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# 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 "[~~f~~] §147-102 [~~l~~] 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 [~~sueh~~]  
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 [~~sueh~~] 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 [~~sueh~~] the drug or ingredient, as  
18 the case may be, on [~~sueh~~] the label (and on  
19 any labeling on which a name for [~~sueh~~] 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 \$ 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 \$ 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; State Plan; Appropriations

**Description:**

Requires the Department of Agriculture to establish a permanent industrial hemp program pursuant to federal law and a corresponding special fund. Establishes authorized cultivation of hemp as an affirmative defense to marijuana offenses. Excludes hemp from statutory definitions of marijuana. Requires the Chairperson of the Board of Agriculture to prepare a state plan for approval by the federal Secretary of Agriculture and report on the approval process to the Legislature and Governor. Appropriates funds. (SB1353 HD3)

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

