

JAN 22 2016

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 the University of
2 Hawaii's research on hemp shows there is significant potential
3 for a successful hemp agricultural industry in Hawaii. The
4 legislature also finds that several agricultural crops have been
5 lost in recent years and the state will benefit from the growth
6 of industrial hemp.

7 In addition to creating new agricultural commerce hemp is
8 also beneficial in removing toxins from the soil
9 (phytoremediation). Phytoremediation is important to the State
10 because the State's past agricultural operations have left
11 toxins in vast tracts of land which can be removed by
12 phytoremediation. Hemp grows quickly and is a superior
13 phytoremediation crop.

14 The legislature also finds that industrial hemp is an
15 environmentally friendly and efficient feedstock for biofuel.
16 Existing biodiesel plants meet eight percent of the State's
17 biodiesel needs for ground transportation. The efficiency of



1 the biodiesel plants could be increased by utilizing industrial
2 hemp as feedstock and use less imported fuel.

3 In addition, industrial hemp can be made into clothing and
4 used in other products to promote the growth of small
5 businesses.

6 The purpose of this Act is to define industrial hemp,
7 authorize the growth of industrial hemp as an agricultural
8 product, and authorize the department of agriculture to grant
9 licenses for the growth of industrial hemp, and to exclude
10 industrial hemp from the definition of marijuana and exclude it
11 from the definition of illegal drugs.

12 SECTION 2. Section 141, Hawaii Revised Statutes, is
13 amended by adding a new definition to be appropriately inserted
14 and to read as follows:

15 ""Industrial hemp" means all parts and varieties of the
16 plant Cannabis sativa L. containing no greater than 0.3%
17 tetrahydrocannabinol."

18 SECTION 3. Chapter 141, Hawaii Revised Statutes, is
19 amended by adding a new section to be appropriately designated
20 and to read as follows:



1 "§141- Industrial hemp that has no more than 0.3%
2 tetrahydrocannabinol is considered an agricultural crop in this
3 state. Upon meeting the requirements of 80-18-103, an individual
4 in this state may plant, grow, harvest, possess, process, sell,
5 or buy industrial hemp if the industrial hemp does not contain
6 more than 0.3% tetrahydrocannabinol."

7 SECTION 4. Chapter 141, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 "§141- Industrial hemp that has no more than 0.3%
11 tetrahydrocannabinol is considered an agricultural crop in this
12 state. Upon meeting the licensing requirements as set forth by
13 the department of agriculture an individual in this state may
14 plant, grow, harvest, possess, process, sell, or buy industrial
15 hemp if the industrial hemp does not contain more than 0.3%
16 tetrahydrocannabinol.

17 (a) No person shall be subject to any civil or criminal
18 sanctions in this State for growing or possessing industrial
19 hemp; provided that the person's growing or possession of
20 industrial hemp is in accordance with the license and guidelines
21 as set by the department of agriculture."



1 SECTION 4. Section 712-1240, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§712-1240 Definitions of terms in this part. In this
4 part, unless a different meaning plainly is required:

5 "Dangerous drugs" means any substance or immediate
6 precursor defined or specified as a "Schedule I substance" or a
7 "Schedule II substance" by chapter 329, or a substance specified
8 in section 329-18(c)(14), except marijuana, ~~or~~ marijuana
9 concentrate~~[-]~~, or industrial hemp.

10 "Detrimental drug" means any substance or immediate
11 precursor defined or specified as a "Schedule V substance" by
12 chapter 329, or any marijuana~~[-]~~ excluding industrial hemp.

13 "Dosage unit" for purposes of section 712-1241 and section
14 712-1242 means an entity designed and intended for singular
15 consumption or administration.

16 "Harmful drug" means any substance or immediate precursor
17 defined or specified as a "Schedule III substance" or a
18 "Schedule IV substance" by chapter 329, or any marijuana
19 concentrate except marijuana and a substance specified in
20 section 329-18(c)(14).



1 "Immediate precursor" means a substance which the
2 department of health, State of Hawaii, has found to be and by
3 rule designates as being the principal compound commonly used or
4 produced primarily for use, and which is an immediate chemical
5 intermediary used or likely to be used in the manufacture of a
6 controlled substance, the control of which is necessary to
7 prevent, curtail, or limit manufacture.

8 "Intoxicating compounds" means any compound, liquid or
9 chemical containing toluol, hexane, trichloroethylene, acetone,
10 toluene, ethyl acetate, methyl ethyl ketone, trichloroethane,
11 isopropanol, methyl isobutyl ketone, methyl cellosolve acetate,
12 cyclohexanone, or any other substance for the purpose of
13 inducing a condition of intoxication, stupefaction, depression,
14 giddiness, paralysis or irrational behavior, or in any manner
15 changing, distorting or disturbing the auditory, visual or
16 mental processes. For the purposes of this section, any such
17 condition so induced shall be deemed to be an intoxicated
18 condition.

19 "Intoxicating liquor" means any substance defined as
20 "liquor" or "intoxicating liquor" by section 281-1.



1 "Manufacture" means to produce, prepare, compound, convert,
2 or process a dangerous drug, either directly or indirectly by
3 extraction from substances of natural origin, or independently
4 by means of chemical conversion or synthesis.

5 "Marijuana" means any part of the plant (genus) cannabis,
6 whether growing or not, including the seeds and the resin, and
7 every alkaloid, salt, derivative, preparation, compound, or
8 mixture of the plant, its seeds or resin, except that, as used
9 herein, "marijuana" does not include industrial hemp, hashish,
10 tetrahydrocannabinol, and any alkaloid, salt, derivative,
11 preparation, compound, or mixture, whether natural or
12 synthesized, of tetrahydrocannabinol.

13 "Marijuana concentrate" means hashish,
14 tetrahydrocannabinol, or any alkaloid, salt, derivative,
15 preparation, compound, or mixture, whether natural or
16 synthesized, of tetrahydrocannabinol[-] excluding industrial
17 hemp.

18 "Minor" means a person who has not reached the age of
19 majority.

20 "Ounce" means an avoirdupois ounce as applied to solids and
21 semi-solids, and a fluid ounce as applied to liquids.



S.B. NO. 2700

1 "Practitioner" means[+]

2 (1) A physician, dentist, veterinarian, scientific
3 investigator, or other person licensed, registered, or
4 otherwise permitted to distribute, dispense,
5 prescribe, conduct research with respect to or to
6 administer a controlled substance in the course of
7 professional practice or research in this State.

8 (2) A pharmacy, hospital, or other institution licensed,
9 registered, or otherwise permitted to distribute,
10 dispense, prescribe, conduct research with respect to
11 or to administer a controlled substance in the course
12 of professional practice or research in this State.

13 "To distribute" means to sell, transfer, prescribe, give,
14 or deliver to another, or to leave, barter, or exchange with
15 another, or to offer or agree to do the same.

16 "To sell" means to transfer to another for consideration."

17 SECTION 5. Section 329-1 is amended by amending the
18 definition of "marijuana" to read as follows:

19 "'Marijuana" means all parts of the plant (genus) Cannabis
20 whether growing or not; the seeds thereof, the resin extracted
21 from any part of the plant; and every compound, manufacture,



1 salt, derivative, mixture, or preparation of the plant, its
 2 seeds, or resin. It does not include the mature stalks of the
 3 plant, fiber produced from the stalks, oil, or cake made from
 4 the seeds of the plant, any other compound, manufacture, salt,
 5 derivative, mixture, or preparation of the mixture stalks
 6 (except the resin extracted therefrom), fiber, oil, or cake, or
 7 the sterilized seed of the plant which is incapable of
 8 germination[-], or hemp."

9 SECTION 6. Statutory material to be repealed is bracketed
 10 and stricken. New statutory material is underscored.

11 SECTION 7. This Act shall take effect upon its approval.

12 INTRODUCED BY:

13

DC. with agenda	<u>Donald J. Sloan</u>
<u>M. H. L.</u>	<u>Freddie R. Hoyle</u>
<u>Michelle Fedani</u>	<u>James Overland</u>
<u>Jackie Coor</u>	<u>Clarence A. Michels</u>
<u>Will Egan</u>	<u>Ed Lewis</u>
	<u>Suzanne Chun Oakland</u>
	<u>Ross E. Ruller</u>
	<u>B. Mike Galtford</u>
	<u>David L. ...</u>



S.B. NO. 2700

Report Title:

Industrial Hemp

Description:

Defines industrial hemp, authorizes the growth of industrial hemp as an agricultural product licensed by the department of agriculture, removes criminal and civil penalties.

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

