
A BILL FOR AN ACT

RELATING TO MARIJUANA.

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

1 SECTION 1. Chapter 712, Hawaii Revised Statutes, is
2 amended by adding a new section to part IV to be appropriately
3 designated and to read as follows:

4 "§712- Promoting a harmful drug in the fifth degree.

5 (1) A person commits the offense of promoting a harmful drug in
6 the fifth degree if the person knowingly:

7 (a) Possesses any marijuana concentrate in any amount;

8 (b) Possesses marijuana-infused products containing any
9 amount of tetrahydrocannabinol; or

10 (c) Transfers:

11 (i) Five grams or less of marijuana concentrate; or

12 (ii) Marijuana-infused products containing five
13 hundred milligrams or less of

14 tetrahydrocannabinol, in the aggregate,

15 to a person who is twenty-one years of age or older

16 without remuneration.



1 (2) Promoting a harmful drug in the fifth degree shall be
2 a petty misdemeanor; provided that:

3 (a) Possession of five grams or less of marijuana
4 concentrate;

5 (b) Possession of marijuana-infused products containing
6 five hundred milligrams or less of
7 tetrahydrocannabinol, in the aggregate; or

8 (c) Transfer of:

9 (i) Five grams or less of marijuana concentrate; or

10 (ii) Marijuana-infused products containing five
11 hundred milligrams or less of
12 tetrahydrocannabinol, in the aggregate,

13 to a person who is twenty-one years of age or older
14 without remuneration,

15 shall be a violation, punishable by a fine of \$25. A person
16 found responsible for a violation under this section may
17 request, and shall be granted, a penalty of two hours of
18 community service in lieu of a fine.

19 (3) For purposes of this section, a transfer of marijuana
20 concentrate or marijuana-infused products shall be considered
21 for remuneration if:



1 (a) The marijuana concentrate or marijuana-infused
2 products is given away contemporaneously with another
3 transaction between the same parties;

4 (b) A gift of marijuana concentrate or marijuana-infused
5 products is offered or advertised in conjunction with
6 an offer for sale of goods, services, or admission to
7 an event; or

8 (c) A gift of marijuana concentrate or marijuana-infused
9 products is contingent upon a separate transaction for
10 goods, services, or the price of admission to an
11 event."

12 SECTION 2. Section 329-43.5, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§329-43.5 Prohibited acts related to drug paraphernalia.**

15 (a) Except as provided in [~~subsection~~] subsections (e) [~~7~~] and
16 (f), it [~~is~~] shall be unlawful for any person to use, or to
17 possess with intent to use, drug paraphernalia to plant,
18 propagate, cultivate, grow, harvest, manufacture, compound,
19 convert, produce, process, prepare, test, analyze, pack, repack,
20 store, contain, conceal, inject, ingest, inhale, or otherwise
21 introduce into the human body a controlled substance in



1 violation of this chapter. A violation of this subsection shall
2 constitute a violation subject to a fine of no more than \$500.

3 (b) Except as provided in subsection (e), it [~~is~~] shall be
4 unlawful for any person to deliver, possess with intent to
5 deliver, or manufacture with intent to deliver drug
6 paraphernalia, knowing or under circumstances where one
7 reasonably should know, that it will be used to plant,
8 propagate, cultivate, grow, harvest, manufacture, compound,
9 convert, produce, process, prepare, test, analyze, pack, repack,
10 store, contain, conceal, inject, ingest, inhale, or otherwise
11 introduce into the human body a controlled substance in
12 violation of this chapter. A violation of this subsection shall
13 constitute a violation subject to a fine of no more than \$500.

14 (c) Any person eighteen years of age or [~~over~~] older who
15 violates subsection (b) by delivering drug paraphernalia to a
16 person or persons under eighteen years of age who are at least
17 three years younger than that adult person [~~is~~] shall be guilty
18 of a class B felony and upon conviction may be imprisoned
19 pursuant to section 706-660 and, if appropriate as provided in
20 section 706-641, fined pursuant to section 706-640.



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1 (d) It [~~is~~] shall be unlawful for any person to place in
2 any newspaper, magazine, handbill, or other publication any
3 advertisement, knowing or under circumstances where one
4 reasonably should know, that the purpose of the advertisement,
5 in whole or in part, is to promote the sale of objects designed
6 or intended for use as drug paraphernalia. Any person who
7 violates this section [~~is~~] shall be guilty of a class C felony
8 and upon conviction may be imprisoned pursuant to section 706-
9 660 and, if appropriate as provided in section 706-641, fined
10 pursuant to section 706-640.

11 (e) Subsections (a) and (b) shall not apply to a person
12 who is authorized to:

13 (1) Acquire, possess, cultivate, use, distribute, or
14 transport cannabis pursuant to the definition of
15 "medical use" under section 329-121, while the person
16 is facilitating the medical use of cannabis by a
17 qualifying patient; or

18 (2) Dispense, manufacture, or produce cannabis or
19 manufactured cannabis products pursuant to and in
20 compliance with chapter 329D, while the person is



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1 facilitating the medical use of cannabis by a
2 qualifying patient pursuant to part IX of chapter 329.

3 (f) Subsection (a) shall not apply to the possession of
4 drug paraphernalia to:

5 (1) Store, contain, or conceal; or

6 (2) Inject, ingest, inhale, or otherwise introduce into
7 the human body,

8 marijuana."

9 SECTION 3. Section 712-1240, Hawaii Revised Statutes, is
10 amended by adding a new definition to be appropriately inserted
11 and to read as follows:

12 "Marijuana-infused product" means any product containing
13 or derived from marijuana, including a marijuana concentrate."

14 SECTION 4. Section 712-1244, Hawaii Revised Statutes, is
15 amended by amending subsection (1) to read as follows:

16 "(1) A person commits the offense of promoting a harmful
17 drug in the first degree if the person knowingly:

18 (a) Possesses one hundred or more capsules or tablets or
19 dosage units containing one or more of the harmful
20 drugs or one or more of the marijuana concentrates, or
21 any combination thereof;



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- 1 (b) Possesses one or more preparations, compounds,
2 mixtures, or substances, of an aggregate weight of one
3 ounce or more containing one or more of the harmful
4 drugs or one or more of the marijuana concentrates, or
5 any combination thereof;
- 6 (c) Distributes twenty-five 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 (d) Distributes, except as provided in section 712- ,
11 one or more preparations, compounds, mixtures, or
12 substances, of an aggregate weight of one-eighth ounce
13 or more, containing one or more of the harmful drugs
14 or one or more of the marijuana concentrates, or any
15 combination thereof; or
- 16 (e) Distributes any harmful drug or any marijuana
17 concentrate in any amount to a minor."

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

20 "(1) A person commits the offense of promoting a harmful
21 drug in the second degree if the person knowingly:



1 (a) Possesses fifty or more capsules or tablets or dosage
2 units containing one or more of the harmful drugs or
3 one or more of the marijuana concentrates, or any
4 combination thereof;

5 (b) Possesses, except as provided in section 712-1246.5 or
6 712- , one or more preparations, compounds,
7 mixtures, or substances, of an aggregate weight of
8 one-eighth ounce or more, containing one or more of
9 the harmful drugs or one or more of the marijuana
10 concentrates, or any combination thereof; or

11 (c) Distributes, except as provided in section 712- ,
12 any harmful drug or any marijuana concentrate in any
13 amount."

14 SECTION 6. Section 712-1246.5, Hawaii Revised Statutes, is
15 amended by amending subsection (1) to read as follows:

16 "(1) A person commits the offense of promoting a harmful
17 drug in the fourth degree if the person knowingly possesses
18 [~~any~~]:

19 (a) Any harmful drug, except marijuana concentrate, in any
20 amount[~~-~~];

21 (b) Ten grams or more of marijuana concentrate; or



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1 (c) Marijuana-infused products containing one gram or more
2 of tetrahydrocannabinol, in the aggregate."

3 SECTION 7. Section 712-1247, Hawaii Revised Statutes, is
4 amended by amending subsection (1) to read as follows:

5 "(1) A person commits the offense of promoting a
6 detrimental drug in the first degree if the person knowingly:

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

9 (b) Possesses one or more preparations, compounds,
10 mixtures, or substances of an aggregate weight of one
11 ounce or more, containing one or more of the Schedule
12 V substances;

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

15 (d) Distributes one or more preparations, compounds,
16 mixtures, or substances of an aggregate weight of one-
17 eighth ounce or more, containing one or more of the
18 Schedule V substances;

19 (e) Possesses one or more preparations, compounds,
20 mixtures, or substances of an aggregate weight of one
21 pound or more, containing any marijuana;



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- 1 (f) Distributes, except as provided in section 712-1249,
2 one or more preparations, compounds, mixtures, or
3 substances of an aggregate weight of one ounce or
4 more, containing any marijuana;
- 5 (g) Possesses, cultivates, or has under the person's
6 control twenty-five or more marijuana plants; or
- 7 (h) Sells or barteres any marijuana or any Schedule V
8 substance in any amount."

9 SECTION 8. Section 712-1248, Hawaii Revised Statutes, is
10 amended by amending subsection (1) to read as follows:

- 11 "(1) A person commits the offense of promoting a
12 detrimental drug in the second degree if the person knowingly:
- 13 (a) Possesses fifty or more capsules or tablets containing
14 one or more of the Schedule V substances;
- 15 (b) Possesses one or more preparations, compounds,
16 mixtures, or substances, of an aggregate weight of
17 one-eighth ounce or more, containing one or more of
18 the Schedule V substances;
- 19 (c) Possesses [~~one or more preparations, compounds,~~
20 ~~mixtures, or substances, of an aggregate weight of one~~
21 ~~ounce or more, containing any marijuana;~~] two ounces



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1 or more of marijuana other than marijuana concentrate
2 and marijuana-infused products; or
3 (d) Distributes, except as provided in section 712-1249,
4 any marijuana or any Schedule V substance in any
5 amount."

6 SECTION 9. Section 712-1249, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§712-1249 Promoting a detrimental drug in the third**
9 **degree.** (1) A person commits the offense of promoting a
10 detrimental drug in the third degree if the person knowingly
11 [~~possesses~~]:

12 (a) Possesses any marijuana or any Schedule V substance in
13 any amount[];

14 (b) Transfers one ounce or less of marijuana other than
15 marijuana concentrate and marijuana-infused products
16 to a person who is twenty-one years of age or older
17 without remuneration; or

18 (c) Smokes marijuana in a public place.

19 (2) Promoting a detrimental drug in the third degree [~~is~~]
20 shall be a petty misdemeanor; provided that [~~possession of three~~
21 ~~grams or less~~]:



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1 (a) Possession of one ounce or less of marijuana or
2 transfer without remuneration of one ounce or less of
3 marijuana [~~is~~] other than marijuana concentrate and
4 marijuana-infused products shall be a violation,
5 punishable by a fine of [~~\$130.~~] \$25. A person found
6 responsible for a violation under this paragraph may
7 request, and shall be granted, a penalty of two hours
8 of community service in lieu of a fine; or

9 (b) Smoking marijuana in a public place shall be a
10 violation, punishable by a fine of up to \$130. A
11 person found responsible for a violation under this
12 paragraph may request, and shall be granted, a penalty
13 of up to ten hours of community service in lieu of a
14 fine.

15 (3) For purposes of this section, a transfer of marijuana
16 shall be considered for remuneration if:

17 (a) The marijuana is given away contemporaneously with
18 another transaction between the same parties;

19 (b) A gift of marijuana is offered or advertised in
20 conjunction with an offer for sale of goods, services,
21 or admission to an event; or



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1 (c) A gift of marijuana is contingent upon a separate
2 transaction for goods, services, or the price of
3 admission to an event."

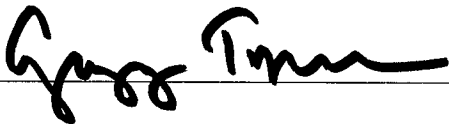
4 SECTION 10. This Act does not affect rights and duties
5 that matured, penalties that were incurred, and proceedings that
6 were begun before its effective date.

7 SECTION 11. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 12. This Act shall take effect upon its approval.

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INTRODUCED BY:



JAN 15 2025



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Report Title:

Marijuana; Paraphernalia; Possession; Transfer; Smoking;
Decriminalization

Description:

Exempts drug paraphernalia for marijuana from certain penalties under the Uniform Controlled Substances Act. Lowers the penalties for the possession and transfer without remuneration of certain amounts of marijuana, marijuana concentrate, and marijuana-infused products. Makes smoking marijuana in a public place a violation under the offense of promoting a detrimental drug in the third degree.

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

