

---

# A BILL FOR AN ACT

RELATING TO MARIJUANA DECRIMINALIZATION.

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

1       SECTION 1.   Section 329-14, Hawaii Revised Statutes, is  
2 amended as follows:

3       1.   By amending subsection (d) to read:

4       "(d)   Any material, compound, mixture, or preparation that  
5 contains any quantity of the following hallucinogenic  
6 substances, their salts, isomers, and salts of isomers, unless  
7 specifically excepted, whenever the existence of these salts,  
8 isomers, and salts of isomers is possible within the specific  
9 chemical designation:

- 10       (1)   Alpha-ethyltryptamine (AET);  
11       (2)   2,5-dimethoxy-4-ethylamphetamine (DOET);  
12       (3)   2,5-dimethoxyamphetamine (2,5-DMA);  
13       (4)   3,4-methylenedioxy amphetamine;  
14       (5)   3,4-methylenedioxymethamphetamine (MDMA);  
15       (6)   N-hydroxy-3,4-methylenedioxyamphetamine (N-hydroxy-  
16           MDA);  
17       (7)   3,4-methylenedioxy-N-ethylamphetamine (MDE);



- 1 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 2 (9) 4-bromo-2,5-dimethoxy-amphetamine (4-bromo-2,5-DMA);
- 3 (10) 4-Bromo-2,5-dimethoxyphenethylamine (Nexus);
- 4 (11) 3,4,5-trimethoxy amphetamine;
- 5 (12) Bufotenine;
- 6 (13) 4-methoxyamphetamine (PMA);
- 7 (14) Diethyltryptamine;
- 8 (15) Dimethyltryptamine;
- 9 (16) 4-methyl-2,5-dimethoxy-amphetamine;
- 10 (17) Gamma hydroxybutyrate (GHB) (some other names include
- 11 gamma hydroxybutyric acid; 4-hydroxybutyrate; 4-
- 12 hydroxybutanoic acid; sodium oxybate; sodium
- 13 oxybutyrate);
- 14 (18) Ibogaine;
- 15 (19) Lysergic acid diethylamide;
- 16 [~~(20)~~] ~~Marijuana~~;
- 17 [~~(21)~~] (20) Parahexyl;
- 18 [~~(22)~~] (21) Mescaline;
- 19 [~~(23)~~] (22) Peyote;
- 20 [~~(24)~~] (23) N-ethyl-3-piperidyl benzilate;
- 21 [~~(25)~~] (24) N-methyl-3-piperidyl benzilate;



- 1        [~~(26)~~] (25)    Psilocybin;
- 2        [~~(27)~~] (26)    Psilocyn;
- 3        [~~(28)~~] (27)    1-[1-(2-Thienyl) cyclohexyl] Pyrrolidine (TCPy);
- 4        [~~(29)~~] (28)    Ethylamine analog of phencyclidine (PCE);
- 5        [~~(30)~~] (29)    Pyrrolidine analog of phencyclidine (PCPy, PHP);
- 6        [~~(31)~~] (30)    Thiophene analog of phencyclidine (TCPy; TCP);
- 7        [~~(32)~~] (31)    Gamma-butyrolactone, including butyrolactone;
- 8           butyrolactone gamma; 4-butyrolactone; 2(3H)-furanone
- 9           dihydro; dihydro-2(3H)furanone; tetrahydro-2-furanone;
- 10          1,2-butanolide; 1,4-butanolide; 4-butanolide; gamma-
- 11          hydroxybutyric acid lactone; 3-hydroxybutyric acid
- 12          lactone and 4-hydroxybutanoic acid lactone with
- 13          Chemical Abstract Service number 96-48-0 when any such
- 14          substance is intended for human ingestion;
- 15        [~~(33)~~] (32)    1,4 butanediol, including butanediol; butane-
- 16          1,4-diol; 1,4- butylenes glycol; butylene glycol; 1,4-
- 17          dihydroxybutane; 1,4- tetramethylene glycol;
- 18          tetramethylene glycol; tetramethylene 1,4- diol with
- 19          Chemical Abstract Service number 110-63-4 when any
- 20          such substance is intended for human ingestion;



- 1       ~~[(34)]~~ (33) 2,5-dimethoxy-4-(n)-propylthiophenethylamine  
2                   (2C-T-7), its optical isomers, salts, and salts of  
3                   isomers;
- 4       ~~[(35)]~~ (34) N-benzylpiperazine (BZP; 1-benzylpiperazine) its  
5                   optical isomers, salts, and salts of isomers;
- 6       ~~[(36)]~~ (35) 1-(3-trifluoromethylphenyl)piperazine (TFMPP),  
7                   its optical isomers, salts, and salts of isomers;
- 8       ~~[(37)]~~ (36) Alpha-methyltryptamine (AMT), its isomers,  
9                   salts, and salts of isomers;
- 10       ~~[(38)]~~ (37) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-  
11                   DIPT), its isomers, salts, and salts of isomers;
- 12       ~~[(39)]~~ (38) Salvia divinorum;
- 13       ~~[(40)]~~ (39) Salvinorin A;
- 14       ~~[(41)]~~ (40) Divinorin A;
- 15       ~~[(42)]~~ (41) 5-Methoxy-N,N-Dimethyltryptamine (5-MeO-DIPT)  
16                   (some trade or other names: 5-methoxy-3-[2-  
17                   (dimethylamino)ethyl]indole; 5-MeO-DMT);
- 18       ~~[(43)]~~ (42) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-  
19                   E) ;
- 20       ~~[(44)]~~ (43) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-  
21                   D) ;



1        [~~(45)~~]    (44)     2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-

2                                  C);

3        [~~(46)~~]    (45)     2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);

4        [~~(47)~~]    (46)     2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine

5                                  (2C-T-2);

6        [~~(48)~~]    (47)     2-[4-(Isopropylthio)-2,5-

7                                  dimethoxyphenyl]ethanamine (2C-T-4);

8        [~~(49)~~]    (48)     2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);

9        [~~(50)~~]    (49)     2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-

10                                  N);

11        [~~(51)~~]    (50)     2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine

12                                  (2C-P);

13        [~~(52)~~]    (51)     2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-

14                                  methoxybenzyl)ethanamine, its optical, positional, and

15                                  geometric isomers, salts, and salts of isomers (Other

16                                  names: 25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5);

17        [~~(53)~~]    (52)     2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-

18                                  methoxybenzyl)ethanamine, its optical, positional, and

19                                  geometric isomers, salts, and salts of isomers (Other

20                                  names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82); and



1        ~~[(54)]~~ (53) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-  
2                methoxybenzyl)ethanamine, its optical, positional, and  
3                geometric isomers, salts, and salts of isomers (Other  
4                names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36)."

5                2. By amending subsection (g) to read:

6                "(g) Any of the following cannabinoids, their salts,  
7                isomers, and salts of isomers, unless specifically excepted,  
8                whenever the existence of these salts, isomers, and salts of  
9                isomers is possible within the specific chemical designation:

10              ~~[(1) Tetrahydrocannabinols, meaning tetrahydrocannabinols~~  
11              ~~naturally contained in a plant of the genus Cannabis~~  
12              ~~(cannabis plant), as well as synthetic equivalents of~~  
13              ~~the substances contained in the plant, or in the~~  
14              ~~resinous extractives of Cannabis, sp. or synthetic~~  
15              ~~substances, derivatives, and their isomers with~~  
16              ~~similar chemical structure and pharmacological~~  
17              ~~activity to those substances contained in the plant,~~  
18              ~~such as the following: Delta 1 cis or trans~~  
19              ~~tetrahydrocannabinol, and their optical isomers; Delta~~  
20              ~~6 cis or trans tetrahydrocannabinol, and their optical~~  
21              ~~isomers; and Delta 3,4 cis or trans-~~



1       ~~tetrahydrocannabinol, and its optical isomers (since~~  
2       ~~nomenclature of these substances is not~~  
3       ~~internationally standardized, compounds of these~~  
4       ~~structures, regardless of numerical designation of~~  
5       ~~atomic positions, are covered);~~

6       (+2)] (1) Naphthoylindoles; meaning any compound containing  
7       a 3-(1-naphthoyl) indole structure with substitution  
8       at the nitrogen atom of the indole ring by a alkyl,  
9       haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
10       1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl)  
11       ethyl group, whether or not further substituted in the  
12       indole ring to any extent and whether or not  
13       substituted in the naphthyl ring to any extent;

14       [+3)] (2) Naphthylmethylinindoles; meaning any compound  
15       containing a 1H-indol-3-yl-(1-naphthyl) methane  
16       structure with substitution at the nitrogen atom of  
17       the indole ring by a alkyl, haloalkyl, alkenyl,  
18       cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-  
19       piperidinyl) methyl or 2-(4-morpholinyl) ethyl group  
20       whether or not further substituted in the indole ring



1 to any extent and whether or not substituted in the  
2 naphthyl ring to any extent;

3 ~~[(4)]~~ (3) Naphthoylpyrroles; meaning any compound  
4 containing a 3-(1-naphthoyl) pyrrole structure with  
5 substitution at the nitrogen atom of the pyrrole ring  
6 by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
7 cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or  
8 2-(4-morpholinyl) ethyl group whether or not further  
9 substituted in the pyrrole ring to any extent, whether  
10 or not substituted in the naphthyl ring to any extent;

11 ~~[(5)]~~ (4) Naphthylmethylindenes; meaning any compound  
12 containing a naphthylideneindene structure with  
13 substitution at the 3-position of the indene ring by a  
14 alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
15 cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or  
16 2-(4-morpholinyl) ethyl group whether or not further  
17 substituted in the indene ring to any extent, whether  
18 or not substituted in the naphthyl ring to any extent;

19 ~~[(6)]~~ (5) Phenylacetylindoles; meaning any compound  
20 containing a 3-phenylacetylindole structure with  
21 substitution at the nitrogen atom of the indole ring





1 by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
2 cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or  
3 2-(4-morpholinyl) ethyl group whether or not further  
4 substituted in the indole ring to any extent, whether  
5 or not substituted in the phenyl ring to any extent;

6 ~~[(+7)]~~ (6) Cyclohexylphenols; meaning any compound  
7 containing a 2-(3-hydroxycyclohexyl) phenol structure  
8 with substitution at the 5-position of the phenolic  
9 ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
10 cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or  
11 2-(4-morpholinyl) ethyl group whether or not  
12 substituted in the cyclohexyl ring to any extent;

13 ~~[(+8)]~~ (7) Benzoylindoles; meaning any compound containing a  
14 3-(benzoyl) indole structure with substitution at the  
15 nitrogen atom of the indole ring by a alkyl,  
16 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
17 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl)  
18 ethyl group whether or not further substituted in the  
19 indole ring to any extent and whether or not  
20 substituted in the phenyl ring to any extent;



- 1        [~~(9)~~] (8)    2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)  
2                   pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-  
3                   naphthalenylmethanone (another trade name is WIN  
4                   55,212-2);
- 5        [~~(10)~~] (9)    (6a,10a)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-  
6                   methyloctan-2-yl)-6a,7,10,10a-  
7                   tetrahydrobenzo[c]chromen-1-ol (other trade names are:  
8                   HU-210 and HU-211);
- 9        [~~(11)~~] (10)    Tetramethylcyclopropanoylindoles; meaning any  
10                   compound containing a 3-  
11                   tetramethylcyclopropanoylindole structure with  
12                   substitution at the nitrogen atom of the indole ring  
13                   by an alkyl, haloalkyl, cyanoalkyl, alkenyl,  
14                   cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-  
15                   piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-  
16                   methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-  
17                   morpholinyl)methyl, or tetrahydropyranylmethyl group,  
18                   whether or not further substituted in the indole ring  
19                   to any extent and whether or not substituted in the  
20                   tetramethylcyclopropyl ring to any extent;



- 1       ~~[(12)]~~ (11)   N-(1-adamantyl)-1-pentyl-1H-indazole-3-  
2               carboxamide, its optical, positional, and geometric  
3               isomers, salts, and salts of isomers (Other names:  
4               APINACA, AKB48);
- 5       ~~[(13)]~~ (12)   Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate,  
6               its optical, positional, and geometric isomers, salts,  
7               and salts of isomers (Other names:   PB-22; QUPIC);
- 8       ~~[(14)]~~ (13)   Quinolin-8-yl 1-(5fluoropentyl)-1H-indole-3-  
9               carboxylate, its optical, positional, and geometric  
10              isomers, salts, and salts of isomers (Other names: 5-  
11              fluoro-PB-22; 5F-PB-22);
- 12       ~~[(15)]~~ (14)   N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-  
13              fluorobenzyl)-1H-indazole-3-carboxamide, its optical,  
14              positional, and geometric isomers, salts, and salts of  
15              isomers (Other names:   AB-FUBINACA); and
- 16       ~~[(16)]~~ (15)   N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-  
17              pentyl-1H-indazole-3-carboxamide, its optical,  
18              positional, and geometric isomers, salts, and salts of  
19              isomers (Other names:   ADB-PINACA).
- 20       ~~[(17)]~~ (16)   N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-  
21              (cyclohexylmethyl)-1H-indazole-3-carboxamide, its



1 optical, positional, and geometric isomers, salts, and  
2 salts of isomers (Other names: AB-CHMINACA);  
3 ~~[(18)]~~ (17) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-  
4 1H-indazole-3-carboxamide, and geometric isomers,  
5 salts, and salts of isomers (Other names: AB-PINACA);  
6 ~~[(19)]~~ (18) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-  
7 1-yl)methanone, and geometric isomers, salts, and  
8 salts of isomers (Other names: THJ-2201);  
9 ~~[(20)]~~ (19) Methyl (1-(4-fluorobenzyl)-1 H-indazole-3-  
10 carbonyl)-L-valinate, and geometric isomers, salts,  
11 and salts of isomers (Other names: FUB-AMB);  
12 ~~[(21)]~~ (20) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-  
13 carboxamido)-3-methylbutanoate, and geometric isomers,  
14 salts, and salts of isomers (Other names: 5-fluoro-  
15 AMB, 5-fluoro-AMP);  
16 ~~[(22)]~~ (21) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-  
17 fluoropentyl)-1H-indazole-3-carboxamide, and geometric  
18 isomers, salts, and salts of isomers (Other names:  
19 AKB48 N-(5-fluoropentyl) analog, 5F-AKB48, APINACA 5-  
20 fluoropentyl analog, 5F-APINACA);



1       ~~[(+23)]~~ (22)   N-adamantyl-1-fluoropentylindole-3-Carboxamide,  
2                   and geometric isomers, salts, and salts of isomers  
3                   (Other names: STS-135, 5F-APICA; 5-fluoro-APICA);

4       ~~[(+24)]~~ (23)   Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-  
5                   carboxylate, and geometric isomers, salts, and salts  
6                   of isomers (Other names: NM2201);

7       ~~[(+25)]~~ (24)   N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-  
8                   (cyclohexylmethyl)-1H-indazole-3-carboxamide, and  
9                   geometric isomers, salts, and salts of isomers (Other  
10                  names: MAB-CHMINACA and ADB-CHMINACA); and

11       ~~[(+26)]~~ (25)   Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-  
12                   carboxamido]-3,3-dimethylbutanoate (Other names: 5F-  
13                   ADB, 5-flouro-ADB, and 5F-MDMB-PINACA), its optical,  
14                   positional, and geometric isomers, salts, and salts of  
15                   isomers."

16       SECTION 2.   Section 706-660, Hawaii Revised Statutes, is  
17   amended by amending subsection (2) to read as follows:

18       "(2)   A person who has been convicted of a class B or class  
19   C felony for any offense under part IV of chapter 712 may be  
20   sentenced to an indeterminate term of imprisonment; provided  
21   that this subsection shall not apply to sentences imposed under



1 sections 706-606.5, 706-660.1, 712-1240.5, 712-1240.8 as that  
2 section was in effect prior to July 1, 2016, 712-1242, 712-1245,  
3 ~~[712-1249.5,]~~ 712-1249.6, 712-1249.7, and 712-1257.

4 When ordering a sentence under this subsection, the court  
5 shall impose a term of imprisonment, which shall be as follows:

6 (a) For a class B felony--ten years or less, but not less  
7 than five years; and

8 (b) For a class C felony--five years or less, but not less  
9 than one year.

10 The minimum length of imprisonment shall be determined by the  
11 Hawaii paroling authority in accordance with section 706-669."

12 SECTION 3. Section 712-1244, 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 first degree if the person knowingly:

16 (a) Possesses one hundred or more capsules or tablets or  
17 dosage units containing one or more of the harmful  
18 drugs ~~[or one or more of the marijuana concentrates,~~  
19 ~~or any combination thereof]~~;

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



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

4           (c) Distributes twenty-five or more capsules or tablets or  
5           dosage units containing one or more of the harmful  
6           drugs [~~or one or more of the marijuana concentrates,~~  
7           ~~or any combination thereof~~];

8           (d) Distributes one or more preparations, compounds,  
9           mixtures, or substances, of an aggregate weight of  
10          one- eighth ounce or more, containing one or more of  
11          the harmful drugs [~~or one or more of the marijuana~~  
12          ~~concentrates, or any combination thereof~~]; or

13          (e) Distributes any harmful drug or any marijuana  
14          concentrate in any amount to a minor."

15          SECTION 4. Section 712-1245, Hawaii Revised Statutes, is  
16          amended by amending subsection (1) to read as follows:

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

19          (a) Possesses fifty or more capsules or tablets or dosage  
20          units containing one or more of the harmful drugs [~~or~~



1       ~~one or more of the marijuana concentrates, or any~~  
2       ~~combination thereof~~];

3       (b) Possesses one or more preparations, compounds,  
4       mixtures, or substances, of an aggregate weight of  
5       one- eighth ounce or more, containing one or more of  
6       the harmful drugs [~~or one or more of the marijuana~~  
7       ~~concentrates, or any combination thereof~~]; or

8       (c) Distributes any harmful drug [~~or any marijuana~~  
9       ~~concentrate~~] in any amount."

10       SECTION 5. Section 712-1246, Hawaii Revised Statutes, is  
11 amended by amending subsection (1) to read as follows:

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

17       SECTION 6. Section 712-1247, Hawaii Revised Statutes, is  
18 amended to read as follows:

19       "§712-1247 Promoting a detrimental drug in the first  
20 degree. (1) A person commits the offense of promoting a  
21 detrimental drug in the first degree if the person knowingly:





- 1 (a) Possesses four hundred or more capsules or tablets  
2 containing one or more of the Schedule V substances;
- 3 (b) Possesses one or more preparations, compounds,  
4 mixtures, or substances of an aggregate weight of one  
5 ounce or more, containing one or more of the Schedule  
6 V substances;
- 7 (c) Distributes fifty or more capsules or tablets  
8 containing one or more of the Schedule V substances;
- 9 (d) Distributes one or more preparations, compounds,  
10 mixtures, or substances of an aggregate weight of one-  
11 eighth ounce or more, containing one or more of the  
12 Schedule V substances; or
- 13 ~~[(e) Possesses one or more preparations, compounds,~~  
14 ~~mixtures, or substances of an aggregate weight of one~~  
15 ~~pound or more, containing any marijuana;~~
- 16 ~~(f) Distributes one or more preparations, compounds,~~  
17 ~~mixtures, or substances of an aggregate weight of one~~  
18 ~~ounce or more, containing any marijuana;~~
- 19 ~~(g) Possesses, cultivates, or has under the person's~~  
20 ~~control twenty five or more marijuana plants; or~~



1       ~~(h)]~~ (e) Sells or barter any ~~[marijuana or any]~~ Schedule  
2               V substance in any amount.

3           (2) Promoting a detrimental drug in the first degree is a  
4 class C felony.

5       ~~[(3) Any marijuana seized as evidence of a violation of  
6 this section in excess of one pound may be destroyed after it  
7 has been photographed and the weight thereof recorded. The  
8 remainder of the marijuana shall remain in the custody of the  
9 police department until the termination of any criminal action  
10 brought as a result of the seizure of the marijuana.~~

11 ~~Photographs duly identified as accurately representing the  
12 marijuana shall be deemed competent evidence of the marijuana  
13 involved and shall be admissible in any proceeding, hearing, or  
14 trial to the same extent as the marijuana itself; provided that  
15 nothing in this subsection shall be construed to limit or to  
16 restrict the application of rule 901 of the Hawaii rules of  
17 evidence.] "~~

18       SECTION 7. Section 712-1248, Hawaii Revised Statutes, is  
19 amended by amending subsection (1) to read as follows:

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



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

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

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

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

SECTION 8. Section 712-1249, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

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

SECTION 9. Section 712A-4, Hawaii Revised Statutes, is amended to read as follows:

"§712A-4 Covered offenses. Offenses for which property is subject to forfeiture under this chapter are:



- 1 (a) All offenses that specifically authorize forfeiture;  
2 (b) Murder, kidnapping, labor trafficking, gambling,  
3 criminal property damage, robbery, bribery, extortion,  
4 theft, unauthorized entry into motor vehicle,  
5 burglary, money laundering, trademark counterfeiting,  
6 insurance fraud, promoting a dangerous, harmful, or  
7 detrimental drug, [~~commercial promotion of marijuana,~~  
8 methamphetamine trafficking, manufacturing of a  
9 controlled substance with a child present, promoting  
10 child abuse, promoting prostitution, sex trafficking,  
11 solicitation of a minor for prostitution, habitual  
12 solicitation of prostitution, or electronic enticement  
13 of a child that is chargeable as a felony offense  
14 under state law;  
15 (c) The manufacture, sale, or distribution of a controlled  
16 substance in violation of chapter 329, promoting  
17 detrimental drugs or intoxicating compounds, promoting  
18 pornography, promoting pornography for minors, or  
19 solicitation of prostitution near schools or public  
20 parks, which is chargeable as a felony or misdemeanor



1 offense, but not as a petty misdemeanor, under state  
2 law; and

3 (d) The attempt, conspiracy, solicitation, coercion, or  
4 intimidation of another to commit any offense for  
5 which property is subject to forfeiture."

6 SECTION 10. Section 712-1249.4, Hawaii Revised Statutes,  
7 is repealed.

8 ~~["§712-1249.4] Commercial promotion of marijuana in the~~  
9 ~~first degree. (1) A person commits the offense of commercial~~  
10 ~~promotion of marijuana in the first degree if the person~~  
11 ~~knowingly:~~

12 ~~(a) Possesses marijuana having an aggregate weight of~~  
13 ~~twenty five pounds or more;~~

14 ~~(b) Distributes marijuana having an aggregate weight of~~  
15 ~~five pounds or more;~~

16 ~~(c) Possesses, cultivates, or has under the person's~~  
17 ~~control one hundred or more marijuana plants;~~

18 ~~(d) Cultivates on land owned by another person, including~~  
19 ~~land owned by the government or other legal entity,~~  
20 ~~twenty five or more marijuana plants, unless the~~  
21 ~~person has the express permission from the owner of~~



1           ~~the land to cultivate the marijuana or the person has~~  
2           ~~a legal or an equitable ownership interest in the land~~  
3           ~~or the person has a legal right to occupy the land; or~~  
4       ~~(e) Uses, or causes to be used, any firearm or other~~  
5           ~~weapon, device, instrument, material, or substance,~~  
6           ~~whether animate or inanimate, which in the manner used~~  
7           ~~is capable of causing death, serious bodily injury,~~  
8           ~~substantial bodily injury, or other bodily injury, as~~  
9           ~~defined in chapter 707 in order to prevent the theft,~~  
10          ~~removal, search and seizure, or destruction of~~  
11          ~~marijuana.~~

12       ~~(2) Commercial promotion of marijuana in the first degree~~  
13       ~~is a class A felony.~~

14       ~~(3) Any marijuana seized as evidence in violation of this~~  
15       ~~section in excess of an aggregate weight of twenty five pounds~~  
16       ~~as stated in subsection (1) (a), or in excess of an aggregate~~  
17       ~~weight of five pounds as stated in subsection (1) (b), or in~~  
18       ~~excess of one hundred marijuana plants as stated in subsection~~  
19       ~~(1) (c), or in excess of twenty five marijuana plants as stated~~  
20       ~~in subsection (1) (d) may be destroyed after the excess amount~~  
21       ~~has been photographed and the number of plants and the weight~~



1 ~~thereof has been recorded. The required minimum amount of the~~  
2 ~~marijuana needed to constitute the elements of this offense~~  
3 ~~shall remain in the custody of the police until the termination~~  
4 ~~of any criminal action brought as a result of the seizure of the~~  
5 ~~marijuana. Photographs duly identified as accurately~~  
6 ~~representing the marijuana shall be deemed competent evidence of~~  
7 ~~the marijuana involved and shall be admissible in any~~  
8 ~~proceeding, hearing, or trial to the same extent as the~~  
9 ~~marijuana itself; provided that nothing in this subsection shall~~  
10 ~~be construed to limit or restrict the application of rule 901 of~~  
11 ~~the Hawaii rules of evidence." ]~~

12 SECTION 11. Section 712-1249.5, Hawaii Revised Statutes,  
13 is repealed.

14 [~~"§712-1249.5 Commercial promotion of marijuana in the~~  
15 ~~second degree. (1) A person commits the offense of commercial~~  
16 ~~promotion of marijuana in the second degree if the person~~  
17 ~~knowingly:~~

18 (a) ~~Possesses marijuana having an aggregate weight of two~~  
19 ~~pounds or more;~~

20 (b) ~~Distributes marijuana having an aggregate weight of~~  
21 ~~one pound or more;~~



~~(c) Possesses, cultivates, or has under the person's control fifty or more marijuana plants,~~

~~(d) Cultivates on land owned by another person, including land owned by the government or other legal entity, any marijuana plant, unless the person has the express permission from the owner of the land to cultivate the marijuana or the person has a legal or an equitable ownership interest in the land or the person has a legal right to occupy the land; or~~

~~(e) Sells or barter any marijuana or any Schedule V substance in any amount to a minor.~~

~~(2) Commercial promotion of marijuana in the second degree is a class B felony.~~

~~(3) Any marijuana seized as evidence in violation of this section in excess of an aggregate weight of two pounds as stated in subsection (1)(a), or in excess of an aggregate weight of one pound as stated in subsection (1)(b), or in excess of twenty-five marijuana plants as stated in subsection (1)(c) may be destroyed after the excess amount has been photographed and the number of plants and the weight thereof has been recorded. The required minimum amount of the marijuana needed to constitute~~





~~the elements of this offense shall remain in the custody of the police until the termination of any criminal action brought as a result of the seizure of the marijuana. Photographs duly identified as accurately representing the marijuana shall be deemed competent evidence of the marijuana involved and shall be admissible in any proceeding, hearing, or trial to the same extent as the marijuana itself; provided that nothing in this subsection shall be construed to limit or to restrict the application of rule 901 of the Hawaii rules of evidence."]~~

SECTION 12. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

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

INTRODUCED BY: 

JAN 24 2018



# H.B. NO. 2584

**Report Title:**

Marijuana; Decriminalization

**Description:**

Repeals criminal prohibitions and penalties pertaining to marijuana.

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

