

S.B. NO. 1271

JAN 25 2023

A BILL FOR AN ACT

RELATING TO HEMP.

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

1 SECTION 1. Section 141-43, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The department of agriculture shall adopt rules
4 pursuant to chapter 91 to effectuate the purpose of this part [
5 ~~including any rules necessary to address any nuisance issues,~~
6 ~~including smell, noise, and excessive lighting arising out of~~
7 ~~the activities of hemp growers licensed under the State's~~
8 ~~industrial hemp pilot program who grow hemp within areas~~
9 ~~prohibited under section 141-42(a)(3) and (4)]."~~

10 SECTION 2. Statutory material to be repealed is bracketed
11 and stricken.

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

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INTRODUCED BY:



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BY REQUEST

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Report Title:

Hemp; Department of Agriculture; Administrative Rules

Description:

Amends section 141-43 (a), Hawaii Revised Statutes, to delete the requirement for additional rules by the Department of Agriculture to address nuisance issues, including smell, noise, and excessive lighting arising out of the activities of hemp growers.

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

JUSTIFICATION SHEET

DEPARTMENT: Agriculture

TITLE: A BILL FOR AN ACT RELATING TO HEMP.

PURPOSE: To delete the requirement for additional rules by the Department of Agriculture to address nuisance issues, including smell, noise, and excessive lighting arising out of the activities of hemp growers.

MEANS: Amend section 141-43(a), Hawaii Revised Statutes (HRS).

JUSTIFICATION: Under sections 141-42 and 141-43, HRS, the Department of Agriculture is tasked with monitoring the transportation of hemp within the State, enforcing restrictions regarding the growth of hemp within the State, and adopting rules pursuant to chapter 91.

This bill is to amend section 141-43(a) to delete the requirement for additional rules to address nuisance issues, including smell, noise, and excessive lighting arising out of the activities of hemp growers. Pre-existing regulations and authority under the Department of Health and county land use ordinances address, and are the appropriate method of addressing, the areas of nuisance referenced. The department believes that where pre-existing regulatory oversight of nuisance and other issues are present, a deferral to and reliance on those regulatory frameworks is the proper and preferred means to avoid any ambiguity that may arise from multi-jurisdictional enforcement authority that may conflict. That is especially true when conflicting standards are imposed by the Department of Agriculture that lacks scientific expertise in the areas of health issues and the resources and skillset to enforce the type of standard envisioned. As such, the department does not find it

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necessary or appropriate to create additional regulations.

Impact on the public: None.

Impact on the department and other agencies:
None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: AGR 151.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.