

JAN 21 2021

A BILL FOR AN ACT

RELATING TO MARIJUANA.

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

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

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

5 (a) Possesses fifty or more capsules or tablets or dosage
6 units containing one or more of the harmful drugs or
7 one or more of the marijuana concentrates, or any
8 combination thereof;

9 (b) Possesses ~~[one]~~:

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

15 (ii) One or more preparations, compounds, mixtures, or
16 substances, of an aggregate weight of one-eighth
17 ounce or more, containing one or more of the



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1 marijuana concentrates if the person is outside
 2 of the person's primary residence, or an
 3 aggregate weight of one ounce or more, containing
 4 one or more of the marijuana concentrates if the
 5 person is inside of the person's primary
 6 residence; or

7 (c) Distributes any harmful drug [~~or any marijuana~~
 8 ~~concentrate~~] in any amount[~~+~~] or over five grams of
 9 any marijuana concentrate."

10 SECTION 2. Section 712-1248, Hawaii Revised Statutes, is
 11 amended by amending subsection (1) to read as follows:

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

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

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



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- 1 (c) Possesses one or more preparations, compounds,
- 2 mixtures, or substances, of an aggregate weight of one
- 3 ounce or more [~~, containing any marijuana~~]; [~~or~~]
- 4 (d) Distributes [~~any marijuana or~~] any Schedule V
- 5 substance in any amount [~~-~~]; or
- 6 (e) Distributes any marijuana to an individual younger
- 7 than twenty-one years of age."

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

10 **"§712-1249 Promoting a detrimental drug in the third**

11 **degree.** (1) A person commits the offense of promoting a
 12 detrimental drug in the third degree if the person knowingly
 13 possesses [~~any~~]:

14 (a) Ten ounces or more of marijuana if the person is
 15 inside the person's primary residence or one ounce or
 16 more of marijuana if the person is outside the
 17 person's primary residence; or [~~any~~]

18 (b) Any Schedule V substance in any amount.

19 (2) Promoting a detrimental drug in the third degree is a
 20 petty misdemeanor [~~; provided that possession of three grams or~~



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Report Title:

Marijuana; Decriminalization

Description:

Decriminalizes without penalty possession of up to one ounce of marijuana or one-eighth ounce of marijuana concentrate outside of a personal residence and up to ten ounces of marijuana or one ounce of marijuana concentrate inside a personal residence. Removes the penalty for transferring up to one ounce of marijuana or five grams of marijuana concentrate to individuals twenty-one years of age or older.

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

