

JAN 23 2025

A BILL FOR AN ACT

RELATING TO MANUFACTURED HEMP PRODUCTS.

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

1 SECTION 1. Chapter 328G, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . MANUFACTURED HEMP PRODUCTS**

5 **§328G-A Edible manufactured hemp products; exemptions.**

6 Notwithstanding section 328G-3(e), any hemp processor with a
7 permit issued pursuant to section 328G-2 may sell, hold, offer
8 or distribute for sale an edible manufactured hemp product in
9 the form of:

10 (1) A gummy; provided that the product contains less than
11 one milligram of tetrahydrocannabinol per dose and not
12 more than five doses per package; or

13 (2) A beverage.

14 **§328G-B Manufactured hemp products; manufacture, hold, and**

15 **sale.** Any hemp processor with a permit issued pursuant to
16 section 328G-2 may manufacture, hold, and sell a manufactured
17 hemp product that exceeds the tetrahydrocannabinol concentration



1 limit established in section 328G-3 with another state or
2 country that allows the manufactured hemp product to be
3 manufactured, held, or sold or may sell a manufactured hemp
4 product to another state or country to be used as an ingredient
5 for the production of other compliant products.

6 **§328G-C Manufactured hemp product packaging; labeling.** No
7 person shall sell, hold, offer, or distribute for sale a
8 manufactured hemp product if the packaging is:

- 9 (1) Not child-proof or child-resistant;
10 (2) Marketed towards or attractive to children; or
11 (3) Not clearly labeled with a warning clearly stating
12 that the product is not intended for use or for sale
13 to persons under the age of twenty-one years.

14 **§328G-D Enforcement; penalty.** (a) Any person who
15 violates this part or any rule adopted by the office pursuant to
16 this part shall be fined not more than \$10,000 for each separate
17 offense. Any action taken to collect the penalty provided for
18 in this subsection shall be considered a civil action. In
19 addition to any other administrative or judicial remedy provided
20 by this chapter, or by rules adopted pursuant to this chapter,
21 the office may impose by order the administrative penalty



1 specified in this section or request the department to revoke a
2 permit pursuant to this chapter.

3 (b) Any order issued under this part shall become final,
4 unless not later than twenty days after the notice of order is
5 served, the person or persons named therein request in writing a
6 hearing before the director. Any penalty imposed, including the
7 revocation of a permit, shall become final, and any monetary
8 penalty shall become due and payable twenty days after the order
9 is served unless the person or persons named therein request in
10 writing a hearing before the director. Whenever a hearing is
11 requested, the penalty imposed, including permit revocation,
12 shall become final, and any monetary penalty shall become due
13 and payable only upon completion of all review proceedings and
14 the issuance of a final order confirming the penalty in whole or
15 in part. Any hearing shall be conducted in accordance with
16 chapter 91.

17 (c) In any judicial proceeding to enforce an order issued
18 by the office pursuant to this section, including but not
19 limited to the recovery of administrative penalties imposed by
20 order against a hemp processor, the office may petition any



1 court of appropriate jurisdiction for relief and need only show
2 that:

- 3 (1) Notice was given;
- 4 (2) A hearing was held or the time granted for requesting
5 a hearing has expired without such a request;
- 6 (3) The administrative penalty was imposed or the hemp
7 processor's permit was revoked; and
- 8 (4) The penalty remains unpaid or the hemp processor
9 continues to operate.

10 (d) The office, in the event there is deemed a potential
11 health hazard, may take precautionary measures to protect the
12 public through imposition of an embargo, the detention and
13 removal of hemp, hemp biomass, crude extract, or manufactured
14 hemp products from the market, and the sequestration of hemp,
15 hemp biomass, crude extract, or manufactured hemp products
16 suspected to be contaminated or otherwise harmful to human
17 health. In the event of any embargo or detention of hemp, hemp
18 biomass, crude extract, or manufactured hemp products, the
19 person or persons so named in the order imposing the embargo or
20 detention shall be afforded an opportunity to contest the
21 findings of the office in a hearing pursuant to chapter 91.



1 (e) Nothing in this part shall limit any other legal
2 remedy, or limit any civil or criminal action, available under
3 any other statute, rule, or ordinance."

4 SECTION 2. Chapter 328G, Hawaii Revised Statutes, is
5 amended by designating sections 328G-1 to 328G-8 as part I,
6 entitled "General Provisions".

7 SECTION 3. Section 328G-1, Hawaii Revised Statutes, is
8 amended as follows:

9 1. By adding two new definitions to be appropriately
10 inserted and to read:

11 "Beverage" has the same meaning as defined in section
12 339-1.

13 "Office" means the office of medical cannabis control and
14 regulation."

15 2. By amending the definition of "hemp" to read:

16 "Hemp" means Cannabis sativa L. and any part of that
17 plant, whether growing or not, including the seeds thereof and
18 all derivatives, extracts, cannabinoids, isomers, acids, salts,
19 and salts of isomers, with a delta-9-tetrahydrocannabinol
20 concentration of not more than 0.3 per cent on a dry weight
21 basis, as measured post-decarboxylation or by other similarly



1 reliable methods[-], or not more than 0.3 per cent of an
2 oil-based tincture for oral consumption."

3 SECTION 4. Section 328G-3, Hawaii Revised Statutes, is
4 amended by amending subsections (e) and (f) to read as follows:

5 "(e) [~~Ne~~] Except as provided for in section 328G-A, no
6 person shall sell, hold, offer, or distribute for sale any food,
7 as that term is defined in section 328-1, into which a
8 cannabinoid, artificially derived cannabinoid, synthetic
9 cannabinoid, hemp, hemp biomass, or manufactured hemp product
10 that has been added as an ingredient or component unless
11 otherwise prescribed by rules adopted by the department pursuant
12 to this chapter. This section shall not apply to hemp that is
13 generally recognized as safe (GRAS) by FDA for use in foods, as
14 intended, in a public GRAS notification.

15 (f) No crude extract or manufactured hemp product shall be
16 sold, offered for sale, or distributed or held for sale with a
17 [~~tetrahydrocannabinol~~] tetrahydrocannabinol concentration of more
18 than 0.3 per cent unless otherwise prescribed by rules adopted
19 by the department pursuant to this chapter[-]; provided that a
20 manufactured hemp product that is used for topical or
21 transdermal application to the skin, or that is a beverage,



1 shall not contain any detectable amounts of
2 tetrahydrocannabinol."

3 SECTION 5. Section 328G-4, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) The department shall adopt rules pursuant to chapter
6 91 that include but are not limited to:

7 (1) Inspection and sampling requirements of crude extract
8 and manufactured hemp products;

9 (2) Establishing maximum allowable concentrations of
10 cannabinoids in crude extract and manufactured hemp
11 products; provided that the calculation for
12 concentration of tetrahydrocannabinol shall include
13 delta-8 tetrahydrocannabinol;

14 (3) Testing protocols, including certification by state
15 laboratories or independent third-party laboratories,
16 to determine cannabinoid concentration, including but
17 not limited to tetrahydrocannabinol, and screening for
18 contaminants of crude extract and manufactured hemp
19 products;

20 (4) Recording-keeping requirements;



1 [†] (5) [†] Assessment of fees for application, renewal
2 application, inspecting, sampling, and other fees as
3 deemed necessary;
4 [†] (6) [†] Penalties for any violation;
5 [†] (7) [†] At the discretion, and as specified by the department,
6 the addition to the types of manufactured hemp
7 products that may be sold pursuant to section 328G-3;
8 [†] (8) [†] Good manufacturing practices for hemp processors; and
9 [†] (9) [†] Any other rules and procedures necessary to carry out
10 this chapter."

11 SECTION 6. If any provision of this Act, or the
12 application thereof to any person or circumstance, is held
13 invalid, the invalidity does not affect other provisions or
14 applications of the Act that can be given effect without the
15 invalid provision or application, and to this end the provisions
16 of this Act are severable.

17 SECTION 7. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 8. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



S.B. NO. 1655

1 SECTION 9. This Act shall take effect on January 1, 2026.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Brent M. Roberts", written over a horizontal line.

S.B. NO. 1655

Report Title:

DOH; OMCCR; Manufactured Hemp Products; Hemp Processors;
Gummies; Beverages; Child-proof Packaging; Delta-8
Tetrahydrocannabinol; Penalties; Rules

Description:

Allows any hemp processor with a permit from the Department of Health to: (1) Sell, hold, offer or distribute for sale edible manufactured hemp products in the form of a gummy or beverage; and (2) manufacture, hold, and sell a manufactured hemp product that exceeds the established tetrahydrocannabinol concentration limit with another state or country that allows the manufactured hemp product. Establishes child-proof and child-resistant packaging requirements for manufactured hemp products. Establishes penalties for certain manufactured hemp products and authorizes the Office of Medical Cannabis Control and Regulation to enforce compliance. Effective 1/1/2026.

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

