

JAN 18 2013

A BILL FOR AN ACT

RELATING TO INDUSTRIAL HEMP RESEARCH.

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

1 SECTION 1. The legislature finds that hemp has been used
2 for industrial purposes including paper, textiles, biodegradable
3 plastics, construction, and fuel. The commercial success of
4 hemp food products has also grown considerably, fueling the need
5 for more industrial hemp research.

6 Act 305, Session Laws of Hawaii 1999, enacted the hemp
7 research law that allowed privately funded industrial hemp
8 research to be conducted in Hawaii only when the state
9 department of public safety issues a controlled substance
10 registration, and the United States Department of Justice, Drug
11 Enforcement Administration, issues a federally controlled
12 substance registration for research on the agronomic potential
13 of industrial hemp.

14 Act 55, Session Laws of Hawaii 2002, extended the sunset
15 date of Act 305 from June 30, 2002, to June 30, 2005. No
16 further extensions of Act 305 were enacted and subsequently, Act
17 305, Session Laws of Hawaii 2002, was repealed.



1 The purpose of this Act is to again allow privately funded
2 industrial hemp research to be conducted in Hawaii under certain
3 conditions.

4 SECTION 2. Section 329-1, Hawaii Revised Statutes, is
5 amended by amending the definition of "marijuana" to read as
6 follows:

7 ""Marijuana" means all parts of the plant (genus)
8 [~~Cannabis~~] cannabis whether growing or not; the seeds thereof,
9 the resin extracted from any part of the plant; and every
10 compound, manufacture, salt, derivative, mixture, or preparation
11 of the plant, its seeds, or resin. [~~It~~] Marijuana does not
12 include the mature stalks of the plant, fiber produced from the
13 stalks, oil, or cake made from the seeds of the plant, hemp used
14 in privately funded industrial hemp research or any products
15 developed from the research, any other compound, manufacture,
16 salt, derivative, mixture, or preparation of the mature stalks
17 (except the resin extracted therefrom), fiber, oil, or cake, or
18 the sterilized seed of the plant which is incapable of
19 germination."

20 SECTION 3. Section 712-1240, Hawaii Revised Statutes, is
21 amended by amending the definition of "marijuana" to read as
22 follows:



1 ""Marijuana" means any part of the plant (genus) cannabis,
2 whether growing or not, including the seeds and the resin, and
3 every alkaloid, salt, derivative, preparation, compound, or
4 mixture of the plant, its seeds or resin, except that, as used
5 herein, "marijuana" does not include hashish, hemp used in
6 privately funded industrial hemp research or any product
7 developed from this research, tetrahydrocannabinol, and any
8 alkaloid, salt, derivative, preparation, compound, or mixture,
9 whether natural or synthesized, of tetrahydrocannabinol."

10 SECTION 4. (a) As used in this Act, "industrial hemp"
11 means fiber and seed products derived from varieties of the
12 cannabis plant that contains .3 per cent or less of
13 tetrahydrocannabinols, the mature stalks of the cannabis plant,
14 fiber produced from the stalks of the cannabis plant, oil or
15 cake derived from the seeds of the plant, and any other
16 compound, manufacture, salt, derivative, mixture, or preparation
17 of the mature stalks (except the resin extracted therefrom),
18 fiber, oil, or cake, or the sterilized seed of the cannabis
19 plant that is incapable of germination.

20 For purposes of this definition, hemp used in privately
21 funded industrial hemp research shall comply with European Union



1 organic standards and be devoid of genetically modified
2 organisms.

3 (b) For purposes of this Act:

4 (1) Privately funded industrial hemp research shall not be
5 restricted to any island; provided that the land used
6 for the research shall be two or more acres; and

7 (2) The person or entity conducting the research shall be
8 required to have a valid registration for:

9 (A) Controlled substances from the department of
10 public safety; and

11 (B) Federally controlled substances for research on
12 the agronomic potential of industrial hemp from
13 the United States Department of Justice, Drug
14 Enforcement Administration.

15 (c) The department of public safety, in collaboration with
16 the Drug Enforcement Administration and with the cooperation of
17 the appropriate county law enforcement agency, shall monitor all
18 phases of research authorized under this Act.

19 (d) During the course of industrial hemp research
20 conducted in accordance with this Act, the persons or entities
21 conducting the research shall submit to the appropriate county



1 law enforcement agency a detailed copy of the current research
2 proposal and quarterly status reports.

3 (e) All agronomic data derived from the privately funded
4 industrial hemp research allowed by this Act and maintained by a
5 government agency shall not be subject to disclosure under
6 chapter 92F, Hawaii Revised Statutes; provided that the data is
7 proprietary in nature and disclosure would frustrate a
8 legitimate government or law enforcement function.

9 (f) Any privately funded industrial hemp research
10 conducted under this Act shall not be subject to criminal
11 prosecution as a controlled substance offense under chapter 329,
12 Hawaii Revised Statutes, or as a drug and intoxicating compounds
13 offense under part IV of chapter 712, Hawaii Revised Statutes.

14 SECTION 5. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 6. This Act shall take effect on July 1, 2013.

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S.B. NO. 695

Report Title:

Industrial Hemp; Research

Description:

Allows private funded industrial hemp research to be conducted under certain conditions; requires monitoring by the DPS; requires reporting to the respective county law enforcement; exempts agronomic data derived from research from public records disclosure; confers immunity from criminal prosecution for the research.

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