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# A BILL FOR AN ACT

RELATING TO CANNABIS.

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

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

12           Notwithstanding the prospect of federal prosecution,  
13 several states, including Hawai'i, enacted medical cannabis laws.  
14 Chapter 329, part IX, Hawaii Revised Statutes, was enacted to  
15 create a medical use of cannabis exemption from criminal  
16 sanctions. As of November 4, 2020, thirty-six states and four  
17 U.S. territories also allow the use of cannabis for medicinal



1 purposes. Furthermore, chapter 329D, Hawaii Revised Statutes,  
2 was enacted to establish medical cannabis dispensaries  
3 authorized to operate beginning in July 2016. As Hawai'i expands  
4 its medical cannabis program through the use of highly regulated  
5 and monitored dispensaries, more patients are anticipated to  
6 consider medical cannabis as a viable treatment.

7 In addition to medical cannabis laws, some states have  
8 legalized or decriminalized cannabis. The jurisdictions of  
9 Alaska, Arizona, California, Colorado, Connecticut, Delaware,  
10 District of Columbia, Hawai'i, Illinois, Maine, Maryland,  
11 Massachusetts, Michigan, Minnesota, Mississippi, Missouri,  
12 Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York,  
13 North Carolina, North Dakota, Ohio, Oregon, Rhode Island, South  
14 Dakota, Vermont, Virginia, and Washington have all  
15 decriminalized cannabis in small amounts. In each state,  
16 cannabis users no longer face jail time for the possession or  
17 use of cannabis in the amount permitted by statute. Most places  
18 that decriminalized small amounts of cannabis replaced  
19 incarceration or criminal charges with civil fines,  
20 confiscation, drug education, or drug treatment, or made various  
21 cannabis offenses the lowest priority for law enforcement.



1           In addition to the majority of states that have  
2 decriminalized possession of cannabis, the federal government  
3 has also signaled its approval of decriminalization at the  
4 federal level. On December 4, 2020, the U.S. House of  
5 Representatives passed the Marijuana Opportunity Reinvestment  
6 and Expungement Act, or MORE Act, which removes cannabis from  
7 the list of federally controlled substances and facilitates  
8 cancelling low-level federal convictions and arrests related to  
9 cannabis. This is the first time Congress has acted on the  
10 issue of decriminalizing cannabis.

11           In 2012, voters in Colorado and Washington voted to  
12 legalize and regulate the production, possession, and  
13 distribution of cannabis for persons age twenty-one and older.  
14 Following Colorado and Washington's lead, Alaska, California,  
15 District of Columbia, Maine, Massachusetts, Michigan, Nevada,  
16 Oregon, and Vermont also legalized small amounts of cannabis for  
17 adult recreational use. As of 2020, fifteen states and three  
18 U.S. territories have legalized recreational cannabis.

19           Colorado was the first state to remove the prohibition on  
20 commercial production of cannabis for general use. During the  
21 first year of legal cannabis sales in 2014, Colorado collected



1 \$67,594,323 in taxes and fees from medical and retail cannabis.  
2 As of November 2020, Colorado has collected \$1,563,063,859 in  
3 total revenue from cannabis taxes and fees.

4 The legislature finds that the legalization of cannabis for  
5 personal or recreational use is a natural, logical, and  
6 reasonable outgrowth of the current science of cannabis and  
7 attitude toward cannabis.

8 The legislature further finds that cannabis cultivation and  
9 sales hold potential for economic development, increased tax  
10 revenues, and reduction in crime.

11 The purpose of this Act is to:

- 12 (1) Decriminalize and regulate small amounts of cannabis  
13 for personal use;
- 14 (2) Establish regulations for the cultivation, sale, and  
15 personal use of small amounts of cannabis;
- 16 (3) Tax cannabis sales in the same manner as state excise  
17 taxes; and
- 18 (4) Subject income derived from cannabis sales to state  
19 income taxes.



1 SECTION 2. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to be appropriately designated and to read  
3 as follows:

4 "CHAPTER

5 LEGALIZATION OF CANNABIS FOR PERSONAL USE

6 § -1 Definitions. As used in this chapter:

7 "Cannabis" means all parts of the plant of the genus  
8 cannabis, whether growing or not; the seeds thereof; the resin  
9 extracted from any part of the plant; and every compound,  
10 manufacture, salt, derivative, mixture, or preparation of the  
11 plant, its seeds, or its resin, including cannabis concentrate.  
12 "Cannabis" does not include industrial hemp; fiber produced from  
13 the stalks, oil, or cake made from the seeds of the plant;  
14 sterilized seed of the plant which is incapable of germination;  
15 or the weight of any other ingredient combined with cannabis to  
16 prepare topical or oral administrations, food, drink, or other  
17 product. For purposes of this definition, "industrial hemp"  
18 means the plant of the genus cannabis and any part of such  
19 plant, whether growing or not, with a delta-9  
20 tetrahydrocannabinol concentration that does not exceed 0.3 per  
21 cent on a dry weight basis.



1 "Cannabis accessories" means any equipment, products, or  
2 materials of any kind that are used, intended for use, or  
3 designed for use in planting, propagating, cultivating, growing,  
4 harvesting, composting, manufacturing, compounding, converting,  
5 producing, processing, preparing, testing, analyzing, packaging,  
6 repackaging, storing, vaporizing, or containing cannabis, or for  
7 ingesting, inhaling, or otherwise introducing cannabis into the  
8 human body.

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

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

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



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

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

7 "Department" means the department of taxation.

8 "License" means a license issued by the department to  
9 authorize the operation of a cannabis establishment.

10 "Personal use" means an amount of cannabis not exceeding  
11 thirty grams that is used for private, personal, or recreational  
12 purposes by persons age twenty-one years or older. The term  
13 personal use includes display, possession, sale, transport,  
14 transfer, or processing of cannabis or cannabis products.

15 "Retail cannabis store" means an entity licensed to  
16 purchase cannabis from cannabis cultivation facilities, purchase  
17 cannabis and cannabis products from cannabis product  
18 manufacturing facilities, and sell cannabis and cannabis  
19 products to consumers.

20 § -2 **Personal use of cannabis.** (a) Notwithstanding any  
21 law to the contrary, the personal use of cannabis is permitted.



1 (b) Personal use of cannabis shall not be the basis for  
2 arrest, seizure, or forfeiture of assets.

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

7 (d) The possession, growing, processing, or transporting  
8 of no more than six cannabis plants, with three or fewer being  
9 mature, flowering plants, and possession of the cannabis  
10 produced by the plants on the premises where the plants are  
11 grown shall not be subject to criminal prosecution; provided  
12 that the growing takes place in an enclosed and locked space and  
13 is not conducted openly or publicly, and that the plants are not  
14 made available for sale.

15 (e) The transfer or sale of thirty grams or less of  
16 cannabis with or without remuneration to a person who is twenty-  
17 one years of age or older is permitted.

18 (f) The consumption of cannabis products is permitted;  
19 provided that consumption of flavored e-liquids and juices  
20 containing cannabis for vaporizing devices is prohibited.



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

4 (h) Personal use of cannabis shall be prohibited on public  
5 highways, public sidewalks, federal property, and any location  
6 where the consumption of alcohol is prohibited.

7 **§ -3 Lawful operation of cannabis establishments;**  
8 **license required.** (a) Notwithstanding any law to the contrary,  
9 the following acts are permitted and shall not constitute a  
10 criminal offense or be the basis for search, seizure, or  
11 forfeiture of assets of a person who is twenty-one years of age  
12 or older:

13 (1) Manufacturing, possessing, or purchasing cannabis  
14 accessories or selling cannabis accessories to a  
15 person who is twenty-one years of age or older;

16 (2) Possessing, displaying, or transporting cannabis or  
17 cannabis products; purchasing cannabis from a cannabis  
18 cultivation facility; purchasing cannabis or cannabis  
19 products from a cannabis product manufacturing  
20 facility; or selling cannabis or cannabis products to  
21 consumers; provided that the person has obtained a



1 current, valid license to operate a retail cannabis  
2 store or is acting in the capacity of an owner,  
3 employee, or agent of a licensed retail cannabis  
4 store;

5 (3) Cultivating, harvesting, processing, packaging,  
6 transporting, displaying, or possessing cannabis;  
7 delivering or transferring cannabis to a cannabis  
8 testing facility; selling cannabis to a cannabis  
9 cultivation facility, cannabis product manufacturing  
10 facility, or retail cannabis store; or purchasing  
11 cannabis from a cannabis cultivation facility;  
12 provided that the person has obtained a current, valid  
13 license to operate a cannabis cultivation facility or  
14 is acting in the capacity of an owner, employee, or  
15 agent of a licensed cannabis cultivation facility;

16 (4) Packaging, processing, transporting, manufacturing,  
17 displaying, or possessing cannabis or cannabis  
18 products; delivering or transferring cannabis or  
19 cannabis products to a cannabis testing facility;  
20 selling cannabis or cannabis products to a retail  
21 cannabis store or cannabis product manufacturing



1 facility; purchasing cannabis from a cannabis  
2 cultivation facility; or purchasing cannabis or  
3 cannabis products from a cannabis product  
4 manufacturing facility; provided that the person has  
5 obtained a current, valid license to operate a  
6 cannabis product manufacturing facility or is acting  
7 in the capacity as an owner, employee, or agent of a  
8 licensed cannabis product manufacturing facility;

9 (5) Possessing, processing, repackaging, storing,  
10 transporting, displaying, transferring, or delivering  
11 cannabis or cannabis products; provided that the  
12 person has obtained a current, valid license to  
13 operate a cannabis testing facility or is acting in  
14 the capacity as an owner, employee, or agent of a  
15 licensed cannabis testing facility; and

16 (6) Leasing or otherwise allowing the use of property  
17 owned, occupied, or controlled by any person,  
18 corporation, or other entity for any of the activities  
19 conducted lawfully in accordance with this section.

20 (b) Cannabis products shall be contained in generic  
21 packaging that uses only black lettering and contains no colors,



1 pictures, cartoons, or images that may appeal to children and  
2 youth; provided that the department shall adopt rules pursuant  
3 to section -4 to implement restrictions on labeling  
4 requirements for cannabis and cannabis products sold or  
5 distributed by a cannabis establishment.

6 (c) Cannabis advertising shall be prohibited near youth-  
7 centered areas, including but not limited to:

- 8 (1) State and private parks;
- 9 (2) Schools;
- 10 (3) Recreational facilities;
- 11 (4) Public transit stations; and
- 12 (5) Bus stops;

13 provided that the department shall adopt rules pursuant to  
14 section -4 to implement restrictions on the advertising and  
15 display of cannabis and cannabis products.

16 § -4 Regulation of cannabis; rules. (a) No later than  
17 July 1, 2021, the department shall adopt rules pursuant to  
18 chapter 91 necessary for implementation of this chapter. The  
19 rules shall not require such a high investment of risk, money,  
20 time, or any other resource or asset that the operation of a  
21 cannabis establishment is not worthy of being carried out in



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 cannabis 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 cannabis  
15 establishment;

16 (4) Security requirements for the premises of cannabis  
17 establishments;

18 (5) Requirements to prevent the sale or diversion of  
19 cannabis and cannabis products to persons under the  
20 age of twenty-one;



1           (6) Labeling requirements for cannabis and cannabis  
2           products sold or distributed by a cannabis  
3           establishment;

4           (7) Health and safety regulations and standards for the  
5           manufacture of cannabis products and the cultivation  
6           of cannabis;

7           (8) Restrictions on the advertising and display of  
8           cannabis and cannabis 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 cannabis store with personal information other  
14          than government issued identification to determine the  
15          consumer's age. A retail cannabis 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.



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 cannabis in the workplace; or  
6           (2) Affect the ability of an employer to have policies  
7           restricting the use of cannabis 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,



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 cannabis on or in that property."

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

9 "§712- Legalization of marijuana. The following acts  
10 shall be exempt from arrest, prosecution, and criminal  
11 culpability under this part:  
12 (a) Any act permitted under section -2;  
13 (b) Any act permitted under section -3; and  
14 (c) An act of any person who is appropriately and  
15 currently licensed if the act requires a license under  
16 chapter ."

17 SECTION 4. Section 235-2.4, Hawaii Revised Statutes, is  
18 amended by amending subsection (v) to read as follows:

19 "(v) Section 280E (with respect to expenditures in  
20 connection with the illegal sale of drugs) of the Internal  
21 Revenue Code shall be operative for the purposes of this



1 chapter, except that section 280E shall not be operative with  
2 respect to ~~the~~;

3       (1) The production and sale of medical cannabis and  
4             manufactured cannabis products by dispensaries  
5             licensed under chapter 329D and their subcontractors,  
6             as defined in section 329D-1 ~~[ ]~~; and

7       (2) Any activity authorized by chapter \_\_\_\_\_."

8       SECTION 5. Section 329-14, Hawaii Revised Statutes, is  
9 amended by amending subsection (d) to read as follows:

10       "(d) Any material, compound, mixture, or preparation that  
11 contains any quantity of the following hallucinogenic  
12 substances, their salts, isomers, and salts of isomers, unless  
13 specifically excepted, whenever the existence of these salts,  
14 isomers, and salts of isomers is possible within the specific  
15 chemical designation:

- 16       (1) Alpha-ethyltryptamine (AET);
- 17       (2) 2,5-dimethoxy-4-ethylamphetamine (DOET);
- 18       (3) 2,5-dimethoxyamphetamine (2,5-DMA);
- 19       (4) 3,4-methylenedioxy amphetamine;
- 20       (5) 3,4-methylenedioxymethamphetamine (MDMA);



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



- 1        [~~23~~] (22)    Peyote;
- 2        [~~24~~] (23)    N-ethyl-3-piperidyl benzilate;
- 3        [~~25~~] (24)    N-methyl-3-piperidyl benzilate;
- 4        [~~26~~] (25)    Psilocybin;
- 5        [~~27~~] (26)    Psilocyn;
- 6        [~~28~~] (27)    1-[1-(2-Thienyl) cyclohexyl] Pyrrolidine (TCPy);
- 7        [~~29~~] (28)    Ethylamine analog of phencyclidine (PCE);
- 8        [~~30~~] (29)    Pyrrolidine analog of phencyclidine (PCPy, PHP);
- 9        [~~31~~] (30)    Thiophene analog of phencyclidine (TCP; TCP);
- 10       [~~32~~] (31)    Gamma-butyrolactone, including butyrolactone;
- 11           butyrolactone gamma; 4-butyrolactone; 2(3H)-furanone
- 12           dihydro; dihydro-2(3H)furanone; tetrahydro-2-furanone;
- 13           1,2-butanolide; 1,4-butanolide; 4-butanolide; gamma-
- 14           hydroxybutyric acid lactone; 3-hydroxybutyric acid
- 15           lactone and 4-hydroxybutanoic acid lactone with
- 16           Chemical Abstract Service number 96-48-0 when any such
- 17           substance is intended for human ingestion;
- 18        [~~33~~] (32)    1,4 butanediol, including butanediol; butane-
- 19           1,4-diol; 1,4- butylenes glycol; butylene glycol; 1,4-
- 20           dihydroxybutane; 1,4- tetramethylene glycol;
- 21           tetramethylene glycol; tetramethylene 1,4- diol with



- 1 Chemical Abstract Service number 110-63-4 when any  
2 such substance is intended for human ingestion;
- 3 ~~[(34)]~~ (33) 2,5-dimethoxy-4-(n)-propylthiophenethylamine  
4 (2C-T-7), its optical isomers, salts, and salts of  
5 isomers;
- 6 ~~[(35)]~~ (34) N-benzylpiperazine (BZP; 1-benzylpiperazine) its  
7 optical isomers, salts, and salts of isomers;
- 8 ~~[(36)]~~ (35) 1-(3-trifluoromethylphenyl)piperazine (TFMPP),  
9 its optical isomers, salts, and salts of isomers;
- 10 ~~[(37)]~~ (36) Alpha-methyltryptamine (AMT), its isomers,  
11 salts, and salts of isomers;
- 12 ~~[(38)]~~ (37) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-  
13 DIPT), its isomers, salts, and salts of isomers;
- 14 ~~[(39)]~~ (38) Salvia divinorum;
- 15 ~~[(40)]~~ (39) Salvinorin A;
- 16 ~~[(41)]~~ (40) Divinorin A;
- 17 ~~[(42)]~~ (41) 5-Methoxy-N,N-Dimethyltryptamine (5-MeO-DIPT)  
18 (some trade or other names: 5-methoxy-3-[2-  
19 (dimethylamino)ethyl]indole; 5-MeO-DMT);
- 20 ~~[(43)]~~ (42) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-  
21 E);





1           geometric isomers, salts, and salts of isomers (Other  
2           names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82); and  
3       ~~[(+54)]~~ (53) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-  
4           methoxybenzyl)ethanamine, its optical, positional, and  
5           geometric isomers, salts, and salts of isomers (Other  
6           names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36)."

7           SECTION 6. Section 712-1244, Hawaii Revised Statutes, is  
8       amended by amending subsection (1) to read as follows:

9           "(1) [A] Except as otherwise provided in chapter \_\_\_\_\_, a  
10       person commits the offense of promoting a harmful drug in the  
11       first degree if the person knowingly:

12           (a) Possesses one hundred or more capsules or tablets or  
13           dosage units containing one or more of the harmful  
14           drugs or one or more of the marijuana concentrates, or  
15           any combination thereof;

16           (b) Possesses one or more preparations, compounds,  
17           mixtures, or substances, of an aggregate weight of one  
18           ounce or more containing one or more of the harmful  
19           drugs or one or more of the marijuana concentrates, or  
20           any combination thereof;



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

14 "(1) [A] Except as otherwise provided in chapter \_\_\_\_\_, a  
15 person commits the offense of promoting a harmful drug in the  
16 second degree if the person knowingly:

17 (a) Possesses fifty or more capsules or tablets or dosage  
18 units containing one or more of the harmful drugs or  
19 one or more of the marijuana concentrates, or any  
20 combination thereof;



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

6 (c) Distributes any harmful drug or any marijuana  
7 concentrate in any amount."

8 SECTION 8. Section 712-1246, Hawaii Revised Statutes, is  
9 amended by amending subsection (1) to read as follows:

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

16 SECTION 9. Section 712-1247, Hawaii Revised Statutes, is  
17 amended by amending subsection (1) to read as follows:

18 "(1) [A] Except as otherwise provided in chapter \_\_\_\_\_, a  
19 person commits the offense of promoting a detrimental drug in  
20 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;
- 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) Sells or barter any marijuana or any Schedule V  
2 substance in any amount."

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

5 "(1) [A] Except as otherwise provided in chapter \_\_\_\_\_, a  
6 person commits the offense of promoting a detrimental drug in  
7 the second degree if the person knowingly:

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

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

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

17 (d) Distributes any marijuana or any Schedule V substance  
18 in any amount."

19 SECTION 11. Section 712-1249, Hawaii Revised Statutes, is  
20 amended by amending subsection (1) to read as follows:



1           "(1) [A] Except as otherwise provided in chapter \_\_\_\_\_, a  
2 person commits the offense of promoting a detrimental drug in  
3 the third degree if the person knowingly possesses any marijuana  
4 or any Schedule V substance in any amount."

5           SECTION 12. Section 712-1249.4, Hawaii Revised Statutes,  
6 is amended by amending subsection (1) to read as follows:

7           "(1) [A] Except as otherwise provided in chapter \_\_\_\_\_, a  
8 person commits the offense of commercial promotion of marijuana  
9 in the first degree if the person knowingly:

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



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

11 SECTION 13. Section 712-1249.5, Hawaii Revised Statutes,  
12 is amended by amending subsection (1) to read as follows:

13 "(1) [A] Except as otherwise provided in chapter \_\_\_\_\_, a  
14 person commits the offense of commercial promotion of marijuana  
15 in the second degree if the person knowingly:

16 (a) Possesses marijuana having an aggregate weight of two  
17 pounds or more;

18 (b) Distributes marijuana having an aggregate weight of  
19 one pound or more;

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



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

8           (e) Sells or barterers any marijuana or any Schedule V  
9           substance in any amount to a minor."

10          SECTION 14. This Act does not affect rights and duties  
11 that matured, penalties that were incurred, and proceedings that  
12 were begun before its effective date.

13          SECTION 15. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15          SECTION 16. This Act shall take effect on May 6, 2137.



**Report Title:**

Cannabis; Legalization

**Description:**

Legalizes the personal use, possession, and sale of cannabis in a specified quantity. Requires licensing to operate cannabis establishments. Subjects cannabis establishments to excise taxes and income taxes. Effective 5/6/2137. (SD2)

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

