

JAN 30 2026

# A BILL FOR AN ACT

RELATING TO HEMP.

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

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

**"§328G- Age-verification; manufactured hemp products.**

(a) For the purposes of complying with any state law or rule restricting the sale of a manufactured hemp product to persons under twenty-one years of age, it shall be an affirmative defense that the manufactured hemp product retailer that sells a manufactured hemp product to a person under twenty-one years of age in violation of any state law or rule restricting the sale of a manufactured hemp product to persons under twenty-one years of age had reasonably relied upon a third-party age-verification service establishing that person's age as at least twenty-one years of age before selling the person a manufactured hemp product. The failure of a manufactured hemp product retailer to request and examine photographic identification from a person under twenty-one years of age or utilize a third-party



1 age-verification service before the sale of a manufactured hemp  
2 product to the person shall be construed against the  
3 manufactured hemp product retailer and form a conclusive basis  
4 for the manufactured hemp product retailer's violation of any  
5 state law or rule restricting the sale of a hemp-derived product  
6 to persons under twenty-one years of age.

7       (b) For the purposes of this section, "third-party  
8 age-verification service" means a person or entity, independent  
9 of the retailer, that uses commercially reasonable methods to  
10 verify a purchaser's age, including verification based on  
11 government-issued photographic identification or reliable data  
12 sources."

13       SECTION 2. Section 328G-13, Hawaii Revised Statutes, is  
14 amended by amending subsection (c) to read as follows:

15       "(c) It shall be an affirmative defense that the  
16 manufactured hemp product retailer that sells a tincture to a  
17 person under twenty-one years of age in violation of this  
18 section had requested, examined, and reasonably relied upon a  
19 photographic identification from the person or a third-party  
20 age-verification service establishing that person's age as at  
21 least twenty-one years of age before selling the person a



1   tincture. The failure of a manufactured hemp product retailer  
2   to request and examine photographic identification from a person  
3   under twenty-one years of age before the sale of a tincture to  
4   the person shall be construed against the manufactured hemp  
5   product retailer and form a conclusive basis for the  
6   manufactured hemp product retailer's violation of this section.  
7   For the purposes of this subsection, "third-party  
8   age-verification service" has the same meaning as defined in  
9   section 328G- ."

10       SECTION 3. New statutory material is underscored.

11       SECTION 4. This Act shall take effect upon its approval.

12  
                                  INTRODUCED BY: Mike Gabbard



# S.B. NO. 3319

**Report Title:**

Manufactured Hemp Products; Age-Verification; Third-Party  
Age-Verification Service; Affirmative Defense

**Description:**

Establishes an affirmative defense for a manufactured hemp product retailer that reasonably relies on a third-party age-verification service to comply with existing age-based sale restrictions for manufactured hemp products.

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

