THE SENATE
THIRTIETH LEGISLATURE, 2019
STATE OF HAWAII

S.B. NO. 541 S.D. 1 H.D. 2

A BILL FOR AN ACT

RELATING TO MEDICAL CANNABIS PRODUCTS.

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

SECTION 1. The legislature finds that the list of medical cannabis products that may be manufactured and distributed pursuant to section 329D-10, Hawaii Revised Statutes, omits viable products. The legislature notes that the medical cannabis legislative oversight working group, established pursuant to Act 230, Session Laws of Hawaii 2016, recommends amending section 329D-10, Hawaii Revised Statutes, to refer to "transdermal devices" instead of "transdermal patches" as excluding non-patch devices that deliver through the dermis was unintentional.

The purpose of this Act is to further ensure access to medical cannabis for qualifying patients, by simplifying the list of manufactured cannabis products that may be manufactured and distributed by dispensaries and updating language in the medical cannabis dispensary laws to refer to transdermal devices instead of transdermal patches.

SECTION 2. Section 329D-1, Hawaii Revised Statutes, is amended by amending the definition of "manufactured cannabis product" to read as follows:

""Manufactured cannabis 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 cannabis orally, such as an inhaler or nebulizer, that has been manufactured using cannabis, or any other products~~] product as specified by the department pursuant to section [~~329D-10(a)(9).~~] 329D-10."

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

"(a) The types of medical cannabis 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,~~] devices as approved by the department;

(8) Pre-filled and sealed containers used to aerosolize and deliver cannabis orally, such as with an inhaler or nebulizer; provided that containers need not be manufactured by the licensed dispensary but shall be filled with cannabis, cannabis oils, or cannabis extracts manufactured by the licensed dispensary; shall not contain nicotine, tobacco-related products, or any other non-cannabis derived products; and shall be designed to be used with devices used to provide safe pulmonary administration of manufactured cannabis products;

(9) Devices that provide safe pulmonary administration; provided that:

(A) The heating element of the device, if any, is made of inert materials such as glass, ceramic, or stainless steel, and not of plastic or rubber;

(B) The device is distributed solely for use with single-use, pre-filled, tamper-resistant, sealed

containers that do not contain nicotine or other tobacco products;

(C) The device is used to aerosolize and deliver cannabis by inhalation, such as an inhaler, medical-grade nebulizer, or other similar medical grade volitization device;

(D) There is a temperature control on the device that is regulated to prevent the combustion of cannabis oil; and

(E) The device need not be manufactured by the licensed dispensary; and

(10) Other products as specified by the department."

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

SECTION 5. This Act shall take effect on July 1, 2050.

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Report Title:
Medical Cannabis; Manufactured Cannabis Products; Transdermal Devices

Description:
Simplifies the list of manufactured cannabis products that may be manufactured and distributed by dispensaries. Updates transdermal patches to department-approved transdermal devices in the medical cannabis dispensary laws, thereby including non-patch devices that deliver through the dermis. (SB541 HD2)

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