

**IDAPA 27 – BOARD OF PHARMACY**  
**27.01.03 – RULES GOVERNING PHARMACY PRACTICE**  
**DOCKET NO. 27-0103-1802**  
**NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is September 28, 2018.

**AUTHORITY:** In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 37-2702 and 54-1717, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

On June 25, 2018, The U.S. Food and Drug Administration (FDA) approved Epidiolex (cannabidiol – CBD) oral solution for the treatment of seizures associated with two rare and severe forms of epilepsy. On September 27, 2018, the U.S. Drug Enforcement Administration (DEA) made a scheduling determination that removes this specific drug product from Schedule I of the Controlled Substances Act and places it in Schedule V. This temporary rule ensures conformity between federal law and Idaho law. As a result, Epidiolex can be prescribed and dispensed to patients in accordance with the other provisions of the Controlled Substances Act.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Per Section 37-2702, Idaho Code, if any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the board, the board shall similarly control the substance under this act by promulgating a temporary rule or proposing a statutory amendment, or both, within thirty (30) days from publication in the federal register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, unless within that thirty (30) day period, the board objects to inclusion, rescheduling, or deletion.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Alex Adams, Executive Director, at (208) 334-2356.

Dated this 27th day of September, 2018.

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**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 27-0103-1802**  
**(Only Those Sections With Amendments Are Shown.)**

**316. CONTROLLED SUBSTANCES: TEMPORARY SCHEDULING.**

Cannabidiol in a drug product approved by the FDA, specifically derived from cannabis and containing no more than one tenth percent (0.1%) tetrahydrocannabinols, is removed from Schedule I, under Article II, Title 37, Chapter 27, Idaho Code, and placed in Schedule V, under Article II, Title 37, Chapter 27, Idaho Code. (9-28-18)T

**3167. – 399. (RESERVED).**