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# A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

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

1           SECTION 1. Section 329-43.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§329-43.5 Prohibited acts related to drug paraphernalia.**

4           (a) Except as provided in [~~subsection~~] subsections (e) [~~7~~] and  
5 (f), it is unlawful for any person to use, or to possess with  
6 intent to use, drug paraphernalia to plant, propagate,  
7 cultivate, grow, harvest, manufacture, compound, convert,  
8 produce, process, prepare, test, analyze, pack, repack, store,  
9 contain, conceal, inject, ingest, inhale, or otherwise introduce  
10 into the human body a controlled substance in violation of this  
11 chapter. A violation of this subsection shall constitute a  
12 violation subject to a fine of no more than \$500.

13           (b) Except as provided in subsection (e), it is unlawful  
14 for any person to deliver, possess with intent to deliver, or  
15 manufacture with intent to deliver drug paraphernalia, knowing  
16 or under circumstances where one reasonably should know, that it  
17 will be used to plant, propagate, cultivate, grow, harvest,



1 manufacture, compound, convert, produce, process, prepare, test,  
2 analyze, pack, repack, store, contain, conceal, inject, ingest,  
3 inhale; or otherwise introduce into the human body a controlled  
4 substance in violation of this chapter. A violation of this  
5 subsection shall constitute a violation subject to a fine of no  
6 more than \$500.

7 (c) Any person [~~eighteen~~] twenty-one years of age or over  
8 who violates subsection (b) by delivering drug paraphernalia to  
9 a person or persons under eighteen years of age who are at least  
10 three years younger than that adult person is guilty of a class  
11 B felony and upon conviction may be imprisoned pursuant to  
12 section 706-660 and, if appropriate as provided in  
13 section 706-641, fined pursuant to section 706-640.

14 (d) It is unlawful for any person to place in any  
15 newspaper, magazine, handbill, or other publication any  
16 advertisement, knowing or under circumstances where one  
17 reasonably should know, that the purpose of the advertisement,  
18 in whole or in part, is to promote the sale of objects designed  
19 or intended for use as drug paraphernalia. Any person who  
20 violates this section is guilty of a class C felony and upon  
21 conviction may be imprisoned pursuant to section 706-660 and, if



1 appropriate as provided in section 706-641, fined pursuant to  
2 section 706-640.

3 (e) Subsections (a) and (b) shall not apply to a person  
4 who is authorized to:

5 (1) Acquire, possess, cultivate, use, distribute, or  
6 transport cannabis pursuant to the definition of  
7 "medical use" under section 329-121, while the person  
8 is facilitating the medical use of cannabis by a  
9 qualifying patient; or

10 (2) Dispense, manufacture, or produce cannabis or  
11 manufactured cannabis products pursuant to and in  
12 compliance with chapter 329D, while the person is  
13 facilitating the medical use of cannabis by a  
14 qualifying patient pursuant to part IX of chapter 329.

15 (f) This section shall not apply to the possession of drug  
16 paraphernalia to:

17 (1) Store, contain, or conceal; or

18 (2) Inject, ingest, inhale, or otherwise introduce into  
19 the human body,

20 marijuana."



# H.B. NO. 1596

1 SECTION 2. Section 712-1249, Hawaii Revised Statutes, is  
2 amended by amending subsection (2) to read as follows:

3 "(2) Promoting a detrimental drug in the third degree is a  
4 petty misdemeanor; provided that possession of [~~three grams or~~  
5 less than one ounce of marijuana is a violation, punishable by a  
6 fine of [~~\$130.~~] \$25."

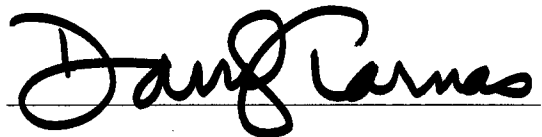
7 SECTION 3. This Act does not affect rights and duties that  
8 matured, penalties that were incurred, and proceedings that were  
9 begun before its effective date.

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

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

13

INTRODUCED BY:



JAN 16 2024



# H.B. NO. 1596

**Report Title:**

Hawaii Penal Code; Marijuana; Cannabis; Possession; Violation

**Description:**

Exempts drug paraphernalia for marijuana from certain penalties under the Uniform Controlled Substances Act. Makes the possession of less than 1 ounce of recreational marijuana a nonjailable violation punishable by a fine of \$25.

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

