
A BILL FOR AN ACT

RELATING TO FENTANYL TEST STRIPS.

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

1 SECTION 1. Section 329-1, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding one new definition to be appropriately
4 inserted and to read:

5 "Fentanyl test strip" means a small strip of paper that
6 can detect the presence of fentanyl in:

7 (1) Different kinds of drugs, including cocaine,
8 methamphetamine, and heroin; and

9 (2) Different drug forms, such as pills, powder, and
10 injectable drugs."

11 2. By amending the definition of "drug paraphernalia" to read:

12 "Drug paraphernalia" means all equipment, products, and
13 materials of any kind which are used, primarily intended for
14 use, or primarily designed for use, in planting, propagating,
15 cultivating, growing, harvesting, manufacturing, compounding,
16 converting, producing, processing, preparing, testing,
17 analyzing, packaging, repackaging, storing, containing,



1 concealing, injecting, ingesting, inhaling, or otherwise
2 introducing into the human body a controlled substance in
3 violation of this chapter. It includes but is not limited to:

4 (1) Kits used, primarily intended for use, or primarily
5 designed for use in planting, propagating,
6 cultivating, growing, or harvesting of any species of
7 plant which is a controlled substance or from which a
8 prohibited controlled substance can be derived;

9 (2) Kits used, primarily intended for use, or primarily
10 designed for use in manufacturing, compounding,
11 converting, producing, processing, or preparing
12 prohibited controlled substances;

13 (3) Isomerization devices used, primarily intended for
14 use, or primarily designed for use in increasing the
15 potency of any species of plant which is a prohibited
16 controlled substance;

17 (4) Testing equipment used, primarily intended for use, or
18 primarily designed for use in identifying, or in
19 analyzing the strength, effectiveness, or purity of
20 prohibited controlled substances;



- 1 (5) Scales and balances used, primarily intended for use,
2 or primarily designed for use in weighing or measuring
3 prohibited controlled substances;
- 4 (6) Diluents and adulterants; such as quinine
5 hydrochloride, mannitol, mannite, dextrose, and
6 lactose, used, primarily intended for use, or
7 primarily designed for use in cutting prohibited
8 controlled substances;
- 9 (7) Separation gins and sifters used, primarily intended
10 for use, or primarily designed for use in removing
11 twigs and seeds from, or in otherwise cleaning or
12 refining, prohibited marijuana;
- 13 (8) Blenders, bowls, containers, spoons, and mixing
14 devices used, primarily intended for use, or primarily
15 designed for use in compounding prohibited controlled
16 substances;
- 17 (9) Capsules, balloons, envelopes, and other containers
18 used, primarily intended for use, or primarily
19 designed for use in packaging small quantities of
20 prohibited controlled substances;



- 1 (10) Containers and other objects used, primarily intended
2 for use, or primarily designed for use in storing or
3 concealing prohibited controlled substances;
- 4 (11) Hypodermic syringes, needles, and other objects used,
5 primarily intended for use, or primarily designed for
6 use in parenterally injecting prohibited controlled
7 substances into the human body;
- 8 (12) Objects used, primarily intended for use, or primarily
9 designed for use in ingesting, inhaling, or otherwise
10 introducing prohibited marijuana, cocaine, hashish,
11 hashish oil, or methamphetamine into the human body,
12 such as:
- 13 (A) Metal, wooden, acrylic, glass, stone, plastic, or
14 ceramic pipes with or without screens, permanent
15 screens, hashish heads, or punctured metal bowls;
- 16 (B) Water pipes;
- 17 (C) Carburetion tubes and devices;
- 18 (D) Smoking and carburetion masks;
- 19 (E) Roach clips: meaning objects used to hold
20 burning materials, such as marijuana cigarettes,



- 1 that have become too small or too short to be
2 held in the hand;
- 3 (F) Miniature cocaine spoons, and cocaine vials;
- 4 (G) Chamber pipes;
- 5 (H) Carburetor pipes;
- 6 (I) Electric pipes;
- 7 (J) Air-driven pipes;
- 8 (K) Chillums;
- 9 (L) Bongs; and
- 10 (M) Ice pipes or chillers.

11 In determining whether an object is drug paraphernalia, a
12 court or other authority should consider, in addition to all
13 other logically relevant factors, the following:

- 14 (1) Statements by an owner or by anyone in control of the
15 object concerning its use;
- 16 (2) Prior convictions, if any, of an owner, or of anyone
17 in control of the object, under any state or federal
18 law relating to any controlled substance;
- 19 (3) The proximity of the object, in time and space, to a
20 direct violation of this chapter;
- 21 (4) The proximity of the object to controlled substances;



- 1 (5) The existence of any residue of controlled substances
- 2 on the object;
- 3 (6) Direct or circumstantial evidence of the intent of an
- 4 owner, or of anyone in control of the object, to
- 5 deliver it to a person or persons whom the owner or
- 6 person in control knows, or should reasonably know,
- 7 intend to use the object to facilitate a violation of
- 8 this chapter; the innocence of an owner, or of anyone
- 9 in control of the object, as to a direct violation of
- 10 this chapter shall not prevent a finding that the
- 11 object is intended for use, or designed for use as
- 12 drug paraphernalia;
- 13 (7) Instructions, oral or written, provided with the
- 14 object concerning its use;
- 15 (8) Descriptive materials accompanying the object which
- 16 explain or depict its use;
- 17 (9) National and local advertising concerning its use;
- 18 (10) The manner in which the object is displayed for sale;
- 19 (11) Whether the owner, or anyone in control of the object,
- 20 is a legitimate supplier of like or related items to



- 1 the community, such as a licensed distributor or
2 dealer of tobacco products;
- 3 (12) Direct or circumstantial evidence of the ratio of
4 sales of the object or objects to the total sales of
5 the business enterprise;
- 6 (13) The existence and scope of legitimate uses for the
7 object in the community; and
- 8 (14) Expert testimony concerning its use.

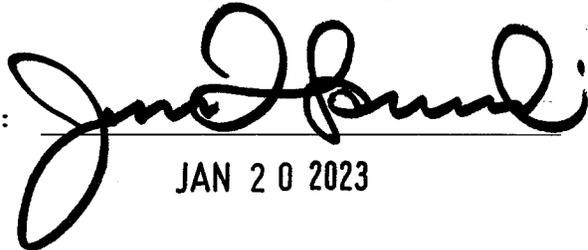
9 "Drug paraphernalia" does not include fentanyl test strips."

10 SECTION 2. New statutory material is underscored.

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

12

INTRODUCED BY:



JAN 20 2023



H.B. NO. 573

Report Title:

Fentanyl Test Strips; Drug Paraphernalia; Controlled Substances Act

Description:

Excludes fentanyl test strips from the definition of drug paraphernalia in the controlled substances act.

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