
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 Agriculture
2 Improvement Act of 2018, informally known as the 2018 "Farm
3 Bill", legalized hemp by removing hemp from the definition of
4 "marihuana" contained in the federal Controlled Substances Act.
5 Therefore, hemp is no longer classified as an illegal drug under
6 federal law. Further, in October 2019, the United States
7 Department of Agriculture established new regulations through
8 which states may monitor and regulate hemp production. The
9 federal Food and Drug Administration also continues to regulate
10 its use. The legislature believes that, in light of these
11 federal reforms, state laws regarding hemp should also be
12 reformed to allow the production of help as an agricultural
13 commodity in the State.

14 Accordingly, the purpose of this Act is to:

15 (1) Require the chairperson of the board of agriculture to
16 seek approval from the United States Department of



1 Agriculture for a state plan to monitor and regulate
2 hemp;

3 (2) Establish a statutory framework for the department of
4 agriculture to monitor and regulate hemp;

5 (3) Establish and provide legislative funding for a hemp
6 regulatory special fund, which will be funded through
7 inspection fees in the longer term;

8 (4) Legalize licensed hemp production and hemp products in
9 the State;

10 (5) Expedite the repeal of the existing industrial hemp
11 pilot program and repeals the industrial hemp special
12 fund on October 31, 2020; and

13 (6) Appropriate funds to the department of agriculture for
14 the monitoring and regulation of hemp production.

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

18 "PART . HEMP PRODUCTION

19 §141-A Definitions. As used in this part:

20 "Cannabis" means a genus of flowering plants in the family
21 Cannabaceae, of which Cannabis sativa is a species and Cannabis



1 indica and Cannabis ruderalis are subspecies thereof.

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

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

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

9 "Department" means the department of agriculture.

10 "Entity" means a nonnatural person.

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

17 "Key participant" means:

18 (1) A sole proprietor;

19 (2) A partner in a partnership;

20 (3) A chief executive officer or chief operating officer;

21 or



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

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

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) No person or entity shall produce hemp in the State
20 unless the person or entity has a valid license issued by the
21 department pursuant to this part.



1 **§141-C Applications for producer licenses.** Each person,
2 whether an individual or entity, that intends to produce hemp in
3 the State shall apply to the department for a license on a form
4 prescribed by the department and pay an application fee.

5 **§141-D Application approval; expiration; limits on**
6 **out-of-state control.** (a) Subject to this part and any rules
7 adopted pursuant to this part, the department shall approve the
8 issuance of a hemp production license to any applicant that
9 meets all applicable federal and state requirements.

10 (b) Each license shall be valid for three years from the
11 date of issuance, after which time the licensee shall be
12 required to renew the license and pay a renewal fee for each
13 license renewal.

14 (c) Notwithstanding the repeal of Act 228, Session Laws of
15 Hawaii 2016, any license issued under the industrial hemp pilot
16 program established under Act 228, Session Laws of Hawaii 2016,
17 shall have continued validity under the original terms and
18 conditions of that license until it expires. Upon expiration,
19 the licensee may renew that license, under new terms and
20 conditions that are compliant with this part, by paying a



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

3 (d) In issuing new, nonrenewal licenses for the production
4 of hemp, the department shall ensure that at least fifty per
5 cent of new, nonrenewal licenses issued within each fiscal year
6 are issued to:

7 (1) Individuals who are legal residents of the State; or

8 (2) Entities whose key participants are legal residents of
9 the State.

10 (e) Any person convicted of a felony related to a
11 controlled substance under state or federal law is prohibited
12 from producing hemp, or being a key participant in an entity
13 producing hemp, for a period of ten years following the date of
14 conviction.

15 (f) Each applicant, including an individual applicant and
16 all key participants of an entity applicant, shall be subject to
17 background checks conducted by the department or its designee,
18 including but not limited to criminal history records checks in
19 accordance with section 846-2.7. The person undergoing the
20 background check shall provide written consent and all



1 applicable processing fees to the department or its designee to
2 conduct the criminal history record checks.

3 (g) Pursuant to, and in accordance with, section 846-2.7,
4 the department or its designee is authorized to conduct state
5 and national criminal history record checks on all license
6 applicants, including an individual applicant and all key
7 participants of an entity applicant, and participate in the rap
8 back program, for the purpose of determining suitability or
9 fitness for a license under this part.

10 (h) Any person or entity who materially falsifies any
11 information in their application shall be ineligible to
12 participate in the program.

13 **§141-E Producer requirements; seed acquisition;**
14 **residential structures.** (a) Each producer shall conform to all
15 requirements of this part, the state plan, and applicable
16 federal and state laws, rules, and regulations.

17 (b) Each producer shall acquire or import hemp seed in
18 accordance with applicable federal and state laws, rules, and
19 regulations.

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



1 (d) Harvested hemp material shall not be commingled with
2 other hemp material or any other material without written
3 permission from the department.

4 **§141-F Inspection, sampling, and testing; destruction;**
5 **fees.** (a) The department and producers shall adhere to this
6 section with respect to the inspection, sampling, and testing of
7 hemp or cannabis produced under this part.

8 (b) Each producer shall provide the department, a third
9 party authorized by the department, and any law enforcement
10 agency or officer with complete and unrestricted access during
11 business hours to all hemp and other cannabis plants, whether
12 growing or harvested, and all land, buildings, and other
13 structures used for the cultivation, handling, and storage of
14 all hemp and other cannabis plants, and all locations listed in
15 the producer license.

16 (c) The department shall collect representative samples of
17 cannabis grown from the lots of producers and conduct tests of
18 those representative samples to determine compliance with the
19 delta-9 tetrahydrocannabinol concentration limit for hemp.



1 (d) A producer shall not harvest a hemp or cannabis crop
2 before the department collects representative samples and tests
3 necessary representative samples from that crop.

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

7 (f) A producer may not handle, process or put into the
8 stream of commerce any lot of cannabis that is non-compliant
9 with the delta-9 tetrahydrocannabinol concentration limit for
10 hemp except to the extent necessary to ensure the disposal of
11 that lot pursuant to this part.

12 (g) The department shall ensure the disposal of any lot of
13 cannabis crop if any representative sample from that lot fails
14 to meet the delta-9 tetrahydrocannabinol concentration limit for
15 hemp.

16 (h) The department may authorize third parties to collect
17 cannabis representative samples and conduct testing of those
18 representative samples on the department's behalf for the
19 purposes of this part or rules adopted for the purposes of this
20 part.



1 (i) The producer or an authorized representative of the
2 producer must be present at the grow site during sample
3 collection.

4 **§141-G Transportation.** A licensee may transport to
5 another site, for lawful processing and in a department-approved
6 manner, any part of a hemp crop that passed department-ordered
7 compliance testing.

8 **§141-H Labeling.** In addition to all other labeling
9 requirements, the identity statement used for labeling or
10 advertising any product in a way which reasonably describes hemp
11 as having been grown, produced, being from, or otherwise being a
12 product of Hawaii or any geography thereof shall only be
13 permissible for hemp products which contain one hundred per cent
14 Hawaii-grown hemp.

15 **§141-I Tracking.** (a) The department shall establish,
16 maintain, and control a computer software tracking system that
17 shall have real time, twenty-four-hour access to the data of all
18 producers.

19 (b) The computer software tracking system shall collect
20 data relating to, at a minimum:

21 (1) Plantings, harvests, and disposal;



1 (2) Land areas licensed for hemp growth; and

2 (3) The transport of hemp.

3 (c) The procurement of the computer software tracking
4 system established pursuant to this section shall be exempt from
5 chapter 103D; provided that:

6 (1) The department shall publicly solicit at least three
7 proposals for the computer software tracking system;
8 and

9 (2) The selection of the computer software tracking system
10 shall be approved by the chairperson of the
11 department.

12 (d) The department may establish fees necessary to
13 implement, operate, and maintain the computer software tracking
14 system.

15 **§141-J Negligent violations.** (a) A producer that
16 violates this part or the state plan in a negligent manner shall
17 follow a corrective action plan to correct the violation.

18 (b) A producer who negligently violates this part or the
19 state plan three times in a five-year period will be ineligible
20 to produce hemp for a period of five years from the date of the
21 third violation.



1 **§141-K Culpable violations.** If the department determines
2 that a producer has violated this part or the state plan with a
3 culpable mental state greater than negligence, the department
4 shall immediately report the producer to law enforcement, and
5 may take any action it deems immediately necessary, including
6 summary suspension or revocation of a license.

7 **§141-L License suspension.** (a) The department may issue
8 a notice of suspension to a producer if the department or its
9 representative receives some credible evidence establishing that
10 a producer has:

11 (1) Engaged in conduct violating a provision of this part;
12 or

13 (2) Failed to comply with a written order from the
14 department related to negligence as defined in this
15 part.

16 (b) Any producer whose license has been suspended shall
17 not handle or remove hemp or cannabis from the location where
18 hemp or cannabis was located at the time when the department
19 issued its notice of suspension, without prior written
20 authorization from the department.



1 (c) Any person whose license has been suspended shall not
2 produce hemp or cannabis during the period of suspension.

3 (d) A producer whose license has been suspended and not
4 restored on appeal may have their license restored after a
5 waiting period of one year from the date of the suspension.

6 (e) A producer whose license has been suspended may be
7 required to complete a corrective action plan to fully restore
8 the license.

9 **§141-M Revocation.** The department shall immediately
10 revoke the license of a producer if such producer:

11 (a) Pleads guilty to, or is convicted of, any felony
12 related to a controlled substance;

13 (b) Made any materially false statement with regard to
14 this part to the department or its representatives with a
15 culpable mental state greater than negligence; or

16 (c) Is found to be growing cannabis exceeding the
17 acceptable hemp delta-9 tetrahydrocannabinol concentration limit
18 with a culpable mental state greater than negligence or
19 negligently violated this part three times in five years.

20 **§141-N Affirmative defense.** (a) A producer or an
21 employee of a producer that is licensed under this part may



1 assert the cultivation and possession of hemp as an affirmative
2 defense to any prosecution involving the production or
3 possession of marijuana under section 712-1247, 712-1248,
4 712-1249, 712-1249.4, or 712-1249.5. A defendant may assert the
5 affirmative defense that the defendant or defendant's employer:

6 (1) Possessed and was in compliance with a valid hemp
7 production license issued by the department pursuant
8 to this part;

9 (2) Planted hemp varieties of cannabis within a licensed
10 land area pursuant to this part; and

11 (3) The produced cannabis developed into plants with a
12 delta-9 tetrahydrocannabinol concentration of more
13 than 0.3 percent, but less than 3 per cent, on a dry
14 weight basis.

15 (b) This affirmative defense applies only to the
16 production and possession of marijuana within a licensed land
17 area, but it does not extend to the sale or distribution of
18 marijuana.

19 **§141-0 Hemp regulatory special fund; established.** (a)

20 There is created in the state treasury a special fund to be
21 designated as the hemp regulatory special fund to be



1 administered by the department. Moneys deposited in the special
2 fund shall include:

- 3 (1) Any moneys appropriated by the legislature to the
4 special fund;
- 5 (2) Any fees collected by the department pursuant to this
6 part; and
- 7 (3) The interest or return on investments earned from
8 moneys in the special fund.

9 (b) The department may use the moneys in the special fund
10 to carry out the purposes of this part, including hiring
11 employees, specialists, and consultants necessary for the
12 purposes of this part.

13 **§141-P Rulemaking.** (a) The department shall adopt rules
14 pursuant to chapter 91 that are necessary for the purposes of
15 this part, which shall include, but not be limited to:

- 16 (1) Application and licensing requirements;
- 17 (2) Procedures for inspection by the department or its
18 agents of a producer's records and all areas under a
19 license pursuant to this part;
- 20 (3) Standards related to the sampling and testing of hemp
21 and the entities authorized to do so;



- 1 (4) Rules related to licensed land areas, including
- 2 acreage limits, and modifications of licensed land
- 3 areas;
- 4 (5) Rules related to the transportation of hemp;
- 5 (6) Rules related to harvest;
- 6 (7) Requirements for the reporting of planting, harvest,
- 7 disposal, and other records required by state or
- 8 federal law from each producer licensed pursuant to
- 9 this part;
- 10 (8) Procedures for the voluntary disposal of unwanted or
- 11 unused hemp crops, plants, plant materials, seeds
- 12 whether growing or not, and hemp products derived from
- 13 those plants;
- 14 (9) Procedures for the mandatory disposal of hemp or
- 15 cannabis crops, plants, plant materials, or seeds,
- 16 whether growing or not, found to be in violation of
- 17 this part, and products derived from them;
- 18 (10) A fee structure for the submission of applications,
- 19 initial licenses, and renewal of licenses;
- 20 (11) A fee structure for licensed land area modification
- 21 fees;



1 (12) A fee structure for the inspection of producers and
2 for the sampling, and testing of hemp;

3 (13) A fee structure for criminal history record checks;

4 (14) A fee structure crop disposal; and

5 (15) Any other rules necessary to carry out this part.

6 (b) The department shall adopt interim rules, which shall
7 be exempt from chapters 91 and 201M, to effectuate the purposes
8 of this part; provided that the interim rules shall remain in
9 effect until July 1, 2025, or until rules are adopted pursuant
10 to subsection (a), whichever occurs sooner.

11 (c) The department may amend interim rules, which shall be
12 exempt from chapters 91 and 201M, to effectuate the purposes of
13 this part; provided that the interim rules shall remain in
14 effect until July 1, 2025, or until rules are adopted pursuant
15 to subsection (a), whichever occurs sooner."

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

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

20 "Hemp" means all parts of the plant cannabis satvia L.,
21 whether growing or not, including the seeds thereof and all



1 derivatives, extracts, cannabinoids, isomers, acids, salts, and
2 salts of isomers, with a delta-9-tetrahydrocannabinol
3 concentration of not more than 0.3 per cent on a dry weight
4 basis, as measured post-decarboxylation or other similarly
5 reliable methods."

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

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

12 "Marijuana" does not include [the]:

13 (1) The mature stalks of the plant[~~7~~] (genus) Cannabis,
14 fiber produced from the stalks, oil, or cake made from
15 the seeds of the plant, any other compound,
16 manufacture, salt, derivative, mixture, or preparation
17 of the mature stalks (except the resin extracted
18 therefrom), fiber, oil, or cake, or the sterilized
19 seed of the plant [~~which~~] that is incapable of
20 germination;



1 (2) Hemp that is in the possession, custody, or control of
2 a person or entity that holds a license issued by the
3 department of agriculture permitting that person or
4 entity to produce hemp;

5 (3) Hemp that is in the possession, custody, or control of
6 a person or entity that is authorized under state law
7 to process hemp; or

8 (4) A product containing or derived from hemp, including
9 any product containing one or more hemp-derived
10 cannabinoids such as cannabidiol, that;

11 (A) Does not include any living hemp plants, viable
12 seeds, leaf materials, or floral materials; and

13 (B) Has a delta-9-tetrahydrocannabinol concentration
14 of not more than 0.3 per cent, as measured post-
15 decarboxylation or other similarly reliable
16 methods."

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

19 "(g) Any of the following cannabinoids, their salts,
20 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:



- 1 (A) Hemp that is in the possession, custody, or
- 2 control of a person or entity that holds a
- 3 license issued by the Hawaii department of
- 4 agriculture permitting that person or entity to
- 5 produce hemp;
- 6 (B) Hemp that is in the possession, custody, or
- 7 control of a person or entity that is authorized
- 8 under state law to process hemp; or
- 9 (C) A product containing or derived from hemp,
- 10 including any product containing one or more
- 11 hemp-derived cannabinoids such as cannabidiol,
- 12 that;
- 13 (i) Does not include any living hemp plants,
- 14 viable seeds, leaf materials, or floral
- 15 materials; and
- 16 (ii) Has a delta-9-tetrahydrocannabinol
- 17 concentration of not more than 0.3 per cent,
- 18 as measured post-decarboxylation or other
- 19 similarly reliable methods."
- 20 (2) Naphthoylindoles; meaning any compound containing a
- 21 3-(1-naphthoyl)indole structure with substitution at



1 the 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 [7] and whether or not
3 substituted 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 [7] and whether or not
11 substituted in the naphthyl ring to any extent;
- 12 (6) Phenylacetylindoles; meaning any compound containing a
13 3-phenylacetylindole 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 [7] and whether or not
19 substituted 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
7 3-(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 a new definition to be appropriately inserted
17 and to read:

18 "Hemp" means all parts of the plant (genus) cannabis,
19 whether growing or not, including the seeds thereof and all
20 derivatives, extracts, cannabinoids, isomers, acids, salts, and
21 salts of isomers, with a delta-9-tetrahydrocannabinol



1 concentration of not more than 0.3 per cent on a dry weight
2 basis, as measured post-decarboxylation or other similarly
3 reliable methods."

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

5 "Marijuana" means any part of the plant (genus) cannabis,
6 whether growing or not, including the seeds and the resin, and
7 every alkaloid, salt, derivative, preparation, compound, or
8 mixture of the plant, its seeds or resin, except that, as used
9 herein, "marijuana" does not include:

10 (1) [~~hashish,~~] Hashish, tetrahydrocannabinol, and any
11 alkaloid, salt, derivative, preparation, compound, or
12 mixture, whether natural or synthesized, of
13 tetrahydrocannabinol[-];

14 (2) Hemp that is in the possession, custody, or control of
15 a person or entity that holds a license issued by the
16 Hawaii department of agriculture permitting that
17 person or entity to produce hemp;

18 (3) Hemp that is in the possession, custody, or control of
19 a person or entity that is authorized under state law
20 to process hemp; or



1 (4) A product containing or derived from hemp, including
2 any product containing one or more hemp-derived
3 cannabinoids such as cannabidiol, that;

4 (A) Does not include any living hemp plants, viable
5 seeds, leaf materials, or floral materials; and

6 (B) Has a delta-9-tetrahydrocannabinol concentration
7 of not more than 0.3 per cent, as measured post-
8 decarboxylation or other similarly reliable
9 methods."

10 3. By amending the definition of "marijuana concentrate"
11 to read:

12 "\"Marijuana concentrate\" means hashish,
13 tetrahydrocannabinol, or any alkaloid, salt, derivative,
14 preparation, compound, or mixture, whether natural or
15 synthesized, of tetrahydrocannabinol[-], except that, as used
16 herein, \"marijuana concentrate\" does not include:

17 (1) Hemp that is in the possession, custody, or control of
18 a person or entity that is authorized under state law
19 to process hemp; or



- 1 (2) A product containing or derived from hemp, including
2 any product containing one or more hemp-derived
3 cannabinoids such as cannabidiol, that;
4 (A) Does not include any living hemp plants, viable
5 seeds, leaf materials, or floral materials; and
6 (B) Has a delta-9-tetrahydrocannabinol concentration
7 of not more than 0.3 per cent, as measured post-
8 decarboxylation or other similarly reliable
9 methods."

10 SECTION 6. Section 141-41, Hawaii Revised Statutes, is
11 repealed.

12 ~~["§141-41] Industrial hemp special fund, established.~~

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

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

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



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

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

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

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

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



1 state plan to the president of the senate and speaker of the
2 house of representatives.

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

9 (c) If the Secretary of the United States Department of
10 Agriculture approves the state plan, the department shall take
11 steps to implement the state plan.

12 (d) The chairperson of the board of agriculture shall
13 submit a report on the implementation of the state plan to the
14 legislature no later than twenty days prior to the convening of
15 the regular session of 2021. The report shall include any
16 proposed legislation to facilitate the monitoring and regulation
17 of hemp production in the State.

18 SECTION 9. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$522,000 or so much
20 thereof as may be necessary for fiscal year 2020-2021, and the



1 same sum or so much as may be necessary for the following fiscal
2 year to be allocated as follows:

- 3 (1) \$92,000 for the establishment of one full-time
4 equivalent (1.0 FTE) program manager position;
- 5 (2) \$147,000 for the establishment of three full-time
6 equivalent (3.0 FTE) general professional positions;
- 7 (3) \$33,000 for the establishment of one full-time
8 equivalent (1.0 FTE) office assistant position;
- 9 (4) \$100,000 for the procurement and establishment of a
10 data tracking system for the hemp production program;
11 and
- 12 (5) \$150,000 for the administrative costs of the program.

13 Unless otherwise specified, the sum appropriated shall be
14 expended by the department of agriculture for the purposes of
15 this Act.

16 SECTION 10. Upon the repeal of the industrial hemp pilot
17 program pursuant to Act 228, Session Laws of Hawaii 2016, all
18 unencumbered funds remaining in the industrial hemp special fund
19 established pursuant to section 141-41, Hawaii Revised Statutes,
20 shall be deposited into the hemp regulatory special fund.



1 SECTION 11. In codifying the new sections added by section
2 2 of this Act, the revisor of statutes shall substitute
3 appropriate section numbers for the letters used in designating
4 the new sections in this Act.

5 SECTION 12. This Act does not affect rights and duties
6 that matured, penalties that were incurred, and proceedings that
7 were begun before its effective date.

8 SECTION 13. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 14. This Act shall take effect on July 1, 2020;
11 provided that section 6 shall take effect on October 31, 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. Legalizes the production of hemp and hemp products with a license. Appropriates funds to DOA for monitoring and regulating hemp production. Takes effect on 7/1/2020. (Proposed SD1)

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

