
A BILL FOR AN ACT

RELATING TO INDUSTRIAL HEMP.

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

- 1 SECTION 1. Section 141-33, Hawaii Revised Statutes, is
2 amended by amending subsections (a) through (c) to read as
3 follows:
- 4 "(a) Each applicant for an industrial hemp license shall
5 submit a signed, complete, accurate, and legible application
6 form provided by the board [~~between January 1 and April 1 of the~~
7 ~~year in which the applicant plans to grow industrial hemp,~~
8 ~~which]~~ and shall include the following:
- 9 (1) The applicant's name, mailing address, and phone
10 number in Hawaii and, if applicable, electronic mail
11 address;
- 12 (2) If the applicant is an individual or partnership, the
13 date of birth of the individual or partners;
- 14 (3) If the applicant is any business entity other than an
15 individual, partnership, or institution of higher
16 education, documentation that the entity is authorized
17 to do business in Hawaii;



- 1 (4) The cultivated variety that will be sown;
- 2 (5) The source and amount of certified seed to be used;
- 3 (6) The number of acres to be cultivated for seed, viable
- 4 grain, industrial products, or any combination
- 5 thereof;
- 6 (7) The global positioning system coordinates in decimal
- 7 degrees from the central most point of the growing
- 8 area to be cultivated and a map showing the location
- 9 of the growing area in terms of its address or legal
- 10 description;
- 11 (8) A statement that the applicant is the owner of the
- 12 growing area to be used for the cultivation or a
- 13 statement, signed by the owner of the growing area,
- 14 indicating that the owner has consented to that use;
- 15 (9) The address of the place in Hawaii where the applicant
- 16 will keep the records, books, electronic data, or
- 17 other documents that are required by this part;
- 18 (10) The name and address of each place where the
- 19 industrial hemp is to be stored, sold, or provided,
- 20 indicating for each place the form of the industrial
- 21 hemp; and



- 1 (11) The applicant's acknowledgment and agreement to the
2 following terms and conditions:
- 3 (A) Any information obtained by the board may be
4 publicly disclosed and provided to law
5 enforcement agencies without further notice to
6 the applicant or licensee;
- 7 (B) The applicant agrees to allow any inspection and
8 sampling that the board deems necessary;
- 9 (C) The applicant agrees to pay for any sampling and
10 analysis costs that the board deems necessary;
- 11 (D) The applicant agrees to submit all required
12 reports by the applicable due dates specified by
13 the board; and
- 14 (E) The applicant and any partner, directors, or
15 members have not been convicted of any felony
16 related to the possession, production, sale, or
17 distribution of a controlled substance in any
18 form in this or any other country.
- 19 (b) An application may be ~~[received beginning on January 1~~
20 ~~of each year]~~ submitted to the board at any time during the year
21 in which the applicant plans to grow industrial hemp and shall



1 be signed by the applicant or, in the case of a business entity,
2 one of its officers, directors, or partners, as the case may be,
3 and indicate that all information and documents submitted in
4 support of the application are correct and complete to the best
5 of the applicant's knowledge.

6 .(c) Any incomplete application for a license [~~or an~~
7 ~~application received after April 1 of any year,~~] shall be
8 denied."

9 SECTION 2. Section 141-34, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "[~~§~~141-34 [~~§~~] **Reports.** (a) At least seven days prior to
12 harvest, each industrial hemp licensee shall file a report with
13 the board that includes documentation that the licensee has
14 entered into a purchase agreement with an industrial hemp
15 processor. If the licensee has not entered into such an
16 agreement, the licensee shall include a statement of intended
17 disposition of its industrial hemp crop.

18 (b) Licensees shall report any subsequent changes to the
19 purchase agreement or disposition statement to the board within
20 ten days of the change[~~-~~



1 ~~(e) Two business days prior to the movement of the~~
2 ~~industrial hemp grain or plant material from the permitted~~
3 ~~location, the licensee shall submit to the board an application~~
4 ~~for movement permit. The application shall include the mode and~~
5 ~~location to which the product is to be transported. An~~
6 ~~inspection of the product may occur prior to movement.] and~~
7 shall submit any other reports as required by the board."

8 SECTION 3. Section 141-36, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "~~§~~141-36 ~~§~~ Growing of industrial hemp; licensee
11 responsibilities. The licensee shall:

- 12 (1) Assume a limited agency relationship with the board
13 for the sole purpose of research of industrial hemp
14 and its growth, cultivation, and marketability. The
15 licensee shall conduct all agricultural operations in
16 a lawful manner consistent with the standards
17 befitting of an official of the State; provided that
18 such standards are subject to the sole discretion and
19 direction of the board;



1 (2) Abide by applicable laws and regulations incident to
2 the growth, cultivation, or marketing of industrial
3 hemp;

4 (3) Acknowledge that any action, intended or incidental,
5 that is contrary to such laws and regulations, known
6 or unknown, falls outside the agency relationship of
7 the licensee with the board and the licensee's
8 participation in the industrial hemp pilot program;
9 provided that this paragraph applies to all actions
10 incident to the licensed production of industrial
11 hemp, including but not limited to any sale or
12 disposition of the resulting plants, plant materials,
13 or seeds for which the licensee may otherwise receive
14 some benefit or consideration;

15 (4) Indemnify, hold harmless, and release forever the
16 State and its departments, agencies, officers,
17 employees, and agents of any kind from all liability
18 claims arising out of the licensee's actions involving
19 the growth, cultivation, or marketing of industrial
20 hemp;



- 1 (5) Warrant that the licensee is not an employee of the
2 State and shall assume total and sole responsibility
3 for any of the licensee's acts or omissions involving
4 the growth or production of industrial hemp or arising
5 out of the licensee's participation in the industrial
6 hemp pilot program;
- 7 (6) Allow any institution of higher education in the State
8 to access those sites registered by the licensee with
9 the board for production of industrial hemp; provided
10 that such access shall be allowed upon notice from the
11 board to the licensee and shall extend for all
12 purposes determined at the discretion of the board
13 related to research of industrial hemp and its growth,
14 cultivation, and marketing;
- 15 (7) Upon request, allow federal, state, or local
16 authorities to inspect and sample the industrial hemp
17 growing area, plants, plant materials, seeds,
18 equipment, or facilities incident to the growth or
19 production of industrial hemp;
- 20 (8) Remit to the board all license fees and other expenses
21 of the pilot program, including but not limited to all



1 fees related to sampling and analysis of hemp plants
 2 and plant materials and destruction of resulting hemp
 3 crops found by the board to be noncompliant with
 4 applicable laws and regulations;

5 (9) Agree that with respect to the licensee's production
 6 of industrial hemp, the board's role is to fulfill
 7 regulatory oversight of the production and, where
 8 possible, to facilitate receipt of viable seed;
 9 provided that the licensee understands and agrees that
 10 the licensee shall not receive compensation or wages
 11 from the board and the board shall not offer financial
 12 resources, tangible products, or commercial labor in
 13 support of the licensee's industrial hemp crop;

14 (10) Adhere narrowly to the research focus for which the
 15 licensee is participating in the industrial hemp pilot
 16 program, if applicable, to include one or more of the
 17 following:

18 (A) Planting and growing--tracking vital statistics
 19 and yield rates with respect to industrial hemp
 20 varieties and growing variables, including seed



- 1 planting rate, soil composition, water usage, and
2 planting and growing season;
- 3 (B) Pest--tracking the occurrence of pests and
4 effectiveness of various preventative measures in
5 correlation with industrial hemp varieties;
- 6 (C) Cost centers and financing--tracking average cost
7 estimates of producing industrial hemp varieties,
8 taking into account costs of participation in the
9 industrial hemp pilot program, product
10 acquisition, water usage, equipment, labor, and
11 security measures and reporting financial
12 resources available for production of industrial
13 hemp; or
- 14 (D) Marketing and industry development--reporting
15 market demand for industrial hemp varieties' raw
16 materials and end products, including
17 identification of actual or potential hemp
18 products, processors, product manufacturers,
19 wholesalers, retailers, and targeted consumers;
- 20 (11) Complete and submit all reports and statements
21 requested by the board relative to the licensee's



1 production of industrial hemp; provided that a failure
2 to submit any required or requested report may result
3 in revocation of the licensee's industrial hemp
4 license;

5 (12) Understand and agree that any industrial hemp grown in
6 Hawaii without an active industrial hemp license
7 issued by the board falls outside the licensee's
8 limited agency with the board, is considered to be
9 marijuana under state law, and constitutes
10 impermissible growth of industrial hemp under federal
11 law; provided that the licensee shall understand that
12 such action will be prosecuted in accordance with all
13 applicable laws;

14 (13) At the discretion of the board, destroy or dispose of
15 any industrial hemp crop, plant, plant material, or
16 seed determined by the board or law enforcement to be
17 noncompliant with applicable laws or regulations;

18 (14) Use best management practices for growth and
19 production of industrial hemp, as available, and take
20 reasonable precaution to prevent unauthorized growth



- 1 or distribution of industrial hemp, including but not
- 2 limited to:
- 3 (A) Keeping records of all persons with access to the
- 4 growing area or hemp plants, plant materials, or
- 5 seeds;
- 6 ~~[(B) Using case hardened locks and chains to limit~~
- 7 ~~access to storage areas where hemp plants, plant~~
- 8 ~~materials, or seeds are kept;~~
- 9 ~~-(C) Marking equipment and plants, if possible, with~~
- 10 ~~owner applied numbers;~~
- 11 ~~-(D) Blocking private access roads to the growing area~~
- 12 ~~with gates or barricades and posting "No~~
- 13 ~~Trespassing" signs on gates, barricades, and~~
- 14 ~~other landmarks near the growing area and~~
- 15 ~~facilities;~~
- 16 ~~-(E)]~~ (B) Installing reasonable security measures to
- 17 prevent theft and posting signs indicating that
- 18 cameras are used to record activity on the
- 19 growing area property;
- 20 ~~[-(F)]~~ (C) Inspecting and recording regularly the
- 21 condition of the growing area, facilities, and



1 equipment used in the production of industrial
2 hemp;

3 [~~(G)~~] (D) Conducting regular inventory counts of hemp
4 plants, plant materials, and seeds in order to
5 recognize more quickly if a theft has occurred;

6 [~~(H)~~] (E) Contacting local law enforcement to help
7 identify additional security measures and
8 encourage patrols near the growing area;

9 [~~(I)~~] (F) Reporting to local law enforcement any
10 suspicious activity and the presence of strangers
11 near the growing area or facility;

12 [~~(J)~~] (G) Reporting stolen, lost, or missing hemp
13 plants, plant materials, or seeds to the board
14 and law enforcement authorities as soon as the
15 items are noticed to be missing; and

16 [~~(K)~~] (H) Reducing the likelihood of cross pollination
17 between varieties of industrial hemp and among
18 other plants by:

19 (i) Separating any growing area from other self-
20 pollinating plants by more than ten feet;
21 and



1 (ii) Separating any growing area from other wind
2 and insect pollinating plants by more than
3 three hundred feet; and

4 ~~[(iii) Employing a physical barrier such as a hoop~~
5 ~~house or row cover to isolate industrial~~
6 ~~hemp from other plants; and]~~

7 (15) Comply with any direction of the chairperson with
8 respect to the growth, cultivation, or marketing of
9 industrial hemp not otherwise contemplated in this
10 section."

11 SECTION 2. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

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

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



Report Title:

Industrial Hemp Pilot Program; Modifications

Description:

Makes modifications to the Industrial Hemp Pilot Program, including allowing an application to grow industrial hemp to be submitted at any time during the year in which the applicant plans to grow industrial hemp. (HB96 HD1)

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

