
A BILL FOR AN ACT

RELATING TO THE MEDICAL USE OF CANNABIS.

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

1 PART I

2 SECTION 1. This Act may be known and cited as "The Hawaii
3 Medical Use of Cannabis Act of 2024."

4 PART II

5 SECTION 2. The Hawaii Revised Statutes is amended by
6 adding a new chapter to title 19 to be appropriately designated
7 and to read as follows:

8 "CHAPTER

9 MEDICAL CANNABIS CULTIVATION SITE COLLECTIVE SYSTEM

10 "§ -A Definitions. As used in this chapter:

11 "Cannabis" shall have the same meaning as in

12 section 329-121.

13 "Cannabis concentrate" shall have the same meaning as

14 "marijuana concentrate" as in section 712-1240.

15 "Cannabis extraction" means the process of extracting

16 cannabis concentrate from harvested cannabis using water,

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1 lipids, gases, solvents or other chemicals or chemical
2 processes.

3 "Cannabis testing facility" means a facility that meets the
4 requirements established by the department of health pursuant to
5 section 329D-8(a).

6 "Cannabis plant" means a plant of the genus Cannabis,
7 including Cannabis sativa, Cannabis indica and Cannabis
8 ruderalis.

9 "Caregiver of a qualifying out-of-state patient" shall have
10 the same meaning as in section 329-121.

11 "Child-resistant," with respect to packaging or a
12 container, means specially designed or constructed to be
13 significantly difficult for a typical child under five years of
14 age to open but not significantly difficult for a typical adult
15 to open and reseal.

16 "Cultivation area" means an indoor or outdoor area used for
17 cultivation of mature cannabis plants, immature cannabis plants,
18 or seedlings in accordance with this chapter, that is enclosed
19 and equipped with locks or other security devices that permit
20 access only by a person authorized under this chapter to have
21 access to the area. "Cultivation area" includes one or more

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1 indoor or outdoor areas, whether contiguous or noncontiguous, on
2 the same parcel or tract of land.

3 "Cultivation site collective" or "collective" means an
4 association, cooperative, affiliation, or group of primary
5 caregivers who physically assist each other in the act of
6 cultivation, processing, or distribution of cannabis for medical
7 use for the benefit of the members of the collective.

8 "Department" means the department of health.

9 "Harvested cannabis" means plant material harvested from a
10 mature cannabis plant, but does not include stalks, leaves, or
11 roots that are not used for a qualifying patient's
12 medical use. "Harvested cannabis" includes cannabis concentrate
13 and cannabis products.

14 "Licensee" means an individual or private entity that holds
15 a license pursuant to this chapter.

16 "Manufacture" or "manufacturing" means the production,
17 blending, infusing, compounding or other preparation of cannabis
18 concentrate or cannabis products, including cannabis extraction
19 or preparation by means of chemical synthesis.

20 "Manufactured cannabis product" shall have the same meaning
21 as in section 329D-1.

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1 "Manufacturing facility" means a facility at which cannabis
2 is manufactured.

3 "Mature cannabis plant" means a flowering female cannabis
4 plant.

5 "Mature plant canopy" means the total surface area within a
6 cultivation area where mature cannabis plants are growing.

7 "Medical cannabis dispensary" means a person licensed by
8 the State pursuant to chapter 329D.

9 "Medical provider" shall have the same meaning as in
10 section 329-121.

11 "Medical use" shall have the same meaning as in
12 section 329-121.

13 "Nonflowering cannabis plant" means a cannabis plant that
14 is in a stage of growth in which the plant's pistils are not
15 showing or the pistils protrude in pairs from seed bracts that
16 may be located on multiple nodes of the plant.

17 "Officer or director" means a director, manager,
18 shareholder, board member, partner or other person holding a
19 management position or ownership interest in a private entity.

20 "Person" means an individual or private entity.

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1 "Primary caregiver" shall have the same meaning as in
2 section 329-121.

3 "Private entity" means one or more individuals, a company,
4 corporation, a partnership, an association, or any other type of
5 legal entity, other than a governmental agency.

6 "Production" means the planting, cultivating, growing, or
7 harvesting of cannabis. "Production" includes the manufacture
8 of medical cannabis products pursuant to this chapter.

9 "Qualifying out-of-state patient" shall have the same
10 meaning as in section 329-121.

11 "Qualifying patient" shall have the same meaning as in
12 section 329-121.

13 "Remuneration" means a donation or any other monetary
14 payment received directly or indirectly by a person in exchange
15 for goods or services as part of a transaction in which cannabis
16 is transferred or furnished by that person to another person.

17 "Sample" means a cannabis plant or harvested cannabis that
18 is provided for testing or research purposes to a cannabis
19 testing facility.

20 "Seed-to-sale tracking system" means an inventory control
21 system that tracks the cultivation, processing, and sales of

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1 cannabis and manufactured cannabis products to qualifying
2 patients, qualifying out-of-state patients, primary caregivers,
3 and caregivers of qualifying out-of-state patients.

4 "Seedling" means a cannabis plant or rooted cutting that is
5 not flowering and does not exceed twenty-four inches in length,
6 height, or width.

7 § -B **Application process.** Each individual or private
8 entity attempting to operate a cultivation site collective shall
9 submit to the department an application for a license. Each
10 applicant shall:

- 11 (1) Complete and submit to the department all application
12 forms required and provided by the department;
- 13 (2) Submit to the department documentation sufficient to
14 satisfy all applicable residency requirements of the
15 department, which may include, among other
16 requirements, a photographic identification card
17 issued by the State;
- 18 (3) Submit to a criminal history record check, if so
19 required by the department; and

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1 (4) Submit to the department documentation establishing
2 that the applicant has a general excise tax license
3 issued pursuant to chapter 237.

4 § **-C License; fee; limitation.** (a) Each licensed
5 collective shall pay an annual license fee of \$2,500.

6 (b) Application fees shall be deposited in the medical
7 cannabis registry and regulation special fund established
8 pursuant to section 321-30.1.

9 (c) No more than one license shall be granted for a
10 cultivation area within any tax map key area.

11 (d) A licensee may hold no more than one license each for
12 indoor and outdoor cultivation. The department shall require
13 appropriate disclosures from licensees and potential licensees
14 to enforce this subsection.

15 (e) The department may issue provisional licenses;
16 provided that the department shall inspect the applicable
17 premises and relevant records of each provisional licensee to
18 determine whether the provisional licensee should receive full
19 approval to operate pursuant to this chapter.

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1 § -D **Cultivation areas; limitations; calculation.** (a)

2 The mature plant canopy for an indoor cultivation area operated
3 by a collective shall not exceed one thousand square feet.

4 (b) The mature plant canopy for an outdoor cultivation
5 area operated by a collective shall not exceed five thousand
6 square feet.

7 (c) The surface area of any mature plant canopy shall be
8 calculated in square feet and measured using the outside
9 boundaries of the area and shall include all of the area within
10 the boundaries. If the surface area of the mature plant canopy
11 consists of noncontiguous areas, each component area shall be
12 separated by identifiable boundaries. If a tiered or shelving
13 system is used in the cultivation area, the surface area of each
14 tier or shelf shall be included in calculating the area of the
15 mature plant canopy. Calculation of the surface area of the
16 mature plant canopy shall not include the areas within the
17 cultivation area that are not used at any time to cultivate
18 mature cannabis plants.

19 (d) Each cultivation area shall be enclosed and locked.
20 Each cultivation area may consist of one or more areas, whether
21 contiguous or noncontiguous; provided that the mature canopy

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1 shall not exceed the mature plant canopy limitations of this
2 section; provided further that all areas of the cultivation area
3 shall be on the same parcel or tract of land.

4 (e) Each cultivation area shall be controlled by no more
5 than one licensee.

6 § **-E Pest control; restriction.** (a) A licensee shall
7 not use any pesticide on any cannabis plant in any manner that
8 is inconsistent with federal labeling requirements or is not
9 authorized by the department of agriculture.

10 (b) A licensee may employ integrated pest management
11 principles; provided that any pesticide use shall comply with
12 subsection (a).

13 § **-F Sales to consumers.** (a) Each license may sell
14 usable cannabis directly to:

15 (1) A qualifying patient or primary caregiver; provided
16 that the quantity of usable cannabis sold in a single
17 transaction shall not exceed four ounces; and

18 (2) A qualifying out-of-state patient or caregiver of the
19 qualifying out-of-state patient; provided that the
20 total quantity of usable cannabis sold to the patient

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1 or caregiver within a fifteen-day period shall not
2 exceed four ounces.

3 § **-G Packaging; labels.** (a) All cannabis and
4 manufactured cannabis products sold by a license shall be
5 contained in packaging designed and labeled to prevent
6 accidental usage by an adult or minor who is not a qualifying
7 patient or qualifying out-of-state patient. Packaging shall:

8 (1) Include one or more labels that include, at minimum:

9 (A) A statement on the net contents within the
10 packaging;

11 (B) A warning about tetrahydrocannabinol content;

12 (C) A child safety warning; and

13 (2) Be child-resistant.

14 (b) If a label on the packaging of any cannabis or
15 manufactured cannabis product for use by a qualifying patient or
16 qualifying out-of-state patient includes information about
17 contaminants, the cannabinoid profile, or potency of the
18 cannabis, the label shall be verified by a cannabis testing
19 facility; provided that this subsection shall not apply if there
20 is no cannabis testing facility operating within the State.

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1 (c) The department may establish additional packaging and
2 labeling requirements for the purposes of public safety;
3 provided that the department shall first weigh the potential
4 environmental impacts of any proposed packaging and labeling
5 requirements against the proposed requirements' potential
6 benefits to public safety.

7 § **-H Testing.** (a) Testing of cannabis sold by a
8 licensee may be performed with the consent of the licensee or a
9 qualifying patient or qualifying out-of-state patient who is a
10 customer of the licensee.

11 (b) The department and its employees may conduct mandatory
12 testing of cannabis in the possession of a licensee. The
13 department shall not assign this responsibility to any other
14 entity or individual, other than another state agency and its
15 employees. Mandatory testing conducted pursuant to this section
16 may be conducted without prior notice to a licensee.

17 § **-I Records; reports by licensees.** (a) Each licensee
18 shall employ appropriate internal tracking and records of
19 qualifying patients or qualifying out-of-state patients served
20 by the licensee.

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1 (b) Each licensee shall retain records of all cannabis
2 transactions and transfers of cannabis plants and harvested
3 cannabis. The records shall be available for inspection by the
4 department upon the department's demand. The records shall
5 permit the department to identify the chain of a cannabis
6 product throughout its life through to sale, but shall protect
7 the confidentiality of qualifying patients and qualifying
8 out-of-state patients.

9 (c) The department shall not require any licensee to
10 participate in a seed-to-sale tracking system; provided that
11 this subsection shall not be construed to conflict with the
12 other provisions of this chapter.

13 (d) Each licensee shall submit to the department an annual
14 report on the number of qualifying patients and qualifying
15 out-of-state patients that the collective has assisted during
16 the most recent fiscal year.

17 § **-J Staffing.** Each licensee may employ an unlimited
18 number of employees; provided that:

19 (1) Each employee shall be no less than:

20 (A) Twenty-one years of age; or

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1 (B) Eighteen years of age, if the employee is an
2 immediate family member of:

3 (i) The licensee, if the licensee is an
4 individual; or

5 (ii) An officer or director of the licensee, if
6 the licensee is a private entity; and

7 (2) The licensee shall comply with all applicable
8 employment and labor laws.

9 § **-K Restriction on law enforcement access.** Unless
10 otherwise authorized by a warrant or by applicable law, a law
11 enforcement officer shall not require a licensee to disclose
12 identifying patient information.

13 § **-L Nondiscrimination.** Neither an individual's
14 holding of a license for the cultivation of cannabis as provided
15 in this part nor the individual's role as an officer, director,
16 or employee of a licensee under this part shall be the basis for
17 denying the individual access to employment, education, child
18 custody rights, parental visitation rights, or housing; provided
19 that this section shall not apply if:

20 (1) Denial of access to employment or education is
21 necessary for the employer, school, or educational

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1 institution to comply with federal law or a federal
2 contract, or to receive federal funds;

3 (2) In determining child custody rights or parental
4 visitation rights, a court determines that the
5 individual's access to or use of medical cannabis is
6 harmful to the best interests of the child; or

7 (3) An exception described in section 421J-16, section
8 514B-113, or section 521-39 applies.

9 § **-M Additional licenses.** (a) A licensee shall not be
10 required to obtain an additional license to engage in
11 nonhazardous cannabis extraction and manufacturing or to prepare
12 solventless concentrates at its cultivation site; provided that:

13 (1) The licensee shall otherwise obtain licenses and
14 comply with applicable building codes, as provided by
15 law; and

16 (2) The department shall require the licensee to obtain
17 additional licenses to:

18 (A) Use butane to extract tetrahydrocannabinol from
19 cannabis plants; or

20 (B) Engage in other hazardous activities relating to
21 the extraction or manufacture of cannabis.

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1 (b) The department shall adopt rules pursuant to
2 chapter 91 necessary for the purposes of paragraph (a)(2).

3 § **-N Transportation.** (a) Qualifying patients,
4 qualifying out-of-state patients, primary caregivers, and
5 caregivers of qualifying out-of-state patients may transport and
6 receive cannabis cultivated at a site maintained by a licensee,
7 subject to the quantity and form limitations of this part;
8 provided that each transfer shall be accompanied by
9 documentation that includes:

- 10 (1) The transporting individual's name and registry
11 identification number, if applicable;
- 12 (2) The name and license number of the licensee
13 responsible for the cultivation site from which the
14 cannabis was gathered;
- 15 (3) The receiving individual's name and registry
16 identification number, if applicable, or other unique
17 identification number;
- 18 (4) A description of the cannabis being transferred,
19 including the quantity and form;
- 20 (5) The time and date of the transfer; and
- 21 (6) The location of the destination of the cannabis.

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1 (b) Each licensee may engage in the wholesale transfer of
2 cannabis plants and cannabis harvested by the licensee to other
3 licensees within the State, without any quantity limitations;
4 provided that each licensee shall ensure that each transport of
5 transferred cannabis is accompanied by the documentation
6 described in subsection (a), to the extent applicable, and make
7 the documentation available for inspection by law enforcement
8 officers.

9 § -O **Protections afforded to licensees.** A licensee
10 shall not be subject to prosecution, search, seizure or penalty
11 in any manner, including any civil penalty or disciplinary
12 action by a business or an occupational or professional
13 licensing board or other body, and shall not be denied any right
14 or privilege solely for acting in accordance with this part for
15 the medical use or for assisting in the medical use of cannabis
16 in accordance with this part.

17 (b) An officer or director or assistant of a licensee that
18 is a private entity shall not subject to arrest, prosecution,
19 search, seizure, or penalty in any manner, including any civil
20 penalty or disciplinary action by a business or an occupational
21 or professional licensing board or other body, and shall not be

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1 denied any right or privilege solely for working for or with
2 another primary caregiver, cannabis testing facility,
3 manufacturing facility, or medical cannabis dispensary to
4 provide cannabis plants or cannabis products to qualifying
5 patients, other primary caregivers, medical cannabis
6 dispensaries, manufacturing facilities, or cannabis testing
7 facilities, or to otherwise assist with the medical use of
8 cannabis in accordance with this chapter.

9 § -P **Administration; enforcement; rules; special**
10 **procedures.** (a) The department shall:
11 (1) Adopt rules pursuant to chapter 91 necessary for the
12 purposes of this chapter; and
13 (2) Administer and enforce this chapter and the rules
14 adopted pursuant to chapter 91 and this chapter;
15 provided that the administration and enforcement by the
16 department of this chapter and the rules adopted pursuant to
17 this chapter may not be assigned to any agency within the
18 department that is responsible for the administration and
19 enforcement of the laws governing the manufacture, sale, or
20 distribution of liquor or alcohol.

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1 (b) Before adopting rules pursuant to this chapter and
2 chapter 91, the department shall consult with qualifying
3 patients, primary caregivers, and medical providers having
4 significant knowledge and experience certifying patients under
5 part IX of chapter 329. The department shall develop a process
6 to use when hiring consultants to advise on rule changes related
7 to this chapter and shall report any subsequent changes to that
8 process to the standing committees of the legislature having
9 jurisdiction over matters relating to the medical use of
10 cannabis."

11 PART III

12 SECTION 3. Chapter 329, Hawaii Revised Statutes, is
13 amended by adding seven new sections to part IX to be
14 appropriately designated and to read as follows:

15 "§329-A Additional protections; conduct of qualifying
16 patients. In addition to any other conduct authorized by this
17 part, a qualifying patient may:

18 (1) Cultivate, or designate a primary caregiver to
19 cultivate, no more than two hundred fifty square feet
20 of mature flowering canopy within any property having
21 a designated tax map key;

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- 1 (2) Possess cannabis paraphernalia;
- 2 (3) Furnish or offer to furnish to another qualifying
3 patient for that patient's medical use of cannabis no
4 more than two and one-half ounces of usable cannabis
5 for no remuneration;
- 6 (4) Obtain or receive cannabis for the patient's medical
7 use without designating a primary caregiver or a
8 dispensary; provided that a qualifying patient or the
9 parent, legal guardian, or person having legal custody
10 of a qualifying patient who has not attained eighteen
11 years of age or who is enrolled in a preschool or
12 primary or secondary school shall designate, as
13 applicable:
- 14 (A) A primary caregiver who shall cultivate cannabis
15 plants for the patient;
- 16 (B) A long-term care facility to assist with the
17 qualifying patient's medical use of harvested
18 cannabis; provided that the facility shall not be
19 designated to cultivate cannabis plants for the
20 patient; and

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1 (C) A person to obtain harvested cannabis on behalf
2 of the qualifying patient or transport the
3 harvested cannabis to the qualifying patient;
4 provided that the person shall possess the
5 person's government-issued photographic
6 identification that contains the person's
7 address, the qualifying patient's written
8 certification and the qualifying patient's
9 designation in order to engage in this conduct;
10 provided that a designation pursuant to this paragraph
11 shall be in a standardized written document, developed
12 by the department, that is signed and dated by the
13 qualifying patient or the parent, legal guardian or
14 person having legal custody of the qualifying patient
15 and that expires on a date not to exceed the
16 expiration date of the qualifying patient's written
17 certification; provided further that the document
18 shall include the signed acknowledgment of the person
19 or facility that the person or facility may be
20 contacted to confirm the designation of the person or
21 facility to engage in the conduct authorized;

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- 1 (5) Choose a primary caregiver based solely on the
2 patient's preference; provided that a parent, legal
3 guardian or person having legal custody of a
4 qualifying patient who has not attained eighteen years
5 of age shall serve as primary caregiver for the
6 patient;
- 7 (6) Be in the presence or vicinity of the medical use of
8 cannabis and assist any qualifying patient with using
9 or administering harvested cannabis;
- 10 (7) Accept cannabis plants or harvested cannabis from a
11 qualifying patient, primary caregiver, or licensed
12 dispensary if no remuneration is provided to the
13 patient, primary caregiver or dispensary;
- 14 (8) Provide samples to a cannabis testing facility for
15 testing and research purposes;
- 16 (9) Manufacture cannabis products and cannabis concentrate
17 for medical use;
- 18 (10) Provide harvested cannabis to a manufacturing facility
19 and obtain cannabis products and cannabis concentrate
20 from the manufacturing facility that are produced from

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1 the harvested cannabis the qualifying patient provided
2 to the manufacturing facility; and

3 (11) Use cannabis in any form.

4 **§329-B Record of states authorizing the medical use of**
5 **cannabis.** The department of health shall maintain a record of
6 states that authorize the medical use of cannabis. For each
7 state, the record shall include a description of documentation
8 the state requires of patients for the purpose of authorizing
9 the medical use of cannabis.

10 **§329-C Restrictions on law enforcement access.** (a)
11 Unless otherwise authorized by a warrant or by applicable law, a
12 law enforcement officer shall not:

13 (1) Enter any location in which a qualifying patient,
14 qualifying out-of-state patient, primary caregiver, or
15 caregiver of a qualifying out of state patient is
16 conducting activities authorized by this part; or

17 (2) Require a qualifying patient or qualifying
18 out-of-state patient to disclose identifying patient
19 information.

20 **§329-D Excess cannabis; forfeiture.** (a) A qualifying
21 patient, primary caregiver, qualifying out-of-state patient, or

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1 caregiver of a qualifying out-of-state patient who possesses
2 usable cannabis in excess of the limits provided in this part
3 shall:

4 (1) Forfeit the excess amount to a law enforcement
5 officer; provided that the law enforcement officer may
6 remove all excess usable cannabis from the person and
7 record the amount of excess cannabis; and

8 (2) Be penalized pursuant subsection (b).

9 (b) If the amount of the excess is:

10 (1) No more than four ounces above any amount the person
11 is authorized to possess pursuant to this part, the
12 penalty shall be a civil fine of not less than \$350
13 and not more than \$600; or

14 (2) More than four ounces above any amount the person is
15 authorized to possess pursuant to this part, the
16 penalty shall be a civil fine of not less than \$700
17 and not more than \$1,000.

18 (c) The penalties described in subsection (b) shall not be
19 suspended.

20 (d) For a second or subsequent violation of this section,
21 the person's privileges under this part, including any

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1 registration, shall be revoked, and any cannabis plants,
2 harvested cannabis, or usable cannabis shall be forfeited to a
3 law enforcement officer.

4 **§329-E Professional responsibilities maintained.** Nothing
5 in this part shall be construed to authorize any person to
6 perform any task under the influence of cannabis when doing so
7 would constitute negligence or professional malpractice or would
8 otherwise violate any professional standard.

9 **§329-F Nondiscrimination.** Neither an individual's holding
10 of a valid certificate for the medical use of cannabis as
11 provided in this part nor the individual's lawful use of medical
12 cannabis shall be the basis for denying the individual access to
13 employment, education, child custody rights, parental visitation
14 rights, or housing; provided that this section shall not apply
15 if:

16 (1) Denial of access to employment or education is
17 necessary for the employer, school, or educational
18 institution to comply with federal law or a federal
19 contract, or to receive federal funds;

20 (2) If, in determining child custody rights or parental
21 visitation rights, a court determines that the

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1 individual's access to use of medical cannabis is
2 harmful to the best interests of the child; or
3 (3) An exception described in section 421J-16,
4 section 514B-113, or section 521-39 applies.

5 **§329-G Administration; enforcement; rules; special**
6 **procedures.** (a) The department of health shall:

7 (1) Adopt rules pursuant to chapter 91 necessary for the
8 purposes of this chapter; and

9 (2) Administer and enforce this chapter and the rules
10 adopted pursuant to chapter 91 and this chapter;

11 provided that the administration and enforcement by the
12 department of health of this chapter and the rules adopted
13 pursuant to this chapter may not be assigned to any agency
14 within the department of health that is responsible for the
15 administration and enforcement of the laws governing the
16 manufacture, sale, or distribution of liquor or alcohol.

17 (b) Before adopting rules pursuant to this chapter and
18 chapter 91, the department of health shall consult with
19 qualifying patients, primary caregivers, and medical providers
20 having significant knowledge and experience certifying patients
21 under part IX of chapter 329. The department of health shall

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1 develop a process to use when hiring consultants to advise on
2 rule changes related to this chapter and shall report any
3 subsequent changes to that process to the standing committees of
4 the legislature having jurisdiction over matters relating to the
5 medical use of cannabis."

6 SECTION 4. Section 329-43.5, Hawaii Revised Statutes, is
7 amended by amending subsection (e) to read as follows:

8 "(e) Subsections (a) and (b) shall not apply to a person
9 who is authorized to:

- 10 (1) Acquire, possess, cultivate, use, distribute, or
11 transport cannabis pursuant to the definition of
12 "medical use" under section 329-121, while the person
13 is facilitating the medical use of cannabis by a
14 qualifying patient; or
- 15 (2) [~~Dispense,~~] Cultivate, dispense, manufacture, or
16 produce cannabis or manufactured cannabis products
17 pursuant to and in compliance with chapter 329D[~~7~~] or
18 chapter _____, while the person is facilitating the
19 medical use of cannabis by a qualifying patient
20 pursuant to part IX of chapter 329."

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1 SECTION 5. Section 329-121, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding six new definitions to be appropriately
4 inserted and to read as follows:

5 "Cannabis paraphernalia" means equipment, products, devices
6 and materials that are used for planting, propagating,
7 cultivating, harvesting, processing, preparing, testing,
8 packaging or storing cannabis for medical use or used for
9 ingesting, inhaling or otherwise consuming cannabis for medical
10 use. "Cannabis paraphernalia" includes:

11 (1) Kits used for planting, propagating, cultivating or
12 harvesting a cannabis plant;

13 (2) Isomerization devices used for adjusting the potency
14 of a cannabis plant;

15 (3) Testing equipment used for identifying or analyzing
16 the potency, effectiveness or purity of a cannabis
17 plant or harvested cannabis;

18 (4) Scales and balances used for weighing or measuring
19 harvested cannabis;

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1 (5) Separation gins and sifters used for removing twigs
2 and seeds from, or in otherwise cleaning or refining,
3 harvested cannabis;

4 (6) Envelopes and other containers used for packaging
5 small quantities of harvested cannabis for medical
6 use;

7 (7) Containers and other objects used for storing
8 harvested cannabis;

9 (8) Rolling papers, cigarette papers or wraps used for
10 rolling harvested cannabis for smoking;

11 (9) Metal, wooden, acrylic, glass, stone, plastic or
12 ceramic pipes, with or without screens, chillums or
13 punctured metal bowls used for smoking harvested
14 cannabis; and

15 (10) Electronic smoking devices used for simulating the
16 smoking of harvested cannabis or cannabis products
17 through the inhalation of vapor or aerosol from the
18 device.

19 "Cannabis testing facility" means a facility that meets the
20 requirements established by the department of health pursuant to
21 section 329D-8(a).

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1 "Medical provider" means a physician, advanced practice
2 registered nurse, or physician assistant licensed to practice in
3 this State."

4 "Manufacturing facility" shall have this same meaning as in
5 section -A.

6 "Officer or director" means a director, manager,
7 shareholder, board member, partner, or other person holding a
8 management position or ownership interest in a private entity.

9 "Private entity" means one or more individuals, a company,
10 corporation, a partnership, an association, or any other type of
11 legal entity, other than a governmental agency."

12 2. By amending the definition of "adequate supply" to
13 read:

14 "Adequate supply" means an amount of medical cannabis
15 jointly possessed between [~~the qualifying~~] a:

16 (1) Qualifying patient and the primary caregiver of the
17 qualifying patient; or

18 (2) Qualifying out-of-state patient and the caregiver of
19 the qualifying out-of-state patient;

20 that is not more than is reasonably necessary to ensure the
21 uninterrupted availability of cannabis for the purpose of

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1 alleviating the symptoms or effects of [~~a qualifying~~] the
2 patient's debilitating medical condition[~~;~~ ~~provided that an~~
3 "~~adequate supply~~" shall not exceed: ~~ten cannabis plants,~~
4 ~~whether immature or mature, and four ounces of usable cannabis~~
5 ~~at any given time. The four ounces of usable cannabis shall~~
6 ~~include any combination of usable cannabis and manufactured~~
7 ~~cannabis products, as provided in chapter 329D, with the~~
8 ~~cannabis in the manufactured cannabis products being calculated~~
9 ~~using information provided pursuant to section 329D-9(c).~~],
10 subject to the limitations of sections 329-122 and 329-130."

11 3. By amending the definition of "debilitating medical
12 condition" to read:

13 ""Debilitating medical condition" means:

14 (1) Cancer, glaucoma, lupus, epilepsy, multiple sclerosis,
15 rheumatoid arthritis, positive status for human
16 immunodeficiency virus, acquired immune deficiency
17 syndrome, or the treatment of these conditions;

18 (2) A chronic or debilitating disease or medical condition
19 or its treatment that produces one or more of the
20 following:

21 (A) Cachexia or wasting syndrome;

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- 1 (B) Severe pain;
- 2 (C) Severe nausea;
- 3 (D) Seizures, including those characteristic of
- 4 epilepsy;
- 5 (E) Severe and persistent muscle spasms, including
- 6 those characteristic of multiple sclerosis or
- 7 Crohn's disease; or
- 8 (F) Post-traumatic stress disorder; or
- 9 (3) Any other medical condition approved by the department
- 10 of health pursuant to administrative rules in response
- 11 to a request from a [~~physician or advanced practice~~
- 12 ~~registered nurse~~] medical provider or potentially
- 13 qualifying patient."
- 14 4. By amending the definition of "primary caregiver" to
- 15 read:
- 16 "Primary caregiver" means a person, 18 eighteen years of age
- 17 or older, other than the qualifying patient and the qualifying
- 18 patient's [~~physician or advanced practice registered nurse,~~
- 19 medical provider, who has agreed to undertake responsibility for
- 20 managing the well-being of the qualifying patient with respect
- 21 to the medical use of cannabis. [~~In the case of a minor or an~~

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1 ~~adult lacking legal capacity, the primary caregiver shall be a~~
2 ~~parent, guardian, or person having legal custody.]"~~

3 5. By amending the definition of "qualifying out-of-state
4 patient" and "registered qualifying out-of-state patient" to
5 read:

6 ""Qualifying out-of-state patient" or "registered
7 qualifying out-of-state patient" means a person who is
8 ~~[registered]:~~

9 (1) Registered for the medical use of cannabis in another
10 state, a United States territory, or the District of
11 Columbia~~[+]~~; and

12 (2) Is either:

13 (A) Not a resident of the State; or

14 (B) Has been a resident of the State for fewer than
15 thirty days."

16 6. By amending the definition of "qualifying patient" to
17 read:

18 ""Qualifying patient" means a person who has been a
19 resident of the State for no less than thirty days and who has
20 been diagnosed by a ~~[physician or advanced practice registered~~

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1 ~~nurse]~~ medical provider as having a debilitating medical
2 condition."

3 7. By amending the definition of "written certification"
4 to read:

5 "Written certification" means the qualifying patient's
6 medical records or a statement signed by a qualifying patient's
7 ~~[physician or advanced practice registered nurse,]~~ medical
8 provider, stating that in the ~~[physician's or advanced practice~~
9 ~~registered nurse's]~~ medical provider's professional opinion, the
10 qualifying patient has a debilitating medical condition and the
11 potential benefits of the medical use of cannabis would likely
12 outweigh the health risks for the qualifying patient. ~~[The~~
13 ~~department of health may require, through its rulemaking~~
14 ~~authority, that all written certifications comply with a~~
15 ~~designated form. "Written certifications" are valid for one~~
16 ~~year from the time of signing; provided that the department of~~
17 ~~health may allow for the validity of any written certification~~
18 ~~for three years if the qualifying patient's physician or~~
19 ~~advanced practice registered nurse states that the patient's~~
20 ~~debilitating medical condition is chronic in nature.]"~~

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1 8. Repealing the definition of "adequate supply for a
2 qualifying out-of-state patient":

3 [~~"Adequate supply for a qualifying out-of-state patient"~~
4 ~~means an amount of cannabis individually possessed by a~~
5 ~~qualifying out-of-state patient or jointly possessed by a~~
6 ~~qualifying out-of-state patient who is under eighteen years old~~
7 ~~and the caregiver of the qualifying out-of-state patient that is~~
8 ~~not more than is reasonably necessary to ensure the~~
9 ~~uninterrupted availability of cannabis for the purpose of~~
10 ~~alleviating the symptoms or effects of the qualifying out-of-~~
11 ~~state patient's debilitating medical condition; provided that an~~
12 ~~"adequate supply for a qualifying out-of-state patient" shall~~
13 ~~not exceed four ounces of usable cannabis at any given time and~~
14 ~~shall not include live plants. The four ounces of usable~~
15 ~~cannabis shall include any combination of usable cannabis and~~
16 ~~manufactured cannabis products, as provided in chapter 329D;~~
17 ~~provided that the usable cannabis in the manufactured products~~
18 ~~shall be calculated using information provided pursuant to~~
19 ~~section 329D-9(e)."]~~

20 SECTION 6. Section 329-122, Hawaii Revised Statutes, is
21 amended as follows:

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1 1. By amending subsections (a) to (d) to read:

2 "(a) Notwithstanding any law to the contrary, the medical
3 use of cannabis by a qualifying patient shall be permitted only
4 if:

5 (1) The qualifying patient has been diagnosed by a
6 ~~[physician or advanced practice registered nurse]~~
7 medical provider as having a debilitating medical
8 condition;

9 (2) The qualifying patient's ~~[physician or advanced~~
10 ~~practice registered nurse]~~ medical provider has
11 certified in writing that, in the ~~[physician's or~~
12 ~~advanced practice registered nurse's]~~ medical
13 provider's professional opinion, the potential
14 benefits of the medical use of cannabis would likely
15 outweigh the health risks for the particular
16 qualifying patient; and

17 (3) The amount of cannabis possessed by the qualifying
18 patient at any given time does not exceed an adequate
19 supply~~[-]~~ for a qualifying patient, which is eight
20 pounds of usable cannabis, or the amount cultivated as
21 described in paragraph (1) of section 329-A.

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1 (b) Subsection (a) shall not apply to a qualifying patient
2 under the age of eighteen years, unless:

3 (1) The qualifying patient's [~~physician or advanced~~
4 ~~practice registered nurse~~] medical provider has
5 explained the potential risks and benefits of the
6 medical use of cannabis to the qualifying patient and
7 to a parent, guardian, or person having legal custody
8 of the qualifying patient; and

9 (2) A parent, guardian, or person having legal custody
10 consents in writing to:

11 (A) Allow the qualifying patient's medical use of
12 cannabis;

13 (B) Serve as the qualifying patient's primary
14 caregiver; and

15 (C) Control the acquisition of the cannabis, the
16 dosage, and the frequency of the medical use of
17 cannabis by the qualifying patient.

18 (c) Notwithstanding any law to the contrary, the medical
19 use of cannabis within the State by a qualifying out-of-state
20 patient aged eighteen years or older legally authorized to use
21 cannabis for medical purposes in another state, a United States

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1 territory, or the District of Columbia shall be permitted only
2 if the qualifying out-of-state patient:

3 ~~[(1) Provides to the department of health a valid medical~~
4 ~~use of cannabis card with an explicit expiration date~~
5 ~~that has not yet passed from the issuing jurisdiction~~
6 ~~and a valid photographic identification card or~~
7 ~~driver's license issued by the same jurisdiction;~~

8 ~~-(2) Attests under penalty of law pursuant to section 710-~~
9 ~~1063 that the condition for which the qualifying out-~~
10 ~~of-state patient is legally authorized to use cannabis~~
11 ~~for medical purposes is a debilitating medical~~
12 ~~condition as defined in section 329-121;~~

13 ~~-(3) Provides consent for the department of health to~~
14 ~~obtain information from the qualifying out-of-state~~
15 ~~patient's certifying medical provider and from the~~
16 ~~entity that issued the medical cannabis card for the~~
17 ~~purpose of allowing the department of health to verify~~
18 ~~the information provided in the registration process;~~

19 ~~-(4) Pays the required fee for out-of-state registration to~~
20 ~~use cannabis for medical purposes;~~

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- 1 ~~(5) Registers with the department of health pursuant to~~
2 ~~section 329-123.5 to use cannabis for medical~~
3 ~~purposes;~~
- 4 ~~(6) Receives a medical cannabis registry card from the~~
5 ~~department of health; and~~
- 6 ~~(7) Abides]~~ abides by all laws relating to the medical use
7 of cannabis, including not possessing at any given
8 time an amount of cannabis that exceeds an adequate
9 supply~~[+]~~ for a qualifying out-of-state patient, which
10 is four ounces of usable cannabis."

11 (d) Notwithstanding any law to the contrary, the medical
12 use of cannabis by a qualifying out-of-state patient under
13 eighteen years of age shall only be permitted if~~[+]~~

14 ~~(1) The caregiver of the qualifying out-of-state patient~~
15 ~~provides the information required pursuant to~~
16 ~~subsection (c); and~~

17 ~~(2)]~~ (1) The caregiver of the qualifying out-of-state
18 patient consents in writing to:

19 (A) Allow the qualifying out-of-state patient's
20 medical use of cannabis;

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1 (B) Undertake the responsibility for managing the
2 well-being of the qualifying out-of-state patient
3 who is under eighteen years of age with respect
4 to the medical use of cannabis; and

5 (C) Control the acquisition of the cannabis, the
6 dosage, and the frequency of the medical use of
7 cannabis by the qualifying out-of-state patient
8 who is under eighteen years of age~~[]~~; and

9 (2) The caregiver of the qualifying out-of-state patient
10 submits the written consent to the department of
11 health before the qualifying out-of-state patient
12 engages in the medical use of cannabis."

13 2. By amending subsection (f) to read:

14 (f) For the purposes of this section, [~~"transport" means~~]
15 the authorized transportation of cannabis, usable cannabis, or
16 any manufactured cannabis product shall be limited to
17 transportation between:

18 (1) A qualifying patient and the qualifying patient's
19 primary caregiver;

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- 1 (2) A qualifying out-of-state patient under eighteen years
2 of age and the caregiver of a qualifying out-of-state
3 patient;
- 4 (3) The production centers and the retail dispensing
5 locations under a dispensary licensee's license;
- 6 (4) Dispensaries, to the extent authorized by section
7 329D-6(r); [~~or~~]
- 8 (5) A production center, retail dispensing location,
9 qualifying patient, primary caregiver, qualifying
10 out-of-state patient, or caregiver of a qualifying
11 out-of-state patient and a certified laboratory for
12 the purpose of laboratory testing[+] and research
13 purposes; provided that a qualifying patient, primary
14 caregiver, qualifying out-of-state patient, or
15 caregiver of a qualifying out-of-state patient may
16 only transport up to one gram of cannabis per test to
17 a certified laboratory for laboratory testing and
18 research purposes and may only transport the product
19 if the qualifying patient, primary caregiver,
20 qualifying out-of-state patient, or caregiver of a
21 qualifying out-of-state patient:

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1 (A) Secures an appointment for testing at a certified
2 laboratory;

3 (B) Obtains confirmation, which may be electronic,
4 that includes the specific time and date of the
5 appointment and a detailed description of the
6 product and amount to be transported to the
7 certified laboratory for the appointment; and

8 (C) Has the confirmation, which may be electronic,
9 available during transport~~[-]~~; or

10 (6) Any two points within an island of the State, if the
11 person performing the transportation is a qualifying
12 patient and the cannabis is for the patient's medical
13 use.

14 For purposes of interisland transportation, [~~"transport"~~]
15 the transportation of cannabis, usable cannabis, or any
16 manufactured cannabis product, by any means is allowable only
17 between dispensaries to the extent authorized by
18 section 329D-6(r) [~~and~~]; between a production center or retail
19 dispensing location and a certified laboratory for the sole
20 purpose of laboratory testing pursuant to section 329D-8, as
21 permitted under section 329D-6(m) and subject to

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1 section 329D-6(j) [~~7~~]; and between cultivation site licensees
2 pursuant to chapter _____, and with the understanding that state
3 law and its protections do not apply outside of the
4 jurisdictional limits of the State. Allowable [~~transport~~]
5 transportation pursuant to this section does not include
6 interisland transportation by any means or for any purpose
7 between a qualifying patient, primary caregiver, qualifying
8 out-of-state patient, or caregiver of a qualifying out-of-state
9 patient and any other entity or individual, including an
10 individual who is a qualifying patient, primary caregiver,
11 qualifying out-of-state patient, or caregiver of a qualifying
12 out-of-state patient."

13 SECTION 7. Section 329-123, Hawaii Revised Statutes, is
14 amended by amending subsections (a) and (c) to read as follows:

15 "(a) Physicians or advanced practice registered nurses who
16 issue written certifications shall provide, in each written
17 certification, the name, address, patient identification number,
18 and other identifying information of the qualifying patient.
19 The department of health shall require, in rules adopted
20 pursuant to chapter 91, that all written certifications comply
21 with a designated form completed by or on behalf of a qualifying

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1 patient. The form shall require information from the applicant,
2 primary caregiver, and physician or advanced practice registered
3 nurse as specifically required or permitted by this chapter.
4 The form shall require the address of the location where the
5 cannabis is grown and shall appear on the registry card issued
6 by the department of health. The certifying physician or
7 advanced practice registered nurse shall be required to have a
8 bona fide physician-patient relationship or bona fide advanced
9 practice registered nurse-patient relationship, as applicable,
10 with the qualifying patient. Each written certification shall
11 be valid for one year from the time of signing; provided that
12 the department of health may allow for the validity of any
13 written certification for three years if the qualifying
14 patient's physician or advanced practice registered nurse states
15 that the patient's debilitating medical condition is chronic in
16 nature. All current active medical cannabis permits shall be
17 honored through their expiration date.

18 (b) Qualifying patients shall register with the department
19 of health. The registration shall be effective until the
20 expiration of the certificate issued by the department of health
21 and signed by the physician or advanced practice registered

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1 nurse. Every qualifying patient shall provide sufficient
2 identifying information to establish the personal identities of
3 the qualifying patient and the primary caregiver. Qualifying
4 patients shall report changes in information within ten working
5 days. Every qualifying patient ~~[shall]~~ who is an adult may have
6 ~~[only one] primary [caregiver]~~ caregivers at any given time~~[-]~~,
7 to the extent necessary to effectively assist the patient. The
8 department of health shall issue to the qualifying patient a
9 registration certificate ~~[and]~~. The department of health may
10 not charge a fee for a patient to receive a written
11 certification, but may charge [a] an annual fee for [the
12 ~~certificate]~~ registration in an amount adopted by rules pursuant
13 to chapter 91~~[-]~~, subject to the limitations of
14 section 321-30.1(c). Every qualifying patient shall provide to
15 inspectors from the department of health appropriate
16 documentation demonstrating the patient's status as a patient
17 and the patient's age, when circumstances warrant.

18 (c) Primary caregivers shall register with the department
19 of health. ~~[Every primary caregiver shall be responsible for~~
20 ~~the care of only one qualifying patient at any given time,~~
21 ~~unless the primary caregiver is the parent, guardian, or person~~

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1 ~~having legal custody of more than one minor qualifying patient,~~
2 ~~in which case the primary caregiver may be responsible for the~~
3 ~~care of more than one minor qualifying patient at any given~~
4 ~~time; provided that the primary caregiver is the parent,~~
5 ~~guardian, or person having legal custody of all of the primary~~
6 ~~caregiver's qualifying patients.]~~ The department of health
7 ~~[may]~~ shall permit registration of ~~[up to two]~~ multiple primary
8 caregivers for a minor qualifying patient; provided that ~~[both]~~
9 no fewer than one primary ~~[caregivers are the]~~ caregiver shall
10 be a parent, guardian, or person having legal custody of the
11 minor qualifying patient."

12 SECTION 8. Section 329-123.5, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§329-123.5 Registration ~~[requirements;]~~ not required;**
15 **qualifying out-of-state patient; caregiver of a qualifying**
16 **out-of-state patient.** ~~[(a)]~~ Notwithstanding section 329-123, a
17 qualifying out-of-state patient and a caregiver of a qualifying
18 out-of-state patient shall not be required to register with the
19 department of health ~~[as established by rule]~~. ~~[The~~
20 ~~registration shall be effective for no more than sixty days and~~
21 ~~may be renewed for no more than one additional sixty-day period~~

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1 ~~that begins no later than twelve months after the preceding~~
2 ~~registration date; provided that the department shall not~~
3 ~~register any qualifying out-of-state patient for a period that~~
4 ~~exceeds the term of validity of the qualifying out-of-state~~
5 ~~patient's authority to use medical cannabis in the qualifying~~
6 ~~out-of-state patient's home jurisdiction.~~

7 ~~(b) A qualifying out-of-state patient aged eighteen or~~
8 ~~older, at a minimum, shall meet the following criteria for~~
9 ~~registration:~~

10 ~~(1) Provide a valid government-issued medical cannabis~~
11 ~~card issued to the qualifying out-of-state patient by~~
12 ~~another state, United States territory, or the~~
13 ~~District of Columbia; provided that the medical~~
14 ~~cannabis card has an expiration date and has not~~
15 ~~expired;~~

16 ~~(2) Provide a valid photographic identification card or~~
17 ~~driver's license issued by the same jurisdiction that~~
18 ~~issued the medical cannabis card; and~~

19 ~~(3) Have a debilitating medical condition, as defined in~~
20 ~~section 329-121.~~

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1 ~~(c) A qualifying out-of-state patient under eighteen years~~
2 ~~of age may be registered pursuant to this section only if the~~
3 ~~qualifying patient has a debilitating medical condition as~~
4 ~~defined in section 329-121 and the caregiver of the qualifying~~
5 ~~out-of-state patient, at a minimum, meets the requirements of~~
6 ~~paragraphs (1) and (2) of subsection (b) and consents in writing~~
7 ~~to:~~

8 ~~(1) Allow the qualifying out-of-state patient's medical~~
9 ~~use of cannabis;~~

10 ~~(2) Undertake the responsibility for managing the~~
11 ~~well-being of the qualifying out-of-state patient who~~
12 ~~is under eighteen years of age, with respect to the~~
13 ~~medical use of cannabis; and~~

14 ~~(3) Control the acquisition of the cannabis, the dosage,~~
15 ~~and the frequency of the medical use of cannabis by~~
16 ~~the qualifying out-of-state patient who is under~~
17 ~~eighteen years of age.~~

18 ~~(d) In the case of any qualifying out-of-state patient who~~
19 ~~is under eighteen years of age, the department of health shall~~
20 ~~register the qualifying out-of-state patient and the caregiver~~
21 ~~of the qualifying out-of-state patient; provided that the~~

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1 ~~department may register two caregivers for a qualifying~~
2 ~~out-of-state patient if each caregiver is the parent, guardian,~~
3 ~~or person having legal custody of the qualifying out-of-state~~
4 ~~patient who is under eighteen years of age.~~

5 ~~(e) Each qualifying out-of-state patient shall pay a fee~~
6 ~~in an amount established by rules adopted by the department~~
7 ~~pursuant to chapter 91 for each registration and renewal.~~

8 ~~(f) Upon inquiry by a law enforcement agency, the~~
9 ~~department of health shall immediately verify whether the~~
10 ~~subject of the inquiry has registered with the department of~~
11 ~~health and may provide reasonable access to the registry~~
12 ~~information for official law enforcement purposes. An inquiry~~
13 ~~and verification under this subsection may be made twenty-four~~
14 ~~hours a day, seven days a week.~~

15 ~~(g) The department of health may temporarily suspend the~~
16 ~~registration of a qualifying out-of-state patient or a~~
17 ~~registered caregiver of a qualifying out-of-state patient for a~~
18 ~~period of up to thirty days if the department of health~~
19 ~~determines that the registration process for qualifying patients~~
20 ~~or primary caregivers is being adversely affected or the supply~~
21 ~~of cannabis for medical use available in licensed dispensaries~~

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1 ~~is insufficient to serve qualifying patients and qualifying~~
2 ~~out-of-state patients. A temporary suspension may be extended~~
3 ~~by thirty-day periods until the department of health determines~~
4 ~~that:~~

5 (1) ~~Adequate capacity exists to register qualifying~~
6 ~~out-of-state patients and caregivers of qualifying~~
7 ~~out-of-state patients in addition to qualifying~~
8 ~~patients and primary caregivers; and~~

9 (2) ~~The licensed dispensaries are able to meet the demands~~
10 ~~of qualifying patients.] "~~

11 SECTION 9. Section 329-125, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) A qualifying patient, primary caregiver, qualifying
14 out-of-state patient, or caregiver of a qualifying out-of-state
15 patient [~~may assert the medical use of cannabis authorized under~~
16 ~~this part as an affirmative defense to any prosecution involving~~
17 ~~marijuana under this part, part IV, or part IV of chapter 712;~~
18 ~~provided that the qualifying patient, primary caregiver,~~
19 ~~qualifying out-of-state patient, or caregiver of a qualifying~~
20 ~~out-of-state patient strictly complied with the requirements of~~
21 ~~this part.] shall not be subject to prosecution, search, seizure~~

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1 or penalty in any manner, including any civil penalty or
2 disciplinary action by a business or an occupational or
3 professional licensing board or other body, and shall not be
4 denied any right or privilege solely for acting in accordance
5 with this part for the medical use or for assisting in the
6 medical use of cannabis in accordance with this part.

7 (b) An officer or director or assistant of a primary
8 caregiver that is a private entity shall not be subject to
9 arrest, prosecution, search, seizure or penalty in any manner,
10 including any civil penalty or disciplinary action by a business
11 or an occupational or professional licensing board or other
12 body, and shall not be denied any right or privilege solely for
13 working for or with another primary caregiver, cannabis testing
14 facility, manufacturing facility, or dispensary to provide
15 cannabis plants and cannabis products to qualifying patients,
16 other primary caregivers, dispensaries, manufacturing
17 facilities, or cannabis testing facilities, or to otherwise
18 assist with the medical use of cannabis in accordance with this
19 chapter.

20 [~~(b)~~] (c) Any qualifying patient, primary caregiver,
21 qualifying out-of-state patient, or caregiver of a qualifying

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1 out-of-state patient not complying with the permitted scope of
2 the medical use of cannabis shall not be afforded the
3 protections against searches and seizures pertaining to the
4 misapplication of the medical use of cannabis.

5 ~~[(e)]~~ (d) No person shall be subject to arrest or
6 prosecution for simply being in the presence or vicinity of the
7 medical use of cannabis as permitted under this part."

8 SECTION 10. Section 329-127, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) Cannabis, cannabis paraphernalia, or other property
11 in connection with a claimed medical use of cannabis under this
12 part shall not be seized by any law enforcement officer from a
13 qualifying patient ~~[or]~~, primary caregiver ~~[in connection with a~~
14 ~~claimed medical use of cannabis under this part]~~, cannabis
15 testing facility, manufacturing facility, or licensed
16 dispensary, except when necessary for an ongoing criminal or
17 civil investigation. A law enforcement officer who has
18 improperly seized cannabis or other property shall return the
19 cannabis to the owner of the cannabis within seven days after
20 receiving the owner's written request for the return. Further,
21 any property seized shall be returned immediately upon the

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1 determination by a court that the qualifying patient or primary
2 caregiver is entitled to the protections of this part, as
3 evidenced by a decision not to prosecute, dismissal of charges,
4 or an acquittal; provided that law enforcement agencies seizing
5 live plants as evidence shall not be responsible for the care
6 and maintenance of such plants."

7 PART IV

8 SECTION 11. Section 329D-7, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§329D-7 Medical cannabis dispensary rules.** The
11 department shall establish standards with respect to:

12 (1) The number of medical cannabis dispensaries that shall
13 be permitted to operate in the State;

14 (2) A fee structure for:

15 (A) The submission of applications and renewals of
16 licenses to dispensaries; provided that the
17 department shall consider the market conditions
18 in each county in determining the license renewal
19 fee amounts;

20 (B) The submission of applications for each
21 additional production center; and

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- 1 (C) Dispensary-to-dispensary sales authorized by
2 section 329D-6(r);
- 3 (3) Criteria and procedures for the consideration and
4 selection, based on merit, of applications for
5 licensure of dispensaries; provided that the criteria
6 shall include but not be limited to an applicant's:
- 7 (A) Ability to operate a business;
- 8 (B) Financial stability and access to financial
9 resources; provided that applicants for medical
10 cannabis dispensary licenses shall provide
11 documentation that demonstrates control of not
12 less than \$1,000,000 in the form of escrow
13 accounts, letters of credit, surety bonds, bank
14 statements, lines of credit or the equivalent to
15 begin operating the dispensary;
- 16 (C) Ability to comply with the security requirements
17 developed pursuant to paragraph (6);
- 18 (D) Capacity to meet the needs of qualifying patients
19 and qualifying out-of-state patients;

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- 1 (E) Ability to comply with criminal background check
2 requirements developed pursuant to paragraph (8);
3 and
4 (F) Ability to comply with inventory controls
5 developed pursuant to paragraph (13);
6 (4) Specific requirements regarding annual audits and
7 reports required from each production center and
8 dispensary licensed pursuant to this chapter;
9 (5) Procedures for announced and unannounced inspections
10 by the department or its agents of production centers
11 and dispensaries licensed pursuant to this chapter;
12 provided that inspections for license renewals shall
13 be unannounced;
14 (6) Security requirements for the operation of production
15 centers and retail dispensing locations; provided
16 that, at a minimum, the following shall be required:
17 (A) For production centers:
18 (i) Video monitoring and recording of the
19 premises; provided that recordings shall be
20 retained for fifty days;

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1 (ii) Fencing that surrounds the premises and that
2 is sufficient to reasonably deter intruders
3 and prevent anyone outside the premises from
4 viewing any cannabis in any form;

5 (iii) An alarm system; and

6 (iv) Other reasonable security measures to deter
7 or prevent intruders, as deemed necessary by
8 the department;

9 (B) For retail dispensing locations:

10 (i) Presentation of a valid government-issued
11 photo identification [~~and a valid~~
12 ~~identification as issued by the department~~
13 ~~pursuant to section 329-123 by a qualifying~~
14 ~~patient or caregiver, or section 329-123.5~~
15 ~~by a qualifying out-of-state patient or~~
16 ~~caregiver of a qualifying out-of-state~~
17 ~~patient]~~, upon entering the premises;

18 (ii) Presentation of valid identification of a
19 person as a qualifying patient or primary
20 caregiver, as issued by the department
21 pursuant to section 329-123, if the person

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- 1 is a qualifying patient or primary
- 2 caregiver;
- 3 ~~(iii)~~ Presentation of valid identification of a
- 4 person as a qualifying out-of-state patient
- 5 or caregiver of a qualifying out-of-state
- 6 patient, as issued by the appropriate
- 7 governmental agency of the person's state of
- 8 residence, if the person is a qualifying
- 9 out-of-state patient or caregiver of a
- 10 qualifying out-of-state patient;
- 11 ~~(iii)~~ (iv) Video monitoring and recording of the
- 12 premises; provided that recordings shall be
- 13 retained for fifty days;
- 14 ~~(iii)~~ (v) An alarm system;
- 15 ~~(iv)~~ (vi) Exterior lighting; and
- 16 ~~(v)~~ (vii) Other reasonable security measures as
- 17 deemed necessary by the department;
- 18 (7) Security requirements for the transportation of
- 19 cannabis and manufactured cannabis products between
- 20 production centers and retail dispensing locations and
- 21 between a production center, retail dispensing

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- 1 location, qualifying patient, primary caregiver,
2 qualifying out-of-state patient, or caregiver of a
3 qualifying out-of-state patient and a certified
4 laboratory, pursuant to section 329-122(f);
- 5 (8) Standards and criminal background checks to ensure the
6 reputable and responsible character and fitness of all
7 license applicants, licensees, employees,
8 subcontractors and their employees, and prospective
9 employees of medical cannabis dispensaries to operate
10 a dispensary; provided that the standards, at a
11 minimum, shall exclude from licensure or employment
12 any person convicted of any felony;
- 13 (9) The training and certification of operators and
14 employees of production centers and dispensaries;
- 15 (10) The types of manufactured cannabis products that
16 dispensaries shall be authorized to manufacture and
17 sell pursuant to sections 329D-9 and 329D-10;
- 18 (11) Laboratory standards related to testing cannabis and
19 manufactured cannabis products for content,
20 contamination, and consistency;

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1 (12) The quantities of cannabis and manufactured cannabis
2 products that a dispensary may sell or provide to a
3 qualifying patient, primary caregiver, qualifying out-
4 of-state patient, or caregiver of a qualifying out-of-
5 state patient; provided that no dispensary shall sell
6 or provide to a qualifying patient, primary caregiver,
7 qualifying out-of-state patient, or caregiver of a
8 qualifying out-of-state patient any combination of
9 cannabis and manufactured products that:

10 (A) During a period of fifteen consecutive days,
11 exceeds the equivalent of four ounces of
12 cannabis; or

13 (B) During a period of thirty consecutive days,
14 exceeds the equivalent of eight ounces of
15 cannabis;

16 (13) Dispensary and production center inventory controls to
17 prevent the unauthorized diversion of cannabis or
18 manufactured cannabis products or the distribution of
19 cannabis or manufactured cannabis products to a
20 qualifying patient, primary caregiver, qualifying out-
21 of-state patient, or caregiver of a qualifying out-of-

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1 state patient in quantities that exceed limits
2 established by this chapter; provided that the
3 controls, at a minimum, shall include:

4 (A) A computer software tracking system as specified
5 in section 329D-6(j) and (k); and

6 (B) Product packaging standards sufficient to allow
7 law enforcement personnel to reasonably determine
8 the contents of an unopened package;

9 (14) Limitation to the size or format of signs placed
10 outside a retail dispensing location or production
11 center; provided that the signage limitations, at a
12 minimum, shall comply with section 329D-6(o) (2) and
13 shall not include the image of a cartoon character or
14 other design intended to appeal to children;

15 (15) The disposal or destruction of unwanted or unused
16 cannabis and manufactured cannabis products;

17 (16) The enforcement of the following prohibitions against:

18 (A) The sale or provision of cannabis or manufactured
19 cannabis products to unauthorized persons;

20 (B) The sale or provision of cannabis or manufactured
21 cannabis products to a qualifying patient,

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1 primary caregiver, qualifying out-of-state
2 patient, or caregiver of a qualifying
3 out-of-state patient in quantities that exceed
4 limits established by this chapter;

5 (C) Any use or consumption of cannabis or
6 manufactured cannabis products on the premises of
7 a retail dispensing location or production
8 center; and

9 (D) The distribution of cannabis or manufactured
10 cannabis products, for free, on the premises of a
11 retail dispensing location or production center;

12 (17) The establishment of a range of penalties for
13 violations of this chapter or rule adopted thereto;
14 and

15 (18) A process to recognize [~~and register~~] patients who are
16 authorized to purchase, possess, and use medical
17 cannabis in another state, a United States territory,
18 or the District of Columbia as qualifying out-of-state
19 patients[~~; provided that this registration process may
20 commence no sooner than January 1, 2018~~]."

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1 SECTION 12. Section 329D-13, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) [~~Beginning on January 1, 2018, this~~] This section may
4 apply to qualifying out-of-state patients from other states,
5 territories of the United States, or the District of Columbia;
6 provided that the patient meets the [~~registration~~] requirements
7 of [~~section 329-123.5.~~] part IX of chapter 329."

PART V

9 SECTION 13. Chapter 237, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§237- Additional amounts not taxable; medical
13 cannabis. In addition to the amounts not taxable under section
14 237-24, this chapter shall not apply to sales of cannabis
15 conducted pursuant to chapter , except for retail sales to
16 consumers."

17 SECTION 14. Section 201-13.9, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "§201-13.9 Medical cannabis; economic and other data;
20 collection. (a) The department shall continuously collect
21 de-identified information regarding the medical cannabis

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1 registry and dispensary programs established pursuant to
2 chapters 329 ~~[and]~~, 329D, and _____, including ~~[but not limited~~
3 ~~to]~~ information regarding the:

4 (1) Quantities of cannabis cultivated and dispensed;
5 (2) Number of applications received by the department of
6 health to register as a qualifying patient or primary
7 caregiver;

8 ~~[(2)]~~ (3) Number of qualifying patients~~]~~ and primary
9 caregivers registered, by county of residence;

10 (4) Number of qualifying patients and primary caregivers
11 whose privileges have been suspended or revoked;

12 (5) Number of medical providers providing written
13 certifications for qualifying patients;

14 (6) Number of licensed cultivation site collectives, by
15 county;

16 ~~[(3)]~~ (7) Geographic areas in which cannabis is cultivated
17 and consumed;

18 ~~[(4)]~~ (8) Prices of cannabis and related products;

19 ~~[(5)]~~ (9) Number of employment opportunities related to
20 cannabis; and

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- 1 (2) To offset the cost of the processing and issuance of
2 patient registry identification certificates and
3 primary caregiver registration certificates;
- 4 (3) To fund positions and operating costs authorized by
5 the legislature;
- 6 (4) To establish and manage a secure and confidential
7 database;
- 8 (5) To fund public education as required by
9 section 329D-26;
- 10 (6) To fund substance abuse prevention and education
11 programs; and
- 12 (7) For any other expenditure necessary, consistent with
13 this chapter [~~and~~], chapter 329D, and chapter _____, to
14 implement medical cannabis registry and regulation
15 programs.

16 (b) The fund shall consist of all moneys derived from fees
17 collected pursuant to subsection (c) [~~and~~], section 329D-4[~~-~~],
18 and section _____-C. There is established within the medical
19 cannabis registry and regulation special fund:

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1 (1) A medical cannabis registry program sub-account, into
2 which shall be deposited all fees collected pursuant
3 to subsection (c); ~~and~~

4 (2) A medical cannabis dispensary program sub-account,
5 into which shall be deposited all fees collected
6 pursuant to section 329D-4~~[-]~~; and

7 (3) A medical cannabis cultivation collective system
8 subaccount, into which shall be deposited all fees
9 collected pursuant to section -C.

10 (c) The department, upon completion of the transfer of the
11 medical use of cannabis program, shall charge a medical cannabis
12 registration fee to each qualifying patient, other than a
13 qualifying out-of-state patient, of no less than \$20 per year
14 and no more than ~~[\$35]~~ \$50 per year."

15 SECTION 16. Section 421J-16, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§421J-16 Medical cannabis; discrimination.** (a) A
18 provision in any association document allowing for any of the
19 discriminatory practices listed in section 515-3(a)(1) to (7)
20 against a person residing in a unit who ~~has~~:

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1 (1) Has a valid certificate for the medical use of
2 cannabis as provided in section 329-123 in any form;

3 (2) Holds a license to cultivate cannabis pursuant to
4 chapter ; or

5 (3) Is an employee, officer, or director of a private
6 entity that holds a license to cultivate cannabis
7 pursuant to chapter ,

8 is void, [~~unless the~~] except as provided in subsection (b).

9 (b) Subsection (a) shall not apply if:

10 (1) The association document also prohibits the smoking of
11 tobacco and the medical cannabis is used by means of
12 smoking[~~-~~]; or

13 (2) The relevant provision is necessary for the
14 association to comply with federal law or a federal
15 contract, or to receive federal funds.

16 (c) Nothing in this section shall be construed to diminish
17 the obligation of a planned community association to provide
18 reasonable accommodations for persons with disabilities pursuant
19 to section 515-3(a) (9)."

20 SECTION 17. Section 514B-113, Hawaii Revised Statutes, is
21 amended to read as follows:

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1 "**§514B-113 Medical cannabis; discrimination.** A provision
2 in any articles of incorporation, declaration, bylaws,
3 administrative rules, house rules, or association documents of a
4 condominium allowing for any of the discriminatory practices
5 listed in section 515-3(a)(1) to (7) against a person residing
6 in a unit who [~~has~~]:

7 (1) Has a valid certificate for the medical use of
8 cannabis as provided in section 329-123 in any form;

9 (2) Holds a license to cultivate cannabis pursuant to
10 chapter ; or

11 (3) Is an employee, officer, or director of a private
12 entity that holds a license to cultivate cannabis
13 pursuant to chapter ,

14 is void, [~~unless the~~] except as provided in subsection (b).

15 (b) Subsection (a) shall not apply if:

16 (1) The documents also prohibit the smoking of tobacco and
17 the medical cannabis is used by means of smoking[+];

18 or

19 (2) The relevant provision is necessary for the
20 condominium to comply with federal law or a federal
21 contract, or to receive federal funds.

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1 (c) Nothing in this section shall be construed to diminish
2 the obligation of a condominium association to provide
3 reasonable accommodations for persons with disabilities pursuant
4 to section 515-3(a)."

5 SECTION 18. Section 521-39, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§521-39 Medical cannabis; tenant use; eviction.** (a) A
8 provision in a rental agreement allowing for eviction of a
9 tenant who ~~[has]~~:

10 (1) Has a valid certificate for the medical use of
11 cannabis as provided in section 329-123 in any form;

12 (2) Holds a license to cultivate cannabis pursuant to
13 chapter ; or

14 (3) Is an employee, officer, or director of a private
15 entity that holds a license to cultivate cannabis
16 pursuant to chapter ,

17 is void, ~~[unless the]~~ except as provided in subsection (b).

18 (b) Subsection (a) shall not apply if:

19 (1) The rental agreement also allows for eviction for
20 smoking tobacco and the medical cannabis is used by

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1 means of smoking; [~~provided that this section shall~~
2 ~~not apply where the]~~

3 (2) The articles of incorporation, declaration, bylaws,
4 administrative rules, house rules, association
5 documents, or a similar document of a condominium
6 property regime or planned community association also
7 prohibits the smoking of tobacco and the medical [use
8 of] cannabis[-] is used by means of smoking; or

9 (3) The relevant provision is necessary for the landlord,
10 condominium property regime, or planned community
11 association to comply with federal law or a federal
12 contract, or to receive federal funds."

PART VI

14 SECTION 19. In codifying the new sections added by
15 section 2 of this Act, the revisor of statutes shall substitute
16 appropriate section numbers for the letters used in designating
17 the new sections in this Act.

18 SECTION 20. This Act does not affect rights and duties
19 that matured, penalties that were incurred, and proceedings that
20 were begun before its effective date.

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1 SECTION 21. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 22. This Act shall take effect on July 1, 2024.

4

INTRODUCED BY: _____

S.B. NO.

Report Title:

Cannabis; Medical Use; Cultivation; Patients; Caregivers; DOH

Description:

Establishes a licensing system for medical cannabis cultivation. Facilitates the transport of medical cannabis. Expands the scope of authorized actions for medical cannabis patients. Provides that qualifying out-of-state patients need not register with the Department of Health. Protects medical cannabis patients and cultivation licenses from undue discrimination.

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