

JAN 21 2011

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# A BILL FOR AN ACT

RELATING TO MEDICAL CANNABIS RESEARCH.

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

1           SECTION 1. The legislature recognizes that the use of  
2 medical cannabis warrants further research. As with other  
3 medications, this is done by conducting formal peer-reviewed  
4 research that investigates the chemical composition and  
5 therapeutic effects of medical cannabis in a controlled pre-  
6 clinical and clinical laboratory setting. It is also important  
7 that research be conducted on the unique strains of cannabis  
8 that have been developed in Hawaii.

9           The purpose of this Act is to establish a three-year pilot  
10 medical cannabis research program in the State to provide a  
11 means by which a team of qualified researchers could undertake  
12 medical cannabis research involving local qualifying medical  
13 cannabis patients under the protection of state law.

14           SECTION 2. **Pilot medical cannabis research program;**  
15 **requirements.** (a) There is established in the department of  
16 public safety a pilot medical cannabis research program. An  
17 individual or organization seeking to conduct a medical cannabis



1 research project shall register with the narcotics enforcement  
2 division of the department of public safety.

3 Individuals registering with the department for the purpose  
4 of conducting medical cannabis research shall not have a  
5 criminal record. The department may conduct criminal background  
6 checks on employees and staff of any individual or organization  
7 that registers to conduct a medical cannabis research project.

8 Upon approval, the department shall issue a permit to  
9 conduct medical cannabis research. The department may charge a  
10 one-time fee of \$3,000 to cover costs to the State for  
11 overseeing the licensing process over the period of the research  
12 program. The individual or organization shall submit an annual  
13 report on the purpose, status, and results of all completed and  
14 ongoing studies to the department.

15 (b) Any individual or organization conducting a pilot  
16 research project under this Act shall be responsible for  
17 providing and maintaining a dedicated research facility and may  
18 be funded by public or private sources.

19 All cultivation of cannabis for a research project shall  
20 take place in an enclosed, secured facility. All facilities  
21 containing inventories of cannabis shall be equipped with  
22 twenty-four hour indoor and outdoor video surveillance with



1 digital archiving capability and a fully operational security  
2 system to deter and prevent unauthorized entrance. Access to  
3 these facilities shall be limited to the principal researcher  
4 and employees of the research facility, when acting in their  
5 official capacity, and qualifying patients participating in the  
6 research program who have registered the individual or  
7 organization conducting the research project as their primary  
8 caregiver in accordance with subsection (d).

9       Upon twenty-four hour written notice, staff from the  
10 department of public safety may inspect the premises of any  
11 research facility.

12       (c) Research protocols that involve human subjects shall:

13       (1) Receive approval from an institutional review board;  
14             and

15       (2) Comply with all provisions of part IX of chapter 329.

16       For the purpose of this section, "institutional review  
17 board" means an institutional review board established in  
18 accordance with 7 Code of Federal Regulations 1c.107, 10 Code of  
19 Federal Regulations 745.107, 14 Code of Federal Regulations  
20 1230.107, 15 Code of Federal Regulations 27.107, 16 Code of  
21 Federal Regulations 1028.107, 21 Code of Federal Regulations  
22 56.107, 22 Code of Federal Regulations 225.107, 24 Code of



1 Federal Regulations 60.101, 28 Code of Federal Regulations  
2 46.107, 32 Code of Federal Regulations 219.107, 34 Code of  
3 Federal Regulations 97.107, 38 Code of Federal Regulations  
4 16.107, 40 Code of Federal Regulations 26.107, 45 Code of  
5 Federal Regulations 46.107, 45 Code of Federal Regulations  
6 690.107, or 49 Code of Federal Regulations 11.107.

7 (d) All qualifying patients participating in the research  
8 program shall register the individual or organization conducting  
9 the applicable research project as their primary caregiver. The  
10 number of cannabis plants jointly possessed by qualifying  
11 patients participating in the research program and the  
12 individual or organization conducting the research project shall  
13 not exceed an adequate supply for each patient, as defined in  
14 section 329-121, Hawaii Revised Statutes.

15 (e) The research project may begin to possess and grow  
16 cannabis plants as soon as the potential study protocol has  
17 received institutional review board approval.

18 (f) An individual or organization conducting a research  
19 project may accept cannabis plants and seeds for study from  
20 qualifying patients participating in the research program who  
21 have registered the individual or organization as their primary  
22 caregiver in accordance with subsection (d).



1 (g) At any time following a sixty-day written notice for  
2 violation of any provision of this section, the director of  
3 public safety may terminate or void a permit for medical  
4 cannabis research.

5 (h) The pilot medical cannabis research program shall  
6 cease operation on December 31, 2014.

7 SECTION 3. Section 329-123, Hawaii Revised Statutes, is  
8 amended by amending subsection (c) to read as follows:

9 "(c) Primary caregivers shall register with the department  
10 of public safety. [~~Every~~] Except as provided in Act ,  
11 Session Laws of Hawaii 2011, every primary caregiver shall be  
12 responsible for the care of only one qualifying patient at any  
13 given time."

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

16 SECTION 5. This Act shall take effect on July 1, 2011, and  
17 shall be repealed on December 31, 2014, and section 329-123,  
18 Hawaii Revised Statutes, shall be reenacted in the form in which  
19 it read on the day before the effective date of this Act.

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INTRODUCED BY: Will Eyo

Clarence K. Frickham



# S.B. NO. 113

*Amne Mercado Kin*



**Report Title:**

Medical Cannabis; Research Program

**Description:**

Establishes a 3-year pilot medical cannabis research program in the State to provide a means by which a team of qualified researchers could undertake medical cannabis research involving local qualifying medical cannabis patients. Sunset 12/31/14.

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

