A BILL FOR AN ACT

RELATING TO HEMP.

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

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

1. By amending its title to read:

"§141-37 Inspections; fees."

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

"(b) During the inspection, the licensee or the licensee's authorized representative shall be present at the growing area. The licensee or authorized representative shall provide the [board's] inspector with complete and unrestricted access to all industrial hemp plants and seeds whether growing or harvested; all land, buildings, and other structures used for the cultivation and storage of industrial hemp; and all documents and records pertaining to the licensee's industrial hemp business.

(c) Sampling of industrial hemp plants [shall] may occur in the following manner[+] or according to sampling protocol for
industrial hemp set or adopted by the state department of agriculture:

(1) Samples of each variety of industrial hemp may be sampled from the growing areas at the discretion of the chairperson or the chairperson's designee;

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

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

The chairperson shall furnish to the licensee a portion of the violative sample if the licensee requests it within thirty days of notification; and

(4) Test results from an institution of higher education may, at the chairperson's discretion, be accepted in lieu of board sampling.

(d) Licensees shall pay a charge of [$35] $40 per hour per inspector, or fees established pursuant to section 147-102 when such services are performed by temporary inspectors, for actual drive time, mileage, inspection, and sampling time, and charges for traveling expenses and extraordinary services when the performance of the services involves unusual costs."

SECTION 2. Section 141-41, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There is created in the state treasury a special fund to be designated as the industrial hemp special fund to be administered by the department of agriculture. Moneys deposited in this special fund shall be used to fulfill the purposes of this part and shall include:
(1) Any moneys appropriated by the legislature to the special fund;

(2) Any fees collected by the department of agriculture in relation to the industrial hemp pilot program[?], except for fees collected for the services provided by temporary inspectors, as specified in section 141-37;

and

(3) The interest or return on investments earned from moneys in the special fund."

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

"§147-101 Certification services revolving fund. There is established a certification services revolving fund for use by the department of agriculture to support certification [or], audit, or inspection services established under parts I, III, IV, VIII, and IX[?], and section 141-37. Moneys in the fund may be expended for materials, salaries, equipment, training, travel, and other costs related to providing certification [or], audit services[?], and inspections. Notwithstanding sections 147-10, 147-34, 147-64, 147-114 [and], 147-126, and 141-37, moneys derived from the certification [or], audit services, or
inspections provided by temporary inspectors employed under this part or from charges for traveling expenses or extraordinary services shall be deposited into the fund."

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

"[+]§147-102[+] Certification, audit, and inspection services. The department of agriculture shall fix, assess, and collect fees for certification, audit, or inspection services provided by temporary inspectors employed under this part. The fees shall be in amounts necessary to cover all costs of the administration and provision of the certification, audit, or inspection services provided under this part; provided that the department of agriculture shall establish charges for traveling expenses and extraordinary services when the performance of the services involves unusual cost. The fees and charges established by the department of agriculture shall not be subject to chapter 91. The department of agriculture may employ temporary inspectors to assist in providing certification, audit, or inspection services under parts I, III, IV, VIII, and IX, and section 141-37, and those temporary inspectors shall be exempt from chapter 76."
SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

INTRODUCED BY:

[Signatures]
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.

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