



GOV. MSG. NO. 1212

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

June 22, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

✓ The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 22, 2023, the following bill was signed into law:

SB671 SD1 HD1

RELATING TO HEALTH.
ACT 111

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on JUN 22 2023

THE SENATE
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

S.B. NO. 671
S.D. 1
H.D. 1

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. Section 329-1, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding a new definition to be appropriately inserted
4 and to read:

5 "Fentanyl test strip" means a small strip of paper that
6 can detect the presence of fentanyl in:

7 (1) Different kinds of drugs, including cocaine,
8 methamphetamine, and heroin; and

9 (2) Different drug forms, such as pills, powder, and
10 injectable drugs."

11 2. By amending the definition of "drug paraphernalia" to
12 read:

13 "Drug paraphernalia" means all equipment, products, and
14 materials of any kind [which] that are used, primarily intended
15 for use, or primarily designed for use, in planting,
16 propagating, cultivating, growing, harvesting, manufacturing,
17 compounding, converting, producing, processing, preparing,



1 testing, analyzing, packaging, repackaging, storing, containing,
2 concealing, injecting, ingesting, inhaling, or otherwise
3 introducing into the human body a controlled substance in
4 violation of this chapter. [~~It~~] Drug paraphernalia includes but
5 is not limited to:

6 (1) Kits used, primarily intended for use, or primarily
7 designed for use in planting, propagating,
8 cultivating, growing, or harvesting of any species of
9 plant [~~which~~] that is a controlled substance or from
10 which a prohibited controlled substance can be
11 derived;

12 (2) Kits used, primarily intended for use, or primarily
13 designed for use in manufacturing, compounding,
14 converting, producing, processing, or preparing
15 prohibited controlled substances;

16 (3) Isomerization devices used, primarily intended for
17 use, or primarily designed for use in increasing the
18 potency of any species of plant [~~which~~] that is a
19 prohibited controlled substance;

20 (4) Testing equipment used, primarily intended for use, or
21 primarily designed for use in identifying, or in



- 1 analyzing the strength, effectiveness, or purity of
2 prohibited controlled substances;
- 3 (5) Scales and balances used, primarily intended for use,
4 or primarily designed for use in weighing or measuring
5 prohibited controlled substances;
- 6 (6) Diluents and adulterants; such as quinine
7 hydrochloride, mannitol, mannite, dextrose, and
8 lactose, used, primarily intended for use, or
9 primarily designed for use in cutting prohibited
10 controlled substances;
- 11 (7) Separation gins and sifters used, primarily intended
12 for use, or primarily designed for use in removing
13 twigs and seeds from, or in otherwise cleaning or
14 refining, prohibited marijuana;
- 15 (8) Blenders, bowls, containers, spoons, and mixing
16 devices used, primarily intended for use, or primarily
17 designed for use in compounding prohibited controlled
18 substances;
- 19 (9) Capsules, balloons, envelopes, and other containers
20 used, primarily intended for use, or primarily



- 1 designed for use in packaging small quantities of
2 prohibited controlled substances;
- 3 (10) Containers and other objects used, primarily intended
4 for use, or primarily designed for use in storing or
5 concealing prohibited controlled substances;
- 6 (11) Hypodermic syringes, needles, and other objects used,
7 primarily intended for use, or primarily designed for
8 use in parenterally injecting prohibited controlled
9 substances into the human body;
- 10 (12) Objects used, primarily intended for use, or primarily
11 designed for use in ingesting, inhaling, or otherwise
12 introducing prohibited marijuana, cocaine, hashish,
13 hashish oil, or methamphetamine into the human body,
14 such as:
- 15 (A) Metal, wooden, acrylic, glass, stone, plastic, or
16 ceramic pipes with or without screens, permanent
17 screens, hashish heads, or punctured metal bowls;
- 18 (B) Water pipes;
- 19 (C) Carburetion tubes and devices;
- 20 (D) Smoking and carburetion masks;



- 1 (E) Roach clips: meaning objects used to hold
2 burning materials, such as marijuana cigarettes,
3 that have become too small or too short to be
4 held in the hand;
- 5 (F) Miniature cocaine spoons, and cocaine vials;
- 6 (G) Chamber pipes;
- 7 (H) Carburetor pipes;
- 8 (I) Electric pipes;
- 9 (J) Air-driven pipes;
- 10 (K) Chillums;
- 11 (L) Bongs; and
- 12 (M) Ice pipes or chillers.

13 In determining whether an object is drug paraphernalia, a
14 court or other authority should consider, in addition to all
15 other logically relevant factors, the following:

- 16 (1) Statements by an owner or [by] anyone in control of
17 the object concerning its use;
- 18 (2) Prior convictions, if any, of an owner, or of anyone
19 in control of the object, under any state or federal
20 law relating to any controlled substance;



- 1 (3) The proximity of the object, in time and space, to a
2 direct violation of this chapter;
- 3 (4) The proximity of the object to controlled substances;
- 4 (5) The existence of any residue of controlled substances
5 on the object;
- 6 (6) Direct or circumstantial evidence of the intent of an
7 owner, or [e] anyone in control of the object, to
8 deliver it to a person or persons whom the owner or
9 person in control knows, or should reasonably know,
10 intend to use the object to facilitate a violation of
11 this chapter; provided that the innocence of an owner,
12 or of anyone in control of the object, as to a direct
13 violation of this chapter shall not prevent a finding
14 that the object is intended for use, or designed for
15 use, as drug paraphernalia;
- 16 (7) Instructions, oral or written, provided with the
17 object concerning its use;
- 18 (8) Descriptive materials accompanying the object [~~which~~]
19 that explain or depict its use;
- 20 (9) National and local advertising concerning its use;
- 21 (10) The manner in which the object is displayed for sale;



1 (11) Whether the owner, or anyone in control of the object,
2 is a legitimate supplier of like or related items to
3 the community, such as a licensed distributor or
4 dealer of tobacco products;

5 (12) Direct or circumstantial evidence of the ratio of
6 sales of the object or objects to the total sales of
7 the business enterprise;

8 (13) The existence and scope of legitimate uses for the
9 object in the community; and

10 (14) Expert testimony concerning its use.

11 "Drug paraphernalia" does not include fentanyl test
12 strips."

13 SECTION 2. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 3. This Act shall take effect upon its approval.

APPROVED this 22nd day of June, 2023



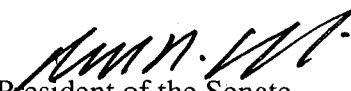
GOVERNOR OF THE STATE OF HAWAII




THE SENATE OF THE STATE OF HAWAI'I

Date: April 18, 2023
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate
of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.


President of the Senate


Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
STATE OF HAWAII

Date: April 3, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives