

JAN 20 2012

A BILL FOR AN ACT

RELATING TO MEDICAL CANNABIS.

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

1 SECTION 1. (a) There is established under the department
2 of health a medical cannabis pilot program to dispense marijuana
3 for medical use on the island of Hawaii, beginning January 1,
4 2015; provided that the program shall operate in accordance with
5 part IX of chapter 329, Hawaii Revised Statutes. Not more than
6 an adequate supply shall be dispensed to any one qualifying
7 patient or registered caregiver at any one time and at periodic
8 intervals as the patient's need may arise for more marijuana for
9 medical use.

10 (b) The department of health shall assess and collect a
11 fee of \$200 per month from each qualifying patient obtaining
12 marijuana for medical use in exchange for ounces of
13 marijuana, not to exceed an adequate supply, from a medical
14 cannabis dispensary; provided that only qualifying patients or
15 their primary caregivers shall be eligible to obtain marijuana
16 for medical use from a dispensary upon presentation of a picture
17 identification issued by a government agency, and:



- 1 (1) In the case of a qualifying patient, written
2 certification from the patient's physician; or
3 (2) In the case of primary caregivers, proof of
4 registration with the department of public safety.

5 All fees collected shall be deposited into the medical cannabis
6 special fund created under section 2 of this Act.

7 (c) The State shall grow and cultivate marijuana for
8 medical use to provide medical cannabis to dispensaries in
9 accordance with this Act. The department of health shall
10 operate one or more medical cannabis dispensaries on the island
11 of Hawaii for purposes of the medical cannabis pilot program.

12 (d) For purposes of surveillance and security, each
13 dispensary shall be equipped with indoor and outdoor video
14 cameras continuously operating twenty-four hours per day, seven
15 days a week. Each video camera shall be subject to inspection
16 upon demand from any law enforcement agency at any time. Each
17 dispensary shall be constructed or retrofitted so as to provide
18 maximum security from burglaries and trespassing, and shall
19 otherwise meet county building codes.

20 (e) Every employee of a dispensary shall be subject to
21 random drug tests conducted periodically and without cause by



1 the State. No person having a felony conviction shall be
2 eligible for employment at a dispensary.

3 (f) A dispensary shall record every dispensing of
4 marijuana under this section, including the name of the
5 qualifying patient, the name of the primary caregiver and the
6 name of the caregiver's qualifying patient, the type of
7 identification presented, the name of the physician prescribing
8 the marijuana for medical use, and the date and the amount of
9 marijuana dispensed. The record shall also indicate whether a
10 written certification or a primary caregiver's registration was
11 presented, along with the number of the certification or
12 registration. The department of health shall transmit the
13 information recorded pursuant to this subsection to the
14 department of public safety monthly for purposes of documenting
15 and monitoring the medical cannabis pilot program.

16 (g) There shall be immunity from stops and arrests by
17 police or other law enforcement officers and from criminal
18 prosecution by the State or county for patients and caregivers
19 who obtain marijuana for medical use under this section during
20 the transport of marijuana for medical use within Hawaii island.



1 (h) The director of health and any employee of the
2 department of health shall be immune from criminal prosecution
3 for implementation and administration of this Act.

4 (i) The department of health may adopt rules pursuant to
5 chapter 91 necessary for purposes of this section.

6 (j) For purposes of this Act:

7 "Adequate supply" has the same meaning as in section 329-
8 121, Hawaii Revised Statutes.

9 "Marijuana" has the same meaning as in section 329-121,
10 Hawaii Revised Statutes.

11 "Medical use" has the same meaning as in section 329-121,
12 Hawaii Revised Statutes.

13 "Physician" has the same meaning as in section 329-121,
14 Hawaii Revised Statutes.

15 "Primary caregiver" has the same meaning as in section 329-
16 121, Hawaii Revised Statutes.

17 "Qualifying patient" has the same meaning as in section
18 329-121, Hawaii Revised Statutes.

19 SECTION 2. There is established the medical cannabis
20 special fund to be administered by the department of health.
21 All fees collected by the department of health pursuant to
22 section 1 of this Act shall be deposited into the medical



1 cannabis special fund. The department of health shall expend
2 moneys in the medical cannabis special fund for the purposes of
3 establishing and operating medical cannabis dispensaries for the
4 medical cannabis pilot program established by this Act.

5 Upon the repeal of this Act, the balance of moneys in the
6 medical cannabis special fund shall be deposited into the
7 general fund.

8 SECTION 3. The department of health shall report to the
9 legislature no later than twenty days prior to the convening of
10 each of the regular sessions of 2016 to 2020 regarding the
11 following information obtained in the most recent calendar year
12 of each respective report:

- 13 (1) The number of qualifying patients and primary
14 caregivers who received marijuana for medical use
15 under section 1 of this Act;
- 16 (2) The total amount of fees collected pursuant to section
17 1 of this Act and the amount and purpose of each
18 expenditure from the medical cannabis special fund;
- 19 (3) The number and location of dispensaries in operation;
20 and
- 21 (4) The number and description of any burglaries and
22 trespasses occurring at each dispensary.



1 SECTION 4. The department of health and its director,
2 supervisors, and employees shall be immune from criminal
3 prosecution for any acts taken in furtherance of this Act.

4 SECTION 5. This Act shall take effect upon its approval
5 and shall be repealed on December 31, 2019.

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S.B. NO. 2263

Report Title:

Medical Cannabis; Dispensaries; Department of Health

Description:

Beginning January 1, 2015, establishes under the department of health a medical cannabis pilot program to dispense marijuana for medical use in accordance with chapter 329, HRS. Creates a medical cannabis special fund to collect fees from qualified patients and registered primary caregivers. Requires DOH to report annually to legislature. Repeals December 31, 2019.

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

