
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. After the federal Secretary of
13 Agriculture approves a state plan, authorized entities within
14 the respective state may engage in the production of hemp,
15 including at the commercial level.

16 The legislature finds that the University of Hawaii's
17 research on hemp shows that there is significant potential for a



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

10 The legislature also finds that although the State has
11 authorized the limited production of hemp through its industrial
12 hemp pilot program, progress in that program has been stalled by
13 the rules, policies, and practices of the state department of
14 agriculture, which have been far more onerous than even the
15 requirements established under previous federal law.

16 The purpose of this Act is to facilitate the regulation and
17 production of hemp by:

18 (1) Amending definitions of "marijuana" in state law to
19 clarify that hemp is not marijuana;



- 1 (2) Allowing licensees under the industrial hemp pilot
2 program to utilize hemp genetics, from any state, that
3 meet federal definitions of hemp;
- 4 (3) Requiring the chairperson of the board of agriculture
5 to prepare and submit a proposed state plan to monitor
6 and regulate hemp production, including commercial
7 production and research, to the federal Secretary of
8 Agriculture pursuant to section 297B of the
9 Agricultural Marketing Act of 1946, as amended;
- 10 (4) Requiring the chairperson of the board of agriculture
11 to report to the governor, speaker of the house of
12 representatives, and president of the senate on the
13 status of the federal Secretary of Agriculture's
14 pending approval of the state plan;
- 15 (5) Authorizing the department of agriculture to monitor
16 and regulate hemp production, including commercial
17 production and research, pursuant to section 297B of
18 the Agricultural Marketing Act of 1946, as amended;
19 and
- 20 (6) Appropriating moneys into the industrial hemp special
21 fund and appropriating moneys from that fund for the



1 establishment of positions relating to the regulation
2 of industrial hemp.

3 For the purposes of this Act, "industrial hemp" includes
4 hemp as defined in section 6 of this measure.

5 SECTION 2. Section 141-1, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "§141-1 Duties in general. The department of agriculture
8 shall:

9 (1) Gather, compile, and tabulate, from time to time,
10 information and statistics concerning:

11 (A) Entomology and plant pathology: Insects, scales,
12 blights, and diseases injurious or liable to
13 become injurious to trees, plants, or other
14 vegetation, and the ways and means of
15 exterminating pests and diseases already in the
16 State and preventing the introduction of pests
17 and diseases not yet here; and

18 (B) General agriculture: Fruits, fibres, and useful
19 or ornamental plants and their introduction,
20 development, care, and manufacture or
21 exportation, with a view to introducing,



1 establishing, and fostering new and valuable
2 plants and industries;

3 (2) Encourage and cooperate with the agricultural
4 extension service and agricultural experiment station
5 of the University of Hawaii and all private persons
6 and organizations doing work of an experimental or
7 educational character coming within the scope of the
8 subject matter of chapters 141, 142, and 144 to 150A,
9 and avoid, as far as practicable, duplicating the work
10 of those persons and organizations;

11 (3) Enter into contracts, cooperative agreements, or other
12 transactions with any person, agency, or organization,
13 public or private, as may be necessary in the conduct
14 of the department's business and on such terms as the
15 department may deem appropriate; provided that the
16 department shall not obligate any funds of the State,
17 except the funds that have been appropriated to the
18 department. Pursuant to cooperative agreement with
19 any authorized federal agency, employees of the
20 cooperative agency may be designated to carry out, on
21 behalf of the State the same as department personnel,

1 specific duties and responsibilities under chapters
2 141, 142, 150A, and rules adopted pursuant to those
3 chapters, for the effective prosecution of pest
4 control and animal disease control and the regulation
5 of import into the State and intrastate movement of
6 regulated articles;

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

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



- 1 (6) Formulate and recommend to the governor and
2 legislature additional legislation necessary or
3 desirable for carrying out the purposes of chapters
4 141, 142, and 144 to 150A;
- 5 (7) Publish at the end of each year a report of the
6 expenditures and proceedings of the department and of
7 the results achieved by the department, together with
8 other matters germane to chapters 141, 142, and 144 to
9 150A and that the department may deem proper;
- 10 (8) Administer a program of agricultural planning and
11 development, including the formulation and
12 implementation of general and special plans, including
13 but not limited to the functional plan for
14 agriculture; administer the planning, development, and
15 management of the agricultural park program; plan,
16 construct, operate, and maintain the state irrigation
17 water systems; review, interpret, and make
18 recommendations with respect to public policies and
19 actions relating to agricultural land and water use;
20 assist in research, evaluation, development,
21 enhancement, and expansion of local agricultural



1 industries; and serve as liaison with other public
2 agencies and private organizations for the above
3 purposes. In the foregoing, the department shall act
4 to conserve and protect agricultural lands and
5 irrigation water systems, promote diversified
6 agriculture, increase agricultural self-sufficiency,
7 and ensure the availability of agriculturally suitable
8 lands; [~~and~~]

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

16 (10) Have the authority to monitor and regulate hemp
17 production, including commercial production and
18 research, pursuant to section 297B of the Agricultural
19 Marketing Act of 1946, as amended."

20 SECTION 3. Section 141-35, Hawaii Revised Statutes, is
21 amended to read as follows:



1 " [†] §141-35 [†] **Approved seed cultivars[-]; hemp genetics.**

2 (a) Industrial hemp shall be grown only if it is on the list of
3 approved seed cultivars. The board may from time to time add or
4 remove any seed cultivar from the list if the cultivar is found
5 to be noncompliant with this part.

6 (b) The list of approved seed cultivars shall include the
7 following:

8 (1) Industrial hemp seed cultivars that have been
9 certified by the Organisation for Economic Co-
10 operation and Development; and

11 (2) Hawaii varieties of industrial hemp seed cultivars
12 that have been certified by the board.

13 (c) Licensees may utilize hemp genetics, from any state,
14 that meet federal definitions of hemp."

15 SECTION 4. Section 141-40, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "[†] §141-40 [†] **Rulemaking.** (a) The board shall adopt
18 rules concerning industrial hemp production no later than [~~July~~
19 ~~1, 2017,~~] _____ days after the effective date of section 4, Act
20 _____ , Session Laws of Hawaii 2019, including rules establishing
21 reasonable fees for licenses, permits, or other necessary



1 expenses to defray the cost of implementing and operating the
2 industrial hemp pilot program in this State on an ongoing basis.

3 (b) The rules adopted pursuant to subsection (a) shall not
4 be more stringent than required by applicable federal law.

5 (c) All rules concerning the industrial hemp pilot program
6 that are more stringent than required under federal law are
7 void."

8 SECTION 5. Section 328-15, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§328-15 Drugs or devices deemed misbranded when;**
11 **prescriptions excepted, when. A drug or device shall be deemed**
12 **to be misbranded:**

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

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

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

20 (B) An accurate statement of the quantity of the
21 contents in terms of weight, measure, or



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

19 (3) If any word, statement, or other information required
20 by or under authority of this part to appear on the
21 label or labeling is not prominently placed thereon



1 with such conspicuousness (as compared with other
2 words, statements, designs, or devices, in the
3 labeling) and in such terms as to render it likely to
4 be read and understood by the ordinary individual
5 under customary conditions of purchase and use.

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

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



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



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

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

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



- 1 (ii) If there is no [~~such~~] applicable name and
2 the drug, or the ingredient, is an article
3 recognized in an official compendium, then
4 the official title thereof in the
5 compendium; or
- 6 (iii) If neither clause (i) nor clause (ii) of
7 this subparagraph applies, then the common
8 or usual name, if any, of [~~such~~] the drug or
9 of the ingredient;
- 10 provided further that where clause (ii) of this
11 subparagraph applies to an article recognized in
12 the United States Pharmacopoeia, in the United
13 States Pharmacopoeia Dispensing Information, and
14 in the Homeopathic Pharmacopoeia under different
15 official titles, the official title used in the
16 United States Pharmacopoeia shall apply unless it
17 is labeled and offered for sale as a homeopathic
18 drug, in which case the official title used in
19 the Homeopathic Pharmacopoeia shall apply.
- 20 (6) Unless its labeling bears[+] adequate:
- 21 (A) [~~Adequate directions~~] Directions for use; and



1 (B) [~~Such adequate warnings~~] Warnings against use in
2 those pathological conditions or by children
3 where its use may be dangerous to health, or
4 against unsafe dosage or methods or duration of
5 administration or application, in [~~such~~] a manner
6 and form[~~r~~] as [~~are~~] necessary for the protection
7 of users; provided that where any requirement of
8 subparagraph (A), as applied to any drug or
9 device, is not necessary for the protection of
10 the public health, the director shall adopt rules
11 exempting the drug or device from [~~such~~] the
12 requirements; provided further that articles
13 exempted under regulations issued under section
14 502(f) of the Federal Act may also be exempt.

15 (7) If it purports to be a drug the name of which is
16 recognized in an official compendium, unless it is
17 packaged and labeled as prescribed therein; provided
18 that the method of packaging may be modified with the
19 consent of the director, or if consent is obtained
20 under the Federal Act. Whenever a drug is recognized
21 in both the United States Pharmacopoeia and the



1 Homeopathic Pharmacopoeia of the United States, it
2 shall be subject to the requirements of the United
3 States Pharmacopoeia with respect to the packaging and
4 labeling unless it is labeled and offered for sale as
5 a homeopathic drug, in which case it shall be subject
6 to the Homeopathic Pharmacopoeia of the United States
7 and not to the United States Pharmacopoeia; provided
8 that in the event of inconsistency between the
9 requirements of this paragraph and those of paragraph
10 (5) as to the name by which the drug or its
11 ingredients shall be designated, the requirements of
12 paragraph (5) shall prevail.

13 (8) If it has been found by the director to be a drug
14 liable to deterioration, unless it is packaged in
15 ~~[such]~~ any form and manner, and its label bears a
16 statement of ~~[such]~~ any precautions, as the rules
17 adopted by the director or regulations issued under
18 the Federal Act require as necessary for the
19 protection of public health. No ~~[such]~~ applicable
20 rule shall be established for any drug recognized in
21 an official compendium until the director shall have



1 informed the appropriate body charged with the
2 revision of the compendium of the need for [~~such~~] the
3 packaging or labeling requirements and [~~such~~] the body
4 shall have failed within a reasonable time to
5 prescribe [~~such~~] the requirements.

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

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

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

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

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

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

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



1 (12) If it is, purports to be, or is represented as a drug
2 composed wholly or partly of any kind of penicillin,
3 streptomycin, chlortetracycline, chloramphenicol,
4 bacitracin, or any other antibiotic drug, or any
5 derivative thereof, unless:

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

9 (B) The certificate or release is in effect with
10 respect to the drug; provided that this paragraph
11 shall not apply to any drug or class of drugs
12 exempted by regulations promulgated under section
13 507(c) or (d) of the Federal Act.

14 For the purpose of this paragraph, the term
15 "antibiotic drug" means any drug intended for use by a
16 person containing any quantity of any chemical
17 substance [~~which~~] that is produced by a microorganism
18 and which has the capacity to inhibit or destroy
19 microorganisms in dilute solution (including the
20 chemically synthesized equivalent of [~~any such~~] the
21 substance).



- 1 (13) If it is a color additive, the intended use of which
2 in or on drugs is for the purpose of coloring only,
3 unless its packaging and labeling are in conformity
4 with the packaging and labeling requirements
5 applicable to [~~such~~] a color additive prescribed under
6 section 328-13(b).
- 7 (14) In the case of any prescription drug distributed or
8 offered for sale in this State, unless the
9 manufacturer, packer, or distributor thereof includes
10 in all advertisements and other descriptive printed
11 matter issued or caused to be issued by the
12 manufacturer, packer, or distributor with respect to
13 that drug a true statement of:
- 14 (A) The established name, as defined in paragraph
15 (5)(B), printed prominently and in type at least
16 half as large as that used for any trade or brand
17 name thereof;
- 18 (B) The formula showing quantitatively each
19 ingredient of the drug to the extent required for
20 labels under section 502(e) of the Federal Act;
21 and



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

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

9 (16) Drugs and devices [~~which~~] that are, in accordance with
10 the practice of the trade, to be processed, labeled,
11 or repacked in substantial quantities at
12 establishments other than those where originally
13 processed or packed shall be exempt from any labeling
14 or packaging requirements of this part; provided that
15 [~~such~~] those drugs and devices are being delivered,
16 manufactured, processed, labeled, repacked, or
17 otherwise held in compliance with rules adopted by the
18 director.

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



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

3 1. By adding a new definition to be appropriately inserted
4 and to read:

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

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

12 "Marijuana" means all parts of the plant (genus) Cannabis
13 whether growing or not; the seeds thereof, the resin extracted
14 from any part of the plant; and every compound, manufacture,
15 salt, derivative, mixture, or preparation of the plant, its
16 seeds, or resin. [It]

17 "Marijuana" does not include [the]:

18 (1) Hemp; or

19 (2) The mature stalks of the plant [r] (genus) Cannabis,
20 fiber produced from the stalks, oil, or cake made from
21 the seeds of the plant, any other compound,



1 manufacture, salt, derivative, mixture, or preparation
2 of the mature stalks (except the resin extracted
3 therefrom), fiber, oil, or cake, or the sterilized
4 seed of the plant [~~which~~] that is incapable of
5 germination."

6 SECTION 7. Section 329-14, Hawaii Revised Statutes, is
7 amended by amending subsection (g) to read as follows:

8 "(g) Any of the following cannabinoids, their salts,
9 isomers, and salts of isomers, unless specifically excepted,
10 whenever the existence of these salts, isomers, and salts of
11 isomers is possible within the specific chemical designation:

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



1 6 cis or trans tetrahydrocannabinol, and their optical
2 isomers; and Delta 3,4 cis or trans-
3 tetrahydrocannabinol, and its optical isomers (since
4 nomenclature of these substances is not
5 internationally standardized, compounds of these
6 structures, regardless of numerical designation of
7 atomic positions, are covered); provided that
8 tetrahydrocannabinols under this subsection shall
9 exclude tetrahydrocannabinols in hemp;

10 (2) Naphthoylindoles; meaning any compound containing a 3-
11 (1-naphthoyl)indole structure with substitution at the
12 nitrogen atom of the indole ring by a alkyl,
13 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
14 1-(N-methyl-2-piperidinyl)methyl or 2-(4-
15 morpholinyl)ethyl group, whether or not further
16 substituted in the indole ring to any extent and
17 whether or not substituted in the naphthyl ring to any
18 extent;

19 (3) Naphthylmethylinindoles; meaning any compound containing
20 a 1H-indol-3-yl-(1-naphthyl) methane structure with
21 substitution at the nitrogen atom of the indole ring



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

7 (4) Naphthoylpyrroles; meaning any compound containing a
8 3-(1-naphthoyl)pyrrole structure with substitution at
9 the nitrogen atom of the pyrrole 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 pyrrole ring to any extent, whether or not substituted
14 in the naphthyl ring to any extent;

15 (5) Naphthylmethylindenes; meaning any compound containing
16 a naphthylideneindene structure with substitution at
17 the 3-position of the indene ring by a alkyl,
18 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
19 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl)
20 ethyl group whether or not further substituted in the



- 1 indene ring to any extent, whether or not substituted
2 in the naphthyl ring to any extent;
- 3 (6) Phenylacetylindoles; meaning any compound containing a
4 3-phenylacetylindole structure with substitution at
5 the nitrogen atom of the indole ring by a alkyl,
6 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
7 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl)
8 ethyl group whether or not further substituted in the
9 indole ring to any extent, whether or not substituted
10 in the phenyl ring to any extent;
- 11 (7) Cyclohexylphenols; meaning any compound containing a
12 2-(3-hydroxycyclohexyl) phenol structure with
13 substitution at the 5-position of the phenolic ring by
14 a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
15 cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or
16 2-(4-morpholinyl) ethyl group whether or not
17 substituted in the cyclohexyl ring to any extent;
- 18 (8) Benzoylindoles; meaning any compound containing a 3-
19 (benzoyl) indole structure with substitution at the
20 nitrogen atom of the indole ring by a alkyl,
21 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,



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



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



- 1 (17) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-
2 (cyclohexylmethyl)-1H-indazole-3-carboxamide, its
3 optical, positional, and geometric isomers, salts, and
4 salts of isomers (Other names: AB-CHMINACA);
- 5 (18) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-
6 indazole-3-carboxamide, and geometric isomers, salts,
7 and salts of isomers (Other names: AB-PINACA);
- 8 (19) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-
9 yl)methanone, and geometric isomers, salts, and salts
10 of isomers (Other names: THJ-2201);
- 11 (20) Methyl (1-(4-fluorobenzyl)-1 H-indazole-3-carbonyl)-L-
12 valinate, and geometric isomers, salts, and salts of
13 isomers (Other names: FUB-AMB);
- 14 (21) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-
15 carboxamido)-3-methylbutanoate, and geometric isomers,
16 salts, and salts of isomers (Other names: 5-fluoro-
17 AMB, 5-fluoro-AMP);
- 18 (22) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-
19 indazole-3-carboxamide, and geometric isomers, salts,
20 and salts of isomers (Other names: AKB48 N-(5-



- 1 fluoropentyl) analog, 5F-AKB48, APINACA 5-fluoropentyl
2 analog, 5F-APINACA);
- 3 (23) N-adamantyl-1-fluoropentylindole-3-Carboxamide, and
4 geometric isomers, salts, and salts of isomers (Other
5 names: STS-135, 5F-APICA; 5-fluoro-APICA);
- 6 (24) Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-
7 carboxylate, and geometric isomers, salts, and salts
8 of isomers (Other names: NM2201);
- 9 (25) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-
10 (cyclohexylmethyl)-1H-indazole-3-carboxamide, and
11 geometric isomers, salts, and salts of isomers (Other
12 names: MAB-CHMINACA and ADB-CHMINACA);
- 13 (26) Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-
14 carboxamido]-3,3-dimethylbutanoate (Other names: 5F-
15 ADB, 5-flouro-ADB, and 5F-MDMB-PINACA), its optical,
16 positional, and geometric isomers, salts, and salts of
17 isomers; and
- 18 (27) 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)indazole-3-
19 carboxamide (CUMYL-4CN-BINACA), its optical,
20 positional, and geometric isomers, salts, and salts of
21 isomers; also known as SGT-78, 4-CN-CUMYL-BINACA;



1 CUMYL-CB-PINACA; CUMYL-CYBINACA; 4-cyano CUMYL-
2 BUTINACA."

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

5 1. By adding two new definitions to be appropriately
6 inserted and to read:

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

8 "Tetrahydrocannabinol" means tetrahydrocannabinol naturally
9 contained in a plant of the genus Cannabis (cannabis plant), as
10 well as synthetic equivalents of the substances contained in the
11 plant, or in the resinous extractives of Cannabis, sp. or
12 synthetic substances, derivatives, and their isomers with
13 similar chemical structure and pharmacological activity to those
14 substances contained in the plant, such as the following: Delta
15 1 cis or trans tetrahydrocannabinol, and their optical isomers;
16 Delta 6 cis or trans tetrahydrocannabinol, and their optical
17 isomers; and Delta 3,4 cis or trans-tetrahydrocannabinol, and
18 its optical isomers (since nomenclature of these substances is
19 not internationally standardized, compounds of these structures,
20 regardless of numerical designation of atomic positions, are



1 covered); provided that tetrahydrocannabinol shall exclude
2 tetrahydrocannabinol in hemp."

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

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

12 SECTION 9. (a) The chairperson of the board of
13 agriculture shall prepare and submit a proposed state plan to
14 monitor and regulate hemp production in the State pursuant to
15 section 297B of the Agricultural Marketing Act of 1946, as
16 amended, to the federal Secretary of Agriculture within
17 days after the approval of this Act. The chairperson shall also
18 submit a copy of the proposed state plan to the governor, the
19 president of the senate, and the speaker of the house of
20 representatives.



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

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

13 SECTION 10. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$250,000 or so much
15 thereof as may be necessary for fiscal year 2019-2020 and the
16 same sum or so much thereof as may be necessary for fiscal year
17 2020-2021 to be deposited into the industrial hemp special fund
18 established pursuant to section 141-41, Hawaii Revised Statutes.

19 SECTION 11. There is appropriated out of the industrial
20 hemp special fund established pursuant to section 141-41, Hawaii
21 Revised Statutes, the sum of \$250,000 or so much thereof as may



1 be necessary for fiscal year 2019-2020 and the same sum or so
2 much thereof as may be necessary for fiscal year 2020-2021 to be
3 allocated as follows:

- 4 (1) \$ for the establishment of one full-time
5 equivalent (1.0 FTE) program coordinator position;
- 6 (2) \$ for the establishment of two full-time
7 equivalent (2.0 FTE) specialist positions; and
- 8 (3) \$ for administrative costs of the industrial
9 hemp program.

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

12 SECTION 12. This Act does not affect rights and duties
13 that matured, penalties that were incurred, and proceedings that
14 were begun before its effective date.

15 SECTION 13. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 14. This Act shall take effect on July 1, 2050;
18 provided that section 4 shall take effect on the date the
19 federal Secretary of Agriculture approves the State's plan to
20 monitor and regulate hemp production, including commercial



- 1 production and research, pursuant to section 297B of the
- 2 Agricultural Marketing Act of 1946, as amended.



Report Title:

Hemp; Controlled Substances; Legalization; Hemp Genetics;
Appropriations

Description:

Legalizes hemp to the extent legalized under federal law. Requires the Chairperson of the Board of Agriculture to prepare and submit a proposed state plan to monitor and regulate hemp production, including commercial production and research, to the federal Secretary of Agriculture pursuant to section 297B of the Agricultural Marketing Act of 1946, as amended. Authorizes the Department of Agriculture to monitor and regulate hemp production. Authorizes Industrial Hemp Pilot Project licensees to utilize hemp genetics. Makes void any administrative rules of the industrial hemp pilot program that are more stringent than federal law upon the federal Secretary of Agriculture's approval of a state plan. Requires reports to the Governor and Legislature. Appropriates funds. (SB1363 HD1)

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

