



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

July 3, 2017

**GOV. MSG. NO. 1173**

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Ninth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Twenty-Ninth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 3, 2017, the following bill was signed into law:

HB1501 HD2 SD1 CD1

RELATING TO DRUG PARAPHERNALIA  
**ACT 072 (17)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

# A BILL FOR AN ACT

RELATING TO DRUG PARAPHERNALIA.

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

1           SECTION 1. The legislature finds that the benefits of  
2 making the offenses of possession and delivery of drug  
3 paraphernalia violations outweigh the benefits of the current  
4 felony criminal treatment of these offenses.

5           The legislature further finds that state funds are better  
6 spent on community programs and rehabilitation of nonviolent,  
7 low-risk drug offenders, as envisioned by the reentry pilot  
8 project established under Act 149, Session Laws of Hawaii 2014.

9           Accordingly, the purpose of this Act is to decriminalize  
10 the possession and delivery of drug paraphernalia and, instead,  
11 to make these offenses violations.

12          SECTION 2. Section 329-43.5, Hawaii Revised Statutes, is  
13 amended by amending subsections (a) and (b) to read as follows:

14          "(a) Except as provided in subsection (e), it is unlawful  
15 for any person to use, or to possess with intent to use, drug  
16 paraphernalia to plant, propagate, cultivate, grow, harvest,  
17 manufacture, compound, convert, produce, process, prepare, test,  
18 analyze, pack, repack, store, contain, conceal, inject, ingest,



1 inhale, or otherwise introduce into the human body a controlled  
2 substance in violation of this chapter. ~~[Any person who~~  
3 ~~violates this section is guilty of a class C felony and upon~~  
4 ~~conviction may be imprisoned pursuant to section 706-660 and, if~~  
5 ~~appropriate as provided in section 706-641, fined pursuant to~~  
6 ~~section 706-640.] A violation of this subsection shall~~  
7 constitute a violation subject to a fine of no more than \$500.

8 (b) Except as provided in subsection (e), it is unlawful  
9 for any person to deliver, possess with intent to deliver, or  
10 manufacture with intent to deliver drug paraphernalia, knowing  
11 or under circumstances where one reasonably should know, that it  
12 will be used to plant, propagate, cultivate, grow, harvest,  
13 manufacture, compound, convert, produce, process, prepare, test,  
14 analyze, pack, repack, store, contain, conceal, inject, ingest,  
15 inhale, or otherwise introduce into the human body a controlled  
16 substance in violation of this chapter. ~~[Any person who~~  
17 ~~violates this section is guilty of a class C felony and upon~~  
18 ~~conviction may be imprisoned pursuant to section 706-660 and, if~~  
19 ~~appropriate as provided in section 706-641, fined pursuant to~~  
20 ~~section 706-640.] A violation of this subsection shall~~  
21 constitute a violation subject to a fine of no more than \$500."



1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.  
3 SECTION 4. This Act shall take effect upon its approval.

APPROVED this 3 day of JUL , 2017



GOVERNOR OF THE STATE OF HAWAII

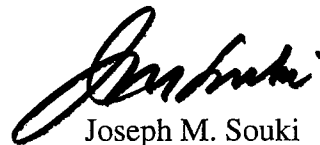


HB No. 1501, HD 2, SD 1, CD 1

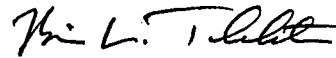
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2017  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2017.



Joseph M. Souki  
Speaker  
House of Representatives





Brian L. Takeshita  
Chief Clerk  
House of Representatives

**THE SENATE OF THE STATE OF HAWAII**

Date: May 2, 2017  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017.

  
President of the Senate

  
Clerk of the Senate