

---

---

## A BILL FOR AN ACT

RELATING TO MARIJUANA.

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

1           SECTION 1. The legal history of cannabis or marijuana in  
2 the United States primarily addresses the regulation of  
3 marijuana for medical use, and secondarily the use of marijuana  
4 for personal or recreational purposes. By the mid-1930s  
5 cannabis was regulated as a drug in every state, including  
6 thirty-five states that adopted the Uniform State Narcotic Drug  
7 Act which was subsequently replaced in 1970 with the federal  
8 Uniform Controlled Substances Act, which classifies marijuana  
9 and tetrahydrocannabinol as schedule I controlled substances.

10           Notwithstanding the prospect of federal prosecution,  
11 several states, including Hawaii, have enacted medical marijuana  
12 laws. Chapter 329, part IX, Hawaii Revised Statutes, was  
13 enacted to create a medical use of marijuana exemption from  
14 criminal sanctions. Other jurisdictions, such as Alaska,  
15 Arizona, Arkansas, California, Colorado, Connecticut, District  
16 of Columbia, Delaware, Florida, Illinois, Maine, Maryland,  
17 Massachusetts, Michigan, Minnesota, Montana, Nevada, New



# H.B. NO. 7

1 Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio,  
2 Oregon, Pennsylvania, Rhode Island, Vermont, and Washington,  
3 also allow the use of marijuana for medicinal purposes.  
4 Furthermore, chapter 329D, Hawaii Revised Statutes, was enacted  
5 to establish medical marijuana dispensaries that were authorized  
6 to operate beginning in July 2016. As Hawaii expands its  
7 medical marijuana program through the use of highly regulated  
8 and monitored dispensaries, more patients are anticipated to  
9 consider medical marijuana as a viable treatment, knowing that  
10 the medicine will be regulated and tested.

11 In addition to medicinal marijuana laws, some states have  
12 legalized or decriminalized marijuana. Alaska, California,  
13 Colorado, Connecticut, Delaware, District of Columbia, Illinois,  
14 Maine, Maryland, Massachusetts, Minnesota, Mississippi,  
15 Missouri, Nebraska, Nevada, New Hampshire, New York, North  
16 Carolina, Ohio, Oregon, Rhode Island, Vermont, and Washington  
17 have decriminalized marijuana in small amounts. In 2019, Hawaii  
18 enacted Act 273, which decriminalized the possession of  
19 marijuana in the amount of three grams or less. In each of  
20 these states, marijuana users no longer face arrest or jail time  
21 for the possession or use of marijuana in an amount permitted by



## H.B. NO. 7

1 statute. Most places that have decriminalized possession of  
2 small amounts of cannabis have replaced incarceration or  
3 criminal charges with civil fines, confiscation, drug education,  
4 or drug treatment, or have made various cannabis offenses the  
5 lowest priority for law enforcement.

6 The legislature further finds that the legalization of  
7 marijuana for personal or recreational use is a natural,  
8 logical, and reasonable outgrowth of the current science of  
9 marijuana and attitude toward marijuana. In 2012, voters in  
10 Colorado and Washington voted to legalize and regulate the  
11 production, possession, and distribution of marijuana for  
12 persons age twenty-one and older. Following Colorado and  
13 Washington's lead, Alaska, California, District of Columbia,  
14 Maine, Massachusetts, Michigan, Nevada, Oregon, and Vermont also  
15 legalized small amounts of marijuana for adult recreational use.  
16 Colorado was the first state to remove the prohibition on  
17 commercial production of marijuana for general use. Most  
18 recently during the 2020 election, Arizona, Montana, New Jersey,  
19 and South Dakota legalized recreational marijuana use.

20 States that have legalized marijuana use have increased  
21 their tax collections. For example, Colorado collected



## H.B. NO. 7

1 \$67,594,323 from medical and retail cannabis taxes and fees  
2 during the first year of retail cannabis sales in 2014,  
3 \$302,458,426 during the 2019 calendar year, and a total of  
4 \$1,411,274,770 in revenues as of July, 2020. Most industry  
5 experts estimate that New Jersey and Arizona will be billion  
6 dollar markets in a few years.

7 The legislature further finds that the virus known as  
8 "SARS-CoV-2" causes a disease named "coronavirus disease 2019"  
9 (COVID-19), which spread globally and was declared a pandemic by  
10 the World Health Organization on March 11, 2020. Upon reaching  
11 Hawaii's shores, the COVID-19 outbreak disrupted the economy,  
12 resulting in an estimated \$2,300,000,000 budget shortfall as of  
13 August, 2020. A new source of revenue is necessary to allow the  
14 State to meet its strategic goals, including the provision of  
15 quality early learning and preschool programs for Hawaii's  
16 children. The legislature further finds that marijuana  
17 cultivation and sales hold potential for economic development,  
18 increased tax revenues, and reduction in crime.

19 The purpose of this Act is to:

20 (1) Decriminalize and regulate small amounts of marijuana  
21 for personal use;





# H.B. NO. 7

1 designed for use in planting, propagating, cultivating, growing,  
2 harvesting, composting, manufacturing, compounding, converting,  
3 producing, processing, preparing, testing, analyzing, packaging,  
4 repackaging, storing, vaporizing, or containing marijuana, or  
5 for ingesting, inhaling, or otherwise introducing marijuana into  
6 the human body.

7 "Marijuana concentrate" shall have the same meaning as  
8 provided in section 712-1240.

9 "Marijuana cultivation facility" means an entity licensed  
10 to cultivate, prepare, and package marijuana and sell marijuana  
11 to retail marijuana stores, marijuana product manufacturing  
12 facilities, and other marijuana cultivation facilities, but not  
13 to consumers.

14 "Marijuana establishment" means a marijuana cultivation  
15 facility, marijuana testing facility, marijuana product  
16 manufacturing facility, or retail marijuana store.

17 "Marijuana product manufacturing facility" means an entity  
18 licensed to purchase marijuana; manufacture, prepare, and  
19 package marijuana products; and sell marijuana and marijuana  
20 products to other marijuana product manufacturing facilities and  
21 retail marijuana stores, but not to consumers.



# H.B. NO. 7

1 "Marijuana products" means marijuana concentrate products  
2 and products that comprise marijuana and other ingredients  
3 intended for use or consumption and include but are not limited  
4 to edible products, ointments, and tinctures.

5 "Marijuana testing facility" means an entity licensed to  
6 analyze and certify the safety and potency of marijuana.

7 "Personal use" means an amount of marijuana not exceeding  
8 one ounce that is used for private, personal, or recreational  
9 purposes by persons age twenty-one years or older. The term  
10 personal use includes display, possession, sale, transport,  
11 transfer, or processing of marijuana or marijuana products.

12 "Retail marijuana store" means an entity licensed to  
13 purchase marijuana from marijuana cultivation facilities,  
14 purchase marijuana and marijuana products from marijuana product  
15 manufacturing facilities, and sell marijuana and marijuana  
16 products to consumers.

17 § -2 Personal use of marijuana. (a) Notwithstanding  
18 any law to the contrary, the personal use of marijuana is  
19 permitted.

20 (b) Personal use of marijuana shall not be the basis for  
21 arrest, seizure, or forfeiture of assets.



# H.B. NO. 7

1           (c) The possession, use, display, purchase, transfer, or  
2 transport of marijuana, marijuana accessories, or marijuana  
3 paraphernalia for personal use shall be immune from criminal  
4 prosecution.

5           (d) The possession, growing, processing, or transporting  
6 of not more than six marijuana plants, with three or fewer being  
7 mature, flowering plants, and possession of the marijuana  
8 produced by the plants on the premises where the plants are  
9 grown shall not be subject to criminal prosecution; provided  
10 that the growing takes place in an enclosed and locked space and  
11 is not conducted openly or publicly, and that the plants are not  
12 made available for sale.

13           (e) The transfer or sale of one ounce or less of marijuana  
14 with or without remuneration to a person who is twenty-one years  
15 of age or older is permitted.

16           (f) The consumption of marijuana products is permitted.

17           (g) Assisting, advising, or abetting another person who is  
18 twenty-one years of age or older in any actions described in  
19 this section is permitted.

20           § -3 Lawful operation of marijuana establishments;  
21 license required. Notwithstanding any law to the contrary, the



# H.B. NO. 7

1 following acts are permitted and shall not constitute a criminal  
2 offense or be the basis for search, seizure, or forfeiture of  
3 assets of a person age twenty-one years or older:

4 (1) Manufacturing, possessing, or purchasing marijuana  
5 accessories or selling marijuana accessories to a  
6 person who is twenty-one years of age or older;

7 (2) Possessing, displaying, or transporting marijuana or  
8 marijuana products; purchasing marijuana from a  
9 marijuana cultivation facility; purchasing marijuana  
10 or marijuana products from a marijuana product  
11 manufacturing facility; or selling marijuana or  
12 marijuana products to consumers; provided that the  
13 person conducting the activities described in this  
14 paragraph has obtained a current, valid license to  
15 operate a retail marijuana store or is acting in the  
16 capacity of an owner, employee, or agent of a licensed  
17 retail marijuana store;

18 (3) Cultivating, harvesting, processing, packaging,  
19 transporting, displaying, or possessing marijuana;  
20 delivering or transferring marijuana to a marijuana  
21 testing facility; selling marijuana to a marijuana



# H.B. NO. 7

1 cultivation facility, marijuana product manufacturing  
2 facility, or retail marijuana store; or purchasing  
3 marijuana from a marijuana cultivation facility;  
4 provided that the person conducting the activities  
5 described in this paragraph has obtained a current,  
6 valid license to operate a marijuana cultivation  
7 facility or is acting in the capacity of an owner,  
8 employee, or agent of a licensed marijuana cultivation  
9 facility;

10 (4) Packaging, processing, transporting, manufacturing,  
11 displaying, or possessing marijuana or marijuana  
12 products; delivering or transferring marijuana or  
13 marijuana products to a marijuana testing facility;  
14 selling marijuana or marijuana products to a retail  
15 marijuana store or marijuana product manufacturing  
16 facility; purchasing marijuana from a marijuana  
17 cultivation facility; or purchasing marijuana or  
18 marijuana products from a marijuana product  
19 manufacturing facility; provided that the person  
20 conducting the activities described in this paragraph  
21 has obtained a current, valid license to operate a



## H.B. NO. 7

1 marijuana product manufacturing facility or is acting  
2 in the capacity as an owner, employee, or agent of a  
3 licensed marijuana product manufacturing facility;

4 (5) Possessing, processing, repackaging, storing,  
5 transporting, displaying, transferring, or delivering  
6 marijuana or marijuana products; provided that the  
7 person has obtained a current, valid license to  
8 operate a marijuana testing facility or is acting in  
9 the capacity as an owner, employee, or agent of a  
10 licensed marijuana testing facility; and

11 (6) Leasing or otherwise allowing the use of property  
12 owned, occupied, or controlled by any person,  
13 corporation, or other entity for any of the activities  
14 conducted lawfully in accordance with this section.

15 § -4 Regulation of marijuana; rules. (a) No later than  
16 July 1, 2022, the department shall adopt rules, pursuant to  
17 chapter 91, necessary for implementation of this chapter. The  
18 rules shall not require such a high investment of risk, money,  
19 time, or any other resource or asset that the operation of a  
20 marijuana establishment is not worthy of being carried out in



# H.B. NO. 7

1 practice by a reasonably prudent business person. The rules  
2 shall include:

- 3 (1) Procedures for the application, issuance, renewal,  
4 suspension, and revocation of a license to operate a  
5 marijuana establishment; provided that any license to  
6 be issued shall be issued no later than ninety days  
7 after receipt of an application;
- 8 (2) A schedule of application, licensing, and renewal  
9 fees; provided that application fees shall not exceed  
10 \$5,000, adjusted annually for inflation, unless the  
11 department determines a greater fee is necessary to  
12 carry out its responsibilities under this section;
- 13 (3) Qualifications for licensure that are directly and  
14 demonstrably related to the operation of a marijuana  
15 establishment;
- 16 (4) Security requirements for the premises of marijuana  
17 establishments;
- 18 (5) Requirements to prevent the sale or diversion of  
19 marijuana and marijuana products to persons under the  
20 age of twenty-one;



# H.B. NO. 7

- 1           (6) Labeling requirements for marijuana and marijuana  
2           products sold or distributed by a marijuana  
3           establishment;
- 4           (7) Health and safety regulations and standards for the  
5           manufacture of marijuana products and the cultivation  
6           of marijuana;
- 7           (8) Restrictions on the advertising and display of  
8           marijuana and marijuana products; and
- 9           (9) Civil penalties for the failure to comply with rules  
10          adopted pursuant to this section.
- 11          (b) In order to ensure that individual privacy is  
12          protected, the department shall not require a consumer to  
13          provide a retail marijuana store with personal information other  
14          than government-issued identification to determine the  
15          consumer's age. A retail marijuana store shall not be required  
16          to acquire and record personal information about consumers.
- 17          (c) If an application for a license under this section is  
18          denied, the applicant shall be notified in writing of the  
19          specific reason for the denial. The applicant may be entitled  
20          to resubmit the application at any time after denial of the  
21          initial application.



# H.B. NO. 7

1           §   -5   **Effect on employers.** This chapter shall not be  
2 construed to:

- 3           (1) Require an employer to permit or accommodate the use,  
4               consumption, possession, transfer, display, transport,  
5               sale, or growing of marijuana in the workplace; or  
6           (2) Affect the ability of an employer to have policies  
7               restricting the use of marijuana by employees.

8           §   -6   **Effect on intoxicated driving laws.** This chapter  
9 shall not be construed as a defense, exemption, or immunity from  
10 chapter 291E.

11          §   -7   **Effect on medical cannabis law.** This chapter shall  
12 not be construed to affect medical use of cannabis as provided  
13 in chapter 329 and shall not be deemed to expand the medical use  
14 of cannabis beyond the uses provided in chapter 329.

15          §   -8   **Effect on medical cannabis dispensary law.** This  
16 chapter shall not be construed to affect the dispensing of  
17 medical cannabis as provided in chapter 329D and shall not be  
18 deemed to expand the dispensing of medical cannabis beyond the  
19 uses provided in chapter 329D.

20          §   -9   **Effect on property rights.** This chapter shall not  
21 be construed to prohibit a person, employer, school, hospital,



# H.B. NO. 7

1 detention facility, corporation, or any other entity who  
2 occupies, owns, or controls a property from prohibiting or  
3 otherwise regulating the possession, consumption, use, display,  
4 transfer, distribution, sale, transportation, or growing of  
5 marijuana on or in that property.

6 § -10 Taxes. A marijuana establishment shall be subject  
7 to payment of income taxes on gross receipts under chapter 235  
8 and payment of excise taxes under chapter 237 for each  
9 transaction conducted by the marijuana establishment."

10 SECTION 3. Chapter 712, Hawaii Revised Statutes, is  
11 amended by adding a new section to part IV to be appropriately  
12 designated and to read as follows:

13 "§712- Legalization of marijuana. The following acts  
14 shall be exempt from arrest, prosecution, and criminal  
15 culpability under this part:

- 16 (a) Any act permitted under section -2;  
17 (b) Any act permitted under section -3; and  
18 (c) An act of any person who is appropriately and  
19 currently licensed if the act requires a license under  
20 chapter ."



# H.B. NO. 7

1 SECTION 4. Section 706-622.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (5) to read as follows:

3 "(5) Upon motion from a person convicted for the  
4 possession of marijuana under section 712-1249 arising from a  
5 set of facts and circumstances that resulted in no other  
6 criminal charge, the court shall grant an expungement order  
7 pertaining to the conviction for the offense; provided that the  
8 amount of marijuana for which the person was convicted of  
9 possessing or promoting was [~~three grams~~] one ounce or less."

10 SECTION 5. Section 712-1244, 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 first degree if the person knowingly:

14 (a) Possesses one hundred or more capsules or tablets or  
15 dosage units containing one or more of the harmful  
16 drugs or one or more of the marijuana concentrates [~~7~~]  
17 in an amount greater than one ounce, or any  
18 combination thereof;

19 (b) Possesses one or more preparations, compounds,  
20 mixtures, or substances, of an aggregate weight of one  
21 ounce or more containing one or more of the harmful



# H.B. NO. 7

1 drugs or one or more of the marijuana concentrates [7]  
2 in an amount greater than one ounce, or any  
3 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]  
7 in an amount greater than one ounce, or any  
8 combination thereof;

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

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

16 SECTION 6. Section 712-1245, Hawaii Revised Statutes, is  
17 amended by amending subsection (1) to read as follows:

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

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



# H.B. NO. 7

1           one or more of the marijuana concentrates~~[7]~~ in an  
2           amount greater than one ounce, or any combination  
3           thereof;

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

9           (c) Distributes any harmful drug in any amount or any  
10           marijuana concentrate in [~~any~~] an amount~~[7]~~ greater  
11           than one ounce."

12           SECTION 7. Section 712-1246, 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 third degree if the person knowingly possesses  
16           twenty-five or more capsules or tablets or dosage units  
17           containing one or more of the harmful drugs or one or more of  
18           the marijuana concentrates in an amount greater than one ounce,  
19           or any combination thereof."

20           SECTION 8. Section 712-1247, Hawaii Revised Statutes, is  
21           amended by amending subsection (1) to read follows:



# H.B. NO. 7

- 1           "(1) A person commits the offense of promoting a  
2 detrimental drug in the first degree if the person knowingly:
- 3           (a) Possesses four hundred or more capsules or tablets  
4                 containing 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 one  
7                 ounce or more, containing one or more of the Schedule  
8                 V substances;
  - 9           (c) Distributes fifty or more capsules or tablets  
10                containing one or more of the Schedule V substances;
  - 11           (d) Distributes one or more preparations, compounds,  
12                mixtures, or substances of an aggregate weight of one-  
13                eighth ounce or more, containing one or more of the  
14                Schedule V substances;
  - 15           (e) Possesses one or more preparations, compounds,  
16                mixtures, or substances of an aggregate weight of one  
17                pound or more, containing [~~any~~] marijuana[+] in an  
18                amount greater than one ounce;
  - 19           (f) Distributes one or more preparations, compounds,  
20                mixtures, or substances of an aggregate weight of one



# H.B. NO. 7

1           ounce or more, containing [~~any~~] marijuana[+] in an  
2           amount greater than one ounce;

3           (g) Possesses, cultivates, or has under the person's  
4           control twenty-five or more marijuana plants; or

5           (h) Sells or barter[s] [~~any~~] marijuana in an amount greater  
6           than one ounce or any Schedule V substance in any  
7           amount."

8           SECTION 9. Section 712-1248, Hawaii Revised Statutes, is  
9           amended by amending subsection (1) to read as follows:

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

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

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

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



# H.B. NO. 7

1 (d) Distributes [any] marijuana in an amount greater than  
2 one ounce or any Schedule V substance in any amount."

3 SECTION 10. Section 712-1249, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§712-1249 Promoting a detrimental drug in the third  
6 degree. (1) A person commits the offense of promoting a  
7 detrimental drug in the third degree if the person knowingly  
8 possesses any marijuana in an amount greater than one ounce or  
9 any Schedule V substance in any amount.

10 (2) Promoting a detrimental drug in the third degree is a  
11 petty misdemeanor; provided that possession of [~~three grams or~~  
12 ~~less of~~] marijuana in any amount greater than one ounce but less  
13 than three ounces is a violation, punishable by a fine of \$130."

14 SECTION 11. Section 712-1249.4, Hawaii Revised Statutes,  
15 is amended to read as follows:

16 "[+]§712-1249.4[+] [~~Commercial~~] Unlicensed promotion of  
17 marijuana in the first degree. (1) A person commits the  
18 offense of [~~commercial~~] unlicensed promotion of marijuana in the  
19 first degree if the person knowingly:



# H.B. NO. 7

- 1 (a) Possesses, with the intent to distribute, marijuana  
2 having an aggregate weight of twenty-five pounds or  
3 more;
- 4 (b) Distributes marijuana having an aggregate weight of  
5 [~~five~~] ten pounds or more;
- 6 (c) Possesses, cultivates, or has under the person's  
7 control one hundred or more marijuana plants;
- 8 (d) Cultivates on land owned by another person, including  
9 land owned by the government or other legal entity,  
10 twenty-five or more marijuana plants, unless the  
11 person has the express permission from the owner of  
12 the land to cultivate the marijuana or the person has  
13 a legal or an equitable ownership interest in the land  
14 or the person has a legal right to occupy the land; or
- 15 (e) Uses, or causes to be used, any firearm or other  
16 weapon, device, instrument, material, or substance,  
17 whether animate or inanimate, which in the manner used  
18 is capable of causing death, serious bodily injury,  
19 substantial bodily injury, or other bodily injury, as  
20 defined in chapter 707 in order to prevent the theft,



## H.B. NO. 7

1 removal, search and seizure, or destruction of  
2 marijuana.

3 (2) [~~Commercial~~] Unlicensed promotion of marijuana in the  
4 first degree is a class A felony.

5 (3) Any marijuana seized as evidence in violation of this  
6 section in excess of an aggregate weight of twenty-five pounds  
7 as stated in subsection (1)(a), or in excess of an aggregate  
8 weight of [~~five~~] ten pounds as stated in subsection (1)(b), or  
9 in excess of one hundred marijuana plants as stated in  
10 subsection (1)(c), or in excess of twenty-five marijuana plants  
11 as stated in subsection (1)(d) may be destroyed after the excess  
12 amount has been photographed and the number of plants and the  
13 weight thereof has been recorded. The required minimum amount  
14 of the marijuana needed to constitute the elements of this  
15 offense shall remain in the custody of the police until the  
16 termination of any criminal action brought as a result of the  
17 seizure of the marijuana. Photographs duly identified as  
18 accurately representing the marijuana shall be deemed competent  
19 evidence of the marijuana involved and shall be admissible in  
20 any proceeding, hearing, or trial to the same extent as the  
21 marijuana itself; provided that nothing in this subsection shall



# H.B. NO. 7

1 be construed to limit or restrict the application of rule 901 of  
2 the Hawaii rules of evidence."

3 SECTION 12. Section 712-1249.5, Hawaii Revised Statutes,  
4 is amended to read as follows:

5 "§712-1249.5 [~~Commercial~~] Unlicensed promotion of  
6 marijuana in the second degree. (1) [A] Except as otherwise  
7 provided by law, a person commits the offense of [~~commercial~~  
8 unlicensed promotion of marijuana in the second degree if the  
9 person knowingly:

- 10 (a) Possesses, with the intent to distribute, marijuana  
11 having an aggregate weight of [~~two~~] five pounds or  
12 more;
- 13 (b) Distributes marijuana having an aggregate weight of  
14 [~~one pound~~] two pounds or more;
- 15 (c) Possesses, cultivates, or has under the person's  
16 control fifty or more marijuana plants;
- 17 (d) Cultivates on land owned by another person, including  
18 land owned by the government or other legal entity,  
19 any marijuana plant, unless the person has the express  
20 permission from the owner of the land to cultivate the  
21 marijuana or the person has a legal or an equitable



# H.B. NO. 7

1 ownership interest in the land or the person has a  
2 legal right to occupy the land; or  
3 (e) Sells or barter any marijuana or any Schedule V  
4 substance in any amount to a minor.  
5 (2) [~~Commercial~~] Unlicensed promotion of marijuana in the  
6 second degree is a class B felony.  
7 (3) Any marijuana seized as evidence in violation of this  
8 section in excess of an aggregate weight of [~~two~~] five pounds as  
9 stated in subsection (1)(a), or in excess of an aggregate weight  
10 of [~~one pound~~] two pounds as stated in subsection (1)(b), or in  
11 excess of twenty-five marijuana plants as stated in subsection  
12 (1)(c) may be destroyed after the excess amount has been  
13 photographed and the number of plants and the weight thereof has  
14 been recorded. The required minimum amount of the marijuana  
15 needed to constitute the elements of this offense shall remain  
16 in the custody of the police until the termination of any  
17 criminal action brought as a result of the seizure of the  
18 marijuana. Photographs duly identified as accurately  
19 representing the marijuana shall be deemed competent evidence of  
20 the marijuana involved and shall be admissible in any  
21 proceeding, hearing, or trial to the same extent as the



# H.B. NO. 7

1 marijuana itself; provided that nothing in this subsection shall  
2 be construed to limit or to restrict the application of rule 901  
3 of the Hawaii rules of evidence."

4 SECTION 13. Notwithstanding any other law to the  
5 contrary, a court shall dismiss any charge against a person that  
6 was filed prior to, and that would not be chargeable after, the  
7 effective date of this Act, which involves any marijuana offense  
8 arising from a set of facts and circumstances that resulted in  
9 no criminal charge other than the marijuana offense that is  
10 covered by this Act.

11 SECTION 14. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 15. This Act shall take effect upon its approval.

14

INTRODUCED BY:



JAN 20 2021



# H.B. NO. 7

**Report Title:**

Marijuana; Legalization; Personal Use

**Description:**

Legalizes the personal use, possession, and sale of marijuana in a specified quantity. Requires licensing to operate marijuana establishments. Subjects marijuana establishments to excise taxes and income taxes. Amends certain provisions of the criminal code relating 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.*

