

REQUESTED TITLE:
DECRIMINALIZE CANNABIS NOW

Be it enacted by the People of Idaho:

SECTION 1. That Title 37 Chapter 27, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 37-2732E and to read as follows: 37-2732E EXEMPTIONS – AUTHORIZATIONS AND EXEMPTIONS FROM PENALTIES FOR POSSESSION, PRODUCTION, CULTIVATION OF CANNABIS, MARIJUANA, CANNABIS-INFUSED, OR MARIJUANA-INFUSED PRODUCTS.

(1) definitions: (a) Cannabis-infused or marijuana-infused product is any shelf stable product that uses cannabis or marijuana derivatives, such as but not limited to oils, tinctures, gummies, and other edibles. (b) Production process is the process of extracting materials from the cannabis or marijuana plant to include but not limited to THC and CBD or infusing them into edibles.

(2) For purposes of this section, weights of materials during the production process or waste materials are not to be used for determination of authorization, exemption, or penalties.

(3) Possession of cannabis, marijuana, cannabis-infused or marijuana-infused product are authorized by this chapter and exempt from penalties if: (a) such cannabis, marijuana, cannabis-infused or marijuana-infused product is for personal use and not for sale or resale; (b) it is not consumed in any public or open setting; (c) it is in the possession of a person who is at least 21 years old; and (d) it is less than one (1) ounces of plant or one thousand (1,000) mg of THC in other cannabis-infused or marijuana-infused products; or

(4) Possession, production, or cultivation of cannabis, marijuana, cannabis-infused, or marijuana-infused products are authorized by this chapter and exempt from penalties if: (a) such cannabis, marijuana, cannabis-infused, or marijuana-infused product is for personal use and not for sale or resale; (b) it is not consumed in any public or open setting; (c) it is in the possession of a person who is at least 21 years old;(d) it is secured in the primary residence or on the property thereof; (e) it is secure from access by members of the household under 21 years of age; and (f) it does not exceed twelve (12) plants or eight (8) ounces of cannabis-infused or marijuana-infused product;

(5) Persons whose conduct falls within the scope authorized by subsection (3) or (4) are exempted from penalties in this chapter and taxes or penalties in Section 63-4203, Idaho Code.

(6) Nothing in this section shall be construed to allow private or commercial sale or resale of any controlled substance.

SECTION 2. SEVERABILITY. The provisions of this initiative hereby declared to be severable if any provision of this initiative 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 initiative.