

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.02.19 – IDAHO FOOD CODE

DOCKET NO. 16-0219-2601

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section [67-5221](#)(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections [37-121](#) and [39-1603](#), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearings concerning this rulemaking will be held as follows:

Thursday, October 15, 2026 3:00 p.m. (MT)
In Person: 450 W. State Street, 10th Floor Boise ID 83720 Conference Rm 10B Virtual: Meeting link: https://teams.microsoft.com/meet/245819167492274?p=GB7y5EYBnjfY1GgXM8 Meeting ID: 245 819 167 492 274 Passcode: kB6DU3nR Dial in by phone 1 972-454-4077 United States, Dallas Boise 1-208-609-5034 Phone conference ID: 644 819 217#

Monday, October 19, 2026 11:00 a.m. (MT)
In Person: 450 W. State Street, 10th Floor Boise ID 83720 Conference Rm 10B Virtual: Meeting link: https://teams.microsoft.com/meet/248872876825281?p=OF0yU63ZG4nAkghqha Meeting ID: 248 872 876 825 281: Passcode: BU78dF6B Dial in by phone 1 972-454-4077 United States, Dallas Boise 1-208-609-5034 Phone conference ID: 860 794 288#

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

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking was conducted in accordance with Idaho Code Section [67-5292](#), whereas the chapter is due for 8-year review. The proposed rule implements changes enacted in [S.B. 1283](#), the Idaho Direct-to-Consumers Commerce Act, enacted during the 2026 legislative session.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no changes to fees.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

There is no negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section [67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 1, 2026, Idaho Administrative Bulletin, [Vol. 26-7 page 68](#).

INCORPORATION BY REFERENCE: Pursuant to Section [67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

The “Food Code, 2013 Recommendations of the United States Public Health Service Food and Drug Administration,” Publication PB2013-110462 is considered the model food code and is incorporated by reference. The Food Code is adopted with modifications and additions, to the extent it does not conflict with Chapter 2, Title 37, Idaho Code, or other applicable state statute.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Estela Cabrera at DHWRules@dhw.idaho.gov or (208) 334-5500.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2026.

DATED this 7th day of October, 2026.

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