
A BILL FOR AN ACT

RELATING TO INDUSTRIAL HEMP.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that industrial hemp is a
2 suitable crop for Hawaii that will contribute to the future
3 viability of the State's agricultural industry. According to
4 legislation enacted in Vermont, farmers in Canada have reported
5 a return rate equal to \$800 per acre of farmed land.

6 As a food crop, industrial hemp seeds and oil have high
7 nutritional value, including healthy fats and protein. As a
8 fiber crop, industrial hemp can be used in the manufacture of
9 clothing, building supplies, animal bedding, and other products.
10 As a fuel crop, industrial hemp seeds can be processed into
11 biodiesel energy and stalks can be pelletized or flaked for
12 burning or processed for cellulosic ethanol.

13 The purpose of this Act is to promote the production of
14 industrial hemp in the State.

15 SECTION 2. The Hawaii Revised Statutes is amended by
16 adding a new chapter to be appropriately designated and to read
17 as follows:



1 "CHAPTER

2 INDUSTRIAL HEMP

3 § -1 Purpose. The purpose of this Act is to establish
4 appropriate policy and procedures related to the production of
5 industrial hemp in the State.

6 § -2 Definitions. As used in this chapter:

7 "Department" means the department of agriculture.

8 "Grower" means any person or business entity licensed under
9 this chapter as an industrial hemp grower.

10 "Hemp products" means all products made from industrial
11 hemp, including but not limited to, cloth, cordage, fiber, food,
12 fuel, paint, paper, particle board, plastics, seed, seed meal,
13 seed oil, and certified seed for cultivation, if the seeds
14 originate from industrial hemp varieties.

15 "Industrial hemp" means varieties of the plant cannabis
16 sativa having not more than 0.3 per cent tetrahydrocannabinol,
17 whether growing or not, that are cultivated or possessed by a
18 licensed grower in compliance with this chapter.

19 § -3 Industrial hemp; agricultural production.

20 Industrial hemp is an agricultural product that may be grown,
21 produced, possessed, and commercially traded in the State
22 pursuant to this chapter.



1 § -4 **Licensing; application.** (a) Any person or
2 business entity that engages in the production of industrial
3 hemp shall be licensed as an industrial hemp grower by the
4 department. A license from the department authorizes industrial
5 hemp production only at a site or sites specified by the
6 license.

7 (b) A license from the department shall be valid for
8 twenty four months from the date of issuance. The license may
9 be renewed and is not transferable. A person who has been
10 convicted of a felony offense or a comparable offense in another
11 jurisdiction shall not be eligible for a license under this
12 chapter.

13 (c) When applying for a license, an applicant shall
14 provide the following information sufficient to demonstrate that
15 the applicant intends to grow and is capable of growing
16 industrial hemp in accordance with this chapter:

17 (1) Filing with the department, a set of classifiable
18 fingerprints and written authorization allowing the
19 department to conduct a criminal records check;

20 (2) Filing documentation with the department that
21 certifies that the seeds obtained for planting are of
22 a type and variety compliant with the maximum



1 concentration of tetrahydrocannabinol as prescribed by
2 this chapter;

3 (3) Filing with the department, the location and acreage
4 of all parcels sown and other field reference
5 information as may be required by the department; and

6 (4) Any other information required by the department.

7 (d) To qualify for a license under this chapter, an
8 applicant shall demonstrate the following to the satisfaction of
9 the department, that the applicant has adopted methods to ensure
10 the legal production of industrial hemp:

11 (1) Ensuring that all parts of the industrial hemp plant
12 that do not enter the stream of commerce as hemp
13 products are destroyed, incorporated into the soil, or
14 otherwise properly disposed;

15 (2) Maintaining records that reflect compliance with this
16 chapter and with all other state laws related to the
17 regulation of industrial hemp;

18 (3) Satisfying any other requirements established by the
19 department.

20 (e) Every grower shall maintain all production and sales
21 records for at least three years.



1 (f) Every grower shall allow industrial hemp crops,
2 throughout the sowing, growing, harvesting, storage, and
3 processing of the industrial hemp to be inspected by the
4 department.

5 § -5 Revocation and suspension of license; enforcement.

6 (a) The department may deny, suspend, revoke, or refuse to
7 renew the license of any grower who:

8 (1) Makes a false statement or misrepresentation on an
9 application for a license or renewal of a license
10 under this chapter; or

11 (2) Fails to comply with or violates any provision of this
12 chapter or any rule adopted therefor.

13 (b) Revocation or suspension of a license may be in
14 addition to any civil or criminal penalties imposed on a grower
15 for a violation of any other state law or county ordinance.

16 § -6 Rulemaking authority. The department shall adopt
17 rules pursuant to chapter 91 to implement this chapter,
18 including rules to require industrial hemp to be tested during
19 growth for tetrahydrocannabinol levels and to require adequate
20 supervision of employees during sowing, growing, harvesting,
21 storage, and processing of industrial hemp."





H.B. NO. 305

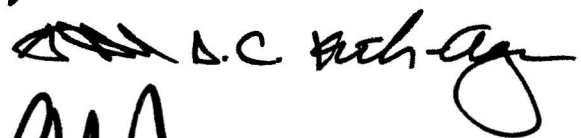

1 SECTION 2. In codifying the new sections added by section
2 1 of this Act, the revisor of statutes shall substitute
3 appropriate section numbers for the letters used in designating
4 the new sections in this Act.

5 SECTION 3. This Act shall take effect upon its approval.
6

INTRODUCED BY:





JAN 23 2009



Report Title:

Agriculture; Industrial Hemp

Description:

Provides the authority, procedures, and licensing, related to the production of industrial hemp in the State.

