

GIVENS PURSLEY LLP

Attorneys and Counselors at Law

601 W. Bannock Street
PO Box 2720
Boise, ID 83701
Telephone: 208-388-1200
Facsimile: 208-388-1300

www.givenspursley.com

Jeremy C. Chou
208-388-1211
jcc@givenspursley.com

Taylor J. Barton
Charlie S. Baser
Jeff S. Beelaert
Christopher J. Beeson
Jason J. Blakley
Clint R. Bolinder
Jeff W. Bower
Preston N. Carter
Chynna K. Castoro
Jeremy C. Chou
Charlotte V. Cunningham
Joshua C. Dickinson

Amber N. Dina
Bradley J. Dixon
Thomas E. Dvorak
Morgan D. Goodin
Don Z. Gray
Brian J. Holleran
Kersti H. Kennedy
Elizabeth A. Koeckeritz
Neal A. Koskella
Michael P. Lawrence
Franklin G. Lee
Matthew E. Liebertz

David R. Lombardi
Kimberly D. Maloney
Kenneth R. McClure
Alex P. McLaughlin
Melodie A. McQuade
Megann E. Meier
Christopher H. Meyer
L. Edward Miller
Judson B. Montgomery
Deborah E. Nelson
Randall A. Peterman
Blake W. Ringer

Michael O. Roe
James B. Smith
Danielle M. Strollo
Marcus H. Waterman
Robert B. White
Michael V. Woodhouse

Kenneth L. Pursley (1940-2015)
James A. McClure (1924-2011)
Raymond D. Givens (1917-2008)

August 27, 2025

Hon. Phil McGrane
PO Box 83720
Boise, ID 83720-0080

RE: Idaho Medical Cannabis Act Initiative

To the Honorable Phil McGrane,

The law firm of Givens Pursley LLP represents Natural Medicine Alliance of Idaho LLC (“NMAI”). Please accept this correspondence and the contents herein as NMAI’s petition for the Idaho Medical Cannabis Act Initiative to be placed on the November 2026 general election.

The intent of the Idaho Medical Cannabis Act (“Act”) is to authorize the use of medical cannabis for persons diagnosed with a substantial health condition. Essentially, the Act creates medical cannabis card for individuals that suffer from a substantial health condition, and a medical cannabis production license to grow, handle, process, distribute and sell medical cannabis to cardholders. Both card and license are heavily regulated.

To apply for a medical cannabis card, an individual must present a diagnosis of a substantial health condition by presenting a medical record from a medical professional authorized to make such a diagnosis. A substantial health condition includes, but is not limited to, cancer, AIDS, terminal illnesses, PTSD, anxiety, IBS, Alzheimer’s, ALS, chronic pain, epilepsy, MS, etc. A prescription by a licensed medical professional would not be necessary.

The medical cannabis production license would allow the licensee to create a vertically integrated process to grow, produce, and deliver medical cannabis to cardholders. This concept allows for only a limited amount of licensees from those already experienced in Idaho’s hemp industry and for ease of regulation and oversight by government entities. Each licensee would be allowed no more than 2 facility production and growth locations and up to 6 retail facilities. It also allows for online ordering, delivery and pickup.

There are also strict labeling requirements, inspections, inventory control measures and other protections in the Act. Notably, the use of medical cannabis is prohibited in public and

AUG 27 '25 PM 2:19
IDAHO SECRETARY OF STATE

August 27, 2025

Page 2

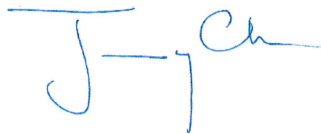
commercial areas. Cardholders are also prohibited from sharing medical cannabis with non-cardholders. Other prohibitions include restrictions on operating a vehicle, aircraft, train, heavy equipment or vessel. Any violations of the chapter would be considered a misdemeanor. Finally, the Act reclassifies cannabis from a Schedule 1 drug to Schedule II to allow for expanded research in the state of Idaho.

FUNDING SOURCE STATEMENT

The administrative costs for implementing the Act must be covered by fees from medical cannabis card applicants and medical cannabis production licensees. There may be indirect and ancillary costs associated with law enforcement; however, those costs are speculative at this time.

There is also a possibility that the Act will lead to lower costs for law enforcement, the court system and IDOC as less individuals may be prosecuted for using cannabis because of a substantial health condition. Regardless, this is also speculative. It is our belief that because the fees and costs are covered under the Act, there is no burden to the General Fund.

Thank you

A handwritten signature in blue ink, appearing to read "J. Chou". The signature is stylized with a large "J" and a cursive "Chou".

Jeremy C. Chou

AUG 27 25 PM 2:19
IDHO SECRETARY OF STATE

The Idaho Medical Cannabis Act

Be It Enacted By The People Of the State of Idaho:

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

37-3501. SHORT TITLE -- LEGISLATIVE INTENT -- STATUTORY CONSTRUCTION. (1) This chapter shall be known and maybe cited as the "Idaho Medical Cannabis Act."

(2) In enacting this chapter, the intent is to authorize the use of medical cannabis for persons diagnosed with a substantial health condition. Persons whose actions are permitted and authorized by the provisions of this chapter will not, for such actions, be held to violate 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.

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

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

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

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

(4) "Medical cannabis" means: a) inhalable cannabis; b) smokeable cannabis; and c) ingestible cannabis processed to a tablet, chewable, droplet, or pill containing up to ten (10) milligrams of tetrahydrocannabinol per tablet, chewable, droplet, or pill.

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

(6) "Medical cannabis production license" or "license" means a license issued by the board to grow, handle, process, manufacture, test, transport, distribute and sell medical cannabis according to this chapter.

(7) "Person" means an individual, facility, partnership, association, firm, trust, limited liability company, corporation; or legal entity.

(8) "Practitioner" means a person that may diagnose a substantial health condition under Chapter 18, Title 54, Idaho Code.

(9) "Substantial health condition" means a condition described in section 37-3504, Idaho Code.

(10) "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, or synthetic substances, derivatives, and their isomers with similar chemical structure as described in section 37-2707(h) (1), Idaho Code.

37-3503. AUTHORIZATION. Notwithstanding any provision of law to the contrary, the growth, possession, distribution, transportation, processing, sale and use of medical cannabis, as well as activities related to the growth, possession, distribution, transportation, processing, sale and use of medical cannabis, are authorized as provided in this chapter.

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

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

(b) Alzheimer's disease;

(c) Amyotrophic lateral sclerosis (ALS);

(d) Anxiety;

(e) Autism;

- (f) Cachexia;
- (g) Cancer;
- (h) Crohn's disease, irritable bowel syndrome, or ulcerative colitis;
- (i) Epilepsy, debilitating seizures or Tourette Syndrome;
- (j) Glaucoma or macular degeneration;
- (k) Insomnia;
- (l) Multiple sclerosis or debilitating muscle spasms;
- (m) Nausea that is not significantly responsive to traditional treatment except when related to hyperemesis syndrome;
- (n) Acute pain that lasts longer than two weeks for an acute condition such as a surgical procedure;
- (o) Chronic & persistent pain lasting longer than two weeks that is not adequately managed by conventional medications (besides opioids or opiates) or physical interventions;
- (p) Post Traumatic Stress Disorder (PTSD);
- (q) A terminal illness where the patient's condition is not expected to improve;
- (r) An individual receiving hospice care, palliative care, and comfort care;
- (s) 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 conventional medications other than opioids or opiates or physical interventions; and
- (t) Any other condition designated by the board through rulemaking.

(2) By designating a particular condition under subsection (1) 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.

37-3505. MEDICAL CANNABIS CARD. (1) Effective July 1, 2027, a person with a diagnosed substantial health condition may apply to the department for a medical cannabis card for the purchase of medical cannabis.

- (2) An individual is eligible for a medical cannabis card if the individual:
 - (a) Is diagnosed with a substantial health condition by a practitioner qualified to make such a diagnosis;
 - (b) Signs an acknowledgment stating that the individual received the information described in subsection (7) of this section and agrees to inform the practitioner of the use of medical cannabis; and
 - (c) Pays to the department a fee in an amount set by the department, but not to exceed the costs to administer a medical cannabis card program.

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

- (a) The applicant's name, gender, age, and address;
- (b) A photocopy of the applicant's current identification such as a state-issued driver's license or identification card, a United States passport, a United States passport card, or a United States military identification card; and
- (c) A medical health record stating that the applicant has a diagnosis of a substantial health condition within two (2) years of the application.

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

- (5) A medical cannabis card is annually renewable.

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

(7) The department, in cooperation with the board, will provide information regarding the following to an individual receiving a medical cannabis card:

(a) Risks associated with medical cannabis treatment and 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

(b) Other relevant warnings and safety information.

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

(9) The applicant may designate one or more licensed caregivers to assist with obtaining and handling medical cannabis for a cardholder.

(10) A cardholder may not receive more than: one hundred thirteen (113) grams by weight of smokeable cannabis, and twenty (20) grams of total composite tetrahydrocannabinol for inhalation (vape), ingestible cannabis processed to a tablet, chewable, droplet, or pill form in an (1) one month period. The cardholder may not combine these amounts within the one (1) month period.

37-3506. MEDICAL CANNABIS PRODUCTION LICENSE. (1) A medical cannabis production license holder may grow, handle, process, manufacture, test, transport, distribute, deliver and sell to medical cannabis cardholders according to this chapter.

(2) A person applying for a medical cannabis production license shall submit to the board:

(a) The location or locations where the person will operate a medical cannabis growth and production facility;

(b) A consecutive hemp license in the person's name and in good standing since 2022; however, a person applying for a medical cannabis production license may create a new legal entity as the licensee after the application so long as the information required in this chapter is submitted to the board;

(c) An operating plan;

(d) Letters of recommendation from the local community;

(e) Pay the board an initial license fee established by the board to cover any of the board's administration costs;

(f) The name and address of any person who has or will have:

(i) A financial or voting interest of five (5) percent or greater;

(ii) Any officer, director or person possessing the power to direct or cause the management or control of the applicant; and,

(g) The name of a pharmacist that shall provide oversight as to the dispensing, storing, distributing and selling of medical cannabis.

(3) A medical cannabis production license holder shall only locate a medical cannabis growth and production facility in an agricultural zone, but not within half (1/2) a mile of an area that the relevant municipality or county has zoned as primarily residential at the time that the Idaho Medical Cannabis Act takes effect. Processing fulfillment centers, warehousing and distribution centers may be established outside of the growth and production facility.

(4) Each medical cannabis production license holder may distribute and sell medical cannabis to medical cannabis cardholders only through retail locations, the internet with in person delivery, or pick up at retail locations or fulfillment centers, and in person delivery. Only up to 6 retail locations may be authorized.

(5) A medical cannabis production license holder must engage a pharmacist licensed by the board to provide oversight for dispensing, storing, distributing and selling of medical cannabis. When dispensing and selling medical cannabis, such pharmacist and medical cannabis production license holder shall ensure that:

(a) Record is kept of the cardholder's medical cannabis card with the cardholder's valid form of identification;

(b) To the extent possible, the pharmacist shall provide oversight to employees and contractors that sell, store, maintain, and transport medical cannabis under the same rules, policies, and conditions as pharmaceutical opioids; and

(c) Provide medical cannabis with a label that includes:

(i) "WARNING: Cannabis has intoxicating effects and may be addictive. Do not operate a vehicle or machinery under its influence. KEEP OUT OF REACH OF CHILDREN. This product is for medical use only";

(ii) A warning about the risks of overconsumption; and

(iii) Any other information deemed appropriate by the board.

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

(a) The Idaho state police; and

(b) The sheriff of any county in which the medical cannabis production establishment will operate.

(7) The board shall not issue a medical cannabis production license to a person that has been convicted under state or federal law of
a felony

or

is younger than twenty-one (21) years of age.

(8) The board shall assist persons applying for a medical cannabis production license to the extent possible, and must approve, deny or approve with conditions according to his chapter within 30 days of the receipt of an application.

37-3507. CRIMINAL BACKGROUND CHECKS. (1) A person applying for a medical cannabis production license shall consent to a fingerprint background check by the Idaho state police and the federal bureau of investigation. A fingerprint background check will be conducted for each individual who has a financial or voting interest of five percent (5%) or greater and who has the power to direct or cause the management or control of the medical cannabis production license.

(2) The Idaho state police shall:

(a) Check the fingerprints the applicant submits under subsection (1) of this section against the applicable state, regional, and national criminal records databases, including the federal bureau of investigation next generation identification system;

(b) Report the results of the background check to the board;

(c) Maintain a separate file of fingerprints that applicants submit under subsection (1) of this section for search by future submissions to the local and regional criminal records databases, including latent prints; and

(d) Assess a fee covering the cost for the services associated with the background check.

37-3508. OPERATING PLAN. A person applying for a medical cannabis production license or license renewal shall submit to the board for the board's review a proposed operating plan that includes:

(1) A description of the physical characteristics of the medical cannabis growth and production facilities, no more than two (2) facility locations are allowed per license;

(2) A description of the fulfillment centers, warehousing and distribution centers, and retail facilities;

(3) A description of the credentials and experience of each officer, director, and owner of the license, and any highly skilled or experienced prospective employee or contractor;

(4) A description of employee training and policy;

(5) A security plan for all of the facilities;

(6) A description of an inventory control system;

(7) Storage protocols, both short and long-term, to ensure that cannabis is stored in a manner that is sanitary and preserves the integrity of the cannabis;

(8) Cannabis cultivation practices, including the facility's intended pesticide use and fertilizer use;

(9) Acreage or square footage under cultivation and anticipated cannabis yield; and

(10) The intended cannabis processing practices, including the cannabis processing establishment's intended:

(a) Cannabinoid extraction method;

(b) Cannabinoid extraction equipment;

- (c) Processing equipment;
- (d) Processing techniques;
- (e) Sanitation and manufacturing safety procedures for items for human consumption;
- (f) Cannabis and cannabis product testing capability;
- (g) Cannabis and cannabis product testing equipment; and
- (h) Testing methods, standards, practices, and procedures for testing cannabis and cannabis products.

37-3509. NUMBER OF LICENSES -- EVALUATION OF LICENSE APPLICANTS REQUIREMENTS FOR LICENSE HOLDERS -- RULEMAKING. (1) No more than three (3) initial medical cannabis production licenses shall be in existence. After the issuance of the initial medical cannabis production licenses, the board shall make available for issuance an additional medical cannabis production license after the population of the state of Idaho increases by 650,000 residents from 2027, but not more than six (6) licenses total shall be issued in the state.

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

(a) Experience and knowledge with establishing and successfully operating a business that involves:

- (i) Complying with a regulatory environment;
- (ii) Tracking inventory;
- (iii) Producing and growing hemp in Idaho; and
- (iv) Training, evaluating, and monitoring employees;

(b) The operating plan;

(c) Positive connections to the local community; and

(d) The extent to which the applicant can increase efficiency and reduce the cost of medical cannabis to patients.

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

(4) A medical cannabis production license holder shall operate in accordance with the operating plan.

(5) A medical cannabis production license holder shall notify the board concerning a material change in the operating plan.

(6) If a medical cannabis production license holder materially changes the operating plan, the board shall ensure that the material change complies with this chapter.

(7) The board shall establish rules to:

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

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

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

(d) Suspend or revoke a license if the medical cannabis production license holder fails to cure the noncompliance.

37-3510. INSPECTIONS. (1) The board may inspect the records and facilities of a medical cannabis production license holder, with reasonable notice, at anytime during business hours to determine if the medical cannabis production establishment complies with this chapter.

(2) An inspection under this section may include:

(a) Inspection of a site, facility, book, record, paper, document, data, and other physical or electronic information;

(b) Questioning of any relevant individual;

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

(d) The taking of a specimen of cannabis or cannabis products sufficient for testing purposes; or

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

(3) In making an inspection under this section, the board may freely access any area and review and make copies of any book, record, paper, document, data, or other physical or electronic information, including financial data, sales data, shipping data, pricing data, and employee data. An authorized board employee may possess and transport a specimen of cannabis or cannabis products for testing or in the standard course of business.

(4) Failure to provide the board reasonable access to records and facilities during business hours in accordance with this section may result in a suspension of operations under a cease and desist order that the board may issue.

37-3511. SHIPMENT OF MEDICAL CANNABIS. Any cannabis that a medical cannabis production license holder cultivates or otherwise produces and subsequently ships shall be:

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

(2) Packaged in a container that:

(a) Is tamper resistant;

(b) Is not appealing to children; and

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

37-3512. ENFORCEMENT. (1) If a medical cannabis production license holder violates any material provisions of this chapter, the board may:

(a) Provide a conditional approval of the person's license;

(b) Revoke or decline to renew the person's license; or

(c) Assess an administrative fine of up to five thousand dollars (\$5,000) per violation.

(2) A medical cannabis production license holder may appeal a board decision. Such appeal shall be governed by chapter 52, title 67, Idaho Code.

(3) Nothing in this section shall prohibit the board from referring potential criminal activity to law enforcement.

37-3513. 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 will consist of:

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

Appropriations the legislature makes to the fund;

(b) Administrative fines assessed pursuant to section 39-3513, Idaho Code; and

(c) The interest earned on idle moneys in the fund shall be deposited in the fund.

(3) The board shall use moneys in the fund to fund the board's responsibilities under this chapter and to fund peer-reviewed studies regarding the medical uses of cannabis.

37-3514. NO INSURANCE REQUIREMENT. Nothing in this chapter requires an insurer, or an employer to pay for or reimburse for medical cannabis.

37-3515. NO EFFECT ON USE OF OTHER APPROVED DRUGS OR SUBSTANCES. 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.

37-3516. ENFORCEMENT -- CRIMINAL. (1) Except as provided in this chapter, it is unlawful for a person to:

(a) Sell or otherwise give medical cannabis to another person unless authorized by this chapter;

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

(c) Smoke, vape or otherwise inhale medical cannabis in any public area in the state of Idaho.

(2) A person 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).

(3) A licensed caregiver designated by the medical cannabis cardholder with the department may deliver medical cannabis to the medical cannabis cardholder.

(4) It is unlawful for a medical cannabis cardholder to sell or otherwise give medical cannabis to another person. A medical cannabis cardholder who violates this section is subject to prosecution under Idaho Code; and 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 section.

37-3517. PROHIBITIONS. (1) Except for the departments of correction and juvenile correction, 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 professional services under this chapter on the sole basis that the service is a violation of federal law.

37-3518. PROTECTIONS. (1) A person, including but not limited to, a practitioner who recommends a medical cannabis treatment to a patient and a pharmacist providing oversight in dispensing medical cannabis in accordance with this chapter, will 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 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 regulations 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 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 the use of medical cannabis negatively impacts job performance or compliance with this paragraph would disqualify the employer from a monetary or licensing-related benefit under federal law or regulation; or be penalized or denied any benefit under state law or local ordinance for employing a medical cannabis cardholder. No employer is required to allow the use of cannabis in any workplace or to allow any employee to work while under the influence of cannabis. A medical cannabis 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.

(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 finding or presumption of abuse solely for conduct allowed under this chapter or 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: any interaction with a person's employer; drug testing by a person's employer; or drug testing

required by any state law, local ordinance, state agency, or state or local government official.

(6) For purposes of medical care, including an organ transplant, a patient's use, in accordance with this chapter, of medical cannabis:

(a) Is considered the equivalent of the authorized use of any other medication, except medical facilities may prohibit onsite use or ingestion of medical cannabis; and

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

(7) To the extent possible, the state and any political subdivision must treat a cardholder's authorized use of medical cannabis the same way the state and political subdivision treat a person's use of prescribed opioids and opiates. This subsection does not apply where application would jeopardize federal funding for the employee's position.

37-3519. CONTROLLING AUTHORITY. Notwithstanding any other provision of law, no municipality, county or other local entity may require a license for or pass an ordinance that specifically impacts medical cannabis cardholders or a medical cannabis production license that is inconsistent with 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'-methyl butyryl fentanyl (2-methyl-N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide);
- (10) Alpha-methylfentanyl;
- (11) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- (12) Benzethidine;
- (13) Betacetylmethadol;
- (14) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);
- (15) Beta-hydroxythiofentanyl;
- (16) Beta-hydroxy-3-methylfentanyl (N-(1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl)-N-phenylpropanamide);
- (17) Betameprodine;
- (18) Betamethadol;
- (19) Beta-methyl fentanyl;
- (20) Beta'-phenyl fentanyl;
- (21) Betaproline;
- (22) Brorphine (1-(1-(1-(4-Bromophenyl)ethyl)piperidin-4-yl)-1,3-dihydro-2H-benzo[D]imidazol-2-one);
- (23) Butonitazene (2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine);

(24) Clonitazene;

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

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

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

(28) Dextromoramide;

(29) Diampromide;

(30) Diethylthiambutene;

(31) Difenoxy;

(32) Dimenoxadol;

(33) Dimepheptanol;

(34) 2',5'-Dimethoxyfentanyl (N-(1-(2,5-dimethoxyphenethyl)piperidin-4-yl)-N-phenylpropionamide);

(35) Dimethylthiambutene;

(36) Dioxaphetyl butyrate;

(37) Dipipanone;

(38) Ethylmethylthiambutene;

(39) Etodesnitazene; Etazene (2-(2-(4-ethoxybenzyl)-1hbenzimidazol-1-yl)-N,N-diethylethan-1-amine);

(40) Etonitazene;

(41) Etozeridine;

(42) 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;

(43) Fentanyl carbamate;

(44) Flunitazene (N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1h-benzimidazol-1-yl)ethan-1-amine);

(45) 4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);

(46) 2'-fluoro ortho-fluorofentanyl;

(47) Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide);

(48) 3-Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-3-carboxamide);

(49) Furethidine;

(50) Hydroxypethidine;

(51) Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide);

(52) Isovaleryl fentanyl (3-methyl-N-(1-phenethylpiperidin-4-yl)-N-phenylbutanimide);

(53) Isotonitazene (N,N-diethyl-2-(2-(4isopropoxybenzyl)-5-nitro-1h-benzimidazol-1-yl)ethan-1-amine);

(54) Ketobemidone;

(55) Levomoramide;

(56) Levophenacetylmorphan;

(57) Meta-fluorofentanyl (N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);

(58) Meta-fluoroisobutyryl fentanyl (N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);

(59) Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);
(60) 2-Methyl AP-237 (1-(2-methyl-4-(3-phenylprop-2-en-1-yl)piperazin-1-yl)butan-1-one);
(61) 4'-methyl acetyl fentanyl;
(62) 3-Methylfentanyl;
(63) 3-methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
(64) Metodesnitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)-1h-benzimidazol-1-yl)ethan-1-amine);
(65) Metonitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1hbenzimidazol-1-yl)ethan-1-amine);
(66) Morpheridine;
(67) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
(68) MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
(69) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)Isobutyramide (para-chloroisobutyryl fentanyl);
(70) Noracymethadol;
(71) Norlevorphanol;
(72) Normethadone;
(73) Norpipanone;
(74) N-pyrrolidino etonitazene (2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)1hbenzimidazole);
(75) Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide);
(76) Ortho-fluoroacryl fentanyl;
(77) Ortho-fluorobutyryl fentanyl;
(78) Ortho-fluorofentanyl;
(79) Ortho-fluorofuranyl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);
(80) Ortho-fluoroisobutyryl fentanyl;
(81) Ortho-methyl acetylfentanyl;
(82) Ortho-methyl methoxyacetyl fentanyl;
(83) Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl) isobutyramide);
(84) Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl) butyramide);
(85) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide);
(86) Para-fluoro furanyl fentanyl;
(87) Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl) butyramide);
(88) Para-methoxyfuranyl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);
(89) Para-methylcyclopropyl fentanyl (N-(4-methylphenyl)-N-(1-phenylpiperidin-4-yl)cyclopropanecarboxamide);
(90) Para-methylfentanyl;
(91) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
(92) Phenadoxone;
(93) Phenampromide;
(94) Phenomorphan;
(95) Phenoperidine;
(96) Phenyl fentanyl;
(97) Piritramide;
(98) Proheptazine;
(99) Properidine;
(100) Propiram;
(101) Protonitazene (N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1h-benzimidazol-1-

yl)ethan-1-amine);
(102) Racemoramide;
(103) Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidine-4-yl)-N-phenyltetrahydrofuran-2-carboxamide);
(104) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);
(105) Tilidine;
(106) Trimeperidine;
(107) u-47700 (3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide);
(108) Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide);
(109) 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) Hydromorphenol;
- (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) Marijuana;~~
- (1920) Mescaline;
- (2021) Methoxetamine;
- (2122) Parahexyl;
- (2223) Peyote;
- (2324) N-ethyl-3-piperidyl benzilate;
- (2425) N-methyl-3-piperidyl benzilate;
- (2526) Para-methoxymethamphetamine (PMMA), 1-(4-methoxyphenyl)-N-methylpropan-2-amine;
- (2627) Psilocybin;
- (2728) 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. ~~$\Delta^{3,4}$ -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-ol]], 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 dextrabinol).~~
- 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)-1H-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)-1H-indazole-3-carboxamide (4-en-cumyl-BUTINACA).~~

e. ~~5-pentyl-2-(2-phenylpropan-2-yl)pyrido[4,3-b]indol-1-one (Cumyl PeGACLONE).~~

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

g. ~~Ethyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (5F-EDMB-PICA).~~

h. ~~(1-(4-fluorobenzyl)-1H-indol-3-yl)-(2,2,3,3-tetramethylecyclopropyl)methanone (FUB-144).~~

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

j. ~~(1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2.3-B]pyridine-3-carboxamide (5f-cumyl-P7AICA).~~

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

l. ~~MMB-FUBICA (Methyl 2-(1-(4-Fluorobenzyl)-1H-Indole-3-carboxamido)-3-methylbutanoate).~~

m. ~~Methyl 3,3-dimethyl-2-((1-(pent-4-en-1-yl)-1H-indazol-3-yl)formamido)butanoate (MDMB-4EN-PINACA).~~

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

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

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

q. ~~Methyl 2-[[1-(4-Fluorobutyl)Indole-3-Carbonyl]Amino]-3,3-Dimethyl-Butanoate (4F-MDMB-BUTICA).~~

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

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

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

u. ~~N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butyl-1H-Indazole-3-carboxamide (ADB-BUTINACA).~~

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

w. ~~N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-en-1-yl)-1H-indazole-3-carboxamide (ADB-4EN-PINACA).~~

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

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

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

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

bb. ~~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.~~

cc. ~~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.~~

dd. ~~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.~~

~~ee. 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.~~

~~ff. 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.~~

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

~~hh. 3-dimethylheptyl-11-hydroxyhexahydrocannabinol (HU-243).~~

~~ii. [(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).~~

(2830) Ethylamine analog of phencyclidine: N-ethyl-1-phenylcyclohexylamine (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;

(2931) Pyrrolidine analog of phencyclidine: 1-(phenylcyclohexyl) -pyrrolidine, PCPy, PHP;

(3032) Thiophene analog of phencyclidine 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine, TPCP, TCP;

(3133) Thiofuranyl fentanyl;

(3234) 1-[1-(2-thienyl) cyclohexyl] pyrrolidine another name: TCPy;

(3335) 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) Clonazepam;

(2) Diclazepam;

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

(4) Etizolam;

(5) Flualprazolam;

(6) Flubromazolam;

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

(8) Mecloqualone;

(9) 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) Fenethylamine;
- (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)-propionophenone, alpha-(methylamino)-propionophenone, 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-ethylaminopentionophenone* (4-MEAP);
- (15) 4'-methyl-alpha-pyrrolidinohexionophenone* (MPHP);
- (16) 2-(methylamino)-1-(3-methylphenyl)propan-1-one (3-MMC);
- (17) 4-methyl-1-phenyl-2-(pyrrolidine-1-yl)pent-1-one (ALPHA-PIHP);
- (18) N-benzylpiperazine (also known as: BZP, 1-benzylpiperazine);
- (19) N-ethylamphetamine;
- (20) N-ethylhexedrone*;
- (21) 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. [¹²³I]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-alpha-acetylmethadol (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-phenylpiperidine;
- (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.

(1) 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. $\Delta^{3,4}$ 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-ol]], 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. 5-pentyl-2-(2-phenylpropan-2-yl)pyrido[4,3-b]indol-1-one (Cumyl PeGACLONE).
- f. Ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3carboxamido)-3,3-dimethylbutanoate * (5F-EDMB-PINACA).
- g. Ethyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (5F-EDMB-PICA).
- h. (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (FUB-144).
- i. 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (5f-cumyl-pinaca; SGT-25).
- j. (1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1 H-pyrrolo[2.3-B]pyridine-3-carboxamide(5fcumyl-P7AICA).
- k. FUB-AMB, MMB- FUBINACA (Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate).
- l. MMB-FUBICA (Methyl 2-(1-(4-Fluorobenzyl)-1H-Indole-3-carboxamido)-3-methylbutanoate).
- m. Methyl 3,3-dimethyl-2-((1-(pent-4-en-1-yl)-1H-indazol-3-yl)formamido)butanoate (MDMB-4EN-PINACA).
- n. Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate (MMB-CHMICA, AMB-CHMICA).
- o. Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (MDMB-CHMICA).
- p. Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (MDMB-FUBINACA).
- q. Methyl 2-[[1-(4-Fluorobutyl)Indole-3-Carbonyl]Amino]-3,3-Dimethyl-Butanoate (4F-MDMB-BUTICA).
- r. Methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (5F-MDMBPICA).
- s. Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (5F-ADB, 5FMDMB-PINACA).
- t. Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate

(5FAMB).

u. N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butyl-1H-Indazole-3-carboxamide (ADB-BUTINACA).

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

w. N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-en-1-yl)-1H-indazole-3-carboxamide (ADB-4EN-PINACA).

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

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

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

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

bb. 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.

cc. 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.

dd. 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.

ee. 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.

ff. 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.

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

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

ii. [(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 35, title 37, 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 35, title 37, 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, and for any amount less than or equal to three (3) ounces net weight, it shall be a misdemeanor and upon conviction shall be subject to a fine of not less than three hundred dollars (\$300) when possessed by a person eighteen (18) years of age or older in addition to any penalties provided for in subsection (c)(3) of this section. The provisions of this subsection do not apply to a person acting according to and in compliance with the provisions of chapter 35, title 37, 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 or chapter 35, title 37, Idaho Code, 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 minimum 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 amphetamine 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. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act 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 act.



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
RAÚL R. LABRADOR

OCT 20 '25 PM5:01
IDAHO SECRETARY OF STATE

October 20, 2025

BY HAND DELIVERY

The Honorable Phil McGrane
Idaho Secretary of State
Statehouse

RE: Ballot Titles
Proposed Initiative Creating New Medical Marijuana Act by Adding
Chapter 35 to Title 37, Idaho Code, to Legalize the Use of Medical
Marijuana

Dear Secretary of State McGrane:

An initiative petition was filed on August 29, 2025, proposing to amend title 37 of the Idaho Code. Pursuant to Idaho Code section 34-1809, this office reviewed the petition and provided advisory comments and a certificate of review. Thereafter, the petitioners made changes to their proposed initiative and re-submitted it requesting the assignment of ballot titles. In accordance with section 34-1809, this office must, within ten (10) working days, provide ballot titles for the measure, one short and one general (long) title. The short title—not exceeding twenty (20) words—shall be a distinctive title by which the measure is commonly referred to or spoken of. The general (long) title—not exceeding two hundred (200) words—shall express the purpose of the measure. The ballot titles should give a true and impartial statement of the purpose of the measure and in such language that the ballot title shall not be intentionally an argument or likely to create prejudice either for or against the measure. This letter therefore provides both the short and long ballot titles below, in accordance with Idaho Code section 34-1809. Any person dissatisfied with a ballot title provided herein may appeal to the supreme court by petition, praying for a different title and setting forth the reason why the title is insufficient or unfair.

EXECUTIVE OFFICE
P.O. Box 83720, Boise, IDAHO 83720-0010
TELEPHONE: (208) 334-2400, FAX: (208) 854-8071
LOCATED AT 700 W. JEFFERSON STREET, SUITE 210

BALLOT TITLES

I. Short Ballot Title

Measure decriminalizing the use, possession, production, cultivation, transportation, distribution, and sale of marijuana by medical cannabis cardholders and production licensees.

II. Long Ballot Title

This measure proposes to legalize marijuana possession and use for persons who obtain a “medical cannabis card” from the State of Idaho if a practitioner diagnoses that they have a “substantial health condition ranging from cancer and AIDS to anxiety and acute pain. Medical cannabis cardholders may designate one or more licensed “caregivers” to assist in obtaining medical cannabis and may not receive more than 113 grams of “smokeable cannabis” or 20 grams of THC for vaping and other forms of ingestion each month.

The measure permits businesses to apply for a “medical cannabis production license” to cultivate, produce, transport, distribute, and sell marijuana or other cannabis-based products. The state will issue up to three licenses initially, and no more than six total, to applicants who submit the proper licensing, background and operating plans. The measure provides inspection, shipment, enforcement, and funding rules for these businesses.

The measure prohibits state and local law enforcement cooperation in the investigation of federal drug law violations. It forbids landlord, educational and employment discrimination against users and sellers of medical marijuana. The measure also reclassifies marijuana and THC from a Schedule I to a Schedule II controlled substance.

CERTIFICATION

I HEREBY CERTIFY that the above ballot title provides an impartial statement of purpose for the enclosed measure and satisfies the requirements of Idaho Code section 34-1809.

Sincerely,



RAÚL R. LABRADOR
Attorney General

August 27, 2025

Page 2

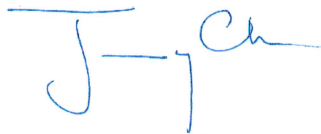
commercial areas. Cardholders are also prohibited from sharing medical cannabis with non-cardholders. Other prohibitions include restrictions on operating a vehicle, aircraft, train, heavy equipment or vessel. Any violations of the chapter would be considered a misdemeanor. Finally, the Act reclassifies cannabis from a Schedule 1 drug to Schedule II to allow for expanded research in the state of Idaho.

FUNDING SOURCE STATEMENT

The administrative costs for implementing the Act must be covered by fees from medical cannabis card applicants and medical cannabis production licensees. There may be indirect and ancillary costs associated with law enforcement; however, those costs are speculative at this time.

There is also a possibility that the Act will lead to lower costs for law enforcement, the court system and IDOC as less individuals may be prosecuted for using cannabis because of a substantial health condition. Regardless, this is also speculative. It is our belief that because the fees and costs are covered under the Act, there is no burden to the General Fund.

Thank you

A handwritten signature in blue ink, appearing to read "J. Chou". The signature is stylized with a large "J" and a cursive "Chou".

Jeremy C. Chou

AUG 27 25 PM 2:19
IDHO SECRETARY OF STATE

FISCAL IMPACT STATEMENT

Summary of Fiscal Impact Statement (94 words)

Upon passage, the initiative would have estimated startup costs of \$2.9 million because it would require agencies to hire personnel, develop software and lab capabilities, and implement other items before issuing licenses. These would occur before revenue could be generated and would need funding through appropriation to start the program.

Estimated ongoing annual costs from the initiative would be \$1.1 million because of software maintenance, personnel costs, and administrative costs.

Estimated increase in annual revenues from the initiative would be between \$600,000 and \$8 million because medical cannabis would be subject to sales tax.

Detailed Statement of Fiscal Impact Including Assumptions

To generate the fiscal impact, the Division of Financial Management (DFM) consulted with the Idaho State Tax Commission (Tax Commission), the Idaho Department of Health and Welfare (IDHW), the Idaho State Police (ISP), and the Board of Pharmacy under the Division of Occupational and Professional Licenses (BOP) to provide a reasonable calculation based on the available data.

Additionally, DFM researched other states' medical cannabis programs. Our assumption is that adjacent states' experiences are indicative of the experience Idaho would have because of (a) similar economic factors between the states, (b) similar demographics between the states, (c) geographical proximity, and (d) similar medical cannabis laws.

Detailed Statement of Estimated Costs

The affected agencies estimate that the state would have one-time and ongoing costs should the initiative pass. The initiative indicates that cardholder fees could cover program costs; however, that would occur across time.

These estimated costs are based on other state experiences in implementing similar programs. The assumption is that Idaho agencies benefit from those states' learning curves and would find

the appropriate software/trainings more quickly, limiting the start-up costs for software licenses to one occurrence per agency.

The cost breakdown for each affected agency is as follows:

- BOP: Approximately \$30,000 in initial start-up costs, with \$95,000 in annual ongoing program costs. The initial costs would be for updates to software and board meetings. The annual ongoing program costs would be for personnel.
- IDHW: An initial start-up cost of approximately \$2.3 million, with approximately \$500,000 in annual ongoing program costs. The initial costs would be for personnel costs and IT infrastructure. The annual ongoing program costs would be for personnel, IT and software, and administrative costs.
- ISP: \$1.3 million, with approximately half the amount being one-time costs, and the other half being annual ongoing. The one-time costs would be for software/hardware, to retrain K-9's, and instruments for food products. The annual ongoing costs would be for personnel, ongoing maintenance, operating costs for personnel, and toxicology kits.

The affected agencies and DFM concluded that there may be other costs associated with this initiative (if passed); however, those other costs were speculative and could not be quantified at this time.

Detailed Statement of Estimated Revenue

The annual revenue estimate started with analysis from the Tax Commission concluding that the medical cannabis sold would be subject to sales tax. The initiative does not specifically exempt medical cannabis from sales tax, nor does it classify medical cannabis in a way that would make it exempt.

Montana and Utah have medical cannabis programs. These states have been reliable proxies for Idaho. According to medical cannabis tax revenue data collected from Utah and Montana, the potential range for Idaho tax revenue in the first full year of implementation is \$600,000 to \$8 million.

In addition to the annual revenue generated by sales tax, revenue would be generated by: (A) individuals applying for a medical cannabis card who would pay a fee to IDHW; and (B) persons applying for a medical cannabis production license who would pay a fee to BOP. BOP and IDHW would establish those fees, but such fees cannot exceed the costs of administering the programs.