

# S.B. NO. 3138

JAN 24 2024

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## A BILL FOR AN ACT

RELATING TO MANUFACTURED HEMP PRODUCTS.

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

1           SECTION 1. Act 263, Session Laws of Hawaii 2023, amended  
2 regulations on hemp production and manufactured hemp products.  
3 However, the definition of "manufactured hemp product" in  
4 section 328G-1, Hawaii Revised Statutes, was inadvertently  
5 amended to be ambiguous and may be read to limit the department  
6 of health's rulemaking authority to regulate new types of hemp  
7 products as manufactured hemp products. The purpose of the Act  
8 is to clarify that the definition of "manufactured hemp product"  
9 includes hemp products specified in rules adopted by the  
10 department of health pursuant to section 328G-4, Hawaii Revised  
11 Statutes.

12           SECTION 2. Section 328G-1, Hawaii Revised Statutes, is  
13 amended by amending the definition of "manufactured hemp  
14 product" to read as follows:

15           "Manufactured hemp product" means a product created by  
16 processing, as defined in this chapter, that:

17           (1) Is either:

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1 (A) Intended to be consumed orally to supplement the  
2 human or animal diet in tablet, capsule, powder,  
3 softgel, gelcap, or liquid form (e.g., hemp oil);  
4 [~~or~~]

5 (B) In a form for topical application to the skin or  
6 hair; or

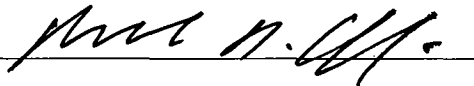
7 (C) Any other product specified in rules by the  
8 department pursuant to section 328G-4; and

9 (2) Does not include any living hemp plants, viable seeds,  
10 leaf materials, or floral materials[ ~~and~~

11 ~~(3) Includes any other product specified by the department~~  
12 ~~pursuant to section 328G-4(a)(7)]."~~

13 SECTION 3. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.

16  
17 INTRODUCED BY: 

18 BY REQUEST

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**Report Title:**

Manufactured Hemp Products; Definition

**Description:**

Clarifies that the definition of "manufactured hemp products" in section 328G-1, HRS, includes hemp products specified in rules adopted by the Department of Health pursuant to section 328G-4.

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

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO MANUFACTURED HEMP PRODUCTS.

PURPOSE: To clarify that the definition of "manufactured hemp product" includes hemp products specified by the Department of Health in rules.

MEANS: Amend section 328G-1, Hawaii Revised Statutes.

JUSTIFICATION: The definition of "manufactured hemp product" in section 328G-1, Hawaii Revised Statutes, was inadvertently amended to be ambiguous and may be read to limit the Department of Health's authority to regulate new types of hemp products as manufactured hemp products by rule.

Impact on the public: Higher assurances of safety and more accurate labeling for products that contain hemp.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HTH-560.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.