

JAN 26 2011

S.B. NO. 1459

A BILL FOR AN ACT

RELATING TO THE MEDICAL USE OF MARIJUANA.

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

1 PART I.

2 SECTION 1. Chapter 329, Hawaii Revised Statutes, is
3 amended by adding five new subparts to part IX to be
4 appropriately designated and to read as follows:

5 "B. Licensed Producers and Licensed Processors

6 **§329-A Possession by licensed producers.** Provided they
7 are acting in compliance with the terms of this part and rules
8 adopted to enforce and carry out its purposes, licensed
9 producers and their employees, members, officers, and directors
10 may manufacture, plant, cultivate, grow, harvest, produce,
11 prepare, propagate, process, package, repackage, transport,
12 transfer, deliver, label, relabel, wholesale, or possess
13 marijuana intended for medical use by qualifying patients,
14 including seeds, seedlings, cuttings, plants, and useable
15 marijuana, and shall not be arrested, searched, prosecuted, or
16 subject to other criminal sanctions or civil consequences under
17 state law, or have real or personal property searched, seized,



1 or forfeited pursuant to state law, for such activities,
2 notwithstanding any other provision of law.

3 **§329-B Possession by licensed processors.** Provided they
4 are acting in compliance with the terms of this part and rules
5 adopted to enforce and carry out its purposes, licensed
6 processors of marijuana products and their employees, members,
7 officers, and directors may possess useable marijuana and
8 manufacture, produce, prepare, process, package, repackage,
9 transport, transfer, deliver, label, relabel, wholesale, or
10 possess marijuana products intended for medical use by
11 qualifying patients, and shall not be arrested, searched,
12 prosecuted, or subject to other criminal sanctions or civil
13 consequences under state law, or have real or personal property
14 searched, seized, or forfeited pursuant to state law, for such
15 activities, notwithstanding any other provision of law.

16 **§329-C Powers of the director.** (a) The director shall
17 administer and implement this part and rules adopted hereunder.
18 The director may:

- 19 (1) Monitor and inspect the production, processing,
20 weighing, packaging, labeling, storage, and shipping
21 of all marijuana intended for medical use;



- 1 (2) Monitor and review the inspection and grading of all
2 marijuana intended for medical use;
- 3 (3) Approve or disapprove the facilities, including
4 scales, of all licensed producers and licensed
5 processors;
- 6 (4) Investigate all complaints of fraud in the operation
7 of the production facility or processing facility of
8 any licensed producer or licensed processor;
- 9 (5) Examine, inspect, and audit, during ordinary business
10 hours, any producer or processor licensed under this
11 part, including all production facilities, processing
12 facilities, and all marijuana therein, and examine,
13 inspect, audit, or record all books, documents, and
14 records;
- 15 (6) Administer oaths and issue subpoenas to compel the
16 attendance of witnesses or the production of books,
17 documents, and records anywhere in the State pursuant
18 to a hearing for the purposes and provisions of this
19 part. Witnesses shall be entitled to fees for
20 attendance and travel, as provided in section 621-7;
21 and
- 22 (7) Adopt rules under chapter 91:



- 1 (A) Establishing inspection standards and procedures
2 for marijuana intended for medical use;
- 3 (B) Regarding the identification of marijuana
4 intended for medical use so that such marijuana
5 may be readily identified if stolen or removed in
6 violation of this part from a production or
7 processing facility, or if otherwise unlawfully
8 transported; and
- 9 (C) Necessary for carrying out the purposes of this
10 part.

11 (b) The director is authorized to deny, suspend, or revoke
12 a producer's or processor's license after a hearing in any case
13 in which it is determined that there has been a violation or
14 refusal to comply with the requirements of this part or rules
15 adopted hereunder. All hearings for the denial, suspension, or
16 revocation of a producer's or processor's license are subject to
17 chapter 91.

18 **§329-D Licensed producers and processors; rules.** (a) By
19 July 1, 2012, taking into consideration the security
20 requirements described in 21 C.F.R. 1301.71-1301.76, the
21 director shall adopt rules, under chapter 91, regarding
22 marijuana intended for medical use to:



- 1 (1) Prescribe grades and standards that are deemed
2 suitable for inspection;
- 3 (2) Provide for inspection or grading and certification of
4 grade, grading factors, condition, strain, cannabinoid
5 profile, THC concentration, or other qualitative
6 measurement;
- 7 (3) Fix the sizes, dimensions, and safety and security
8 features required of containers to be used for
9 packing, handling, or storing;
- 10 (4) Establish labeling requirements;
- 11 (5) Establish requirements for the licensure of producers
12 and processors of marijuana products, setting forth
13 procedures to obtain licenses, and determine
14 expiration dates and renewal requirements;
- 15 (6) Provide for mandatory inspection of production and
16 processing facilities;
- 17 (7) Establish requirements for transportation of marijuana
18 from production facilities to processing facilities
19 and licensed dispensers;
- 20 (8) Enforce and carry out this section and the rules
21 adopted thereunder; and



1 (9) Establish license application and renewal fees
2 adequate to recapture the cost to the State of
3 implementing, maintaining, and enforcing this section
4 and section 329-T, and the rules adopted thereunder.

5 (b) During the rulemaking process, the department shall
6 consult with stakeholders and persons with relevant expertise,
7 including qualifying patients, primary caregivers, health care
8 professionals, state and local law enforcement agencies, and the
9 department of health.

10 **§329-E Records.** (a) Each licensed producer and licensed
11 processor shall maintain complete records at all times with
12 respect to all marijuana produced, processed, weighed, tested,
13 stored, shipped, or sold. The director shall adopt rules under
14 chapter 91 specifying the minimum recordkeeping requirements
15 necessary to comply with this section.

16 (b) The property, books, records, accounts, papers, and
17 proceedings of every licensed producer and licensed processor
18 shall be subject to inspection by the department of public
19 safety at any time during ordinary business hours. Licensed
20 producers and licensed processors shall maintain adequate
21 records and systems for the filing and accounting of crop
22 production, product manufacturing and processing, records of



1 weights and measurements, product testing, receipts, canceled
2 receipts, other documents, and transactions necessary or common
3 to the medical marijuana industry.

4 **§329-F Information reporting; marijuana inspection**
5 **program.** Each licensed producer and licensed processor shall
6 report information to the department of public safety at times
7 that may be reasonably required by the director for the
8 necessary enforcement and supervision of a sound, reasonable,
9 and efficient marijuana inspection program for the protection of
10 the health and welfare of qualifying patients.

11 **§329-G Production and processing facilities.** The
12 production facilities of a licensed producer and processing
13 facilities of a licensed processor shall be maintained in a
14 manner that provides a reasonable means of ingress and egress to
15 all areas and equipment, and an adequate facility shall be
16 provided to the department of public safety personnel to
17 complete inspections.

18 **§329-H Inspections; notice; penalties.** (a) The
19 department of public safety may give written notice to a
20 licensed producer or licensed processor to submit to inspection,
21 or furnish required reports, documents, or other requested
22 information, under conditions and at times that the department



1 deems necessary whenever a licensed producer or licensed
2 processor fails to:

3 (1) Submit books, papers, or property for lawful
4 inspection or audit;

5 (2) Submit required reports or documents to the department
6 by their due dates; or

7 (3) Furnish the department with requested information.

8 (b) If the licensed producer or licensed processor fails
9 to comply with the terms of the notice provided under subsection
10 (a), within seventy-two hours from the date of its issuance, or
11 within such further time as the department of public safety may
12 allow, the department shall levy a fine of \$500 per day from the
13 final date for compliance allowed by this section or the
14 department. If the failure to comply continues for more than
15 seven days, or if the director determines the failure to comply
16 creates a threat to public health, public safety, or a
17 substantial risk of diversion of marijuana to unauthorized
18 persons or purposes, the department, in lieu of levying further
19 fines, may petition a court of competent jurisdiction for an
20 order:

21 (1) Authorizing the department to seize and take
22 possession of all books, papers, marijuana, and



1 property of all kinds used in connection with the
2 conduct or the operation of the licensed producer's or
3 licensed processor's business, and the books, papers,
4 records, and property that pertain specifically,
5 exclusively, and directly to that business; and

6 (2) Enjoining the licensed producer or licensed processor
7 from interfering with the department in the discharge
8 of its duties as required by this part.

9 (c) All necessary costs and expenses, including attorney's
10 fees, incurred by the department of public safety in carrying
11 out this section may be recovered at the same time and as part
12 of the action filed under subsection (b).

13 **§329-I Disposition of marijuana samples.** Samples of
14 marijuana drawn by department inspectors, unless returned by
15 agreement to the licensed producer or applicant for a license to
16 produce, or to the licensed processor or applicant for a license
17 to process, shall become the property of the State and subject
18 to disposition by the department. The department shall adopt
19 rules under chapter 91 relating to sample retention and
20 disposal.

21 **§329-J Prohibited acts by department personnel.** (a) Any
22 department employee who, directly or indirectly, accepts any



1 money or other consideration for any neglect or improper
2 performance of duty in the person's capacity as a department
3 employee shall be guilty of a misdemeanor.

4 (b) Any department employee who diverts or retains
5 marijuana for personal use or sale shall be subject to the
6 applicable criminal penalties.

7 **§329-K Prohibited acts by licensed producers and licensed**
8 **processors.** (a) A licensed producer shall not sell or deliver
9 marijuana to any person other than a department inspector,
10 licensed processor, licensed dispenser, or law enforcement
11 officer except as provided by court order.

12 (b) A licensed processor shall not sell or deliver
13 marijuana to any person other than a department inspector,
14 licensed dispenser, or law enforcement officer except as
15 provided by court order.

16 (c) Violation of this section is a class C felony.

17 C. Licensed Dispensers

18 **§329-L Possession by licensed dispensers.** Provided they
19 are acting in compliance with the terms of this part and rules
20 adopted to enforce and carry out its purposes, licensed
21 dispensers and their employees, members, officers, and directors
22 may deliver, distribute, dispense, transfer, prepare, package,



1 repackage, label, relabel, sell at retail, or possess marijuana
2 intended for medical use by qualifying patients, including
3 seeds, seedlings, cuttings, plants, useable marijuana, and
4 marijuana products, and shall not be arrested, searched,
5 prosecuted, or subject to other criminal sanctions or civil
6 consequences under state law, or have real or personal property
7 searched, seized, or forfeited pursuant to state law, for such
8 activities, notwithstanding any other provision of law.

9 **§329-M Licensed dispensers; rules.** (a) By July 1, 2012,
10 taking into consideration the security requirements described in
11 21 C.F.R. 1301.71-1301.76, the director shall adopt rules under
12 chapter 91:

13 (1) Establishing requirements for the licensure of
14 dispensers, setting forth procedures to obtain
15 licenses, and determining expiration dates and renewal
16 requirements;

17 (2) Providing for mandatory inspection of licensed
18 dispensers' locations;

19 (3) Establishing procedures governing the suspension and
20 revocation of licenses of dispensers;

21 (4) Establishing recordkeeping requirements for licensed
22 dispensers;



- 1 (5) Fixing the sizes and dimensions of containers to be
- 2 used for dispensing marijuana;
- 3 (6) Establishing safety standards for containers to be
- 4 used for dispensing marijuana;
- 5 (7) Establishing marijuana storage requirements, including
- 6 security requirements;
- 7 (8) Establishing marijuana labeling requirements;
- 8 (9) Establishing physical standards for marijuana
- 9 dispensing facilities;
- 10 (10) Establishing physical standards for sanitary
- 11 conditions for marijuana dispensing facilities;
- 12 (11) Establishing physical and sanitation standards for
- 13 marijuana dispensing equipment;
- 14 (12) Enforcing and carrying out this section and the rules
- 15 adopted thereunder; and
- 16 (13) Establishing license application and renewal fees
- 17 adequate to recapture the cost to the State of
- 18 implementing, maintaining, and enforcing this section
- 19 and section 329-T and the rules adopted thereunder.
- 20 (b). During the rulemaking process, the department shall
- 21 consult with stakeholders and persons with relevant expertise,
- 22 including but not be limited to qualifying patients, primary



1 caregivers, health care professionals, state and local law
2 enforcement agencies, and the department of health.

3 **§329-N Prohibited acts.** (a) A licensed dispenser shall
4 not sell marijuana received from any person other than a
5 licensed producer or licensed processor, or sell or deliver
6 marijuana to any person other than a qualifying patient or
7 primary caregiver except as provided by court order.

8 (b) Violation of this section is a class C felony.

9 D. Miscellaneous Provisions Applying to All Licensed
10 Producers, Licensed Processors, and Licensed Dispensers

11 **§329-O Weights and measures.** All weighing and measuring
12 instruments and devices used by licensed producers, licensed
13 processors, and licensed dispensers shall comply with the
14 requirements set forth in chapter 486.

15 **§329-P Advertisement; prohibition; penalty.** (a) No
16 licensed producer, licensed processor, or licensed dispenser
17 shall advertise marijuana for sale to the general public on
18 broadcast television or radio in any manner that promotes or
19 tends to promote the use or abuse of marijuana. For the purposes
20 of this subsection, displaying marijuana, including artistic
21 depictions of marijuana, is considered to promote or to tend to
22 promote the use or abuse of marijuana.



1 (b) The department of public safety may fine a licensed
2 producer, licensed processor, or licensed dispenser no more than
3 \$1,000 for each violation of subsection (a).

4 **§329-Q Application for license; effect of convictions.**

5 (a) A prior conviction for an offense involving marijuana shall
6 not disqualify an applicant from receiving a license to produce,
7 process, or dispense marijuana for medical use; provided that
8 the conviction did not include any sentencing enhancements under
9 section 706-660.1, 706-660.2, 706-661, or analogous laws in
10 other jurisdictions.

11 (b) Any criminal conviction of a current licensee may be
12 considered in proceedings to suspend or revoke a license.

13 **§329-R Violations; generally.** Violation of any section of
14 this part, or any rule adopted thereunder, that relates to the
15 licensing and regulation of producers, processors, or
16 dispensers, where no other penalty is provided for, is a
17 misdemeanor.

18 **§329-S Civil penalties.** (a) Any licensed producer,
19 licensed processor, or licensed dispenser who fails to comply
20 with this part, or any rule adopted thereunder, may be subject
21 to a civil penalty, as determined by the director, in an amount



1 of not to exceed \$1,000 for each violation. Each violation
2 shall be a separate and distinct offense.

3 (b) Any person who, through an act of commission or
4 omission, procures, aids, or abets in a violation under
5 subsection (a) shall be considered to have violated this part
6 and may be subject to the penalty provided for in subsection
7 (a).

8 E. Secure Registration of Licensed Producers, Licensed
9 Processors, and Licensed Dispensers

10 **§329-T Registration system; confidentiality.** (a) The

11 department of public safety shall:

12 (1) Create and maintain a secure and confidential list of
13 licensed producers, licensed processors, and licensed
14 dispensers; provided that:

15 (A) Except as provided in subparagraph (B), the list
16 shall be confidential and exempt from public
17 disclosure, inspection, or copying under chapters
18 91 and 92F; and

19 (B) Names and other personally identifiable
20 information from the list may be released only
21 to:



- 1 (i) Authorized employees of the department of
2 public safety as necessary to perform
3 official duties of the department; or
4 (ii) Authorized employees of state or local law
5 enforcement agencies, only as necessary to
6 verify that a person is a licensed producer,
7 licensed processor, or licensed dispenser,
8 or that a location is the recorded address
9 of a production, processing, or dispensing
10 facility owned or operated by a licensed
11 producer, licensed processor, or licensed
12 dispenser, and only after the inquiring
13 state or local law enforcement employee has
14 provided adequate identification;
15 (2) Develop a secure and confidential system by which
16 authorized employees of state and local law
17 enforcement agencies may verify at all times, after
18 providing adequate identification, that a person is a
19 licensed producer, licensed processor, or licensed
20 dispenser, or that a location is the recorded address
21 of a production, processing, or dispensing facility



1 owned or operated by a licensed producer, licensed
2 processor, or licensed dispenser;

3 (3) Maintain a log of all requests, for no less than three
4 years from the date of the request, by employees of
5 state and local law enforcement agencies for
6 information relating to whether a person is a licensed
7 producer, licensed processor, or licensed dispenser,
8 or that a location is the recorded address of a
9 production, processing, or dispensing facility owned
10 or operated by a licensed producer, processor, or
11 dispenser, and the information supplied. Personally
12 identifiable information of licensed producers,
13 licensed processors, or licensed dispensers included
14 in the log shall be confidential and exempt from
15 public disclosure, inspection, or copying under
16 chapters 91 and 92F, provided that the subject of a
17 request for information may:

18 (A) Personally appear during ordinary department of
19 public safety business hours and inspect or copy
20 log records relating to the person upon adequate
21 proof of identity; or



1 (B) Submit a written request to the department of
2 public safety, along with adequate proof of
3 identity, for copies of log records relating to
4 the person; and

5 (4) Establish and collect reasonable fees for the
6 dissemination of information to employees of state and
7 local law enforcement agencies relating to whether a
8 person is a licensed producer, licensed processor, or
9 licensed dispenser, or that a location is the recorded
10 address of a production, processing, or dispensing
11 facility owned or operated by a licensed producer,
12 processor, or dispenser, and for the dissemination of
13 log records relating to such requests for information
14 to the subjects of those requests; provided that
15 authorized employees of state or local law enforcement
16 agencies who obtain personally identifiable
17 information from the list, as authorized under this
18 section, shall not release or use the information for
19 any purpose other than verification that a person is a
20 licensed producer, licensed processor, or licensed
21 dispenser, or that a location is the recorded address
22 of a production, processing, or dispensing facility



1 owned or operated by a licensed producer, processor,
2 or dispenser.

3 (b) The registration system established in subsection (a)
4 shall meet the following requirements:

5 (1) Any personally identifiable information included in
6 the registration system shall be nonreversible,
7 pursuant to definitions and standards set forth by the
8 national institute of standards and technology;

9 (2) Any personally identifiable information included in
10 the registration system shall not be susceptible to
11 linkage by use of data external to the registration
12 system;

13 (3) The registration system shall incorporate current best
14 differential privacy practices, allowing for maximum
15 accuracy of registration system queries while
16 minimizing the chances of identifying the personally
17 identifiable information included therein; and

18 (4) The registration system shall be upgradable and
19 updated in a timely fashion to keep current with state
20 of the art privacy and security standards and
21 practices.



1 **§329-U Verification of status prior to search or arrest.**

2 (a) Before obtaining a search warrant or arrest warrant and
3 before making a warrantless arrest or warrantless search or
4 seizure based on probable cause, a law enforcement officer
5 investigating a marijuana-related incident shall ascertain
6 whether the person or location under investigation is registered
7 with the department of public safety as a qualifying patient,
8 primary caregiver, licensed producer, licensed processor, as the
9 primary residence of a qualifying patient or primary caregiver,
10 or the address of a production or processing facility.

11 If the department reports that the location or person is
12 registered, the law enforcement officer shall not seek a
13 warrant, unless evidence exists of conduct that would disqualify
14 the location or person from the protections of this part, or
15 probable cause exists that another criminal offense has been or
16 is being committed. If the officer seeks a warrant, the
17 affidavit submitted in support of the application for the
18 warrant shall include that registration checks were conducted
19 with the department and the results of the checks.

20 Registered persons shall not be arrested or searched, or
21 have personal property searched or seized, and registered
22 locations shall not be searched or seized, unless evidence



1 exists of conduct that would disqualify the person from the
2 protections of this part, or probable cause exists that another
3 criminal offense has been or is being committed.

4 (b) If a law enforcement officer discovers marijuana at a
5 location outside ordinary business hours of the department of
6 public safety, and no person is present to provide verification
7 information, the officer shall make reasonable efforts to
8 contact the occupant of the location before seizing marijuana
9 that falls within the limits described in section 329-127.

10 **§329-V Prohibited acts; penalties; civil action.** (a) Any
11 person who discloses, disseminates, or allows to be inspected or
12 copied personally identifiable information of a qualifying
13 patient, primary caregiver, licensed producer, licensed
14 processor, or licensed dispenser, except as authorized by this
15 part, shall pay a civil penalty of \$500 to the subject of the
16 record containing the personally identifiable information. This
17 penalty shall apply separately to each such disclosure,
18 dissemination, inspection, or copying of the record.

19 (b) Any law enforcement officer who fails to comply with
20 section 329-U shall pay a civil penalty of \$500 to any
21 qualifying patient, primary caregiver, licensed producer,
22 licensed processor, or licensed dispenser who is arrested or



1 searched, or who has real or personal property searched or
2 seized, if the person was currently registered at the time of
3 the arrest, search, or seizure, no evidence existed at the time
4 that would have disqualified the person from the protections of
5 this part, and no probable cause existed at the time that
6 another criminal offense had been or was being committed.

7 (c) A qualifying patient, primary caregiver, licensed
8 producer, licensed processor, or licensed dispenser injured by
9 any act subject to the penalties of this section shall be
10 entitled to bring a civil action to pursue the remedies provided
11 by this section. A plaintiff who prevails on a claim brought
12 under this section shall be entitled to recover reasonable
13 attorney's fees and costs. A defendant who prevails shall not
14 be allowed to recover fees or costs unless the defendant proves,
15 by a preponderance of the evidence, that the plaintiff initiated
16 the action in bad faith or without any evidence whatsoever that
17 would support a reasonable belief that the person was entitled
18 to the remedies provided in this section.

19 F. Preemption

20 §329-W Preemption. The State fully occupies and preempts
21 the entire field of authorizing and regulating the production,
22 processing, dispensation, possession, and use of marijuana for



1 medical purposes. Counties may enact only those ordinances and
2 regulations relating to the medical use of marijuana that are
3 consistent with this part and administrative rules adopted
4 thereunder. County ordinances and regulations that are
5 inconsistent with the requirements of state law and rules
6 adopted pursuant to this part shall not be enacted and are
7 preempted and repealed, regardless of the nature of the code or
8 charter of the county. This section does not preempt reasonable
9 zoning requirements for licensed producers, licensed processors,
10 and licensed dispensers that are adopted by counties pursuant to
11 their authority and duties under section 46-4."

12 PART II.

13 SECTION 2. Chapter 92F, Hawaii Revised Statutes, is
14 amended by adding a new section to part II to be appropriately
15 designated and to read as follows:

16 "§92F- Medical use of marijuana; exception to general
17 rule. Records containing names and other personally
18 identifiable information relating to qualifying patients,
19 primary caregivers, and persons licensed as producers,
20 processors, or dispensers of marijuana for medical use, under
21 part IX of chapter 329 and rules adopted to carry out its
22 purposes, are exempt from disclosure under this chapter."



1 SECTION 3. Chapter 237, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§237- Exemption of sales of marijuana for medical use.

5 This chapter shall not apply to amounts received by dispensers
6 of marijuana licensed under part IX, subpart C, of chapter 329,
7 for sales of marijuana or marijuana products intended for
8 medical use to qualifying patients or primary caregivers
9 registered with the department of public safety under section
10 329-123."

11 SECTION 4. Chapter 329, part IX, Hawaii Revised Statutes,
12 is amended by designating sections 329-121 to 329-128 as subpart
13 A, entitled:

14 "A. General Provisions"

15 SECTION 5. Section 329-121, Hawaii Revised Statutes, is
16 amended by adding three new definitions to be appropriately
17 inserted and to read as follows:

18 "Licensed dispenser" means a nonprofit corporation
19 licensed to dispense marijuana for medical use to qualifying
20 patients and primary caregivers by the department of public
21 safety in accordance with rules adopted by the department
22 pursuant to the terms of this part.



1 "Licensed processor" means a person licensed by the
2 department of public safety to manufacture, process, handle, and
3 label marijuana products for wholesale to licensed dispensers.

4 "Licensed producer" means a person licensed by the
5 department of public safety to produce marijuana for medical use
6 for wholesale to licensed dispensers and licensed processors in
7 accordance with rules adopted by the department pursuant to the
8 terms of this part."

9 PART III.

10 SECTION 6. (a) The auditor shall conduct a cost-benefit
11 evaluation of the implementation of chapter 329, part IX, Hawaii
12 Revised Statutes, as amended by this Act, and the rules adopted
13 to carry out its purposes.

14 (b) The cost-benefit evaluation shall include but not be
15 limited to the following factors:

16 (1) Qualifying patients' access to an adequate source of
17 marijuana for medical use;

18 (2) Qualifying patients' access to a safe source of
19 marijuana for medical use;

20 (3) Qualifying patients' access to a consistent source of
21 marijuana for medical use;



1 (4) Qualifying patients' access to a secure source of
2 marijuana for medical use;

3 (5) Qualifying patients' and primary caregivers' contact
4 with law enforcement and involvement in the criminal
5 justice system;

6 (6) Diversion of marijuana intended for medical use to
7 non-medical uses; and

8 (7) Incidents of home invasion burglaries, robberies, and
9 other violent and property crimes associated with
10 qualifying patients accessing marijuana for medical
11 use.

12 (c) For the purposes of facilitating this evaluation, the
13 department of public safety shall make available to the auditor
14 all requested data and any other data the department may
15 consider relevant, from which all personally identifiable
16 information shall be redacted.

17 (d) The auditor shall report its findings and
18 recommendations, including any proposed legislation, to the
19 legislature not later than twenty days prior to the convening of
20 the 2014 regular session.

21 PART IV.



1 SECTION 7. If any provision of this Act, or the
2 application thereof to any person or circumstance is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the Act, which can be given effect without the
5 invalid provision or application, and to this end the provisions
6 of this Act are severable.

7 SECTION 8. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

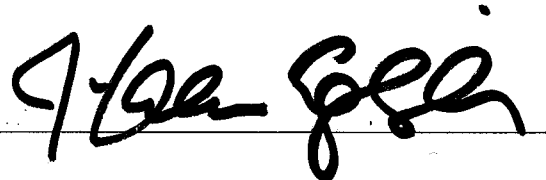
10 SECTION 9. In codifying the new sections added by section
11 1 of this Act, the revisor of statutes shall substitute
12 appropriate section numbers for the letters used in designating
13 the new sections in this Act.

14 SECTION 10. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 11. This Act shall take effect on July 1, 2011.

17

INTRODUCED BY:



Report Title:

Medical Marijuana; Licensure of Producers, Processors, and Dispensers; Evaluation

Description:

Establishes licensure of producers, processors, and dispensers of medical marijuana. Requires secure registration system. Reserves authority to regulate medical use of marijuana to the State. Directs the auditor to conduct a cost-benefit evaluation.

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

