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# A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

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

1           SECTION 1. The legislature finds that, in 1979, the  
2 federal Drug Enforcement Administration promulgated a Model Drug  
3 Paraphernalia Act, which led to the criminalization of drug  
4 paraphernalia under the laws of most states, including Hawaii.  
5           The legislature further finds that a growing body of legal  
6 and public health scholarship has called for the repeal of state  
7 drug paraphernalia laws. A November 2019 article published in  
8 the *American Journal of Public Health* concluded that the full  
9 and immediate repeal of drug paraphernalia laws is warranted to  
10 reduce opioid overdose deaths and related harms and would free  
11 scarce public resources for evidence-based approaches to  
12 reducing drug-related harm. Similarly, an October 2022 article  
13 published in the *New England Journal of Medicine* characterized  
14 drug paraphernalia laws as harmful and unnecessary, finding that  
15 such laws reduce access to safer-use supplies and are enforced  
16 disproportionately against people of color and other  
17 marginalized groups. That article further urged federal



1 leadership to encourage the repeal of drug paraphernalia laws  
2 and to shift the legal environment from one that stigmatizes and  
3 criminalizes people who use drugs to one that prioritizes their  
4 agency, dignity, and health. More recently, an October 2024  
5 column published by *The Network for Public Health Law* advocated  
6 for the repeal of state drug paraphernalia laws, citing worsened  
7 health outcomes associated with continued criminalization.

8 The legislature notes that leading public health  
9 organizations have long recognized the harms caused by  
10 criminalization-based drug policy. In its 2013 policy  
11 statement, *Defining and Implementing a Public Health Response to*  
12 *Drug Use and Misuse*, the American Public Health Association  
13 described the current "war on drugs" as a severely flawed  
14 approach based on misplaced priorities and strategies, and  
15 observed that the domestic drug war has been an engine of mass  
16 incarceration. It further concluded that criminalization of  
17 substance use stigmatizes people who use drugs, making it more  
18 difficult to engage them in health care and other essential  
19 services, and therefore recommended a full policy reorientation,  
20 including the end of criminal penalties for drug possession and  
21 the decriminalization of people who use drugs.



1           The legislature recognizes the substantial evidence linking  
2 incarceration itself to poor health outcomes. A 2018 report by  
3 the Robert Wood Johnson Foundation, *Mass Incarceration Threatens*  
4 *Health Equity in America*, found that incarcerated individuals  
5 face greater risks of chronic health conditions both during  
6 incarceration and long after release. The report further  
7 documents that incarceration exposes people to conditions such  
8 as poor sanitation and ventilation and the use of solitary  
9 confinement, all of which are detrimental to long-term physical  
10 and mental health.

11           As a result, some states have begun to reevaluate their  
12 approach to drug paraphernalia laws. In 2023, Minnesota became  
13 the first state to repeal its drug paraphernalia laws entirely.  
14 Hawaii has also taken steps toward reform. Act 72, Session Laws  
15 of Hawaii 2017, reduced the offense of simple possession or use  
16 of drug paraphernalia from a class C felony to a violation,  
17 punishable by a fine of no more than \$500.

18           Despite this reform, possession of drug paraphernalia  
19 continues to serve as an entry point into the criminal legal  
20 system. Possession of even unusable traces or residue of  
21 certain controlled substances, often found on drug



1 paraphernalia, remains classified as a class C felony, carrying  
2 a potential penalty of up to five years' imprisonment and a  
3 \$10,000 fine.

4       Furthermore, Hawaii continues to maintain some of the  
5 longest probation terms in the nation. According to a December  
6 2020 report from the Pew Charitable Trusts, *States Can Shorten  
7 Probation and Protect Public Safety*, Hawaii has the longest  
8 average term of probation in the United States at fifty-nine  
9 months, well over twice the national average of just under two  
10 years and six times the average term of Kansas.

11       Significant disparities persist throughout Hawaii's  
12 criminal legal system, reflecting broader patterns of unequal  
13 treatment and enforcement. Drug law enforcement in Hawaii, like  
14 the larger operation of the criminal legal system, continues to  
15 disproportionately impact Native Hawaiian residents and  
16 families. People from under-resourced communities, including  
17 those who are unhoused, are also subject to disproportionate  
18 involvement in the criminal legal system across the State.

19       In recognition of these ongoing racial inequities, the  
20 legislature adopted House Concurrent Resolution No. 112, S.D. 1,  
21 Regular Session of 2021, unequivocally declaring racism to be an



1 ongoing public health crisis and committing to "dismantle all  
2 forms of racism . . . and its impacts on the delivery and  
3 implementation of human and social services, economic  
4 development, health care, and public safety".

5 This Act is intended to help ensure the efficacy of  
6 Hawaii's ongoing public health efforts to prevent accidental and  
7 fatal overdoses and the transmission of the human  
8 immunodeficiency virus (HIV) and hepatitis C; facilitate the  
9 expansion of harm reduction-based interventions for under-  
10 resourced populations; and reduce the involvement of individuals  
11 with behavioral health challenges in the State's criminal legal  
12 system, which disproportionately impacts Native Hawaiian  
13 residents and families.

14 The purpose of this Act is to repeal the law prohibiting  
15 drug paraphernalia under the Uniform Controlled Substances Act.

16 SECTION 2. Section 325-21, Hawaii Revised Statutes, is  
17 amended by amending subsection (c) to read as follows:

18 "(c) The sale or purchase of sterile hypodermic syringes  
19 under subsection (a) shall not constitute ~~[an]~~ a criminal  
20 offense ~~[under section 329-43.5]~~."



1 SECTION 3. Section 325-114, Hawaii Revised Statutes, is  
2 amended by amending subsections (a) and (b) to read as follows:

3 "(a) Possession or delivery of needles or syringes shall  
4 not constitute [~~an~~] a criminal offense [~~under section 329-43.5~~]  
5 for program staff acting in the course and scope of official  
6 duties; provided that delivery is limited to other program staff  
7 or to syringe exchange participants pursuant to this part.  
8 Possession of needles or syringes shall not constitute [~~an~~] a  
9 criminal offense [~~under section 329-43.5~~] for syringe exchange  
10 participants participating in a program visit.

11 (b) Possession or delivery of authorized objects shall not  
12 constitute [~~an~~] a criminal offense [~~under section 329-43.5~~] for  
13 program staff acting in the course and scope of official duties;  
14 provided that delivery is limited to other program staff or to  
15 syringe exchange participants pursuant to this part. Possession  
16 of authorized objects shall not constitute [~~an~~] a criminal  
17 offense [~~under section 329-43.5~~] for syringe exchange  
18 participants participating in a program visit. The department  
19 shall establish a specific list of authorized objects, which may  
20 be updated from time to time as needed."



1 SECTION 4. Section 329-1, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By amending the definition of "deliver" or "delivery"  
4 to read:

5 ""Deliver" or "delivery" means the actual, constructive, or  
6 attempted transfer or sale from one person to another of a  
7 controlled substance [~~or drug paraphernalia~~], regardless of  
8 whether [~~or not~~] there is an agency relationship."

9 2. By deleting the definition of "drug paraphernalia".

10 [~~"Drug paraphernalia" means all equipment, products, and~~  
11 ~~materials of any kind that are used, primarily intended for use,~~  
12 ~~or primarily designed for use, in planting, propagating,~~  
13 ~~cultivating, growing, harvesting, manufacturing, compounding,~~  
14 ~~converting, producing, processing, preparing, testing,~~  
15 ~~analyzing, packaging, repackaging, storing, containing,~~  
16 ~~concealing, injecting, ingesting, inhaling, or otherwise~~  
17 ~~introducing into the human body a controlled substance in~~  
18 ~~violation of this chapter. Drug paraphernalia includes but is~~  
19 ~~not limited to:~~

20 (1) ~~Kits used, primarily intended for use, or primarily~~  
21 ~~designed for use in planting, propagating,~~



- 1 ~~cultivating, growing, or harvesting of any species of~~  
2 ~~plant that is a controlled substance or from which a~~  
3 ~~prohibited controlled substance can be derived;~~
- 4 ~~(2) Kits used, primarily intended for use, or primarily~~  
5 ~~designed for use in manufacturing, compounding,~~  
6 ~~converting, producing, processing, or preparing~~  
7 ~~prohibited controlled substances;~~
- 8 ~~(3) Isomerization devices used, primarily intended for~~  
9 ~~use, or primarily designed for use in increasing the~~  
10 ~~potency of any species of plant that is a prohibited~~  
11 ~~controlled substance;~~
- 12 ~~(4) Testing equipment used, primarily intended for use, or~~  
13 ~~primarily designed for use in identifying, or in~~  
14 ~~analyzing the strength, effectiveness, or purity of~~  
15 ~~prohibited controlled substances;~~
- 16 ~~(5) Scales and balances used, primarily intended for use,~~  
17 ~~or primarily designed for use in weighing or measuring~~  
18 ~~prohibited controlled substances;~~
- 19 ~~(6) Diluents and adulterants; such as quinine~~  
20 ~~hydrochloride, mannitol, mannite, dextrose, and~~  
21 ~~lactose, used, primarily intended for use, or~~



- 1           ~~primarily designed for use in cutting prohibited~~  
2           ~~controlled substances;~~
- 3           ~~(7) Separation gins and sifters used, primarily intended~~  
4           ~~for use, or primarily designed for use in removing~~  
5           ~~twigs and seeds from, or in otherwise cleaning or~~  
6           ~~refining, prohibited marijuana;~~
- 7           ~~(8) Blenders, bowls, containers, spoons, and mixing~~  
8           ~~devices used, primarily intended for use, or primarily~~  
9           ~~designed for use in compounding prohibited controlled~~  
10           ~~substances;~~
- 11           ~~(9) Capsules, balloons, envelopes, and other containers~~  
12           ~~used, primarily intended for use, or primarily~~  
13           ~~designed for use in packaging small quantities of~~  
14           ~~prohibited controlled substances;~~
- 15           ~~(10) Containers and other objects used, primarily intended~~  
16           ~~for use, or primarily designed for use in storing or~~  
17           ~~concealing prohibited controlled substances;~~
- 18           ~~(11) Hypodermic syringes, needles, and other objects used,~~  
19           ~~primarily intended for use, or primarily designed for~~  
20           ~~use in parenterally injecting prohibited controlled~~  
21           ~~substances into the human body;~~



- 1       ~~(12) Objects used, primarily intended for use, or primarily~~  
2       ~~designed for use in ingesting, inhaling, or otherwise~~  
3       ~~introducing prohibited marijuana, cocaine, hashish,~~  
4       ~~hashish oil, or methamphetamine into the human body,~~  
5       ~~such as:~~
- 6       ~~(A) Metal, wooden, acrylic, glass, stone, plastic, or~~  
7       ~~ceramic pipes with or without screens, permanent~~  
8       ~~screens, hashish heads, or punctured metal bowls;~~
- 9       ~~(B) Water pipes;~~
- 10       ~~(C) Carburetion tubes and devices;~~
- 11       ~~(D) Smoking and carburetion masks;~~
- 12       ~~(E) Roach clips: meaning objects used to hold~~  
13       ~~burning materials, such as marijuana cigarettes,~~  
14       ~~that have become too small or too short to be~~  
15       ~~held in the hand;~~
- 16       ~~(F) Miniature cocaine spoons, and cocaine vials;~~
- 17       ~~(G) Chamber pipes;~~
- 18       ~~(H) Carburetor pipes;~~
- 19       ~~(I) Electric pipes;~~
- 20       ~~(J) Air-driven pipes;~~
- 21       ~~(K) Chillums;~~



1           ~~(L) Bongs; and~~

2           ~~(M) Ice pipes or chillers.~~

3           ~~In determining whether an object is drug paraphernalia, a~~  
4 ~~court or other authority should consider, in addition to all~~  
5 ~~other logically relevant factors, the following:~~

6           ~~(1) Statements by an owner or anyone in control of the~~  
7           ~~object concerning its use;~~

8           ~~(2) Prior convictions, if any, of an owner, or of anyone~~  
9           ~~in control of the object, under any state or federal~~  
10           ~~law relating to any controlled substance;~~

11           ~~(3) The proximity of the object, in time and space, to a~~  
12           ~~direct violation of this chapter;~~

13           ~~(4) The proximity of the object to controlled substances;~~

14           ~~(5) The existence of any residue of controlled substances~~  
15           ~~on the object;~~

16           ~~(6) Direct or circumstantial evidence of the intent of an~~  
17           ~~owner, or anyone in control of the object, to deliver~~  
18           ~~it to a person or persons whom the owner or person in~~  
19           ~~control knows, or should reasonably know, intend to~~  
20           ~~use the object to facilitate a violation of this~~  
21           ~~chapter; provided that the innocence of an owner, or~~



- 1 ~~of anyone in control of the object, as to a direct~~  
2 ~~violation of this chapter shall not prevent a finding~~  
3 ~~that the object is intended for use, or designed for~~  
4 ~~use, as drug paraphernalia;~~
- 5 ~~(7) Instructions, oral or written, provided with the~~  
6 ~~object concerning its use;~~
- 7 ~~(8) Descriptive materials accompanying the object that~~  
8 ~~explain or depict its use;~~
- 9 ~~(9) National and local advertising concerning its use;~~
- 10 ~~(10) The manner in which the object is displayed for sale;~~
- 11 ~~(11) Whether the owner, or anyone in control of the object,~~  
12 ~~is a legitimate supplier of like or related items to~~  
13 ~~the community, such as a licensed distributor or~~  
14 ~~dealer of tobacco products;~~
- 15 ~~(12) Direct or circumstantial evidence of the ratio of~~  
16 ~~sales of the object or objects to the total sales of~~  
17 ~~the business enterprise;~~
- 18 ~~(13) The existence and scope of legitimate uses for the~~  
19 ~~object in the community; and~~
- 20 ~~(14) Expert testimony concerning its use.~~



1       ~~"Drug paraphernalia" does not include fentanyl test~~  
2 ~~strips."]~~

3       SECTION 5. Section 329-43.6, Hawaii Revised Statutes, is  
4 amended by amending subsection (b) to read as follows:

5       "(b) A person or persons who, in good faith, seek medical  
6 assistance for someone who is experiencing a drug or alcohol  
7 overdose and a person experiencing a drug or alcohol overdose  
8 who seeks medical assistance for the person's self or is the  
9 subject of such a good faith request shall not be arrested,  
10 charged, prosecuted, or convicted; have their property subject  
11 to civil forfeiture; or otherwise be penalized for:

12       (1) Possession of a controlled substance [~~or drug~~  
13 ~~paraphernalia]~~ under this chapter or part IV of  
14 chapter 712;

15       (2) Committing a prohibited act under section 281-101.5 or  
16 712-1250.5;

17       (3) Violation of a restraining order; or

18       (4) Violation of probation or parole;

19 if the evidence for the arrest, charge, prosecution, conviction,  
20 seizure, or penalty was gained as a result of the seeking of  
21 medical assistance."



1 SECTION 6. Section 329-55, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) The following are subject to forfeiture according to  
4 the procedures set forth in the Penal Code:

5 (1) All controlled substances and anabolic steroids which  
6 have been manufactured, cultivated, grown,  
7 distributed, dispensed, or acquired in violation of  
8 this chapter;

9 (2) All raw materials, products, and equipment of any kind  
10 which are used, or intended for use, in manufacturing,  
11 cultivating, growing, compounding, processing,  
12 delivering, importing, or exporting any controlled  
13 substance or anabolic steroid in violation of this  
14 chapter;

15 (3) All property which is used, or intended for use, as a  
16 container for property described in paragraph (1) or  
17 (2);

18 (4) All conveyances, including aircraft, vehicles, or  
19 vessels which are used or intended for use, to  
20 transport, or in any manner to facilitate the  
21 transportation, for the purpose of sale, delivery or



1 receipt of property described in paragraph (1) or (2),  
2 subject to the provisions of chapter 712A;

3 (5) All books, records, and research products and  
4 materials, including formulas, microfilms, tapes, and  
5 data which are used, or intended for use, in violation  
6 of this chapter;

7 (6) All moneys, negotiable instruments, securities, or  
8 other things of value furnished or intended to be  
9 furnished by any person in exchange for a controlled  
10 substance or anabolic steroid in violation of this  
11 chapter, all proceeds traceable to such an exchange,  
12 and all moneys, negotiable instruments, and securities  
13 used or intended to be used to facilitate any  
14 violation of this chapter, subject to the provisions  
15 of chapter 712A; and

16 (7) All firearms which are visible, carried during, or  
17 used in furtherance of a violation of this chapter or  
18 chapter 712, part IV[; ~~and~~

19 ~~-(8) All drug paraphernalia as defined by section 329-1]."~~

20 SECTION 7. Section 353-66, Hawaii Revised Statutes, is  
21 amended by amending subsection (f) to read as follows:



1           "(f) The Hawaii paroling authority may require a paroled  
2 prisoner to undergo and complete a substance abuse treatment  
3 program when the paroled prisoner has committed a violation of  
4 the terms and conditions of parole involving possession or use,  
5 not including to distribute or manufacture as defined in section  
6 712-1240, of any dangerous drug, detrimental drug, harmful drug,  
7 intoxicating compound, marijuana, or marijuana concentrate, as  
8 defined in section 712-1240, or unlawful methamphetamine  
9 trafficking [~~as provided in section 712-1240.6, or involving~~  
10 ~~possession or use of drug paraphernalia under section 329-43.5~~].  
11 If the paroled prisoner fails to complete the substance abuse  
12 treatment program or the Hawaii paroling authority determines  
13 that the paroled prisoner cannot benefit from any substance  
14 abuse treatment program, the paroled prisoner shall be subject  
15 to revocation of parole and return to incarceration. As a  
16 condition of parole, the Hawaii paroling authority may require  
17 the paroled prisoner to:

18           (1) Be assessed by a certified substance abuse counselor  
19                 for substance abuse dependency or abuse under the  
20                 applicable Diagnostic and Statistical Manual and  
21                 Addiction Severity Index;



- 1 (2) Present a proposal to receive substance abuse  
2 treatment in accordance with the treatment plan  
3 prepared by a certified substance abuse counselor  
4 through a substance abuse treatment program that  
5 includes an identified source of payment for the  
6 treatment program;
- 7 (3) Contribute to the cost of the substance abuse  
8 treatment program; and
- 9 (4) Comply with any other terms and conditions for parole.

10 As used in this subsection, "substance abuse treatment  
11 program" means drug or substance abuse treatment services  
12 provided outside a correctional facility by a public, private,  
13 or nonprofit entity that specializes in treating persons who are  
14 diagnosed with having substance abuse or dependency and  
15 preferably employs licensed professionals or certified substance  
16 abuse counselors.

17 Nothing in this subsection shall be construed to give rise  
18 to a cause of action against the State, a state employee, or a  
19 treatment provider."

20 SECTION 8. Section 706-622.5, Hawaii Revised Statutes, is  
21 amended by amending subsection (1) to read as follows:



1           "(1) Notwithstanding section 706-620(3), a person  
2 convicted for the first or second time for [~~any offense under~~  
3 ~~section 329-43.5, except offenses under subsections (a) and (b)~~  
4 ~~of that section which constitute violations, involving the~~  
5 ~~possession or use of drug paraphernalia or]~~ any felony offense  
6 under part IV of chapter 712 involving the possession or use of  
7 any dangerous drug, detrimental drug, harmful drug, intoxicating  
8 compound, marijuana, or marijuana concentrate, as defined in  
9 section 712-1240, but not including any offense under part IV of  
10 chapter 712 involving the distribution or manufacture of any  
11 such drugs or substances and not including any methamphetamine  
12 offenses under sections 712-1240.7, 712-1240.8 as that section  
13 was in effect before July 1, 2016, 712-1241, and 712-1242, [~~is~~]  
14 shall be eligible to be sentenced to probation under subsection  
15 (2) if the person meets the following criteria:

16           (a) The court has determined that the person is nonviolent  
17           after reviewing the person's criminal history, the  
18           factual circumstances of the offense for which the  
19           person is being sentenced, and any other relevant  
20           information;



1 (b) The person has been assessed by a certified substance  
2 abuse counselor to be in need of substance abuse  
3 treatment due to dependency or abuse under the  
4 applicable Diagnostic and Statistical Manual and  
5 Addiction Severity Index; and

6 (c) Except for those persons directed to substance abuse  
7 treatment under the supervision of the drug court, the  
8 person presents a proposal to receive substance abuse  
9 treatment in accordance with the treatment plan  
10 prepared by a certified substance abuse counselor  
11 through a substance abuse treatment program that  
12 includes an identified source of payment for the  
13 treatment program."

14 SECTION 9. Section 706-625, Hawaii Revised Statutes, is  
15 amended by amending subsection (6) to read as follows:

16 "(6) The court may require a defendant to undergo and  
17 complete a substance abuse treatment program when the defendant  
18 has committed a violation of the terms and conditions of  
19 probation involving possession or use, not including to  
20 distribute or manufacture as defined in section 712-1240, of any  
21 dangerous drug, detrimental drug, harmful drug, intoxicating



1 compound, marijuana, or marijuana concentrate, as defined in  
2 section 712-1240, or unlawful methamphetamine trafficking [~~as~~  
3 ~~provided in section 712-1240.6, or involving possession or use~~  
4 ~~of drug paraphernalia under section 329-43.5]~~. If the defendant  
5 fails to complete the substance abuse treatment program or the  
6 court determines that the defendant cannot benefit from any  
7 other suitable substance abuse treatment program, the defendant  
8 shall be subject to revocation of probation and incarceration.  
9 The court may require the defendant to:

- 10 (a) Be assessed by a certified substance abuse counselor  
11 for substance abuse dependency or abuse under the  
12 applicable Diagnostic and Statistical Manual and  
13 Addiction Severity Index;
- 14 (b) Present a proposal to receive substance abuse  
15 treatment in accordance with the treatment plan  
16 prepared by a certified substance abuse counselor  
17 through a substance abuse treatment program that  
18 includes an identified source of payment for the  
19 treatment program;
- 20 (c) Contribute to the cost of the substance abuse  
21 treatment program; and



1 (d) Comply with any other terms and conditions of  
2 probation."

3 SECTION 10. Section 329-43.5, Hawaii Revised Statutes, is  
4 repealed.

5 [~~§329-43.5 Prohibited acts related to drug paraphernalia.~~

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

15 ~~(b) Except as provided in subsection (e), it is unlawful~~  
16 ~~for any person to deliver, possess with intent to deliver, or~~  
17 ~~manufacture with intent to deliver drug paraphernalia, knowing~~  
18 ~~or under circumstances where one reasonably should know, that it~~  
19 ~~will be used to plant, propagate, cultivate, grow, harvest,~~  
20 ~~manufacture, compound, convert, produce, process, prepare, test,~~  
21 ~~analyze, pack, repack, store, contain, conceal, inject, ingest,~~



1 ~~inhale, or otherwise introduce into the human body a controlled~~  
2 ~~substance in violation of this chapter. A violation of this~~  
3 ~~subsection shall constitute a violation subject to a fine of no~~  
4 ~~more than \$500.~~

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

12 ~~(d) It is unlawful for any person to place in any~~  
13 ~~newspaper, magazine, handbill, or other publication any~~  
14 ~~advertisement, knowing or under circumstances where one~~  
15 ~~reasonably should know, that the purpose of the advertisement,~~  
16 ~~in whole or in part, is to promote the sale of objects designed~~  
17 ~~or intended for use as drug paraphernalia. Any person who~~  
18 ~~violates this section is guilty of a class C felony and upon~~  
19 ~~conviction may be imprisoned pursuant to section 706-660 and, if~~  
20 ~~appropriate as provided in section 706-641, fined pursuant to~~  
21 ~~section 706-640.~~



1       ~~(e) Subsections (a) and (b) shall not apply to a person~~  
2 ~~who is authorized to:~~

3       ~~(1) Acquire, possess, cultivate, use, distribute, or~~  
4       ~~transport cannabis pursuant to the definition of~~  
5       ~~"medical use" under section 329-121, while the person~~  
6       ~~is facilitating the medical use of cannabis by a~~  
7       ~~qualifying patient; or~~

8       ~~(2) Dispense, manufacture, or produce cannabis or~~  
9       ~~manufactured cannabis products pursuant to and in~~  
10       ~~compliance with chapter 329D, while the person is~~  
11       ~~facilitating the medical use of cannabis by a~~  
12       ~~qualifying patient pursuant to part IX of chapter~~  
13       ~~329." ]~~

14       SECTION 11. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16       SECTION 12. This Act shall take effect on July 1, 3000.



**Report Title:**

Uniform Controlled Substances Act; Controlled Substances; Drug Paraphernalia; Repeal

**Description:**

Repeals the law prohibiting drug paraphernalia under the Uniform Controlled Substances Act. Makes housekeeping amendments to repeal obsolete references to the repealed criminal offense of unlawful methamphetamine trafficking. Effective 7/1/3000.

(HD2)

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

