
A BILL FOR AN ACT

RELATING TO DRUG PARAPHERNALIA.

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

1 SECTION 1. The legislature finds that the benefits of
2 making the offenses of possession and delivery of drug
3 paraphernalia violations outweigh the benefits of the current
4 felony criminal treatment of these offenses.

5 The legislature further finds that state funds are better
6 spent on community programs and rehabilitation of nonviolent,
7 low-risk drug offenders, as envisioned by the reentry pilot
8 project established under Act 149, Session Laws of Hawaii 2014.

9 Accordingly, the purpose of this Act is to decriminalize
10 the possession and delivery of drug paraphernalia and, instead,
11 to make these offenses violations.

12 SECTION 2. Section 329-43.5, Hawaii Revised Statutes, is
13 amended by amending subsections (a) and (b) to read as follows:

14 "(a) Except as provided in subsection (e), it is unlawful
15 for any person to use, or to possess with intent to use, drug
16 paraphernalia to plant, propagate, cultivate, grow, harvest,
17 manufacture, compound, convert, produce, process, prepare, test,



1 analyze, pack, repack, store, contain, conceal, inject, ingest,
2 inhale, or otherwise introduce into the human body a controlled
3 substance in violation of this chapter. [~~Any person who~~
4 ~~violates this section is guilty of a class C felony and upon~~
5 ~~conviction may be imprisoned pursuant to section 706-660 and, if~~
6 ~~appropriate as provided in section 706-641, fined pursuant to~~
7 ~~section 706-640.] A violation of this subsection shall
8 constitute a violation subject to a fine of no more than \$500.~~

9 (b) Except as provided in subsection (e), it is unlawful
10 for any person to deliver, possess with intent to deliver, or
11 manufacture with intent to deliver drug paraphernalia, knowing
12 or under circumstances where one reasonably should know, that it
13 will be used to plant, propagate, cultivate, grow, harvest,
14 manufacture, compound, convert, produce, process, prepare, test,
15 analyze, pack, repack, store, contain, conceal, inject, ingest,
16 inhale, or otherwise introduce into the human body a controlled
17 substance in violation of this chapter. [~~Any person who~~
18 ~~violates this section is guilty of a class C felony and upon~~
19 ~~conviction may be imprisoned pursuant to section 706-660 and, if~~
20 ~~appropriate as provided in section 706-641, fined pursuant to~~



1 ~~section 706-640.]~~ A violation of this subsection shall
2 constitute a violation subject to a fine of no more than \$500."

3 SECTION 3. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect on January 7, 2059.



Report Title:

Drug Paraphernalia; Possession; Delivery; Civil Violations

Description:

Reclassifies drug paraphernalia possession and delivery offenses from felonies to violations subject to a fine of no more than \$500. Takes effect on 1/7/2059. (SD1)

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

