



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 9, 2019

GOV. MSG. NO. 1371

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

I am transmitting herewith HB290 HD1 SD2 CD1, without my approval and with the statement of objections relating to the measure.

HB290 HD1 SD2 CD1

RELATING TO THE UNIFORM CONTROLLED
SUBSTANCES ACT.

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

EXECUTIVE CHAMBERS

HONOLULU

July 9, 2019

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 290

Honorable Members
Thirtieth Legislature
State of Hawai'i

Pursuant to Section 16 of Article III of the Constitution of the State of Hawai'i, I am returning herewith, without my approval, House Bill No. 290, entitled "A Bill for an Act Relating to the Uniform Controlled Substances Act."

The purpose of this bill is to authorize qualifying patients or qualifying out-of-state patients to transport medical cannabis between islands for their personal medical use. It further requires the Departments of Transportation and Public Safety to adopt rules pursuant to chapter 91, Hawaii Revised Statutes, as necessary to carry out this purpose.

This bill is objectionable because of the large number of residents and visitors who may be misled to their detriment by the purported authorization in this bill of the interisland transportation of medical cannabis for personal medical use.

Interisland transport necessarily entails travel outside the jurisdiction of the State of Hawai'i, as the State only has jurisdiction up to three nautical miles offshore. Because Hawaii's laws cannot completely regulate the interisland transport of cannabis, a state statute purporting to allow interisland transport may give false comfort to some that such transport is protected from federal enforcement.

The existing law, section 329-122(f), Hawaii Revised Statutes, defines "transport" for the purposes of interisland transportation as "between a production center or retail dispensing location and a certified laboratory for the sole purpose of laboratory testing." This bill amends that definition of "transport" to include "by a qualifying patient or qualifying out-of-state patient for the patient's personal use," but retains the existing wording, "with the understanding that state law and its protections do not apply outside of the jurisdictional limits of the State." Consequently, I believe

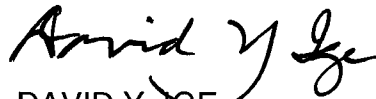
STATEMENT OF OBJECTIONS
HOUSE BILL NO. 290
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that this bill's amendments to section 329-122(f) may result in confusion by residents and visitors as to what protection this bill provides.

In addition, this bill requires the Department of Transportation and the Department of Public Safety to adopt rules "necessary for the purposes of this subsection." It is unclear whether, and if so, how state rules would work for an area that includes federal and international jurisdiction.

For the foregoing reasons, I am returning House Bill No. 290 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "David Y. Ige". The signature is fluid and cursive, with a large loop at the end.

DAVID Y. IGE
Governor of Hawai'i

A BILL FOR AN ACT

RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

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

1 SECTION 1. Section 329-122, Hawaii Revised Statutes, is
2 amended by amending subsection (f) to read as follows:

3 "(f) For the purposes of this section, "transport" means
4 the transportation of cannabis, usable cannabis, or any
5 manufactured cannabis product between:

6 (1) A qualifying patient and the qualifying patient's
7 primary caregiver;

8 (2) A qualifying out-of-state patient under eighteen years
9 of age and the caregiver of a qualifying out-of-state
10 patient;

11 (3) The production centers and the retail dispensing
12 locations under a dispensary licensee's license; or

13 (4) A production center, retail dispensing location,
14 qualifying patient, primary caregiver, qualifying out-
15 of-state patient, or caregiver of a qualifying out-of-
16 state patient and a certified laboratory for the
17 purpose of laboratory testing; provided that a



1 qualifying patient, primary caregiver, qualifying out-
2 of-state patient, or caregiver of a qualifying out-of-
3 state patient may only transport up to one gram of
4 cannabis per test to a certified laboratory for
5 laboratory testing and may only transport the product
6 if the qualifying patient, primary caregiver,
7 qualifying out-of-state patient, or caregiver of a
8 qualifying out-of-state patient:

9 (A) Secures an appointment for testing at a certified
10 laboratory;

11 (B) Obtains confirmation, which may be electronic,
12 that includes the specific time and date of the
13 appointment and a detailed description of the
14 product and amount to be transported to the
15 certified laboratory for the appointment; and

16 (C) Has the confirmation, which may be electronic,
17 available during transport.

18 For purposes of interisland transportation, "transport" of
19 cannabis, usable cannabis, or any manufactured cannabis product,
20 by any means is allowable only by a qualifying patient or
21 qualifying out-of-state patient for the patient's personal



1 medical use, or between a production center or retail dispensing
2 location and a certified laboratory for the sole purpose of
3 laboratory testing pursuant to section 329D-8, as permitted
4 under section 329D-6(m) and subject to section 329D-6(j), and
5 with the understanding that state law and its protections do not
6 apply outside of the jurisdictional limits of the State.

7 ~~[Allowable transport pursuant to this section does not include~~
8 ~~interisland transportation by any means or for any purpose~~
9 ~~between a qualified patient, primary caregiver, qualifying out-~~
10 ~~of state patient, or caregiver of a qualifying out of state~~
11 ~~patient and any other entity or individual, including an~~
12 ~~individual who is a qualified patient, primary caregiver,~~
13 ~~qualifying out of state patient, or caregiver of a qualifying~~
14 ~~out of state patient.] The department of transportation and
15 department of public safety shall adopt rules pursuant to
16 chapter 91 necessary for the purposes of this subsection."~~

17 SECTION 2. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 3. This Act shall take effect upon its approval.



HB No. 290, HD 1, SD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 30, 2019
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.



Scott K. Saiki
Speaker
House of Representatives

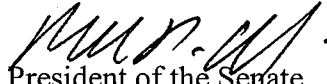


Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: April 30, 2019
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019.


President of the Senate


Clerk of the Senate