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# 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 industrial hemp is  
2 beneficial to human consumption, animal feed, soil remediation,  
3 carbon sequestration, manufacturing of plastics, and housing  
4 construction. The United States has traditionally grown hemp;  
5 George Washington and Thomas Jefferson were hemp farmers. The  
6 United States government produced a film in 1942 called *Hemp for*  
7 *Victory* encouraging farmers to grow hemp due to a shortage of  
8 fibers during World War II. Industrial hemp, by definition, has  
9 an insignificant trace amount of THC (tetrahydrocannabinol), the  
10 primary psychoactive ingredient in marijuana, which does not  
11 allow the user of industrial hemp to experience the traditional  
12 "high" associated with marijuana. Possession and cultivation of  
13 industrial hemp is currently categorized as a class A felony  
14 drug offense due to its physical resemblance to the marijuana  
15 plant.

16           The legislature further finds that the University of  
17 Hawaii's research on hemp shows there is significant potential



1 for a successful hemp agricultural industry in Hawaii. The  
2 legislature also finds that several agricultural crops have been  
3 lost in recent years and the State will benefit from the growth  
4 of industrial hemp. In addition to creating new agricultural  
5 commerce, hemp is also beneficial in removing toxins from the  
6 soil, a process called phytoremediation. Phytoremediation is  
7 important to the State because the State's past agricultural  
8 operations have left toxins in vast tracts of land, but  
9 phytoremediation can remove some of these toxins. Hemp grows  
10 quickly and is a superior phytoremediation crop.

11 The purpose of this Act is to authorize the growth of  
12 industrial hemp as an agricultural product by excluding the  
13 growing, possession, processing, and selling of industrial hemp  
14 from civil and criminal penalties.

15 SECTION 2. Chapter 141, Hawaii Revised Statutes, is  
16 amended by adding a new section to be appropriately designated  
17 and to read as follows:

18 "§141- Industrial hemp. No person shall be subject to  
19 any civil or criminal sanctions in this State for planting,  
20 growing, harvesting, possessing, processing, selling, or buying  
21 industrial hemp, as defined in section 712-1240."



1 SECTION 3. Section 329-1, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By adding a new definition to be appropriately inserted  
4 and to read:

5 "Industrial hemp" shall have the same meaning as in  
6 section 712-1240."

7 2. By amending the definition of "marijuana" to read:

8 "Marijuana" means all parts of the plant (genus) Cannabis  
9 whether growing or not; the seeds thereof, the resin extracted  
10 from any part of the plant; and every compound, manufacture,  
11 salt, derivative, mixture, or preparation of the plant, its  
12 seeds, or resin. It does not include the mature stalks of the  
13 plant, fiber produced from the stalks, oil, or cake made from  
14 the seeds of the plant, any other compound, manufacture, salt,  
15 derivative, mixture, or preparation of the mature stalks (except  
16 the resin extracted therefrom), fiber, oil, or cake, [ø] the  
17 sterilized seed of the plant which is incapable of  
18 germination[-], or industrial hemp."

19 SECTION 4. Section 712-1240, Hawaii Revised Statutes, is  
20 amended as follows:



1           1. By adding a new definition to be appropriately inserted  
2 and to read:

3           "Industrial hemp" means the plant Cannabis sativa L. and  
4 any part of that plant, whether growing or not, with a delta-9  
5 tetrahydrocannabinol concentration of not more than 0.3 per cent  
6 on a dry weight basis or a tetrahydrocannabinol concentration  
7 allowed by federal law, whichever is greater, that is  
8 cultivated."

9           2. By amending the definitions of "dangerous drugs",  
10 "harmful drug", "marijuana", and "marijuana concentrate" to  
11 read:

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

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



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

9 "Marijuana concentrate" means hashish,  
 10 tetrahydrocannabinol, or any alkaloid, salt, derivative,  
 11 preparation, compound, or mixture, whether natural or  
 12 synthesized, of tetrahydrocannabinol[-], excluding industrial  
 13 hemp."

14 SECTION 5. This Act does not affect rights and duties that  
 15 matured, penalties that were incurred, and proceedings that were  
 16 begun before its effective date.

17 SECTION 6. Statutory material to be repealed is bracketed  
 18 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

*[Handwritten signatures: "Sen. DeCosta" and "Sen. Quirk" over a horizontal line]*



H.B. NO. 773

Richard L. Green

[Signature]

[Signature]

JAN 20 2017

[Signature]



# H.B. NO. 773

**Report Title:**

Industrial Hemp

**Description:**

Removes criminal and civil penalties for the growing, possession, processing, and selling of industrial hemp.

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

