



# Summary of the Idaho Medical Marijuana Act

## Short summary

The Idaho Medical Marijuana Act would create civil and criminal protections for patients who have a recommendation from a medical practitioner to use cannabis in the treatment of a debilitating health condition. It would also direct Idaho's Department of Health and Welfare to license and regulate dispensaries and medical marijuana producers to establish a system of safe access for registered patients.

Patients would be permitted to possess up to four ounces of medical cannabis and appoint another individual to serve as their caregiver, who may assist patients in their use of cannabis. By obtaining a hardship designation from the department — based on income or difficulty accessing a dispensary — patients would be allowed to cultivate up to six marijuana plants in their homes or have a caregiver grow for them.

Once voters approve the law, the department would have 120 days to adopt rules for implementation. Regulators would be tasked with establishing rules for licensed medical marijuana facility operators, including those addressing public safety, product testing, packaging, labeling requirements, pesticide use, and advertising. Applications for licenses will be competitively scored, and those submitted by veterans will be given an advantage.

The law authorizes the department to collect fees and establishes a 4% retail excise tax on medical cannabis to cover administrative costs. Any revenue in excess of what is needed to regulate the program would be divided evenly between the Idaho Division of Veterans Services and the state's General Fund.

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## Detailed summary

### Patient and Caregivers

- To obtain a registry card, patients must submit a written recommendation from a practitioner signed within 90 days along with an application form and a fee, which cannot exceed \$100.
- Registry cards are valid for one year.
- Patients may appoint up to one caregiver; caregivers may not assist more than three patients.
- After a patient submits the required forms, the department has up to 30 days to make a determination and issue the registry card.
- Minors under the age of 18 are able to obtain a registry card if a parent or guardian serves as

- the patient's caregiver.
- Patients and caregivers may possess up to four ounces of flower and, with a hardship designation, cultivate up to six plants.
  - To obtain a hardship designation and cultivate up to six plants at home patients must show:
    - financial hardship
    - a physical incapacity to access reasonable transportation; or
    - the lack of a medical marijuana dispensary within a reasonable distance of the qualifying patient's residence.
  - The department will establish a registry card verification system for law enforcement.
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## **Qualifying conditions**

- Cancer
  - Glaucoma
  - HIV/AIDS
  - Hepatitis C
  - Amyotrophic lateral sclerosis (ALS)
  - Crohn's disease
  - Alzheimer's disease
  - Post-traumatic stress disorder (PTSD)
  - A chronic or debilitating disease or medical condition or its treatment that produces:
    - Cachexia or wasting syndrome
    - Severe pain
    - Chronic pain
    - Severe nausea
    - Seizures, including those characteristic of epilepsy
    - Severe and persistent muscle spasms, including those characteristic of multiple sclerosis
  - Any terminal illness with a life expectancy of less than 12 months as determined by a licensed medical physician
  - Any other serious medical condition or its treatment added by the Department of Health and Welfare (any resident may petition the department to add a condition)
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## **Regulating agency is the Idaho Department of Health and Welfare**

- Rules are to be adopted no later than 120 days after the measure is approved.
- Rules will address oversight, recordkeeping, security, testing, packaging, labeling requirements, pesticides, and advertising.
- The department shall issue an annual public report with relevant data about the program.
- The department can accept private donations to cover costs and patient registry fees.
  - The department can also implement a sliding scale to reduce fees for low-income patients.
- Facility licensing:
  - The department will implement a scoring system to determine dispensary licensees, with additional weight given to veterans.
  - License fees: TBD by department

- Applicants must have at least one principal officer who is an Idaho resident.
  - Operators may not have any financial relationship to a practitioner.
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## **Miscellaneous**

- The law establishes a 4% retail excise tax and authorizes the department to collect fees to cover administrative costs of the program.
  - After costs of the program are covered, the remainder is split evenly between the Idaho Division of Veterans Services and the General Fund.
- Property owners can prohibit growing by renters.