

JAN 23 2015

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# A BILL FOR AN ACT

RELATING TO MEDICAL USE OF MARIJUANA.

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

1           SECTION 1. According to the National Conference of State  
2 Legislatures, twenty-three states, including Hawaii, and the  
3 District of Columbia have medical marijuana laws.

4           The legislature finds that despite the fact that Hawaii has  
5 had a medical marijuana law for nearly fifteen years, legal  
6 access to medical marijuana is severely restricted in Hawaii.  
7 Increased access to medical marijuana while preserving the  
8 intent of the medical marijuana law is necessary.

9           First, existing medical marijuana law in Hawaii is silent  
10 on legal methods of acquiring medical marijuana other than  
11 allowing registered qualifying patients and registered primary  
12 caregivers to grow it themselves. Allowing the transfer of  
13 marijuana seedling plants and marijuana seeds would increase  
14 access to medical marijuana by registered patients and  
15 registered caregivers.

16           Second, existing law limits a registered qualifying patient  
17 to having only one registered primary caregiver. Increasing the



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1 ratio from one patient per caregiver to up to three patients per  
2 caregiver would increase the number of caregivers available to  
3 provide care to qualifying patients in the State who need care.

4 The purpose of this Act is to:

5 (1) Allow the transfer of marijuana seedling plants and  
6 marijuana seeds from registered qualifying patients  
7 and registered primary caregivers to other registered  
8 qualifying patients and registered primary caregivers;  
9 and

10 (2) Increase the number of registered qualifying patients  
11 that a registered primary caregiver may care for at  
12 any given time.

13 SECTION 2. Chapter 329, Hawaii Revised Statutes, is  
14 amended by adding a new section to part IX to be appropriately  
15 designated and to read as follows:

16 "§329- Transfer of marijuana seedling plants or  
17 marijuana seeds. Notwithstanding any law to the contrary, a  
18 registered qualifying patient or a registered primary caregiver  
19 of the registered qualifying patient may transfer marijuana  
20 seedling plants or marijuana seeds to another registered  
21 qualifying patient or another registered primary caregiver,



1 whether or not the registered primary caregiver to whom the  
2 marijuana seedling plant or marijuana seed is transferred is the  
3 caregiver of a particular registered qualifying patient."

4 SECTION 3. Section 329-121, Hawaii Revised Statutes, is  
5 amended by amending the definition of "medical use" to read as  
6 follows:

7 "Medical use" means the acquisition, possession,  
8 cultivation, use, distribution, ~~[or]~~ transportation, including  
9 transfer as provided in section 329- , of marijuana or  
10 paraphernalia relating to the administration of marijuana to  
11 alleviate the symptoms or effects of a qualifying patient's  
12 debilitating medical condition. For the purposes of "medical  
13 use", the term distribution is limited to the transfer of  
14 marijuana and paraphernalia."

15 SECTION 4. Section 329-123, Hawaii Revised Statutes, is  
16 amended by amending subsection (c) to read as follows:

17 "(c) Primary caregivers shall register with the department  
18 of public safety. Every primary caregiver shall be responsible  
19 for the care of ~~[only one]~~ not more than three qualifying  
20 ~~[patient]~~ patients at any given time."



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1 SECTION 5. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 6. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY: Will Eyer  
Ronny H Baker  
P  
Yedhanga  
Russell E. De



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**Report Title:**

Medical Marijuana; Transfer; Patient-to-caregiver Ratio

**Description:**

Allows a registered qualifying patient or a registered primary caregiver of the registered qualifying patient to transfer marijuana seedling plants or marijuana seeds to another registered qualifying patient or another registered primary caregiver, whether or not the registered primary caregiver to whom the marijuana seedling plant or marijuana seed is transferred is the caregiver for a particular registered qualifying patient. Increases the maximum number of registered qualifying patients that a registered primary caregiver may care for at any given time.

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