

IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE

Administration Division

02.01.06 – Rules Governing the Labeling of Hemp Receptacles

Who does this rule apply to?

Any person wishing to transport hemp through Idaho.

What is the purpose of this rule?

By Executive Order No. 2019-13, the Director of the Idaho State Department of Agriculture was directed by the Governor to engage in rulemaking concerning hemp transportation through the state of Idaho, in light of the 2018 Farm Bill. These rules govern the requirements for the labeling of hemp receptacles for transportation of hemp through the state of Idaho.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statute passed by the Idaho Legislature:

- [22-103\(7\), Idaho Code](#) – Duties of Director, Department of Agriculture
- [22-702, Idaho Code](#) – Standards for Farm Products and Receptacles

Who do I contact for more information on this rule?

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Boise, ID 83707
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000. LEGAL AUTHORITY.

01. General. The Director of the Idaho State Department of Agriculture has general rulemaking authority on farm products, receptacles, and labels pursuant to Sections 22-103(7) and 22-702, Idaho Code. (3-20-20)T

02. Specific. By [Executive Order No. 2019-13](#), the Director of the Idaho State Department of Agriculture was directed by the Governor to engage in rulemaking concerning hemp transportation through the State of Idaho, in light of the 2018 Farm Bill. (3-20-20)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “Rules Governing the Labeling of Hemp Receptacles.” (3-20-20)T

02. Scope. These rules govern the requirements for the labeling of hemp receptacles for transportation of hemp through the state of Idaho. (3-20-20)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. 2014 Farm Bill. The Agricultural Act of 2014. Pub. Law No. 113-79, 128 Stat. 649. (3-20-20)T

02. 2018 Farm Bill. The Agricultural Improvement Act of 2018. Pub. Law No. 115-334, 132 Stat. 4490. (3-20-20)T

03. Bill of Lading. A shipping document containing the shipment contents, origination, including lot number, and destination of the farm product, the weight of the load, and the type of vehicle hauling or transporting the farm product. This form will be available on the Department website, <https://agri.idaho.gov/>. (3-20-20)T

04. Department. The Idaho State Department of Agriculture. (3-20-20)T

05. Driver Affirmation. A form provided by the Department signed by the driver of a vehicle hauling or transporting hemp stating that his or her vehicle contains no illicit drugs or variations of hemp not explicitly authorized by the 2014 Farm Bill or the 2018 Farm Bill. This form will be available on the Department website, <https://agri.idaho.gov/>. (3-20-20)T

06. Entity. As defined in 7 C.F.R. §§990.1. (3-20-20)T

07. Farm Product. As defined in Section 22-701, Idaho Code. (3-20-20)T

08. Hemp. As defined in Section 7 U.S.C. §1639o and as measured in conformance with 7 CFR § 990.25. (3-20-20)T

09. Indian Tribe. As defined in Section 7 U.S.C. §1639o. (3-20-20)T

10. Inspection Report. A report given to transporters upon completion of the hemp inspection at the port of entry or roadside confirming all required documents were presented and whether any samples of the hemp were taken. (3-20-20)T

11. Laboratory Report. A laboratory results report which confirms each lot of hemp complies with the 2014 Farm Bill or the 2018 Farm Bill, as provided in 7 C.F.R. §§990.70(d) and 990.71(d), and which was produced by a DEA-registered laboratory. (3-20-20)T

12. Lawful-Hemp Verification. A written verification that the hemp being transported was produced by a grower or producer duly-licensed by a state or Indian Tribe authorized to regulate hemp production under the 2014 Farm Bill or the 2018 Farm Bill or an equivalent USDA hemp producer license. The hemp production license for the producer of the hemp being transported, or a copy thereof, must be attached. This form will be available on the Department website, <https://agri.idaho.gov/>. (3-20-20)T

- 13. **Lot.** As defined in 7 C.F.R. §990.1. (3-20-20)T
- 14. **Peace Officer.** As defined in Section 19-5101, Idaho Code. (3-20-20)T
- 15. **Producer.** As defined in 7 C.F.R. §990.1. (3-20-20)T
- 16. **Receptacle.** Any container in which farm products are held or stored. (3-20-20)T
- 17. **State.** As defined in Section 7 U.S.C. §1639o. (3-20-20)T
- 18. **Transporter.** Any person, individual, partnership, corporation, association, grower, farmer, producer or any other entity engaged in hauling, transporting, delivering, otherwise moving hemp in interstate commerce through the state of Idaho. (3-20-20)T
- 19. **Vehicle.** As defined in Section 49-123, Idaho Code, when capable of transporting a farm product receptacle. (3-20-20)T

011. ABBREVIATIONS.

- 01. **DEA.** The United States Drug Enforcement Administration. (3-20-20)T
- 02. **ISP.** The Idaho State Police. (3-20-20)T
- 03. **ITD.** The Idaho Transportation Department. (3-20-20)T
- 04. **USDA.** The United States Department of Agriculture. (3-20-20)T

012. -- 099. (RESERVED)

100. VERIFICATION OF FARM PRODUCTS.

Any transporter or vehicle carrying one or more receptacles of hemp shall have the affirmative duty to stop at the first port of entry encountered in the state of Idaho to declare the presence of any hemp. No transporter or vehicle carrying receptacles of hemp shall proceed past or travel through an established or temporary port of entry during its hours of operation while transporting hemp without presenting the hemp for inspection. Should the first established or temporary port of entry be closed for operations, the transporter or vehicle must stop at the first available port of entry. (3-20-20)T

101. LABELING.

All receptacles, open or closed, of hemp must be labeled with the name and address of the producer, the quantity of the hemp, and the lot number associated with the hemp. (3-20-20)T

102. DOCUMENTATION REQUIRED.

Receptacles of hemp shall be inspected and documentation will be reviewed for the purpose of showing and preventing deception in the name and address of the producer, the quantity, and nature of the product. All receptacles of hemp must be labeled in accordance with Section 101 of these rules and be accompanied by a written, legible record attesting to the compliance of the farm product to the 2014 Farm Bill or the 2018 Farm Bill by including: (3-20-20)T

- 01. **Driver Affirmation;** (3-20-20)T
- 02. **Lawful-Hemp Verification;** (3-20-20)T
- 03. **Laboratory Report; and** (3-20-20)T
- 04. **Bill of Lading.** (3-20-20)T

103. INSPECTION REPORT.

Once the hemp inspection is complete at the port of entry or roadside, hemp transporters will be given an inspection report. (3-20-20)T

104. DELEGATION.

The Department may contract with the ISP and the ITD or other state agency as necessary to efficiently carry out these rules. (3-20-20)T

105. EFFECTIVE DATE.

These rules are effective upon adoption. These rules apply prospectively and nothing within these rules shall authorize or be interpreted to apply to hemp transported in the State of Idaho prior to these rules being adopted. (3-20-20)T

106. -- 999. (RESERVED)

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