A BILL FOR AN ACT

RELATING TO INDUSTRIAL HEMP RESEARCH.

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

SECTION 1. The legislature finds that hemp has been used for industrial purposes including paper, textiles, biodegradable plastics, construction, and fuel. The commercial success of hemp food products has also grown considerably, fueling the need for more industrial hemp research.

Act 305, Session Laws of Hawaii 1999, enacted the hemp research law that allowed privately funded industrial hemp research to be conducted in Hawaii only when the state 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.

The purpose of this Act is to again allow privately funded industrial hemp research to be conducted in Hawaii under certain conditions.

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) 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] Marijuana does not include the mature stalks of the plant, hemp used in privately funded industrial hemp research as well as the products thereof, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination."

SECTION 3. Section 712-1240, Hawaii Revised Statutes, is amended by amending the definition of "marijuana" 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, hemp used in privately funded industrial hemp research as well as the products thereof, tetrahydrocannabinol, and any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized, of tetrahydrocannabinol.

SECTION 4. (a) As used in this Act, "industrial hemp" means "marijuana" that contains .3 per cent or less of tetrahydrocannabinols, and the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

For purposes of this definition, hemp used in privately funded industrial hemp research shall comply with European Union organic standards and be devoid of genetically modified organisms.

(b) For purposes of this Act:
(1) Privately funded industrial hemp research shall not be restricted to any island; provided that the land used for the research shall be two or more acres; and

(2) The person or entity conducting the research shall be required to have a valid registration for:

(A) Controlled substances from the department of public safety; and

(B) Federally controlled substances for research on the agronomic potential of industrial hemp from the United States Department of Justice, Drug Enforcement Administration.

(c) The department of public safety, in collaboration with the Drug Enforcement Administration and with the cooperation of the appropriate county law enforcement agency, shall monitor all phases of research authorized under this Act.

(d) During the course of the research under this Act, the persons or entities conducting the research shall submit to the appropriate county law enforcement agency a detailed copy of the current research proposal and quarterly status reports.

(e) All agronomic data derived from the privately funded industrial hemp research allowed by this Act and maintained by a government agency shall not be subject to disclosure under...
chapter 92F, Hawaii Revised Statutes; provided that the data is
proprietary in nature and disclosure would frustrate a
legitimate government or law enforcement function.

(f) Any privately funded industrial hemp research
conducted under this Act shall not be subject to criminal
prosecution as a controlled substance offense under chapter 329,
Hawaii Revised Statutes, or as a drug and intoxicating compounds
offense under part IV of chapter 712, Hawaii Revised Statutes.

SECTION 5. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2050.

INTRODUCED BY: Calvin K.Y. Say

BY REQUEST

JAN 13 2012
Report Title:
Industrial Hemp; Research

Description:
Allows privately funded industrial hemp research to be conducted in Hawaii under certain conditions; requires monitoring by department of public safety; requires reporting to county law enforcement; exempts agronomic data derived from research from public records disclosure; confers immunity from criminal prosecution for the research. Effective 7/1/2050.

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