

ACT 305

H.B. NO. 32

A Bill for an Act Relating to Agriculture.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The purpose of this Act is to allow privately funded industrial hemp research to be conducted in Hawaii only when the department of public safety issues a controlled substance registration and the United States Department of Justice, Drug Enforcement Administration, issues a federally-controlled substance registration for research on the agronomic potential of industrial hemp.

SECTION 2. Chapter 712, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§712- Affirmative defense for the possession or cultivation of marijuana.** (1) It shall be an affirmative defense to a prosecution for the possession or cultivation of marijuana under section 712-1247, 712-1248, 712-1249, 712-1249.4, or 712-1249.5 that:

- (a) The defendant was conducting industrial hemp research pursuant to Act , Session Laws of Hawaii 1999;
- (b) The defendant had valid controlled substance registrations from the department of public safety and the United States Department of Justice, Drug Enforcement Administration, to conduct the research; and
- (c) The defendant has fully complied with all the conditions of the controlled substance registrations.

(2) This section shall not be an affirmative defense to a charge for the distribution of marijuana.”

SECTION 3. As used in this Act, unless the context otherwise requires:

“Industrial hemp” and “cannabis” mean the schedule I substance marijuana as defined in section 329-1, Hawaii Revised Statutes.

SECTION 4. (a) The State may allow privately-funded industrial hemp research to be conducted in Hawaii when:

- (1) The department of public safety issues a controlled substance registration; and
- (2) The United States Department of Justice, Drug Enforcement Administration, issues a federally-controlled substance registration for research on the agronomic potential of industrial hemp.

(b) The department of public safety, in cooperation with the United States Department of Justice, Drug Enforcement Administration, and the appropriate county law enforcement agency, may monitor all phases of the industrial hemp research.

(c) During the course of the research, the principals responsible for the research shall:

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- (1) Submit a detailed copy of the research proposal and quarterly status reports to the appropriate county law enforcement agency; and
- (2) Submit annual status reports to the legislature prior to the convening of each regular session.

SECTION 5. New statutory material is underscored.<sup>1</sup>

SECTION 6. This Act shall take effect upon its approval, and shall be repealed on June 30, 2002.

(Approved July 7, 1999.)

### Note

1. Edited pursuant to HRS §23G-16.5.