

JAN 20 2023

A BILL FOR AN ACT

RELATING TO HEMP.

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

1 SECTION 1. The legislature finds that overregulation
2 hinders the growth of the hemp industry, which otherwise could
3 foster sustainable resources and food security in Hawaii,
4 particularly with regard to the fiber, fuel and seed grain
5 sectors. Hemp seeds are high in essential fatty acids, as well
6 as vitamins E, B1, B2, B6, and D, calcium, magnesium, and
7 potassium and contain more digestible proteins than meat, eggs,
8 cheese, and milk, which is expected to drive their demand as a
9 food. Hemp has been used as a biofuel for decades and has been
10 proven to be a soil remediator. There are numerous projects in
11 the State examining ways to make building materials from hemp
12 and using hemp in affordable housing, but most of these projects
13 have to import hemp due to the regulatory barriers to growing
14 hemp in Hawaii.

15 The legislature further finds that hemp crops look more
16 like traditional grain crops than their psychoactive
17 counterpart, with tight spacing between the stalks, and are



1 easily distinguishable from hemp crops grown for cannabinoids.
2 There is little to zero risk of hemp fiber, fuel, and food grain
3 producers harvesting a crop that exceeds the federal legal limit
4 of 0.3 per cent Tetrahydrocannabinol, or THC. The testing and
5 handling requirements that center on regulation increase costs
6 and slow down growth of the hemp industry and, in effect, also
7 the development and production of sustainable building
8 materials, cloth, food, and fuel.

9 The legislature also understands that the United States
10 Congress will be amending federal hemp cultivation laws in the
11 near future to allow for exemptions with industrial hemp crops
12 that are grown for fiber, fuel, or grain for food. The federal
13 exemptions may include relief from testing and transportation
14 requirements. The legislature recognizes the department of
15 agriculture should be allowed to amend hemp cultivation rules to
16 align with federal law when the United States Congress amends
17 federal laws.

18 Accordingly, the purpose of this Act is to authorize the
19 department of agriculture to amend state laws to align with
20 federal laws as exemptions for hemp fiber, fuel, and food grain
21 are passed by the United States Congress and ensure state rules



1 do not exceed federal law by applying the provisions of federal
2 law as defined under 7 C.F.R. 990, "Establishment of a Domestic
3 Hemp Production Program, Final Rule, which explicitly defines
4 regulations for hemp production.

5 SECTION 2. Section 141-42, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) It shall be legal for an individual or entity to
8 produce hemp, as defined in title 7 United States Code section
9 1639o, if that individual or entity has a license to produce
10 hemp, issued by the Secretary of the United States Department of
11 Agriculture pursuant to title 7 United States Code section
12 1639q; provided that:

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

18 (2) Hemp shall not be grown outside of a state
19 agricultural district;

20 (3) Hemp shall not be grown within 500 feet of pre-
21 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~~] 100 feet of any
7 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[-], except for a home or dwelling that is
17 part of an United States Department of Agriculture
18 licensed production area."

19 SECTION 3. Section 141-43, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:



1 "(a) The department of agriculture shall adopt rules
2 pursuant to chapter 91 to effectuate the purpose of this part,
3 including any rules necessary to address any nuisance issues,
4 including smell, noise, and excessive lighting arising out of
5 the activities of hemp growers licensed under the State's
6 industrial hemp pilot program who grow hemp within areas
7 prohibited under section 141-42(a)(3) and (4). The rules may
8 align with federal exemptions for hemp fiber, fuel, and seed
9 grain crops but shall not exceed federal law on the regulation
10 of hemp production in the State."

11 SECTION 4. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

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

14

INTRODUCED BY: 



S.B. NO. 655

Report Title:

Hemp Producers; Commercial Hemp Production; Cultivation

Description:

Gives authority to the Department of Agriculture to align state hemp production administrative rules with federal law, with regard to exemptions for fiber, fuel, and seed grain hemp crops.

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

