
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 recognizes that the recently-
2 enacted Agriculture Improvement Act of 2018, informally known as
3 the "Farm Bill", among other matters, legalized hemp by removing
4 hemp from the definition of "marihuana" contained in the federal
5 Controlled Substances Act. Therefore, hemp is no longer
6 classified as an illegal drug under federal law. The
7 Agriculture Improvement Act also makes amendments to the
8 Agricultural Marketing Act of 1946. These amendments authorize
9 the department of agriculture of each state to submit to the
10 federal Secretary of Agriculture a proposed plan for the state's
11 department of agriculture to monitor and regulate hemp
12 production within the state, including a procedure for
13 conducting annual inspections of a random sample of hemp
14 producers. After the federal Secretary of Agriculture approves
15 a state plan, authorized entities within the respective state
16 may engage in the production of hemp, including at the
17 commercial level.



1 The legislature finds that the university of Hawaii's
2 research on hemp shows that there is significant potential for a
3 successful hemp agricultural industry in Hawaii. In addition to
4 creating new agricultural commerce, hemp is also beneficial in
5 removing toxins from the soil (phytoremediation), which is
6 important because past agricultural operations in the State have
7 deposited toxins in vast tracts of land. Hemp grows quickly and
8 is a superior phytoremediation crop. The legislature also finds
9 that hemp is an environmentally-friendly and efficient feedstock
10 for biofuel. Hemp can be made into clothing and used in other
11 products to promote the growth of small businesses.

12 The purpose of this Act is to facilitate the regulation and
13 production of industrial hemp in the State by:

- 14 (1) Requiring the department of agriculture to establish a
15 permanent industrial hemp program to license
16 individuals to cultivate industrial hemp in the State;
- 17 (2) Authorizing licensees to utilize hemp genetics that
18 meet federal definitions of hemp and other
19 requirements;



- 1 (3) Imposing a monetary penalty on any person who produces
2 hemp without authorization from a state or federal
3 program;
- 4 (4) Establishing an affirmative defense to certain
5 criminal drug promotion offenses;
- 6 (5) Authorizing the department of agriculture to use
7 temporary inspectors to perform industrial hemp
8 inspections;
- 9 (6) Exempting the transportation of certain hemp plant
10 materials from penalties relating to the possession of
11 those material outside of a field of lawful
12 cultivation;
- 13 (7) Reducing or repealing certain regulatory requirements
14 under the existing industrial hemp pilot program;
- 15 (8) Amending definitions of "marijuana" in state law to
16 clarify that hemp is not marijuana and amending
17 references to tetrahydrocannabinols in the state law
18 to exclude tetrahydrocannabinols in hemp;
- 19 (9) Requiring the chairperson of the board of agriculture
20 to:



1 (A) Prepare and submit a proposed state plan to
2 monitor and regulate hemp production, including
3 commercial production and research, to the
4 federal Secretary of Agriculture pursuant to
5 section 297B of the Agricultural Marketing Act of
6 1946, as amended; and

7 (B) Report to the governor, speaker of the house of
8 representatives, and president of the senate on
9 the status of the federal Secretary of
10 Agriculture's pending approval of the state plan
11 and, if approved, the subsequent implementation
12 of the plan; and

13 (10) Establishing an industrial hemp special fund for the
14 purposes of the permanent industrial hemp program,
15 appropriating moneys into that fund, and appropriating
16 moneys from that fund for the establishment of
17 positions relating to the regulation of industrial
18 hemp.

19 SECTION 2. Chapter 141, Hawaii Revised Statutes, is
20 amended by adding a new part to be appropriately designated and
21 to read as follows:



1 "PART . INDUSTRIAL HEMP PROGRAM

2 §141-A Definitions. As used in this part:

3 "Chairperson" means the chairperson of the board of
4 agriculture or the chairperson's designee.

5 "Cultivar" means a variety of industrial hemp.

6 "Department" means the department of agriculture.

7 "Industrial hemp" means the plant Cannabis sativa L. and
8 any part of that plant, including the seeds thereof and all
9 derivatives, extracts, cannabinoids, isomers, acids, salts, and
10 salts of isomers, whether growing or not, with a delta-9
11 tetrahydrocannabinol concentration of not more than 0.3 per cent
12 on a dry weight basis.

13 "Variety" means a group of individual plants that exhibit
14 the same observable physical characteristics or have the same
15 genetic composition.

16 §141-B Industrial hemp program; established. The
17 department shall establish an industrial hemp program to
18 authorize licensed persons to cultivate industrial hemp in the
19 State.

20 §141-C Licensing. (a) A person who intends to grow
21 industrial hemp in the State shall apply to the department for a



1 license on a form prescribed by the department and pay an
2 application fee.

3 (b) Each applicant for a license shall be either an
4 individual applicant or an applying entity. If the applicant
5 is:

6 (1) An individual, the application shall include
7 supporting documentation to establish that the
8 individual:

9 (A) Is not less than twenty-one years of age; and

10 (B) Has no drug felony convictions in the ten years
11 immediately preceding the date of submission of
12 the application; or

13 (2) An entity, the application shall be submitted to the
14 department and shall include supporting documentation
15 to establish that the entity:

16 (A) Has been organized under the laws of the State of
17 Hawaii;

18 (B) Has a Hawaii tax identification number;

19 (C) Has a department of commerce and consumer affairs
20 business registration division number and suffix;

21 (D) Has a federal employer identification number; and



1 (E) Is composed of principals or members, each of
2 whom have had no drug felony convictions in the
3 ten years immediately preceding the date of
4 submission of the application.

5 (c) Licensees shall comply with all county zoning
6 ordinances, rules, or regulations.

7 (d) If the chairperson determines that the requirements
8 for a license pursuant to this part, and any other requirements
9 established by rule, are satisfied, the chairperson shall issue
10 a license to the applicant upon payment of the fee established
11 in this section.

12 (e) Each license shall be valid for two years from the
13 date of issuance, after which the licensee shall be required to
14 renew the license and pay a renewal fee.

15 (f) The department may prescribe annual sampling,
16 inspection, and reporting requirements for licensees, including
17 a procedure for conducting annual inspections of a random sample
18 of hemp producers to verify that hemp is not being produced in
19 violation of this part; provided that the procedure shall ensure
20 that a hemp producer is subject to not more than one inspection
21 each calendar year.



1 (g) Any license issued under the industrial hemp pilot
2 program shall have continued validity under the original terms
3 and conditions of that license until it expires. Upon
4 expiration, the licensee may renew that license under new terms
5 and conditions that are compliant with this part, by paying a
6 renewal fee and applying for license renewal pursuant to a
7 process established by the chairperson.

8 (h) Licenses may be transferred upon approval by the board
9 of agriculture.

10 §141-D Approved cultivars; hemp genetics. (a) Only
11 industrial hemp on the list of cultivars approved by the
12 chairperson shall be grown. Notwithstanding chapter 91, the
13 chairperson or the board of agriculture may add or remove any
14 cultivar from the list.

15 (b) The list of approved cultivars shall include the
16 following:

17 (1) Industrial hemp cultivars that have been certified by
18 the Organisation for Economic Co-operation and
19 Development;

20 (2) Hawaii varieties of industrial hemp cultivars that
21 have been certified by the board of agriculture; and



- 1 (3) Hemp genetics that are shown to:
- 2 (A) Meet federal definitions of hemp;
- 3 (B) Originate from any state with a federally
- 4 approved industrial hemp program; and
- 5 (C) Utilize testing and sampling protocols similar to
- 6 those used in Hawaii's program or utilize a
- 7 nationally standardized sampling and testing
- 8 protocol.

9 §141-E Inspections; fees. (a) A licensee shall permit
10 the annual inspection and sampling of the licensee's hemp
11 plants, plant material, seeds, growing area, equipment, and
12 facilities incident to the cultivation of hemp.

13 (b) Any authorized member of the department, or any agent
14 or third party authorized by the department, with prior notice
15 to the applicable licensee, may enter between sunrise and sunset
16 upon any property utilized for the cultivation of industrial
17 hemp pursuant to this part in order to conduct the annual
18 inspection and sampling pursuant to subsection (a).

19 (c) The department may set reasonable inspection and
20 sampling fees.



1 (d) The department may employ temporary inspectors to
2 assist in certification, audit, and inspection services under
3 this part.

4 §141-F Transportation. A licensee may transport, to
5 another site for processing and in a department-approved manner,
6 the resin, flowering tops, and leaves of the licensee's crop
7 that passed department-ordered compliance testing.

8 §141-G Violations. (a) In addition to any other
9 violations of this part, the following acts and omissions by any
10 licensee or authorized representative thereof constitute
11 violations:

- 12 (1) Refusal or failure by a licensee or authorized
13 representative to fully cooperate and assist the
14 department with the inspection or sampling process;
- 15 (2) Failure to provide any information reasonably required
16 or requested by the department for purposes pursuant
17 to this part;
- 18 (3) Providing materially false information pertaining to
19 the licensee's cultivation of industrial hemp to the
20 department by any means, including information
21 provided in any application form, report, record, or



1 inspection required or maintained pursuant to this
2 part;

3 (4) Failure to pay reasonable fees assessed by the
4 department for inspection or laboratory analysis
5 costs; or

6 (5) A material violation of any other state or federal law
7 or regulation regarding industrial hemp.

8 (c) For any violation of this part, the department may
9 impose civil penalties up to \$500 and disciplinary sanctions,
10 including denial or revocation of a license; provided that:

11 (1) If the department determines that a licensee has
12 negligently violated this part, the licensee shall
13 comply with a corrective action plan established by
14 the department to correct the violation, which may
15 include disposal of any industrial hemp crop, plant,
16 plant material, or seed, whether growing or not, and
17 products derived from those plants;

18 (2) An individual licensee that negligently violates this
19 part three times in a five-year period shall be
20 ineligible for the industrial hemp program, as either
21 an individual or as a principal or member of an



1 entity, for a period of five years beginning on the
2 date of the third violation;

3 (3) Each principal or member of an entity licensee that
4 negligently violates this part three times in a five-
5 year period shall be ineligible for the industrial
6 hemp program, as either an individual or as a
7 principal or member of an entity, for a period of five
8 years beginning on the date of the third violation;
9 and

10 (4) Any applicant that materially falsifies any
11 information contained in an application shall be
12 ineligible to participate in the industrial hemp
13 program.

14 §141-H Rules. (a) The department shall adopt rules
15 pursuant to chapter 91 for the purposes of this part, which, at
16 a minimum, shall include:

17 (1) Annual inspection of a random sample of producers of
18 industrial hemp during growth or after harvest to
19 determine tetrahydrocannabinol levels; provided that
20 an analytical testing of tetrahydrocannabinol levels
21 greater than 0.3 per cent shall not result in



- 1 revocation of a license so long as the crop from which
2 the sample is taken is disposed of in a manner
3 provided by rule;
- 4 (2) Licensure requirements;
- 5 (3) Reporting requirements; provided that pre-planting
6 reporting shall not be required;
- 7 (4) A process to create standards for selecting licensees;
- 8 (5) Assessment and collection of fees for applications,
9 licenses, license renewals, inspections, and the
10 sampling and testing of industrial hemp;
- 11 (6) A procedure for the disposal of industrial hemp crop,
12 plant, plant material, or seed, whether growing or
13 not, found to be in violation of this part, and
14 products derived from those plants;
- 15 (7) Civil penalties for any violation of this part; and
- 16 (8) Any other rules and procedures necessary to carry out
17 this part.
- 18 (b) The department may adopt and amend interim rules to
19 effectuate the purposes of this part; provided that the interim
20 rules shall remain in effect until July 1, 2025, or until rules
21 are adopted pursuant to subsection (a), whichever occurs sooner.



1 §141-I Authority to modify operations. Notwithstanding
2 any other provision of this part to the contrary, the board of
3 agriculture may authorize the chairperson to modify the
4 industrial hemp program in order to effectuate any other federal
5 or state industrial hemp law or regulations; provided that any
6 license that has been issued as of that time shall remain in
7 effect until its expiration.

8 §141-J Industrial hemp special fund; established. (a)
9 There is created in the state treasury a special fund to be
10 designated as the industrial hemp special fund to be
11 administered by the department of agriculture. Moneys deposited
12 in the special fund shall be used to fulfill the purposes of
13 this part and shall include:

- 14 (1) Any moneys appropriated by the legislature to the
15 special fund;
- 16 (2) Any fees collected by the department in relation to
17 the industrial hemp pilot program or industrial hemp
18 program, except for fees collected for the services
19 provided by temporary inspectors, as specified in
20 section 141-37; and



1 (3) The interest or return on investments earned from
2 moneys in the special fund.

3 (b) The department of agriculture may use the moneys in
4 the special fund to carry out the purposes of this part,
5 including hiring employees, specialists, and consultants
6 necessary to complete projects related to the purposes of this
7 part."

8 SECTION 3. Chapter 141, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§141- Unauthorized cultivation of hemp. (a) A person
12 engages in the unauthorized cultivation of hemp if the person
13 plants, cultivates, grows, or harvests hemp without a license
14 issued by the department of agriculture pursuant to chapter 141,
15 with the intent to process, sell, or otherwise transfer the
16 hemp.

17 (b) A person who engages in the unauthorized cultivation
18 of hemp shall be subject to a fine of not less than \$100 and not
19 more than \$500."



1 SECTION 4. Chapter 712, Hawaii Revised Statutes, is
2 amended by adding a new section to part IV to be appropriately
3 designated and to read as follows:

4 "§712- Cultivation of industrial hemp as an affirmative
5 defense. (a) In any prosecution for an offense described in
6 sections 712-1247, 712-1248, 712-1249, 712-1249.4, or
7 712-1249.5, a defendant may assert the affirmative defense that:

8 (1) The defendant:

9 (A) Possessed a valid hemp cultivation license issued
10 by the department of agriculture; or

11 (B) Planted hemp varieties that are on a list of
12 approved cultivars,

13 pursuant to chapter 141; and

14 (2) The cultivated hemp developed into plants with a
15 delta-9 tetrahydrocannabinol concentration of more
16 than 0.3 per cent on a dry weight basis.

17 (b) This affirmative defense applies to the cultivation
18 and possession of marijuana within a licensed land area, but it
19 does not extend to the distribution of any marijuana."

20 SECTION 5. Section 141-1, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§141-1 Duties in general. The department of agriculture
2 shall:

3 (1) Gather, compile, and tabulate, from time to time,
4 information and statistics concerning:

5 (A) Entomology and plant pathology: Insects, scales,
6 blights, and diseases injurious or liable to
7 become injurious to trees, plants, or other
8 vegetation, and the ways and means of
9 exterminating pests and diseases already in the
10 State and preventing the introduction of pests
11 and diseases not yet here; and

12 (B) General agriculture: Fruits, fibres, and useful
13 or ornamental plants and their introduction,
14 development, care, and manufacture or
15 exportation, with a view to introducing,
16 establishing, and fostering new and valuable
17 plants and industries;

18 (2) Encourage and cooperate with the agricultural
19 extension service and agricultural experiment station
20 of the [University] university of Hawaii and all
21 private persons and organizations doing work of an



1 experimental or educational character coming within
2 the scope of the subject matter of chapters 141, 142,
3 and 144 to 150A, and avoid, as far as practicable,
4 duplicating the work of those persons and
5 organizations;

6 (3) Enter into contracts, cooperative agreements, or other
7 transactions with any person, agency, or organization,
8 public or private, as may be necessary in the conduct
9 of the department's business and on such terms as the
10 department may deem appropriate; provided that the
11 department shall not obligate any funds of the State,
12 except the funds that have been appropriated to the
13 department. Pursuant to cooperative agreement with
14 any authorized federal agency, employees of the
15 cooperative agency may be designated to carry out, on
16 behalf of the State the same as department personnel,
17 specific duties and responsibilities under chapters
18 141, 142, 150A, and rules adopted pursuant to those
19 chapters, for the effective prosecution of pest
20 control and animal disease control and the regulation



1 of import into the State and intrastate movement of
2 regulated articles;

3 (4) Secure copies of the laws of other states,
4 territories, and countries, and other publications
5 germane to the subject matters of chapters 141, 142,
6 and 144 to 150A, and make laws and publications
7 available for public information and consultation;

8 (5) Provide buildings, grounds, apparatus, and
9 appurtenances necessary for the examination,
10 quarantine, inspection, and fumigation provided for by
11 chapters 141, 142, and 144 to 150A; for the obtaining,
12 propagation, study, and distribution of beneficial
13 insects, growths, and antidotes for the eradication of
14 insects, blights, scales, or diseases injurious to
15 vegetation of value and for the destruction of
16 injurious vegetation; and for carrying out any other
17 purposes of chapters 141, 142, and 144 to 150A;

18 (6) Formulate and recommend to the governor and
19 legislature additional legislation necessary or
20 desirable for carrying out the purposes of chapters
21 141, 142, and 144 to 150A;



- 1 (7) Publish at the end of each year a report of the
2 expenditures and proceedings of the department and of
3 the results achieved by the department, together with
4 other matters germane to chapters 141, 142, and 144 to
5 150A and that the department may deem proper;
- 6 (8) Administer a program of agricultural planning and
7 development, including the formulation and
8 implementation of general and special plans, including
9 but not limited to the functional plan for
10 agriculture; administer the planning, development, and
11 management of the agricultural park program; plan,
12 construct, operate, and maintain the state irrigation
13 water systems; review, interpret, and make
14 recommendations with respect to public policies and
15 actions relating to agricultural land and water use;
16 assist in research, evaluation, development,
17 enhancement, and expansion of local agricultural
18 industries; and serve as liaison with other public
19 agencies and private organizations for the above
20 purposes. In the foregoing, the department shall act
21 to conserve and protect agricultural lands and



1 irrigation water systems, promote diversified
2 agriculture, increase agricultural self-sufficiency,
3 and ensure the availability of agriculturally suitable
4 lands; ~~and~~

5 (9) Manage, administer, and exercise control over any
6 public lands, as defined under section 171-2, that are
7 designated important agricultural lands pursuant to
8 section 205-44.5, including but not limited to
9 establishing priorities for the leasing of these
10 public lands within the department's jurisdiction~~[-]~~;
11 and

12 (10) Have the authority to monitor and regulate hemp
13 production, including commercial production and
14 research, pursuant to section 297B of the Agricultural
15 Marketing Act of 1946, as amended, and part _____."

16 SECTION 6. Section 141-33, Hawaii Revised Statutes, is
17 amended as follows:

18 1. By amending subsection (a) to read:

19 "(a) Each applicant for an industrial hemp license shall
20 submit a signed, complete, accurate, and legible application
21 form provided by the board and shall include the following:



- 1 (1) The applicant's name, mailing address, and phone
2 number in Hawaii and, if applicable, electronic mail
3 address;
- 4 (2) If the applicant is an individual or partnership, the
5 date of birth of the individual or partners;
- 6 (3) If the applicant is any business entity other than an
7 individual, partnership, or institution of higher
8 education, documentation that the entity is authorized
9 to do business in Hawaii;
- 10 (4) The cultivated variety that will be sown;
- 11 (5) The source and amount of certified seed to be used;
- 12 (6) The number of acres to be cultivated for seed, viable
13 grain, industrial products, or any combination
14 thereof;
- 15 (7) ~~[The global positioning system coordinates in decimal~~
16 ~~degrees from the central most point of the growing~~
17 ~~area to be cultivated and a] A map showing the~~
18 location of the growing area in terms of its address
19 or legal description;
- 20 (8) A statement that the applicant is the owner, lessee,
21 or occupier of the growing area to be used for the



1 cultivation or a statement, signed by the owner of the
2 growing area, indicating that the owner has consented
3 to that use;

4 (9) The address of the place in Hawaii where the applicant
5 will keep the records, books, electronic data, or
6 other documents that are required by this part;

7 (10) The name and address of each place where the
8 industrial hemp is to be stored, sold, or provided,
9 indicating for each place the form of the industrial
10 hemp; and

11 (11) The applicant's acknowledgment and agreement to the
12 following terms and conditions:

13 (A) Any information obtained by the board may be
14 publicly disclosed and provided to law
15 enforcement agencies [~~without further~~] with
16 notice to the applicant or licensee;

17 (B) The applicant agrees to allow any annual
18 inspection and sampling that the board deems
19 necessary;

20 (C) The applicant agrees to pay for any sampling and
21 analysis costs that the board deems necessary;



1 (D) The applicant agrees to submit all required
2 reports by the applicable due dates specified by
3 the board; and

4 (E) The applicant and any partner, directors, or
5 members have not been convicted of any felony
6 related to the possession, production, sale, or
7 distribution of a controlled substance in any
8 form in this or any other country."

9 2. By amending subsection (c) to read:

10 "(c) Any materially incomplete application for a license
11 ~~[shall]~~ may be denied."

12 3. By amending subsections (f), (g), and (h) to read:

13 "(f) All licenses shall be valid for two years from the
14 date of issuance [~~, after which the licensee shall renew the~~
15 ~~license and pay the renewal fee, to be established by rules of~~
16 ~~the board]~~ .

17 (g) Any licensee who wishes to alter the growing areas on
18 which the licensee will conduct industrial hemp cultivation
19 shall, before altering the area, submit to the board an updated
20 address [~~, global positioning system location,~~] and map
21 specifying the proposed alteration. If the chairperson receives



1 and approves the updated information, the chairperson shall
2 notify the licensee in writing that the licensee may cultivate
3 industrial hemp on the altered land area.

4 (h) A licensee that wishes to change the seed cultivar
5 grown shall submit to the board or the chairperson the name of
6 the new, approved seed cultivar to be grown. If the board or
7 the chairperson receives and approves the change to the seed
8 cultivar, the board or the chairperson shall notify the licensee
9 that the licensee may cultivate the new, approved seed
10 cultivar."

11 SECTION 7. Section 141-35, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "[+] §141-35 [+] Approved [~~seed~~] cultivars [~~-~~]; hemp
14 genetics. (a) [~~Industrial~~] Only industrial hemp [~~shall be~~
15 ~~grown only if it is~~] on the list of [~~approved seed~~] cultivars [~~-~~]
16 approved by the board or the chairperson shall be grown. The
17 board or the chairperson may [~~from time to time~~] add or remove
18 any [~~seed~~] cultivar from the list if the cultivar is found to be
19 noncompliant with this part.

20 (b) The list of approved [~~seed~~] cultivars shall include
21 the following:



- 1 (1) Industrial hemp [~~seed~~] cultivars that have been
- 2 certified by the Organisation for Economic Co-
- 3 operation and Development; [~~and~~]
- 4 (2) Hawaii varieties of industrial hemp [~~seed~~] cultivars
- 5 that have been certified by the board[-]; and
- 6 (3) Hemp genetics that are shown to:
- 7 (A) Meet federal definitions of hemp;
- 8 (B) Originate from any state with a federally
- 9 approved industrial hemp program; and
- 10 (C) Utilize testing and sampling protocols similar to
- 11 those used in Hawaii's program or utilize a
- 12 nationally standardized sampling and testing
- 13 protocol."

14 SECTION 8. Section 141-37, Hawaii Revised Statutes, is
 15 amended by amending subsections (b) to (d) to read as follows:

16 "(b) During the annual inspection, the licensee or the
 17 licensee's authorized representative shall be present at the
 18 growing area. The licensee or authorized representative shall
 19 provide the [~~board's~~] inspector with complete and unrestricted
 20 access to all industrial hemp plants and seeds whether growing
 21 or harvested; all land, buildings, and other structures used for



1 the cultivation and storage of industrial hemp; and all
2 documents and records pertaining to the licensee's industrial
3 hemp business.

4 (c) [~~Sampling~~] Annual sampling of industrial hemp plants
5 shall occur according to sampling protocol for industrial hemp
6 set or adopted by the department of agriculture or in the
7 following manner:

8 (1) Samples of each variety of industrial hemp may be
9 sampled from the growing areas at the board's
10 discretion;

11 (2) Quantitative laboratory determination of the delta-9
12 tetrahydrocannabinol concentration on a dry weight
13 basis shall be performed according to protocols
14 approved by the chairperson;

15 (3) A sample test result greater than 0.3 per cent of
16 delta-9 tetrahydrocannabinol concentration or a
17 tetrahydrocannabinol concentration allowed by federal
18 law, whichever is greater, shall be considered
19 conclusive evidence that at least one cannabis plant
20 or part of a plant in the growing area contains a
21 delta-9 tetrahydrocannabinol concentration over the



1 limit allowed for industrial hemp and that the
2 licensee of that growing area [~~is therefore~~] may not
3 be in compliance with this part. Upon receipt of such
4 a test result, the [~~chairperson~~] board may [~~summarily~~
5 ~~suspend and revoke the license of an industrial hemp~~
6 ~~licensee.~~] require appropriate remedial action. The
7 chairperson shall furnish to the licensee a portion of
8 the violative sample if the licensee requests it
9 within thirty days of notification; and

10 (4) Test results from an institution of higher education
11 may, at the chairperson's discretion, be accepted in
12 lieu of board sampling.

13 (d) Licensees shall pay a charge of [~~\$35~~] \$40 per hour per
14 inspector, or fees established pursuant to section 147-102 when
15 the services are performed by temporary inspectors, for actual
16 drive time, mileage, inspection, and sampling time[-], and
17 charges for traveling expenses and extraordinary services when
18 the performance of the services involves unusual costs."

19 SECTION 9. Section 141-38, Hawaii Revised Statutes, is
20 amended to read as follows:



1 " ~~[†]~~ §141-38 ~~[†]~~ Violations. In addition to any other
2 violations of this part, the following acts and omissions by any
3 licensee or authorized representative thereof constitute
4 violations for which civil penalties up to \$500 ~~[and~~
5 ~~disciplinary sanctions, including revocation of a license,~~] may
6 be imposed by the ~~[chairperson]~~ board:

- 7 (1) Refusal or failure by a licensee or authorized
8 representative to ~~[fully]~~ reasonably cooperate and
9 assist the board with the inspection process;
- 10 (2) Failure to provide any relevant information reasonably
11 required or requested by the board for purposes
12 pursuant to this part;
- 13 (3) Providing materially false, misleading, or incorrect
14 information pertaining to the licensee's cultivation
15 of industrial hemp to the chairperson or the
16 chairperson's designee by any means, including but not
17 limited to information provided in any application
18 form, report, record, or inspection required or
19 maintained pursuant to this part;
- 20 (4) Growing industrial hemp that when tested is shown to
21 have a delta-9 tetrahydrocannabinol concentration



1 greater than 0.3 per cent on a dry weight basis or a
2 tetrahydrocannabinol concentration allowed by federal
3 law, whichever is greater;

4 (5) Failure to pay fees assessed by the [chairperson]
5 board or the board's designee for inspection or
6 laboratory analysis costs; or

7 (6) Possessing, outside of a field of lawful
8 cultivation[~~7~~] or appurtenant storage or processing
9 area, resin, flowering tops, or leaves that have been
10 removed from the hemp plant; provided that [the]:

11 (A) The presence of a de minimis amount, or
12 insignificant number, of hemp leaves or flowering
13 tops in hemp bales [~~that result from the normal~~
14 and appropriate processing of industrial hemp];
15 and

16 (B) Transportation in a department-approved manner of
17 the resin, flowering tops, and leaves of a
18 licensee's crop that passed department-ordered
19 compliance testing to another site for
20 processing,

21 shall not apply to this paragraph."



1 SECTION 10. Section 141-41, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) There is created in the state treasury a special fund
4 to be designated as the industrial hemp special fund to be
5 administered by the department of agriculture. Moneys deposited
6 in this special fund shall be used to fulfill the purposes of
7 this part and shall include:

8 (1) Any moneys appropriated by the legislature to the
9 special fund;

10 (2) Any fees collected by the department of agriculture in
11 relation to the industrial hemp pilot program~~(7)~~,
12 except for fees collected for the services provided by
13 temporary inspectors, as specified in section 141-37;
14 and

15 (3) The interest or return on investments earned from
16 moneys in the special fund."

17 SECTION 11. Section 147-101, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "§147-101 Certification services revolving fund. There is
20 established a certification services revolving fund for use by
21 the department of agriculture to support certification [~~ex~~],



1 audit, or inspection services established under parts I, III,
2 IV, VIII, and IX[-], and section 141-37. Moneys in the fund may
3 be expended for materials, salaries, equipment, training,
4 travel, and other costs related to providing certification [~~or~~],
5 audit, or inspection services. Notwithstanding sections 147-10,
6 147-34, 147-64, 147-114 [~~and~~], 147-126, and 141-37, moneys
7 derived from the certification [~~or~~], audit, or inspection
8 services provided by temporary inspectors employed under this
9 part or from charges for traveling expenses or extraordinary
10 services shall be deposited into the fund."

11 SECTION 12. Section 147-102, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "[~~§~~147-102[~~§~~] Certification [~~and~~], audit, and inspection
14 services. The department of agriculture shall fix, assess, and
15 collect fees for certification [~~or~~], audit, or inspection
16 services provided by temporary inspectors employed under this
17 part. The fees shall be in amounts necessary to cover all costs
18 of the administration and provision of the certification [~~or~~],
19 audit, or inspection services provided under this part; provided
20 that the department of agriculture shall establish charges for
21 traveling expenses and extraordinary services when the



1 performance of the services involves unusual cost. The fees and
2 charges established by the department of agriculture, except for
3 fees for temporary inspection services under section 141-37,
4 shall not be subject to chapter 91. The department of
5 agriculture may employ temporary inspectors to assist in
6 providing certification [~~or~~], audit, or inspection services
7 under parts I, III, IV, VIII, and IX, and section 141-37, and
8 those temporary inspectors shall be exempt from chapter 76."

9 SECTION 13. Section 328-15, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "§328-15 Drugs or devices deemed misbranded when;
12 prescriptions excepted, when. A drug or device shall be deemed
13 to be misbranded:

14 (1) If its labeling is false or misleading in any
15 particular, or if its labeling or packaging fails to
16 conform with the requirements of section 328-19.1.

17 (2) If in package form, unless it bears a label
18 containing:

19 (A) The name and place of business of the
20 manufacturer, packer, or distributor; and



1 (B) An accurate statement of the quantity of the
2 contents in terms of weight, measure, or
3 numerical count, which statement shall be
4 separately and accurately stated in a uniform
5 location upon the principal display panel of the
6 label, provided that under this subparagraph
7 reasonable variations shall be permitted, and
8 exemptions as to small packages shall be allowed,
9 in accordance with rules adopted by the director.
10 An accurate statement of the quantity of the
11 contents in terms of weight, measure, or
12 numerical count shall not be required for any
13 commodity subject to packaging and labeling
14 requirements imposed by the Secretary of
15 Agriculture pursuant to the Federal Insecticide,
16 Fungicide, and Rodenticide Act or the provisions
17 of the eighth paragraph under the heading "Bureau
18 of Animal Industry" of the Act of March 4, 1913
19 (37 Stat. 832-833; 21 U.S.C. §§151-158), commonly
20 known as the Virus-Serum-Toxin Act.



1 (3) If any word, statement, or other information required
2 by or under authority of this part to appear on the
3 label or labeling is not prominently placed thereon
4 with such conspicuousness (as compared with other
5 words, statements, designs, or devices, in the
6 labeling) and in such terms as to render it likely to
7 be read and understood by the ordinary individual
8 under customary conditions of purchase and use.

9 (4) If it is for use by a person and contains any quantity
10 of the narcotic or hypnotic substance alpha-eucaine,
11 barbituric acid, beta-eucaine, bromal, cannabis[7]
12 (except hemp as defined in section 329-1), cabromal,
13 chloral, coca, cocaine, codeine, heroin, marijuana,
14 morphine, opium, paraldehyde, peyote, or
15 sulphomethane, or any chemical derivative of [such]
16 the substance, which derivative, after investigation,
17 has been found to be and designated as habit forming,
18 by rules adopted by the director under this part, or
19 by regulations issued pursuant to section 502(d) of
20 the Federal Act, unless its label bears the name and
21 quantity or proportion of the substance or derivative



1 and in juxtaposition therewith the statement "Warning-
2 -May be habit forming."

3 (5) (A) If it is a drug unless:

4 (i) Its label bears, to the exclusion of any
5 other nonproprietary name (except the
6 applicable systematic chemical name or the
7 chemical formula), the established name, as
8 defined in subparagraph (B), of the drug, if
9 ~~[such there be,]~~ any; and in case it is
10 fabricated from two or more ingredients, the
11 established name and quantity of each active
12 ingredient, including the kind and quantity
13 or proportion of any alcohol, and also
14 including, whether active or not, the
15 established name and quantity or proportion
16 of any bromides, ether, chloroform,
17 acetanilid, acetophenetidin, amidopyrine,
18 antipyrine, atropine, hyoscine, hyoscyamine,
19 arsenic, digitalis, glucosides, mercury,
20 ouabain, strophanthin, strychnine, thyroid,
21 or any derivative or preparation of any



1 [such] of those substances, contained
2 therein; provided that the requirement for
3 stating the quantity of the active
4 ingredients, other than the quantity of
5 these specifically named in this paragraph,
6 shall apply only to prescription drugs; and
7 (ii) For any prescription drug the established
8 name of [such] the drug or ingredient, as
9 the case may be, on [such] the label (and on
10 any labeling on which a name for [such] the
11 drug or ingredient is used) is printed
12 prominently and in type at least half as
13 large as that used thereon for any
14 proprietary name or designation for [such]
15 the drug or ingredient; provided further
16 that to the extent that compliance with the
17 requirements of this subparagraph is
18 impracticable, exemptions shall be allowed
19 under rules adopted by the director.



1 (B) As used in this paragraph, the term "established
2 name", with respect to a drug or ingredient
3 thereof, means:

4 (i) The applicable official name designated
5 pursuant to section 508 of the Federal Act;

6 (ii) If there is no [~~such~~] applicable name and
7 the drug, or the ingredient, is an article
8 recognized in an official compendium, then
9 the official title thereof in the
10 compendium; or

11 (iii) If neither clause (i) nor clause (ii) of
12 this subparagraph applies, then the common
13 or usual name, if any, of [~~such~~] the drug or
14 of the ingredient;

15 provided further that where clause (ii) of this
16 subparagraph applies to an article recognized in
17 the United States Pharmacopoeia, in the United
18 States Pharmacopoeia Dispensing Information, and
19 in the Homeopathic Pharmacopoeia under different
20 official titles, the official title used in the
21 United States Pharmacopoeia shall apply unless it



1 is labeled and offered for sale as a homeopathic
2 drug, in which case the official title used in
3 the Homeopathic Pharmacopoeia shall apply.

4 (6) Unless its labeling bears ~~[+]~~ adequate:

5 (A) ~~[Adequate directions]~~ Directions for use; and

6 (B) ~~[Such adequate warnings]~~ Warnings against use in

7 those pathological conditions or by children

8 where its use may be dangerous to health, or

9 against unsafe dosage or methods or duration of

10 administration or application, in ~~[such]~~ a manner

11 and form~~[,]~~ as ~~[are]~~ necessary for the protection

12 of users; provided that where any requirement of

13 subparagraph (A), as applied to any drug or

14 device, is not necessary for the protection of

15 the public health, the director shall adopt rules

16 exempting the drug or device from ~~[such]~~ the

17 requirements; provided further that articles

18 exempted under regulations issued under section

19 502(f) of the Federal Act may also be exempt.

20 (7) If it purports to be a drug the name of which is

21 recognized in an official compendium, unless it is



1 packaged and labeled as prescribed therein; provided
2 that the method of packaging may be modified with the
3 consent of the director, or if consent is obtained
4 under the Federal Act. Whenever a drug is recognized
5 in both the United States Pharmacopoeia and the
6 Homeopathic Pharmacopoeia of the United States, it
7 shall be subject to the requirements of the United
8 States Pharmacopoeia with respect to the packaging and
9 labeling unless it is labeled and offered for sale as
10 a homeopathic drug, in which case it shall be subject
11 to the Homeopathic Pharmacopoeia of the United States
12 and not to the United States Pharmacopoeia; provided
13 that in the event of inconsistency between the
14 requirements of this paragraph and those of paragraph
15 (5) as to the name by which the drug or its
16 ingredients shall be designated, the requirements of
17 paragraph (5) shall prevail.

- 18 (8) If it has been found by the director to be a drug
19 liable to deterioration, unless it is packaged in
20 [~~such~~] any form and manner, and its label bears a
21 statement of [~~such~~] any precautions, as the rules



1 adopted by the director or regulations issued under
2 the Federal Act require as necessary for the
3 protection of public health. No [such] applicable
4 rule shall be established for any drug recognized in
5 an official compendium until the director shall have
6 informed the appropriate body charged with the
7 revision of the compendium of the need for [such] the
8 packaging or labeling requirements and [such] the body
9 shall have failed within a reasonable time to
10 prescribe [such] the requirements.

11 (9) (A) If it is a drug and its container is so made,
12 formed, or filled as to be misleading;

13 (B) If it is an imitation of another drug; or

14 (C) If it is offered for sale under the name of
15 another drug.

16 (10) If it is dangerous to health when used in the dosage,
17 or with the frequency or duration prescribed,
18 recommended, or suggested in the labeling thereof.

19 (11) If it is, purports to be, or is represented as a drug
20 composed wholly or partly of insulin, unless:



1 (A) It is from a batch with respect to which a
2 certificate or release has been issued pursuant
3 to section 506 of the Federal Act; and

4 (B) The certificate or release is in effect with
5 respect to the drug.

6 (12) If it is, purports to be, or is represented as a drug
7 composed wholly or partly of any kind of penicillin,
8 streptomycin, chlortetracycline, chloramphenicol,
9 bacitracin, or any other antibiotic drug, or any
10 derivative thereof, unless:

11 (A) It is from a batch with respect to which a
12 certificate or release has been issued pursuant
13 to section 507 of the Federal Act; and

14 (B) The certificate or release is in effect with
15 respect to the drug; provided that this paragraph
16 shall not apply to any drug or class of drugs
17 exempted by regulations promulgated under section
18 507(c) or (d) of the Federal Act.

19 For the purpose of this paragraph, the term
20 "antibiotic drug" means any drug intended for use by a
21 person containing any quantity of any chemical



1 substance [~~which~~] that is produced by a microorganism
2 and which has the capacity to inhibit or destroy
3 microorganisms in dilute solution (including the
4 chemically synthesized equivalent of [~~any such~~] the
5 substance).

6 (13) If it is a color additive, the intended use of which
7 in or on drugs is for the purpose of coloring only,
8 unless its packaging and labeling are in conformity
9 with the packaging and labeling requirements
10 applicable to [~~such~~] a color additive prescribed under
11 section 328-13(b).

12 (14) In the case of any prescription drug distributed or
13 offered for sale in this State, unless the
14 manufacturer, packer, or distributor thereof includes
15 in all advertisements and other descriptive printed
16 matter issued or caused to be issued by the
17 manufacturer, packer, or distributor with respect to
18 that drug a true statement of:

19 (A) The established name, as defined in paragraph
20 (5)(B), printed prominently and in type at least



1 half as large as that used for any trade or brand
2 name thereof;

3 (B) The formula showing quantitatively each
4 ingredient of the drug to the extent required for
5 labels under section 502(e) of the Federal Act;
6 and

7 (C) [~~Such~~] Any other information in brief summary
8 relating to side effects, contra-indications, and
9 effectiveness as shall be required in rules
10 adopted by the director.

11 (15) If a trademark, trade name, or other identifying mark,
12 imprint, or device of another or any likeness of the
13 foregoing has been placed thereon or upon its
14 container with intent to defraud.

15 (16) Drugs and devices [~~which~~] that are, in accordance with
16 the practice of the trade, to be processed, labeled,
17 or repacked in substantial quantities at
18 establishments other than those where originally
19 processed or packed shall be exempt from any labeling
20 or packaging requirements of this part; provided that
21 [~~such~~] those drugs and devices are being delivered,



1 manufactured, processed, labeled, repacked, or
2 otherwise held in compliance with rules adopted by the
3 director.

4 (17) If it has met or exceeded the expiration date
5 established by the manufacturer or principal labeler."

6 SECTION 14. Section 329-1, Hawaii Revised Statutes, is
7 amended as follows:

8 1. By adding a new definition to be appropriately inserted
9 and to read:

10 "Hemp" means the plant Cannabis sativa L. and any part of
11 that plant, including the seeds thereof and all derivatives,
12 extracts, cannabinoids, isomers, acids, salts, and salts of
13 isomers, whether growing or not, with a delta-9
14 tetrahydrocannabinol concentration of not more than 0.3 per cent
15 on a dry weight basis."

16 2. By amending the definition of "marijuana" to read:

17 "Marijuana" means all parts of the plant (genus) Cannabis
18 whether growing or not; the seeds thereof, the resin extracted
19 from any part of the plant; and every compound, manufacture,
20 salt, derivative, mixture, or preparation of the plant, its
21 seeds, or resin. [¶¶]



1 "Marijuana" does not include [~~the~~]:

2 (1) Hemp; or

3 (2) The mature stalks of the plant [7] (genus) Cannabis,

4 fiber produced from the stalks, oil, or cake made from

5 the seeds of the plant, any other compound,

6 manufacture, salt, derivative, mixture, or preparation

7 of the mature stalks (except the resin extracted

8 therefrom), fiber, oil, or cake, or the sterilized

9 seed of the plant [~~which~~] that is incapable of

10 germination."

11 SECTION 15. Section 329-14, Hawaii Revised Statutes, is
12 amended by amending subsection (g) to read as follows:

13 "(g) Any of the following cannabinoids, their salts,
14 isomers, and salts of isomers, unless specifically excepted,
15 whenever the existence of these salts, isomers, and salts of
16 isomers is possible within the specific chemical designation:

17 (1) Tetrahydrocannabinols; meaning tetrahydrocannabinols
18 naturally contained in a plant of the genus Cannabis
19 (cannabis plant), as well as synthetic equivalents of
20 the substances contained in the plant, or in the
21 resinous extractives of Cannabis, sp. or synthetic



1 substances, derivatives, and their isomers with
2 similar chemical structure and pharmacological
3 activity to those substances contained in the plant,
4 such as the following: Delta 1 cis or trans
5 tetrahydrocannabinol, and their optical isomers; Delta
6 6 cis or trans tetrahydrocannabinol, and their optical
7 isomers; and Delta 3,4 cis or trans-
8 tetrahydrocannabinol, and its optical isomers (since
9 nomenclature of these substances is not
10 internationally standardized, compounds of these
11 structures, regardless of numerical designation of
12 atomic positions, are covered); provided that
13 tetrahydrocannabinols under this subsection shall
14 exclude tetrahydrocannabinols in hemp;

- 15 (2) Naphthoylindoles; meaning any compound containing a 3-
16 (1-naphthoyl)indole structure with substitution at the
17 nitrogen atom of the indole ring by a alkyl,
18 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
19 1-(N-methyl-2-piperidinyl)methyl or 2-(4-
20 morpholinyl)ethyl group, whether or not further
21 substituted in the indole ring to any extent and



- 1 whether or not substituted in the naphthyl ring to any
2 extent;
- 3 (3) Naphthylmethylindoles; meaning any compound containing
4 a 1H-indol-3-yl-(1-naphthyl) methane structure with
5 substitution at the nitrogen atom of the indole ring
6 by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
7 cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or
8 2-(4-morpholinyl) ethyl group whether or not further
9 substituted in the indole ring to any extent and
10 whether or not substituted in the naphthyl ring to any
11 extent;
- 12 (4) Naphthoylpyrroles; meaning any compound containing a
13 3-(1-naphthoyl)pyrrole structure with substitution at
14 the nitrogen atom of the pyrrole ring by a alkyl,
15 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
16 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)
17 ethyl group whether or not further substituted in the
18 pyrrole ring to any extent, whether or not substituted
19 in the naphthyl ring to any extent;
- 20 (5) Naphthylmethylindenes; meaning any compound containing
21 a naphthylideneindene structure with substitution at



1 the 3-position of the indene ring by a alkyl,
2 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
3 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl)
4 ethyl group whether or not further substituted in the
5 indene ring to any extent, whether or not substituted
6 in the naphthyl ring to any extent;

7 (6) Phenylacetylindoles; meaning any compound containing a
8 3-phenylacetylindole structure with substitution at
9 the nitrogen atom of the indole ring by a alkyl,
10 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
11 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl)
12 ethyl group whether or not further substituted in the
13 indole ring to any extent, whether or not substituted
14 in the phenyl ring to any extent;

15 (7) Cyclohexylphenols; meaning any compound containing a
16 2-(3-hydroxycyclohexyl) phenol structure with
17 substitution at the 5-position of the phenolic ring by
18 a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
19 cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or
20 2-(4-morpholinyl) ethyl group whether or not
21 substituted in the cyclohexyl ring to any extent;



- 1 (8) Benzoylindoles; meaning any compound containing a 3-
2 (benzoyl) indole structure with substitution at the
3 nitrogen atom of the indole ring by a alkyl,
4 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
5 1-(N-methyl-2-piperidinyl) methyl, or 2-(4-
6 morpholinyl) ethyl group whether or not further
7 substituted in the indole ring to any extent and
8 whether or not substituted in the phenyl ring to any
9 extent;
- 10 (9) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)
11 pyrrolo[1,2,3-de]-1, 4-benzoxazin-6-yl]-1-
12 naphthalenylmethanone (another trade name is WIN
13 55,212-2);
- 14 (10) (6a,10a)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-
15 methyloctan-2-yl)-6a,7,10,10a-
16 tetrahydrobenzo[c]chromen-1-ol (Other trade names are:
17 HU-210/HU-211);
- 18 (11) Tetramethylcyclopropanoylindoles; meaning any compound
19 containing a 3-tetramethylcyclopropanoylindole
20 structure with substitution at the nitrogen atom of
21 the indole ring by an alkyl, haloalkyl, cyanoalkyl,



- 1 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-
2 methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl,
3 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
4 morpholinyl)methyl, or tetrahydropyranylmethyl group,
5 whether or not further substituted in the indole ring
6 to any extent and whether or not substituted in the
7 tetramethylcyclopropyl ring to any extent;
- 8 (12) N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide,
9 its optical, positional, and geometric isomers, salts,
10 and salts of isomers (Other names: APINACA, AKB48);
- 11 (13) Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate, its
12 optical, positional, and geometric isomers, salts, and
13 salts of isomers (Other names: PB-22; QUPIC);
- 14 (14) Quinolin-8-yl 1-(5fluoropentyl)-1H-indole-3-
15 carboxylate, its optical, positional, and geometric
16 isomers, salts, and salts of isomers (Other names: 5-
17 fluoro-PB-22; 5F-PB-22);
- 18 (15) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-
19 fluorobenzyl)-1H-indazole-3-carboxamide, its optical,
20 positional, and geometric isomers, salts, and salts of
21 isomers (Other names: AB-FUBINACA);



- 1 (16) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-
2 indazole-3-carboxamide, its optical, positional, and
3 geometric isomers, salts, and salts of isomers (Other
4 names: ADB-PINACA);
- 5 (17) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-
6 (cyclohexylmethyl)-1H-indazole-3-carboxamide, its
7 optical, positional, and geometric isomers, salts, and
8 salts of isomers (Other names: AB-CHMINACA);
- 9 (18) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-
10 indazole-3-carboxamide, and geometric isomers, salts,
11 and salts of isomers (Other names: AB-PINACA);
- 12 (19) [1-(5-fluoropentyl)-1H-indazol-3-yl] (naphthalen-1-
13 yl)methanone, and geometric isomers, salts, and salts
14 of isomers (Other names: THJ-2201);
- 15 (20) Methyl (1-(4-fluorobenzyl)-1 H-indazole-3-carbonyl)-L-
16 valinate, and geometric isomers, salts, and salts of
17 isomers (Other names: FUB-AMB);
- 18 (21) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-
19 carboxamido)-3-methylbutanoate, and geometric isomers,
20 salts, and salts of isomers (Other names: 5-fluoro-
21 AMB, 5-fluoro-AMP);



- 1 (22) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-
2 indazole-3-carboxamide, and geometric isomers, salts,
3 and salts of isomers (Other names: AKB48 N-(5-
4 fluoropentyl) analog, 5F-AKB48, APINACA 5-fluoropentyl
5 analog, 5F-APINACA);
- 6 (23) N-adamantyl-1-fluoropentylindole-3-Carboxamide, and
7 geometric isomers, salts, and salts of isomers (Other
8 names: STS-135, 5F-APICA; 5-fluoro-APICA);
- 9 (24) Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-
10 carboxylate, and geometric isomers, salts, and salts
11 of isomers (Other names: NM2201);
- 12 (25) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-
13 (cyclohexylmethyl)-1H-indazole-3-carboxamide, and
14 geometric isomers, salts, and salts of isomers (Other
15 names: MAB-CHMINACA and ADB-CHMINACA);
- 16 (26) Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-
17 carboxamido]-3,3-dimethylbutanoate (Other names: 5F-
18 ADB, 5-flouro-ADB, and 5F-MDMB-PINACA), its optical,
19 positional, and geometric isomers, salts, and salts of
20 isomers; and



1 (27) 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)indazole-3-
2 carboxamide (CUMYL-4CN-BINACA), its optical,
3 positional, and geometric isomers, salts, and salts of
4 isomers; also known as SGT-78, 4-CN-CUMYL-BINACA;
5 CUMYL-CB-PINACA; CUMYL-CYBINACA; 4-cyano CUMYL-
6 BUTINACA."

7 SECTION 16. Section 712-1240, Hawaii Revised Statutes, is
8 amended as follows:

9 1. By adding two new definitions to be appropriately
10 inserted and to read:

11 "Hemp" shall have the same meaning as in section 329-1.

12 "Tetrahydrocannabinol" means tetrahydrocannabinol naturally
13 contained in a plant of the genus Cannabis (cannabis plant), as
14 well as synthetic equivalents of the substances contained in the
15 plant, or in the resinous extractives of Cannabis, sp. or
16 synthetic substances, derivatives, and their isomers with
17 similar chemical structure and pharmacological activity to those
18 substances contained in the plant, such as the following: Delta
19 1 cis or trans tetrahydrocannabinol, and their optical isomers;
20 Delta 6 cis or trans tetrahydrocannabinol, and their optical
21 isomers; and Delta 3,4 cis or trans-tetrahydrocannabinol, and



1 its optical isomers (since nomenclature of these substances is
2 not internationally standardized, compounds of these structures,
3 regardless of numerical designation of atomic positions, are
4 covered); provided that tetrahydrocannabinol shall exclude
5 tetrahydrocannabinol in hemp."

6 2. By amending the definition of "marijuana" to read:

7 "Marijuana" means any part of the plant (genus) cannabis,
8 whether growing or not, including the seeds and the resin, and
9 every alkaloid, salt, derivative, preparation, compound, or
10 mixture of the plant, its seeds or resin[, ~~except that, as used~~
11 ~~herein, "marijuana"~~]. "Marijuana" does not include hemp,
12 hashish, tetrahydrocannabinol, and any alkaloid, salt,
13 derivative, preparation, compound, or mixture, whether natural
14 or synthesized, of tetrahydrocannabinol."

15 SECTION 17. (a) The chairperson of the board of
16 agriculture shall prepare and submit a proposed state plan to
17 monitor and regulate hemp production in the State pursuant to
18 section 297B of the Agricultural Marketing Act of 1946, as
19 amended, to the federal Secretary of Agriculture within thirty
20 days after the federal Secretary of Agriculture announces
21 guidelines for state plans. The chairperson shall also submit a



1 copy of the proposed state plan to the governor, the president
2 of the senate, and the speaker of the house of representatives.

3 (b) The chairperson of the board of agriculture shall
4 submit reports on a quarterly basis to the governor, the
5 president of the senate, and the speaker of the house of
6 representatives concerning the status of the federal Secretary
7 of Agriculture's pending approval of the state plan until the
8 state plan is approved.

9 (c) The chairperson of the board of agriculture shall
10 submit a report on the implementation of the state plan to the
11 legislature no later than twenty days prior to the convening of
12 the regular session of 2020. The report shall include any
13 proposed legislation to facilitate the cultivation, monitoring,
14 and regulation of hemp production in the State.

15 SECTION 18. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$255,000 or so much
17 thereof as may be necessary for fiscal year 2019-2020 and the
18 same sum or so much thereof as may be necessary for fiscal year
19 2020-2021 to be deposited into the industrial hemp special fund
20 established pursuant to section 141-I, Hawaii Revised Statutes.



1 SECTION 19. There is appropriated out of the industrial
2 hemp special fund established pursuant to section 141-I, Hawaii
3 Revised Statutes, the sum of \$255,000 or so much thereof as may
4 be necessary for fiscal year 2019-2020 and the same sum or so
5 much thereof as may be necessary for fiscal year 2020-2021 to be
6 allocated as follows:

- 7 (1) \$85,000 for the establishment of one full-time
8 equivalent (1.0 FTE) program coordinator position;
9 (2) \$120,000 for the establishment of two full-time
10 equivalent (2.0 FTE) specialist positions; and
11 (3) \$50,000 for administrative costs of the industrial
12 hemp program.

13 The sums appropriated shall be expended by the department
14 of agriculture for the purposes of this Act.

15 SECTION 20. Upon the repeal of the industrial hemp pilot
16 program pursuant to Act 228, Session Laws of Hawaii 2016, all
17 unencumbered funds remaining in the industrial hemp special fund
18 established pursuant to section 141-41, Hawaii Revised Statutes,
19 shall be deposited into the industrial hemp special fund
20 established pursuant to section 141-I, Hawaii Revised Statutes.



1 SECTION 21. In codifying the new sections added by section
2 2 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 22. This Act does not affect rights and duties
6 that matured, penalties that were incurred, and proceedings that
7 were begun before its effective date.

8 SECTION 23. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 24. This Act shall take effect on July 1, 2019.



Report Title:

Industrial Hemp; State Plan; Appropriations

Description:

Requires the Department of Agriculture to establish a permanent industrial hemp program pursuant to federal law, and a corresponding special fund. Reduces or repeals certain regulatory requirements under the existing industrial hemp pilot program. Establishes monetary penalties for the unauthorized cultivation of hemp. Establishes authorized cultivation of hemp as an affirmative defense to certain criminal offenses pertaining to marijuana. Excludes hemp from statutory definitions of marijuana. Requires the Chairperson of the Board of Agriculture to prepare a state plan for approval by the federal Secretary of Agriculture and report on the approval process to the Legislature and Governor. Appropriates funds.
(CD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

