
A BILL FOR AN ACT

RELATING TO MARIJUANA.

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

1 SECTION 1. The purpose of this Act is to repeal criminal
2 penalties for marijuana possession, but retain penalties for
3 marijuana cultivation and distribution.

4 SECTION 2. Section 712-1244, Hawaii Revised Statutes, is
5 amended by amending subsection (1) to read as follows:

6 "(1) A person commits the offense of promoting a harmful
7 drug in the first degree if the person knowingly:

8 (a) Possesses one hundred or more capsules or tablets or
9 dosage units containing one or more of the harmful
10 drugs [~~or one or more of the marijuana concentrates~~],
11 or any combination thereof;

12 (b) Possesses one or more preparations, compounds,
13 mixtures, or substances, of an aggregate weight of one
14 ounce or more containing one or more of the harmful
15 drugs [~~or one or more of the marijuana concentrates~~],
16 or any combination thereof;



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- 1 (c) Distributes twenty-five or more capsules or tablets or
- 2 dosage units containing one or more of the harmful
- 3 drugs or one or more of the marijuana concentrates, or
- 4 any combination thereof;
- 5 (d) Distributes one or more preparations, compounds,
- 6 mixtures, or substances, of an aggregate weight of
- 7 one-eighth ounce or more, containing one or more of
- 8 the harmful drugs or one or more of the marijuana
- 9 concentrates, or any combination thereof; or
- 10 (e) Distributes any harmful drug or any marijuana
- 11 concentrate in any amount to a minor."

12 SECTION 3. Section 712-1245, Hawaii Revised Statutes, is
13 amended by amending subsection (1) to read as follows:

14 "(1) A person commits the offense of promoting a harmful
15 drug in the second degree if the person knowingly:

- 16 (a) Possesses fifty or more capsules or tablets or dosage
- 17 units containing one or more of the harmful drugs [~~or~~
- 18 ~~one or more of the marijuana concentrates~~], or any
- 19 combination thereof;
- 20 (b) Possesses one or more preparations, compounds,
- 21 mixtures, or substances, of an aggregate weight of



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1 one-eighth ounce or more, containing one or more of
2 the harmful drugs [~~or one or more of the marijuana~~
3 ~~concentrates~~], or any combination thereof; or

4 (c) Distributes any harmful drug or any marijuana
5 concentrate in any amount."

6 SECTION 4. Section 712-1246, Hawaii Revised Statutes, is
7 amended by amending subsection (1) to read as follows:

8 "(1) A person commits the offense of promoting a harmful
9 drug in the third degree if the person knowingly possesses
10 twenty-five or more capsules or tablets or dosage units
11 containing one or more of the harmful drugs [~~or one or more of~~
12 ~~the marijuana concentrates~~], or any combination thereof."

13 SECTION 5. Section 712-1247, Hawaii Revised Statutes, is
14 amended by amending subsection (1) to read as follows:

15 "(1) A person commits the offense of promoting a
16 detrimental drug in the first degree if the person knowingly:

17 (a) Possesses four hundred or more capsules or tablets
18 containing one or more of the Schedule V substances;

19 (b) Possesses one or more preparations, compounds,
20 mixtures, or substances of an aggregate weight of one



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1 ounce or more, containing one or more of the Schedule
2 V substances;

3 (c) Distributes fifty or more capsules or tablets
4 containing one or more of the Schedule V substances;

5 (d) Distributes one or more preparations, compounds,
6 mixtures, or substances of an aggregate weight of one-
7 eighth ounce or more, containing one or more of the
8 Schedule V substances;

9 ~~[(e) Possesses one or more preparations, compounds,~~
10 ~~mixtures, or substances of an aggregate weight of one~~
11 ~~pound or more, containing any marijuana;~~

12 ~~(f)]~~ (e) Distributes one or more preparations, compounds,
13 mixtures, or substances of an aggregate weight of one
14 ounce or more, containing any marijuana;

15 ~~[(g) Possesses, cultivates, or has under the person's~~
16 ~~control]~~ (f) Cultivates twenty-five or more marijuana
17 plants; or

18 ~~(h)]~~ (g) Sells or barter[s] more than one ounce of
19 marijuana, or any Schedule V substance in any amount."

20 SECTION 6. Section 712-1248, Hawaii Revised Statutes, is
21 amended by amending subsection (1) to read as follows:

1 "(1) A person commits the offense of promoting a
2 detrimental drug in the second degree if the person knowingly:

3 (a) Possesses fifty or more capsules or tablets containing
4 one or more of the Schedule V substances;

5 (b) Possesses one or more preparations, compounds,
6 mixtures, or substances, of an aggregate weight of
7 one-eighth ounce or more, containing one or more of
8 the Schedule V substances;

9 ~~[(c) Possesses one or more preparations, compounds,
10 mixtures, or substances, of an aggregate weight of one
11 ounce or more, containing any marijuana;] or~~

12 ~~[(d)]~~ (c) Distributes any marijuana or any Schedule V
13 substance in any amount."

14 SECTION 7. Section 712-1249, Hawaii Revised Statutes, is
15 amended by amending subsection (1) to read as follows:

16 "(1) A person commits the offense of promoting a
17 detrimental drug in the third degree if the person knowingly
18 possesses any [~~marijuana or any~~] Schedule V substance in any
19 amount."

20 SECTION 8. Section 712-1249.4, Hawaii Revised Statutes, is
21 amended by amending subsection (1) to read as follows:



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1 "(1) A person commits the offense of commercial promotion
2 of marijuana in the first degree if the person knowingly:
3 ~~[(a) Possesses marijuana having an aggregate weight of~~
4 ~~twenty five pounds or more;~~
5 ~~(b)]~~ (a) Distributes marijuana having an aggregate weight
6 of five pounds or more;
7 ~~[(c) Possesses, cultivates, or has under the person's~~
8 ~~control]~~ (b) Cultivates one hundred or more marijuana
9 plants;
10 ~~[(d)]~~ (c) Cultivates on land owned by another person,
11 including land owned by the government or other legal
12 entity, twenty-five or more marijuana plants, unless
13 the person has the express permission from the owner
14 of the land to cultivate the marijuana or the person
15 has a legal or an equitable ownership interest in the
16 land or the person has a legal right to occupy the
17 land; or
18 ~~[(e)]~~ (d) Uses, or causes to be used, any firearm or other
19 weapon, device, instrument, material, or substance,
20 whether animate or inanimate, which in the manner used
21 is capable of causing death, serious bodily injury,



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1 substantial bodily injury, or other bodily injury, as
 2 defined in chapter 707 in order to prevent the theft,
 3 removal, search and seizure, or destruction of
 4 marijuana."

5 SECTION 9. Section 712-1249.5, Hawaii Revised Statutes, is
 6 amended by amending subsection (1) to read as follows:

7 "(1) A person commits the offense of commercial promotion
 8 of marijuana in the second degree if the person knowingly:

9 ~~[(a) Possesses marijuana having an aggregate weight of two~~
 10 ~~pounds or more;~~

11 ~~(b)]~~ (a) Distributes marijuana having an aggregate weight
 12 of one pound or more;

13 ~~[(c) Possesses, cultivates, or has under the person's~~
 14 ~~control]~~ (b) Cultivates fifty or more marijuana
 15 plants;

16 ~~[(d)]~~ (c) Cultivates on land owned by another person,
 17 including land owned by the government or other legal
 18 entity, any marijuana plant, unless the person has the
 19 express permission from the owner of the land to
 20 cultivate the marijuana or the person has a legal or



1 an equitable ownership interest in the land or the
 2 person has a legal right to occupy the land; or
 3 [~~e~~] (d) Sells or barteres any marijuana or any Schedule V
 4 substance in any amount to a minor."

5 SECTION 10. Statutory material to be repealed is bracketed
 6 and stricken. New statutory material is underscored.

7 SECTION 11. This Act shall take effect upon its approval.
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INTRODUCED BY:

[Handwritten signatures and names, including: Sean O'Connell, John M. ...]

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Report Title:

Marijuana; Possession; Criminal Penalties; Repealed

Description:

Repeals criminal penalties for possession of marijuana, but retains penalties for marijuana cultivation and distribution. Specifies that the crime of promoting a detrimental drug in the first degree includes the selling or bartering of more than one ounce of marijuana.

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

