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

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



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

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

14 (d) It [~~is~~] shall be unlawful for any person to place in
15 any 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~~] shall be guilty of a class C felony
21 and upon conviction may be imprisoned pursuant to section 706-



1 660 and, if appropriate as provided in section 706-641, fined
2 pursuant to 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."



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~~]
4 shall be a petty misdemeanor; provided that possession of [~~three~~
5 ~~grams or~~] less than one ounce of marijuana [~~is~~] shall be a
6 violation, punishable by a 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 on July 1, 3000.



Report Title:

Hawaii Penal Code; Marijuana; Cannabis; Possession; Violation

Description:

Makes the class B felony offense of delivering drug paraphernalia to persons under eighteen years of age applicable to offenders who are at least twenty-one years old. Exempts drug paraphernalia for marijuana from certain penalties under the Uniform Controlled Substances Act. Makes the possession of less than one ounce of recreational marijuana a nonjailable violation punishable by a fine of \$25. Effective 7/1/3000.
(HD1)

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