

JAN 30 2026

A BILL FOR AN ACT

RELATING TO HEMP.

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 section to be appropriately designated
3 and to read as follows:

4 **"§328G- Age-verification; manufactured hemp products.**
5 (a) For the purposes of complying with any state law or rule
6 restricting the sale of a manufactured hemp product to persons
7 under twenty-one years of age, it shall be an affirmative
8 defense that the manufactured hemp product retailer that sells a
9 manufactured hemp product to a person under twenty-one years of
10 age in violation of any state law or rule restricting the sale
11 of a manufactured hemp product to persons under twenty-one years
12 of age had reasonably relied upon a third-party age-verification
13 service establishing that person's age as at least twenty-one
14 years of age before selling the person a manufactured hemp
15 product. The failure of a manufactured hemp product retailer to
16 request and examine photographic identification from a person
17 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.

