

JAN 20 2023

A BILL FOR AN ACT

RELATING TO CANNABIS.

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

1 SECTION 1. The legislature finds that the legal history of
2 cannabis or marijuana in the United States primarily addresses
3 the regulation of cannabis for medical use, and secondarily the
4 use of cannabis for personal or recreational purposes. By the
5 mid-1930s, cannabis was regulated as a drug in every state,
6 including thirty-five states that adopted the Uniform State
7 Narcotic Drug Act, which was subsequently replaced in 1970 with
8 the federal Uniform Controlled Substances Act. Under the
9 federal Uniform Controlled Substances Act, marijuana and
10 tetrahydrocannabinol, the primary psychoactive compound in
11 cannabis, are classified as schedule I controlled substances.

12 Notwithstanding the prospect of federal prosecution,
13 several states, including Hawaii, enacted medical cannabis laws.
14 Chapter 329, part IX, Hawaii Revised Statutes, was enacted to
15 create a medical use of cannabis exemption from criminal
16 sanctions. As of November 4, 2020, thirty-six states and four
17 U.S. territories also allow the use of cannabis for medicinal



1 purposes. Furthermore, chapter 329D, Hawaii Revised Statutes,
2 was enacted to establish medical cannabis dispensaries
3 authorized to operate beginning in July 2016. As Hawaii expands
4 its medical cannabis program through the use of highly regulated
5 and monitored dispensaries, more patients are anticipated to
6 consider medical cannabis as a viable treatment.

7 In addition to medical cannabis laws, some states have
8 legalized or decriminalized cannabis. The jurisdictions of
9 Alaska, Arizona, California, Colorado, Connecticut, Delaware,
10 District of Columbia, Hawaii, Illinois, Maine, Maryland,
11 Massachusetts, Michigan, Minnesota, Mississippi, Missouri,
12 Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York,
13 North Carolina, North Dakota, Ohio, Oregon, Rhode Island, South
14 Dakota, Vermont, Virginia, and Washington have all
15 decriminalized cannabis in small amounts. In each state,
16 cannabis users no longer face jail time for the possession or
17 use of cannabis in the amount permitted by statute. Most places
18 that decriminalized small amounts of cannabis replaced
19 incarceration or criminal charges with civil fines,
20 confiscation, drug education, or drug treatment, or made various
21 cannabis offenses the lowest priority for law enforcement.



1 In addition to the majority of states that have
2 decriminalized possession of cannabis, the federal government
3 has also signaled its approval of decriminalization at the
4 federal level. On December 4, 2020, the U.S. House of
5 Representatives passed the Marijuana Opportunity Reinvestment
6 and Expungement Act, or MORE Act, which removes cannabis from
7 the list of federally controlled substances and facilitates
8 cancelling low-level federal convictions and arrests related to
9 cannabis. This is the first time Congress has acted on the
10 issue of decriminalizing cannabis.

11 In 2012, voters in Colorado and Washington voted to
12 legalize and regulate the production, possession, and
13 distribution of cannabis for persons age twenty-one and older.
14 Following Colorado and Washington's lead, Alaska, California,
15 District of Columbia, Maine, Massachusetts, Michigan, Nevada,
16 Oregon, and Vermont also legalized small amounts of cannabis for
17 adult recreational use. As of 2020, fifteen states and three
18 U.S. territories have legalized recreational cannabis.

19 Colorado was the first state to remove the prohibition on
20 commercial production of cannabis for general use. During the
21 first year of legal cannabis sales in 2014, Colorado collected



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1 \$67,594,323 in taxes and fees from medical and retail cannabis.
2 As of November 2020, Colorado has collected \$1,563,063,859 in
3 total revenue from cannabis taxes and fees.

4 The legislature finds that the legalization of cannabis for
5 personal or recreational use is a natural, logical, and
6 reasonable outgrowth of the current science of cannabis and
7 attitude toward cannabis.

8 The legislature further finds that cannabis cultivation and
9 sales hold potential for economic development, increased tax
10 revenues, and reduction in crime.

11 The legislature recognizes that the limits imposed under
12 part IX chapter 329, Hawaii Revised Statutes, for the medical
13 use of cannabis have been effective in maintaining control of
14 cannabis, have had no adverse impact on public health and
15 safety, and have had beneficial medicinal effects that should
16 also be available to all adults of twenty-years of age or older
17 for the sake of wellness, personal, and medicinal use.

18 The purpose of this Act is to decriminalize small amounts
19 of cannabis for personal use, similar to the quantities
20 authorized under part IX chapter 329, Hawaii Revised Statutes,
21 for the medical use of cannabis.



1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 **DECRIMINALIZATION OF CANNABIS FOR PERSONAL USE**

6 § -1 **Definitions.** As used in this chapter:

7 "Cannabis" means all parts of the plant of the genus
8 cannabis, whether growing or not; the seeds thereof; the resin
9 extracted from any part of the plant; and every compound,
10 manufacture, salt, derivative, mixture, or preparation of the
11 plant, its seeds, or its resin, including cannabis concentrate.

12 "Cannabis" does not include industrial hemp; fiber produced from
13 the stalks, oil, or cake made from the seeds of the plant;
14 sterilized seed of the plant which is incapable of germination;
15 or the weight of any other ingredient combined with cannabis to
16 prepare topical or oral administrations, food, drink, or other
17 product. For purposes of this definition, "industrial hemp"
18 means the plant of the genus cannabis and any part of that
19 plant, whether growing or not, with a delta-9
20 tetrahydrocannabinol concentration that does not exceed 0.3 per
21 cent on a dry weight basis.



1 "Cannabis accessories" means any equipment, products, or
2 materials of any kind that are used, intended for use, or
3 designed for use in planting, propagating, cultivating, growing,
4 harvesting, composting, manufacturing, compounding, converting,
5 producing, processing, preparing, testing, analyzing, packaging,
6 repackaging, storing, vaporizing, or containing cannabis, or for
7 ingesting, inhaling, or otherwise introducing cannabis into the
8 human body.

9 "Cannabis products" means cannabis concentrate products and
10 products that comprise cannabis and other ingredients intended
11 for use or consumption and include but are not limited to edible
12 products, ointments, and tinctures.

13 "Personal use" means the cultivation of ten mature ready-
14 for-harvest flowering female plants and the cuttings or
15 seedlings needed to produce successive garden crops of that
16 size, and the possession of a reasonable amount of dried ready-
17 for-inhalable-consumption cannabis not exceeding four ounces, or
18 that is derived from ten mature flowering female plants,
19 whichever is greater, that is used for private, personal,
20 wellness, medicinal, or recreational purposes by persons age
21 twenty-one years or older. "Personal use" includes the display,



1 possession, sharing, transport, transfer, cultivating, or
2 processing of cannabis, cannabis products, cannabis accessories,
3 or cannabis paraphernalia.

4 **§ -2 Personal use of cannabis.** (a) Notwithstanding any
5 law to the contrary, the personal use of cannabis is permitted.

6 (b) Personal use of cannabis shall not be the basis for
7 arrest, seizure, or forfeiture of assets.

8 (c) The possession, use, display, purchase, transfer, or
9 transport of cannabis, cannabis accessories, or cannabis
10 paraphernalia for personal use shall be immune from criminal
11 prosecution.

12 (d) The possession, growing, processing, or transporting
13 of no more than ten mature ready-for-harvest flowering female
14 plants and the cuttings or seedlings needed to produce
15 successive garden crops of that size, and possession of the
16 cannabis produced by the plants shall not be subject to criminal
17 prosecution; provided that the growing takes place in a secure
18 space and is not conducted openly or publicly.

19 (e) The transfer or sale of four ounces or less of
20 cannabis with or without remuneration to a person who is
21 twenty-one years of age or older is permitted.



1 (f) The consumption of cannabis products is permitted;
2 provided that consumption of flavored e-liquids and juices
3 containing cannabis for vaporizing devices is prohibited.

4 (g) Assisting, advising, or abetting another person who is
5 twenty-one years of age or older in any actions described in
6 this section is permitted.

7 (h) Personal use of cannabis shall be prohibited on public
8 highways, public sidewalks, federal property, and any location
9 where the consumption of alcohol is prohibited.

10 **§ -3 Effect on employers.** This chapter shall not be
11 construed to:

- 12 (1) Require an employer to permit or accommodate the use,
13 consumption, possession, transfer, display, transport,
14 sale, or growing of cannabis in the workplace; or
15 (2) Affect the ability of an employer to have reasonable
16 policies restricting the use of cannabis by employees.

17 **§ -4 Effect on intoxicated driving laws.** This chapter
18 shall not be construed as a defense, exemption, or immunity from
19 chapter 291E.



1 **§ -5 Effect on medical cannabis law.** This chapter shall
2 not be construed to affect medical use of cannabis as provided
3 in chapter 329.

4 **§ -6 Effect on medical cannabis dispensary law.** This
5 chapter shall not be construed to affect the dispensing of
6 medical cannabis as provided in chapter 329D and shall not be
7 deemed to expand the dispensing of medical cannabis beyond the
8 uses provided in chapter 329D.

9 **§ -7 Effect on property rights.** This chapter shall not
10 be construed to prohibit a person, employer, school, hospital,
11 detention facility, corporation, or any other entity who
12 occupies, owns, or controls a property from prohibiting or
13 otherwise regulating the possession, consumption, use, display,
14 transfer, distribution, sale, transportation, or growing of
15 cannabis on or in that property."

16 SECTION 3. Chapter 712, Hawaii Revised Statutes, is
17 amended by adding a new section to part IV to be appropriately
18 designated and to read as follows:

19 "§712- **Decriminalization of marijuana.** Any act
20 permitted under section -2 shall be exempt from arrest,
21 prosecution, and criminal culpability under this part."



1 SECTION 4. Section 329-14, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) Any material, compound, mixture, or preparation that
4 contains any quantity of the following hallucinogenic
5 substances, their salts, isomers, and salts of isomers, unless
6 specifically excepted, whenever the existence of these salts,
7 isomers, and salts of isomers is possible within the specific
8 chemical designation:

- 9 (1) Alpha-ethyltryptamine (AET);
- 10 (2) 2,5-dimethoxy-4-ethylamphetamine (DOET);
- 11 (3) 2,5-dimethoxyamphetamine (2,5-DMA);
- 12 (4) 3,4-methylenedioxy amphetamine;
- 13 (5) 3,4-methylenedioxymethamphetamine (MDMA);
- 14 (6) N-hydroxy-3,4-methylenedioxyamphetamine
15 (N-hydroxy-MDA);
- 16 (7) 3,4-methylenedioxy-N-ethylamphetamine (MDE);
- 17 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 18 (9) 4-bromo-2,5-dimethoxy-amphetamine (4-bromo-2,5-DMA);
- 19 (10) 4-Bromo-2,5-dimethoxyphenethylamine (Nexus);
- 20 (11) 3,4,5-trimethoxy amphetamine;
- 21 (12) Bufotenine;



- 1 (13) 4-methoxyamphetamine (PMA);
- 2 (14) Diethyltryptamine;
- 3 (15) Dimethyltryptamine;
- 4 (16) 4-methyl-2,5-dimethoxy-amphetamine;
- 5 (17) Gamma hydroxybutyrate (GHB) (some other names include
- 6 gamma hydroxybutyric acid; 4-hydroxybutyrate;
- 7 4-hydroxybutanoic acid; sodium oxybate; sodium
- 8 oxybutyrate);
- 9 (18) Ibogaine;
- 10 (19) Lysergic acid diethylamide;
- 11 [~~(20)~~ ~~Marijuana~~;
- 12 ~~(21)~~] (20) Parahexyl;
- 13 [~~(22)~~] (21) Mescaline;
- 14 [~~(23)~~] (22) Peyote;
- 15 [~~(24)~~] (23) N-ethyl-3-piperidyl benzilate;
- 16 [~~(25)~~] (24) N-methyl-3-piperidyl benzilate;
- 17 [~~(26)~~] (25) Psilocybin;
- 18 [~~(27)~~] (26) Psilocyn;
- 19 [~~(28)~~] (27) 1-[1-(2-Thienyl) cyclohexyl] Pyrrolidine (TCPy);
- 20 [~~(29)~~] (28) Ethylamine analog of phencyclidine (PCE);
- 21 [~~(30)~~] (29) Pyrrolidine analog of phencyclidine (PCPy, PHP);



- 1 [~~(31)~~] (30) Thiophene analog of phencyclidine (TPCP; TCP);
- 2 [~~(32)~~] (31) Gamma-butyrolactone, including butyrolactone;
- 3 butyrolactone gamma; 4-butyrolactone; 2(3H)-furanone
- 4 dihydro; dihydro-2(3H)furanone; tetrahydro-2-furanone;
- 5 1,2-butanolide; 1,4-butanolide; 4-butanolide;
- 6 gamma-hydroxybutyric acid lactone; 3-hydroxybutyric
- 7 acid lactone and 4-hydroxybutanoic acid lactone with
- 8 Chemical Abstract Service number 96-48-0 when any such
- 9 substance is intended for human ingestion;
- 10 [~~(33)~~] (32) 1,4 butanediol, including butanediol;
- 11 butane-1,4-diol; 1,4- butylenes glycol; butylene
- 12 glycol; 1,4-dihydroxybutane; 1,4- tetramethylene
- 13 glycol; tetramethylene glycol; tetramethylene 1,4-
- 14 diol with Chemical Abstract Service number 110-63-4
- 15 when any such substance is intended for human
- 16 ingestion;
- 17 [~~(34)~~] (33) 2,5-dimethoxy-4-(n)-propylthiophenethylamine
- 18 (2C-T-7), its optical isomers, salts, and salts of
- 19 isomers;
- 20 [~~(35)~~] (34) N-benzylpiperazine (BZP; 1-benzylpiperazine) its
- 21 optical isomers, salts, and salts of isomers;



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- 1 [~~36~~] (35) 1-(3-trifluoromethylphenyl)piperazine (TFMPP),
2 its optical isomers, salts, and salts of isomers;
- 3 [~~37~~] (36) Alpha-methyltryptamine (AMT), its isomers,
4 salts, and salts of isomers;
- 5 [~~38~~] (37) 5-methoxy-N,N-diisopropyltryptamine
6 (5-MeO-DIPT), its isomers, salts, and salts of
7 isomers;
- 8 [~~39~~] (38) Salvia divinorum;
- 9 [~~40~~] (39) Salvinorin A;
- 10 [~~41~~] (40) Divinorin A;
- 11 [~~42~~] (41) 5-Methoxy-N,N-Dimethyltryptamine (5-MeO-DIPT)
12 (some trade or other names: 5-methoxy-3-[2-
13 (dimethylamino)ethyl]indole; 5-MeO-DMT);
- 14 [~~43~~] (42) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine
15 (2C-E);
- 16 [~~44~~] (43) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine
17 (2C-D);
- 18 [~~45~~] (44) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine
19 (2C-C);
- 20 [~~46~~] (45) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);



- 1 [~~(47)~~] (46) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine
2 (2C-T-2);
- 3 [~~(48)~~] (47) 2-[4-(Isopropylthio)-2,5-
4 dimethoxyphenyl]ethanamine (2C-T-4);
- 5 [~~(49)~~] (48) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- 6 [~~(50)~~] (49) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine
7 (2C-N);
- 8 [~~(51)~~] (50) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine
9 (2C-P);
- 10 [~~(52)~~] (51) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-
11 methoxybenzyl)ethanamine, its optical, positional, and
12 geometric isomers, salts, and salts of isomers (Other
13 names: 25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5);
- 14 [~~(53)~~] (52) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-
15 methoxybenzyl)ethanamine, its optical, positional, and
16 geometric isomers, salts, and salts of isomers (Other
17 names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82); and
- 18 [~~(54)~~] (53) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-
19 methoxybenzyl)ethanamine, its optical, positional, and
20 geometric isomers, salts, and salts of isomers (Other
21 names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36)."



1 SECTION 5. Section 712-1244, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) [A] Except as otherwise provided in chapter _____, a
4 person commits the offense of promoting a harmful drug in the
5 first degree if the person knowingly:

6 (a) Possesses one hundred or more capsules or tablets or
7 dosage units containing one or more of the harmful
8 drugs or one or more of the marijuana concentrates, or
9 any combination thereof;

10 (b) Possesses one or more preparations, compounds,
11 mixtures, or substances, of an aggregate weight of one
12 ounce or more containing one or more of the harmful
13 drugs or one or more of the marijuana concentrates, or
14 any combination thereof;

15 (c) Distributes twenty-five or more capsules or tablets or
16 dosage units containing one or more of the harmful
17 drugs or one or more of the marijuana concentrates, or
18 any combination thereof;

19 (d) Distributes one or more preparations, compounds,
20 mixtures, or substances, of an aggregate weight of
21 one-eighth ounce or more, containing one or more of



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1 the harmful drugs or one or more of the marijuana
2 concentrates, or any combination thereof; or

3 (e) Distributes any harmful drug or any marijuana
4 concentrate in any amount to a minor."

5 SECTION 6. Section 712-1245, Hawaii Revised Statutes, is
6 amended by amending subsection (1) to read as follows:

7 "(1) [A] Except as otherwise provided in chapter _____, a
8 person commits the offense of promoting a harmful drug in the
9 second degree if the person knowingly:

10 (a) Possesses fifty or more capsules or tablets or dosage
11 units containing one or more of the harmful drugs or
12 one or more of the marijuana concentrates, or any
13 combination thereof;

14 (b) Possesses one or more preparations, compounds,
15 mixtures, or substances, of an aggregate weight of
16 one- eighth ounce or more, containing one or more of
17 the harmful drugs or one or more of the marijuana
18 concentrates, or any combination thereof; or

19 (c) Distributes any harmful drug or any marijuana
20 concentrate in any amount."



1 SECTION 7. Section 712-1246, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) [A] Except as otherwise provided in chapter _____, a
4 person commits the offense of promoting a harmful drug in the
5 third degree if the person knowingly possesses twenty-five or
6 more capsules or tablets or dosage units containing one or more
7 of the harmful drugs or one or more of the marijuana
8 concentrates, or any combination thereof."

9 SECTION 8. Section 712-1247, Hawaii Revised Statutes, is
10 amended by amending subsection (1) to read as follows:

11 "(1) [A] Except as otherwise provided in chapter _____, a
12 person commits the offense of promoting a detrimental drug in
13 the first degree if the person knowingly:

14 (a) Possesses four hundred or more capsules or tablets
15 containing one or more of the Schedule V substances;

16 (b) Possesses one or more preparations, compounds,
17 mixtures, or substances of an aggregate weight of one
18 ounce or more, containing one or more of the Schedule
19 V substances;

20 (c) Distributes fifty or more capsules or tablets
21 containing one or more of the Schedule V substances;



1 (d) Distributes one or more preparations, compounds,
 2 mixtures, or substances of an aggregate weight of
 3 one-eighth ounce or more, containing one or more of
 4 the Schedule V substances;

5 (e) Possesses one or more preparations, compounds,
 6 mixtures, or substances of an aggregate weight of one
 7 pound or more, containing any marijuana;

8 (f) Distributes one or more preparations, compounds,
 9 mixtures, or substances of an aggregate weight of one
 10 ounce or more, containing any marijuana;

11 (g) Possesses, cultivates, or has under the person's
 12 control twenty-five or more marijuana plants; or

13 (h) Sells or barter any marijuana or any Schedule V
 14 substance in any amount."

15 SECTION 9. Section 712-1248, Hawaii Revised Statutes, is
 16 amended by amending subsection (1) to read as follows:

17 "(1) [A] Except as otherwise provided in chapter , a
 18 person commits the offense of promoting a detrimental drug in
 19 the second degree if the person knowingly:

20 (a) Possesses fifty or more capsules or tablets containing
 21 one or more of the Schedule V substances;



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1 (b) Possesses one or more preparations, compounds,
2 mixtures, or substances, of an aggregate weight of
3 one-eighth ounce or more, containing one or more of
4 the Schedule V substances;

5 (c) Possesses one or more preparations, compounds,
6 mixtures, or substances, of an aggregate weight of one
7 ounce or more, containing any marijuana; or

8 (d) Distributes any marijuana or any Schedule V substance
9 in any amount."

10 SECTION 10. Section 712-1249, Hawaii Revised Statutes, is
11 amended by amending subsection (1) to read as follows:

12 "(1) [A] Except as otherwise provided in chapter , a
13 person commits the offense of promoting a detrimental drug in
14 the third degree if the person knowingly possesses any marijuana
15 or any Schedule V substance in any amount."

16 SECTION 11. Section 712-1249.4, Hawaii Revised Statutes,
17 is amended by amending subsection (1) to read as follows:

18 "(1) [A] Except as otherwise provided in chapter , a
19 person commits the offense of commercial promotion of marijuana
20 in the first degree if the person knowingly:



- 1 (a) Possesses marijuana having an aggregate weight of
2 twenty-five pounds or more;
- 3 (b) Distributes marijuana having an aggregate weight of
4 five pounds or more;
- 5 (c) Possesses, cultivates, or has under the person's
6 control one hundred or more marijuana plants;
- 7 (d) Cultivates on land owned by another person, including
8 land owned by the government or other legal entity,
9 twenty-five or more marijuana plants, unless the
10 person has the express permission from the owner of
11 the land to cultivate the marijuana or the person has
12 a legal or an equitable ownership interest in the land
13 or the person has a legal right to occupy the land; or
- 14 (e) Uses, or causes to be used, any firearm or other
15 weapon, device, instrument, material, or substance,
16 whether animate or inanimate, which in the manner used
17 is capable of causing death, serious bodily injury,
18 substantial bodily injury, or other bodily injury, as
19 defined in chapter 707 in order to prevent the theft,
20 removal, search and seizure, or destruction of
21 marijuana."



1 SECTION 12. Section 712-1249.5, Hawaii Revised Statutes,
2 is amended by amending subsection (1) to read as follows:

3 "(1) [A] Except as otherwise provided in chapter , a
4 person commits the offense of commercial promotion of marijuana
5 in the second degree if the person knowingly:

6 (a) Possesses marijuana having an aggregate weight of two
7 pounds or more;

8 (b) Distributes marijuana having an aggregate weight of
9 one pound or more;

10 (c) Possesses, cultivates, or has under the person's
11 control fifty or more marijuana plants;

12 (d) Cultivates on land owned by another person, including
13 land owned by the government or other legal entity,
14 any marijuana plant, unless the person has the express
15 permission from the owner of the land to cultivate the
16 marijuana or the person has a legal or an equitable
17 ownership interest in the land or the person has a
18 legal right to occupy the land; or

19 (e) Sells or barterers any marijuana or any Schedule V
20 substance in any amount to a minor."



1 SECTION 13. Each person arrested or convicted for an
2 offense under chapter 329, Hawaii Revised Statutes, or under
3 part IV of chapter 712, Hawaii Revised Statutes, the basis of
4 which is an act that is permitted by the new chapter of the
5 Hawaii Revised Statutes established in section 2 of this Act,
6 shall be entitled to:

7 (1) Release from the custody of law enforcement or
8 incarceration no later than _____ days after the
9 effective date of this Act, unless the person is also
10 in custody or incarcerated for an offense that is not
11 permitted by the new chapter of the Hawaii Revised
12 Statutes established in section 2 of this Act; and

13 (2) An expungement order, issued within _____ days after
14 the effective date of this Act, from the court in
15 which the person was arraigned or convicted, that
16 annuls, cancels, and rescinds the record of arrest and
17 record of conviction, as applicable, for the relevant
18 offense; provided that an expungement order shall not
19 be issued for a person if the State, the department of
20 the attorney general, or the applicable prosecuting



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1 attorney demonstrates good cause against the issuance
2 of the order for that person.

3 SECTION 14. Except as provided in section 13, this Act
4 does not affect rights and duties that matured, penalties that
5 were incurred, and proceedings that were begun before its
6 effective date.

7 SECTION 15. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 16. This Act shall take effect upon its approval.

10

INTRODUCED BY: _____

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Report Title:

Cannabis; Decriminalization; Release; Expungement

Description:

Decriminalizes and legalizes the personal use, possession, and sale of cannabis in a specified quantity. Entitles persons arrested or convicted of certain marijuana offenses from custody or incarceration. Entitles certain persons to the expungement of their arrest and conviction records, unless the prosecutor can demonstrate good cause against the issuance of an expungement order.

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

