
A BILL FOR AN ACT

RELATING TO HEMP.

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

1 SECTION 1. The legislature finds that hemp is a high-value
2 crop. Nationwide, there has been a marked increase in hemp
3 cultivation from 2018 to 2019. At least forty-six states have
4 passed legislation to facilitate hemp cultivation. However,
5 Hawaii's hemp industry remains in a nascent stage, in part due
6 to restrictive regulatory actions taken by the state department
7 of agriculture under existing law.

8 The legislature recognizes that the Agriculture Improvement
9 Act of 2018, informally known as the 2018 "Farm Bill", legalized
10 hemp by removing hemp from the definition of "marihuana"
11 contained in the federal Controlled Substances Act. Therefore,
12 hemp is no longer classified as an illegal drug under federal
13 law. Further, in October 2019, the United States Department of
14 Agriculture established new regulations through which states may
15 monitor and regulate hemp production. The legislature believes
16 that, in light of these federal reforms, state laws regarding
17 hemp should also be reformed.



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1 The legislature also finds that in Oregon, the Global Hemp
2 Innovation Center at Oregon State University is making strides
3 in propagating and growing hemp varieties. Similarly, the
4 College of Tropical Agriculture and Human Resources at the
5 University of Hawaii has been conducting hemp research to
6 facilitate the promotion and growth of the State's hemp
7 industry. Among the critical needs are adequate choices of hemp
8 varieties, tetrahydrocannabinol content stability and
9 management, and photoperiod adjustment.

10 Accordingly, the purpose of this Act is to:

- 11 (1) Require the department of agriculture to seek approval
12 from the United States Department of Agriculture of a
13 state plan to monitor and regulate hemp;
- 14 (2) Establish a statutory framework for the state
15 department of agriculture to monitor and regulate
16 hemp;
- 17 (3) Establish and provide temporary legislative funding
18 for a hemp regulatory special fund, which will be
19 funded through inspection fees in the longer term;
- 20 (4) Exclude hemp from the State's prohibitions against
21 marijuana;



1 (5) Expedite the repeal of the existing industrial hemp
2 pilot program; and

3 (6) Appropriate funds to the college of tropical
4 agriculture and human resources at the University of
5 Hawaii for hemp research.

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

9 "PART . HEMP PRODUCTION

10 §141-A Definitions. As used in this part:

11 "Applicable federal hemp law" means:

- 12 (1) Section 297B of the Agricultural Marketing Act of
- 13 1946, as amended;
- 14 (2) Title 7 Code of Federal Regulations part 990; and
- 15 (3) Other applicable federal law.

16 "Cannabis" means a genus of flowering plants in the family
17 Cannabaceae of which Cannabis sativa is a species, and Cannabis
18 indica and Cannabis ruderalis are subspecies thereof.

19 "Cannabis" refers to any form of the plant in which the delta-9
20 tetrahydrocannabinol concentration on a dry weight basis has not
21 yet been determined.



1 "Corrective action plan" means a plan established by the
2 department for a producer to correct a negligent violation.

3 "Culpable mental state greater than negligence" means to
4 act intentionally, knowingly, willfully, or recklessly.

5 "Department" means the department of agriculture.

6 "Entity" means a non-natural person.

7 "Hemp" means the plant species *Cannabis sativa* L. and any
8 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 "Key participant" means:

- 14 (1) A sole proprietor;
- 15 (2) A partner in a partnership;
- 16 (3) A chief executive officer, chief operating officer,
17 chief operating officer; or
- 18 (4) Any other person with executive managerial control in
19 an entity.

20 "Key participant" does not include farm managers, field
21 managers, shift managers, or other non-executive managers.



1 "Measurement of uncertainty" means the parameter,
2 associated with the result of a measurement, that characterizes
3 the dispersion of the values that could reasonably be attributed
4 to the particular quantity subject to measurement.

5 "Negligent" means to fail to exercise the level of care
6 that a reasonably prudent person would exercise in complying
7 with this part, the state plan, or applicable federal hemp law.

8 "Produce" means to grow hemp plants for market, or for
9 cultivation for market, in the State.

10 "Producer" means a producer, as defined under title 7 Code
11 of Federal Regulations section 718.2, that is licensed by the
12 department to produce hemp in the State.

13 "State plan" means a plan under which the department
14 monitors and regulates the production of hemp.

15 **§141-B Hemp production; monitoring and regulation; state**
16 **plan.** (a) The department shall monitor and regulate hemp
17 production in the State, pursuant to a state plan approved by
18 the Secretary of the United States Department of Agriculture.

19 (b) The state plan, both in its establishment and
20 implementation, shall be no more stringent against producers
21 than required by:



1 (1) This part; or

2 (2) Applicable federal hemp law.

3 **§141-C Applications for producer licenses.** Each person,
4 whether an individual or entity, that intends to produce hemp in
5 the State shall apply to the department for a license on a form
6 prescribed by the department and pay an application fee. Each
7 applicant shall submit to the department information about the
8 applicant necessary for the purposes of applicable federal hemp
9 law. Further, the application shall include supporting
10 documentation to establish:

11 (1) If the applicant is an individual, the state where the
12 applicant resides; or

13 (2) If the applicant is an entity, the states of residence
14 of each of the key participants of the entity.

15 **§141-D Application approval; expiration; limits on out-of-**
16 **state control.** (a) Subject to the limitation imposed by
17 subsection (d), the department shall approve the issuance of a
18 hemp production license to any applicant that meets all
19 applicable federal and state requirements.



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1 (b) Each license shall be valid for three years from the
2 date of issuance, after which the licensee shall be required to
3 renew the license and pay a renewal fee.

4 (c) Notwithstanding the repeal of Act 228, Session Laws of
5 Hawaii 2016, any license issued under the industrial hemp pilot
6 program established under Act 228, Session Laws of Hawaii 2016,
7 shall have continued validity under the original terms and
8 conditions of that license until it expires. Upon expiration,
9 the licensee may renew that license, under new terms and
10 conditions that are compliant with this part, by paying a
11 renewal fee and applying for license renewal pursuant to a
12 process established by the department.

13 (d) In issuing new, non-renewal licenses for the
14 production of hemp, the department shall ensure that at least
15 fifty per cent of new, non-renewal licenses issued within each
16 fiscal year are issued to:

- 17 (1) Individuals who are legal residents of the State;
- 18 (2) Entities whose key participants are legal residents of
19 the State; or
- 20 (3) Any combination of the foregoing persons.



1 **§141-E Producer requirements; seed acquisition;**
2 **residential structures.** (a) Each producer shall conform to all
3 requirements of this part, the state plan, and applicable
4 federal hemp law.

5 (b) Each producer shall acquire or import hemp seed in
6 accordance with applicable federal hemp law.

7 (c) No producer shall grow hemp in any house, dwelling
8 unit, residential apartment, or other residential structure.

9 **§141-F Inspection, sampling, and testing; destruction;**
10 **fees.** (a) The department and producers shall adhere to this
11 section with respect to the inspection, sampling, and testing of
12 cannabis or hemp produced; provided that if applicable federal
13 hemp law provides for different principles or standards, those
14 federal principles or standards shall apply.

15 (b) Each producer shall provide the department with
16 complete and unrestricted access during business hours to all
17 hemp and other cannabis plants, whether growing or harvested,
18 and all land, buildings, and other structures used for the
19 cultivation, handling, and storage of all hemp and other
20 cannabis plants, and all locations listed in the producer
21 license.



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1 (c) The department shall collect samples of cannabis grown
2 from the lots of producers to the extent and in amounts and
3 frequency required by applicable federal hemp law. The
4 department shall conduct tests of those samples as required by
5 applicable federal hemp law.

6 (d) A producer shall not harvest hemp or cannabis crop
7 before the department collects samples and tests necessary
8 samples from that crop.

9 (e) The department may collect fees from producers for the
10 inspection, sample collection, and testing of cannabis and hemp
11 crops.

12 (f) The department shall ensure the destruction of any lot
13 of cannabis crop, to the extent required by applicable federal
14 hemp law, if any sample from that lot fails to meet the
15 standards established by applicable federal hemp law. State or
16 county law enforcement shall be present at the location of
17 destruction whenever a cannabis crop is destroyed pursuant to
18 this subsection.

19 (g) The department may authorize third parties to collect
20 cannabis samples and conduct testing of those samples on the



1 department's behalf for the purposes of this part or rules
2 adopted for the purposes of this part.

3 **§141-G Negligent violations.** (a) A producer that
4 violates this part or the state plan in a negligent manner shall
5 follow a corrective action plan to correct the violation as
6 required by applicable federal hemp law.

7 (b) The department shall not suspend or revoke the license
8 of a producer that violates this part or the state plan in a
9 negligent manner, unless required by applicable federal hemp
10 law.

11 (c) In determining whether a violation was committed in a
12 negligent manner, the department shall conform to the standards
13 established by federal applicable hemp law.

14 **§141-H Culpable violations.** (a) If the department
15 determines that a producer has violated this part or the state
16 plan with a culpable mental state greater than negligence, the
17 department shall immediately report the producer to federal and
18 state authorities, as required by applicable federal hemp law.

19 (b) Any producer that violates this part or the state plan
20 shall be penalized according to applicable federal hemp law.



1 **§141-I Department compliance with federal requirements.**

2 The department shall comply with all requirements established in
3 applicable federal hemp law.

4 **§141-J Hemp regulatory special fund; established. (a)**

5 There is created in the state treasury a special fund to be
6 designated as the hemp regulatory special fund to be
7 administered by the department. Moneys deposited in the special
8 fund shall include:

9 (1) Any moneys appropriated by the legislature to the
10 special fund; provided that no legislative
11 appropriations shall be made for any fiscal year that
12 begins after fiscal year 2020-2021;

13 (2) Any fees collected by the department pursuant to this
14 part; and

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

17 (b) The department may use the moneys in the special fund
18 to carry out the purposes of this part, including hiring
19 employees, specialists, and consultants necessary for the
20 purposes of this part.



1 **§141-K Rules.** (a) The department shall adopt rules
2 pursuant to chapter 91 that are necessary for the purposes of
3 this part, which, at a minimum, shall:

- 4 (1) Establish standards for the collection and testing of
5 cannabis samples;
- 6 (2) Limit the number of acres of land that each producer
7 may use to grow hemp; and
- 8 (3) Establish standards for the transportation of hemp
9 from producers to processors, which may include a
10 closed loop system or any other appropriate system of
11 transportation.

12 (b) The department may adopt and amend interim rules to
13 effectuate the purposes of this part; provided that the interim
14 rules shall remain in effect until July 1, 2023, or until rules
15 are adopted pursuant to subsection (a), whichever occurs sooner.

16 (c) Rules adopted pursuant to this section shall comply
17 with section 141-B(b)."

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

20 1. By adding a new definition to be appropriately inserted
21 and to read:



1 "Hemp" shall have the same meaning as in section 141-A."

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

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

8 "Marijuana" does not include [the]:

9 (1) Hemp; or

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

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

20 "(g) Any of the following cannabinoids, their salts,
21 isomers, and salts of isomers, unless specifically excepted,



1 whenever the existence of these salts, isomers, and salts of
2 isomers is possible within the specific chemical designation:

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



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



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

6 (5) Naphthylmethylindenes; meaning any compound containing
7 a naphthylideneindene structure with substitution at
8 the 3-position of the indene ring by a alkyl,
9 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
10 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl)
11 ethyl group whether or not further substituted in the
12 indene ring to any extent, whether or not substituted
13 in the naphthyl ring to any extent;

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



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- 1 (7) Cyclohexylphenols; meaning any compound containing a
2 2-(3-hydroxycyclohexyl) phenol structure with
3 substitution at the 5-position of the phenolic ring by
4 a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
5 cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or
6 2-(4-morpholinyl) ethyl group whether or not
7 substituted in the cyclohexyl ring to any extent;
- 8 (8) Benzoylindoles; meaning any compound containing a 3-
9 (benzoyl) indole structure with substitution at the
10 nitrogen atom of the indole ring by a alkyl,
11 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
12 1-(N-methyl-2-piperidinyl) methyl, or 2-(4-
13 morpholinyl) ethyl group whether or not further
14 substituted in the indole ring to any extent and
15 whether or not substituted in the phenyl ring to any
16 extent;
- 17 (9) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)
18 pyrrolo[1,2,3-de]-1, 4-benzoxazin-6-yl]-1-
19 naphthalenylmethanone (another trade name is WIN
20 55,212-2);



- 1 (10) (6a,10a)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-
2 methyloctan-2-yl)-6a,7,10,10a-
3 tetrahydrobenzo[c]chdromen-1-ol (Other trade names
4 are: HU-210/HU-211);
- 5 (11) Tetramethylcyclopropanoylindoles; meaning any compound
6 containing a 3-tetramethylcyclopropanoylindole
7 structure with substitution at the nitrogen atom of
8 the indole ring by an alkyl, haloalkyl, cyanoalkyl,
9 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-
10 methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl,
11 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
12 morpholinyl)methyl, or tetrahydropyranylmethyl group,
13 whether or not further substituted in the indole ring
14 to any extent and whether or not substituted in the
15 tetramethylcyclopropyl ring to any extent;
- 16 (12) N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide,
17 its optical, positional, and geometric isomers, salts,
18 and salts of isomers (Other names: APINACA, AKB48);
- 19 (13) Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate, its
20 optical, positional, and geometric isomers, salts, and
21 salts of isomers (Other names: PB-22; QUPIC);



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



- 1 (19) [1-(5-fluoropentyl)-1H-indazol-3-yl] (naphthalen-1-
2 yl)methanone, and geometric isomers, salts, and salts
3 of isomers (Other names: THJ-2201);
- 4 (20) Methyl (1-(4-fluorobenzyl)-1 H-indazole-3-carbonyl)-L-
5 valinate, and geometric isomers, salts, and salts of
6 isomers (Other names: FUB-AMB);
- 7 (21) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-
8 carboxamido)-3-methylbutanoate, and geometric isomers,
9 salts, and salts of isomers (Other names: 5-fluoro-
10 AMB, 5-fluoro-AMP);
- 11 (22) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-
12 indazole-3-carboxamide, and geometric isomers, salts,
13 and salts of isomers (Other names: AKB48 N-(5-
14 fluoropentyl) analog, 5F-AKB48, APINACA 5-fluoropentyl
15 analog, 5F-APINACA);
- 16 (23) N-adamantyl-1-fluoropentylindole-3-Carboxamide, and
17 geometric isomers, salts, and salts of isomers (Other
18 names: STS-135, 5F-APICA; 5-fluoro-APICA);
- 19 (24) Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-
20 carboxylate, and geometric isomers, salts, and salts
21 of isomers (Other names: NM2201);



1 (25) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-
 2 (cyclohexylmethyl)-1H-indazole-3-carboxamide, and
 3 geometric isomers, salts, and salts of isomers (Other
 4 names: MAB-CHMINACA and ADB-CHMINACA);

5 (26) Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-
 6 carboxamido]-3,3-dimethylbutanoate (Other names: 5F-
 7 ADB, 5-flouro-ADB, and 5F-MDMB-PINACA), its optical,
 8 positional, and geometric isomers, salts, and salts of
 9 isomers; and

10 (27) 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)indazole-3-
 11 carboxamide (CUMYL-4CN-BINACA), its optical,
 12 positional, and geometric isomers, salts, and salts of
 13 isomers; also known as SGT-78, 4-CN-CUMYL-BINACA;
 14 CUMYL-CB-PINACA; CUMYL-CYBINACA; 4-cyano CUMYL-
 15 BUTINACA."

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

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

20 ""Hemp" shall have the same meaning as in section 141-A.



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

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

17 "Marijuana" means any part of the plant (genus) cannabis,
18 whether growing or not, including the seeds and the resin, and
19 every alkaloid, salt, derivative, preparation, compound, or
20 mixture of the plant, its seeds or resin[~~, except that, as used~~
21 herein, "marijuana"]. "Marijuana" does not include hemp,



1 hashish, tetrahydrocannabinol, and any alkaloid, salt,
2 derivative, preparation, compound, or mixture, whether natural
3 or synthesized, of tetrahydrocannabinol."

4 SECTION 6. Section 141-41, Hawaii Revised Statutes, is
5 repealed.

6 [~~"§141-41 Industrial hemp special fund, established.~~

7 ~~(a) There is created in the state treasury a special fund to be
8 designated as the industrial hemp special fund to be
9 administered by the department of agriculture. Moneys deposited
10 in this special fund shall be used to fulfill the purposes of
11 this part and shall include:~~

12 ~~(1) Any moneys appropriated by the legislature to the
13 special fund;~~

14 ~~(2) Any fees collected by the department of agriculture in
15 relation to the industrial hemp pilot program; and~~

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

18 ~~(b) The department of agriculture may use the moneys in
19 the special fund to carry out the purposes of this part,
20 including hiring employees, specialists, and consultants~~



1 ~~necessary to complete projects related to the purposes of this~~
2 ~~part."~~]

3 SECTION 7. Act 228, Session Laws of Hawaii 2016, is
4 amended by amending section 8 to read as follows:

5 "SECTION 8. This Act shall take effect on July 1, 2016,
6 and shall be repealed on [~~June 30, 2021.~~] October 31, 2020."

7 SECTION 8. (a) The chairperson of the board of
8 agriculture, in consultation with the governor and the attorney
9 general, shall prepare and submit a proposed state plan to
10 monitor and regulate hemp production in the State pursuant to
11 section 297B of the Agricultural Marketing Act of 1946, as
12 amended, and 7 Code of Federal Regulations part 990, subpart B,
13 to the Secretary of the United States Department of Agriculture
14 within thirty days after the effective date of this Act. The
15 chairperson shall also submit a copy of the proposed state plan
16 to the president of the senate and the speaker of the house of
17 representatives.

18 (b) The chairperson of the board of agriculture shall
19 submit reports on a monthly basis to the governor, the president
20 of the senate, and the speaker of the house of representatives
21 concerning the status of the pending approval of the state plan



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1 by the Secretary of the United States Department of Agriculture
2 until the state plan is approved.

3 (c) If the Secretary of the United States Department of
4 Agriculture approves the state plan, the department shall take
5 steps to implement the state plan.

6 (d) The chairperson of the board of agriculture shall
7 submit a report on the implementation of the state plan to the
8 legislature no later than twenty days prior to the convening of
9 the regular session of 2021. The report shall include any
10 proposed legislation to facilitate the monitoring and regulation
11 of hemp production in the State.

12 SECTION 9. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$ or so much
14 thereof as may be necessary for fiscal year 2020-2021 to be
15 deposited into the hemp regulatory special fund established
16 pursuant to section 141-J, Hawaii Revised Statutes.

17 SECTION 10. There is appropriated out of the hemp
18 regulatory special fund established pursuant to section 141-J,
19 Hawaii Revised Statutes, the sum of \$ or so much thereof
20 as may be necessary for fiscal year 2020-2021 for the monitoring
21 and regulation of hemp production.



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1 The sum appropriated shall be expended by the department of
2 agriculture for the purposes of this Act.

3 SECTION 11. Upon the repeal of the industrial hemp pilot
4 program pursuant to Act 228, Session Laws of Hawaii 2016, all
5 unencumbered funds remaining in the industrial hemp special fund
6 established pursuant to section 141-41, Hawaii Revised Statutes,
7 shall be deposited into the hemp regulatory special fund.

8 SECTION 12. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$410,014 or so much
10 thereof as may be necessary for fiscal year 2020-2021 for hemp
11 research at the college of tropical agriculture and human
12 resources at the University of Hawaii.

13 The sum appropriated shall be expended by the University of
14 Hawaii for the purposes of this Act.

15 SECTION 13. In codifying the new sections added by section
16 2 and referenced in sections 3, 5, 9, and 10 of this Act, the
17 revisor of statutes shall substitute appropriate section numbers
18 for the letters used in designating the new sections in this
19 Act.



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

4 SECTION 15. Statutory material to be repealed is bracketed
 5 and stricken. New statutory material is underscored.

6 SECTION 16. This Act shall take effect upon its approval;
 7 provided that:

8 (1) Section 6 shall take effect on October 31, 2020; and

9 (2) Sections 9, 10, and 12 shall take effect on July 1,
 10 2020.

11

INTRODUCED BY:

[Signature]

Richard Ceryon

[Signature]

[Signature]

[Signature]

Guthrie Thelen

JAN 16 2020



H.B. NO. 1819

Report Title:

Hemp; Agriculture; State Plan; Research; Appropriations

Description:

Requires the State to seek approval from the federal Department of Agriculture of a state plan to monitor and regulate hemp. Establishes a statutory framework to monitor and regulate hemp. Establishes and appropriates funds for the hemp regulatory special fund. Excludes hemp from the State's prohibitions against marijuana. Appropriates funds to the College of Tropical Agriculture and Human Resources at the University of Hawaii for hemp research.

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

