of imprisonment of ten
24 (10) years and fined not less than twenty-five thousand dollars
25 (\$25,000).

26 (D) The maximum number of years of imprisonment for trafficking in
27 methamphetamine or amphetamine shall be life, and the maximum fine
28 shall be one hundred thousand dollars (\$100,000).

29 (5) Any person who knowingly manufactures, delivers, brings into
30 this state, or who is knowingly in actual or constructive possession
31 of the below-specified quantities of any of the following immediate
32 precursors to methamphetamine or amphetamine (namely ephedrine, methy-
33 lamine, methyl formamide, phenylacetic acid, phenylacetone, or pseu-
34 doephedrine) as defined in section 37-2707(g)(1), Idaho Code, or any
35 compound, mixture or preparation which contains a detectable quantity
36 of these substances, is guilty of a felony which shall be known as "traf-
37 ficking in immediate precursors of methamphetamine or amphetamine." If
38 the quantity:

39 (A) Of ephedrine is five hundred (500) grams or more;

40 (B) Of methylamine is one-half (1/2) pint or more;

41 (C) Of methyl formamide is one-quarter (1/4) pint or more;

42 (D) Of phenylacetic acid is five hundred (500) grams or more;

43 (E) Of phenylacetone is four hundred (400) grams or more;

44 (F) Of pseudoephedrine is five hundred (500) grams or more;

45 such person shall be sentenced to a mandatory minimum fixed term of
46 imprisonment of ten (10) years and fined not less than twenty-five thou-
47 sand dollars (\$25,000). The maximum number of years of imprisonment
48 for trafficking in immediate precursors of methamphetamine or am-
49 phetamine in the quantities specified in paragraphs (A) through (F) of
50 this subsection (5) shall be life, and the maximum fine shall be one hun-

1 dred thousand dollars (\$100,000). If the quantity of pseudoephedrine
2 is twenty-five (25) grams or more, but less than five hundred (500)
3 grams, such person shall be sentenced to a term of imprisonment of up
4 to ten (10) years and fined not more than twenty-five thousand dollars
5 (\$25,000).

6 (6) Any person who knowingly manufactures, delivers or brings into this
7 state, or who is knowingly in actual or constructive possession of, two
8 (2) grams or more of heroin or any salt, isomer, or salt of an isomer
9 thereof, or two (2) grams or more of any mixture or substance containing
10 a detectable amount of any such substance is guilty of a felony, which
11 felony shall be known as "trafficking in heroin." If the quantity in-
12 volved:

13 (A) Is two (2) grams or more, but less than seven (7) grams, such
14 person shall be sentenced to a mandatory minimum fixed term of im-
15 prisonment of three (3) years and fined not less than ten thousand
16 dollars (\$10,000);

17 (B) Is seven (7) grams or more, but less than twenty-eight (28)
18 grams, such person shall be sentenced to a mandatory minimum fixed
19 term of imprisonment of ten (10) years and fined not less than fif-
20 teen thousand dollars (\$15,000);

21 (C) Is twenty-eight (28) grams or more, such person shall be sen-
22 tenced to a mandatory minimum fixed term of imprisonment of fif-
23 teen (15) years and fined not less than twenty-five thousand dol-
24 lars (\$25,000).

25 (D) The maximum number of years of imprisonment for trafficking
26 in heroin shall be life, and the maximum fine shall be one hundred
27 thousand dollars (\$100,000).

28 (7) A second conviction for any trafficking offense as defined in sub-
29 section (a) of this section shall result in a mandatory minimum fixed
30 term that is twice that otherwise required under this section.

31 (8) Notwithstanding any other provision of law, with respect to any
32 person who is found to have violated the provisions of this section, ad-
33 judication of guilt or the imposition or execution of sentence shall not
34 be suspended, deferred, or withheld, nor shall such person be eligible
35 for parole prior to serving the mandatory minimum fixed term of impris-
36 onment prescribed in this section. Further, the court shall not retain
37 jurisdiction.

38 (b) Any person who agrees, conspires, combines or confederates with an-
39 other person or solicits another person to commit any act prohibited in sub-
40 section (a) of this section is guilty of a felony and is punishable as if he
41 had actually committed such prohibited act.

42 (c) For the purposes of subsections (a) and (b) of this section the
43 weight of the controlled substance as represented by the person selling or
44 delivering it is determinative if the weight as represented is greater than
45 the actual weight of the controlled substance.

46 SECTION 6. SEVERABILITY. The provisions of this act are hereby declared
47 to be severable and if any provision of this act or the application of such
48 provision to any person or circumstance is declared invalid for any reason,
49 such declaration shall not affect the validity of the remaining portions of
50 this act.

1 SECTION 7. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after its
3 passage and approval.