

JAN 25 2012

A BILL FOR AN ACT

RELATING TO INDUSTRIAL HEMP RESEARCH.

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

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

6 Act 305, Session Laws of Hawaii 1999, enacted the hemp
7 research law that allowed privately funded industrial hemp
8 research to be conducted in Hawaii only when the state
9 department of public safety issues a controlled substance
10 registration, and the United States Department of Justice, Drug
11 Enforcement Administration, issues a federally controlled
12 substance registration for research on the agronomic potential
13 of industrial hemp.

14 Act 55, Session Laws of Hawaii 2002, extended the sunset
15 date of Act 305 from June 30, 2002, to June 30, 2005. No
16 further extensions of Act 305 were enacted.



S.B. NO. 2890

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

4 SECTION 2. Section 329-1, Hawaii Revised Statutes, is
5 amended by amending the definition of "marijuana" to read as
6 follows:

7 "\"Marijuana\" means all parts of the plant (genus)
8 [~~Cannabis~~] cannabis, whether growing or not; the seeds thereof,
9 the resin extracted from any part of the plant; and every
10 compound, manufacture, salt, derivative, mixture, or preparation
11 of the plant, its seeds, or resin. [~~It~~] Marijuana does not
12 include the mature stalks of the plant, hemp used in privately
13 funded industrial hemp research as well as the products thereof,
14 fiber produced from the stalks, oil, or cake made from the seeds
15 of the plant, any other compound, manufacture, salt, derivative,
16 mixture, or preparation of the mature stalks (except the resin
17 extracted therefrom), fiber, oil, or cake, or the sterilized
18 seed of the plant which is incapable of germination."

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



1 "Marijuana" means any part of the plant (genus) cannabis,
2 whether growing or not, including the seeds and the resin, and
3 every alkaloid, salt, derivative, preparation, compound, or
4 mixture of the plant, its seeds or resin, except that, as used
5 herein, "marijuana" does not include hashish, hemp used in
6 privately funded industrial hemp research as well as the
7 products thereof, tetrahydrocannabinol, and any alkaloid, salt,
8 derivative, preparation, compound, or mixture, whether natural
9 or synthesized, of tetrahydrocannabinol."

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

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

22 (b) For purposes of this Act:



1 (1) Privately funded industrial hemp research shall not be
2 restricted to any island; provided that the land used
3 for the research shall be two or more acres; and

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

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

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

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

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

20 (e) All agronomic data derived from the privately funded
21 industrial hemp research allowed by this Act and maintained by a
22 government agency shall not be subject to disclosure under



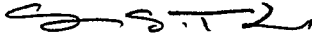
1 chapter 92F, Hawaii Revised Statutes; provided that the data is
2 proprietary in nature and disclosure would frustrate a
3 legitimate government or law enforcement function.

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

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

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

12

INTRODUCED BY: _____ 

By Request



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.

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

