A BILL FOR AN ACT

RELATING TO HEMP.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAI'I:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER

HAWAII HEMP COMMERCE ACT

§ -1 Definitions. As used in this chapter:

"Cannabis hemp" means all parts and varieties of the plant Cannabis sativa L., whether growing or not, with a concentration level of tetrahydrocannabinol of not more than two per cent, and a concentration level of cannabidiol that is not less than the concentration level of tetrahydrocannabinol.

"Cannabis hemp products" means all products made from cannabis hemp.

"Department" means the department of agriculture.

"Grower" means any person that produces cannabis hemp.

"Handler" means any person that receives cannabis hemp for processing into cannabis hemp products.
"Marijuana" has the same meaning as defined in section 712-1240.

"Marijuana concentrate" has the same meaning as defined in section 712-1240.

"Person" means any individual, partnership, firm, corporation, cooperative, association, trust, estate, or other legal entity.

§ -2 Production and possession of, and commerce involving, cannabis hemp and cannabis hemp products. The production and possession of, and commerce involving, cannabis hemp and cannabis hemp products shall be allowed in the state; provided that cannabis hemp shall be classified as an agricultural product and subject to regulation by the department under this chapter.

§ -3 Licenses. (a) The department shall adopt rules to establish licensing requirements, which may include license fees, for growers and handlers. No person shall act as a grower or handler in this state without having obtained a grower's or handler's license.

§ -4 Sources for seeds. The department shall designate and identify sources where a licensed grower may obtain cannabis hemp seeds. With the approval of the department, licensed
growers may retain seeds from each crop to ensure a sufficient
supply of seeds for the following year.

§  -5 Inspections; analysis of tetrahydrocannabinol
content. (a) The department shall conduct at least two
inspections of the crop of any person holding a grower's license
during the crop's growth phase. The department shall take
samples of the crop for tetrahydrocannabinol and cannabidiol
analysis. Any grower who grows any cannabis hemp with a
concentration level of tetrahydrocannabinol greater than two per
cent, or a concentration level of cannabidiol less than the
concentration level of tetrahydrocannabinol, shall be in
violation of this chapter.

(b) The department shall conduct periodic inspections of
the receiving and processing facilities of any person holding a
handler's license. The department shall take samples of the
handler's cannabis hemp products and cannabis hemp, for
tetrahydrocannabinol and cannabidiol analysis. Handlers who
possess any product or cannabis hemp, with a concentration level
of tetrahydrocannabinol greater than two per cent or a
concentration level of cannabidiol less than the concentration
level of tetrahydrocannabinol, shall be in violation of this
chapter.

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(c) Any plants, plant material, cannabis hemp, or cannabis hemp product with a concentration level of tetrahydrocannabinol greater than two per cent or a concentration level of cannabidiol less than the concentration level of tetrahydrocannabinol, may be confiscated and destroyed by the department.

§ -6 Records. Each handler and grower shall maintain a written record of their activities, which shall be in such form and detail as prescribed by the department.

§ -7 Duty of department; rulemaking. The department shall administer and enforce this chapter, and shall adopt rules under chapter 91 to carry out the provisions of this chapter.

§ -8 Administrative penalties. (a) The department, after notice and opportunity for hearing, may revoke or suspend any license issued under this chapter for any violation of this chapter or rule adopted under this chapter.

(b) The department, after notice and opportunity for hearing, may fine any person who violates this chapter or any rule adopted under this chapter, not more than $5,000 for each separate offense. Each day of violation shall constitute a separate offense. Any action taken to impose or collect the
penalty provided for in this subsection shall be considered a civil action.

§ -9 Criminal penalty. Any person who violates this chapter shall be guilty of a misdemeanor.

§ -10 Penalties and remedies not exclusive. The penalties and remedies provided for violations of this chapter shall be in addition to any other civil or criminal penalties or remedies provided for or allowed by law.

§ -11 Disposition of fees and charges. All fees, fines, charges, expenses, and other moneys collected pursuant to this chapter shall be deposited into the general fund.

§ -12 Effect on other laws. Except for the provisions of this chapter that allow for the production and possession of, and commerce involving, cannabis hemp and cannabis hemp products, all controlled substance laws and penal code provisions governing marijuana and marijuana concentrate shall remain in effect. Except as otherwise specified in this chapter, this chapter shall not be construed to interfere with the enforcement of controlled substances subject to chapter 329."
SECTION 2. Section 329-1, Hawaii Revised Statutes, is amended by amending the definition of "marijuana" to read as follows:

"Marijuana" means all parts of the plant (genus) Cannabis whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, another other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, [≡] the sterilized seed of the plant which is incapable of germination[≡], or cannabis hemp or cannabis hemp products as defined under section -1."

SECTION 3. Section 712-1240, Hawaii Revised Statutes, is amended by amending the definition of "marijuana" and "marijuana concentrate" to read as follows:

"Marijuana" means any part of the plant (genus) cannabis, whether growing or not, including the seeds and the resin, and every alkaloid, salt, derivative, preparation, compound, or mixture of the plant, its seeds or resin, except that, as used...
herein, "marijuana" does not include hashish,
tetrahydrocannabinol, [and] any alkaloid, salt, derivative,
preparation, compound, or mixture, whether natural or
synthesized, of tetrahydrocannabinol[-], or cannabis hemp or
cannabis hemp products as defined under section -1.
"Marijuana concentrate" means hashish,
tetrahydrocannabinol, or any alkaloid, salt, derivative,
preparation, compound, or mixture, whether natural or
synthesized, of tetrahydrocannabinol. It does not include
cannabis hemp or cannabis hemp products as defined under section
-1."

SECTION 4. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY: [Signature]
JAN 23 2007
Report Title:
Hemp; Legalization

Description:
Legalizes and regulates the possession and production of, and commerce involving, industrial hemp.