
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 by amending subsection (a) to read as follows:

3 "(a) It shall be legal for an individual or entity to
4 produce hemp, as defined in title 7 United States Code section
5 1639o, if that individual or entity has a license to produce
6 hemp, issued by the Secretary of the United States Department of
7 Agriculture pursuant to title 7 United States Code
8 section 1639q; provided that:

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

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

16 (3) Hemp shall not be grown within ~~[500]~~ one hundred feet
17 of pre-existing real property comprising a playground,



1 childcare facility, or school; provided that this
2 restriction shall not apply to an individual or entity
3 licensed to grow hemp in those areas under the State
4 industrial hemp pilot program prior to August 27,
5 2020;

6 (4) Hemp shall not be grown within [~~500~~] one hundred feet
7 of any pre-existing house, dwelling unit, residential
8 apartment, or other residential structure that is not
9 owned or controlled by the license holder; provided
10 that this restriction shall not apply to an individual
11 or entity licensed to grow hemp in those areas under
12 the State industrial hemp pilot program prior to
13 August 27, 2020; and

14 (5) Hemp shall not be grown in any house, dwelling unit,
15 residential apartment, or other residential
16 structure."

17 SECTION 2. Section 328G-1, Hawaii Revised Statutes, is
18 amended by amending the definition of "enclosed indoor facility"
19 to read as follows:

20 ""Enclosed indoor facility" means a permanent, stationary
21 structure with a solid floor, rigid exterior walls that encircle



1 the entire structure on all sides, and a roof that protects the
2 entire interior area from the elements of weather. Nothing in
3 this definition shall be construed to relieve [~~the registered~~
4 ~~applicant~~] a hemp processor from [~~the applicant's~~] any duty to
5 comply with all applicable building codes and regulations."

6 SECTION 3. Section 328G-2, Hawaii Revised Statutes, is
7 amended as follows:

8 1. By amending subsections (b) and (c) to read:

9 "(b) No person shall process hemp without being registered
10 by the department as a hemp processor pursuant to this part and
11 any rules adopted pursuant [~~+~~]to[~~+~~] this chapter[~~-~~]; provided
12 that a person that:

13 (1) Produces hemp as authorized by part III of
14 chapter 141;

15 (2) Does not produce more than five thousand pounds of
16 hemp, on a dry weight basis, per year; and

17 (3) Processes only hemp produced by the person,
18 shall be exempt from the registration requirement established in
19 this part.

20 (c) A person who intends to process hemp shall apply to
21 the department for registration on an application form created



1 by the department[-], unless the person is exempt from
2 registration pursuant to subsection (b)."

3 2. By amending subsection (j) to read:

4 "(j) The department may remove any person from the
5 registry for failure to comply with any law or regulation under
6 this chapter. It is the responsibility of the hemp processor to
7 make sure it is registered [~~and~~] by the department, unless
8 exempt pursuant to subsection (b), legally allowed to process
9 hemp, and in compliance with any and all laws and regulations.
10 The removal of a hemp processor from the registry shall be in
11 accordance with the procedures set forth in section 328G-6."

12 SECTION 4. Section 328G-3, Hawaii Revised Statutes, is
13 amended by amending subsections (b) and (c) to read as follows:

14 "(b) [~~Hemp~~] A hemp processor may process hemp and hemp
15 products [~~shall be processed~~] only in the following manner:

16 (1) If the hemp processor is a person required to be
17 registered pursuant to section 328G-2(b):

18 (A) Processing shall occur within an enclosed indoor
19 facility secured to prevent unauthorized
20 entry[-]; and



H.B. NO. 1873

1 (B) Hemp, hemp products, and any toxic or otherwise
2 hazardous by-products of hemp processing, or
3 by-products, including [~~but not limited to~~]
4 delta-9 tetrahydrocannabinol, shall be stored
5 within an enclosed indoor facility, secured to
6 prevent unauthorized entry in a manner that
7 prevents cross-contamination and unintended
8 exposures[-]; or

9 (2) If the hemp processor is a person exempt from
10 registration pursuant to section 328G-2(b), processing
11 shall occur in any:

12 (A) Enclosed facility described in paragraph (1)(A);
13 or

14 (B) Certified kitchen, food hub, or agricultural
15 park; provided that the hemp processor shall
16 comply with building codes and regulations, if
17 applicable.

18 (c) Hemp shall not be processed within [~~500~~] one hundred
19 feet of a pre-existing playground, school, state park, state
20 recreation area, residential neighborhood, hospital, or daycare
21 facility."



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1 SECTION 5. Act 14, Session Laws of Hawaii 2020, is amended
2 by amending section 9 to read as follows:

3 "SECTION 9. This Act shall take effect upon its approval,
4 and shall be repealed on June 30, [~~2022~~] ____; provided that
5 the definition of "marijuana" in section 329-1, Hawaii Revised
6 Statutes, and the definitions of "marijuana" and "marijuana
7 Concentrate" in section 712-1240, Hawaii Revised Statutes, shall
8 be reenacted in the form in which they read on the day prior to
9 the effective date of this Act."

10 SECTION 6. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 7. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 8. This Act shall take effect on July 1, 2022;
16 provided that section 5 shall take effect on June 29, 2022.

17

INTRODUCED BY: _____



JAN 21 2022



H.B. NO. 1873

Report Title:

Hemp; Producers; Buffers; Processors; Registration; Facilities

Description:

Reduces from 500 feet to 100 feet the buffers for the growth and processing of hemp. Exempts certain authorized hemp producers from processor registration requirements. Authorizes certain authorized hemp producers to process hemp in certified kitchens, food hubs, and agricultural parks.

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

