LEGISLATURE OF THE STATE OF IDAHO

Sixty-eighth Legislature First Regular Session - 2025

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 401

BY REDMAN AND RUBEL

AN ACT

RELATING TO THE SERGEANT KITZHABER MEDICAL CANNABIS ACT; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 96, TITLE 39, IDAHO CODE, TO PROVIDE A SHORT TITLE AND LEGISLATIVE INTENT, TO PROVIDE FOR STATUTORY CONSTRUCTION, TO DEFINE TERMS, TO AUTHORIZE THE USE OF CANNABIS AND CANNABIS PRODUCTS AND RELATED ACTIVITIES UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR AN ELECTRONIC VERIFICATION SYSTEM AND PENALTIES, TO ESTABLISH PROVISIONS REGARDING QUALIFYING CONDITIONS, TO ESTABLISH PROVISIONS REGARDING PRACTITIONER REGISTRATION, TRAINING, AND TREATMENT RECOMMENDATIONS, TO ESTABLISH PROVISIONS REGARDING LIMITATIONS ON LIABILITY AND THE STANDARD OF CARE, TO PROVIDE FOR A QUALIFIED PATIENT ENTERPRISE FUND AND REVENUE NEUTRALITY, TO ESTABLISH PROVISIONS REGARDING NONDISCRIMINATION, TO CLARIFY THAT INSURERS AND OTHERS ARE NOT REQUIRED TO COVER CANNABIS, CANNABIS PRODUCTS, OR MEDICAL CANNABIS DEVICES, TO ESTABLISH PROVISIONS REGARDING THE USE OF HEMP EXTRACT, CANNABIDIOL, AND CERTAIN OTHER PRODUCTS, TO ESTABLISH PROVISIONS REGARDING MEDICAL CANNABIS PATIENT CARDS, TO ESTABLISH PROVISIONS REGARDING MEDICAL CANNABIS CAREGIVER CARDS, TO PROVIDE FOR A CRIMINAL HISTORY AND BACKGROUND CHECK OF A DESIGNATED CAREGIVER, TO ESTABLISH PROVISIONS REGARDING MEDICAL CANNABIS CARD REQUIREMENTS AND A REBUTTABLE PRESUMPTION, TO ESTABLISH PROVISIONS REGARDING A LOST OR STOLEN MEDICAL CANNABIS CARD, TO PROVIDE FOR THE IMPORTATION AND TRANSPORTATION OF CANNABIS, CANNABIS PRODUCTS, AND MEDICAL CANNABIS DEVICES, TO PROVIDE FOR CRIMINAL ENFORCEMENT, TO PROVIDE FOR A REPORT, TO PROVIDE FOR RULEMAKING AUTHORITY AND FOR CERTAIN TRAINING, TO PROVIDE LEGAL IMMUNITIES, TO PROVIDE THAT CERTAIN ACTIVITIES ARE NOT PERMITTED, TO PROVIDE FOR PENALTIES, TO PROVIDE PROHIBITIONS, TO PROVIDE PROTECTIONS, AND TO PROVIDE SEVERABILITY; AMENDING SECTION 37-2705, IDAHO CODE, TO REMOVE PROVISIONS FROM SCHEDULE I IN THE UNIFORM CONTROLLED SUBSTANCES ACT; AMENDING SECTION 37-2707, IDAHO CODE, TO REVISE PROVISIONS REGARDING SCHEDULE II IN THE UNIFORM CONTROLLED SUBSTANCES ACT; AMENDING SECTION 37-2732, IDAHO CODE, TO PROVIDE EXCEPTIONS AND APPLICABILITY; AMENDING SECTION 37-2732B, IDAHO CODE, TO PROVIDE AN EXCEPTION; AMENDING SECTION 25-2703, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 96, Title 39, Idaho Code, and to read as follows:

CHAPTER 96

SERGEANT KITZHABER MEDICAL CANNABIS ACT

39-9601. SHORT TITLE -- LEGISLATIVE INTENT -- STATUTORY CONSTRUCTION. (1) This chapter shall be known and may be cited as the "Sergeant Kitzhaber Medical Cannabis Act."

(2) In enacting this chapter, it is the intent of the legislature to authorize the possession, transportation, and use of cannabis and cannabis products, within the limits prescribed by this chapter, for the purpose of making medical cannabis treatment available to Idaho patients suffering from serious health conditions. Persons whose actions are permitted by and in compliance with the provisions of this chapter will not, for such actions, be held to violate the provisions of chapter 27, title 37, Idaho Code, or any other provision of state law, local ordinance, or administrative rule contrary to the provisions of this chapter.

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

39-9602. DEFINITIONS. For the purposes of this chapter, unless context otherwise requires:

(1) "Blister" means a plastic cavity or pocket used to contain no more than a single dose of cannabis or a cannabis product in a blister pack.

(2) "Blister pack" means a plastic, paper, or foil package with multiple blisters each containing no more than a single dose of cannabis or a cannabis product.

(3) "Board" means the board of pharmacy or the division of occupational and professional licenses acting on behalf of the board of pharmacy.

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

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

(6) "Cannabis product" means a product derived from, or made by, processing cannabis plants or parts of the plant that:

(a) Is intended for human use; and

(b) Contains cannabis or tetrahydrocannabinol.

(7) "Community location" means a public or private school, a church, a public library, a public playground, or a public park.

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

(9) "Designated caregiver" means an individual who:

(a) Is designated by a patient with a medical cannabis patient card as the patient's caregiver; and

(b) Registers with the department pursuant to section 39-9613, Idaho Code.

(10) "Dosing parameters" means quantity, routes, and frequency of administration for a recommended treatment of cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.

(11) "Electronic verification system" means the system established by section 39-9604, Idaho Code.

(12) "Licensed medical cannabis pharmacist" or "medical cannabis pharmacist" means an individual licensed under chapter 17, title 54, Idaho Code, who is employed by a medical cannabis pharmacy.

(13) "Licensed mental health therapist" means an individual licensed under title 54, Idaho Code, who provides mental health services within the scope of the individual's license.

(14) "Marijuana" has the same meaning as provided in section 37-2701, Idaho Code.

(15) "Medical cannabis" means cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.

(16) "Medical cannabis card" means a medical cannabis patient card or a medical cannabis caregiver card.

(17) "Medical cannabis cardholder" means the holder of a medical cannabis card.

(18) "Medical cannabis caregiver card" means an official card that:

(a) The department issues to an individual whom a medical cannabis patient cardholder designates as a designated caregiver; and

(b) Is connected to the electronic verification system.

(19) "Medical cannabis device" means a device used to grind, inhale, or ingest cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form or a device used specifically for the mechanical vaporization of raw, unprocessed cannabis flower.

(20) "Medical cannabis patient card" means an official card that:

(a) The department issues to an individual with a qualifying condition; and

(b) Is connected to the electronic verification system.

(21) "Medical cannabis treatment" means cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device.

(22) "Medicinal dosage form" means cannabis or a cannabis product in a form suitable for medical treatment as described in paragraphs (a), (b), and (c) of this subsection. The three (3) separate categories of medicinal dosage form may be prescribed and obtained by category or by a combination of categories. All forms must be packaged in single or multiple dosage forms with specific and consistent cannabinoid content as provided in this subsection.

(a) "Liquid processed form of medical cannabis" means:

(i) A concentrated oil not to exceed one hundred (100) milliliters per container;

(ii) A liquid suspension not to exceed one hundred (100) milliliters per container;

(iii) A topical preparation not to exceed one hundred (100) milliliters per container; or

(iv) A sublingual preparation not to exceed one hundred (100) milliliters per container.

(b) "Solid processed form of medical cannabis" means:

(i) A tablet, up to ten (10) tablets per package;

(ii) A capsule, up to ten (10) capsules per package;

(iii) A gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular cuboid shape, up to ten (10) per package;

(iv) Butter, resin, or wax not to exceed one hundred (100) grams total weight per package or container; or

(v) A transdermal preparation not to exceed one hundred (100) milligrams per container.

(c) "Unprocessed medical cannabis flower" is a general term that means the trichome-covered part of a female cannabis plant. It must be packaged in a blister pack or tamper-evident package or container. Each individual blister or tamper-evident package or container must:

(i) Contain a specific and consistent weight that does not exceed one (1) gram per each individual blister pack and five (5) grams per complete package or does not exceed two (2) grams per tamper-evident package or container and that varies by no more than ten percent (10%) from the stated weight; and

(ii) Be labeled with a barcode that provides information connected to an inventory control system and the individual blister's content and weight or tamper-evident package's or container's content and weight.

(d) A medicinal dosage form must be measured in grams, milligrams, or milliliters.

(e) "Medicinal dosage form" includes a portion of unprocessed cannabis flower that:

(i) The medical cannabis cardholder has recently removed from the blister pack for use; and

(ii) Does not exceed the quantity described in this subsection.

(f) "Medicinal dosage form" does not include:

(i) Any unprocessed cannabis flower outside of the blister or tamper-evident package or container, except as otherwise provided in this subsection; or

(ii) A process of vaporizing concentrated cannabis oil via a cartridge or other similar product or device by placing the concentrated cannabis oil cartridge or other similar product or device in a vape or vaping device.

(23) "Person" means:

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

(b) An agent or an employee of an individual, a facility, a partnership, an association, a firm, a trust, a limited liability company, or a corporation.

(24) "Practitioner" has the same meaning as provided in section 54-1704, Idaho Code.

(25) "Qualified patient enterprise fund" means the fund established in section 39-9608, Idaho Code.

(26) "Qualifying condition" means a condition described in section 39-9605, Idaho Code.

(27) "Tetrahydrocannabinol" or "THC" means a substance derived from cannabis and contained in a plant of the genus Cannabis, as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure as described in section 37-2707(i), Idaho Code.

39-9603. AUTHORIZATION. Notwithstanding any provision of law to the contrary, the possession, transportation, and use of cannabis and cannabis products, as well as activities related to the possession, transportation, and use of cannabis and cannabis products, are authorized as provided in this chapter for the purposes identified in this chapter.

39-9604. ELECTRONIC VERIFICATION SYSTEM -- PENALTIES. (1) The board shall establish an electronic verification system that complies with the provisions of this section. An existing system may be used or adapted to comply with the provisions of this section. The board may, as necessary:

(a) Coordinate with the division of purchasing to develop a solicitation for a third-party provider to develop and maintain the electronic verification system; and

(b) Select a third-party provider who meets the requirements contained in the solicitation issued under paragraph (a) of this subsection.

(2) The board must ensure that, on or before January 1, 2026, the electronic verification system:

(a) Allows an individual or a practitioner acting on the individual's behalf to apply for a medical cannabis patient card;

(b) Allows an individual to apply to renew a medical cannabis patient card in accordance with section 39-9612, Idaho Code;

(c) Allows a practitioner to access the electronic verification system in accordance with board rule;

(d) Provides access to:

(i) The board to the extent necessary to carry out the board's functions and responsibilities under this chapter;

(ii) The department to the extent necessary to carry out the department's functions and responsibilities under this chapter; and

(iii) Licensing boards for practitioners as provided in board rule;

(e) Provides access to state or local law enforcement; and

(f) Creates a record each time a person accesses the database that identifies the person who accesses the database and the individual whose records the person accesses.

(3) The board may release de-identified data that the system collects for the purpose of:

(a) Conducting medical research; and

(b) Providing the report required by section 39-9619, Idaho Code.

(4) The board shall promulgate rules, subject to legislative approval, to establish:

(a) The limitations on access to the data in the electronic verification system as described in this section; and

(b) Standards and procedures to ensure accurate identification of an individual requesting information or receiving information as provided in this section.

(5)(a) Any person who knowingly and intentionally releases any information in the electronic verification system in violation of this section is guilty of a misdemeanor.

(b) Any person who recklessly or with gross negligence releases any information in the electronic verification system in violation of this

section is guilty of an infraction. The board shall establish such infraction penalties in rule, subject to legislative approval.

(6)(a) Any person who obtains or attempts to obtain information from the electronic verification system by misrepresentation or fraud is guilty of a misdemeanor.

(b) Any person who obtains or attempts to obtain information from the electronic verification system for a purpose other than a purpose this chapter authorizes is guilty of a misdemeanor.

(7)(a) Except as provided in paragraph (e) of this subsection, a person may not knowingly and intentionally use, release, publish, or otherwise make available to any other person information obtained from the electronic verification system for any purpose other than a purpose specified in this section.

(b) Each separate violation of this subsection is:

(i) A misdemeanor; and

(ii) Subject to a civil penalty not to exceed five thousand dollars ($5,000).

(c) The board shall determine a civil violation of this subsection in accordance with chapter 52, title 67, Idaho Code.

(d) Civil penalties assessed under this subsection shall be deposited into the qualified patient enterprise fund established by section 39-9608, Idaho Code.

(e) This subsection does not prohibit a person who obtains information from the electronic verification system under subsection (2)(a), (c), or (f) of this section from:

(i) Including the information in the person's medical chart or file for access by a person authorized to review the medical chart or file;

(ii) Providing the information to a person in accordance with the requirements of the health insurance portability and accountability act of 1996; or

(iii) Discussing or sharing that information on the patient with the patient.

39-9605. QUALIFYING CONDITIONS. (1) By designating a particular condition under subsection (2) of this section for which the use of medical cannabis to treat symptoms is decriminalized, the legislature does not conclusively state that:

(a) Current scientific evidence clearly supports the efficacy of a medical cannabis treatment for the condition; or

(b) A medical cannabis treatment will treat, cure, or positively affect the condition.

(2) For the purposes of this chapter, each of the following conditions can be considered a qualifying condition if the condition is active:

(a) Acquired immune deficiency syndrome (AIDS) or human immunodeficiency virus (HIV);

(b) Alzheimer's disease;

(c) Amyotrophic lateral sclerosis (ALS);

(d) Autism;

(e) Cachexia;

(f) Cancer;
(g) Chronic pain;
(h) Crohn's disease or ulcerative colitis;
(i) Epilepsy or debilitating seizures;
(j) Multiple sclerosis or debilitating muscle spasms;
(k) Nausea that is not significantly responsive to traditional treatment, except for nausea related to:
(i) Pregnancy;
(ii) Cannabis-induced cyclical vomiting syndrome; or
(iii) Cannabinoid hyperemesis syndrome;
(l) Post-traumatic stress disorder (PTSD) that is being treated and monitored by a licensed mental health therapist and that:
(i) Has been diagnosed by a health care provider or mental health provider employed or contracted by the United States department of veterans affairs; or
(ii) Has been diagnosed or confirmed by a provider who is:
1. A licensed board-eligible or board-certified psychiatrist;
2. A licensed psychologist with a doctorate-level degree;
3. A licensed clinical social worker with a doctorate-level degree; or
4. A licensed advanced practice registered nurse who is qualified to practice within the psychiatric mental health nursing specialty;
(m) A terminal illness where the patient's condition is not expected to improve with or without other medical treatments;
(n) A condition resulting in the individual receiving hospice care;
(o) A rare condition or disease that:
(i) Affects fewer than two hundred thousand (200,000) individuals in the United States, as defined in section 526 of the federal food, drug, and cosmetic act; and
(ii) Is not adequately managed despite treatment attempts using:
1. Conventional medications other than opioids or opiates; or
2. Physical interventions; or
(p) Another debilitating medical condition as determined by a practitioner.

39-9606. PRACTITIONER REGISTRATION -- TRAINING -- TREATMENT RECOMMENDATION. (1) A practitioner may not recommend a medical cannabis treatment unless the board registers the practitioner in accordance with this section.
(2) The board shall, within fifteen (15) days after the day on which the board receives a completed application from a practitioner, register the practitioner if the practitioner:
(a) Provides to the board the practitioner's name and address;
(b) Provides to the board a report detailing the practitioner's completion of the training requirements described in subsection (3) of this section; and
(c) Provides to the board evidence that the practitioner:
(i) Has the authority to write a prescription;

(ii) Is licensed to prescribe a controlled substance; and

(iii) Has the authority, in accordance with the individual's scope of practice, to prescribe a schedule II controlled substance.

(3) As a condition precedent to registration, a practitioner must complete training as determined by the board in cooperation with other applicable licensing boards, which training must cover:

(a) The provisions of this chapter;

(b) General information about medical cannabis under federal and state law;

(c) The latest scientific research on the endocannabinoid system and medical cannabis, including risks and benefits;

(d) Recommendations for medical cannabis as it relates to the continuing care of a patient in pain management, risk management, potential addiction, or palliative care;

(e) Best practices for recommending the form and dosage of medical cannabis products based on the qualifying condition underlying a medical cannabis recommendation; and

(f) Other information as determined by the board, in cooperation with applicable licensing boards.

(4) A practitioner may recommend medical cannabis to an individual under this chapter in the course of a provider-patient relationship only after the practitioner has completed and documented in the patient's medical record a thorough assessment of the patient's condition and medical history based on the appropriate standard of care for the patient's condition.

(5)(a) Except as provided in paragraph (b) of this subsection, a practitioner may not advertise that the practitioner recommends medical cannabis treatment.

(b) For purposes of paragraph (a) of this subsection, the communication of the following through a website does not constitute advertising:

(i) A qualifying condition that the practitioner treats;

(ii) A scientific study regarding medical cannabis use; or

(iii) Information about a product or service offered by the practitioner.

(6)(a) A practitioner's registration under this section expires two (2) years after the day on which the board issues the registration.

(b) The board shall renew a practitioner's registration if the practitioner:

(i) Applies for renewal;

(ii) Is eligible for a registration under this section, including maintaining an unrestricted license as described in subsection (2) of this section;

(iii) Certifies to the board in a completed renewal application that the information required in subsection (2) of this section is accurate or updates the information; and

(iv) Submits a report detailing the completion of any training for renewal as may be required by the board.

(7) The board may revoke the registration of a practitioner who fails to maintain compliance with the requirements of this section.

(8) A practitioner may not receive any compensation or benefit for the practitioner's medical cannabis treatment recommendation from:

(a) A medical cannabis pharmacy or an owner, an officer, a director, a board member, an employee, or an agent of a medical cannabis pharmacy; or

(b) Another practitioner.

39-9607. LIMITATIONS ON LIABILITY -- STANDARD OF CARE. (1) A practitioner described in subsection (2) of this section is not subject to the following solely for violating a federal law or regulation that would otherwise prohibit recommending, prescribing, or dispensing medical cannabis, a medical cannabis product, or a cannabis-based drug that the United States food and drug administration has not approved:

(a) Civil or criminal liability; or

(b) Licensure sanctions under title 54, Idaho Code.

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

(a) A practitioner who recommends a medical cannabis treatment to a patient; or

(b) A licensed medical cannabis pharmacist or medical cannabis pharmacy nurse who dispenses, in a medical cannabis pharmacy, treatment with cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form to a medical cannabis cardholder in accordance with this chapter.

(3) Nothing in this section or chapter reduces or in any way negates the duty of an individual described in subsection (2) of this section to use reasonable and ordinary care in the treatment of a patient who may have a qualifying condition and:

(a) For whom a practitioner has recommended or might consider recommending a medical cannabis treatment; or

(b) With whom a licensed medical cannabis pharmacist or medical cannabis pharmacy nurse has interacted in the dosing or dispensing of cannabis or a cannabis product.

39-9608. QUALIFIED PATIENT ENTERPRISE FUND -- REVENUE NEUTRALITY. (1) There is hereby established in the state treasury the qualified patient enterprise fund.

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

(a) Moneys deposited in the fund under this chapter;

(b) Appropriations the legislature makes to the fund;

(c) Civil penalties assessed pursuant to section 39-9604, Idaho Code; and

(d) The interest described in subsection (3) of this section.

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

(4) The board may use moneys in the fund only to fund the board's responsibilities under this chapter. The board shall reimburse the department from the fund for the department's administrative expenses under this chapter.

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

39-9609. NONDISCRIMINATION FOR MEDICAL CARE OR GOVERNMENT EMPLOYMENT. (1) For purposes of medical care, including an organ transplant, a patient's use, in accordance with this chapter, of cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form:

(a) Is considered the equivalent of the authorized use of any other medication used at the discretion of a physician; and

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

(2)(a) Notwithstanding any other provision of law and except as provided in paragraph (b) of this subsection, the state or any political subdivision must treat an employee's use of medical cannabis in accordance with this chapter in the same way the state or political subdivision treats employee use of opioids and opiates.

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

39-9610. NO INSURANCE REQUIREMENT. Nothing in this chapter requires an insurer, a third-party administrator, or an employer to pay for or reimburse purchase of cannabis, a cannabis product, or a medical cannabis device.

39-9611. NO EFFECT ON USE OF HEMP EXTRACT -- CANNABIDIOL -- APPROVED DRUGS. (1) Nothing in this chapter prohibits an individual:

(a) From purchasing, selling, possessing, administering, or using hemp extract that is legal under federal law; or

(b) From purchasing, selling, possessing, administering, or using a cannabidiol product that is approved by the United States food and drug administration.

(2) Nothing in this chapter restricts or otherwise affects the prescription, distribution, or dispensing of a product that the United States food and drug administration has approved.

39-9612. MEDICAL CANNABIS PATIENT CARD -- FEES -- STUDIES. (1) Effective January 1, 2026, the department shall issue a medical cannabis patient card or a caregiver card to an individual described in subsection (2) of this section within fifteen (15) days after the day on which an individual who satisfies the eligibility criteria in this section or section 39-9613, Idaho Code, submits a completed application in accordance with this section or section 39-9613, Idaho Code.

(2) An individual is eligible for a medical cannabis patient card if:

(a) The individual is at least twenty-one (21) years of age;

(b) The individual is an Idaho resident;

(c) The individual's practitioner recommends treatment with medical cannabis in accordance with subsection (4) of this section;

(d) The individual signs an acknowledgment stating that the individual received the information described in subsection (8) of this section; and

(e) The individual pays to the department a fee in an amount set by the department.

(3) An individual who is eligible for a medical cannabis card pursuant to subsection (2) of this section or the individual's practitioner acting on the individual's behalf shall submit an application for a medical cannabis card to the department:

(a) Through an electronic application connected to the electronic verification system; and

(b) With information including:

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

(ii) The number of the applicant's form of identification that is a valid United States federal- or state-issued photo identification, including a driver's license, a United States passport, a United States passport card, or a United States military identification card.

(4) To recommend a medical cannabis treatment to a patient or to renew a recommendation, a practitioner must:

(a) Before recommending cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form:

(i) Verify the patient's valid form of identification described in subsection (3) of this section;

(ii) Review any record related to the patient in:

1. The electronic verification system; and

2. Other databases regarding other controlled substance prescriptions or criminal violations where controlled substances are involved; and

(iii) Consider the recommendation in light of the patient's qualifying condition and history of medical cannabis and controlled substance use; and

(b) State in the practitioner's recommendation that the patient:

(i) Suffers from a qualifying condition, including the type of qualifying condition;

(ii) May benefit from treatment with cannabis or a cannabis product in a specific medicinal dosage form. The practitioner must state the medicinal dosage form the patient is authorized to use. Practitioners may select one (1), two (2), or all three (3) categories of medical cannabis, which are:

1. Liquid processed form of medical cannabis;

2. Solid processed form of medical cannabis; and

3. Unprocessed medical cannabis flower.

(5) A medical cannabis card that the department issues under this section is valid for the lesser of:

(a) An amount of time that the practitioner determines; or

(b) Twelve (12) months.

(6)(a) A medical cannabis patient card is renewable if, at the time of renewal, the cardholder meets the requirements of subsection (2) of this section.

(b) A cardholder described in paragraph (a) of this subsection may renew a medical cannabis patient card according to a process established by the department.

(c) A cardholder under subsection (2) of this section who renews a medical cannabis patient card must pay to the department a renewal fee in

an amount set by the department, which may not exceed the cost of the relatively lower administrative burden of renewal in comparison to the original application process.

(7)(a) A cardholder under this section must carry the cardholder's valid medical cannabis card with the patient's name when engaging in activities authorized by this chapter.

(b)(i) A cardholder under this section may possess or transport, in accordance with this chapter and the recommendation underlying the card, cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device.

(ii) To address the qualifying condition underlying the medical cannabis treatment recommendation, a medical cannabis patient cardholder may use cannabis in a medicinal dosage form, a medical cannabis product in a medicinal dosage form, or a medical cannabis device.

(c) If a licensed medical cannabis pharmacy is not operating within the state on and after January 1, 2026, or is operating in the state but not within one hundred (100) miles of a cardholder's physical address, a cardholder under this section is not subject to prosecution for the possession of up to a sixty (60) day supply of medical cannabis, including:

(i) No more than four thousand (4,000) milligrams of THC, which may be in solid processed form of medical cannabis, liquid processed form of medical cannabis, or a combination of both. The CBD-to-THC ratio in the medical cannabis shall be determined by the relevant practitioner. The product must display a label that clearly shows the amount of tetrahydrocannabinol and cannabidiol in the specific medical cannabis form;

(ii) No more than sixty (60) grams of unprocessed medical cannabis flower containing twenty-two percent (22%) or less THC;

(iii) If a terminally ill, hospice, or cancer patient with the authorization of the practitioner, up to twenty thousand (20,000) milligrams of THC in processed medical cannabis where each individual serving of the processed medical cannabis contains no more than one hundred (100) milligrams of THC; or

(iv) Marijuana drug paraphernalia.

(8) The department, in cooperation with the board, shall establish by rule, subject to legislative approval, a process to provide information regarding the following to an individual receiving a medical cannabis card:

(a) Risks associated with medical cannabis treatment;

(b) The fact that a condition's listing as a qualifying condition does not suggest that medical cannabis treatment is an effective treatment or cure for that condition; and

(c) Other relevant warnings and safety information.

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

(10)(a) A person may submit to the department a request to conduct a medical research study using medical cannabis cardholder data that the electronic verification system contains.

(b) The department, in cooperation with the board, will review a request described in paragraph (a) of this subsection to determine whether the medical research study is valid.

(c) If the department and the board make a determination under paragraph (b) of this subsection that the medical research study is valid, the department shall notify each relevant cardholder asking for the cardholder's consent to participate in the study.

(d) The department may release, for the purposes of a study described in this subsection, information about a cardholder under this section who consents to participate under paragraph (c) of this subsection.

(e) The department, in cooperation with the board, may establish standards for a medical research study's validity by rule, subject to legislative approval.

39-9613. MEDICAL CANNABIS CAREGIVER CARD -- REGISTRATION -- RENEWAL -- REVOCATION. (1) A cardholder described in section 39-9612, Idaho Code, may designate up to two (2) individuals to serve as a designated caregiver for the cardholder if a practitioner determines that, due to physical difficulty or undue hardship, the cardholder needs assistance to obtain the medical cannabis treatment that the practitioner recommends.

(2) An individual who the department registers as a designated caregiver under this section:

(a) May carry a valid medical cannabis caregiver card;

(b) In accordance with this chapter, may possess, transport, or assist the patient in the use of cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device on behalf of the designating medical cannabis cardholder;

(c) May not charge a fee to an individual to act as the individual's designated caregiver or for a service that the designated caregiver provides in relation to the role as a designated caregiver;

(d) May accept reimbursement from the designating medical cannabis cardholder for direct costs the designated caregiver incurs for assisting with the designating cardholder's medicinal use of cannabis; and

(e) Is not subject to prosecution for the possession of the following, if a licensed medical cannabis pharmacy is not operating within the state on and after January 1, 2026, or is operating in the state but not within one hundred (100) miles of a cardholder's physical address:

(i) No more than four thousand (4,000) milligrams of THC, which may be in solid processed form of medical cannabis, liquid processed form of medical cannabis, or a combination of both. The CBD-to-THC ratio in the medical cannabis shall be determined by the relevant practitioner. The product must display a label that clearly shows the amount of tetrahydrocannabinol and cannabidiol in the specific medical cannabis form;

(ii) No more than sixty (60) grams of unprocessed medical cannabis flower containing twenty-two percent (22%) or less THC;

(iii) If a terminally ill, hospice, or cancer patient with the authorization of the practitioner, up to twenty thousand (20,000) milligrams of THC in processed medical cannabis where each indi-

vidual serving of the processed medical cannabis contains no more than one hundred (100) milligrams of THC; or

(iv) Marijuana drug paraphernalia.

(3)(a) The department shall:

(i) Within fifteen (15) days after the day on which an individual submits a completed application in compliance with this section, issue a medical cannabis caregiver card to the applicant if the applicant:

1. Is designated as a caregiver under subsection (1) of this section;

2. Is eligible for a medical cannabis caregiver card under subsection (4) of this section; and

3. Complies with this section; and

(ii) Notify the Idaho state police of each individual that the department registers as a designated caregiver.

(b) The department must ensure that a medical cannabis caregiver card contains the information described in subsection (5)(b) of this section.

(4) An individual is eligible for a medical cannabis caregiver card if the individual:

(a) Is at least twenty-one (21) years of age;

(b) Is an Idaho resident;

(c) Pays to the department a fee in an amount set by the department, plus the cost of the criminal history and background check described in section 39-9614, Idaho Code;

(d) Signs an acknowledgment stating that the applicant received the information described in section 39-9612(8), Idaho Code; and

(e) Has not been convicted of a misdemeanor or felony drug distribution offense that is a felony under either state or federal law, unless:

(i) The individual completes any imposed sentence two (2) or more years before the day on which the individual submits the application; or

(ii) The offense was for conduct that is authorized under this chapter.

(5) An eligible applicant for a medical cannabis caregiver card shall:

(a) Submit an application for a medical cannabis caregiver card to the department through an electronic application connected to the electronic verification system; and

(b) Submit the following information in such application:

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

(ii) The name, gender, age, and address of the cardholder described in section 39-9612, Idaho Code, who designated the applicant.

(6) Except as otherwise provided by this chapter, a medical cannabis caregiver card that the department issues under this section is valid for the lesser of:

(a) An amount of time that the cardholder described in section 39-9612, Idaho Code, who designated the caregiver determines; or

(b) The amount of time remaining before the card of the cardholder described in section 39-9612, Idaho Code, expires.

(7)(a) If a designated caregiver meets the requirements of subsection (4) of this section, the designated caregiver's medical cannabis caregiver card renews automatically at the time the cardholder described in section 39-9612, Idaho Code, who designated the caregiver:

(i) Renews the cardholder's card; and

(ii) Renews the caregiver's designation, in accordance with paragraph (b) of this subsection.

(b) The department shall provide a method in the card renewal process to allow a cardholder described in section 39-9612, Idaho Code, who has designated a caregiver to:

(i) Signify that the cardholder renews the caregiver's designation;

(ii) Remove a caregiver's designation; or

(iii) Designate a new caregiver.

(8) The department may revoke a medical cannabis caregiver card if the designated caregiver:

(a) Violates the provisions of this chapter; or

(b) Has been convicted under state or federal law for conduct that is not authorized by this chapter and that is:

(i) A felony; or

(ii) After the effective date of this chapter, a misdemeanor for drug distribution.

39-9614. DESIGNATED CAREGIVER -- CRIMINAL HISTORY AND BACKGROUND CHECK. Each applicant for a medical cannabis caregiver card shall submit to a criminal history and background check as determined by the department. The department will assess an applicant a fee in an amount set by the department for the criminal history and background check.

39-9615. MEDICAL CANNABIS CARD -- PATIENT AND DESIGNATED CAREGIVER REQUIREMENTS -- REBUTTABLE PRESUMPTION.

(1)(a) A medical cannabis cardholder who possesses cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form that the cardholder purchased under this chapter:

(i) Must carry the cardholder's medical cannabis card when engaging in activities authorized by this chapter;

(ii) Must carry, with the cannabis in a medicinal dosage form or cannabis product in a medicinal dosage form, a label that identifies that the cannabis or cannabis product was sold from a licensed medical cannabis pharmacy; and

(iii) May possess:

1. No more than four thousand (4,000) milligrams of THC, which may be in solid processed form of medical cannabis, liquid processed form of medical cannabis, or a combination of both. The CBD-to-THC ratio in the medical cannabis shall be determined by the relevant practitioner. The product must display a label that clearly shows the amount of tetrahydrocannabinol and cannabidiol in the specific medical cannabis form;

2. No more than sixty (60) grams of unprocessed medical cannabis flower containing twenty-two percent (22%) or less THC; or

3. If a terminally ill, hospice, or cancer patient with the authorization of the practitioner, up to twenty thousand (20,000) milligrams of THC in processed medical cannabis where each individual serving of the processed medical cannabis contains no more than one hundred (100) milligrams of THC.

(b) A medical cannabis cardholder who possesses cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form in violation of this subsection is guilty of an infraction and subject to a fine of one hundred dollars ($100).

(c) A medical cannabis cardholder who possesses more than the amount authorized in paragraph (a)(iii) of this subsection but no more than twice the amount authorized in paragraph (a)(iii) of this subsection is guilty of a misdemeanor and subject to a fine of one thousand dollars ($1,000).

(d) An individual who is guilty of a violation pursuant to paragraph (b) or (c) of this subsection is not guilty of a violation of chapter 27, title 37, Idaho Code, for the conduct underlying the penalty described in either paragraph.

(e) A medical cannabis cardholder who possesses more than twice the amount authorized in paragraph (a)(iii) of this subsection is subject to an applicable penalty prescribed by chapter 27, title 37, Idaho Code.

(2) A medical cannabis patient cardholder may not combust unprocessed medical cannabis flower in public or in view of the public.

(3) If a medical cannabis cardholder carrying the cardholder's card possesses cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form in compliance with the provisions of subsection (1) of this section or a medical cannabis device that corresponds with the cannabis or cannabis product:

(a) There is a rebuttable presumption that the cardholder possesses the cannabis, cannabis product, or medical cannabis device legally; and

(b) There is no probable cause, based solely on the cardholder's possession of the cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical cannabis device, to believe that the cardholder is engaging in illegal activity.

(4)(a) If a peace officer stops an individual who possesses cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device and the individual represents to the peace officer that the individual holds a valid medical cannabis card but the individual does not have the medical cannabis card in the individual's possession at the time of the stop by the peace officer, then the peace officer must attempt to access the electronic verification system to determine whether the individual holds a valid medical cannabis card.

(b) If the peace officer is able to verify that the individual described in paragraph (a) of this subsection is a valid medical cannabis cardholder, then the peace officer:

(i) May not arrest or take the individual into custody for the sole reason that the individual is in possession of cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device; and

(ii) May not seize the cannabis, cannabis product, or medical cannabis device.

(c) If the peace officer is unable to verify that the individual described in paragraph (a) of this subsection is a valid medical cannabis cardholder, then the peace officer may refer the individual for prosecution or issue a citation that would be appropriate under the circumstances for an individual who does not hold a valid medical cannabis card. The peace officer may also seize any cannabis, cannabis product, or medical cannabis device. However, the individual may not be taken into custody, and any criminal complaint or citation must be dismissed upon presentation of proof that the individual holds a valid medical cannabis card to the prosecuting attorney with jurisdiction over the complaint or citation.

(5) A medical cannabis patient cardholder must ensure that medical cannabis is stored in such a way that it is inaccessible to members of the cardholder's household, except for a member of the household who is:

(a) A medical cannabis caregiver cardholder; and

(b) Assisting the medical cannabis patient cardholder with authorized use of medical cannabis.

39-9616. LOST OR STOLEN MEDICAL CANNABIS CARD. (1) If a medical cannabis card is lost or stolen, the medical cannabis cardholder must report the lost or stolen card to the department.

(2) Upon receiving the report described in subsection (1) of this section, the department shall designate the medical cannabis card as lost or stolen in the electronic verification system.

(3) A medical cannabis pharmacy agent may confiscate a medical cannabis card that is designated as lost or stolen in accordance with subsection (2) of this section if an individual presents the card at the medical cannabis pharmacy.

(4) To request a new medical cannabis card, the medical cannabis cardholder described in subsection (1) of this section must:

(a) Complete a form as designated by the department; and

(b) Pay a fee in an amount set by the department.

39-9617. CANNABIS, CANNABIS PRODUCT, OR MEDICAL CANNABIS DEVICE IMPORTATION AND TRANSPORTATION. (1) The board shall establish rules, subject to legislative approval, for the importation of cannabis, cannabis products, and medical cannabis devices into this state, and any person acting according to and in compliance with such rules shall be considered to be acting in compliance with this chapter.

(2) The board shall establish rules, subject to legislative approval, for the transportation of cannabis, cannabis products, and medical cannabis devices around this state, and any person acting according to and in compliance with such rules shall be considered to be acting in compliance with this chapter.

(3) The board may establish by rule, subject to legislative approval, requirements for transporting cannabis in an unprocessed form or a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device to ensure that the cannabis, cannabis product, or medical cannabis device remains safe for human consumption or use.

(4) If a person imports or transports cannabis, cannabis products, or medical cannabis devices in a manner that does not comply with the provisions of this section, then the protections of this chapter shall not apply, and such person shall be subject to the provisions of chapter 27, title 37, Idaho Code.

39-9618. ENFORCEMENT -- CRIMINAL. (1) Except as provided in this chapter, it is unlawful for a medical cannabis cardholder to sell or otherwise give to another medical cannabis cardholder cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, a medical cannabis device, or any cannabis residue remaining in or from a medical cannabis device.

(2)(a) Except as provided in paragraph (b) of this subsection, a medical cannabis cardholder who violates the provisions of subsection (1) of this section is:

(i) Guilty of a misdemeanor; and

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

(b) An individual is not guilty under paragraph (a) of this subsection if the individual is a designated caregiver and gives the product described in subsection (1) of this section to the medical cannabis cardholder who designated the individual as a designated caregiver.

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

(3) It is unlawful for a medical cannabis cardholder to sell or otherwise give to a nonmedical cannabis cardholder cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, a medical cannabis device, or any cannabis residue remaining in or from a medical cannabis device. A medical cannabis cardholder who violates the provisions of this subsection is subject to:

(a) Any applicable penalty under chapter 27, title 37, Idaho Code; and

(b) Upon conviction, permanent revocation of the medical cannabis card. Each medical cannabis card issued must include a warning visible on the card that permanent revocation of the card may result from a violation of this subsection.

39-9619. REPORT. (1) By January 31 of each year, the board and the department shall report to the senate and house of representatives health and welfare committees on:

(a) The number of applications and renewal applications filed for medical cannabis cards;

(b) The number of qualifying patients and designated caregivers;

(c) The nature of the debilitating medical conditions of the qualifying patients;

(d) The age and county of residence of cardholders;

(e) The number of medical cannabis cards revoked;

(f) The number of practitioners providing recommendations for qualifying patients;
(g) The number of license applications and renewal license applications received;
(h) The number of licenses the board has issued in each county;
(i) The number of licenses the board has revoked; and
(j) The expenses incurred and revenues generated from the medical cannabis program.
(2) The board and the department may not include personally identifying information in the report described in this section.

39-9620. RULEMAKING -- TRAINING. (1) The board and the department are authorized to promulgate rules, subject to legislative approval, as necessary to implement the provisions of this chapter.
(2) The board shall, in cooperation with the Idaho state police and other relevant agencies, develop and offer training on the provisions of this chapter, including training for law enforcement personnel.

39-9621. IMMUNITIES -- ACTIVITIES NOT PERMITTED -- PENALTIES. (1) Notwithstanding any provision of law to the contrary, a person acting under the authorization of and in compliance with the provisions of this chapter is not subject to prosecution under state law or local ordinance for any authorized and compliant conduct.
(2) The provisions of this chapter shall not be construed to permit a person to:
(a) Operate, navigate, or be in actual physical control of any vehicle, aircraft, railroad train, stationary heavy equipment, or vessel while under the influence of cannabis; or
(b) Use cannabis in any public area unless specifically permitted by board rule.
(3) A person who commits an act described in subsection (2) of this section is subject to such penalties as are provided by law.

39-9622. PROHIBITIONS. (1) A peace officer may not expend any state or local resources, including the peace officer's time, to:
(a) Effect an arrest or seizure of cannabis or conduct any investigation on the sole basis of activity that the peace officer believes to constitute a violation of federal law if the peace officer has reason to believe that the activity is in compliance with this chapter;
(b) Enforce a law that restricts an individual's right to acquire, own, or possess a firearm based solely on the individual's possession or use of medical cannabis in accordance with this chapter; or
(c) Provide any information or logistical support related to an activity described in paragraph (a) of this subsection to any federal law enforcement authority or prosecuting entity.
(2) A state agency or political subdivision may not take adverse action against a person for providing a professional service to a medical cannabis pharmacy on the sole basis that the service is a violation of federal law.

39-9623. PROTECTIONS. (1) A person shall not be subject to arrest, prosecution, or penalty in any manner or denied any right or privilege, including without limitation a civil penalty or disciplinary action by a business, occupational, or professional licensing board or bureau, for any act authorized by this chapter.

(2) No landlord, school district, public charter school, state institution of higher education, or community college organized pursuant to chapter 21, title 33, Idaho Code, may:

(a) Refuse to enroll, refuse to lease to, or otherwise penalize a person for any act authorized by this chapter, unless failing to do so would violate federal law or regulation or cause a loss of a monetary or licensing-related benefit under federal law or regulation; or

(b) Be penalized or denied any benefit under state law or local ordinance for enrolling, leasing to, or employing a medical cannabis cardholder.

(3) An employer may not:

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

(b) Be penalized or denied any benefit under state law or local ordinance for employing a medical cannabis cardholder.

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

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

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

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

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

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

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

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

39-9624. SEVERABILITY. The provisions of this chapter are hereby declared to be severable and if any provision of this chapter or the application of such provision to any person or circumstance is declared invalid for

any reason, such declaration shall not affect the validity of the remaining portions of this chapter.

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

37-2705. SCHEDULE I. (a) The controlled substances listed in this section are included in schedule I.

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

(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);

(2) Acetylmethadol;

(3) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);

(4) Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide);

(5) Allylprodine;

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

(7) Alphameprodine;

(8) Alphamethadol;

(9) Alpha-methylfentanyl;

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

(11) Benzethidine;

(12) Betacetylmethadol;

(13) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);

(14) Beta-hydroxythiofentanyl;

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

(16) Betameprodine;

(17) Betamethadol;

(18) Beta-methyl fentanyl;

(19) Beta'-phenyl fentanyl;

(20) Betaprodine;

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

(22) Butonitazene (2-(2-(4-butoxybenzyl)-5-nitro-1hbenzimidazol-1-yl)-N,N-diethylethan-1-amine);

(23) Clonitazene;

(24) Crotonyl fentanyl ((E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide);

(25) Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide);

(26) Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);

(27) Dextromoramide;

(28) Diampromide;
(29) Diethylthiambutene;
(30) Difenoxin;
(31) Dimenoxadol;
(32) Dimepheptanol;
(33) Dimethylthiambutene;
(34) Dioxaphetyl butyrate;
(35) Dipipanone;
(36) Ethylmethylthiambutene;
(37) Etodesnitazene; Etazene (2-(2-(4-ethoxybenzyl)-1hbenzimidazol-1-yl)-N,N-diethylethan-1-amine);
(38) Etonitazene;
(39) Etoxeridine;
(40) Fentanyl-related substances. "Fentanyl-related substances" means any substance not otherwise listed and for which no exemption or approval is in effect under section 505 of the federal food, drug, and cosmetic act, 21 U.S.C. 355, and that is structurally related to fentanyl by one (1) or more of the following modifications:
i. Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;
ii. Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino, or nitro groups;
iii. Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups;
iv. Replacement of the aniline ring with any aromatic monocycle, whether or not further substituted in or on the aromatic monocycle; and/or
v. Replacement of the N-propionyl group by another acyl group;
(41) Fentanyl carabamate;
(42) Flunitazene (N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1h-benzimidazol-1-yl)ethan-1-amine);
(43) 4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
(44) 2'-fluoro ortho-fluorofentanyl;
(45) Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide);
(46) Furethidine;
(47) Hydroxypethidine;
(48) Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide);
(49) Isotonitazene (N,N-diethyl-2-(2-(4isopropoxybenzyl)-5-nitro-1h-benzimidazol-1-yl)ethan-1-amine);
(50) Ketobemidone;
(51) Levomoramide;
(52) Levophenacylmorphan;
(53) Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);
(54) 4'-methyl acetyl fentanyl;

(55) 3-Methylfentanyl;
(56) 3-methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
(57) Metodesnitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)-1h-benzimidazol-1-yl)ethan-1-amine);
(58) Metonitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1hbenzimidazol-1-yl)ethan-1-amine);
(59) Morpheridine;
(60) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
(61) MT-45 (1-cyclohexyl-4- (1,2-diphenylethyl)piperazine);
(62) N-(4-chlorophenyl)-N-(1-phenethylpiperdin-4-yl)Isobutyramide (para-chloroisobutyrl fentanyl);
(63) Noracymethadol;
(64) Norlevorphanol;
(65) Normethadone;
(66) Norpipanone;
(67) N-pyrrolidino etonitazene (2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)1hbenzimidazole);
(68) Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide);
(69) Ortho-fluoroacryl fentanyl;
(70) Ortho-fluorobutyrl fentanyl;
(71) Ortho-fluorofentanyl;
(72) Ortho-fluoroisobutyryl fentanyl;
(73) Ortho-methyl acetylfentanyl;
(74) Ortho-methyl methoxyacetyl fentanyl;
(75) Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl) isobutyramide);
(76) Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl) butyramide);
(77) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide);
(78) Para-fluoro furanyl fentanyl;
(79) Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl) butyramide);
(80) Para-methylfentanyl;
(81) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
(82) Phenadoxone;
(83) Phenampromide;
(84) Phenomorphan;
(85) Phenoperidine;
(86) Phenyl fentanyl;
(87) Piritramide;
(88) Proheptazine;
(89) Properidine;
(90) Propiram;
(91) Protonitazene (N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1h-benzimidazol-1-yl)ethan-1-amine);
(92) Racemoramide;

(93) Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidine-4-yl)-N-phenyltetrahydrofuran-2-carboxamide);
(94) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);
(95) Tilidine;
(96) Trimeperidine;
(97) u-47700 (3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide);
(98) Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyl-pentanamide);
(99) Zipeprol (1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-yl]-1-phenylpropan-2-ol).

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:
(1) Acetorphine;
(2) Acetyldihydrocodeine;
(3) Benzylmorphine;
(4) Codeine methylbromide;
(5) Codeine-N-Oxide;
(6) Cyprenorphine;
(7) Desomorphine;
(8) Dihydromorphine;
(9) Drotebanol;
(10) Etorphine (except hydrochloride salt);
(11) Heroin;
(12) Hydromorphinol;
(13) Methyldesorphine;
(14) Methyldihydromorphine;
(15) Morphine methylbromide;
(16) Morphine methylsulfonate;
(17) Morphine-N-Oxide;
(18) Myrophine;
(19) Nicocodeine;
(20) Nicomorphine;
(21) Normorphine;
(22) Pholcodine;
(23) Thebacon.

(d) Hallucinogenic substances. Any material, compound, mixture or preparation that contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subsection only, the term "isomer" includes the optical, position and geometric isomers):
(1) Dimethoxyphenethylamine, or any compound not specifically excepted or listed in another schedule that can be formed from dimethoxyphenethylamine by replacement of one (1) or more hydrogen atoms with another atom(s), functional group(s) or substructure(s)

including, but not limited to, compounds such as DOB, DOC, 2C-B, 25B-NBOMe;
(2) Methoxyamphetamine or any compound not specifically excepted or listed in another schedule that can be formed from methoxyamphetamine by replacement of one (1) or more hydrogen atoms with another atom(s), functional group(s) or substructure(s) including, but not limited to, compounds such as PMA and DOM;
(3) 5-methoxy-3,4-methylenedioxy-amphetamine;
(4) 5-methoxy-N,N-diisopropyltryptamine;
(5) Amphetamine or methamphetamine with a halogen substitution on the benzyl ring, including compounds such as fluorinated amphetamine and fluorinated methamphetamine;
(6) 3,4-methylenedioxy amphetamine;
(7) 3,4-methylenedioxymethamphetamine (MDMA);
(8) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and N-ethyl MDA, MDE, MDEA);
(9) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy) phenethylamine, and N-hydroxy MDA);
(10) 3,4,5-trimethoxy amphetamine;
(11) 5-methoxy-N,N-dimethyltryptamine (also known as 5-methoxy-3-2[2-(dimethylamino)ethyl]indole and 5-MeO-DMT);
(12) Alpha-ethyltryptamine (some other names: etryptamine, 3-(2-aminobutyl) indole);
(13) Alpha-methyltryptamine;
(14) Bufotenine;
(15) Diethyltryptamine (DET);
(16) Dimethyltryptamine (DMT);
(17) Ibogaine;
(18) Lysergic acid diethylamide;
~~(19) Marihuana;~~
~~(20)~~ (19) Mescaline;
~~(21)~~ (20) Methoxetamine;
~~(22)~~ (21) Parahexyl;
~~(23)~~ (22) Peyote;
~~(24)~~ (23) N-ethyl-3-piperidyl benzilate;
~~(25)~~ (24) N-methyl-3-piperidyl benzilate;
~~(26)~~ (25) Para-methoxymethamphetamine (PMMA), 1-(4-methoxyphenyl)-N-methylpropan-2-amine;
~~(27)~~ (26) Psilocybin;
~~(28)~~ (27) Psilocyn;
~~(29) Tetrahydrocannabinols or synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure such as the following:~~
~~i. Tetrahydrocannabinols, except for the permitted amount of tetrahydrocannabinol found in industrial hemp, or nabiximols in a drug product approved by the United States food and drug administration;~~

a. Δ-1 cis or trans tetrahydrocannabinol, and their optical isomers, excluding dronabinol in sesame oil and encapsulated in either a soft gelatin capsule or in an oral solution in a drug product approved by the U.S. Food and Drug Administration.

b. Δ-6 cis or trans tetrahydrocannabinol, and their optical isomers.

c. Δ-3,4 cis or trans tetrahydrocannabinol, and its optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered.)

d. [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-o1)], also known as 6aR-trans-3-(1,1-dimethylheptyl)-6a,7,10,10a-tetrahydro-1-hydroxy-6,6-dimethyl-6H-dibenzo[b,d]pyran-9-methanol (HU-210) and its geometric isomers (HU211 or dexanabinol).

ii. The following synthetic drugs:

a. Any compound structurally derived from (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl)methanone, or (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl)methane, or (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl), methyl or dimethyl butanoate, amino-methyl (or dimethyl)-1-oxobutan-2-yl) carboxamide by substitution at the nitrogen atoms of the indole ring or carboxamide to any extent, whether or not further substituted in or on the indole ring to any extent, whether or not substituted to any extent in or on the cycloalkyl, cycloalkenyl, aryl ring(s) (substitution in the ring may include, but is not limited to, heteroatoms such as nitrogen, sulfur and oxygen).

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

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

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

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

f. (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3tetramethylcyclopropyl)methanone (FUB-144).

g. 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (5f-cumyl-pinaca; SGT-25).

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

i. FUB-AMB, MMB- FUBINACA (Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate.

j. Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate (MMB-CHMICA, AMB-CHMICA).

~~k. Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (MDMB-CHMICA).~~

~~l. Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido-3,3-dimethylbutanoate (MDMB-FUBINACA).~~

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

~~n. Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (5F-ADB, 5FMDMB-PINACA).~~

~~o. Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (5FAMB).~~

~~p. N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (ADB-FUBINACA).~~

~~q. N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (FUB-AKB48; FUB-APINACA).~~

~~r. N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5F-APINACA, 5F-AKB48).~~

~~s. N-(1-amino-3-methyl-1-oxobutan-2-yl)1-(Cyclohexylmethyl)-1H-indazole-3-carboxamide (AB-CHMINACA).~~

~~t. Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (NM2201; CBL2201).~~

~~u. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring to any extent, whether or not further substituted in the pyrrole ring to any extent, whether or not 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-phenylacetylindole 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)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-napthalenylmethanone (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).~~

~~(30)~~ (28) Ethylamine analog of phencyclidine: N-ethyl-1-phenylcyclohexylamine (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;

~~(31)~~ (29) Pyrrolidine analog of phencyclidine: 1-(phenylcyclohexyl) -pyrrolidine, PCPy, PHP;

~~(32)~~ (30) Thiophene analog of phencyclidine 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine, TPCP, TCP;

~~(33)~~ (31) Thiofuranyl fentanyl;

~~(34)~~ (32) 1-[1-(2-thienyl) cyclohexyl] pyrrolidine another name: TCPy;

~~(35)~~ (33) 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-hyroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

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

(3) Mecloqualone;

(4) Methaqualone.

(f) Stimulants. 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 stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Amineptine (7-[(10,11-dihydro-5H-dibenzo[a,d]cyclohepten-5-yl)amino]heptanoic acid);

(2) Aminorex (some other names: aminoxaphen, 2-amino-5-phenyl-2-oxazoline, or 4,5-dihydro-5-phenyl-2-oxazolamine), 4,4'-dimethylaminorex (4,4'-DMAR; 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine) or (4,5-dihydro-5-phenyl-2-oxazolamine);

(3) Cathinone (some other names: 2-amino-1-phenol-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone);

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

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

ii. By substitution at the 3-position with an acyclic alkyl substituent;
iii. By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl or methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure.

(5) Alpha-pyrrolidinoheptaphenone* (PV8);
(6) Alpha-pyrrolidinohexanophenone* (A-PHP);
(7) 4-chloro-alpha-pyrrolidinovalerophenone* (4chloro-a-pvp);
(8) Eutylone (1-(1,3-benzodioxol-5-yl)-2-(ethylamino)butan-1-one);
(9) Fenethylline;
(10) Mesocarb (N-phenyl-N'-(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-ium-5-yl)carbamimidate);
(11) Methcathinone (some other names: 2-(methyl-amino)-propiophenone, alpha-(methylamino)-propiophenone, N-methylcathinone, AL-464, AL-422, AL-463 and UR1423);
(12) Methiopropamine (N-methyl-1-(thiophen-2-yl)propan-2-amine);
(13) (+/-)cis-4-methylaminorex [(+/-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine];
(14) 4-methyl-alpha-ethylaminopentiophenone* (4-MEAP);
(15) 4'-methyl-alpha-pyrrolidinohexiophenone* (MPHP);
(16) N-benzylpiperazine (also known as: BZP, 1-benzylpiperazine);
(17) N-ethylamphetamine;
(18) N-ethylhexedrone*;
(19) N,N-dimethylamphetamine (also known as: N,N-alpha-trimethylbenzeneethanamine).

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

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

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

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, nalmefene, naloxone, naltrexone and their respective salts, but including the following:
1. Raw opium;
2. Opium extracts;
3. Opium fluid extracts;
4. Powdered opium;
5. Granulated opium;
6. Tincture of opium;
7. Codeine;
8. Dihydroetorphine;
9. Diprenorphine;
10. Ethylmorphine;

11. Etorphine hydrochloride;
12. Hydrocodone;
13. Hydromorphone;
14. Metopon;
15. Morphine;
16. Oripavine;
17. Oxycodone;
18. Oxymorphone;
19. Tapentadol;
20. Thebaine.

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

(3) Opium poppy and poppy straw.

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

1. Decocainized coca leaves or extractions of coca leaves, which extractions do not contain cocaine; or ecgonine; or
2. [^{123}I]ioflupane.

(5) Benzoylecgonine.

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

(7) Concentrate of poppy straw (the crude extract of poppy straw in liquid, solid or powder form that contains the phenanthrine alkaloids of the opium poppy).

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

(1) Alfentanil;
(2) Alphaprodine;
(3) Anileridine;
(4) Bezitramide;
(5) Bulk Dextropropoxyphene (nondosage forms);
(6) Carfentanil;
(7) Dihydrocodeine;
(8) Diphenoxylate;
(9) Fentanyl;
(10) Isomethadone;
(11) Levo-alphacetylmethadol (also known as levo-alpha-acetylmethadol, levomethadyl acetate, LAAM);
(12) Levomethorphan;
(13) Levorphanol;
(14) Metazocine;
(15) Methadone;

(16) Methadone -- Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
(17) Moramide -- Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl propane-carboxylic acid;
(18) Norfentanyl (N-phenyl-N-(piperidin-4-yl) propionamide);
(19) Oliceridine;
(20) Pethidine (meperidine);
(21) Pethidine -- Intermediate -- A, 4-cyano-1-methyl-4-phenyl-piperidine;
(22) Pethidine -- Intermediate -- B, ethyl-4-phenylpiperidine-4-carboxylate;
(23) Pethidine -- Intermediate -- C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
(24) Phenazocine;
(25) Piminodine;
(26) Racemethorphan;
(27) Racemorphan;
(28) Remifentanil;
(29) Sufentanil.

(d) Stimulants. 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 stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
(2) Lisdexamfetamine;
(3) Methamphetamine, its salts, isomers, and salts of its isomers;
(4) Phenmetrazine and its salts;
(5) Methylphenidate.

(e) Depressants. 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) Amobarbital;
(2) Glutethimide;
(3) Pentobarbital;
(4) Phencyclidine;
(5) Secobarbital.

(f) Hallucinogenic substances.

(1) Nabilone ..... (another name for nabilone: (+/-)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one) (21 CFR 1308.12 (f)).

(g) Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine:
(a) Anthranilic acid;
(b) Ephedrine;

(c) Lead acetate;
(d) Methylamine;
(e) Methyl formamide;
(f) N-methylephedrine;
(g) Phenylacetic acid;
(h) Phenylacetone;
(i) Phenylpropanolamine;
(j) Pseudoephedrine.

Except that any combination or compound containing ephedrine, or any of its salts and isomers, or phenylpropanolamine or its salts and isomers, or pseudoephedrine, or any of its salts and isomers which is prepared for dispensing or over-the-counter distribution is not a controlled substance for the purpose of this section, unless such substance is possessed, delivered, or possessed with intent to deliver to another with the intent to manufacture methamphetamine, amphetamine or any other controlled substance in violation of section 37-2732, Idaho Code. For purposes of this provision, the requirements of the uniform controlled substances act shall not apply to a manufacturer, wholesaler or retailer of over-the-counter products containing the listed substances unless such person possesses, delivers, or possesses with intent to deliver to another the over-the-counter product with intent to manufacture a controlled substance.

(2) Immediate precursors to phencyclidine (PCP):
(a) 1-phenylcyclohexylamine;
(b) 1-piperidinocyclohexanecarbonitrile (PCC).

(3) Immediate precursor to fentanyl: 4-anilino-N-phenethyl-4-piperidine (ANPP).

(h) Marijuana.

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

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

(a) Δ^{1} cis or trans tetrahydrocannabinol, and their optical isomers, excluding dronabinol in sesame oil and encapsulated in either a soft gelatin capsule or in an oral solution in a drug product approved by the U.S. Food and Drug Administration.

(b) Δ^{6} cis or trans tetrahydrocannabinol, and their optical isomers.

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

(d) [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-o1)], also known as 6aR-trans-3-(1,1-dimethylheptyl)-6a,7,10,10a-tetrahydro-1-hydroxy-6,6-dimethyl-6H-dibenzo[b,d]pyran-9-methanol (HU-210) and its geometric isomers (HU211 or dexanabinol).

(2) The following synthetic drugs:

(a) Any compound structurally derived from (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl)methanone, or (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl)methane, or (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl), methyl or dimethyl butanoate, amino-methyl (or dimethyl)-1-oxobutan-2-yl) carboxamide by substitution at the nitrogen atoms of the indole ring or carboxamide to any extent, whether or not further substituted in or on the indole ring to any extent, whether or not substituted to any extent in or on the cycloalkyl, cycloalkenyl, aryl ring(s) (substitution in the ring may include, but is not limited to, heteroatoms such as nitrogen, sulfur and oxygen).

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

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

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

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

(f) (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3tetramethylcyclopropyl)methanone (FUB-144).

(g) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (5f-cumyl-pinaca; SGT-25).

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

(i) FUB-AMB, MMB- FUBINACA (Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate.

(j) Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate (MMB-CHMICA, AMB-CHMICA).

(k) Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (MDMB-CHMICA).

(l) Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido-3,3-dimethylbutanoate (MDMB-FUBINACA).

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

(n) Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (5F-ADB, 5FMDMB-PINACA).

(o) Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (5FAMB).

(p) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (ADB-FUBINACA).

(q) N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (FUB-AKB48; FUB-APINACA).

(r) N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5F-APINACA, 5F-AKB48).

(s) N-(1-amino-3-methyl-1-oxobutan-2-yl)1-(Cyclohexylmethyl)-1H-indazole-3-carboxamide (AB-CHMINACA).

(t) Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (NM2201; CBL2201).

(u) Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring to any extent, whether or not further substituted in the pyrrole ring to any extent, whether or not 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-phenylacetylindole 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)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-napthalenylmethanone (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).

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

37-2732. PROHIBITED ACTS A -- PENALTIES. (a) Except as authorized by this chapter or chapter 96, title 39, Idaho Code, it is unlawful for any person to manufacture or deliver, or possess with intent to manufacture or deliver, a controlled substance.

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

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

(B) Any other controlled substance which is a nonnarcotic drug classified in schedule I, or a controlled substance classified in schedule III, is guilty of a felony and upon conviction may be imprisoned for not more than five (5) years, fined not more than fifteen thousand dollars ($15,000), or both;

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

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

(b) Except as authorized by this chapter, it is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance.

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

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

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

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

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

(c) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter or chapter 96, title 39, Idaho Code.

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

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

(3) Any person who violates this subsection and has in his possession a controlled substance which is a nonnarcotic drug classified in schedule I except lysergic acid diethylamide, or a controlled substance classified in schedules III, IV, V and VI is guilty of a misdemeanor and upon

conviction thereof may be imprisoned for not more than one (1) year, or fined not more than one thousand dollars ($1,000), or both.

(d) It shall be unlawful for any person to be present at or on premises of any place where he knows illegal controlled substances are being manufactured or cultivated, or are being held for distribution, transportation, delivery, administration, use, or to be given away. A violation of this section shall deem those persons guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than three hundred dollars ($300) and not more than ninety (90) days in the county jail, or both.

(e) If any person is found to possess marijuana, which for the purposes of this subsection shall be restricted to all parts of the plants of the genus Cannabis, including the extract or any preparation of cannabis which contains tetrahydrocannabinol, in an amount greater than three (3) ounces net weight, it shall be a felony and upon conviction may be imprisoned for not more than five (5) years, or fined not more than ten thousand dollars ($10,000), or both. The provisions of this subsection do not apply to a person acting according to and in compliance with the provisions of chapter 96, title 39, Idaho Code.

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

(g)(1) It is unlawful for any person to manufacture or distribute a "simulated controlled substance," or to possess with intent to distribute a "simulated controlled substance." Any person who violates this subsection shall, upon conviction, be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars ($1,000) and not more than one (1) year in the county jail, or both.

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

(h) It is unlawful for any person to cause to be placed in any newspaper, magazine, handbill, or other publication, or to post or distribute in any public place, any advertisement or solicitation offering for sale simulated controlled substances. Any person who violates this subsection is guilty of a misdemeanor and shall be punished in the same manner as prescribed in subsection (g) of this section.

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

(j) No prosecution under this chapter shall be dismissed solely by reason of the fact that the dosage units were contained in a bottle or other container with a label accurately describing the ingredients of the imitation

controlled substance dosage units. The good faith of the defendant shall be an issue of fact for the trier of fact.

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

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

37-2732B. TRAFFICKING -- MANDATORY SENTENCES. (a) Except as authorized in this chapter <u>or chapter 96, title 39, Idaho Code</u>, and notwithstanding the provisions of section 37-2732, Idaho Code:

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

(A) Is one (1) pound or more, but less than five (5) pounds, or consists of twenty-five (25) marijuana plants or more but fewer than fifty (50) marijuana plants, regardless of the size or weight of the plants, such person shall be sentenced to a mandatory minimum fixed term of imprisonment of one (1) year and fined not less than five thousand dollars ($5,000);

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

(C) Is twenty-five (25) pounds or more, or consists of one hundred (100) marijuana plants or more, regardless of the size or weight of the plants, such person shall be sentenced to a mandatory mini-

mum fixed term of imprisonment of five (5) years and fined not less than fifteen thousand dollars ($15,000).

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

(E) For the purposes of this section, the weight of the marijuana is its weight when seized or as determined as soon as practicable after seizure, unless the provisions of subsection (c) of this section apply.

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

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

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

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

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

(3) Any person who knowingly manufactures or attempts to manufacture methamphetamine and/or amphetamine is guilty of a felony which shall be known as "trafficking in methamphetamine and/or amphetamine by manufacturing." Any person convicted of trafficking in methamphetamine and/or amphetamine by attempted manufacturing shall be sentenced to a mandatory minimum fixed term of imprisonment of two (2) years and not to exceed fifteen (15) years imprisonment and fined not less than ten thousand dollars ($10,000). Any person convicted of trafficking in methamphetamine and/or amphetamine by manufacturing shall be sentenced to a mandatory minimum fixed term of imprisonment of five (5) years and not to exceed life imprisonment and fined not less than twenty-five thousand dollars ($25,000). The maximum number of years of imprisonment for trafficking in methamphetamine and/or amphetamine by manufacturing shall be life, and the maximum fine shall be one hundred thousand dollars ($100,000).

(4) Any person who knowingly delivers, or brings into this state, or who is knowingly in actual or constructive possession of, twenty-eight (28) grams or more of methamphetamine or amphetamine or of any mixture or substance containing a detectable amount of methamphetamine or am-

phetamine is guilty of a felony, which felony shall be known as "trafficking in methamphetamine or amphetamine." If the quantity involved:

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

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

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

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

(5) Any person who knowingly manufactures, delivers, brings into this state, or who is knowingly in actual or constructive possession of the below-specified quantities of any of the following immediate precursors to methamphetamine or amphetamine (namely ephedrine, methylamine, methyl formamide, phenylacetic acid, phenylacetone, or pseudoephedrine) as defined in section 37-2707(g)(1), Idaho Code, or any compound, mixture or preparation which contains a detectable quantity of these substances, is guilty of a felony which shall be known as "trafficking in immediate precursors of methamphetamine or amphetamine." If the quantity:

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

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

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

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

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

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

such person shall be sentenced to a mandatory minimum fixed term of imprisonment of ten (10) years and fined not less than twenty-five thousand dollars ($25,000). The maximum number of years of imprisonment for trafficking in immediate precursors of methamphetamine or amphetamine in the quantities specified in paragraphs (A) through (F) of this subsection (5) shall be life, and the maximum fine shall be one hundred thousand dollars ($100,000). If the quantity of pseudoephedrine is twenty-five (25) grams or more, but less than five hundred (500) grams, such person shall be sentenced to a term of imprisonment of up to ten (10) years and fined not more than twenty-five thousand dollars ($25,000).

(6) Any person who knowingly manufactures, delivers or brings into this state, or who is knowingly in actual or constructive possession of, two (2) grams or more of heroin or any salt, isomer, or salt of an isomer thereof, or two (2) grams or more of any mixture or substance containing a detectable amount of any such substance is guilty of a felony, which

felony shall be known as "trafficking in heroin." If the quantity involved:

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

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

(C) Is twenty-eight (28) grams or more, such person shall be sentenced to a mandatory minimum fixed term of imprisonment of fifteen (15) years and fined not less than twenty-five thousand dollars ($25,000).

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

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

(8) Notwithstanding any other provision of law, with respect to any person who is found to have violated the provisions of this section, adjudication of guilt or the imposition or execution of sentence shall not be suspended, deferred, or withheld, nor shall such person be eligible for parole prior to serving the mandatory minimum fixed term of imprisonment prescribed in this section. Further, the court shall not retain jurisdiction.

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

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

SECTION 6. That Section 25-2703, Idaho Code, be, and the same is hereby amended to read as follows:

25-2703. DEFINITIONS. When used in this chapter:

(1) The term "animal remedy" means any drug, combination of drugs, pharmaceutical, proprietary medicine, veterinary biologics, or combination of drugs and other ingredients, other than for food or cosmetic purposes, which is prepared or compounded for any animal use except man, or materials other than food intended to affect the structure or any function of the body of animals other than man. This term does not include medicated feeds.

(2) The term "brand name" means any word, name, symbol or device, or any combination thereof, identifying the commercial feed of a distributor or registrant and distinguishing it from that of others.

(3) The term "commercial feed" means all materials or combination of materials that are distributed or intended for distribution for use as feed, or for mixing in feed, for poultry and animals other than man, except:

(a) Unmixed whole seeds and physically altered entire unmixed seeds, when such whole or physically altered seeds are not chemically changed or are not adulterated within the meaning of section 25-2707, Idaho Code, or misbranded within the meaning of section 25-2708, Idaho Code.

(b) Seeds mixed and planted as such mixture, grown and harvested as one (1) crop, and processed as one (1) mixture when not adulterated within the meaning of section 25-2707, Idaho Code, or misbranded within the meaning of section 25-2708, Idaho Code.

(c) All hay, except commercially dehydrated legumes and grasses and when not adulterated within the meaning of section 25-2707, Idaho Code, or misbranded within the meaning of section 25-2708, Idaho Code.

(d) Whole or ground straw, stover, silage, cobs, husks, hulls, wet or pressed beet pulp, pea screenings and beet discard molasses when not mixed with other materials and when not adulterated within the meaning of section 25-2707, Idaho Code, or misbranded within the meaning of section 25-2708, Idaho Code.

(e) Live, whole or unprocessed animals when not adulterated within the meaning of section 25-2707, Idaho Code, or misbranded within the meaning of section 25-2708, Idaho Code.

(f) Animal remedies when not adulterated within the meaning of section 25-2707, Idaho Code, or misbranded within the meaning of section 25-2708, Idaho Code. Animal remedies for pets, specialty pets, and equines that include ingredients from industrial hemp as defined in section 22-1703, Idaho Code, and ~~as described under the definition of "~~ from tetrahydrocannabinols or synthetic equivalents~~" in section 37-2705(d)~~ pursuant to section 37-2707(i), Idaho Code, are not considered adulterated.

(g) Individual mineral substances when not mixed with another material and when not adulterated within the meaning of section 25-2707, Idaho Code, or misbranded within the meaning of section 25-2708, Idaho Code.

(h) Certain processing byproducts or production waste, identified by the director in rule, without further processing, received by the end user directly from the food processor when not adulterated within the meaning of section 25-2707, Idaho Code, or misbranded within the meaning of section 25-2708, Idaho Code.

The director, by rule, may exempt from this definition, or from specific provisions of this chapter, commodities and individual chemical compounds or substances when such commodities, compounds or substances are not intermixed with other materials and are not adulterated according to the provisions of section 25-2707, Idaho Code, or misbranded within the meaning of section 25-2708, Idaho Code.

(4) The term "contract feeder" means a person who as an independent contractor feeds commercial feed to animals pursuant to a contract whereby such commercial feed is supplied, furnished, or otherwise provided to such person and whereby such person's remuneration is determined, all or in part, by feed consumption, mortality, profits, or amount or quality of product.

(5) The term "customer-formula feed" means commercial feed that consists of a mixture of commercial feeds and/or feed ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser, end user or consumer. Customer-formula feed does not include commercial feeds that are used as ingredients in other commercial feed or are offered for retail or further distribution.

(6) The term "department" means the Idaho department of agriculture.

(7) The term "director" means the director of the Idaho department of agriculture or the director's authorized agent.

(8) The term "distribute" means to offer for sale, sell, exchange or barter commercial feeds in or into this state or to supply, furnish, or otherwise provide commercial feed to a contract feeder.

(9) The term "distributor" means any person who distributes.

(10) The term "drug" means any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man and articles other than feed intended to affect the structure or any function of the animal body.

(11) The term "feed ingredient" means each of the constituent materials making up a commercial feed.

(12) The term "label" means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed or on the invoice or delivery slip with which a commercial feed is distributed.

(13) The term "labeling" means all labels and other written, printed, or graphic matter upon a commercial feed or any of its containers or wrapper or accompanying such commercial feed. This includes statements and promotion on company websites or other internet-based customer interfaces.

(14) The term "manufacture" means to grind, mix or blend, or further process a commercial feed for distribution.

(15) The term "medicated feed" means any feed that contains drug ingredients intended or presented for the cure, mitigation, treatment, or prevention of disease in animals other than man or that contains drug ingredients intended to affect the structure or any function of the body of animals other than man.

(16) The term "mineral" means a naturally occurring, homogeneous inorganic solid substance, essential to the nutrition of animals, having a definite chemical composition and characteristic crystalline structure, color and hardness.

(17) The term "mineral feed" means a commercial feed intended to supply primarily mineral elements or inorganic nutrients.

(18) The term "official sample" means a sample of commercial feed taken by the director or an authorized agent in accordance with the provisions of section 25-2709, Idaho Code.

(19) The term "percent" or "percentage" means percentage by weight.

(20) The term "person" includes an individual, partnership, corporation, firm, association and agent.

(21) The term "pet" means any domesticated animal normally maintained in or near the household(s) of the owner(s) thereof.

(22) The term "pet food" means any commercial feed prepared and distributed for consumption by dogs and cats.

(23) The term "pharmaceutical" means any product prescribed for the treatment or prevention of disease for veterinary purposes, including vaccines, synthetic and natural hormones, anesthetics, stimulants or depressants.

(24) The term "product name" means the name of the commercial feed that identifies it as to kind, class or specific use.

(25) The term "purchase" includes taking by sale, discount, negotiation, mortgage, pledge, lien, issue or reissue, gift or any other voluntary transaction creating an interest in property.

(26) The term "purchaser" means a person who takes by purchase.

(27) The term "registrant" means that person, manufacturer, guarantor, or distributor who registers a product or products according to the provisions of section 25-2704, Idaho Code.

(28) The term "sell" or "sale" includes exchange.

(29) The term "specialty pet" means any domesticated animal pet normally maintained in a cage or tank, such as but not limited to gerbils, hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes and turtles.

(30) The term "specialty pet food" means any commercial feed prepared and distributed for consumption by specialty pets.

(31) The term "ton" means a net weight of two thousand (2,000) pounds avoirdupois.

(32) The term "veterinary biologics" means any biologic product used for veterinary purposes, including but not limited to antibiotics, antiparasiticides, growth promotants and bioculture products.

(33) Words importing the singular number may extend and be applied to several persons or things and words importing the plural may include the singular.

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