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## A BILL FOR AN ACT

RELATING TO MEDICAL CANNABIS.

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

- 1           SECTION 1. The legislature finds that amendments to  
2 chapter 329D, Hawaii Revised Statutes, are warranted to clarify  
3 legislative intent, ensure smooth administration of the law,  
4 allow for adequate patient access based on experiences in other  
5 states that have a reasonable medical cannabis program, and  
6 resolve other issues that have arisen under the existing law.
- 7           The purposes of this Act are to:
- 8           (1) Allow for a process to remediate any batch of cannabis  
9           that fails laboratory testing standards so long as any  
10           final product passes all such laboratory standards;
- 11           (2) Authorize licensed retail dispensaries to sell edible  
12           cannabis products under certain conditions; and
- 13           (3) Authorize licensed dispensaries to circulate, sponsor,  
14           and promote educational and scientific information and  
15           events related to cannabis.



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

4 "Manufactured cannabis product" means any capsule,  
5 lozenge, oil or oil extract, tincture, ointment or skin lotion,  
6 pill, transdermal patch, or pre-filled and sealed container used  
7 to aerosolize and deliver cannabis orally, such as an inhaler or  
8 nebulizer, that has been manufactured using cannabis, or any  
9 other products as specified by the department pursuant to  
10 section [~~329D-10(a)(10).~~] 329D-10(a)(11)."

11 SECTION 3. Section 329D-8, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

13 "(a) The department shall establish and enforce standards  
14 for laboratory-based testing of cannabis and manufactured  
15 cannabis products for content, contamination, and consistency;  
16 provided that in establishing these standards, the department  
17 shall:

- 18 (1) Review and take guidance from the testing programs and  
19 standards utilized in other jurisdictions;  
20 (2) Consider the impact of the standards on the retail  
21 cost of the product to the qualifying patient;



1 (3) Review and take guidance from the testing programs and  
2 standards for pesticides under the regulations of the  
3 United States Environmental Protection Agency;

4 (4) Consider processes that allow any batch of product  
5 that fails testing standards to be remediated and  
6 manufactured so long as any final product passes  
7 testing standards;

8 [~~4~~] (5) For the testing for microbiological impurities,  
9 consider the benefits of organically grown cannabis  
10 that features the use of bacteria in lieu of  
11 pesticides; and

12 [~~5~~] (6) Include permission for qualifying patients and  
13 primary caregivers to obtain testing services directly  
14 from certified laboratories on the island where the  
15 qualifying patient and primary caregiver reside."

16 SECTION 4. Section 329D-10, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "§329D-10 **Types of manufactured cannabis products.** (a)  
19 The types of medical cannabis products that may be manufactured  
20 and distributed pursuant to this chapter shall be limited to:

21 (1) Capsules;



- 1           (2) Lozenges;
- 2           (3) Pills;
- 3           (4) Oils and oil extracts;
- 4           (5) Tinctures;
- 5           (6) Ointments and skin lotions;
- 6           (7) Transdermal patches;
- 7           (8) Pre-filled and sealed containers used to aerosolize
- 8                 and deliver cannabis orally, such as with an inhaler
- 9                 or nebulizer; provided that containers need not be
- 10                manufactured by the licensed dispensary but shall be
- 11                filled with cannabis, cannabis oils, or cannabis
- 12                extracts manufactured by the licensed dispensary;
- 13                shall not contain nicotine, tobacco-related products,
- 14                or any other non-cannabis derived products; and shall
- 15                be designed to be used with devices used to provide
- 16                safe pulmonary administration of manufactured cannabis
- 17                products;
- 18           (9) Devices that provide safe pulmonary administration;
- 19                provided that:



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

4 (B) The device is distributed solely for use with  
5 single-use, pre-filled, tamper-resistant, sealed  
6 containers that do not contain nicotine or other  
7 tobacco products;

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

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

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

17 (10) Edible cannabis products; and

18 [~~(10)~~] (11) Other products as specified by the department.

19 (b) As used in this section, "lozenge" means a small  
20 tablet manufactured in a manner to allow for the dissolving of  
21 its medicinal or therapeutic component slowly in the mouth.



- 1        (c) As used in this section, "edible cannabis products"  
2 means products intended for human consumption that are infused  
3 with any cannabinoid extracted from the cannabis plant, as  
4 regulated by administrative rules of the department; provided  
5 that these products shall:
- 6        (1) Undergo and pass laboratory testing as required under  
7        section 329D-8;
- 8        (2) Meet all requirements under section 329D-11,  
9        including:
- 10       (A) Providing the following in no less than ten-point  
11       font: "WARNING: CONTAINS CANNABIS AND IS FOR  
12       MEDICAL USE. THIS IS NOT FOOD. KEEP OUT OF  
13       REACH OF CHILDREN";
- 14       (B) Providing a list of all ingredients;
- 15       (C) Providing a statement that this product has  
16       passed testing requirements; and
- 17       (D) Ensuring that the words "candy" or "candies" or  
18       "gummy" or "gummies" do not appear on the product  
19       packaging; and
- 20       (3) Be regulated and approved by the department as medical  
21       manufactured cannabis products and not under section



1           328-1 as "food" and exempted from those further  
2           requirements; provided that the product meets the  
3           other requirements for manufactured products under  
4           section 329D-9."

5           SECTION 5. Section 329D-11, Hawaii Revised Statutes, is  
6 amended to read as follows:

7           "**§329D-11 Advertising and packaging.** (a) The department  
8 shall establish standards regarding the advertising and  
9 packaging of cannabis and manufactured cannabis products;  
10 provided that the standards, at a minimum, shall require the use  
11 of packaging that:

- 12           (1) Is child-resistant and opaque so that the product  
13           cannot be seen from outside the packaging;
- 14           (2) Uses only black lettering on a white background with  
15           no pictures or graphics;
- 16           (3) Is clearly labeled with the phrase "For medical use  
17           only";
- 18           (4) Is clearly labeled with the phrase "Not for resale or  
19           transfer to another person";
- 20           (5) Includes instructions for use and "use by date";



- 1 (6) Contains information about the contents and potency of
- 2 the product;
- 3 (7) Includes the name of the production center where
- 4 cannabis in the product was produced, including the
- 5 batch number and date of packaging;
- 6 (8) Includes a barcode generated by tracking software; and
- 7 (9) In the case of a manufactured cannabis product,
- 8 includes a:
  - 9 (A) Listing of the equivalent physical weight of the
  - 10 cannabis used to manufacture the amount of the
  - 11 product that is within the packaging, pursuant to
  - 12 section 329D-9(c);
  - 13 (B) Clearly labeled warning stating that the product:
    - 14 (i) Is a medication that contains cannabis, and
    - 15 is not a food; and
    - 16 (ii) Should be kept away from children; and
  - 17 (C) Date of manufacture.
- 18 (b) Any capsule, lozenge, or pill containing cannabis or
- 19 its principal psychoactive constituent tetrahydrocannabinol
- 20 shall be packaged so that one dose, serving, or single wrapped
- 21 item contains no more than ten milligrams of





1 tetrahydrocannabinol; provided that no manufactured cannabis  
 2 product that is sold in a pack of multiple doses, servings, or  
 3 single wrapped items, nor any containers of oils, shall contain  
 4 more than a total of one thousand milligrams of  
 5 tetrahydrocannabinol per pack or container; provided further  
 6 that no dispensary shall exceed the dispensing limits imposed by  
 7 section 329D-7.

8 (c) All manufactured cannabis products shall be  
 9 individually wrapped at the original point of manufacture.

10 (d) A dispensary shall be allowed to provide, disseminate,  
 11 and publish educational and scientific materials related to  
 12 cannabis and its products, and sponsor events about cannabis  
 13 that shall not be considered advertising so long as the purpose  
 14 does not seek to promote only the interests of that dispensary."

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

17 SECTION 7. This Act shall take effect on July 1, 2020.

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H.B. NO. 2097

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# H.B. NO. 2097

**Report Title:**

Medical Cannabis; Retail Dispensaries; Testing Standards; Edible Products; Educational and Scientific Information

**Description:**

Allows for a process to remediate any batch of cannabis that fails laboratory testing standards so long as any final product passes all such laboratory standards. Authorizes licensed retail dispensaries to sell edible cannabis products, under certain conditions, and circulate, sponsor, and promote educational and scientific information and events related to cannabis.

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

