

JAN 20 2023

A BILL FOR AN ACT

RELATING TO CANNABIS.

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

1 SECTION 1. The legislature finds that the term "marijuana"
2 is a slang word of Mexican-Hispanic origin that carries a
3 discriminatory history. The term "marijuana" was not commonly
4 used in the United States until the 1920s and 1930s, when states
5 began to pass laws prohibiting use of the cannabis plant.
6 During this period, there was a growing wave of sentiment
7 against Mexican immigrants entering the country. Harry
8 Anslinger, then-commissioner of the Federal Bureau of Narcotics,
9 and other prohibition activists of the early to mid-20th century
10 adopted the Spanish word "marijuana", rather than the already
11 widely-used word "cannabis". This practice effectively
12 associated the use of "marijuana" with Mexican immigrants and
13 culture, which further stigmatized the plant and this segment of
14 the American population.

15 The legislature further finds that the use of the slang
16 word "marijuana" is akin to using similar slang words, including
17 "weed", "ganja", or "pikalolo". Colloquial terminology is



1 considered unsuitable for legal writing. Therefore, it is more
2 appropriate to use the scientifically accurate genus name
3 "cannabis" instead of "marijuana" in the Hawaii Revised
4 Statutes.

5 The purpose of this Act is to amend the Hawaii Revised
6 Statutes to replace the word "marijuana" and related terms with
7 the term "cannabis" or related terms. This Act is technical in
8 nature and no substantive changes to the law are intended or
9 implied. This Act is not intended to make any changes to the
10 legal definition of hemp.

11 SECTION 2. Section 328-15, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§328-15 Drugs or devices deemed misbranded when;**
14 **prescriptions excepted, when.** A drug or device shall be deemed
15 to be misbranded:

16 (1) If its labeling is false or misleading in any
17 particular, or if its labeling or packaging fails to
18 conform with the requirements of section 328-19.1.

19 (2) If in package form, unless it bears a label
20 containing:



1 (A) The name and place of business of the
2 manufacturer, packer, or distributor; and
3 (B) An accurate statement of the quantity of the
4 contents in terms of weight, measure, or
5 numerical count, which statement shall be
6 separately and accurately stated in a uniform
7 location upon the principal display panel of the
8 label, provided that under this subparagraph
9 reasonable variations shall be permitted, and
10 exemptions as to small packages shall be allowed,
11 in accordance with rules adopted by the director.
12 An accurate statement of the quantity of the
13 contents in terms of weight, measure, or
14 numerical count shall not be required for any
15 commodity subject to packaging and labeling
16 requirements imposed by the Secretary of
17 Agriculture pursuant to the Federal Insecticide,
18 Fungicide, and Rodenticide Act or the provisions
19 of the eighth paragraph under the heading "Bureau
20 of Animal Industry" of the Act of March 4, 1913



1 (37 Stat. 832-833; 21 U.S.C. §§151-158), commonly
2 known as the Virus-Serum-Toxin Act.

3 (3) If any word, statement, or other information required
4 by or under authority of this part to appear on the
5 label or labeling is not prominently placed thereon
6 with such conspicuousness (as compared with other
7 words, statements, designs, or devices, in the
8 labeling) and in such terms as to render it likely to
9 be read and understood by the ordinary individual
10 under customary conditions of purchase and use.

11 (4) If it is for use by a person and contains any quantity
12 of the narcotic or hypnotic substance alpha-eucaine,
13 barbituric acid, beta-eucaine, bromal, cannabis,
14 cabromal, chloral, coca, cocaine, codeine, heroin,
15 [~~marijuana~~] morphine, opium, paraldehyde, peyote, or
16 sulphomethane, or any chemical derivative of such
17 substance, which derivative, after investigation, has
18 been found to be and designated as habit forming, by
19 rules adopted by the director under this part, or by
20 regulations issued pursuant to section 502(d) of the
21 Federal Act, unless its label bears the name and



1 quantity or proportion of the substance or derivative
2 and in juxtaposition therewith the statement
3 "Warning--May be habit forming."

4 (5) (A) If it is a drug unless:

5 (i) Its label bears, to the exclusion of any
6 other nonproprietary name (except the
7 applicable systematic chemical name or the
8 chemical formula), the established name, as
9 defined in subparagraph (B), of the drug, if
10 such there be; and in case it is fabricated
11 from two or more ingredients, the
12 established name and quantity of each active
13 ingredient, including the kind and quantity
14 or proportion of any alcohol, and also
15 including, whether active or not, the
16 established name and quantity or proportion
17 of any bromides, ether, chloroform,
18 acetanilid, acetophenetidin, amidopyrine,
19 antipyrine, atropine, hyoscine, hyoscyamine,
20 arsenic, digitalis, glucosides, mercury,
21 ouabain, strophanthin, strychnine, thyroid,



1 or any derivative or preparation of any such
2 substances, contained therein; provided that
3 the requirement for stating the quantity of
4 the active ingredients, other than the
5 quantity of these specifically named in this
6 paragraph, shall apply only to prescription
7 drugs; and

8 (ii) For any prescription drug the established
9 name of such drug or ingredient, as the case
10 may be, on such label (and on any labeling
11 on which a name for such drug or ingredient
12 is used) is printed prominently and in type
13 at least half as large as that used thereon
14 for any proprietary name or designation for
15 such drug or ingredient; provided further
16 that to the extent that compliance with the
17 requirements of this subparagraph is
18 impracticable, exemptions shall be allowed
19 under rules adopted by the director.



1 (B) As used in this paragraph, the term "established
2 name", with respect to a drug or ingredient
3 thereof, means:

4 (i) The applicable official name designated
5 pursuant to section 508 of the Federal Act;

6 (ii) If there is no such name and the drug, or
7 the ingredient, is an article recognized in
8 an official compendium, then the official
9 title thereof in the compendium; or

10 (iii) If neither clause (i) nor clause (ii) of
11 this subparagraph applies, then the common
12 or usual name, if any, of such drug or of
13 the ingredient;

14 provided further that where clause (ii) of this
15 subparagraph applies to an article recognized in
16 the United States Pharmacopoeia, in the United
17 States Pharmacopoeia Dispensing Information, and
18 in the Homeopathic Pharmacopoeia under different
19 official titles, the official title used in the
20 United States Pharmacopoeia shall apply unless it
21 is labeled and offered for sale as a homeopathic



1 drug, in which case the official title used in
2 the Homeopathic Pharmacopoeia shall apply.

3 (6) Unless its labeling bears:

4 (A) Adequate directions for use; and

5 (B) Such adequate warnings against use in those
6 pathological conditions or by children where its
7 use may be dangerous to health, or against unsafe
8 dosage or methods or duration of administration
9 or application, in such manner and form, as are
10 necessary for the protection of users; provided
11 that where any requirement of subparagraph (A),
12 as applied to any drug or device, is not
13 necessary for the protection of the public
14 health, the director shall adopt rules exempting
15 the drug or device from such requirements;
16 provided further that articles exempted under
17 regulations issued under section 502(f) of the
18 Federal Act may also be exempt.

19 (7) If it purports to be a drug the name of which is
20 recognized in an official compendium, unless it is
21 packaged and labeled as prescribed therein; provided



1 that the method of packaging may be modified with the
2 consent of the director, or if consent is obtained
3 under the Federal Act. Whenever a drug is recognized
4 in both the United States Pharmacopoeia and the
5 Homeopathic Pharmacopoeia of the United States, it
6 shall be subject to the requirements of the United
7 States Pharmacopoeia with respect to the packaging and
8 labeling unless it is labeled and offered for sale as
9 a homeopathic drug, in which case it shall be subject
10 to the Homeopathic Pharmacopoeia of the United States
11 and not to the United States Pharmacopoeia; provided
12 that in the event of inconsistency between the
13 requirements of this paragraph and those of paragraph
14 (5) as to the name by which the drug or its
15 ingredients shall be designated, the requirements of
16 paragraph (5) shall prevail.

- 17 (8) If it has been found by the director to be a drug
18 liable to deterioration, unless it is packaged in such
19 form and manner, and its label bears a statement of
20 such precautions, as the rules adopted by the director
21 or regulations issued under the Federal Act require as



1 necessary for the protection of public health. No
2 such rule shall be established for any drug recognized
3 in an official compendium until the director shall
4 have informed the appropriate body charged with the
5 revision of the compendium of the need for such
6 packaging or labeling requirements and such body shall
7 have failed within a reasonable time to prescribe such
8 requirements.

9 (9) (A) If it is a drug and its container is so made,
10 formed, or filled as to be misleading;

11 (B) If it is an imitation of another drug; or

12 (C) If it is offered for sale under the name of
13 another drug.

14 (10) If it is dangerous to health when used in the dosage,
15 or with the frequency or duration prescribed,
16 recommended, or suggested in the labeling thereof.

17 (11) If it is, purports to be, or is represented as a drug
18 composed wholly or partly of insulin, unless:

19 (A) It is from a batch with respect to which a
20 certificate or release has been issued pursuant
21 to section 506 of the Federal Act; and



1 (B) The certificate or release is in effect with
2 respect to the drug.

3 (12) If it is, purports to be, or is represented as a drug
4 composed wholly or partly of any kind of penicillin,
5 streptomycin, chlortetracycline, chloramphenicol,
6 bacitracin, or any other antibiotic drug, or any
7 derivative thereof, unless:

8 (A) It is from a batch with respect to which a
9 certificate or release has been issued pursuant
10 to section 507 of the Federal Act; and

11 (B) The certificate or release is in effect with
12 respect to the drug; provided that this paragraph
13 shall not apply to any drug or class of drugs
14 exempted by regulations promulgated under section
15 507(c) or (d) of the Federal Act.

16 For the purpose of this paragraph, the term
17 "antibiotic drug" means any drug intended for use by a
18 person containing any quantity of any chemical
19 substance which is produced by a microorganism and
20 which has the capacity to inhibit or destroy
21 microorganisms in dilute solution (including the



1 chemically synthesized equivalent of any such
2 substance).

3 (13) If it is a color additive, the intended use of which
4 in or on drugs is for the purpose of coloring only,
5 unless its packaging and labeling are in conformity
6 with the packaging and labeling requirements
7 applicable to such color additive prescribed under
8 section 328-13(b).

9 (14) In the case of any prescription drug distributed or
10 offered for sale in this State, unless the
11 manufacturer, packer, or distributor thereof includes
12 in all advertisements and other descriptive printed
13 matter issued or caused to be issued by the
14 manufacturer, packer, or distributor with respect to
15 that drug a true statement of:

16 (A) The established name, as defined in paragraph
17 (5)(B), printed prominently and in type at least
18 half as large as that used for any trade or brand
19 name thereof;

20 (B) The formula showing quantitatively each
21 ingredient of the drug to the extent required for



1 labels under section 502(e) of the Federal Act;
2 and
3 (C) Such other information in brief summary relating
4 to side effects, contra-indications, and
5 effectiveness as shall be required in rules
6 adopted by the director.

7 (15) If a trademark, trade name, or other identifying mark,
8 imprint, or device of another or any likeness of the
9 foregoing has been placed thereon or upon its
10 container with intent to defraud.

11 (16) Drugs and devices which are, in accordance with the
12 practice of the trade, to be processed, labeled, or
13 repacked in substantial quantities at establishments
14 other than those where originally processed or packed
15 shall be exempt from any labeling or packaging
16 requirements of this part; provided that such drugs
17 and devices are being delivered, manufactured,
18 processed, labeled, repacked, or otherwise held in
19 compliance with rules adopted by the director.

20 (17) If it has met or exceeded the expiration date
21 established by the manufacturer or principal labeler."



1 SECTION 3. Sections 124B-178, 302A-1002, 329-1, 329-14,
2 329-121, 329-125, 329-125.6, 353-66, 706-622.5, 706-625,
3 710-1022, 712-1240, 712-1240.1, 712-1244, 712-1245, 712-1246,
4 712-1247, 712-1248, 712-1249, 712-1249.4, 712-1249.5, and
5 712A-4, Hawaii Revised Statutes, are amended by substituting the
6 term "cannabis", "cannabis concentrate", "cannabis-related", or
7 similar term, wherever the word "marijuana", "marijuana
8 concentrate", "marijuana-related", or similar term, appears, as
9 the context requires.

10 SECTION 4. Sections 329-1 and 712-1240, Hawaii Revised
11 Statutes, are amended by substituting the term "cannabis",
12 "cannabis concentrate", or similar term, wherever the word
13 "marijuana", "marijuana concentrate", or similar term, appears,
14 as the context requires.

15 SECTION 5. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 6. Statutory material to be repealed is bracketed
19 and stricken.

20 SECTION 7. This Act shall take effect on July 1, 2023;
21 provided that section 3 shall take effect on the date of the



1 repeal of Act 14, Session Laws of Hawaii 2020, as amended by Act
2 137, Session Laws of Hawaii 2022.

3

INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'C. Lu', written over a horizontal line.

S.B. NO.

Report Title:

Cannabis; Marijuana; Statutes; Criminal Laws; Offenses

Description:

Amends the Hawaii Revised Statutes to replace the word "marijuana" and related terms with the term "cannabis" or related terms, as appropriate.

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

