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## A BILL FOR AN ACT

RELATING TO MARIJUANA.

**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 years of age or ~~[over]~~ older who  
8 violates subsection (b) by delivering drug paraphernalia to a  
9 person or persons under eighteen years of age who are at least  
10 three years younger than that adult person ~~[is]~~ shall be guilty  
11 of a class B felony and upon conviction may be imprisoned  
12 pursuant to section 706-660 and, if appropriate as provided in  
13 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) Subsection (a) shall not apply to the possession of  
16 drug 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 712-1246.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (2) to read as follows:

3       "(2) Promoting a harmful drug in the fourth degree [~~is~~]  
4 shall be a misdemeanor[-]; provided that:

5       (a) Possession of one or more preparations, compounds,  
6       mixtures, or substances containing more than five  
7       grams of marijuana concentrate shall be a petty  
8       misdemeanor; and

9       (b) Possession of one or more preparations, compounds,  
10       mixtures, or substances containing up to or equal to  
11       five grams of marijuana concentrate shall be a  
12       violation, punishable by a fine of \$25.

13 A person found responsible for a violation under this section  
14 may request, and shall be granted, a penalty of up to two hours  
15 of community service in lieu of a fine."

16       SECTION 3. Section 712-1249, Hawaii Revised Statutes, is  
17 amended to read as follows:

18       "**§712-1249 Promoting a detrimental drug in the third**  
19 **degree.** (1) A person commits the offense of promoting a  
20 detrimental drug in the third degree if [~~the~~]:



1        (a) The person knowingly possesses any marijuana or any  
2                Schedule V substance in any amount[-]; or

3        (b) Smokes marijuana in a public place.

4        (2) Promoting a detrimental drug in the third degree [~~is~~]  
5 shall be a petty misdemeanor; provided that [possession of three  
6 grams or less of]:

7        (a) Possession of one or more preparations, compounds,  
8                mixtures, or substances, of an aggregate weight of:

9                (i) Up to one ounce, containing any marijuana [~~is~~];  
10                or

11                (ii) Within a person's private residence only, up to  
12                ten ounces, containing any marijuana produced by  
13                the person's personal cultivation of marijuana;  
14                provided that at any private residence,  
15                regardless of the number of people residing  
16                there, the total amount of preparations,  
17                compounds, mixtures, or substances containing any  
18                marijuana shall not exceed an aggregate weight of  
19                two pounds,

20                shall be a violation, punishable by a fine of [~~\$130.~~]

21                \$25. A person found responsible for a violation under

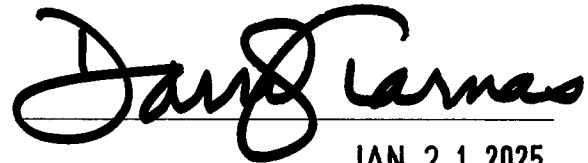


1           this section may request, and shall be granted, a  
 2           penalty of up to two hours of community service in  
 3           lieu of a fine; and  
 4           (b) Smoking marijuana in a public place shall be a  
 5           violation, punishable by a fine of up to \$130. A  
 6           person found responsible for a violation under this  
 7           paragraph may request, and shall be granted, a penalty  
 8           of up to ten hours of community service in lieu of a  
 9           fine."

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 21 2025



# H.B. NO. 891

**Report Title:**

Marijuana; Marijuana Concentrate; Decriminalization

**Description:**

Decriminalizes the possession of drug paraphernalia relating to marijuana; possession of a certain amount of marijuana concentrate; and the possession of a certain amount of marijuana and smoking of marijuana in a public place. Lowers the criminal penalty for the possession of a certain amount of marijuana concentrate from a misdemeanor to a petty misdemeanor.

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

