

1 "Marijuana" has the same meaning as defined in section 712-
2 1240.

3 "Marijuana concentrate" has the same meaning as defined in
4 section 712-1240.

5 "Person" means any individual, partnership, firm,
6 corporation, cooperative, association, trust, estate, or other
7 legal entity.

8 § -2 **Production and possession of, and commerce**
9 **involving, cannabis hemp and cannabis hemp products.** The
10 production and possession of, and commerce involving, cannabis
11 hemp and cannabis hemp products shall be allowed in the state;
12 provided that cannabis hemp shall be classified as an
13 agricultural product and subject to regulation by the department
14 under this chapter.

15 § -3 **Licenses.** (a) The department shall adopt rules
16 to establish licensing requirements, which may include license
17 fees, for growers and handlers. No person shall act as a grower
18 or handler in this state without having obtained a grower's or
19 handler's license.

20 § -4 **Sources for seeds.** The department shall designate
21 and identify sources where a licensed grower may obtain cannabis
22 hemp seeds. With the approval of the department, licensed



1 growers may retain seeds from each crop to ensure a sufficient
2 supply of seeds for the following year.

3 § -5 **Inspections; analysis of tetrahydrocannabinol**

4 **content.** (a) The department shall conduct at least two
5 inspections of the crop of any person holding a grower's license
6 during the crop's growth phase. The department shall take
7 samples of the crop for tetrahydrocannabinol and cannabidiol
8 analysis. Any grower who grows any cannabis hemp with a
9 concentration level of tetrahydrocannabinol greater than two per
10 cent, or a concentration level of cannabidiol less than the
11 concentration level of tetrahydrocannabinol, shall be in
12 violation of this chapter.

13 (b) The department shall conduct periodic inspections of
14 the receiving and processing facilities of any person holding a
15 handler's license. The department shall take samples of the
16 handler's cannabis hemp products and cannabis hemp, for
17 tetrahydrocannabinol and cannabidiol analysis. Handlers who
18 possess any product or cannabis hemp, with a concentration level
19 of tetrahydrocannabinol greater than two per cent or a
20 concentration level of cannabidiol less than the concentration
21 level of tetrahydrocannabinol, shall be in violation of this
22 chapter.



1 (c) Any plants, plant material, cannabis hemp, or cannabis
2 hemp product with a concentration level of tetrahydrocannabinol
3 greater than two per cent or a concentration level of
4 cannabidiol less than the concentration level of
5 tetrahydrocannabinol, may be confiscated and destroyed by the
6 department.

7 § -6 **Records.** Each handler and grower shall maintain a
8 written record of their activities, which shall be in such form
9 and detail as prescribed by the department.

10 § -7 **Duty of department; rulemaking.** The department
11 shall administer and enforce this chapter, and shall adopt rules
12 under chapter 91 to carry out the provisions of this chapter.

13 § -8 **Administrative penalties.** (a) The department,
14 after notice and opportunity for hearing, may revoke or suspend
15 any license issued under this chapter for any violation of this
16 chapter or rule adopted under this chapter.

17 (b) The department, after notice and opportunity for
18 hearing, may fine any person who violates this chapter or any
19 rule adopted under this chapter, not more than \$5,000 for each
20 separate offense. Each day of violation shall constitute a
21 separate offense. Any action taken to impose or collect the



1 penalty provided for in this subsection shall be considered a
2 civil action.

3 § -9 **Criminal penalty.** Any person who violates this
4 chapter shall be guilty of a misdemeanor.

5 § -10 **Penalties and remedies not exclusive.** The
6 penalties and remedies provided for violations of this chapter
7 shall be in addition to any other civil or criminal penalties or
8 remedies provided for or allowed by law.

9 § -11 **Disposition of fees and charges.** All fees,
10 fines, charges, expenses, and other moneys collected pursuant to
11 this chapter shall be deposited into the general fund.

12 § -12 **Effect on other laws.** Except for the provisions
13 of this chapter that allow for the production and possession of,
14 and commerce involving, cannabis hemp and cannabis hemp
15 products, all controlled substance laws and penal code
16 provisions governing marijuana and marijuana concentrate shall
17 remain in effect. Except as otherwise specified in this
18 chapter, this chapter shall not be construed to interfere with
19 the enforcement of controlled substances subject to chapter
20 329."



1 SECTION 2. Section 329-1, Hawaii Revised Statutes, is
2 amended by amending the definition of "marijuana" to read as
3 follows:

4 "Marijuana" means all parts of the plant (genus) Cannabis
5 whether growing or not; the seeds thereof, the resin extracted
6 from any part of the plant; and every compound, manufacture,
7 salt, derivative, mixture, or preparation of the plant, its
8 seeds, or resin. It does not include the mature stalks of the
9 plant, fiber produced from the stalks, oil, or cake made from
10 the seeds of the plant, another other compound, manufacture,
11 salt, derivative, mixture, or preparation of the mature stalks
12 (except the resin extracted therefrom), fiber, oil, or cake,
13 [~~or~~] the sterilized seed of the plant which is incapable of
14 germination[~~-~~], or cannabis hemp or cannabis hemp products as
15 defined under section -1."

16 SECTION 3. Section 712-1240, Hawaii Revised Statutes, is
17 amended by amending the definition of "marijuana" and "marijuana
18 concentrate" to read as follows:

19 "Marijuana" means any part of the plant (genus) cannabis,
20 whether growing or not, including the seeds and the resin, and
21 every alkaloid, salt, derivative, preparation, compound, or
22 mixture of the plant, its seeds or resin, except that, as used



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1 herein, "marijuana" does not include hashish,
2 tetrahydrocannabinol, [~~and~~] any alkaloid, salt, derivative,
3 preparation, compound, or mixture, whether natural or
4 synthesized, of tetrahydrocannabinol[-], or cannabis hemp or
5 cannabis hemp products as defined under section -1.

6 "Marijuana concentrate" means hashish,
7 tetrahydrocannabinol, or any alkaloid, salt, derivative,
8 preparation, compound, or mixture, whether natural or
9 synthesized, of tetrahydrocannabinol. It does not include
10 cannabis hemp or cannabis hemp products as defined under section
11 -1."

12 SECTION 4. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect upon its approval.

15

INTRODUCED BY:



JAN 23 2007



Report Title:

Hemp; Legalization

Description:

Legalizes and regulates the possession and production of, and commerce involving, industrial hemp.

