

---

---

# A BILL FOR AN ACT

RELATING TO HEMP.

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

1           SECTION 1. Section 141-42, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "~~[+] §141-42 [+] Commercial hemp production. (a) [It shall~~  
4 ~~be legal for an]~~ An individual or entity ~~[te]~~ may produce hemp,  
5 as defined in title 7 United States Code section 1639o, if that  
6 individual or entity has a license to produce hemp~~[r]~~ issued by  
7 the Secretary of the United States Department of Agriculture  
8 pursuant to title 7 United States Code section 1639q; provided  
9 that:

10           (1) Any person convicted of a felony related to a  
11 controlled substance under state or federal law is  
12 prohibited from producing hemp, or being a key  
13 participant in an entity producing hemp, for a period  
14 of ten years following the date of conviction;

15           (2) Hemp shall not be grown outside of a state  
16 agricultural district;



## H.B. NO. 1364

- 1           (3) Hemp authorized to be produced pursuant to this  
2           section shall not be grown within [500] one hundred  
3           feet of pre-existing real property comprising a  
4           playground, childcare facility, or school; provided  
5           that this restriction shall not apply to an individual  
6           or entity licensed to grow hemp in those areas under  
7           the State industrial hemp pilot program prior to  
8           August 27, 2020;
- 9           (4) Hemp authorized to be produced pursuant to this  
10          section shall not be grown within [500] one hundred  
11          feet of any pre-existing house, dwelling unit,  
12          residential apartment, or other residential structure  
13          that is not owned or controlled by the license holder;  
14          provided that this restriction shall not apply to an  
15          individual or entity licensed to grow hemp in those  
16          areas under the State industrial hemp pilot program  
17          prior to August 27, 2020; and
- 18          (5) Hemp shall not be grown in any house, dwelling unit,  
19          residential apartment, or other residential  
20          structure[-] not under the control of the licensee.



1 (b) An individual or entity licensed to produce hemp  
2 pursuant to paragraph (a) may transport hemp within the State to  
3 a facility authorized by law to process hemp or to another  
4 licensed producer's grow area[~~7~~]; provided that [~~+~~

5 ~~(1) The] the hemp to be transported has passed all  
6 compliance testing required by the United States  
7 Department of Agriculture[~~+~~ and~~

8 ~~(2) The transportation has been authorized by the  
9 department. The department may require movement  
10 reports, inspections, sampling, and testing of the  
11 hemp to be transported and may deny authorization if  
12 the hemp is found to not comply with any law or  
13 regulation].~~

14 (c) An individual or entity licensed to produce hemp  
15 pursuant to paragraph (a) may sell whole, unprocessed hemp  
16 leaves to consumers; provided that:

17 (1) The hemp to be sold has passed all compliance testing  
18 required by the United States Department of  
19 Agriculture; and

20 (2) There shall be a label, in a form prescribed by the  
21 department, affixed to each leaf or each bundle of



1           leaves sold to each consumer that states the words  
2           "Hawaii Grown Hemp".

3       ~~[(e)]~~ (d) An individual or entity licensed to produce hemp  
4 pursuant to paragraph (a) may export hemp; provided that:

5       (1) The hemp to be exported has passed all compliance  
6 testing required by the United States Department of  
7 Agriculture; ~~[and]~~

8       (2) There shall be a label, in a form prescribed by the  
9       department, affixed to each leaf or each bundle of  
10       leaves exported that states the words "Hawaii Grown  
11       Hemp"; and

12       ~~[(2)]~~ (3) The licensed producer complies with all laws  
13 relating to the exportation of hemp, including state  
14 and federal laws and the laws of the state or country  
15 of import.

16       ~~[(d)]~~ (e) Any individual or entity who violates this  
17 section or any rule adopted pursuant to this section shall be  
18 fined not more than \$10,000 for each separate offense. Any  
19 notice of violation of this section may be accompanied by a  
20 cease and desist order, the violation of which constitutes a  
21 further violation of this section. Any action taken to collect



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

3 ~~[(e)]~~ (f) For any judicial proceeding to recover an  
4 administrative penalty imposed by order or to enforce a cease  
5 and desist order against a hemp producer, the department may  
6 petition any court of appropriate jurisdiction and need only  
7 show that:

- 8 (1) Notice was given;
- 9 (2) A hearing was held or the time granted for requesting  
10 a hearing has expired without such a request;
- 11 (3) The administrative penalty was imposed on the  
12 individual or entity producing hemp; and
- 13 (4) The penalty remains unpaid or the individual or entity  
14 continues to produce hemp."

15 SECTION 2. Section 328G-3, Hawaii Revised Statutes, is  
16 amended by amending subsection (j) to read as follows:

17 "(j) No person shall sell, hold, offer or distribute for  
18 sale, or export a hemp ~~[products]~~ product without a label, in a  
19 form prescribed by the department, affixed to the packaging that  
20 [identifies]:



# H.B. NO. 1364

- 1        (1) Identifies the hemp product as having been tested
- 2                [~~pursuant to department rules.~~] as required by the
- 3                United States Department of Agriculture; and
- 4        (2) States the words "Hawaii Grown Hemp" if the hemp
- 5                contained in the hemp product was produced in the
- 6                State."

7                SECTION 3. This Act does not affect rights and duties that

8 matured, penalties that were incurred, and proceedings that were

9 begun before its effective date.

10              SECTION 4. Statutory material to be repealed is bracketed

11 and stricken. New statutory material is underscored.

12              SECTION 5. This Act shall take effect on July 1, 2021.

13

INTRODUCED BY

JAN 27 2021



# H.B. NO. 1364

**Report Title:**

Hemp; Buffer Zones; Leaves; Consumers; Labels

**Description:**

Reduces from 500 feet to 100 feet the buffer zones for commercial hemp production and processing. Authorizes hemp to be grown at a residential property under the control of a person licensed under federal law to produce hemp. Repeals authorization from the state department of agriculture as a prerequisite to transport hemp. Authorizes commercial hemp producers to sell whole, unprocessed hemp leaves to consumers, subject to certain requirements. Requires labels that disclose that leaves and hemp products were from hemp grown in the State. Replaces the referenced testing standard authority on labels for hemp products.

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

