
HOUSE CONCURRENT RESOLUTION

REQUESTING A SUNRISE REVIEW OF THE ESTABLISHMENT OF A SYSTEM OF REGISTERED DISPENSARIES WITHIN THE DEPARTMENT OF HEALTH TO DISPENSE MEDICAL MARIJUANA.

1 WHEREAS, to date, 20 states and Washington, D.C. have
2 medical marijuana programs; and

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4 WHEREAS, Hawaii's Medical Use of Marijuana Law was enacted
5 in 2000, as Act 228, Session Laws of Hawaii 2000, to provide
6 medical relief for seriously ill individuals in the State who
7 comply with Hawaii's Medical Marijuana Program by allowing those
8 individuals to acquire, use, and cultivate marijuana for medical
9 purposes; and

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11 WHEREAS, however, Hawaii's Medical Use of Marijuana Law is
12 silent on how patients can obtain medical marijuana if they are
13 unable to grow their own supply of medical marijuana or are
14 unable to find caregivers to grow their supply of medical
15 marijuana for them; and

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17 WHEREAS, the Medical Cannabis Working Group, which convened
18 in October 2009 to conduct a study to improve Hawaii's Medical
19 Marijuana Program, found that patients do not have access to a
20 safe, legal, and adequate supply of medicinal cannabis; and

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22 WHEREAS, the highest priority recommendation of the Medical
23 Cannabis Working Group in its report, "Medical Cannabis Working
24 Group Report to the Hawai'i State Legislature," dated February
25 2010, was the creation of a distribution system for medical
26 marijuana "so that patients no longer have to grow it themselves
27 or resort to the black market to obtain their medicine"; and

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29 WHEREAS, establishing a system of registered dispensaries
30 in the State to dispense medical marijuana to qualified patients



1 and primary caregivers is critical to enable patients to access
2 this medicine for their debilitating medical conditions; and
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4 WHEREAS, the Legislature finds that the regulation of
5 medical marijuana dispensaries will not only protect qualified
6 patients who need medical marijuana for their health care needs,
7 but will strengthen and ensure compliance with Hawaii's Medical
8 Use of Marijuana Law; and
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10 WHEREAS, section 26H-6, Hawaii Revised Statutes, requires
11 new regulatory measures, subjecting unregulated professions and
12 vocations to licensing or other regulatory controls, to be
13 referred to the Auditor for analysis; and
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15 WHEREAS, House Bill No. 1587, introduced during the 2014
16 Regular Session, proposes the establishment of a system of
17 registered dispensaries and dispensary agents to dispense
18 medical marijuana to qualified patients and primary caregivers;
19 now, therefore,
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21 BE IT RESOLVED by the House of Representatives of the
22 Twenty-seventh Legislature of the State of Hawaii, Regular
23 Session of 2014, the Senate concurring, that the Auditor is
24 requested to conduct a sunrise review of the establishment of a
25 system of registered dispensaries within the Department of
26 Health to dispense medical marijuana as proposed in H.B.
27 No. 1587, Regular Session of 2014, pursuant to section 26H-6,
28 Hawaii Revised Statutes; and
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30 BE IT FURTHER RESOLVED that, in conducting the sunrise
31 review, the Auditor is requested to include:
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- 33 (1) The qualifications, duties, and responsibilities for
34 dispensaries of medical marijuana;
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36 (2) The registration requirements for dispensaries of
37 medical marijuana to possess and cultivate medical
38 marijuana for:
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40 (A) Dispensing medical marijuana to a qualifying
41 patient or primary caregiver; and
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43 (B) Manufacturing, purchasing, possessing,
44 distributing, and using drug paraphernalia in



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accordance with Hawaii's Medical Use of Marijuana Law;

- (3) The registration requirements for qualifying patients and primary caregivers to use and obtain services from dispensaries of medical marijuana, including the payment of a cultivation fee to the Department of Health and the cultivation of marijuana in secured facilities that may or may not be part of the dispensary;
- (4) The registration, to include criminal record checks, of dispensary agents who must be registered with the Department of Health prior to working at a dispensary; and
- (5) The protections afforded to qualifying patients, primary caregivers, dispensaries, and dispensary agents with respect to the regulation of a system of registered dispensaries within the Department of Health to dispense medical marijuana; and

BE IT FURTHER RESOLVED that the Auditor is requested to submit its findings and recommendations, including any proposed legislation, to the Legislature no later than 20 days prior to the convening of the Regular Session of 2015; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Auditor, the Director of Health, and the Director of Public Safety.

OFFERED BY:

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