
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 finds that mankind has
2 cultivated hemp as a source of food and fiber for thousands of
3 years. Modern production methods have utilized hemp's oilseed
4 to make high-grade food and beauty products. The stalks produce
5 fiber and cellulose for everything from automotive parts and
6 fine clothing to building materials and fuel.

7 The legislature further finds that according to estimates
8 by the Hemp Industries Association, retail sales of industrial
9 hemp products in the United States have grown steadily since
10 1990 to more than \$580,000,000 annually in 2013. California
11 manufacturers of hemp products currently import tens of
12 thousands of acres' worth of hemp seed, oil, and fiber products
13 from around the world that could be produced by American farmers
14 at a more competitive price. Additionally, the intermediate
15 processing of hemp seed, oil, food ingredients, and fiber could
16 create jobs in close proximity to the fields of cultivation.

17 The legislature further finds that support for industrial
18 hemp farming is occurring at the national level. California,



1 Colorado, Delaware, Hawaii, Illinois, Indiana, Kentucky, Maine,
2 Montana, Nebraska, North Dakota, Oregon, South Carolina,
3 Tennessee, Utah, Vermont, Washington, and West Virginia have
4 defined industrial hemp as a distinct agricultural crop and
5 removed barriers to its production. Furthermore, President
6 Obama signed the 2014 Farm Bill into law, which authorizes
7 industrial hemp research and pilot programs in states that
8 regulate hemp farming under the authority of the state
9 department of agriculture. Farmers and universities in
10 Colorado, Kentucky, and Vermont have already planted hemp crops
11 to conduct pilot programs after registering with their state
12 department of agriculture.

13 The purpose of this Act is to authorize industrial hemp to
14 be grown for purposes of research conducted under an
15 agricultural pilot program or other agricultural or academic
16 research by an institution of higher education or by others
17 acting under specific agreement with and under the authority of
18 the Hawaii department of agriculture.

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



1 **"PART . INDUSTRIAL HEMP**

2 **§141- Definitions.** As used in this part:

3 "Board" means the board of agriculture.

4 "Chairperson" means the chairperson of the board of
5 agriculture.

6 "Industrial hemp" means the plant Cannabis sativa L. and
7 any part of such plant, whether growing or not, with a delta-9
8 tetrahydrocannabinol concentration of not more than 0.3 per cent
9 on a dry weight basis, that is cultivated in connection with an
10 institution of higher education, a registered seed breeder, or
11 an approved seed cultivar as authorized by this part.

12 "Institution of higher education" means a public or private
13 institution of higher learning as defined in section 101 of the
14 Higher Education Act of 1965 (20 U.S.C. 1001).

15 "Registered seed breeder" means an individual or public or
16 private institution or organization that is registered with the
17 chairperson to develop seed cultivars intended for sale or
18 research.

19 "Seed cultivar" means a variety of industrial hemp.

20 "Seed development plan" means a strategy devised by a
21 registered seed breeder, or applicant seed breeder, detailing



1 the breeder's planned approach to growing and developing a new
2 seed cultivar for industrial hemp.

3 **§141- Growing of industrial hemp for research purposes;**
4 **registration.** (a) Except when grown by an institution of
5 higher education or by a registered seed breeder developing a
6 new Hawaii seed cultivar, industrial hemp shall be grown only if
7 it is on the list of approved seed cultivars. The board may
8 from time to time add or remove any seed cultivar from the list.

9 (b) The list of approved seed cultivars shall include the
10 following:

11 (1) Industrial hemp seed cultivars that have been
12 certified by the Organization of Economic Cooperation
13 and Development; and

14 (2) Hawaii varieties of industrial hemp seed cultivars
15 that have been certified by the board.

16 (c) Before cultivation, a grower of industrial hemp shall
17 register with the board to engage in industrial hemp cultivation
18 and request that it certify the site where the hemp will be
19 grown. The application for registration shall include the
20 following information:



- 1 (1) The name, business address, and mailing address of the
2 applicant;
- 3 (2) The legal description, global positioning system
4 coordinates, and map of the land area on which the
5 applicant plans to engage in industrial hemp
6 cultivation or storage; and
- 7 (3) The approved seed cultivar to be grown and whether the
8 seed cultivar will be grown for its grain or fiber, or
9 as a dual purpose crop.

10 The application shall be accompanied by a registration fee,
11 to be established by rules of the board, which shall be used to
12 cover the costs of implementing, administering, and enforcing
13 this part. The registration shall be valid for two years, after
14 which the registrant shall renew the registration and pay the
15 renewal fee, to be established by rules of the board.

16 (d) If the chairperson determines that the requirements
17 for registration pursuant to this section are satisfied, the
18 chairperson shall issue a registration to the applicant.

19 (e) A registrant that wishes to alter the land area on
20 which the registrant conducts industrial hemp cultivation or
21 storage shall, before altering the area, submit to the

1 chairperson an updated legal description, global positioning
2 system coordinates, and map specifying the proposed alteration.
3 When the chairperson receives and approves the updated
4 information, the chairperson shall notify the registrant in
5 writing that the registrant may cultivate industrial hemp on the
6 altered land area.

7 (f) A registrant that wishes to change the seed cultivar
8 grown shall submit to the chairperson the name of the new,
9 approved seed cultivar to be grown. When the chairperson
10 receives and approves the change to the registration, the
11 chairperson shall notify the registrant in writing that the
12 registrant may cultivate the new seed cultivar.

13 **§141- Cultivation by established agricultural research**
14 **institutions.** Institutions of higher education shall be
15 permitted to cultivate or possess industrial hemp with a
16 laboratory test report that indicates a percentage content of
17 tetrahydrocannabinol that is greater than 0.3 per cent if that
18 cultivation or possession contributes to the development of
19 types of industrial hemp that is not more than a
20 tetrahydrocannabinol limit of 0.3 per cent.



1 **§141- Prohibited activities.** The possession outside of
2 a field of lawful cultivation of resin, flowering tops, or
3 leaves that have been removed from the hemp plant is prohibited;
4 provided that the presence of a de minimis amount, or
5 insignificant number, of hemp leaves or flowering tops in hemp
6 bales that result from the normal and appropriate processing of
7 industrial hemp shall not constitute possession of marijuana.

8 **§141- Rulemaking.** The board shall adopt rules pursuant
9 to chapter 91 necessary for the purposes of this part. The
10 board is authorized to contract with private growers to conduct
11 research and pilot programs as allowed under section 7606 of the
12 Farm Bill of 2014. The board is authorized to apply for a
13 registration with the United States Drug Enforcement
14 Administration to import certified hemp seed and to distribute
15 that to registered growers who have a written agreement with the
16 board outlining the research they will be conducting."

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

20 "§712- Industrial hemp. The possession, cultivation,
21 sale, receipt, or transfer of industrial hemp as authorized



1 under part of chapter 141 shall not constitute an offense
2 under this part."

3 SECTION 4. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$550,000 or so much
5 thereof as may be necessary for fiscal year 2015-2016 and the
6 same sum or so much thereof as may be necessary for fiscal year
7 2016-2017 for the establishment of one full-time equivalent
8 (1.00 FTE) position in the department of agriculture to
9 effectuate this Act.

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

12 SECTION 5. New statutory material is underscored.

13 SECTION 6. This Act shall take effect on July 1, 2015.



Report Title:

Industrial Hemp; Agriculture; Pilot Program; Appropriation

Description:

Authorizes the growing of industrial hemp for certain purposes under specified conditions. Appropriates funds for department of agriculture staff to assist in registration of industrial hemp growers and seed testing. (SD1)

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