

JAN 20 2023

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 by amending the definition of "drug paraphernalia" to
3 read as follows:

4 ""Drug paraphernalia" means all equipment, products, and
5 materials of any kind which are used, primarily intended for
6 use, or primarily designed for use, in planting, propagating,
7 cultivating, growing, harvesting, manufacturing, compounding,
8 converting, producing, processing, preparing, testing,
9 analyzing, packaging, repackaging, storing, containing,
10 concealing, injecting, ingesting, inhaling, or otherwise
11 introducing into the human body a controlled substance in
12 violation of this chapter. It includes but is not limited to:

- 13 (1) Kits used, primarily intended for use, or primarily
14 designed for use in planting, propagating,
15 cultivating, growing, or harvesting of any species of
16 plant which is a controlled substance or from which a
17 prohibited controlled substance can be derived;



1 (2) Kits used, primarily intended for use, or primarily
2 designed for use in manufacturing, compounding,
3 converting, producing, processing, or preparing
4 prohibited controlled substances;

5 (3) Isomerization devices used, primarily intended for
6 use, or primarily designed for use in increasing the
7 potency of any species of plant which is a prohibited
8 controlled substance;

9 (4) Testing equipment used, primarily intended for use, or
10 primarily designed for use in identifying, or in
11 analyzing the strength, effectiveness, or purity of
12 prohibited controlled substances;

13 (5) Scales and balances used, primarily intended for use,
14 or primarily designed for use in weighing or measuring
15 prohibited controlled substances;

16 (6) Diluents and adulterants; such as quinine
17 hydrochloride, mannitol, mannite, dextrose, and
18 lactose, used, primarily intended for use, or
19 primarily designed for use in cutting prohibited
20 controlled substances;



1 (7) Separation gins and sifters used, primarily intended
2 for use, or primarily designed for use in removing
3 twigs and seeds from, or in otherwise cleaning or
4 refining, prohibited marijuana;

5 (8) Blenders, bowls, containers, spoons, and mixing
6 devices used, primarily intended for use, or primarily
7 designed for use in compounding prohibited controlled
8 substances;

9 (9) Capsules, balloons, envelopes, and other containers
10 used, primarily intended for use, or primarily
11 designed for use in packaging small quantities of
12 prohibited controlled substances;

13 (10) Containers and other objects used, primarily intended
14 for use, or primarily designed for use in storing or
15 concealing prohibited controlled substances;

16 (11) Hypodermic syringes, needles, and other objects used,
17 primarily intended for use, or primarily designed for
18 use in parenterally injecting prohibited controlled
19 substances into the human body;

20 (12) Objects used, primarily intended for use, or primarily
21 designed for use in ingesting, inhaling, or otherwise



1 introducing prohibited marijuana, cocaine, hashish,
2 hashish oil, or methamphetamine into the human body,
3 such as:

4 (A) Metal, wooden, acrylic, glass, stone, plastic, or
5 ceramic pipes with or without screens, permanent
6 screens, hashish heads, or punctured metal bowls;

7 (B) Water pipes;

8 (C) Carburetion tubes and devices;

9 (D) Smoking and carburetion masks;

10 (E) Roach clips: meaning objects used to hold
11 burning materials, such as marijuana cigarettes, that
12 have become too small or too short to be held in the
13 hand;

14 (F) Miniature cocaine spoons, and cocaine vials;

15 (G) Chamber pipes;

16 (H) Carburetor pipes;

17 (I) Electric pipes;

18 (J) Air-driven pipes;

19 (K) Chillums;

20 (L) Bongs; and

21 (M) Ice pipes or chillers.



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

- 4 (1) Statements by an owner or by anyone in control of the
5 object concerning its use;
- 6 (2) Prior convictions, if any, of an owner, or of anyone
7 in control of the object, under any state or federal
8 law relating to any controlled substance;
- 9 (3) The proximity of the object, in time and space, to a
10 direct violation of this chapter;
- 11 (4) The proximity of the object to controlled substances;
- 12 (5) The existence of any residue of controlled substances
13 on the object;
- 14 (6) Direct or circumstantial evidence of the intent of an
15 owner, or of anyone in control of the object, to
16 deliver it to a person or persons whom the owner or
17 person in control knows, or should reasonably know,
18 intend to use the object to facilitate a violation of
19 this chapter; the innocence of an owner, or of anyone
20 in control of the object, as to a direct violation of
21 this chapter shall not prevent a finding that the



1 object is intended for use, or designed for use as
2 drug paraphernalia;

3 (7) Instructions, oral or written, provided with the
4 object concerning its use;

5 (8) Descriptive materials accompanying the object which
6 explain or depict its use;

7 (9) National and local advertising concerning its use;

8 (10) The manner in which the object is displayed for sale;

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

13 (12) Direct or circumstantial evidence of the ratio of
14 sales of the object or objects to the total sales of
15 the business enterprise;

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

18 (14) Expert testimony concerning its use.

19 "Drug paraphernalia" does not include testing products
20 utilized in determining whether a controlled substance contains
21 chemicals, toxic substances, or hazardous compounds in



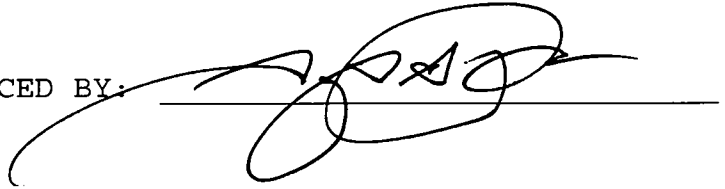
1 quantities that can cause physical harm or death, including but
2 not limited to fentanyl test strips."

3 SECTION 2. New statutory material is underscored.

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

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INTRODUCED BY: _____

A handwritten signature in black ink, consisting of a series of loops and flourishes, is written over a horizontal line that follows the text "INTRODUCED BY:". The signature appears to be "J. R. ...".

S.B. NO. 671

Report Title:

Drug Paraphernalia; Testing Products; Fentanyl Testing Strips;
Exclusion

Description:

Specifies that the definition of drug paraphernalia does not include testing products utilized in determining whether a controlled substance contains chemicals, toxic substances, or hazardous compounds in quantities that can cause physical harm or death, including but not limited to fentanyl test strips.

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

