

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 300

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO HEMP; AMENDING CHAPTER 29, TITLE 67, IDAHO CODE, BY THE ADDI-
2 TION OF A NEW SECTION 67-2920, IDAHO CODE, TO PROVIDE FOR THE INTERSTATE
3 TRANSPORT OF HEMP, TO DEFINE TERMS, AND TO PROVIDE FOR THE HEMP DEVELOP-
4 MENT FUND; AND DECLARING AN EMERGENCY.
5

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

7 SECTION 1. That Chapter 29, Title 67, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 67-2920, Idaho Code, and to read as follows:

10 67-2920. INTERSTATE TRANSPORT OF HEMP. (1) As used in this section:

11 (a) "Chief law enforcement officer" means the director of the Idaho
12 state police.

13 (b) "Director" means the director of the Idaho state department of
14 agriculture.

15 (c) "Hemp" means the plant *Cannabis sativa* L. and any part of that
16 plant, including the seeds thereof and all derivatives, extracts,
17 cannabinoids, isomers, acids, salts, and salts of isomers, whether
18 growing or not, with a delta-9 tetrahydrocannabinol concentration of
19 not more than three-tenths of one percent (0.3%) on a dry weight basis,
20 as defined in the federal agriculture improvement act of 2018. It does
21 not include any approved cannabidiol drugs listed on schedule V in sec-
22 tion 37-2713, Idaho Code.

23 (d) "Peace officer" means "peace officer" as defined in section
24 19-5101, Idaho Code.

25 (e) "Person" means any individual, partnership, corporation, associa-
26 tion, grower, farm, or any other business unit.

27 (2) In regard to interstate transport:

28 (a) No person shall move, convey, or transport hemp through the state
29 without a permit issued by the director based on documentation from
30 the equivalent foreign state authorizing body in compliance with the
31 agriculture improvement act of 2018. Hemp is exempted from the provi-
32 sions of chapter 27, title 37, Idaho Code, for the purpose of interstate
33 transport when being moved, conveyed, or transported pursuant to a per-
34 mit and in compliance with the agriculture improvement act of 2018.

35 (b) The director shall expeditiously promulgate rules, in consulta-
36 tion with the chief law enforcement officer, regulating the transport
37 of hemp through the state. The director may assess fees for permits cre-
38 ated in this section and civil penalties for violations of this section
39 or any rules promulgated under this section.

40 (c) Any person transporting hemp through the state has the duty to keep
41 and furnish upon request by the director or a peace officer any permits
42 required by this section.

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

3 (e) The chief law enforcement officer may establish check stations at
4 ports of entry or other locations as established by rule as necessary to
5 carry out the provisions of this section.

6 (f) No person shall proceed past or travel through any established
7 check station at a port of entry or other location as established by rule
8 during the check station's hours of operations when required by rule to
9 stop for inspection while transporting hemp.

10 (g) The director or the chief law enforcement officer may issue hold or-
11 ders to take prompt regulatory action on hemp transported through the
12 state when either of them reasonably believes hemp is being transported
13 in violation of this section or the federal agriculture improvement act
14 of 2018 or any rules promulgated thereunder. The hold order shall con-
15 tain contact information, the reason for the hold order, and the condi-
16 tions for release.

17 (h) It shall be the duty of all peace officers within the state to en-
18 force the provisions of this section by making a complaint or citation
19 as described in section 19-3901, Idaho Code.

20 (i) A peace officer may inspect any vehicle transporting hemp presented
21 at a check station at a port of entry or other location as established by
22 rule or during lawful traffic enforcement contacts and collect reason-
23 ably sized samples selected by the peace officer for testing.

24 (j) If a peace officer has probable cause to believe that a person is
25 transporting hemp without the permits required in this section, the
26 peace officer may seize and impound the hemp; provided however, if
27 permits that were valid at the time of seizure and impoundment are sub-
28 sequently furnished, the peace officer shall immediately release the
29 hemp.

30 (k) Except when hemp is transported through this state in compliance
31 with the permits required in this section, nothing in this section shall
32 inhibit or restrict any peace officer from enforcing to the fullest ex-
33 tent the laws of this state prohibiting marijuana as provided in chapter
34 27, title 37, Idaho Code.

35 (3) There shall be established in the dedicated fund in the state
36 treasury the hemp development fund to which shall be credited the revenues
37 derived from fees and penalties collected as authorized by this section and
38 the rules promulgated under this section. Moneys in the fund shall be used
39 solely for carrying out the provisions of this section. The director is
40 charged with the administration of moneys appropriated from the fund unless
41 otherwise provided by law. All interest or other income accruing from moneys
42 deposited to the fund shall be redeposited and accrue to the fund.

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