

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

Gary G. Allen
Charlie S. Baser
Christopher J. Beeson
Jason J. Blakley
Clint R. Bolinder
Jeff W. Bower
Preston N. Carter
Jeremy C. Chou
Michael C. Creamer
Amber N. Dina
Bradley J. Dixon
Thomas E. Dvorak
Debora Kristensen Grasham
Donald Z. Gray
Alex J. Gross
Brian J. Holleran

Kersti H. Kennedy
Neal A. Koskella
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
Kimberly D. Maloney
Kenneth R. McClure
Kelly Greene McConnell
Alex P. McLaughlin
Melodie A. McQuade
Christopher H. Meyer
L. Edward Miller
Judson B. Montgomery
Deborah E. Nelson
W. Hugh O'Riordan, LL.M.
Samuel F. Parry

Randall A. Peterman
Blake W. Ringer
Michael O. Roe
Cameron D. Warr
Robert B. White
Michael V. Woodhouse

William C. Cole (Of Counsel)

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

June 29, 2021

VIA E-MAIL: Chanel.Tewalt@isda.idaho.gov
Lloyd.Knight@isda.idaho.gov

Lloyd Knight
Chanel Tewalt
Idaho Department of Agriculture
2270 Old Penitentiary Road
Boise, ID 83712

Re: Comments Regarding Idaho Department of Agriculture Rulemaking Docket
Number 02-0107-2101

Dear Director Tewalt and Mr. Knight,

The law firm of Givens Pursley represents Double Springs Ranch LLC (“Double Springs” or “Client”) in Custer County, Idaho. On behalf of Double Springs, we thank you for the opportunity to provide written comments to Docket No. 02-0107-2101 (“Hemp Rules”). For ease of reference, we have used the same sign post references contained in the Hemp Rules draft.

Hemp Rules 010.12., 300.06, 300.07 and 501.03

With respect to Hemp Rules 010.12., 300.06, 300.07, 501.03, we respectfully request that the Department clarify whether a Producer as defined under 010.12., would also need a Handler License under 300.07 if the Producer purchased hemp from another in state producer and then resold that product out of state. Our analysis suggests that a Handler License is not necessary in that situation. A Producer License, “authorizes a person or entity to obtain and possess hemp seed for planting; cultivate a hemp crop; harvest hemp plant parts, as well as possess, store, handle, transport, and market plant parts.” Hemp Rule 600.06. In addition, the Hemp Rule also states, “[b]uying or selling hemp transplants requires a grower license. A transfer or sale of hemp plants to another licensee is considered a harvest.” Coupled together, the rule seems to allow such a scenario so long as “harvest” notification requirements are fulfilled. Will you confirm that is the case?

Additionally, some parts of the Hemp Rules use the word “grower” and “producer” interchangeably (eg., 501.03 refers to a “grower license”). Producer is defined while “grower” is not. For consistency, we request that the Department consider revising the language to utilize the defined word.

Hemp Rule 300.06.

We also believe any appointed "company" official be allowed to transport hemp or any hemp related products while on official company business without running afoul of law enforcement transportation rules.

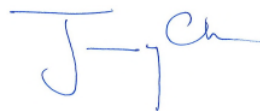
Hemp Rule 300.06 allows a” Producer License” holder to transport hemp. It states, “ 06. Producer License. A producer license authorizes a person or entity to obtain and possess hemp seed for planting; cultivate a hemp crop; harvest hemp plant parts, as well as possess, store, handle, transport, and market plant parts.” (Emphasis added.) Will you confirm that any company official/employee will be allowed to transport hemp or related products while on official company business. In many situations employees or company officials will need to transport hemp, hemp seeds and product as part of their farming/ growing responsibilities.

Hemp Rule 600.02.

Hemp Rule 600.02a. states that a “licensee may not acquire or accept hemp from any source other than a person licensed by the Department, the USDA, or a state or tribe with a plan approved by USDA.” (Emphasis added.)

We do not believe that it is appropriate at this time to allow Handlers to accept hemp from another state or tribe without a plan approved by USDA. Hemp is and will continue to be a highly regulated industry in Idaho from an agency and legislative level. Some states have legalized hemp farming, but chose not to regulate the production of hemp at all. As a consequence, producing and handling hemp in Idaho will be drastically different than in many surrounding states. The Idaho Department of Agriculture will have no say on the regulatory framework of other states including, but not limited to, record keeping, sampling and testing, notification requirements and fees, or the type, condition and nature of out of state hemp being shipped into Idaho for production. For these reasons, we believe that Handlers not be allowed to import unprocessed mature hemp plants and only be allowed to work with hemp grown in Idaho. We request that the Department delete the underlined provision.

Very truly yours,



Jeremy C. Chou