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# A BILL FOR AN ACT

RELATING TO NUISANCE ABATEMENT.

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

1       SECTION 1. The legislature finds that as more states  
2 across the country consider legalizing the dispensing and  
3 cultivation of medical cannabis, nuisance disputes on secondhand  
4 cannabis smoke and odor will be an ever-challenging issue for  
5 public officials to address and resolve. The cannabis plant can  
6 produce many distinct odors that may be pleasing to users but  
7 noxious or characteristically "skunk-like" to non-smokers.  
8 Researchers have recently classified one family of cannabis-  
9 related chemicals as volatile sulfur compounds, (or VSC), which  
10 are organic compounds that contain sulfur, which gives cannabis  
11 its characteristic "skunky" aroma. One of the chemicals  
12 classified, 3-methyl-2-butene-1-thiol (or VSC3), was the most  
13 common volatile sulfur compound detected in a brand of cannabis  
14 plants that was ranked as the most-skunky smelling brand.

15       The legislature also finds that the act of combustion  
16 during cannabis consumption raises the concerns of secondhand  
17 smoke drift, which, when combined with the odors of cannabis,



1 can be a nuisance to nearby residents. These health risks can  
2 be exacerbated for infants, children, pregnant mothers, and  
3 people with mobility restrictions, who are limited in their  
4 ability to avoid secondhand smoke, even when they are inside  
5 their own residences and workplaces.

6 The legislature believes that cannabis, just like  
7 traditional cigarettes, should not be used in ways that impact  
8 the health of others.

9 The purpose of this Act is to authorize residents to bring  
10 nuisance abatement actions under part V of chapter 712, Hawaii  
11 Revised Statutes, to enjoin and abate nuisances related to  
12 environmental hazards, including cannabis smoke and odors that  
13 drift into any residential unit.

14 SECTION 2. Chapter 712, Hawaii Revised Statutes, is  
15 amended by adding a new section to part V to be appropriately  
16 designated and to read as follows:

17 "§712- Environmental hazards; cannabis smoking;  
18 cannabis odor. (1) Subject to the limitations of this section,  
19 a resident may bring a nuisance abatement suit under this part  
20 to enjoin and abate nuisances that are injurious to health,  
21 offensive to the senses, constitute an obstruction to the free



1 use of property, interfere with the comfortable enjoyment of  
2 life or property, or are environmental hazards, including  
3 cannabis smoke that drifts from a residential or commercial unit  
4 into any residential unit that the resident rents, leases, or  
5 owns.

6 (2) There shall be no cause of action for a nuisance if  
7 the individual, group, or entity generating the cannabis smoke  
8 or odor takes measures to mitigate the drifting of the cannabis  
9 smoke or odor drift through intensive carbon air filtration.

10 (3) There shall be no cause of action for a nuisance if  
11 the individual, group, or entity generating the cannabis smoke  
12 or odor reaches an agreement with the complainant as a result of  
13 mediation services.

14 (4) There shall be no cause of action for a nuisance if  
15 the individual, group, or entity generating the cannabis smoke  
16 or odor voluntarily seeks, in a timely manner, alternative non-  
17 smoking methods of medical cannabis consumption, including  
18 edibles, tinctures, beverages, and pills."

19 SECTION 3. This Act does not affect rights and duties that  
20 matured, penalties that were incurred, and proceedings that were  
21 begun before its effective date.



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1 SECTION 4. New statutory material is underscored.

2 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:  (BR)

JAN 24 2022



# H.B. NO. 1928

**Report Title:**

Nuisance; Abatement; Environmental Hazards; Cannabis; Smoke;  
Odors

**Description:**

Authorizes any resident to bring a nuisance abatement suit under part V of chapter 712, HRS, to enjoin and abate nuisances related to environmental hazards, including cannabis smoke that drifts from a residential or commercial unit into any residential unit the citizen rents, leases, or owns.

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

