
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.



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 at Manoa has been conducting hemp research
6 to 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 chairperson of the board of agriculture to
12 seek approval from the United States Department of
13 Agriculture of a state plan to monitor and regulate
14 hemp;
- 15 (2) Establish a statutory framework for the state
16 department of agriculture to monitor and regulate
17 hemp;
- 18 (3) Establish and provide temporary legislative funding
19 for a hemp regulatory special fund, which will be
20 funded through inspection fees in the longer term;



- 1 (4) Exclude hemp from the State's prohibitions against
- 2 marijuana;
- 3 (5) Expedite the repeal of the existing industrial hemp
- 4 pilot program; and
- 5 (6) Appropriate funds to the:
 - 6 (A) Department of agriculture for the monitoring and
 - 7 regulation of hemp production; and
 - 8 (B) College of tropical agriculture and human
 - 9 resources at the University of Hawaii at Manoa
 - 10 for hemp research.

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

14 "PART . HEMP PRODUCTION

15 §141-A Definitions. As used in this part:

16 "Applicable federal hemp law" means:

- 17 (1) Section 297B of the Agricultural Marketing Act of
- 18 1946, as amended;
- 19 (2) Title 7 Code of Federal Regulations part 990; and
- 20 (3) Other applicable federal law.



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

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

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

9 "Culpable mental state greater than negligence" means to
10 act intentionally, knowingly, wilfully, or recklessly.

11 "Department" means the department of agriculture.

12 "Entity" means a nonnatural person.

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

19 "Key participant" means:

- 20 (1) A sole proprietor;
21 (2) A partner in a partnership;



1 (3) A chief executive officer or chief operating officer;
2 or

3 (4) Any other person with executive managerial control in
4 an entity.

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

7 "Measurement of uncertainty" means the parameter,
8 associated with the result of a measurement, that characterizes
9 the dispersion of the values that could reasonably be attributed
10 to the particular quantity subject to measurement.

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

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

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

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



1 **§141-B Hemp production; monitoring and regulation; state**
2 **plan.** (a) The department shall monitor and regulate hemp
3 production in the State, pursuant to a state plan approved by
4 the Secretary of the United States Department of Agriculture.

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

8 (1) This part; or

9 (2) Applicable federal hemp law.

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

18 (1) If the applicant is an individual, the state where the
19 applicant resides; or

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



1 §141-D Application approval; expiration; limits on
2 out-of-state control. (a) Subject to the limitation imposed by
3 subsection (d), the department shall approve the issuance of a
4 hemp production license to any applicant that meets all
5 applicable federal and state requirements.

6 (b) Each license shall be valid for three years from the
7 date of issuance, after which time the licensee shall be
8 required to renew the license and pay a renewal fee for each
9 license renewal.

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

19 (d) In issuing new, nonrenewal licenses for the production
20 of hemp, the department shall ensure that at least fifty per



1 cent of new, nonrenewal licenses issued within each fiscal year
2 are issued to:

- 3 (1) Individuals who are legal residents of the State;
- 4 (2) Entities whose key participants are legal residents of
5 the State; or
- 6 (3) Any combination of the foregoing persons.

7 **§141-E Producer requirements; seed acquisition;**
8 **residential structures.** (a) Each producer shall conform to all
9 requirements of this part, the state plan, and applicable
10 federal hemp law.

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

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

15 **§141-F Inspection, sampling, and testing; destruction;**
16 **fees.** (a) The department and producers shall adhere to this
17 section with respect to the inspection, sampling, and testing of
18 cannabis or hemp produced; provided that if applicable federal
19 hemp law provides for different principles or standards, those
20 federal principles or standards shall apply.



1 (b) Each producer shall provide the department with
2 complete and unrestricted access during business hours to all
3 hemp and other cannabis plants, whether growing or harvested,
4 and all land, buildings, and other structures used for the
5 cultivation, handling, and storage of all hemp and other
6 cannabis plants, and all locations listed in the producer
7 license.

8 (c) The department shall collect representative samples of
9 cannabis grown from the lots of producers to the extent and in
10 amounts and frequency required by applicable federal hemp law.
11 The department shall conduct tests of those representative
12 samples as required by applicable federal hemp law.

13 (d) A producer shall not harvest hemp or cannabis crop
14 before the department collects representative samples and tests
15 necessary representative samples from that crop.

16 (e) The department may collect fees from producers for the
17 inspection, representative sample collection, and testing of
18 cannabis and hemp crops.

19 (f) The department shall ensure the destruction of any lot
20 of cannabis crop, to the extent required by applicable federal
21 hemp law, if any representative sample from that lot fails to



1 meet the standards established by applicable federal hemp law.
2 State or county law enforcement shall be present at the location
3 of destruction whenever a cannabis crop is destroyed pursuant to
4 this subsection.

5 (g) The department may authorize third parties to collect
6 cannabis representative samples and conduct testing of those
7 representative samples on the department's behalf for the
8 purposes of this part or rules adopted for the purposes of this
9 part.

10 **§141-G Transportation.** A licensee may transport, to
11 another site for processing and in a department-approved manner,
12 the resin, flowering tops, and leaves of the licensee's crop
13 that passed department-ordered compliance testing.

14 **§141-H Labeling.** In addition to all other labeling
15 requirements, the identity statement used for labeling or
16 advertising any product in a way which reasonably describes hemp
17 as having been grown, produced, being from, or otherwise being a
18 product of Hawaii or any geography thereof shall only be
19 permissible for hemp products which contain one hundred per cent
20 Hawaii-grown hemp.



1 **§141-I Negligent violations.** (a) A producer that
2 violates this part or the state plan in a negligent manner shall
3 follow a corrective action plan to correct the violation as
4 required by applicable federal hemp law.

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

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

12 **§141-J Culpable violations.** (a) If the department
13 determines that a producer has violated this part or the state
14 plan with a culpable mental state greater than negligence, the
15 department shall immediately report the producer to federal and
16 state authorities, as required by applicable federal hemp law.

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

19 **§141-K Department compliance with federal requirements.**
20 The department shall comply with all requirements established in
21 applicable federal hemp law.



1 **§141-L Hemp regulatory special fund; established.** (a)

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

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

10 (2) Any fees collected by the department pursuant to this
11 part; and

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

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

18 **§141-M Rules.** (a) The department shall adopt rules
19 pursuant to chapter 91 that are necessary for the purposes of
20 this part, which, at a minimum, shall:



1 (1) Establish standards for the collection and testing of
2 cannabis representative samples;

3 (2) Limit the number of acres of land that each producer
4 may use to grow hemp; and

5 (3) Establish standards for the transportation of hemp
6 from producers to processors, which may include a
7 closed loop system or any other appropriate system of
8 transportation.

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

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

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

17 1. By adding a new definition to be appropriately inserted
18 and to read:

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

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



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

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

7 (1) Hemp; or

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

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

18 "(g) Any of the following cannabinoids, their salts,
19 isomers, and salts of isomers, unless specifically excepted,
20 whenever the existence of these salts, isomers, and salts of
21 isomers is possible within the specific chemical designation:



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



- 1 nitrogen atom of the indole ring by a alkyl,
2 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
3 1-(N-methyl-2-piperidinyl)methyl or 2-(4-
4 morpholinyl)ethyl group, whether or not further
5 substituted in the indole ring to any extent and
6 whether or not substituted in the naphthyl ring to any
7 extent;
- 8 (3) Naphthylmethyloindoles; meaning any compound containing
9 a 1H-indol-3-yl-(1-naphthyl) methane structure with
10 substitution at the nitrogen atom of the indole ring
11 by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
12 cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or
13 2-(4-morpholinyl) ethyl group whether or not further
14 substituted in the indole ring to any extent and
15 whether or not substituted in the naphthyl ring to any
16 extent;
- 17 (4) Naphthoypyrroles; meaning any compound containing a
18 3-(1-naphthoyl)pyrrole structure with substitution at
19 the nitrogen atom of the pyrrole 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 pyrrole ring to any extent, whether or not substituted
3 in the naphthyl ring to any extent;
- 4 (5) Naphthylmethylenes; meaning any compound containing
5 a naphthylideneindene structure with substitution at
6 the 3-position of the indene ring by a alkyl,
7 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
8 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl)
9 ethyl group whether or not further substituted in the
10 indene ring to any extent, whether or not substituted
11 in the naphthyl ring to any extent;
- 12 (6) Phenylacetylinoles; meaning any compound containing a
13 3-phenylacetylinole structure with substitution at
14 the nitrogen atom of the indole 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 indole ring to any extent, whether or not substituted
19 in the phenyl ring to any extent;
- 20 (7) Cyclohexylphenols; meaning any compound containing a
21 2-(3-hydroxycyclohexyl) phenol structure with



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



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



- 1 isomers, salts, and salts of isomers (Other names: 5-
2 fluoro-PB-22; 5F-PB-22);
- 3 (15) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-
4 fluorobenzyl)-1H-indazole-3-carboxamide, its optical,
5 positional, and geometric isomers, salts, and salts of
6 isomers (Other names: AB-FUBINACA);
- 7 (16) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-
8 indazole-3-carboxamide, its optical, positional, and
9 geometric isomers, salts, and salts of isomers (Other
10 names: ADB-PINACA);
- 11 (17) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-
12 (cyclohexylmethyl)-1H-indazole-3-carboxamide, its
13 optical, positional, and geometric isomers, salts, and
14 salts of isomers (Other names: AB-CHMINACA);
- 15 (18) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-
16 indazole-3-carboxamide, and geometric isomers, salts,
17 and salts of isomers (Other names: AB-PINACA);
- 18 (19) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-
19 yl)methanone, and geometric isomers, salts, and salts
20 of isomers (Other names: THJ-2201);



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



1 geometric isomers, salts, and salts of isomers (Other
2 names: MAB-CHMINACA and ADB-CHMINACA);

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

8 (27) 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)indazole-3-
9 carboxamide (CUMYL-4CN-BINACA), its optical,
10 positional, and geometric isomers, salts, and salts of
11 isomers; also known as SGT-78, 4-CN-CUMYL-BINACA;
12 CUMYL-CB-PINACA; CUMYL-CYBINACA; 4-cyano CUMYL-
13 BUTINACA."

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

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

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

19 "Tetrahydrocannabinol" means tetrahydrocannabinol naturally
20 contained in a plant of the genus Cannabis (cannabis plant), as
21 well as synthetic equivalents of the substances contained in the



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

13 2. By amending the definition of "marijuana" to read:
14 "Marijuana" means any part of the plant (genus) cannabis,
15 whether growing or not, including the seeds and the resin, and
16 every alkaloid, salt, derivative, preparation, compound, or
17 mixture of the plant, its seeds or resin[, ~~except that, as used~~
18 ~~herein, "marijuana"]]. "Marijuana" does not include hemp,
19 hashish, tetrahydrocannabinol, and any alkaloid, salt,
20 derivative, preparation, compound, or mixture, whether natural
21 or synthesized, of tetrahydrocannabinol."~~



1 SECTION 6. Section 141-41, Hawaii Revised Statutes, is
2 repealed.

3 [~~"[§141-41] Industrial hemp special fund, established.~~

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

9 ~~(1) Any moneys appropriated by the legislature to the~~
10 ~~special fund;~~

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

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

15 ~~(b) The department of agriculture may use the moneys in~~
16 ~~the special fund to carry out the purposes of this part,~~
17 ~~including hiring employees, specialists, and consultants~~
18 ~~necessary to complete projects related to the purposes of this~~
19 ~~part."]~~

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



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

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

14 (b) The chairperson of the board of agriculture shall
15 submit reports on a monthly basis to the governor, president of
16 the senate, and speaker of the house of representatives
17 concerning the status of the pending approval of the state plan
18 by the Secretary of the United States Department of Agriculture
19 until the state plan is approved.



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

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

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

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

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



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

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

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

13 SECTION 13. In codifying the new sections added by section
14 2 and referenced in sections 3, 5, 9, and 10 of this Act, the
15 revisor of statutes shall substitute appropriate section numbers
16 for the letters used in designating the new sections in this
17 Act.

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



1 SECTION 15. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 16. This Act shall take effect on July 1, 2150;
4 provided that:

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

6 (2) Sections 9, 10, and 12 shall take effect on July 1,
7 2020.



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 DOA for monitoring and regulating hemp production and CTAHR for hemp research. Takes effective on 7/1/2150. (HD2)

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

