
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 industrial hemp in the State by:

- 18 (1) Requiring the department of agriculture to establish a
19 permanent industrial hemp program to license
20 individuals to cultivate industrial hemp in the State;



- 1 (2) Imposing a monetary penalty on any person who produces
2 hemp without authorization from a state or federal
3 program;
- 4 (3) Establishing an affirmative defense to criminal
5 penalties for the cultivation of industrial hemp;
- 6 (4) Authorizing licensees to utilize hemp genetics, from
7 any state, that meet federal definitions of hemp and
8 originate from any state having a federally approved
9 industrial hemp program;
- 10 (5) Authorizing the department of agriculture to use
11 temporary inspectors to perform industrial hemp
12 inspections;
- 13 (6) Exempting certain persons who transport and move
14 certain hemp plant materials from penalties and
15 reporting requirements relating to the transportation
16 and movement of those materials;
- 17 (7) Amending definitions of "marijuana" in state law to
18 clarify that hemp is not marijuana;
- 19 (8) 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 (9) 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 "Retail" means the sale of goods to the public in
14 relatively small quantities for use or consumption and not for
15 the purpose of processing into other products for eventual
16 resale.

17 "Variety" means a group of individual plants that exhibit
18 the same observable physical characteristics or have the same
19 genetic composition.

20 §141-B Industrial hemp program; established. The
21 department shall establish an industrial hemp program to



1 authorize licensed individuals to cultivate industrial hemp in
2 the State.

3 **§141-C Licensing.** (a) A person who intends to grow
4 industrial hemp in the State shall apply to the department for a
5 license on a form prescribed by the department and pay an
6 application fee.

7 (b) 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 (c) 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 (d) The department may prescribe sampling, inspection, and
16 reporting requirements for licensees.

17 (e) Any license issued under the industrial hemp pilot
18 program shall have continued validity under the original terms
19 and conditions of that license until it expires. Upon
20 expiration, the licensee may renew that license under new terms
21 and conditions that are compliant with this part, by paying a



1 renewal fee and applying for license renewal pursuant to a
2 process established by the chairperson.

3 **§141-D Approved seed cultivars; hemp genetics.** (a) Only
4 industrial hemp on the list of seed cultivars approved by the
5 board shall be grown. The board may add or remove any seed
6 cultivar from the list if the cultivar is found to be
7 noncompliant with this part.

8 (b) The list of approved seed cultivars shall include the
9 following:

- 10 (1) Industrial hemp seed cultivars that have been
11 certified by the Organisation for Economic Co-
12 operation and Development;
- 13 (2) Hawaii varieties of industrial hemp seed cultivars
14 that have been certified by the board; and
- 15 (3) Hemp genetics that are shown to meet federal
16 definitions of hemp and originate from any state with
17 a federally approved industrial hemp program.

18 **§141-E Inspections; fees.** (a) A licensee shall permit
19 the annual inspection and sampling of the licensee's hemp plants
20 pursuant to section 297B of the Agriculture Improvement Act of
21 2018.



1 (b) Any member of the department, or any agent or third
2 party authorized by the department, may enter at a reasonable
3 time upon any private property utilized for the cultivation of
4 industrial hemp pursuant to this part in order to conduct an
5 annual inspection and sampling pursuant to subsection (a).

6 (c) The department may set reasonable inspection and
7 sampling fees.

8 (d) The department may employ temporary inspectors to
9 assist in certification, audit, and inspection services under
10 this part.

11 **§141-F Violations.** (a) Unprocessed hemp material,
12 including dried flowers and resin, shall not be sold at retail
13 unless authorized by a state hemp dispensing program.

14 (b) In addition to any other violations of this part, the
15 following acts and omissions by any licensee or authorized
16 representative thereof constitute violations:

17 (1) Refusal or failure by a licensee or authorized
18 representative to fully cooperate and assist the
19 department with the inspection or sampling process;



1 (2) Failure to provide any information required or
2 requested by the department for purposes pursuant to
3 this part;

4 (3) Providing materially false information pertaining to
5 the licensee's cultivation of industrial hemp to the
6 department by any means, including information
7 provided in any application form, report, record, or
8 inspection required or maintained pursuant to this
9 part;

10 (4) Failure to pay fees assessed by the department for
11 inspection or laboratory analysis costs; or

12 (5) Any violation of any other state or federal law or
13 regulation regarding industrial hemp.

14 (c) For any violation of this part, the department may
15 impose civil penalties up to \$100 and disciplinary sanctions,
16 including denial or revocation of a license.

17 **§141-G Rules.** (a) The department shall adopt rules
18 pursuant to chapter 91 for the purposes of this part, which, at
19 a minimum, shall include:



- 1 (1) Inspection and sampling requirements of any industrial
- 2 hemp during growth or after harvest to determine
- 3 tetrahydrocannabinol levels;
- 4 (2) Licensure requirements;
- 5 (3) Reporting requirements; provided that pre-planting and
- 6 movement 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) 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 that
- 19 shall be exempt from chapters 91 and 201M to effectuate the
- 20 purposes of this part; provided that any interim rules shall
- 21 only remain in effect until July 1, 2025, or until rules are



1 adopted pursuant to subsection (a) to replace the respective
2 interim rule, whichever occurs sooner.

3 §141-H Authority to cease operations. Notwithstanding any
4 other provision of this part to the contrary, the chairperson
5 shall have the authority to cease operations and issuance or
6 renewal of any license, and terminate the industrial hemp
7 program, in order to effectuate any other federal or state
8 industrial hemp regulatory program; provided that any license
9 that has been issued as of that time shall remain in effect
10 until its expiration.

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

- 17 (1) Any moneys appropriated by the legislature to the
18 special fund;
- 19 (2) Any fees collected by the department in relation to
20 the industrial hemp pilot program or industrial hemp
21 program, except for fees collected for the services



1 provided by temporary inspectors, as specified in
2 section 141-37; and

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

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

10 SECTION 3. Chapter 712, Hawaii Revised Statutes, is
11 amended by adding two new sections to part IV to be
12 appropriately designated and to read as follows:

13 "§712- Unauthorized production of hemp. (a) A person
14 shall not produce hemp unless authorized pursuant to a state or
15 federal program.

16 (b) A person who violates this section shall be subject to
17 a monetary penalty of \$ _____.

18 §712- Cultivation of industrial hemp as an affirmative
19 defense. (a) In any prosecution for an offense described in
20 sections 712-1247, 712-1248, 712-1249, 712-1249.4, or 712-



1 1249.5, a defendant may assert the affirmative defense that the
2 defendant:

3 (1) Possessed a valid hemp cultivation license issued by
4 the department of agriculture pursuant to chapter 141;

5 (2) Planted hemp varieties that are on a list of approved
6 cultivars pursuant to chapter 141; and

7 (3) The cultivated hemp developed into plants with a
8 delta-9 tetrahydrocannabinol concentration of more
9 than 0.3 per cent on a dry weight basis.

10 (b) This affirmative defense applies to the cultivation
11 and possession of marijuana, but it does not extend to the
12 distribution of any marijuana."

13 SECTION 4. Section 141-1, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§141-1 Duties in general.** The department of agriculture
16 shall:

17 (1) Gather, compile, and tabulate, from time to time,
18 information and statistics concerning:

19 (A) Entomology and plant pathology: Insects, scales,
20 blights, and diseases injurious or liable to
21 become injurious to trees, plants, or other



1 vegetation, and the ways and means of
2 exterminating pests and diseases already in the
3 State and preventing the introduction of pests
4 and diseases not yet here; and
5 (B) General agriculture: Fruits, fibres, and useful
6 or ornamental plants and their introduction,
7 development, care, and manufacture or
8 exportation, with a view to introducing,
9 establishing, and fostering new and valuable
10 plants and industries;
11 (2) Encourage and cooperate with the agricultural
12 extension service and agricultural experiment station
13 of the [University] university of Hawaii and all
14 private persons and organizations doing work of an
15 experimental or educational character coming within
16 the scope of the subject matter of chapters 141, 142,
17 and 144 to 150A, and avoid, as far as practicable,
18 duplicating the work of those persons and
19 organizations;
20 (3) Enter into contracts, cooperative agreements, or other
21 transactions with any person, agency, or organization,



1 public or private, as may be necessary in the conduct
2 of the department's business and on such terms as the
3 department may deem appropriate; provided that the
4 department shall not obligate any funds of the State,
5 except the funds that have been appropriated to the
6 department. Pursuant to cooperative agreement with
7 any authorized federal agency, employees of the
8 cooperative agency may be designated to carry out, on
9 behalf of the State the same as department personnel,
10 specific duties and responsibilities under chapters
11 141, 142, 150A, and rules adopted pursuant to those
12 chapters, for the effective prosecution of pest
13 control and animal disease control and the regulation
14 of import into the State and intrastate movement of
15 regulated articles;

16 (4) Secure copies of the laws of other states,
17 territories, and countries, and other publications
18 germane to the subject matters of chapters 141, 142,
19 and 144 to 150A, and make laws and publications
20 available for public information and consultation;



- 1 (5) Provide buildings, grounds, apparatus, and
2 appurtenances necessary for the examination,
3 quarantine, inspection, and fumigation provided for by
4 chapters 141, 142, and 144 to 150A; for the obtaining,
5 propagation, study, and distribution of beneficial
6 insects, growths, and antidotes for the eradication of
7 insects, blights, scales, or diseases injurious to
8 vegetation of value and for the destruction of
9 injurious vegetation; and for carrying out any other
10 purposes of chapters 141, 142, and 144 to 150A;
- 11 (6) Formulate and recommend to the governor and
12 legislature additional legislation necessary or
13 desirable for carrying out the purposes of chapters
14 141, 142, and 144 to 150A;
- 15 (7) Publish at the end of each year a report of the
16 expenditures and proceedings of the department and of
17 the results achieved by the department, together with
18 other matters germane to chapters 141, 142, and 144 to
19 150A and that the department may deem proper;
- 20 (8) Administer a program of agricultural planning and
21 development, including the formulation and



1 implementation of general and special plans, including
2 but not limited to the functional plan for
3 agriculture; administer the planning, development, and
4 management of the agricultural park program; plan,
5 construct, operate, and maintain the state irrigation
6 water systems; review, interpret, and make
7 recommendations with respect to public policies and
8 actions relating to agricultural land and water use;
9 assist in research, evaluation, development,
10 enhancement, and expansion of local agricultural
11 industries; and serve as liaison with other public
12 agencies and private organizations for the above
13 purposes. In the foregoing, the department shall act
14 to conserve and protect agricultural lands and
15 irrigation water systems, promote diversified
16 agriculture, increase agricultural self-sufficiency,
17 and ensure the availability of agriculturally suitable
18 lands; [and]

19 (9) Manage, administer, and exercise control over any
20 public lands, as defined under section 171-2, that are
21 designated important agricultural lands pursuant to



1 section 205-44.5, including but not limited to
2 establishing priorities for the leasing of these
3 public lands within the department's jurisdiction[-];
4 and

5 (10) Have the authority to monitor and regulate hemp
6 production, including commercial production and
7 research, pursuant to section 297B of the Agricultural
8 Marketing Act of 1946, as amended, and part ."

9 SECTION 5. Section 141-35, Hawaii Revised Statutes, is
10 amended to read as follows:

11 " [†] §141-35 [†] Approved seed cultivars [-]; hemp genetics.

12 (a) [~~Industrial~~] Only industrial hemp [~~shall be grown only if~~
13 ~~it is~~] on the list of [~~approved~~] seed cultivars [-] approved by
14 the board shall be grown. The board may [~~from time to time~~] add
15 or remove any seed cultivar from the list if the cultivar is
16 found to be noncompliant with this part.

17 (b) The list of approved seed cultivars shall include the
18 following:

19 (1) Industrial hemp seed cultivars that have been
20 certified by the Organisation for Economic Co-
21 operation and Development; [~~and~~]



- 1 (2) Hawaii varieties of industrial hemp seed cultivars
2 that have been certified by the board[-]; and
3 (3) Hemp genetics that are shown to meet federal
4 definitions of hemp and originate from any state with
5 a federally approved industrial hemp program."

6 SECTION 6. Section 141-37, Hawaii Revised Statutes, is
7 amended by amending subsections (b) to (d) to read as follows:

8 "(b) During the inspection, the licensee or the licensee's
9 authorized representative shall be present at the growing area.
10 The licensee or authorized representative shall provide the
11 [~~board's~~] inspector with complete and unrestricted access to all
12 industrial hemp plants and seeds whether growing or harvested;
13 all land, buildings, and other structures used for the
14 cultivation and storage of industrial hemp; and all documents
15 and records pertaining to the licensee's industrial hemp
16 business.

17 (c) Sampling of industrial hemp plants shall occur
18 according to sampling protocol for industrial hemp set or
19 adopted by the department of agriculture or in the following
20 manner:



- 1 (1) Samples of each variety of industrial hemp may be
2 sampled from the growing areas at the [~~board's~~]
3 discretion[+] of the chairperson or the chairperson's
4 designee;
- 5 (2) Quantitative laboratory determination of the delta-9
6 tetrahydrocannabinol concentration on a dry weight
7 basis shall be performed according to protocols
8 approved by the chairperson;
- 9 (3) A sample test result greater than 0.3 per cent of
10 delta-9 tetrahydrocannabinol concentration or a
11 tetrahydrocannabinol concentration allowed by federal
12 law, whichever is greater, shall be considered
13 conclusive evidence that at least one cannabis plant
14 or part of a plant in the growing area contains a
15 delta-9 tetrahydrocannabinol concentration over the
16 limit allowed for industrial hemp and that the
17 licensee of that growing area is therefore not in
18 compliance with this part. Upon receipt of such a
19 test result, the chairperson may summarily suspend and
20 revoke the license of an industrial hemp licensee.
21 The chairperson shall furnish to the licensee a



1 portion of the violative sample if the licensee
 2 requests it within thirty days of notification; and
 3 (4) Test results from an institution of higher education
 4 may, at the chairperson's discretion, be accepted in
 5 lieu of board sampling.

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

12 SECTION 7. Section 141-38, Hawaii Revised Statutes, is
 13 amended to read as follows:

14 "~~§~~141-38~~§~~ **Violations.** In addition to any other
 15 violations of this part, the following acts and omissions by any
 16 licensee or authorized representative thereof constitute
 17 violations for which civil penalties up to \$500 and disciplinary
 18 sanctions, including revocation of a license, may be imposed by
 19 the chairperson~~[-]~~ or the chairperson's designee:



- 1 (1) Refusal or failure by a licensee or authorized
2 representative to fully cooperate and assist the board
3 with the inspection process;
- 4 (2) Failure to provide any information required or
5 requested by the board for purposes pursuant to this
6 part;
- 7 (3) Providing false, misleading, or incorrect information
8 pertaining to the licensee's cultivation of industrial
9 hemp to the chairperson or the chairperson's designee
10 by any means, including but not limited to information
11 provided in any application form, report, record, or
12 inspection required or maintained pursuant to this
13 part;
- 14 (4) Growing industrial hemp that when tested is shown to
15 have a delta-9 tetrahydrocannabinol concentration
16 greater than 0.3 per cent on a dry weight basis or a
17 tetrahydrocannabinol concentration allowed by federal
18 law, whichever is greater;
- 19 (5) Failure to pay fees assessed by the chairperson or the
20 chairperson's designee for inspection or laboratory
21 analysis costs; or



1 (6) Possessing, outside of a field of lawful cultivation,
2 resin, flowering tops, or leaves that have been
3 removed from the hemp plant; provided that ~~the~~:

4 (A) The presence of a de minimis amount, or
5 insignificant number, of hemp leaves or flowering
6 tops in hemp bales ~~[that result from the normal~~
7 ~~and appropriate processing of industrial hemp];~~
8 and

9 (B) Transportation in a department-approved manner of
10 the resin, flowering tops, and leaves of a
11 licensee's crop that passed department-ordered
12 compliance testing to another site for
13 processing,

14 shall not apply to this paragraph."

15 SECTION 8. Section 141-39, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "[+]§141-39[+] Profits. The board shall forego any income
18 or profit that licensees lawfully obtain through the disposition
19 of the licensees' industrial hemp crop; provided that the
20 licensee reports to the board, as required by this part:



1 ~~[(1) Any movement of the licensee's industrial hemp plants,~~
2 ~~plant materials, or seeds outside the licensed growing~~
3 ~~area;~~

4 ~~(2)]~~ (1) Any sale of or benefit received in exchange for
5 the licensee's industrial hemp plants, plant
6 materials, or seeds; and

7 ~~[(3)]~~ (2) Any commercial details of ~~[such movement,]~~ the
8 sale~~[,]~~ or exchange for use by the board to research
9 the marketability and logistical production of
10 industrial hemp in the State."

11 SECTION 9. Section 141-41, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) There is created in the state treasury a special fund
14 to be designated as the industrial hemp special fund to be
15 administered by the department of agriculture. Moneys deposited
16 in this special fund shall be used to fulfill the purposes of
17 this part and shall include:

18 (1) Any moneys appropriated by the legislature to the
19 special fund;

20 (2) Any fees collected by the department of agriculture in
21 relation to the industrial hemp pilot program~~[,]~~ ;



1 except for fees collected for the services provided by
2 temporary inspectors, as specified in section 141-37;
3 and

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

6 SECTION 10. Section 147-101, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§147-101 Certification services revolving fund.** There is
9 established a certification services revolving fund for use by
10 the department of agriculture to support certification [~~or~~],
11 audit, or inspection services established under parts I, III,
12 IV, VIII, and IX[~~-~~], and section 141-37. Moneys in the fund may
13 be expended for materials, salaries, equipment, training,
14 travel, and other costs related to providing certification [~~or~~],
15 audit, or inspection services. Notwithstanding sections 147-10,
16 147-34, 147-64, 147-114 [~~and~~], 147-126, and 141-37, moneys
17 derived from the certification [~~or~~], audit, or inspection
18 services provided by temporary inspectors employed under this
19 part or from charges for traveling expenses or extraordinary
20 services shall be deposited into the fund."



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

3 " ~~[+] §147-102 [†]~~ Certification [and], audit, and inspection
4 services. The department of agriculture shall fix, assess, and
5 collect fees for certification ~~[or]~~, audit, or inspection
6 services provided by temporary inspectors employed under this
7 part. The fees shall be in amounts necessary to cover all costs
8 of the administration and provision of the certification ~~[or]~~,
9 audit, or inspection services provided under this part; provided
10 that the department of agriculture shall establish charges for
11 traveling expenses and extraordinary services when the
12 performance of the services involves unusual cost. The fees and
13 charges established by the department of agriculture shall not
14 be subject to chapter 91. The department of agriculture may
15 employ temporary inspectors to assist in providing certification
16 ~~[or]~~, audit, or inspection services under parts I, III, IV,
17 VIII, and IX, and section 141-37, and those temporary inspectors
18 shall be exempt from chapter 76."

19 SECTION 12. Section 328-15, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§328-15 Drugs or devices deemed misbranded when;
2 prescriptions excepted, when. A drug or device shall be deemed
3 to be misbranded:

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

7 (2) If in package form, unless it bears a label
8 containing:

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

11 (B) An accurate statement of the quantity of the
12 contents in terms of weight, measure, or
13 numerical count, which statement shall be
14 separately and accurately stated in a uniform
15 location upon the principal display panel of the
16 label, provided that under this subparagraph
17 reasonable variations shall be permitted, and
18 exemptions as to small packages shall be allowed,
19 in accordance with rules adopted by the director.
20 An accurate statement of the quantity of the
21 contents in terms of weight, measure, or



1 numerical count shall not be required for any
2 commodity subject to packaging and labeling
3 requirements imposed by the Secretary of
4 Agriculture pursuant to the Federal Insecticide,
5 Fungicide, and Rodenticide Act or the provisions
6 of the eighth paragraph under the heading "Bureau
7 of Animal Industry" of the Act of March 4, 1913
8 (37 Stat. 832-833; 21 U.S.C. §§151-158), commonly
9 known as the Virus-Serum-Toxin Act.

10 (3) If any word, statement, or other information required
11 by or under authority of this part to appear on the
12 label or labeling is not prominently placed thereon
13 with such conspicuousness (as compared with other
14 words, statements, designs, or devices, in the
15 labeling) and in such terms as to render it likely to
16 be read and understood by the ordinary individual
17 under customary conditions of purchase and use.

18 (4) If it is for use by a person and contains any quantity
19 of the narcotic or hypnotic substance alpha-eucaine,
20 barbituric acid, beta-eucaine, bromal, cannabis[7]
21 (except hemp as defined in section 329-1), cabromal,



1 chloral, coca, cocaine, codeine, heroin, marijuana,
2 morphine, opium, paraldehyde, peyote, or
3 sulphomethane, or any chemical derivative of [~~such~~]
4 the substance, which derivative, after investigation,
5 has been found to be and designated as habit forming,
6 by rules adopted by the director under this part, or
7 by regulations issued pursuant to section 502(d) of
8 the Federal Act, unless its label bears the name and
9 quantity or proportion of the substance or derivative
10 and in juxtaposition therewith the statement "Warning-
11 -May be habit forming."

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

13 (i) Its label bears, to the exclusion of any
14 other nonproprietary name (except the
15 applicable systematic chemical name or the
16 chemical formula), the established name, as
17 defined in subparagraph (B), of the drug, if
18 [~~such there be,~~] any; and in case it is
19 fabricated from two or more ingredients, the
20 established name and quantity of each active
21 ingredient, including the kind and quantity



1 or proportion of any alcohol, and also
2 including, whether active or not, the
3 established name and quantity or proportion
4 of any bromides, ether, chloroform,
5 acetanilid, acetophenetidin, amidopyrine,
6 antipyrine, atropine, hyoscine, hyoscyamine,
7 arsenic, digitalis, glucosides, mercury,
8 ouabain, strophanthin, strychnine, thyroid,
9 or any derivative or preparation of any
10 [~~such~~] of those substances, contained
11 therein; provided that the requirement for
12 stating the quantity of the active
13 ingredients, other than the quantity of
14 these specifically named in this paragraph,
15 shall apply only to prescription drugs; and
16 (ii) For any prescription drug the established
17 name of [~~such~~] the drug or ingredient, as
18 the case may be, on [~~such~~] the label (and on
19 any labeling on which a name for [~~such~~] the
20 drug or ingredient is used) is printed
21 prominently and in type at least half as



1 large as that used thereon for any
2 proprietary name or designation for [~~such~~]
3 the drug or ingredient; provided further
4 that to the extent that compliance with the
5 requirements of this subparagraph is
6 impracticable, exemptions shall be allowed
7 under rules adopted by the director.

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

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

13 (ii) If there is no [~~such~~] applicable name and
14 the drug, or the ingredient, is an article
15 recognized in an official compendium, then
16 the official title thereof in the
17 compendium; or

18 (iii) If neither clause (i) nor clause (ii) of
19 this subparagraph applies, then the common
20 or usual name, if any, of [~~such~~] the drug or
21 of the ingredient;



1 provided further that where clause (ii) of this
2 subparagraph applies to an article recognized in
3 the United States Pharmacopoeia, in the United
4 States Pharmacopoeia Dispensing Information, and
5 in the Homeopathic Pharmacopoeia under different
6 official titles, the official title used in the
7 United States Pharmacopoeia shall apply unless it
8 is labeled and offered for sale as a homeopathic
9 drug, in which case the official title used in
10 the Homeopathic Pharmacopoeia shall apply.

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

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

13 (B) [~~Such adequate warnings~~] Warnings against use in
14 those pathological conditions or by children
15 where its use may be dangerous to health, or
16 against unsafe dosage or methods or duration of
17 administration or application, in [~~such~~] a manner
18 and form[~~7~~] as [~~are~~] necessary for the protection
19 of users; provided that where any requirement of
20 subparagraph (A), as applied to any drug or
21 device, is not necessary for the protection of



1 the public health, the director shall adopt rules
2 exempting the drug or device from [~~such~~] the
3 requirements; provided further that articles
4 exempted under regulations issued under section
5 502(f) of the Federal Act may also be exempt.

6 (7) If it purports to be a drug the name of which is
7 recognized in an official compendium, unless it is
8 packaged and labeled as prescribed therein; provided
9 that the method of packaging may be modified with the
10 consent of the director, or if consent is obtained
11 under the Federal Act. Whenever a drug is recognized
12 in both the United States Pharmacopoeia and the
13 Homeopathic Pharmacopoeia of the United States, it
14 shall be subject to the requirements of the United
15 States Pharmacopoeia with respect to the packaging and
16 labeling unless it is labeled and offered for sale as
17 a homeopathic drug, in which case it shall be subject
18 to the Homeopathic Pharmacopoeia of the United States
19 and not to the United States Pharmacopoeia; provided
20 that in the event of inconsistency between the
21 requirements of this paragraph and those of paragraph



1 (5) as to the name by which the drug or its
2 ingredients shall be designated, the requirements of
3 paragraph (5) shall prevail.

4 (8) If it has been found by the director to be a drug
5 liable to deterioration, unless it is packaged in
6 [~~such~~] any form and manner, and its label bears a
7 statement of [~~such~~] any precautions, as the rules
8 adopted by the director or regulations issued under
9 the Federal Act require as necessary for the
10 protection of public health. No [~~such~~] applicable
11 rule shall be established for any drug recognized in
12 an official compendium until the director shall have
13 informed the appropriate body charged with the
14 revision of the compendium of the need for [~~such~~] the
15 packaging or labeling requirements and [~~such~~] the body
16 shall have failed within a reasonable time to
17 prescribe [~~such~~] the requirements.

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

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



- 1 (C) If it is offered for sale under the name of
2 another drug.
- 3 (10) If it is dangerous to health when used in the dosage,
4 or with the frequency or duration prescribed,
5 recommended, or suggested in the labeling thereof.
- 6 (11) If it is, purports to be, or is represented as a drug
7 composed wholly or partly of insulin, unless:
- 8 (A) It is from a batch with respect to which a
9 certificate or release has been issued pursuant
10 to section 506 of the Federal Act; and
- 11 (B) The certificate or release is in effect with
12 respect to the drug.
- 13 (12) If it is, purports to be, or is represented as a drug
14 composed wholly or partly of any kind of penicillin,
15 streptomycin, chlortetracycline, chloramphenicol,
16 bacitracin, or any other antibiotic drug, or any
17 derivative thereof, unless:
- 18 (A) It is from a batch with respect to which a
19 certificate or release has been issued pursuant
20 to section 507 of the Federal Act; and



1 (B) The certificate or release is in effect with
2 respect to the drug; provided that this paragraph
3 shall not apply to any drug or class of drugs
4 exempted by regulations promulgated under section
5 507(c) or (d) of the Federal Act.

6 For the purpose of this paragraph, the term
7 "antibiotic drug" means any drug intended for use by a
8 person containing any quantity of any chemical
9 substance ~~[which]~~ that is produced by a microorganism
10 and which has the capacity to inhibit or destroy
11 microorganisms in dilute solution (including the
12 chemically synthesized equivalent of ~~[any such]~~ the
13 substance).

14 (13) If it is a color additive, the intended use of which
15 in or on drugs is for the purpose of coloring only,
16 unless its packaging and labeling are in conformity
17 with the packaging and labeling requirements
18 applicable to ~~[such]~~ a color additive prescribed under
19 section 328-13(b).

20 (14) In the case of any prescription drug distributed or
21 offered for sale in this State, unless the



1 manufacturer, packer, or distributor thereof includes
2 in all advertisements and other descriptive printed
3 matter issued or caused to be issued by the
4 manufacturer, packer, or distributor with respect to
5 that drug a true statement of:

6 (A) The established name, as defined in paragraph
7 (5) (B), printed prominently and in type at least
8 half as large as that used for any trade or brand
9 name thereof;

10 (B) The formula showing quantitatively each
11 ingredient of the drug to the extent required for
12 labels under section 502(e) of the Federal Act;
13 and

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

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



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

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

13 SECTION 13. Section 329-1, Hawaii Revised Statutes, is
 14 amended as follows:

15 1. By adding a new definition to be appropriately inserted
 16 and to read:

17 "Hemp" means the plant Cannabis sativa L. and any part of
 18 that plant, including the seeds thereof and all derivatives,
 19 extracts, cannabinoids, isomers, acids, salts, and salts of
 20 isomers, whether growing or not, with a delta-9



1 tetrahydrocannabinol concentration of not more than 0.3 per cent
2 on a dry weight basis."

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

4 "Marijuana" means all parts of the plant (genus) Cannabis
5 whether growing or not; the seeds thereof, the resin extracted
6 from any part of the plant; and every compound, manufacture,
7 salt, derivative, mixture, or preparation of the plant, its
8 seeds, or resin. [~~It~~]

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

10 (1) Hemp; or

11 (2) The mature stalks of the plant[~~r~~] (genus) Cannabis,
12 fiber produced from the stalks, oil, or cake made from
13 the seeds of the plant, any other compound,
14 manufacture, salt, derivative, mixture, or preparation
15 of the mature stalks (except the resin extracted
16 therefrom), fiber, oil, or cake, or the sterilized
17 seed of the plant [~~which~~] that is incapable of
18 germination."

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



1 "(g) Any of the following cannabinoids, their salts,
2 isomers, and salts of isomers, unless specifically excepted,
3 whenever the existence of these salts, isomers, and salts of
4 isomers is possible within the specific chemical designation:

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



- 1 tetrahydrocannabinols under this subsection shall
2 exclude tetrahydrocannabinols in hemp;
- 3 (2) Naphthoylindoles; meaning any compound containing a 3-
4 (1-naphthoyl)indole structure with substitution at the
5 nitrogen atom of the indole ring by a alkyl,
6 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
7 1-(N-methyl-2-piperidinyl)methyl or 2-(4-
8 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 (3) Naphthylmethylindoles; meaning any compound containing
13 a 1H-indol-3-yl-(1-naphthyl) methane structure with
14 substitution at the nitrogen atom of the indole ring
15 by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
16 cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or
17 2-(4-morpholinyl) ethyl group whether or not further
18 substituted in the indole ring to any extent and
19 whether or not substituted in the naphthyl ring to any
20 extent;



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



1 ethyl group whether or not further substituted in the
2 indole ring to any extent, whether or not substituted
3 in the phenyl ring to any extent;

4 (7) Cyclohexylphenols; meaning any compound containing a
5 2-(3-hydroxycyclohexyl) phenol structure with
6 substitution at the 5-position of the phenolic ring by
7 a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
8 cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or
9 2-(4-morpholinyl) ethyl group whether or not
10 substituted in the cyclohexyl ring to any extent;

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

20 (9) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)
21 pyrrolo[1,2,3-de]-1, 4-benzoxazin-6-yl]-1-



- 1 naphthalenylmethanone (another trade name is WIN
2 55,212-2);
- 3 (10) (6a,10a)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-
4 methyloctan-2-yl)-6a,7,10,10a-
5 tetrahydrobenzo[c]chromen-1-ol (Other trade names are:
6 HU-210/HU-211);
- 7 (11) Tetramethylcyclopropanoylindoles; meaning any compound
8 containing a 3-tetramethylcyclopropanoylindole
9 structure with substitution at the nitrogen atom of
10 the indole ring by an alkyl, haloalkyl, cyanoalkyl,
11 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-
12 methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl,
13 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
14 morpholinyl)methyl, or tetrahydropyranylmethyl group,
15 whether or not further substituted in the indole ring
16 to any extent and whether or not substituted in the
17 tetramethylcyclopropyl ring to any extent;
- 18 (12) N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide,
19 its optical, positional, and geometric isomers, salts,
20 and salts of isomers (Other names: APINACA, AKB48);



- 1 (13) Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate, its
2 optical, positional, and geometric isomers, salts, and
3 salts of isomers (Other names: PB-22; QUPIC);
- 4 (14) Quinolin-8-yl 1-(5fluoropentyl)-1H-indole-3-
5 carboxylate, its optical, positional, and geometric
6 isomers, salts, and salts of isomers (Other names: 5-
7 fluoro-PB-22; 5F-PB-22);
- 8 (15) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-
9 fluorobenzyl)-1H-indazole-3-carboxamide, its optical,
10 positional, and geometric isomers, salts, and salts of
11 isomers (Other names: AB-FUBINACA);
- 12 (16) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-
13 indazole-3-carboxamide, its optical, positional, and
14 geometric isomers, salts, and salts of isomers (Other
15 names: ADB-PINACA);
- 16 (17) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-
17 (cyclohexylmethyl)-1H-indazole-3-carboxamide, its
18 optical, positional, and geometric isomers, salts, and
19 salts of isomers (Other names: AB-CHMINACA);



- 1 (18) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-
2 indazole-3-carboxamide, and geometric isomers, salts,
3 and salts of isomers (Other names: AB-PINACA);
- 4 (19) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-
5 yl)methanone, and geometric isomers, salts, and salts
6 of isomers (Other names: THJ-2201);
- 7 (20) Methyl (1-(4-fluorobenzyl)-1 H-indazole-3-carbonyl)-L-
8 valinate, and geometric isomers, salts, and salts of
9 isomers (Other names: FUB-AMB);
- 10 (21) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-
11 carboxamido)-3-methylbutanoate, and geometric isomers,
12 salts, and salts of isomers (Other names: 5-fluoro-
13 AMB, 5-fluoro-AMP);
- 14 (22) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-
15 indazole-3-carboxamide, and geometric isomers, salts,
16 and salts of isomers (Other names: AKB48 N-(5-
17 fluoropentyl) analog, 5F-AKB48, APINACA 5-fluoropentyl
18 analog, 5F-APINACA);
- 19 (23) N-adamantyl-1-fluoropentylindole-3-Carboxamide, and
20 geometric isomers, salts, and salts of isomers (Other
21 names: STS-135, 5F-APICA; 5-fluoro-APICA);



- 1 (24) Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-
- 2 carboxylate, and geometric isomers, salts, and salts
- 3 of isomers (Other names: NM2201);
- 4 (25) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-
- 5 (cyclohexylmethyl)-1H-indazole-3-carboxamide, and
- 6 geometric isomers, salts, and salts of isomers (Other
- 7 names: MAB-CHMINACA and ADB-CHMINACA);
- 8 (26) Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-
- 9 carboxamido]-3,3-dimethylbutanoate (Other names: 5F-
- 10 ADB, 5-flouro-ADB, and 5F-MDMB-PINACA), its optical,
- 11 positional, and geometric isomers, salts, and salts of
- 12 isomers; and
- 13 (27) 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)indazole-3-
- 14 carboxamide (CUMYL-4CN-BINACA), its optical,
- 15 positional, and geometric isomers, salts, and salts of
- 16 isomers; also known as SGT-78, 4-CN-CUMYL-BINACA;
- 17 CUMYL-CB-PINACA; CUMYL-CYBINACA; 4-cyano CUMYL-
- 18 BUTINACA."

19 SECTION 15. Section 712-1240, Hawaii Revised Statutes, is
 20 amended as follows:

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

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

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

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

20 "Marijuana" means any part of the plant (genus) cannabis,
21 whether growing or not, including the seeds and the resin, and



1 every alkaloid, salt, derivative, preparation, compound, or
 2 mixture of the plant, its seeds or resin[, ~~except that, as used~~
 3 ~~herein, "marijuana"~~]. "Marijuana" does not include hemp,
 4 hashish, tetrahydrocannabinol, and any alkaloid, salt,
 5 derivative, preparation, compound, or mixture, whether natural
 6 or synthesized, of tetrahydrocannabinol."

7 SECTION 16. (a) The chairperson of the board of
 8 agriculture shall prepare and submit a proposed state plan to
 9 monitor and regulate hemp production in the State pursuant to
 10 section 297B of the Agricultural Marketing Act of 1946, as
 11 amended, to the federal Secretary of Agriculture within thirty
 12 days after the federal Secretary of Agriculture announces
 13 guidelines for state plans. The chairperson shall also submit a
 14 copy of the proposed state plan to the governor, the president
 15 of the senate, and the speaker of the house of representatives.

16 (b) The chairperson of the board of agriculture shall
 17 submit reports on a basis to the governor, the president of
 18 the senate, and the speaker of the house of representatives
 19 concerning the status of the federal Secretary of Agriculture's
 20 pending approval of the state plan until the state plan is
 21 approved.



1 (c) The chairperson of the board of agriculture shall
2 submit a report on the implementation of the state plan to the
3 legislature no later than twenty days prior to the convening of
4 the regular session of 2020. The report shall include any
5 proposed legislation to facilitate the cultivation, monitoring,
6 and regulation of hemp production in the State.

7 SECTION 17. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$250,000 or so much
9 thereof as may be necessary for fiscal year 2019-2020 and the
10 same sum or so much thereof as may be necessary for fiscal year
11 2020-2021 to be deposited into the industrial hemp special fund
12 established pursuant to section 141-I, Hawaii Revised Statutes.

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

19 (1) \$ for the establishment of one full-time
20 equivalent (1.0 FTE) program coordinator position;



- 1 (2) \$ for the establishment of two full-time
2 equivalent (2.0 FTE) specialist positions; and
3 (3) \$ for administrative costs of the industrial
4 hemp program.

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

7 SECTION 19. Upon the repeal of the industrial hemp pilot
8 program pursuant to Act 228, Session Laws of Hawaii 2016, all
9 unencumbered funds remaining in the industrial hemp special fund
10 established pursuant to 141-41, Hawaii Revised Statutes, shall
11 be deposited into the industrial hemp special fund established
12 pursuant to 141-I, Hawaii Revised Statutes.

13 SECTION 20. In codifying the new sections added by section
14 2 of this Act, the revisor of statutes shall substitute
15 appropriate section numbers for the letters used in designating
16 the new sections in this Act.

17 SECTION 21. This Act does not affect rights and duties
18 that matured, penalties that were incurred, and proceedings that
19 were begun before its effective date.



1 SECTION 22. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 23. This Act shall take effect on September 22,
4 2050.



Report Title:

Industrial Hemp; Permanent Program; Controlled Substances;
Legalization; Hemp Genetics; State Plan; Appropriations

Description:

Requires the Department of Agriculture to establish a permanent industrial hemp program. Imposes a monetary penalty on any person who produces hemp without authorization from a state or federal program. Establishes an affirmative defense to criminal penalties for the cultivation of industrial hemp. Authorizes licensees to utilize hemp genetics from other states if certain requirements are met. Authorizes the use of temporary inspectors to perform industrial hemp inspections. Exempts certain persons who transport and move certain hemp plant materials from certain penalties and reporting requirements. Amends definitions of "marijuana" in state law to clarify that hemp is not marijuana. 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. Requires reports to the Governor and Legislature. Establishes a new industrial hemp special fund. Appropriates funds. (SB1353 HD2)

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