

TITLE 22
AGRICULTURE AND HORTICULTURE

CHAPTER 17
INDUSTRIAL HEMP RESEARCH AND DEVELOPMENT ACT

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

[22-1701, added 2021, ch. 242, sec. 1, p. 736.]

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

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

(2) Allow production, processing, transportation, and research of industrial hemp in Idaho; and

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

[22-1702, added 2021, ch. 242, sec. 1, p. 736.]

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

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

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

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

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

[22-1703, added 2021, ch. 242, sec. 1, p. 737.]

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

[22-1704, added 2021, ch. 242, sec. 1, p. 737.]

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

(2) The director must expeditiously promulgate rules that are compliant with the 2018 farm bill in time to allow for the production, processing, transportation, and research of industrial hemp in Idaho under the state plan beginning with the spring 2022 growing season of industrial hemp. Any rule formulated and recommended by the Idaho state department of agriculture regarding the production, processing, transportation, or research of industrial hemp that is broader in scope or more stringent than federal law or regulations as outlined in the 2018 farm bill or that proposes to regulate an activity not regulated by the federal government is subject to the following additional requirements: the notice of proposed rulemaking and rulemaking record requirements under [chapter 52, title 67](#), Idaho Code, must clearly specify that the proposed rule, or portions of the proposed rule, are broader in scope or more stringent than federal law or regulations or regulate an activity not regulated by the federal government and delineate which portions of the proposed rule are broader in scope or more stringent than federal law or regulations or regulate an activity not regulated by the federal government.

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

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

(5) No penalty may be imposed against a person unless the person was given notice and opportunity for a hearing pursuant to the Idaho administrative procedure act, [chapter 52, title 67](#), Idaho Code. A person against whom the department has assessed a penalty under this chapter or the rules promulgated pursuant to this chapter may, within thirty (30) days of the final agency action making the assessment, appeal the assessment to the district court of the county in which the violation is alleged to have occurred.

(6) Notwithstanding any provision of this chapter:

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

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

[22-1705, added 2021, ch. 242, sec. 1, p. 737.]

22-1706. INDUSTRIAL HEMP ADMINISTRATION FUND. There is hereby established in the dedicated fund in the state treasury the industrial hemp administration fund to which will be credited the revenues derived from fees and civil penalties collected as authorized by this chapter and rules promulgated under this chapter, as well as section [67-2921](#), Idaho Code, and the rules promulgated under that section. Moneys in the fund must be used solely for carrying out the provisions of this chapter and the provisions of section [67-2921](#), Idaho Code.

[22-1706, added 2021, ch. 242, sec. 1, p. 738.]

22-1707. EXCEPTIONS. Industrial hemp is not subject to inspection or indemnification pursuant to [chapter 51, title 22](#), Idaho Code, or chapters 2 and 5, [title 69](#), Idaho Code.

[22-1707, added 2021, ch. 242, sec. 1, p. 738.]

CHAPTER 18
-- [REPEALED]