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## A BILL FOR AN ACT

RELATING TO HEMP.

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

1           SECTION 1. The legislature recognizes that the recently-  
2 enacted Agriculture Improvement Act of 2018, informally known as  
3 the "Farm Bill", among other matters, legalized hemp by removing  
4 hemp from the definition of "marihuana" contained in the federal  
5 Controlled Substances Act. Therefore, hemp is no longer  
6 classified as an illegal "drug" under federal law. The  
7 Agriculture Improvement Act also makes amendments to the  
8 Agricultural Marketing Act of 1946. These amendments authorize  
9 the department of agriculture of each state to submit to the  
10 federal Secretary of Agriculture a proposed plan for the state's  
11 department of agriculture to monitor and regulate hemp  
12 production within the state. After the federal Secretary of  
13 Agriculture approves a state plan, authorized entities within  
14 the respective state may engage in the production of hemp,  
15 including at the commercial level.

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



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

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

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

- 18 (1) Amending definitions of "marijuana" in state law to  
19 clarify that hemp is not marijuana;
- 20 (2) Requiring the chairperson of agriculture to prepare  
21 and submit a proposed state plan to monitor and



1 regulate hemp production, including commercial  
2 production and research, to the federal Secretary of  
3 Agriculture pursuant to section 297B of the  
4 Agricultural Marketing Act of 1946, as amended; and  
5 (3) Requiring the chairperson of agriculture to submit a  
6 report to the legislature on the status of the federal  
7 Secretary of Agriculture's pending approval of the  
8 state plan.

9 SECTION 2. Section 328-15, Hawaii Revised Statutes, is  
10 amended to read as follows:

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

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

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

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



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



- 1           (3) If any word, statement, or other information required  
2           by or under authority of this part to appear on the  
3           label or labeling is not prominently placed thereon  
4           with such conspicuousness (as compared with other  
5           words, statements, designs, or devices, in the  
6           labeling) and in such terms as to render it likely to  
7           be read and understood by the ordinary individual  
8           under customary conditions of purchase and use.
- 9           (4) If it is for use by a person and contains any quantity  
10          of the narcotic or hypnotic substance alpha-eucaine,  
11          barbituric acid, beta-eucaine, bromal, cannabis[7]  
12          (except hemp as defined in section 329-1), cabromal,  
13          chloral, coca, cocaine, codeine, heroin, marijuana,  
14          morphine, opium, paraldehyde, peyote, or  
15          sulphomethane, or any chemical derivative of [~~such~~]  
16          the substance, which derivative, after investigation,  
17          has been found to be and designated as habit forming,  
18          by rules adopted by the director under this part, or  
19          by regulations issued pursuant to section 502(d) of  
20          the Federal Act, unless its label bears the name and  
21          quantity or proportion of the substance or derivative



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

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

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



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



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

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

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

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

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





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

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

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

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

7 those pathological conditions or by children

8 where its use may be dangerous to health, or

9 against unsafe dosage or methods or duration of

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

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

12 of users; provided that where any requirement of

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

14 device, is not necessary for the protection of

15 the public health, the director shall adopt rules

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

17 requirements; provided further that articles

18 exempted under regulations issued under section

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

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

21 recognized in an official compendium, unless it is



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

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



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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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



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

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

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

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

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



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

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

6 SECTION 3. Section 329-1, Hawaii Revised Statutes, is  
7 amended as follows:

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

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

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

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



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

2        (1) Hemp; or

3        (2) The mature stalks of the plant[7] (genus) Cannabis,  
4        fiber produced from the stalks, oil, or cake made from  
5        the seeds of the plant, any other compound,  
6        manufacture, salt, derivative, mixture, or preparation  
7        of the mature stalks (except the resin extracted  
8        therefrom), fiber, oil, or cake, or the sterilized  
9        seed of the plant [~~which~~] that is incapable of  
10       germination."

11       SECTION 4. Section 329-14, Hawaii Revised Statutes, is  
12       amended by amending subsection (g) to read as follows:

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

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





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

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



1           whether or not substituted in the naphthyl ring to any  
2           extent;

3           (3) Naphthylmethylindoles; meaning any compound containing  
4           a 1H-indol-3-yl-(1-naphthyl) methane structure with  
5           substitution at the nitrogen atom of the indole ring  
6           by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
7           cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or  
8           2-(4-morpholinyl) ethyl group whether or not further  
9           substituted in the indole ring to any extent and  
10          whether or not substituted in the naphthyl ring to any  
11          extent;

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

20          (5) Naphthylmethylindenes; meaning any compound containing  
21          a naphthylideneindene structure with substitution at



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

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

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



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



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



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



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



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

7 SECTION 5. Section 712-1240, Hawaii Revised Statutes, is  
8 amended as follows:

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

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

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





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

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

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

15 SECTION 6. (a) The chairperson of the board of  
16 agriculture shall prepare and submit a proposed state plan to  
17 monitor and regulate hemp production in the State pursuant to  
18 section 297B of the Agricultural Marketing Act of 1946, as  
19 amended, to the federal Secretary of Agriculture within  
20 days after the approval of this Act. The chairperson shall also  
21 submit a copy of the proposed state plan to the governor, the



1 president of the senate, and the speaker of the house of  
2 representatives.

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

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

15 SECTION 7. This Act does not affect rights and duties that  
16 matured, penalties that were incurred, and proceedings that were  
17 begun before its effective date.

18 SECTION 8. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.



1 SECTION 9. This Act shall take effect upon approval.

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~~Richard~~ INTRODUCED BY: Richard Lujan

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Nicole E. Loun



# H.B. NO. 131

**Report Title:**

Hemp; Cannabis; Controlled Substances; Legalization

**Description:**

Legalizes hemp to the extent legalized under federal law. Requires the Chairperson of the Board of Agriculture to prepare and submit a proposed state plan to monitor and regulate hemp production, including commercial production and research, to the federal Secretary of Agriculture pursuant to section 297B of the Agricultural Marketing Act of 1946, as amended. Requires reports to the Governor and Legislature.

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

