

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.02.19 – IDAHO FOOD CODE

DOCKET NO. 16-0219-2601

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment and input prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section(s) 37-121 and 39-1603, Idaho Code.

MEETING SCHEDULE: A negotiated rulemaking meeting will be held as follows:

Monday, July 27, 2026 3:00 p.m. (MT)
Join using the meeting link: https://teams.microsoft.com/meet/298615655169879?p=umuSVYGCwCDhsEzE7k Meeting ID: 298 615 655 169 879 Passcode: nJ6RJ9NV
Dial in by phone 1 972-454-4077 United States, Dallas Boise 1-208-609-5034 Phone conference ID: 711 480 783#

The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do any of the following:

- Attend the negotiated rulemaking meeting and participate in the negotiation process; or
- Provide oral or written recommendations, or both, at the negotiated rulemaking meeting; and/or
- Submit written recommendations and comments to DHWRules@dhw.idaho.gov.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

In accordance with Idaho Code Section 67-5292, the Department is reviewing IDAPA 16.02.19 to assess whether the content of the rule chapter is still necessary. As part of negotiated rulemaking, the agency will address the enactment of [S.B. 1283](#) (2026), the Idaho Direct-to-Consumers Commerce Act. Updates are necessary to certain definitions and the existing rule chapter to comply with new law as well as clarifying rules pertaining to cottage food operations.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text (if available), contact Estela Cabrera at DHWRules@dhw.idaho.gov or (208)

334-5500. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the agency website at: <https://healthandwelfare.idaho.gov/about-dhw/rules-policies-procedures-and-waivers>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 27, 2026.

DATED this 1st day of July, 2026.

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