
A BILL FOR AN ACT

RELATING TO MEDICAL MARIJUANA.

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

1 SECTION 1. The legislature finds that certain felony
2 offenses that were created within Act 241, Session Laws of
3 Hawaii 2015, which created a medical marijuana dispensary system
4 in the State, are unnecessary and unhelpful. Most of the new
5 offenses created redundancies between those offenses and other
6 bodies of law and established more serious penalties than
7 certain prohibitions relating to potentially harmful substances
8 such as alcohol, tobacco, and even opiates. The legislature
9 finds that felony penalties relating to unauthorized access of a
10 medical marijuana dispensary or production center are
11 particularly unjustified.

12 Accordingly, the purpose of this Act is to:

13 (1) Repeal unnecessary prohibitions relating to medical
14 marijuana; and

15 (2) Amend certain penalties relating to medical marijuana
16 prohibitions to make them more commensurate with
17 prohibitions relating to alcohol.



H.B. NO. 1829

1 SECTION 2. Section 329D-14, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Any person who violates subsection (a) shall be
4 guilty of a [~~class C felony.~~] petty misdemeanor."

5 SECTION 3. Section 329D-17, Hawaii Revised Statutes, is
6 amended by amending subsection (b) to read as follows:

7 "(b) Any person who violates this section shall be guilty
8 of a [~~class B felony.~~] misdemeanor."

9 SECTION 4. Section 329D-15, Hawaii Revised Statutes, is
10 repealed.

11 [~~"§329D-15] Criminal offense; unauthorized access to
12 retail dispensing location. (a) No person shall intentionally
13 or knowingly enter or remain upon the premises of a medical
14 marijuana retail dispensing location unless the individual is:~~

- 15 (1) ~~An individual licensee or registered employee of the
16 dispensary;~~
- 17 (2) ~~A qualifying patient or primary caregiver of a
18 qualifying patient;~~
- 19 (3) ~~A government employee or official acting in the
20 person's official capacity; or~~



- 1 ~~(4) Previously included on a current department approved~~
2 ~~list provided to the department by the licensee of~~
3 ~~those persons who are allowed into that dispensary's~~
4 ~~facilities for a specific purpose for that dispensary,~~
5 ~~including but not limited to construction,~~
6 ~~maintenance, repairs, legal counsel, or investors,~~
7 ~~provided that:~~
- 8 ~~(A) The person has been individually approved by the~~
9 ~~department to be included on the list,~~
- 10 ~~(B) The person is at least twenty one years of age,~~
11 ~~as verified by a valid government issued~~
12 ~~identification card,~~
- 13 ~~(C) The department has confirmed that the person has~~
14 ~~no felony convictions,~~
- 15 ~~(D) The person is escorted by an individual licensee~~
16 ~~or registered employee of the dispensary at all~~
17 ~~times while in the dispensary facility,~~
- 18 ~~(E) The person is only permitted within these~~
19 ~~portions of the dispensary facility as necessary~~
20 ~~to fulfill the person's purpose for entering,~~



H.B. NO. 1829

- 1 ~~(F) The person is only permitted within the~~
2 ~~dispensary facility during the times and for the~~
3 ~~duration necessary to fulfill the person's~~
4 ~~purpose for entering;~~
- 5 ~~(G) The dispensary shall keep an accurate record of~~
6 ~~each person's first and last name, date and times~~
7 ~~upon entering and exiting the dispensary~~
8 ~~facility, purpose for entering, and the identity~~
9 ~~of the escort; and~~
- 10 ~~(H) The approved list shall be effective for one year~~
11 ~~from the date of the department approval.~~
- 12 ~~(b) No individual licensee or registered employee of a~~
13 ~~medical marijuana dispensary with control over or responsibility~~
14 ~~for a retail dispensing location shall intentionally or~~
15 ~~knowingly allow another to enter or remain upon the premises of~~
16 ~~the retail dispensing location, unless the other is permitted to~~
17 ~~enter and remain as specified in subsection (a).~~
- 18 ~~(c) Unauthorized access to a retail dispensing location is~~
19 ~~a class C felony."]~~
- 20 SECTION 5. Section 329D-16, Hawaii Revised Statutes, is
21 repealed.



1 ~~["§329D-16] Criminal offense, unauthorized access to~~
2 ~~production centers. (a) No person shall intentionally or~~
3 ~~knowingly enter or remain upon the premises of a medical~~
4 ~~marijuana production center unless the person is:~~

5 ~~(1) An individual licensee or registered employee of the~~
6 ~~production center;~~

7 ~~(2) A government employee or official acting in the~~
8 ~~person's official capacity; or~~

9 ~~(3) Previously included on a current department approved~~
10 ~~list provided to the department by the licensee of~~
11 ~~those persons who are allowed into that dispensary's~~
12 ~~facilities for a specific purpose for that dispensary,~~
13 ~~including but not limited to construction,~~
14 ~~maintenance, repairs, legal counsel, or investors;~~
15 ~~provided that:~~

16 ~~(A) The person has been individually approved by the~~
17 ~~department to be included on the list;~~

18 ~~(B) The person is at least twenty one years of age,~~
19 ~~as verified by a valid government issued~~
20 ~~identification card;~~



- 1 ~~(C) The department has confirmed that the person has~~
- 2 ~~no felony convictions;~~
- 3 ~~(D) The person is escorted by an individual licensee~~
- 4 ~~or registered employee of the dispensary at all~~
- 5 ~~times while in the dispensary facility;~~
- 6 ~~(E) The person is only permitted within those~~
- 7 ~~portions of the dispensary facility as necessary~~
- 8 ~~to fulfill the person's purpose for entering;~~
- 9 ~~(F) The person is only permitted within the~~
- 10 ~~dispensary facility during the times and for the~~
- 11 ~~duration necessary to fulfill the person's~~
- 12 ~~purpose for entering;~~
- 13 ~~(G) The dispensary shall keep an accurate record of~~
- 14 ~~each person's identity, date and times upon~~
- 15 ~~entering and exiting the dispensary facility,~~
- 16 ~~purpose for entering, and the identity of the~~
- 17 ~~escort; and~~
- 18 ~~(H) The approved list shall be effective for one year~~
- 19 ~~from the date of department approval.~~
- 20 ~~(b) No individual licensee or registered employee of a~~
- 21 ~~medical marijuana dispensary with control over or responsibility~~



1 ~~for a production center shall intentionally or knowingly allow~~
2 ~~another to enter or remain upon the premises of the production~~
3 ~~center, unless the other is permitted to enter and remain as~~
4 ~~specified in subsection (a).~~

5 ~~(c) Unauthorized access to a production center is a class~~
6 ~~C felony."]~~

7 SECTION 6. Section 329D-18, Hawaii Revised Statutes, is
8 repealed.

9 ~~["§329D-18] Diversion from dispensary or production~~
10 ~~center, penalties. (a) A person commits diversion from a~~
11 ~~dispensary or production center if the person is a licensee,~~
12 ~~operator, or employee of a dispensary or production center and~~
13 ~~intentionally or knowingly diverts to the person's own use or~~
14 ~~other unauthorized or illegal use, or takes, makes away with, or~~
15 ~~secretes, with intent to divert to the person's own use or other~~
16 ~~unauthorized or illegal use, any medical marijuana, manufactured~~
17 ~~marijuana product, or marijuana concentrate under the person's~~
18 ~~possession, care, or custody as a licensee, operator, or~~
19 ~~employee of a medical marijuana dispensary or production center~~
20 ~~licensed by the department.~~



H.B. NO. 1829

1 ~~(b) Any person who violates this section shall be guilty~~
 2 ~~of a class C felony."]~~

3 SECTION 7. Statutory material to be repealed is bracketed
 4 and stricken. New statutory material is underscored.

5 SECTION 8. This Act shall take effect upon its approval.

6

INTRODUCED BY:

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

JAN 22 2016



H.B. NO. 1829

Report Title:

Medical Marijuana; Prohibitions; Penalties

Description:

Amends penalties pertaining to certain medical marijuana prohibitions. Repeals certain medical marijuana prohibitions.

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

