

JAN 24 2019

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# A BILL FOR AN ACT

RELATING TO HEMP.

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

1           SECTION 1. Section 141-37, Hawaii Revised Statutes, is  
2 amended as follows:

3           1. By amending its title to read:

4           " ~~[+] §141-37 [+] Inspections; fees.~~"

5           2. By amending subsections (b) to (d) to read:

6           "(b) During the inspection, the licensee or the licensee's  
7 authorized representative shall be present at the growing area.  
8 The licensee or authorized representative shall provide the  
9 ~~boards~~ inspector with complete and unrestricted access to all  
10 industrial hemp plants and seeds whether growing or harvested;  
11 all land, buildings, and other structures used for the  
12 cultivation and storage of industrial hemp; and all documents  
13 and records pertaining to the licensee's industrial hemp  
14 business.

15           (c) Sampling of industrial hemp plants ~~[shall]~~ may occur  
16 in the following manner ~~[+]~~ or according to sampling protocol for



1 industrial hemp set or adopted by the state department of  
2 agriculture:

3 (1) Samples of each variety of industrial hemp may be  
4 sampled from the growing areas at the [~~board's~~]  
5 discretion[~~]~~ of the chairperson or the chairperson's  
6 designee;

7 (2) Quantitative laboratory determination of the delta-9  
8 tetrahydrocannabinol concentration on a dry weight  
9 basis shall be performed according to protocols  
10 approved by the chairperson;

11 (3) A sample test result greater than 0.3 per cent of  
12 delta-9 tetrahydrocannabinol concentration or a  
13 tetrahydrocannabinol concentration allowed by federal  
14 law, whichever is greater, shall be considered  
15 conclusive evidence that at least one cannabis plant  
16 or part of a plant in the growing area contains a  
17 delta-9 tetrahydrocannabinol concentration over the  
18 limit allowed for industrial hemp and that the  
19 licensee of that growing area is therefore not in  
20 compliance with this part. Upon receipt of such a  
21 test result, the chairperson may summarily suspend and



1           revoke the license of an industrial hemp licensee.

2           The chairperson shall furnish to the licensee a

3           portion of the violative sample if the licensee

4           requests it within thirty days of notification; and

5           (4) Test results from an institution of higher education

6           may, at the chairperson's discretion, be accepted in

7           lieu of board sampling.

8           (d) Licensees shall pay a charge of [~~\$35~~] \$40 per hour per

9           inspector, or fees established pursuant to section 147-102 when

10           such services are performed by temporary inspectors, for actual

11           drive time, mileage, inspection, and sampling time[-], and

12           charges for traveling expenses and extraordinary services when

13           the performance of the services involves unusual costs."

14           SECTION 2. Section 141-41, Hawaii Revised Statutes, is

15           amended by amending subsection (a) to read as follows:

16           "(a) There is created in the state treasury a special fund

17           to be designated as the industrial hemp special fund to be

18           administered by the department of agriculture. Moneys deposited

19           in this special fund shall be used to fulfill the purposes of

20           this part and shall include:



- 1           (1) Any moneys appropriated by the legislature to the  
2                 special fund;
- 3           (2) Any fees collected by the department of agriculture in  
4                 relation to the industrial hemp pilot program~~[+]~~,  
5                 except for fees collected for the services provided by  
6                 temporary inspectors, as specified in section 141-37;  
7                 and
- 8           (3) The interest or return on investments earned from  
9                 moneys in the special fund."

10           SECTION 3. Section 147-101, Hawaii Revised Statutes, is  
11 amended to read as follows:

12           "**§147-101 Certification services revolving fund.** There is  
13 established a certification services revolving fund for use by  
14 the department of agriculture to support certification ~~[e]~~,  
15 audit, or inspection services established under parts I, III,  
16 IV, VIII, and IX~~[-]~~, and section 141-37. Moneys in the fund may  
17 be expended for materials, salaries, equipment, training,  
18 travel, and other costs related to providing certification ~~[e]~~,  
19 audit services[-], and inspections. Notwithstanding sections  
20 147-10, 147-34, 147-64, 147-114 ~~[and]~~, 147-126, and 141-37,  
21 moneys derived from the certification ~~[e]~~, audit services, or



1 inspections provided by temporary inspectors employed under this  
2 part or from charges for traveling expenses or extraordinary  
3 services shall be deposited into the fund."

4 SECTION 4. Section 147-102, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "[~~§~~147-102~~§~~] Certification [~~and~~], audit, and inspection  
7 services. The department of agriculture shall fix, assess, and  
8 collect fees for certification [~~or~~], audit, or inspection  
9 services provided by temporary inspectors employed under this  
10 part. The fees shall be in amounts necessary to cover all costs  
11 of the administration and provision of the certification [~~or~~],  
12 audit, or inspection services provided under this part; provided  
13 that the department of agriculture shall establish charges for  
14 traveling expenses and extraordinary services when the  
15 performance of the services involves unusual cost. The fees and  
16 charges established by the department of agriculture shall not  
17 be subject to chapter 91. The department of agriculture may  
18 employ temporary inspectors to assist in providing certification  
19 [~~or~~], audit, or inspection services under parts I, III, IV,  
20 VIII, and IX, and section 141-37, and those temporary inspectors  
21 shall be exempt from chapter 76."



1 SECTION 5. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon its approval.

4 INTRODUCED BY: Mike Galtsois

*Mark*  
*Paul E. ...*  
*John ...*  
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# S.B. NO. 1351

**Report Title:**

Industrial Hemp Pilot Program; Temporary Inspectors; Inspection Fees; Plant Sampling; Certification Services Revolving Fund

**Description:**

Authorizes the department of agriculture to allow temporary inspectors to perform industrial hemp inspections and to deposit fees from inspections by temporary inspectors into the certification services revolving fund. Authorizes the department of agriculture to adopt an alternative method of sampling industrial hemp plants.

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

