
A BILL FOR AN ACT

RELATING TO MARIJUANA.

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

1 SECTION 1. The legislature finds that converting the
2 penalty for possession of small amounts of marijuana into non-
3 criminal violations is more beneficial to the State and its
4 people than the current criminal treatment of these offenses.
5 The legislature further finds that state funds are better spent
6 on community programs and rehabilitation rather than overly
7 punitive and costly incarceration of nonviolent, low-risk drug
8 offenders.

9 Accordingly, the purpose of this Act is to:

- 10 (1) Establish the alcohol and drug abuse division special
11 fund within the department of health where fines from
12 non-criminal marijuana violations shall be deposited
13 and used for public education and awareness programs
14 aimed at reducing the use of harmful drugs; and
- 15 (2) Decriminalize the possession and distribution of small
16 amounts of marijuana by reclassifying these offenses
17 as non-criminal violations, while retaining criminal



1 classification of certain specific, higher-level
2 marijuana offenses, such as those relating to
3 commercial promotion and cultivation, those involving
4 minors, and those involving the medical cannabis
5 licensing and dispensary system.

6 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
7 amended by adding a new section to be appropriately designated
8 and to read as follows:

9 "§321- Alcohol and drug abuse division special fund;
10 deposits; expenditures. (a) There is established within the
11 state treasury the alcohol and drug abuse division special fund
12 to be administered by the department of health. Fines collected
13 for violation of sections 712-1245 (1)(d), 712-1246 (1)(b), 712-
14 1246.5 (1)(b), 712-1247 (1)(i), 712-1248 (1)(e), and 712-1249
15 (1)(b) shall be deposited into the alcohol and drug abuse
16 division special fund.

17 (b) Monies in the special fund shall be expended by the
18 department of health for public education and awareness programs
19 aimed at reducing the use of harmful drugs. Expenditures from
20 the special fund shall not require a specific legislative



1 appropriation but may be spent directly by the department in
2 accordance with the purpose of the special funds.

3 (c) The department of health shall submit a report to the
4 legislature concerning the status of the special fund, including
5 the amount of monies deposited into and expended from the
6 special fund, and the sources of receipts and uses of
7 expenditures, no later than twenty days prior to the convening
8 of each regular session."

9 SECTION 3. Section 712-1245, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§712-1245 Promoting a harmful drug in the second degree.**

12 (1) A person commits the offense of promoting a harmful drug in
13 the second degree if the person knowingly:

14 (a) Possesses fifty or more capsules or tablets or dosage
15 units containing one or more of the harmful drugs or
16 one or more of the marijuana concentrates, or any
17 combination thereof;

18 (b) Possesses one or more preparations, compounds,
19 mixtures, or substances, of an aggregate weight of
20 one- eighth ounce or more, containing one or more of



1 the harmful drugs or one or more of the marijuana
2 concentrates, or any combination thereof; [~~or~~]

3 (c) Distributes any harmful drug [~~or any~~] other than
4 marijuana concentrate in any amount [~~-~~]; or

5 (d) Distributes any marijuana concentrate in any amount.

6 (2) Promoting a harmful drug in the second degree in
7 violation of subsections 1(a), 1(b), or 1(c) is a class B
8 felony. A violation of subsection 1(d) is a violation subject
9 to a fine of no more than \$750, which shall be deposited into
10 the alcohol and drug abuse division special fund established by
11 section 321- ."

12 SECTION 4. Section 712-1246, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§712-1246 Promoting a harmful drug in the third degree.

15 (1) A person commits the offense of promoting a harmful drug in
16 the third degree if the person knowingly [~~possesses~~]:

17 (a) Possesses twenty-five or more capsules or tablets or
18 dosage units containing one or more of the harmful
19 drugs [~~or one or more of the marijuana concentrates,~~]
20 other than a marijuana concentrate or any combination
21 thereof [~~-~~]; or



1 (b) Possesses twenty-five or more capsules or tablets or
 2 dosage units containing one or more marijuana
 3 concentrates or any combination thereof.

4 (2) Promoting a harmful drug in the third degree in
 5 violation of subsection 1(a) is a class C felony. A violation
 6 of subsection 1(b) is a violation subject to a fine of no more
 7 than \$500, which shall be deposited into the alcohol and drug
 8 abuse division special fund established by section 321- ."

9 SECTION 5. Section 712-1246.5, Hawaii Revised Statutes, is
 10 amended to read as follows:

11 "[~~f~~] §712-1246.5 [~~l~~] Promoting a harmful drug in the fourth
 12 degree. (1) A person commits the offense of promoting a
 13 harmful drug in the fourth degree if the person knowingly
 14 [~~possesses~~]:

15 (a) Possesses any harmful drug other than a marijuana
 16 concentrate in any amount [-]; or

17 (b) Possesses any marijuana concentrate.

18 (2) Promoting a harmful drug in the fourth degree in
 19 violation of subsection 1(a) is a misdemeanor. A violation of
 20 subsection 1(b) is a violation subject to a fine of no more than



1 \$250, which shall be deposited into the alcohol and drug abuse
2 division special fund established by section 321- ."

3 SECTION 6. Section 712-1247, Hawaii Revised Statutes, is
4 amended by amending subsections (1) and (2) to read as follows:

5 "(1) A person commits the offense of promoting a
6 detrimental drug in the first degree if the person knowingly:

7 (a) Possesses four hundred or more capsules or tablets
8 containing one or more of the Schedule V substances;

9 (b) Possesses one or more preparations, compounds,
10 mixtures, or substances of an aggregate weight of one
11 ounce or more, containing one or more of the Schedule
12 V substances;

13 (c) Distributes fifty or more capsules or tablets
14 containing one or more of the Schedule V substances;

15 (d) Distributes one or more preparations, compounds,
16 mixtures, or substances of an aggregate weight of one-
17 eighth ounce or more, containing one or more of the
18 Schedule V substances;

19 (e) Possesses one or more preparations, compounds,
20 mixtures, or substances of an aggregate weight of one
21 pound or more, containing any marijuana;



1 (f) Distributes one or more preparations, compounds,
 2 mixtures, or substances of an aggregate weight of one
 3 ounce or more, containing any marijuana;

4 (g) Possesses, cultivates, or has under the person's
 5 control twenty-five or more marijuana plants; [~~or~~]

6 (h) Sells or barter[s] [~~any marijuana or~~] any Schedule V
 7 substance in any amount [~~-~~]; or

8 (i) Sells or barter[s] any marijuana in any amount.

9 (2) Promoting a detrimental drug in the first degree in
 10 violation of subsections 1(a), 1(b), 1(c), 1(d), 1(e), 1(f),
 11 1(g), or 1(h) is a class C felony. A violation of subsection
 12 1(i) is a violation subject to a fine of no more than \$500,
 13 which shall be deposited into the alcohol and drug abuse
 14 division special fund established by section 321- ."

15 SECTION 7. Section 712-1248, Hawaii Revised Statutes, is
 16 amended to read as follows:

17 "§712-1248 Promoting a detrimental drug in the second
 18 degree. (1) A person commits the offense of promoting a
 19 detrimental drug in the second degree if the person knowingly:

20 (a) Possesses fifty or more capsules or tablets containing
 21 one or more of the Schedule V substances;



- 1 (b) Possesses one or more preparations, compounds,
2 mixtures, or substances, of an aggregate weight of
3 one- eighth ounce or more, containing one or more of
4 the Schedule V substances;
- 5 (c) Possesses one or more preparations, compounds,
6 mixtures, or substances, of an aggregate weight of one
7 ounce or more, containing any marijuana; [~~or~~]
- 8 (d) Distributes [~~any marijuana or~~] any Schedule V
9 substance in any amount [~~-~~]; or
- 10 (e) Distributes any marijuana in any amount.
- 11 (2) Promoting a detrimental drug in the second degree in
12 violation of subsections 1(a), 1(b), 1(c), or 1(d) is a
13 misdemeanor. A violation of subsection 1(e) is a violation
14 subject to a fine of no more than \$250, which shall be deposited
15 into the alcohol and drug abuse division special fund
16 established by section 321- ."

17 SECTION 8. Section 712-1249, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "§712-1249 Promoting a detrimental drug in the third
20 degree. (1) A person commits the offense of promoting a



1 detrimental drug in the third degree if the person knowingly
2 [~~possesses~~]:

3 (a) Possesses [~~any marijuana or~~] any Schedule V substance
4 in any amount [~~-~~]; or

5 (b) Possesses any marijuana in any amount.

6 (2) Promoting a detrimental drug in the third degree in
7 violation of subsection 1(a) is a petty misdemeanor. A
8 violation of subsection 1(b) is a violation subject to a fine of
9 no more than \$100, which shall be deposited into the alcohol and
10 drug abuse division special fund established by section 321- ."

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

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

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H.B. NO. 434

Report Title:

Marijuana; Offenses; Civil Violation; Alcohol and Drug Abuse
Division Special Fund

Description:

Establishes the Alcohol and Drug Abuse Division Special Fund (Special Fund) within the Department of Health. Reclassifies specific low-level marijuana offenses as non-criminal violations subject to a fine, which shall be deposited into the Special Fund for public education and awareness programs aimed at reducing the use of harmful drugs.

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

