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# A BILL FOR AN ACT

RELATING TO INDUSTRIAL HEMP.

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

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



1 may engage in the production of hemp, including at the  
2 commercial level.

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

14       The purpose of this Act is to facilitate the regulation and  
15 production of industrial hemp in the State by:

- 16       (1) Requiring the department of agriculture to establish a  
17             permanent industrial hemp program to license  
18             individuals to cultivate industrial hemp in the State;
- 19       (2) Authorizing licensees to utilize hemp genetics that  
20             meet federal definitions of hemp and other  
21             requirements;



- 1           (3) Authorizing the department of agriculture to use
- 2                   temporary inspectors to perform industrial hemp
- 3                   inspections;
- 4           (4) Exempting the transportation of certain hemp plant
- 5                   materials from penalties relating to the possession of
- 6                   those materials outside of a field of lawful
- 7                   cultivation;
- 8           (5) Requiring the department of health to adopt rules for
- 9                   the licensing, inspection, and regulation of
- 10                  industrial hemp processing facilities;
- 11           (6) Establishing an industrial hemp special fund for the
- 12                  purposes of the permanent industrial hemp program,
- 13                  appropriating moneys into that fund, and appropriating
- 14                  moneys from that fund for the:
- 15                  (A) Establishment of positions relating to the
- 16                          regulation of industrial hemp; and
- 17                  (B) Licensing, inspection, and regulation of
- 18                          industrial hemp processing facilities by the
- 19                          department of health;



- 1           (7)   Establishing an affirmative defense to certain
- 2                   criminal drug promotion offenses;
- 3           (8)   Reducing or repealing certain regulatory requirements
- 4                   under the existing industrial hemp pilot program;
- 5           (9)   Amending definitions of "marijuana" in state law to
- 6                   clarify that hemp grown by a licensee is not marijuana
- 7                   and amending references to tetrahydrocannabinols in
- 8                   the state law to exclude tetrahydrocannabinols in
- 9                   hemp; and
- 10          (10)   Requiring the chairperson of the board of agriculture
- 11                   to:
- 12                   (A)   Prepare and submit a proposed state plan to
- 13                           monitor and regulate hemp production, including
- 14                           commercial production and research, to the
- 15                           federal Secretary of Agriculture pursuant to
- 16                           section 297B of the Agricultural Marketing Act of
- 17                           1946, as amended; and
- 18                   (B)   Report to the governor, speaker of the house of
- 19                           representatives, and president of the senate on
- 20                           the status of the federal Secretary of
- 21                           Agriculture's pending approval of the state plan



1 and, if approved, the subsequent implementation  
2 of the plan.

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

6 "PART . INDUSTRIAL HEMP PROGRAM

7 §141-A Definitions. As used in this part:

8 "Chairperson" means the chairperson of the board of  
9 agriculture or the chairperson's designee.

10 "Cultivar" means a variety of industrial hemp.

11 "Department" means the department of agriculture.

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

18 "Variety" means a group of individual plants that exhibit  
19 the same observable physical characteristics or have the same  
20 genetic composition.



1           **§141-B Industrial hemp program; established.** The  
2 department shall establish an industrial hemp program to  
3 authorize licensed persons to cultivate industrial hemp in the  
4 State.

5           **§141-C Licensing.** (a) A person who intends to grow  
6 industrial hemp in the State shall apply to the department for a  
7 license on a form prescribed by the department and pay an  
8 application fee.

9           (b) Each applicant for a license shall be either an  
10 individual applicant or an applying entity. If the applicant  
11 is:

12           (1) An individual, the application shall include  
13 supporting documentation to establish that the  
14 individual:

15           (A) Is not less than twenty-one years of age;

16           (B) Has no drug felony convictions in the ten years  
17 immediately preceding the date of submission of  
18 the application; provided that this subparagraph  
19 shall not apply to any person growing hemp  
20 lawfully with a license, registration, or  
21 authorization under a pilot program authorized by



1 section 7606 of the Agricultural Act of 2014  
2 before December 20, 2018; and  
3 (C) Has been a legal resident of the State for at  
4 least two years preceding the date of  
5 application; or  
6 (2) An entity, the application shall be submitted to the  
7 department and shall include supporting documentation  
8 to establish that the entity:  
9 (A) Has been organized under the laws of the State of  
10 Hawaii;  
11 (B) Has a Hawaii tax identification number;  
12 (C) Has a department of commerce and consumer affairs  
13 business registration division number and suffix;  
14 (D) Has a federal employer identification number;  
15 (E) Is composed of principals or members, each of  
16 whom have had no drug felony convictions in the  
17 ten years immediately preceding the date of  
18 submission of the application; provided that this  
19 subparagraph shall not apply to any person  
20 growing hemp lawfully with a license,  
21 registration, or authorization under a pilot



1 program authorized by section 7606 of the  
2 Agricultural Act of 2014 before December 20,  
3 2018; and

4 (F) Is at least fifty-one per cent held by Hawaii  
5 legal residents or entities wholly controlled by  
6 Hawaii legal residents who have been Hawaii legal  
7 residents for at least two years immediately  
8 preceding the date the application was submitted.

9 (c) Licensees shall comply with all county zoning  
10 ordinances, rules, or regulations.

11 (d) If the chairperson determines that the requirements  
12 for a license pursuant to this part, and any other requirements  
13 established by rule, are satisfied, the chairperson shall issue  
14 a license to the applicant upon payment of the fee established  
15 in this section.

16 (e) Each license shall be valid for two years from the  
17 date of issuance, after which the licensee shall be required to  
18 renew the license and pay a renewal fee.

19 (f) Any license issued under the industrial hemp pilot  
20 program shall have continued validity under the original terms  
21 and conditions of that license until it expires. Upon





1 expiration, the licensee may renew that license under new terms  
2 and conditions that are compliant with this part, by paying a  
3 renewal fee and applying for license renewal pursuant to a  
4 process established by the chairperson.

5 (g) Licenses may be transferred upon approval by the board  
6 of agriculture.

7 **§141-D Approved cultivars; hemp genetics.** (a) Only  
8 industrial hemp on the list of cultivars approved by the  
9 chairperson or board of agriculture shall be grown.

10 Notwithstanding chapter 91, the chairperson or the board of  
11 agriculture may add or remove any cultivar from the list.

12 (b) The list of approved cultivars shall include the  
13 following:

14 (1) Industrial hemp cultivars that have been certified by  
15 the Organisation for Economic Co-operation and  
16 Development;

17 (2) Hawaii varieties of industrial hemp cultivars that  
18 have been certified by the board of agriculture; and

19 (3) Hemp genetics that are shown to:

20 (A) Meet federal definitions of hemp;



- 1 (B) Originate from any state with a federally  
2 approved industrial hemp program; and
- 3 (C) Utilize testing and sampling protocols similar to  
4 those used in Hawaii's program or utilize a  
5 nationally standardized sampling and testing  
6 protocol.

7 **§141-E Inspections; fees.** (a) A licensee shall permit  
8 the annual inspection and sampling of the licensee's hemp  
9 plants, plant material, seeds, growing area, equipment, and  
10 facilities incident to the cultivation of hemp.

11 (b) Any authorized member of the department, or any agent  
12 or third party authorized by the department, with prior notice  
13 to the applicable licensee, may enter between sunrise and sunset  
14 upon any property utilized for the cultivation of industrial  
15 hemp pursuant to this part in order to conduct the annual  
16 inspection and sampling pursuant to subsection (a).

17 (c) The department may set reasonable inspection and  
18 sampling fees.

19 (d) The department may employ temporary inspectors to  
20 assist in certification, audit, and inspection services under  
21 this part.



1           **§141-F Transportation.** A licensee may transport, to  
2 another site for processing and in a department-approved manner,  
3 the resin, flowering tops, and leaves of the licensee's crop  
4 that passed department-ordered compliance testing.

5           **§141-G Processing; inspections; rules.** The department of  
6 health shall adopt rules pursuant to chapter 91 for the  
7 licensing, inspection, and regulation of industrial hemp  
8 processing facilities, as well as any other rules and procedures  
9 necessary to carry out this section.

10           **§141-H Violations.** (a) In addition to any other  
11 violations of this part, the following acts and omissions by any  
12 licensee or authorized representative thereof constitute  
13 violations:

- 14           (1) Refusal or failure by a licensee or authorized  
15 representative to fully cooperate and assist the  
16 department with the inspection or sampling process;
- 17           (2) Failure to provide any information reasonably required  
18 or requested by the department for purposes pursuant  
19 to this part;
- 20           (3) Providing materially false information pertaining to  
21 the licensee's cultivation of industrial hemp to the



1 department by any means, including information  
2 provided in any application form, report, record, or  
3 inspection required or maintained pursuant to this  
4 part;

5 (4) Failure to pay reasonable fees assessed by the  
6 department for inspection or laboratory analysis  
7 costs; or

8 (5) A material violation of any other state or federal law  
9 or regulation regarding industrial hemp.

10 (b) For any violation of this part, the department may  
11 impose civil penalties up to \$500 for the first violation, up to  
12 \$1,000 for the second violation, and up to \$2,500 and  
13 disciplinary sanctions, including denial or revocation of a  
14 license, for each subsequent violation; provided that:

15 (1) If the department determines that a licensee has  
16 negligently violated this part, the licensee shall  
17 comply with a corrective action plan established by  
18 the department to correct the violation, which may  
19 include disposal of any industrial hemp crop, plant,  
20 plant material, or seed, whether growing or not, and  
21 products derived from those plants;



1           (2) An individual licensee that negligently violates this  
2           part three times in a five-year period shall be  
3           ineligible for the industrial hemp program, as either  
4           an individual or as a principal or member of an  
5           entity, for a period of five years beginning on the  
6           date of the third violation;

7           (3) Each principal or member of an entity licensee that  
8           negligently violates this part three times in a five-  
9           year period shall be ineligible for the industrial  
10          hemp program, as either an individual or as a  
11          principal or member of an entity, for a period of five  
12          years beginning on the date of the third violation;  
13          and

14          (4) Any applicant that materially falsifies any  
15          information contained in an application shall be  
16          ineligible to participate in the industrial hemp  
17          program.

18          §141-I Rules. (a) The department shall adopt rules  
19          pursuant to chapter 91 for the purposes of this part, which, at  
20          a minimum, shall meet all United States Department of



1 Agriculture requirements for testing and inspection of  
2 industrial hemp and shall include:

- 3 (1) Annual inspection of a random sample of producers of  
4 industrial hemp during growth or after harvest to  
5 determine tetrahydrocannabinol levels; provided that  
6 an analytical testing of tetrahydrocannabinol levels  
7 greater than 0.3 per cent shall not result in  
8 revocation of a license so long as the crop from which  
9 the sample is taken is disposed of in a manner  
10 provided by rule;
- 11 (2) Licensure requirements;
- 12 (3) Reporting requirements; provided that pre-planting  
13 reporting shall not be required;
- 14 (4) A process to create standards for selecting licensees;
- 15 (5) Assessment and collection of fees for applications,  
16 licenses, license renewals, inspections, and the  
17 sampling and testing of industrial hemp;
- 18 (6) A procedure for the disposal of industrial hemp crop,  
19 plant, plant material, or seed, whether growing or  
20 not, found to be in violation of this part, and  
21 products derived from those plants;



- 1 (7) Civil penalties for any violation of this part; and  
2 (8) Any other rules and procedures necessary to carry out  
3 this part.

4 (b) The department may adopt and amend interim rules to  
5 effectuate the purposes of this part; provided that the interim  
6 rules shall remain in effect until July 1, 2026, or until rules  
7 are adopted pursuant to subsection (a), whichever occurs sooner.

8 **§141-J Authority to modify operations.** Notwithstanding  
9 any other provision of this part to the contrary, the board of  
10 agriculture may authorize the chairperson to modify the  
11 industrial hemp program in order to effectuate any other federal  
12 or state industrial hemp law or regulations; provided that any  
13 license that has been issued as of that time shall remain in  
14 effect until its expiration.

15 **§141-K Industrial hemp special fund; established.** (a)  
16 There is created in the state treasury a special fund to be  
17 designated as the industrial hemp special fund to be  
18 administered by the department of agriculture. Moneys deposited  
19 in the special fund shall be used to fulfill the purposes of  
20 this part and shall include:



- 1 (1) Any moneys appropriated by the legislature to the  
2 special fund;
- 3 (2) Any fees collected by the department in relation to  
4 the industrial hemp pilot program or industrial hemp  
5 program, except for fees collected for the services  
6 provided by temporary inspectors, as specified in  
7 section 141-37; and
- 8 (3) The interest or return on investments earned from  
9 moneys in the special fund.

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

14 **§141-L Retention of powers.** Notwithstanding any other  
15 provision of this part to the contrary, the State or its agents  
16 shall have the authority to monitor and regulate hemp  
17 production, including commercial production and research,  
18 pursuant to section 297B of the Agricultural Marketing Act of  
19 1946, as amended. Such authority may include the growth or  
20 cultivation of hemp on state land, including land owned or held





1 by the agribusiness development corporation, by the State or its  
2 agents."

3 SECTION 3. Chapter 141, Hawaii Revised Statutes, is  
4 amended by adding a new section to part II to be appropriately  
5 designated and to read as follows:

6 "§141- Transportation. An industrial hemp licensee may  
7 transport, to another site for processing and in a department-  
8 approved manner, the resin, flowering tops, and leaves of the  
9 licensee's crop that passed department-ordered compliance  
10 testing."

11 SECTION 4. Chapter 712, Hawaii Revised Statutes, is  
12 amended by adding a new section to part IV to be appropriately  
13 designated and to read as follows:

14 "§712- Cultivation of industrial hemp as an affirmative  
15 defense. (1) In any prosecution for an offense described in  
16 sections 712-1247, 712-1248, 712-1249, 712-1249.4, or  
17 712-1249.5, a defendant may assert the affirmative defense that:

18 (a) The defendant:

19 (i) Possessed a valid hemp cultivation license issued  
20 by the department of agriculture; or



1            (ii) Planted hemp varieties that are on a list of  
 2                            approved cultivars,  
 3                            pursuant to chapter 141; and

4            (b) The cultivated hemp developed into plants with a  
 5                            delta-9 tetrahydrocannabinol concentration of more  
 6                            than 0.3 per cent on a dry weight basis.

7            (2) This affirmative defense applies to the cultivation  
 8            and possession of marijuana within a licensed land area, but it  
 9            does not extend to the distribution of any marijuana."

10            SECTION 5. Section 141-1, Hawaii Revised Statutes, is  
 11 amended to read as follows:

12            "**§141-1 Duties in general.** The department of agriculture  
 13 shall:

14            (1) Gather, compile, and tabulate, from time to time,  
 15 information and statistics concerning:

16            (A) Entomology and plant pathology: Insects, scales,  
 17 blights, and diseases injurious or liable to  
 18 become injurious to trees, plants, or other  
 19 vegetation, and the ways and means of  
 20 exterminating pests and diseases already in the



- 1 State and preventing the introduction of pests  
2 and diseases not yet here; and
- 3 (B) General agriculture: Fruits, fibres, and useful  
4 or ornamental plants and their introduction,  
5 development, care, and manufacture or  
6 exportation, with a view to introducing,  
7 establishing, and fostering new and valuable  
8 plants and industries;
- 9 (2) Encourage and cooperate with the agricultural  
10 extension service and agricultural experiment station  
11 of the University of Hawaii and all private persons  
12 and organizations doing work of an experimental or  
13 educational character coming within the scope of the  
14 subject matter of chapters 141, 142, and 144 to 150A,  
15 and avoid, as far as practicable, duplicating the work  
16 of those persons and organizations;
- 17 (3) Enter into contracts, cooperative agreements, or other  
18 transactions with any person, agency, or organization,  
19 public or private, as may be necessary in the conduct  
20 of the department's business and on such terms as the  
21 department may deem appropriate; provided that the



1 department shall not obligate any funds of the State,  
2 except the funds that have been appropriated to the  
3 department. Pursuant to cooperative agreement with  
4 any authorized federal agency, employees of the  
5 cooperative agency may be designated to carry out, on  
6 behalf of the State the same as department personnel,  
7 specific duties and responsibilities under chapters  
8 141, 142, 150A, and rules adopted pursuant to those  
9 chapters, for the effective prosecution of pest  
10 control and animal disease control and the regulation  
11 of import into the State and intrastate movement of  
12 regulated articles;

13 (4) Secure copies of the laws of other states,  
14 territories, and countries, and other publications  
15 germane to the subject matters of chapters 141, 142,  
16 and 144 to 150A, and make laws and publications  
17 available for public information and consultation;

18 (5) Provide buildings, grounds, apparatus, and  
19 appurtenances necessary for the examination,  
20 quarantine, inspection, and fumigation provided for by  
21 chapters 141, 142, and 144 to 150A; for the obtaining,



1 propagation, study, and distribution of beneficial  
2 insects, growths, and antidotes for the eradication of  
3 insects, blights, scales, or diseases injurious to  
4 vegetation of value and for the destruction of  
5 injurious vegetation; and for carrying out any other  
6 purposes of chapters 141, 142, and 144 to 150A;

7 (6) Formulate and recommend to the governor and  
8 legislature additional legislation necessary or  
9 desirable for carrying out the purposes of chapters  
10 141, 142, and 144 to 150A;

11 (7) Publish at the end of each year a report of the  
12 expenditures and proceedings of the department and of  
13 the results achieved by the department, together with  
14 other matters germane to chapters 141, 142, and 144 to  
15 150A and that the department may deem proper;

16 (8) Administer a program of agricultural planning and  
17 development, including the formulation and  
18 implementation of general and special plans, including  
19 but not limited to the functional plan for  
20 agriculture; administer the planning, development, and  
21 management of the agricultural park program; plan,



1           construct, operate, and maintain the state irrigation  
2           water systems; review, interpret, and make  
3           recommendations with respect to public policies and  
4           actions relating to agricultural land and water use;  
5           assist in research, evaluation, development,  
6           enhancement, and expansion of local agricultural  
7           industries; and serve as liaison with other public  
8           agencies and private organizations for the above  
9           purposes. In the foregoing, the department shall act  
10          to conserve and protect agricultural lands and  
11          irrigation water systems, promote diversified  
12          agriculture, increase agricultural self-sufficiency,  
13          and ensure the availability of agriculturally suitable  
14          lands; [~~and~~]

- 15          (9) Manage, administer, and exercise control over any  
16          public lands, as defined under section 171-2, that are  
17          designated important agricultural lands pursuant to  
18          section 205-44.5, including but not limited to  
19          establishing priorities for the leasing of these  
20          public lands within the department's jurisdiction[~~-~~];  
21          and



1        (10) Have the authority to monitor and regulate hemp  
2                    production, including commercial production and  
3                    research, pursuant to section 297B of the Agricultural  
4                    Marketing Act of 1946, as amended, and part ."

5            SECTION 6. Section 141-33, Hawaii Revised Statutes, is  
6 amended as follows:

7            1. By amending subsection (a) to read:

8            "(a) Each applicant for an industrial hemp license shall  
9 submit a signed, complete, accurate, and legible application  
10 form provided by the board and shall include the following:

11            (1) The applicant's name, mailing address, and phone  
12                    number in Hawaii and, if applicable, electronic mail  
13                    address;

14            (2) If the applicant is an individual or partnership, the  
15                    date of birth of the individual or partners;

16            (3) If the applicant is any business entity other than an  
17                    individual, partnership, or institution of higher  
18                    education, documentation that the entity is authorized  
19                    to do business in Hawaii;

20            (4) The cultivated variety that will be sown;

21            (5) The source and amount of certified seed to be used;



- 1           (6) The number of acres to be cultivated for seed, viable  
2           grain, industrial products, or any combination  
3           thereof;
- 4           (7) [~~The global positioning system coordinates in decimal~~  
5           ~~degrees from the central most point of the growing~~  
6           ~~area to be cultivated and a]~~ A map showing the  
7           location of the growing area in terms of its address  
8           or legal description;
- 9           (8) A statement that the applicant is the owner, lessee,  
10          or occupier of the growing area to be used for the  
11          cultivation or a statement, signed by the owner of the  
12          growing area, indicating that the owner has consented  
13          to that use;
- 14          (9) The address of the place in Hawaii where the applicant  
15          will keep the records, books, electronic data, or  
16          other documents that are required by this part;
- 17          (10) The name and address of each place where the  
18          industrial hemp is to be stored, sold, or provided,  
19          indicating for each place the form of the industrial  
20          hemp; [~~and~~]





- 1 (11) The applicant's acknowledgment and agreement to the  
2 following terms and conditions:
- 3 (A) Any information obtained by the board may be  
4 publicly disclosed and provided to law  
5 enforcement agencies [~~without further~~] with  
6 notice to the applicant or licensee;
- 7 (B) The applicant agrees to allow any annual  
8 inspection and sampling that the board deems  
9 necessary;
- 10 (C) The applicant agrees to pay for any sampling and  
11 analysis costs that the board deems necessary;
- 12 (D) The applicant agrees to submit all required  
13 reports by the applicable due dates specified by  
14 the board; and
- 15 (E) The applicant and any partner, directors, or  
16 members have not been convicted of any felony  
17 related to the possession, production, sale, or  
18 distribution of a controlled substance in any  
19 form in this or any other country[-] in the ten  
20 years immediately preceding the date of  
21 submission of the application; provided that this



1           subparagraph shall not apply to any person  
 2           growing hemp lawfully with a license,  
 3           registration, or authorization under a pilot  
 4           program authorized by section 7606 of the  
 5           Agricultural Act of 2014 before December 20,  
 6           2018; and

7           (12) A statement that the applicant:

8           (A) If an individual or partnership, has been a legal  
 9           resident of Hawaii for at least two years  
 10           preceding the date of application; or

11           (B) If a business entity other than an individual,  
 12           partnership, or institution of higher education,  
 13           is at least fifty-one per cent held by Hawaii  
 14           legal residents or entities wholly controlled by  
 15           Hawaii legal residents who have been Hawaii legal  
 16           residents for at least two years immediately  
 17           preceding the date the application was  
 18           submitted."

19           2. By amending subsection (c) to read:

20           "(c) Any materially incomplete application for a license  
 21           ~~[shall]~~ may be denied."



1           3. By amending subsections (f) to (h) to read:

2           "(f) All licenses shall be valid for two years from the  
3 date of issuance [~~after which the licensee shall renew the~~  
4 ~~license and pay the renewal fee, to be established by rules of~~  
5 ~~the board~~].

6           (g) Any licensee who wishes to alter the growing areas on  
7 which the licensee will conduct industrial hemp cultivation  
8 shall, before altering the area, submit to the board an updated  
9 address [~~global positioning system location~~] and map  
10 specifying the proposed alteration. If the chairperson receives  
11 and approves the updated information, the chairperson shall  
12 notify the licensee in writing that the licensee may cultivate  
13 industrial hemp on the altered land area.

14           (h) A licensee that wishes to change the seed cultivar  
15 grown shall submit to the board or the chairperson the name of  
16 the new, approved seed cultivar to be grown. If the board or  
17 the chairperson receives and approves the change to the seed  
18 cultivar, the board or the chairperson shall notify the licensee  
19 that the licensee may cultivate the new, approved seed  
20 cultivar."



1 SECTION 7. Section 141-35, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 " ~~[f]~~ §141-35 ~~[f]~~ Approved ~~[seed]~~ cultivars ~~[r]~~; hemp  
4 genetics. (a) ~~[Industrial]~~ Only industrial hemp ~~[shall be~~  
5 ~~grown only if it is]~~ on the list of ~~[approved seed]~~ cultivars ~~[r]~~  
6 approved by the board or the chairperson shall be grown. The  
7 board or the chairperson may ~~[from time to time]~~ add or remove  
8 any ~~[seed]~~ cultivar from the list if the cultivar is found to be  
9 noncompliant with this part.

10 (b) The list of approved ~~[seed]~~ cultivars shall include  
11 the following:

- 12 (1) Industrial hemp ~~[seed]~~ cultivars that have been  
13 certified by the Organisation for Economic Co-  
14 operation and Development; and  
15 (2) Hawaii varieties of industrial hemp ~~[seed]~~ cultivars  
16 that have been certified by the board ~~[r]~~; and  
17 (3) Hemp genetics that are shown to:  
18 (A) Meet federal definitions of hemp;  
19 (B) Originate from any state with a federally  
20 approved industrial hemp program; and



1           (C) Utilize testing and sampling protocols similar to  
2           those used in Hawaii's program or utilize a  
3           nationally standardized sampling and testing  
4           protocol."

5           SECTION 8. Section 141-37, Hawaii Revised Statutes, is  
6 amended by amending subsections (b) to (d) to read as follows:

7           "(b) During the annual inspection, the licensee or the  
8 licensee's authorized representative shall be present at the  
9 growing area. The licensee or authorized representative shall  
10 provide the [~~board's~~] inspector with complete and unrestricted  
11 access to all industrial hemp plants and seeds whether growing  
12 or harvested; all land, buildings, and other structures used for  
13 the cultivation and storage of industrial hemp; and all  
14 documents and records pertaining to the licensee's industrial  
15 hemp business.

16           (c) [~~Sampling~~] Annual sampling of industrial hemp plants  
17 shall occur according to sampling protocols for industrial hemp  
18 set or adopted by the department of agriculture or in the  
19 following manner:



- 1 (1) Samples of each variety of industrial hemp may be  
2 sampled from the growing areas at the board's  
3 discretion;
- 4 (2) Quantitative laboratory determination of the delta-9  
5 tetrahydrocannabinol concentration on a dry weight  
6 basis shall be performed according to protocols  
7 approved by the chairperson;
- 8 (3) A sample test result greater than 0.3 per cent of  
9 delta-9 tetrahydrocannabinol concentration or a  
10 tetrahydrocannabinol concentration allowed by federal  
11 law, whichever is greater, shall be considered  
12 conclusive evidence that at least one cannabis plant  
13 or part of a plant in the growing area contains a  
14 delta-9 tetrahydrocannabinol concentration over the  
15 limit allowed for industrial hemp and that the  
16 licensee of that growing area [~~is therefore~~] may not  
17 be in compliance with this part. Upon receipt of such  
18 a test result, the [~~chairperson~~] board may [~~summarily~~  
19 ~~suspend and revoke the license of an industrial hemp~~  
20 ~~licensee.~~] require appropriate remedial action. The  
21 chairperson shall furnish to the licensee a portion of



1 the violative sample if the licensee requests it  
2 within thirty days of notification; and

3 (4) Test results from an institution of higher education  
4 may, at the chairperson's discretion, be accepted in  
5 lieu of board sampling.

6 (d) Licensees shall pay a charge of [~~\$35~~] \$40 per hour per  
7 inspector, or fees established pursuant to section 147-102 when  
8 the services are performed by temporary inspectors, for actual  
9 drive time, mileage, inspection, and sampling time~~[-]~~, and  
10 charges for traveling expenses and extraordinary services when  
11 the performance of the services involves unusual costs."

12 SECTION 9. Section 141-38, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "[~~+~~]§141-38[~~+~~] **Violations.** In addition to any other  
15 violations of this part, the following acts and omissions by any  
16 licensee or authorized representative thereof constitute  
17 violations for which civil penalties up to \$500 [~~and~~  
18 ~~disciplinary sanctions, including revocation of a license,~~] may  
19 be imposed by the [~~chairperson-~~] board:



- 1 (1) Refusal or failure by a licensee or authorized  
2 representative to [~~fully~~] reasonably cooperate and  
3 assist the board with the inspection process;
- 4 (2) Failure to provide any relevant information reasonably  
5 required or requested by the board for purposes  
6 pursuant to this part;
- 7 (3) Providing materially false, misleading, or incorrect  
8 information pertaining to the licensee's cultivation  
9 of industrial hemp to the chairperson or the  
10 chairperson's designee by any means, including but not  
11 limited to information provided in any application  
12 form, report, record, or inspection required or  
13 maintained pursuant to this part;
- 14 (4) Growing industrial hemp that when tested is shown to  
15 have a delta-9 tetrahydrocannabinol concentration  
16 greater than 0.3 per cent on a dry weight basis or a  
17 tetrahydrocannabinol concentration allowed by federal  
18 law, whichever is greater;
- 19 (5) Failure to pay fees assessed by the [~~chairperson~~]  
20 board or the board's designee for inspection or  
21 laboratory analysis costs; or





- 1 (6) Possessing, outside of a field of lawful  
2 cultivation~~[7]~~ or appurtenant storage or processing  
3 area, resin, flowering tops, or leaves that have been  
4 removed from the hemp plant; provided that the  
5 following shall not apply to this paragraph:
- 6 (A) The presence of a de minimis amount, or  
7 insignificant number, of hemp leaves or flowering  
8 tops in hemp bales [~~that result from the normal~~  
9 and ~~appropriate processing of industrial hemp~~];  
10 and
- 11 (B) Transportation, including intrastate  
12 transportation, in a department-approved manner  
13 of the resin, flowering tops, and leaves of a  
14 licensee's crop that passed department-ordered  
15 compliance testing to another site for  
16 processing.
- 17 [~~shall not apply to this paragraph.~~]"

18 SECTION 10. Section 141-41, Hawaii Revised Statutes, is  
19 amended by amending subsection (a) to read as follows:

20 "(a) There is created in the state treasury a special fund  
21 to be designated as the industrial hemp special fund to be



1 administered by the department of agriculture. Moneys deposited  
2 in this special fund shall be used to fulfill the purposes of  
3 this part and shall include:

- 4 (1) Any moneys appropriated by the legislature to the  
5 special fund;
- 6 (2) Any fees collected by the department of agriculture in  
7 relation to the industrial hemp pilot program[+],  
8 except for fees collected for the services provided by  
9 temporary inspectors, as specified in section 141-37,  
10 which shall be deposited into the certification  
11 services revolving fund pursuant to section 147-101;  
12 and
- 13 (3) The interest or return on investments earned from  
14 moneys in the special fund."

15 SECTION 11. Section 147-101, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "**§147-101 Certification services revolving fund.** There is  
18 established a certification services revolving fund for use by  
19 the department of agriculture to support certification [~~or~~],  
20 audit, or inspection services established under parts I, III,  
21 IV, VIII, and IX[~~-~~], and section 141-37. Moneys in the fund may



1 be expended for materials, salaries, equipment, training,  
2 travel, and other costs related to providing certification [~~or~~],  
3 audit, or inspection services. Notwithstanding sections 147-10,  
4 147-34, 147-64, 147-114 [~~and~~] 147-126, and 141-37, moneys  
5 derived from the certification [~~or~~], audit, or inspection  
6 services provided by temporary inspectors employed under this  
7 part or from charges for traveling expenses or extraordinary  
8 services shall be deposited into the fund."

9 SECTION 12. Section 147-102, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "[~~§~~]§147-102[~~]~~ Certification [~~and~~], audit, and inspection  
12 services. The department of agriculture shall fix, assess, and  
13 collect fees for certification [~~or~~], audit, or inspection  
14 services provided by temporary inspectors employed under this  
15 part. The fees shall be in amounts necessary to cover all costs  
16 of the administration and provision of the certification [~~or~~],  
17 audit, or inspection services provided under this part; provided  
18 that the department of agriculture shall establish charges for  
19 traveling expenses and extraordinary services when the  
20 performance of the services involves unusual cost. The fees and  
21 charges established by the department of agriculture, except for



1 fees for temporary inspection services under section 141-37,  
2 shall not be subject to chapter 91. The department of  
3 agriculture may employ temporary inspectors to assist in  
4 providing certification [~~er~~], audit, or inspection services  
5 under parts I, III, IV, VIII, and IX, and section 141-37, and  
6 those temporary inspectors shall be exempt from chapter 76."

7 SECTION 13. Section 328-15, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 **"§328-15 Drugs or devices deemed misbranded when;**  
10 **prescriptions excepted, when.** A drug or device shall be deemed  
11 to be misbranded:

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

15 (2) If in package form, unless it bears a label  
16 containing:

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

19 (B) An accurate statement of the quantity of the  
20 contents in terms of weight, measure, or  
21 numerical count, which statement shall be



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

- 18          (3) If any word, statement, or other information required  
19          by or under authority of this part to appear on the  
20          label or labeling is not prominently placed thereon  
21          with such conspicuousness (as compared with other



1 words, statements, designs, or devices, in the  
2 labeling) and in such terms as to render it likely to  
3 be read and understood by the ordinary individual  
4 under customary conditions of purchase and use.

- 5 (4) If it is for use by a person and contains any quantity  
6 of the narcotic or hypnotic substance alpha-eucaine,  
7 barbituric acid, beta-eucaine, bromal, cannabis[7]  
8 (except hemp as defined in section 329-1), cabromal,  
9 chloral, coca, cocaine, codeine, heroin, marijuana,  
10 morphine, opium, paraldehyde, peyote, or  
11 sulphomethane, or any chemical derivative of [~~such~~]  
12 the substance, which derivative, after investigation,  
13 has been found to be and designated as habit forming,  
14 by rules adopted by the director under this part, or  
15 by regulations issued pursuant to section 502(d) of  
16 the Federal Act, unless its label bears the name and  
17 quantity or proportion of the substance or derivative  
18 and in juxtaposition therewith the statement "Warning-  
19 -May be habit forming."

- 20 (5) (A) If it is a drug unless:



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



1 ingredients, other than the quantity of  
2 these specifically named in this paragraph,  
3 shall apply only to prescription drugs; and

4 (ii) For any prescription drug the established  
5 name of [~~such~~] the drug or ingredient, as  
6 the case may be, on [~~such~~] the label (and on  
7 any labeling on which a name for [~~such~~] the  
8 drug or ingredient is used) is printed  
9 prominently and in type at least half as  
10 large as that used thereon for any  
11 proprietary name or designation for [~~such~~]  
12 the drug or ingredient; provided further  
13 that to the extent that compliance with the  
14 requirements of this subparagraph is  
15 impracticable, exemptions shall be allowed  
16 under rules adopted by the director.

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

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





1 (ii) If there is no [~~such~~] applicable name and  
2 the drug, or the ingredient, is an article  
3 recognized in an official compendium, then  
4 the official title thereof in the  
5 compendium; or

6 (iii) If neither clause (i) nor clause (ii) of  
7 this subparagraph applies, then the common  
8 or usual name, if any, of [~~such~~] the drug or  
9 of the ingredient;

10 provided further that where clause (ii) of this  
11 subparagraph applies to an article recognized in  
12 the United States Pharmacopoeia, in the United  
13 States Pharmacopoeia Dispensing Information, and  
14 in the Homeopathic Pharmacopoeia under different  
15 official titles, the official title used in the  
16 United States Pharmacopoeia shall apply unless it  
17 is labeled and offered for sale as a homeopathic  
18 drug, in which case the official title used in  
19 the Homeopathic Pharmacopoeia shall apply.

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

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



1           (B) ~~[Such adequate warnings]~~ Warnings against use in  
2           those pathological conditions or by children  
3           where its use may be dangerous to health, or  
4           against unsafe dosage or methods or duration of  
5           administration or application, in ~~[such]~~ a manner  
6           and form~~[7]~~ as ~~[are]~~ necessary for the protection  
7           of users; provided that where any requirement of  
8           subparagraph (A), as applied to any drug or  
9           device, is not necessary for the protection of  
10          the public health, the director shall adopt rules  
11          exempting the drug or device from ~~[such]~~ the  
12          requirements; provided further that articles  
13          exempted under regulations issued under section  
14          502(f) of the Federal Act may also be exempt.

15          (7) If it purports to be a drug the name of which is  
16          recognized in an official compendium, unless it is  
17          packaged and labeled as prescribed therein; provided  
18          that the method of packaging may be modified with the  
19          consent of the director, or if consent is obtained  
20          under the Federal Act. Whenever a drug is recognized  
21          in both the United States Pharmacopoeia and the



1 Homeopathic Pharmacopoeia of the United States, it  
2 shall be subject to the requirements of the United  
3 States Pharmacopoeia with respect to the packaging and  
4 labeling unless it is labeled and offered for sale as  
5 a homeopathic drug, in which case it shall be subject  
6 to the Homeopathic Pharmacopoeia of the United States  
7 and not to the United States Pharmacopoeia; provided  
8 that in the event of inconsistency between the  
9 requirements of this paragraph and those of paragraph  
10 (5) as to the name by which the drug or its  
11 ingredients shall be designated, the requirements of  
12 paragraph (5) shall prevail.

13 (8) If it has been found by the director to be a drug  
14 liable to deterioration, unless it is packaged in  
15 [~~such~~] any form and manner, and its label bears a  
16 statement of [~~such~~] any precautions, as the rules  
17 adopted by the director or regulations issued under  
18 the Federal Act require as necessary for the  
19 protection of public health. No [~~such~~] applicable  
20 rule shall be established for any drug recognized in  
21 an official compendium until the director shall have



1 informed the appropriate body charged with the  
2 revision of the compendium of the need for [~~such~~] the  
3 packaging or labeling requirements and [~~such~~] the body  
4 shall have failed within a reasonable time to  
5 prescribe [~~such~~] the requirements.

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

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

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

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

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

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

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



1 (12) If it is, purports to be, or is represented as a drug  
2 composed wholly or partly of any kind of penicillin,  
3 streptomycin, chlortetracycline, chloramphenicol,  
4 bacitracin, or any other antibiotic drug, or any  
5 derivative thereof, unless:

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

9 (B) The certificate or release is in effect with  
10 respect to the drug; provided that this paragraph  
11 shall not apply to any drug or class of drugs  
12 exempted by regulations promulgated under section  
13 507(c) or (d) of the Federal Act.

14 For the purpose of this paragraph, the term  
15 "antibiotic drug" means any drug intended for use by a  
16 person containing any quantity of any chemical  
17 substance [~~which~~] that is produced by a microorganism  
18 and which has the capacity to inhibit or destroy  
19 microorganisms in dilute solution (including the  
20 chemically synthesized equivalent of [~~any such~~] the  
21 substance).



1       (13) If it is a color additive, the intended use of which  
2           in or on drugs is for the purpose of coloring only,  
3           unless its packaging and labeling are in conformity  
4           with the packaging and labeling requirements  
5           applicable to ~~such~~ a color additive prescribed under  
6           section 328-13(b).

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

14          (A) The established name, as defined in paragraph  
15               (5)(B), printed prominently and in type at least  
16               half as large as that used for any trade or brand  
17               name thereof;

18          (B) The formula showing quantitatively each  
19               ingredient of the drug to the extent required for  
20               labels under section 502(e) of the Federal Act;  
21               and



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

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

9 (16) Drugs and devices [~~which~~] that are, in accordance with  
10 the practice of the trade, to be processed, labeled,  
11 or repacked in substantial quantities at  
12 establishments other than those where originally  
13 processed or packed shall be exempt from any labeling  
14 or packaging requirements of this part; provided that  
15 [~~such~~] those drugs and devices are being delivered,  
16 manufactured, processed, labeled, repacked, or  
17 otherwise held in compliance with rules adopted by the  
18 director.

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



1 SECTION 14. Section 329-1, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By adding a new definition to be appropriately inserted  
4 and to read:

5 "Hemp" means all parts of the plant Cannabis sativa L.,  
6 whether growing or not, including the seeds thereof and all  
7 derivatives, extracts, cannabinoids, isomers, acids, salts, and  
8 salts of isomers, whether growing or not, with a delta-9  
9 tetrahydrocannabinol concentration of not more than 0.3 per cent  
10 on a dry weight basis, as measured post-decarboxylation or by  
11 other similarly reliable methods."

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

13 "Marijuana" means all parts of the plant (genus) Cannabis  
14 whether growing or not; the seeds thereof, the resin extracted  
15 from any part of the plant; and every compound, manufacture,  
16 salt, derivative, mixture, or preparation of the plant, its  
17 seeds, or resin. [It]

18 "Marijuana" does not include [the]:

- 19 (1) The mature stalks of the plant [7] (genus) Cannabis,  
20 fiber produced from the stalks, oil, or cake made from  
21 the seeds of the plant, any other compound,





1 manufacture, salt, derivative, mixture, or preparation  
2 of the mature stalks (except the resin extracted  
3 therefrom), fiber, oil, or cake, or the sterilized  
4 seed of the plant [~~which~~] that is incapable of  
5 germination[-];

6 (2) Hemp that is in the possession, custody, or control of  
7 a person or entity that holds a license issued by the  
8 Hawaii department of agriculture permitting that  
9 person or entity to produce hemp;

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

13 (4) A product containing or derived from hemp, including  
14 any product containing one or more hemp-derived  
15 cannabinoids such as cannabidiol, that:

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

18 (B) Has a delta-9 tetrahydrocannabinol concentration  
19 of not more than 0.3 per cent on a dry weight  
20 basis, as measured post-decarboxylation or by  
21 other similarly reliable methods."



1 SECTION 15. Section 329-14, Hawaii Revised Statutes, is  
2 amended by amending subsection (g) to read as follows:

3 "(g) Any of the following cannabinoids, their salts,  
4 isomers, and salts of isomers, unless specifically excepted,  
5 whenever the existence of these salts, isomers, and salts of  
6 isomers is possible within the specific chemical designation:

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



1 structures, regardless of numerical designation of  
2 atomic positions, are covered); provided that  
3 tetrahydrocannabinols under this subsection shall  
4 exclude tetrahydrocannabinols in hemp;

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

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



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

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

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

19          (6) Phenylacetylindoles; meaning any compound containing a  
20          3-phenylacetylindole structure with substitution at  
21          the nitrogen atom of the indole 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 indole ring to any extent, whether or not substituted  
5 in the phenyl ring to any extent;
- 6 (7) Cyclohexylphenols; meaning any compound containing a  
7 2-(3-hydroxycyclohexyl) phenol structure with  
8 substitution at the 5-position of the phenolic ring by  
9 a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
10 cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or  
11 2-(4-morpholinyl) ethyl group whether or not  
12 substituted in the cyclohexyl ring to any extent;
- 13 (8) Benzoylindoles; meaning any compound containing a 3-  
14 (benzoyl) indole structure with substitution at the  
15 nitrogen atom of the indole ring by a alkyl,  
16 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
17 1-(N-methyl-2-piperidinyl) methyl, or 2-(4-  
18 morpholinyl) ethyl group whether or not further  
19 substituted in the indole ring to any extent and  
20 whether or not substituted in the phenyl ring to any  
21 extent;



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



- 1 (12) N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide,  
2 its optical, positional, and geometric isomers, salts,  
3 and salts of isomers (Other names: APINACA, AKB48);
- 4 (13) Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate, its  
5 optical, positional, and geometric isomers, salts, and  
6 salts of isomers (Other names: PB-22; QUPIC);
- 7 (14) Quinolin-8-yl 1-(5fluoropentyl)-1H-indole-3-  
8 carboxylate, its optical, positional, and geometric  
9 isomers, salts, and salts of isomers (Other names: 5-  
10 fluoro-PB-22; 5F-PB-22);
- 11 (15) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-  
12 fluorobenzyl)-1H-indazole-3-carboxamide, its optical,  
13 positional, and geometric isomers, salts, and salts of  
14 isomers (Other names: AB-FUBINACA);
- 15 (16) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-  
16 indazole-3-carboxamide, its optical, positional, and  
17 geometric isomers, salts, and salts of isomers (Other  
18 names: ADB-PINACA);
- 19 (17) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-  
20 (cyclohexylmethyl)-1H-indazole-3-carboxamide, its



- 1 optical, positional, and geometric isomers, salts, and  
2 salts of isomers (Other names: AB-CHMINACA);
- 3 (18) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-  
4 indazole-3-carboxamide, and geometric isomers, salts,  
5 and salts of isomers (Other names: AB-PINACA);
- 6 (19) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-  
7 yl)methanone, and geometric isomers, salts, and salts  
8 of isomers (Other names: THJ-2201);
- 9 (20) Methyl (1-(4-fluorobenzyl)-1 H-indazole-3-carbonyl)-L-  
10 valinate, and geometric isomers, salts, and salts of  
11 isomers (Other names: FUB-AMB);
- 12 (21) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-  
13 carboxamido)-3-methylbutanoate, and geometric isomers,  
14 salts, and salts of isomers (Other names: 5-fluoro-  
15 AMB, 5-fluoro-AMP);
- 16 (22) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-  
17 indazole-3-carboxamide, and geometric isomers, salts,  
18 and salts of isomers (Other names: AKB48 N-(5-  
19 fluoropentyl) analog, 5F-AKB48, APINACA 5-fluoropentyl  
20 analog, 5F-APINACA);





- 1 (23) N-adamantyl-1-fluoropentylindole-3-Carboxamide, and  
2 geometric isomers, salts, and salts of isomers (Other  
3 names: STS-135, 5F-APICA; 5-fluoro-APICA);
- 4 (24) Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-  
5 carboxylate, and geometric isomers, salts, and salts  
6 of isomers (Other names: NM2201);
- 7 (25) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-  
8 (cyclohexylmethyl)-1H-indazole-3-carboxamide, and  
9 geometric isomers, salts, and salts of isomers (Other  
10 names: MAB-CHMINACA and ADB-CHMINACA);
- 11 (26) Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-  
12 carboxamido]-3,3-dimethylbutanoate (Other names: 5F-  
13 ADB, 5-flouro-ADB, and 5F-MDMB-PINACA), its optical,  
14 positional, and geometric isomers, salts, and salts of  
15 isomers; and
- 16 (27) 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)indazole-3-  
17 carboxamide (CUMYL-4CN-BINACA), its optical,  
18 positional, and geometric isomers, salts, and salts of  
19 isomers; also known as SGT-78, 4-CN-CUMYL-BINACA;  
20 CUMYL-CB-PINACA; CUMYL-CYBINACA; 4-cyano CUMYL-  
21 BUTINACA. "



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

3 1. By adding two new definitions to be appropriately  
4 inserted and to read:

5 "Hemp" means all parts of the plant Cannabis sativa L.,  
6 whether growing or not, including the seeds thereof and all  
7 derivatives, extracts, cannabinoids, isomers, acids, salts, and  
8 salts of isomers, whether growing or not, with a delta-9  
9 tetrahydrocannabinol concentration of not more than 0.3 per cent  
10 on a dry weight basis, as measured post-decarboxylation or by  
11 other similarly reliable methods.

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



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

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

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

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

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

19 (3) Hemp that is in the possession, custody, or control of  
20 a person or entity that is authorized under state law  
21 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 on a dry weight  
8       basis, as measured post-decarboxylation or by  
9       other similarly reliable 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 holds a license issued by the  
19       Hawaii department of agriculture permitting that  
20       person or entity to produce hemp;



- 1        (2) Hemp that is in the possession, custody, or control of  
2        a person or entity that is authorized under state law  
3        to process hemp; or
- 4        (3) A product containing or derived from hemp, including  
5        any product containing one or more hemp-derived  
6        cannabinoids such as cannabidiol, that:
- 7        (A) Does not include any living hemp plants, viable  
8        seeds, leaf materials, or floral materials; and
- 9        (B) Has a delta-9 tetrahydrocannabinol concentration  
10       of not more than 0.3 per cent on a dry weight  
11       basis, as measured post-decarboxylation or by  
12       other similarly reliable methods."

13       SECTION 17. (a) The chairperson of the board of  
14       agriculture 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, to the federal Secretary of Agriculture within thirty  
18       days after the federal Secretary of Agriculture announces  
19       guidelines for state plans. The chairperson shall also submit a  
20       copy of the proposed state plan to the governor, the president  
21       of the senate, and the speaker of the house of representatives.



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

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

13 SECTION 18. There is appropriated out of the general  
 14 revenues of the State of Hawaii the sum of \$ or so  
 15 much thereof as may be necessary for fiscal year 2020-2021 to be  
 16 deposited into the industrial hemp special fund established  
 17 pursuant to section 141-K, Hawaii Revised Statutes.

18 SECTION 19. There is appropriated out of the industrial  
 19 hemp special fund established pursuant to section 141-K, Hawaii  
 20 Revised Statutes, the sum of \$ or so much thereof as



1 may be necessary for fiscal year 2020-2021 to be allocated as  
2 follows:

- 3 (1) \$ for the establishment of one full-time
- 4 equivalent (1.0 FTE) program coordinator position;
- 5 (2) \$ for the establishment of two full-time
- 6 equivalent (2.0 FTE) specialist positions; and
- 7 (3) \$ for administrative costs of the industrial
- 8 hemp program.

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

11 SECTION 20. There is appropriated out of the industrial  
12 hemp special fund established pursuant to section 141-K, Hawaii  
13 Revised Statutes, the sum of \$ or so much thereof as  
14 may be necessary for fiscal year 2020-2021 to be transferred to  
15 the department of health for the licensing, inspection, and  
16 regulation of industrial hemp processing facilities.

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

19 SECTION 21. Upon the repeal of the industrial hemp pilot  
20 program pursuant to Act 228, Session Laws of Hawaii 2016, all  
21 unencumbered funds remaining in the industrial hemp special fund



1 established pursuant to section 141-41, Hawaii Revised Statutes,  
2 shall be deposited into the industrial hemp special fund  
3 established pursuant to section 141-K, Hawaii Revised Statutes.

4 SECTION 22. In codifying the new sections added by section  
5 2 of this Act, the revisor of statutes shall substitute  
6 appropriate section numbers for the letters used in designating  
7 the new sections in this Act.

8 SECTION 23. This Act does not affect rights and duties  
9 that matured, penalties that were incurred, and proceedings that  
10 were begun before its effective date.

11 SECTION 24. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 25. This Act shall take effect on July 1, 2150;  
14 provided that sections 3, 6, 7, 8, 9, and 10 shall be repealed  
15 on June 30, 2021, to coincide with the repeal of the industrial  
16 hemp pilot program on June 30, 2021, pursuant to Act 228,  
17 Session Laws of Hawaii 2016.





**Report Title:**

Industrial Hemp; State Plan; Appropriation

**Description:**

Requires DOA to establish a permanent hemp program pursuant to federal law, and a corresponding special fund. Requires DOH to adopt rules for the licensing, inspection, and regulation of industrial hemp processing facilities. Reduces or repeals certain regulatory provisions of existing hemp pilot program. Establishes authorized cultivation of hemp as affirmative defense. Excludes hemp from the definition of marijuana. Requires chairperson of board of agriculture to prepare a state plan for approval of the federal Secretary of Agriculture and report on the approval process to legislature and governor. Appropriates funds. Takes effect 7/1/2150. (HD1)

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

