HOUSE OF REPRESENTATIVES
TWENTY-NINTH LEGISLATURE, 2017
STATE OF HAWAII

H.B. NO. 1360

A BILL FOR AN ACT

RELATING TO MANUFACTURED MARIJUANA PRODUCTS.

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

SECTION 1. Section 329D-1, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read:

""Edible manufactured marijuana product" means any manufactured marijuana product that is a baked product pursuant to section 329D-10(a)(9) or dairy product pursuant to section 329D-10(a)(10)."

2. By amending the definition of "manufactured marijuana product" to read:

""Manufactured marijuana product" means any [~~capsule, lozenge, oil or oil extract, tincture, ointment or skin lotion, pill, transdermal patch, or pre-filled and sealed container used to aerosolize and deliver marijuana orally, such as an inhaler or nebulizer, that has been~~] product that may be manufactured using marijuana[~~, or any other products as specified by the department~~] pursuant to section [~~329D-10(a)(9).~~] 329D-10."

SECTION 2. Section 329D-9, Hawaii Revised Statutes, is amended to read as follows:

"[~~[~~]§329D-9[~~]~~] **Manufacturing of medical marijuana products.** (a) Any medical marijuana dispensary licensed by the department pursuant to this chapter shall be permitted to manufacture marijuana products; provided that the dispensary shall also obtain any other state or county permits or licenses that may be necessary for a particular manufacturing activity.

(b) The department shall establish health, safety, and sanitation standards regarding the manufacture of manufactured marijuana products[~~.~~]; provided that manufactured marijuana products shall only be manufactured in a commercial kitchen or other suitable facility that is not part of an inhabited home; provided further that any individual participating in the manufacture of a manufactured marijuana product shall:

(1) Wash their hands thoroughly prior to handling the product;

(2) In the case of an edible manufactured marijuana product, wear gloves when manufacturing or packaging the product.

(c) A manufacturer of a manufactured marijuana product shall calculate the equivalent physical weight of the marijuana that is used to manufacture the product and shall make the equivalency calculations available to the department and to a consumer of the manufactured marijuana product.

(d) The department shall authorize no more than eight companies to partner with medical marijuana dispensaries licensed pursuant to this chapter to participate in the manufacture of edible manufactured marijuana products; provided that each company partnering with a dispensary under this subsection shall:

(1) Have a demonstrated history of not less than twenty years manufacturing baked goods or confectionary products; and

(2) Obtain any other state or county permits or licenses that may be necessary for a particular manufacturing activity.

(e) No person who suffers from any symptom associated with an acute gastrointestinal illness or who is infected with a communicable disease that is transmissible through foodstuffs

shall participate in the manufacture of an edible manufactured marijuana product."

SECTION 3. Section 329D-10, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The types of medical marijuana products that may be manufactured and distributed pursuant to this chapter shall be limited to:

(1) Capsules;

(2) Lozenges;

(3) Pills;

(4) Oils and oil extracts;

(5) Tinctures;

(6) Ointments and skin lotions;

(7) Transdermal patches;

(8) Pre-filled and sealed containers used to aerosolize and deliver marijuana orally, such as with an inhaler or nebulizer; [~~and~~]

(9) Baked products, including but not limited to baked bars, brownies, cakes, and cookies; and

[~~(9)~~] (10) Other products as specified by the department[~~.~~]; provided that the department:

(A) Shall not authorize any product that requires refrigeration or heat for safe storage or prior to consumption; and

(B) May authorize ice cream or any other dairy product upon approval of a hazard analysis and critical control points plan pertaining to preparation and storage of the product."

SECTION 4. Section 329D-11, Hawaii Revised Statutes, is amended to read as follows:

"[~~§~~]**§329D-11**[~~]~~] **Advertising and packaging.** (a) The department shall establish standards regarding the advertising and packaging of marijuana and manufactured marijuana products; provided that the standards, at a minimum, shall require the use of packaging that:

(1) Is child-resistant and opaque so that the product cannot be seen from outside the packaging;

(2) Uses only black lettering on a white background with no pictures or graphics;

(3) Is clearly labeled with the phrase "For medical use only";

(4) Is clearly labeled with the phrase "Not for resale or transfer to another person";

(5) Includes instructions for use and "use by date";

(6) Contains information about the contents and potency of the product;

(7) Includes the name of the production center where marijuana in the product was produced, including the batch number and date of packaging;

(8) Includes a barcode generated by tracking software; and

(9) In the case of a manufactured marijuana product, [~~a listing~~] includes a:

(A) Listing of the equivalent physical weight of the marijuana used to manufacture the amount of the product that is within the packaging, pursuant to section 329D-9(c) [~~.~~];

(B) Clearly labeled warning stating that the product:

(i) Is a medication that contains marijuana, and is not a food;

(ii) Should be kept away from children; and

(iii) Contains nuts or other known allergens, if applicable; and

(C) Date of manufacture.

(b) Any capsule, lozenge, or pill containing marijuana or its principal psychoactive constituent tetrahydrocannabinol shall be packaged so that one dose, serving, or single wrapped item contains no more than ten milligrams of tetrahydrocannabinol; provided that no manufactured marijuana product that is sold in a pack of multiple doses, servings, or single wrapped items, nor any containers of oils, shall contain more than a total of one hundred milligrams of tetrahydrocannabinol per pack or container.

(c) All manufactured marijuana products shall be individually wrapped at the original point of manufacture."

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

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

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

INTRODUCED BY:

JAN 24 2017

H.B. NO. 1360

Report Title:
Medical Marijuana; Manufactured Marijuana Products; Edibles; Handling; Packaging

Description:
Expands the range of manufactured medical marijuana products that may be produced and sold to include certain edible products. Authorizes eight companies to partner with medical marijuana dispensaries to produce manufactured marijuana products, subject to certain conditions. Establishes requirements for manufacturing, handling, and packaging manufactured marijuana products.

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