

Legislative Updates

(For further information please go to <https://legislature.idaho.gov/> and click on Bill Tracker. I encourage you to read the bill text to see all the additions and changes)

To note

Yellow Highlight Indicates the Bill has Become Law

House: Adjourned Sine Die at 5:19 p.m., Wednesday, March 28, 2018

Senate: Adjourned Sine Die at 5:55 p.m., Wednesday, March 28, 2018

Action Update:

<u>Bill No</u>	Description	Last Action
H0340	Controlled substances	03/07 Reported Signed by Governor on March 7, 2018
H0341	Tobacco, retailers fee	01/17/2018 House - Reported Printed and Referred to Health & Welfare
H0351	Pharmacy, licensing and registration	03/07 Reported Signed by Governor on March 7, 2018
H0354	Opioid antagonists, filing	02/20 Reported Signed by Governor on February 20, 2018
H0380	Tobacco permits	01/31/2018 House - U.C. to be returned to Revenue & Taxation Committee
H0410	Cannabidiol oil	01/26/2018 House - Reported Printed and Referred to Health & Welfare
H0447	Civil forfeiture, property	Reported Signed by Governor on March 21, 2018
H0468	Approp, medical boards, add'l	02/20 Reported Signed by Governor on February 20, 2018
H0491	Marijuana possession, penalty	02/06/2018 House - Reported Printed and Referred to Judiciary, Rules & Administration
H0531	Alcohol, sunset clause repeal	Reported Signed by Governor on March 20, 2018
H0551	Ignition interlock system, dui	03/26 Reported Signed by Governor on March 26, 2018
H0553	Diversion programs, crime	02/13/2018 House - Reported Printed and Referred to Judiciary, Rules & Administration
H0577	Cannabidiol oil	03/01 Received from the House passed; filed for first reading. Introduced, read first time; referred to: Health & Welfare
S1255	Tobacco, age of possession	02/01/2018 Senate - Reported Printed; referred to State Affairs

Detailed Bill Purpose:

H0340: The Idaho Board of Pharmacy administers the regulatory provisions of the state's Uniform Controlled Substances Act (CSA). If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the Board, the Board shall similarly control the substance unless the Board objects to the inclusion, rescheduling, or deletion. This bill mirrors DEA scheduling decisions for acetyl fentanyl and dronabinol in oral solution. The bill also cleans up obsolete language in the CSA with respect to ordering and dispensing controlled substances, and in regard to the Board's requirement to republish the schedule every two years.

H0341: The intent of this legislation is to amend language related to the issuance of an annual tobacco permit fee from no charge to a \$100 fee and to direct collections of such fees be remitted to the Prevention of Minors' Access to Tobacco fund.

H0351: The bill also clarifies instances of unlawful practice; specifically, technology advancements have enabled non-resident pharmacists to provide services on behalf of Idaho-licensed facilities and such pharmacists will be exempt from licensure requirements and are carved out of the definition of unlawful practice provided certain conditions are met.

H0354: The purpose of this legislation is to assure opioid antagonists are reported to the Prescription Monitoring Program (PMP).

H0380: This bill would allow the Tax Commission to cancel a tobacco permit after 12 months of inactivity. The Tax Commission will reach out to permit holders during an annual review process and permits would only be closed after two warning letters were sent advising the permit holder of the pending action. Permit holders can request the account to stay in effect. Twenty-six inactive accounts have been identified

H0410: This legislation provides for the lawful use and possession of Cannabidiol Oil (CBD), if prescribed by a practitioner licensed under Chapter 18, Title 54, Idaho Code. Registration, application, and fees are provided through the Idaho Board of Pharmacy and procedures to legally obtain CBD Oil.

H0447: This legislation changes the current code regarding civil asset forfeitures in several regards. Notably, modifications include: (1) vehicles would not be subject to forfeiture in connection with mere possession of a controlled substance; they would have to have been used in connection with trafficking offenses as enumerated, or to comprise ill-gotten gains; (2) property that is merely in proximity to a controlled substance is not subject to forfeiture absent a meaningful connection to a violation of the chapter; (3) presence of U.S. currency, without other evidence of wrongdoing, is not sufficient cause for a seizure or forfeiture; (4) creating a right of replevin of property while proceedings are pending provided the owners can show necessity and security; (5) courts must determine whether a property forfeiture is proportionate to the crime alleged, as is currently reflected in case law; (6) innocent owners are absolved of having to pay the state's costs associated with the seizure; (7) law enforcement may retain forfeited property with judicial approval; and (8) reporting requirements regarding forfeited property are instituted.

H0468: This is an FY 2018 supplemental appropriation bill for the Board of Pharmacy within the Medical Boards that provides an additional \$37,300 to complete the requirements of its Prescription Drug Overdose Prevention contract with the Department of Health and Welfare for the FY 2018 contract period.

H0491: This legislation amends Idaho Code 37-2732, adding a section (f) to provide that a first-time offender who has less than ½ ounce of marijuana in the offender's possession shall be charged with a misdemeanor. If the offender voluntarily completes four (4) hours of court approved drug/alcohol education and pays a fine of \$250 or completes eight (8) hours of court approved community service, the charge will become an infraction and court records will so reflect.

H0531: This removes the sunset clause for section 23-604A (Medical Amnesty), which provides limited immunity from the misdemeanor charges of Consumption by a Minor, or Possession by a Minor. This measure was enacted to encourage minors to seek emergency medical help for themselves, or another without fear of prosecution. The law was enacted in 2016 with a 3-year sunset clause. This bill repeals the sunset clause.

H0551: Consistent with studies showing that it will enhance public safety, this legislation requires, with some exceptions, the installation and operation of an ignition interlock device on all vehicles operated by a driving under the influence offender for a period of one year following the end of the license suspension period. Current law imposes an ignition interlock requirement on repeat offenders, but not first offenders.

H0551: The goal of this legislation is to make Idaho's roads safer by reducing the number of people driving under the influence. The bill creates an optional diversion program judges and/or prosecuting attorneys may use in which first time DUI offenders are required to have an ignition interlock installed in their cars for 6 months to a year, along with other accountability measures such as sheriff inmate labor detail and alcohol abuse education. If offered, participation by the defendant is completely voluntary. Successful completion of the diversion program results in their charges being dismissed. If they fail the program, their original charges are prosecuted as they would have been originally. Research shows that the use of ignition interlocks is the most effective approach to reducing recidivism rates. The aim of the diversion program is to change patterns of behavior and decision-making in a way that will have long-lasting effects on the driving population and public safety at large.

H0577: This legislation provides for the lawful use and possession of Cannabidiol Oil (CBD), if prescribed by a practitioner licensed under Chapter 18, Title 54, Idaho Code, and the procedures to legally obtain CBD Oil.

S1255: This legislation states that Tobacco use is a known health hazard, and this proposal would raise the legal sale age for tobacco products and electronic cigarettes from 18 to 21. By raising the age at which tobacco products can be purchased, it may be possible to alleviate negative health effects and burden to the Health Care System associated with treating people afflicted with preventable diseases such as lung cancer, emphysema, and other tobacco-related illnesses. Tobacco use is one of the most difficult addictions to break and increasing the age at which cigarettes can be purchased will result in fewer young people initiating tobacco

use and struggling to quit later in life. Youth smokers identify friends and classmates as a common source of tobacco products and e-cigarettes. With the presence of 18-19-year old in high schools, younger teens have daily contact with students who can legally buy tobacco and provide to underage peers. Raising the minimum legal sale age to 21 instead of 18 would help keep tobacco out of schools because legal purchasers would be less likely to interface with high school students, and therefore have less ability to sell or provide cigarettes to them.