



2020

**State of Idaho Cannabis  
Policies and Regulations:  
*A Summary for the  
Prevention Workforce***

Prepared by SAMHSA'S Northwest  
Prevention Technology Transfer Center



Northwest (HHS Region 10)

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**PTTC**

Prevention Technology Transfer Center Network

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## Preface

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This resource is not meant to be exhaustive, but instead serve as a starting place for prevention practitioners and community coalition members interested in cannabis policy and regulation. As cannabis policies and regulation change, The Northwest PTTC will periodically review and update this resource. Additional Northwest PTTC resources on this topic are listed at the end of this document.

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## Purpose

This document provides a summary of the rules and laws to regulate cannabis. Cannabis remains a Schedule I controlled substance in Idaho, consistent with federal law. This document includes key elements to be aware of and monitored in other states to inform prevention efforts. This document provides the prevention workforce in Idaho with information that supports:

- Prevention of youth cannabis use
- Prevention of adult cannabis misuse (heavy use and/or risky behaviors)

The information is organized into six sections. First, a description of the regulatory bodies that create and oversee the regulatory system; then regulatory components organized as “5 Ps for Prevention.” These elements of regulation are most relevant to preventing any cannabis use by youth and unsafe use by adults.

Symbol	Regulatory Components	Description of Regulatory Components
	Public Health and Safety	Requirements that prevent diversion and protect customers
	Placement and Access	Factors affecting individual possession and use; licensing and operations; placement of businesses; expanded privileges
	Products and Potency	Factors affecting what products are allowed, including by potency; packaging and labeling; and purchase limits for specific products
	Promotion and Advertising	Factors affecting design and content, or placement of any advertising
	Pricing	Taxes and other factors related to the cost of products

While Idaho has not legalized cannabis for medical or non-medical use, the state shares its entire eastern border with Washington and Oregon, where retail cannabis sales are well underway. Retail outlets in both of these bordering states make access convenient for Idaho residents (e.g., Ontario, OR; and Clarkston or Pullman, WA). Much of the marijuana confiscated in Idaho recently comes from legal stores outside the state. Therefore, prevention practitioners in Idaho may wish to become familiar with the context of those states' regulations and anticipate their influence. For example, Washington State licensees are prohibited from advertising outside the state. Idaho stakeholders would be more likely to observe these activities than Washington regulators. Knowing the regulations may help communities to address concerns.

The information in this document is intended to support capacity development specifically within the prevention workforce by increasing understanding of cannabis regulatory frameworks and policies that can affect the prevention of youth cannabis use and harms. Northwest PTTC documents listed at the end of this summary, provide more detailed information defining cannabis regulations and policies within and across HHS Region 10 states (Alaska, Idaho, Oregon, and Washington).

# State Regulatory Structure

## Agencies

The Idaho Office of Drug Policy (ODP) leads Idaho's substance use and misuse policy prevention efforts by developing and implementing strategic action plans and collaborative partnerships to reduce drug use and related problems. Cannabis remains a Schedule I controlled substance in Idaho, consistent with federal law. It is illegal for any person to manufacture, deliver, possess with intent to manufacture or deliver, or possess marijuana, which refers to all parts of the plants of the genus cannabis, including or any preparation of cannabis which contains tetrahydrocannabinol (THC). It is illegal to publicly use or be under the influence of marijuana. The following resources offer additional information on the Idaho Office of Drug Policy, the Governor's Office of Drug Policy Statements on Cannabidiol and Marijuana Legalization, and a Bill Tracker.

- **Idaho Office of Drug Policy:** <https://odp.idaho.gov/>
- **Governor's Office of Drug Policy Statement on Cannabidiol:** <https://odp.idaho.gov/wp-content/uploads/sites/114/2019/07/CBD-position-edits-1-14-2019-2.pdf>
- **Governor's Statement on Marijuana Legalization:** [https://odp.idaho.gov/wp-content/uploads/sites/114/2019/07/Policy-Statement-on-Marijuana-Legalization-Feb\\_19.pdf](https://odp.idaho.gov/wp-content/uploads/sites/114/2019/07/Policy-Statement-on-Marijuana-Legalization-Feb_19.pdf)
- **ODP Bill Tracker:** <https://www.dropbox.com/s/6obm09dz14a7x86/ODPBillTracker.xlsx?dl=0>

# A Prevention Lens on Regulatory Components of Cannabis Use



## Public Health and Safety

With cannabis legalization for adult use is restricted to a few states and federally illegal, a significant amount of focus has been placed on public safety issues. The Cole Memo issued by the Department of Justice in 2013 (later rescinded by Attorney General Jeff Sessions) still serves as a guidance document for many states **in which legalization of cannabis has occurred**. Consideration of public safety requires states **that have legalized cannabis for adult use** to implement and enforce regulations that help to:

- Prevent distribution to minors
- Prevent revenue from going to criminal enterprises, gangs, and cartels
- Prevent diversion to other states
- Prevent state-authorized marijuana activity from being used as a cover for trafficking other illegal drugs or other illegal activity
- Prevent violence and the use of firearms in cultivation and distribution of marijuana
- Prevent drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use
- Prevent the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by such
- Prevent possession or use on federal property

To help ensure meeting these objectives, regulatory authorities use track-and-trace systems, institute consistent and robust enforcement of laws and regulations, and assess appropriate penalties associated with violations of the rules and regulations.

Enforcement of laws, including access-by-minors laws, can be an effective component of limiting youth substance use, based on experience from other substance regulation such as alcohol.<sup>1</sup> However, enforcement activities should not be conducted alone; experts recommend a comprehensive program (e.g., comprehensive tobacco control programs that include elements recommended by the CDC) that includes enforcement activities.

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1. Harding, F. M., Hingson, R. W., Klitzner, M., Mosher, J. F., Brown, J., Vincent, R. M., ... Cannon, C. L. (2016). Underage drinking: A review of trends and prevention strategies. *American Journal of Preventive Medicine*, 51(4), S148–S157. <https://doi.org/10.1016/j.amepre.2016.05.020>



## Placement and Access

A variety of regulations determine where cannabis can be cultivated, processed, sold, possessed, and used. Regulations also specify the conditions that must be present. Public health and safety, including prevention of youth use and adult misuse, are considerations in setting regulations regarding place because of the effect on access. Laws regarding public use and possession limits are also linked to access.

Restrictions on advertising may be beneficial for prevention. Systematic reviews report a strong association between exposure to media and communications on alcohol and adolescents starting to drink, and increased drinking or risky drinking among those who already drink.<sup>2,3</sup> A separate systematic review found that multiple studies showed a positive association between direct alcohol sports sponsorship and increased levels of drinking among schoolchildren.<sup>4</sup> Similarly, evidence from tobacco control shows that marketing restrictions and graphic health warnings are effective for reducing smoking prevalence.<sup>5</sup>



## Products and Potency

To prevent or reduce youth use and adult misuse of cannabis, regulatory practices can focus on the types of products and their potency, appearance, packaging, and labeling. Like alcohol and tobacco, product characteristics and packaging affect the potential for harm, attractiveness, accessibility, and availability.

**While cannabis is still federally illegal in Idaho, the availability of high-potency cannabis products in bordering states may be of particular concern. Practitioners in the state may find it beneficial to focus educational efforts on potential harms associated with these products.** A summary of evidence from alcohol research indicates that increased availability of liquor products, which have relatively higher alcohol content, is a risk for young people. Studies suggest that youth who drink alcohol prefer

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2. Anderson, P., De Bruijn, A., Angus, K., Gordon, R., & Hastings, G. (2009). Impact of alcohol advertising and media exposure on adolescent alcohol use: A systematic review of longitudinal studies. *Alcohol and Alcoholism*, 44, 229-243. <https://doi.org/10.1093/alcalc/agn115>

3. Jernigan, D., Noel, J., Landon, J., Thornton, N., & Lobstein, T. (2017). Alcohol marketing and youth alcohol consumption: A systematic review of longitudinal studies published since 2008. *Addiction*, 112, 7-20. <https://doi.org/10.1111/add.13591>

4. Brown, K. (2016). Association between alcohol sports sponsorship and consumption: A systematic review. *Alcohol and Alcoholism*, 51, 747-755. <https://doi.org/10.1093/alcalc/agw006>

5. Levy, D. T., Tam, J., Kuo, C., Fong, G. T., & Chaloupka, F. (2018). The impact of implementing tobacco control policies: The 2017 Tobacco Control Policy Scorecard. *Journal of Public Health Management and Practice*, 24, 448-457. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6050159/>

hard liquor<sup>6</sup> and that liquor consumption may be more associated with risky behaviors among youth than other types of alcohol.<sup>7</sup> High-potency cannabis products (e.g., concentrates, edibles, oils) could be similarly problematic.

The 2009 U.S. Family Smoking Prevention and Tobacco Control Act banned flavored cigarettes (excluding menthol) and required tobacco companies to seek FDA approval for new tobacco products based on evidence about how specific products and their packaging could appeal to youth or young adults. In addition, the appearance of products, including their packaging and labeling (e.g., colors, shapes, images, words) may have an impact on their appeal to youth. The 2009 U.S. Family Smoking Prevention and Tobacco Control Act also requires some new warnings and labels on tobacco packaging and advertisements to reduce their appeal to young people. This is one approach to product restrictions for prevention.



## Promotion and Advertising

Promotion refers to the advertising strategies for advertising retail stores and their products to gain customers. These strategies and techniques may include print advertising, internet advertising, billboards, radio and television ads, events, coupons, and giveaways.

**Understanding restrictions on cannabis advertising in bordering states may be beneficial for preventing cannabis use in Idaho.** Systematic reviews report a strong association between exposure to media and communications on alcohol-associated with adolescents starting to drink, and increased drinking or risky drinking among those who already drink.<sup>8,9</sup> A separate systematic review found that multiple studies showed a positive association between direct alcohol sports sponsorship and increased levels of drinking among schoolchildren.<sup>10</sup> Similarly, evidence from tobacco control shows

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6. Siegel, M. B., Naimi, T. S., Cremeens, J. L., & Nelson, D. E. (2011). Alcoholic beverage preferences and associated drinking patterns and risk behaviors among high school youth. *American Journal of Preventive Medicine*, 40, 419-426. <https://doi.org/10.1016/j.amepre.2010.12.011>

7. Naimi, T. S., Siegel, M., DeJong, W., O'Doherty, C., & Jernigan, D. (2015). Beverage- and brand-specific binge alcohol consumption among underage youth in the US. *Journal of Substance Use*, 20, 333-339. <https://doi.org/10.3109/14659891.2014.920054>

8. Anderson, P., De Bruijn, A., Angus, K., Gordon, R., & Hastings, G. (2009). Impact of alcohol advertising and media exposure on adolescent alcohol use: A systematic review of longitudinal studies. *Alcohol and Alcoholism*, 44, 229-243. <https://doi.org/10.1093/alcalc/agn115>

9. Jernigan, D., Noel, J., Landon, J., Thornton, N., & Lobstein, T. (2017). Alcohol marketing and youth alcohol consumption: A systematic review of longitudinal studies published since 2008. *Addiction*, 112, 7-20. <https://doi.org/10.1111/add.13591>

10. Brown, K. (2016). Association between alcohol sports sponsorship and consumption: A systematic review. *Alcohol and Alcoholism*, 51, 747-755. <https://doi.org/10.1093/alcalc/agn006>

that marketing restrictions and graphic health warnings effectively reduce smoking prevalence.<sup>11</sup>



## Pricing

While cannabis is still federally illegal in Idaho, understanding pricing regulations in bordering states may be beneficial for Idaho's prevention efforts. The price of cannabis products to the consumer can be influenced by policies that restrict the use of tools to reduce price, such as discounts, coupons, etc. Taxes, both excise taxes, and sales taxes, are also tools to maintain higher prices for cannabis products.

There is strong evidence that increasing the unit price of alcohol is effective in reducing excessive alcohol consumption, adolescent drinking, alcohol-impaired driving, and mortality from liver cirrhosis. There is also strong evidence supporting interventions to increase the price of tobacco products to reduce tobacco use and exposure.

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11. Levy, D. T., Tam, J., Kuo, C., Fong, G. T., & Chaloupka, F. (2018). The impact of implementing tobacco control policies: The 2017 Tobacco Control Policy Scorecard. *Journal of Public Health Management and Practice*, 24, 448-457. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6050159/>

## Effective Approaches for Education, and Action

Cannabis regulations in states bordering Idaho are new and can be confusing. The following advice may be useful in maintaining perspective in the work of assuring the best possible cannabis regulations and policies are in place, based on what we know now, to protect public health and safety.

**Prioritize policy in prevention and bring prevention to the policy table.** The importance of policies when addressing the prevention of substance use disorders cannot be understated. Comprehensive prevention efforts that include policy elements are most effective. Building prevention and public health stakeholder involvement in policy and rulemaking is key.

**Know the landscape and the stakeholders.** Prevention stakeholders should also assess their local policies, policymakers, and processes for making policies. Further, prevention stakeholders should also seek to understand the presence and perspectives of stakeholders who are affected by and may be independently working to influence state or local policies (e.g., cannabis businesses, law enforcement, cannabis for medical use patients or advocates).

**Policies can change quickly.** Policies can change, especially with the growing trend of cannabis legalization. Prevention stakeholders are encouraged to be aware of potential for change; state regulatory agency and legislative alerts or listservs can help to stay updated.

**Maintain balance and credibility.** Cannabis use can have serious risks, especially for young people, but overstating the research or repeating themes that were developed with a “reefer madness” mentality of extreme and unsupported scare tactics will only undermine the credibility of prevention stakeholders and stall any efforts to effectively advise regulations and policy. Instead, rely on solid scientific resources, acknowledge what is known and what is not known. When prevention is seen as a valued and trusted stakeholder, we will be in a position to emphasize that when it is not clear what the risks are, we can use the “precautionary principle” – meaning that changes are made when they can be reasonably assumed to be safe.

**Prioritize equity and inclusion.** The history of the “war on drugs” has been associated with marginalization and negative impacts – such as arrests – for different communities, especially communities of color. Meaningfully engaging diverse community members early and often in policy and rulemaking processes is one effective way to assure that well-intended ideas do not have unintended negative consequences, especially among communities that have been harmed by past policies and rules.

## Additional Northwest PTTC Resources in this Series

1. HHS Region 10, State Cannabis Policies and Regulations: A Guidance document for Northwest Substance Misuse Prevention Practitioners.
2. Individual State Cannabis Policy Summaries for HHS Region States: Alaska, Idaho, Oregon and Washington.
3. HHS Region 10, Cannabis Policies and Regulations: A multi-state comparison across three Northwestern states