

JAN 24 2019

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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 Act 241, Session  
2 Laws of Hawaii 2015, codified as chapter 329D, Hawaii Revised  
3 Statutes, established a licensing framework for a statewide  
4 system of medical cannabis dispensaries to ensure access to  
5 medical cannabis for qualifying patients. Act 230, Session Laws  
6 of Hawaii 2016, Act 41, Session Laws of Hawaii 2017, and Act  
7 116, Session Laws of Hawaii 2018, made further amendments.

8           The legislature further finds that additional amendments to  
9 the law are warranted to clarify legislative intent, to ensure  
10 smooth administration of the law, to allow for adequate patient  
11 access to medical cannabis, and to resolve issues that have  
12 arisen under the current law.

13           The purpose of this Act is to:

14           (1) Allow naturopathic physicians and physician assistants  
15           practicing under supervision to provide written  
16           certification for qualifying patients to improve  
17           patient access to medical cannabis;



- 1           (2) Allow licensed dispensaries to have manufacturing or  
2           processing facilities separate from their production  
3           facilities, while remaining subject to all regulations  
4           under the law;
- 5           (3) Provide a process for the voluntary or involuntary  
6           sale or transfer of a dispensary license;
- 7           (4) Allow dispensaries to operate on state and federal  
8           holidays;
- 9           (5) Allow a licensed dispensary to purchase medical  
10          cannabis or manufactured cannabis products from  
11          another licensed dispensary, with approval from the  
12          department of health, to ensure patient access to  
13          cannabis in the event of a crop failure;
- 14          (6) Allow remediation of any cannabis batch that fails  
15          laboratory testing standards as long as any final  
16          product passes such standards; and
- 17          (7) Allow licensed retail dispensaries to sell edible  
18          cannabis and cannabidiol products.

19           SECTION 2. Chapter 329D, Hawaii Revised Statutes, is  
20   amended by adding a new section to be appropriately designated  
21   and to read as follows:



1        "§329D- Sale or transfer of dispensary license. (a) In  
2 the event of death, legal incapacity, or permanent disability of  
3 an individual dispensary licensee, the relevant entity licensee  
4 shall notify the department within thirty days of the individual  
5 licensee's inability to continue in the individual's capacity as  
6 a licensee, and shall provide to the department within another  
7 thirty days, a plan for the sale or transfer of the individual  
8 license to another individual who shall meet all the  
9 requirements under this chapter.

10        (b) In the event of a voluntary resignation by an  
11 individual licensee, termination of an individual licensee's  
12 employment with an entity licensee with or without cause, or any  
13 other permanent separation of the relationship between an  
14 individual licensee and an entity licensee, the relevant entity  
15 licensee shall submit a plan to the department for approval at  
16 least thirty days prior to any sale or transfer of the  
17 individual license to another individual who shall meet all the  
18 requirements under this chapter."

19        SECTION 3. Section 329-121, Hawaii Revised Statutes, is  
20 amended as follows:

21        1. By amending the definition of "physician" to read:



1        "Physician" means a person who is licensed to practice  
2 under chapter 453 and is licensed with authority to prescribe  
3 drugs and is registered under section 329-32. "Physician" [~~does~~  
4 ~~not~~] shall include a physician assistant as described in section  
5 453-5.3."

6        2. By amending the definition of "written certification"  
7 to read:

8        "Written certification" means the qualifying patient's  
9 medical records or a statement signed by a qualifying patient's  
10 physician, naturopathic physician, or advanced practice  
11 registered nurse, stating that in the physician's, naturopathic  
12 physician's, or advanced practice registered nurse's  
13 professional opinion, the qualifying patient has a debilitating  
14 medical condition and the potential benefits of the medical use  
15 of cannabis would likely outweigh the health risks for the  
16 qualifying patient. The department of health may require,  
17 through its rulemaking authority, that all written  
18 certifications comply with a designated form. "Written  
19 certifications" are valid for one year from the time of signing;  
20 provided that the department of health may allow for the  
21 validity of any written certification for up to three years if



1 the qualifying patient's physician, naturopathic physician, or  
2 advanced practice registered nurse states that the patient's  
3 debilitating medical condition is chronic in nature."

4 3. By adding a new definition to be appropriately  
5 inserted and to read:

6 ""Naturopathic physician" means a person who holds a  
7 current license issued under chapter 455 to practice  
8 naturopathic medicine, is licensed with authority to prescribe  
9 drugs, and is registered under section 329-32."

10 SECTION 4. Section 329-122, Hawaii Revised Statutes, is  
11 amended as follows:

12 1. By amending subsection (a) to read:

13 "(a) Notwithstanding any law to the contrary, the medical  
14 use of cannabis by a qualifying patient shall be permitted only  
15 if:

16 (1) The qualifying patient has been diagnosed by a  
17 physician, naturopathic physician, or advanced  
18 practice registered nurse as having a debilitating  
19 medical condition;

20 (2) The qualifying patient's physician, naturopathic  
21 physician, or advanced practice registered nurse has



1 certified in writing that, in the physician's,  
2 naturopathic physician's, or advanced practice  
3 registered nurse's professional opinion, the potential  
4 benefits of the medical use of cannabis would likely  
5 outweigh the health risks for the particular  
6 qualifying patient; and

7 (3) The amount of cannabis possessed by the qualifying  
8 patient does not exceed an adequate supply."

9 2. By amending subsection (e) to read:

10 "(e) The authorization for the medical use of cannabis in  
11 this section shall not apply to:

12 (1) The medical use of cannabis that endangers the health  
13 or well-being of another person;

14 (2) The medical use of cannabis:

15 (A) In a school bus, public bus, or any moving  
16 vehicle;

17 (B) In the workplace of one's employment;

18 (C) On any school grounds;

19 (D) At any public park, public beach, public

20 recreation center, recreation or youth center; or



1 (E) At any other place open to the public; provided  
2 that [a]:

3 (i) A qualifying patient shall not be prohibited  
4 from use of cannabis in private rooms or  
5 residences located in a state-licensed  
6 assisted living facility; and

7 (ii) A qualifying patient, primary caregiver,  
8 qualifying out-of-state patient, caregiver  
9 of a qualifying out-of-state patient, or an  
10 owner or employee of a medical cannabis  
11 dispensary licensed under chapter 329D shall  
12 not be prohibited from transporting cannabis  
13 or any manufactured cannabis product, as  
14 that term is defined in section 329D-1, in  
15 any public place; provided further that the  
16 cannabis or manufactured cannabis product  
17 shall be transported in a sealed container,  
18 not be visible to the public, and shall not  
19 be removed from its sealed container or  
20 consumed or used in any way while it is in  
21 the public place; and



1 (3) The use of cannabis by a qualifying patient, parent,  
2 primary caregiver, qualifying out-of-state patient, or  
3 caregiver of a qualifying out-of-state patient, for  
4 purposes other than medical use permitted by this  
5 part."

6 SECTION 5. Section 329-123, Hawaii Revised Statutes, is  
7 amended by amending subsections (a) and (b) to read as follows:

8 "(a) Physicians, naturopathic physicians, or advanced  
9 practice registered nurses who issue written certifications  
10 shall provide, in each written certification, the name, address,  
11 patient identification number, and other identifying information  
12 of the qualifying patient. The department of health shall  
13 require, in rules adopted pursuant to chapter 91, that all  
14 written certifications comply with a designated form completed  
15 by or on behalf of a qualifying patient. The form shall require  
16 information from [the]:

17 (1) The applicant[7];

18 (2) The primary caregiver[7]; and

19 (3) The physician, naturopathic physician, or advanced  
20 practice registered nurse, as specifically required or  
21 permitted by this chapter. The form shall require the





1 address of the location where the cannabis is grown  
2 and shall appear on the registry card issued by the  
3 department of health. The certifying physician,  
4 naturopathic physician, or advanced practice  
5 registered nurse shall be required to have a bona fide  
6 physician-patient relationship, bona fide naturopathic  
7 physician-patient relationship, or bona fide advanced  
8 practice registered nurse-patient relationship, as  
9 applicable, with the qualifying patient. All current  
10 active medical cannabis permits shall be honored  
11 through their expiration date.

12 (b) Qualifying patients shall register with the department  
13 of health. The registration shall be effective until the  
14 expiration of the certificate issued by the department of health  
15 and signed by the physician, naturopathic physician, or advanced  
16 practice registered nurse. Every qualifying patient shall  
17 provide sufficient identifying information to establish the  
18 personal identities of the qualifying patient and the primary  
19 caregiver. Qualifying patients shall report changes in  
20 information within ten working days. Every qualifying patient  
21 shall have only one primary caregiver at any given time. The



1 department of health shall issue to the qualifying patient a  
2 registration certificate, and shall charge \$35 per year."

3 SECTION 6. Section 329-126, Hawaii Revised Statutes, is  
4 amended by amending its title and subsection (a) to read as  
5 follows:

6 "§329-126 Protections afforded to a treating physician,  
7 naturopathic physician, or advanced practice registered nurse.

8 (a) No physician, naturopathic physician, or advanced practice  
9 registered nurse shall be subject to arrest or prosecution,  
10 penalized in any manner, or denied any right or privilege for  
11 providing written certification for the medical use of cannabis  
12 for a qualifying patient; provided that:

13 (1) The physician, naturopathic physician, or advanced  
14 practice registered nurse has diagnosed the patient as  
15 having a debilitating medical condition, as defined in  
16 section 329-121;

17 (2) The physician, naturopathic physician, or advanced  
18 practice registered nurse has explained the potential  
19 risks and benefits of the medical use of cannabis, as  
20 required under section 329-122;



1           (3) The written certification is based upon the  
 2           physician's, naturopathic physician's, or advanced  
 3           practice registered nurse's professional opinion after  
 4           having completed a full assessment of the patient's  
 5           medical history and current medical condition made in  
 6           the course of a bona fide physician-patient  
 7           relationship, bona fide naturopathic physician-patient  
 8           relationship, or bona fide advanced practice  
 9           registered nurse-patient relationship, as applicable;  
 10          and

11          (4) The physician, naturopathic physician, or advanced  
 12          practice registered nurse has complied with the  
 13          registration requirements of section 329-123."

14          SECTION 7. Section 329-128, Hawaii Revised Statutes, is  
 15          amended by amending subsection (b) to read as follows:

16          "(b) Notwithstanding any law to the contrary, fraudulent  
 17          misrepresentation to a law enforcement official of any fact or  
 18          circumstance relating to the issuance of a written certificate  
 19          by a physician, naturopathic physician, or advanced practice  
 20          registered nurse not covered under section 329-126 for the  
 21          medical use of cannabis shall be a misdemeanor. This penalty



1 shall be in addition to any other penalties that may apply for  
2 the non-medical use of cannabis."

3 SECTION 8. Section 329D-2, Hawaii Revised Statutes, is  
4 amended by amending subsection (f) to read as follows:

5 "(f) Up to two production centers shall be allowed under  
6 each dispensary license; provided that [7] up to two separate  
7 manufacturing or processing facilities may be authorized which  
8 shall meet all requirements of any dispensary facility, but  
9 shall not be considered as production centers for the purposes  
10 of the two production center limit; provided further that,  
11 except as otherwise specified in subsection (k), each production  
12 center shall be limited to no more than three thousand cannabis  
13 plants. For purposes of this subsection, "plant" means a  
14 cannabis plant that is greater than twelve vertical inches in  
15 height from where the base of the stalk emerges from the growth  
16 medium to the tallest point of the plant, or greater than twelve  
17 horizontal inches in width from the end of one branch to the end  
18 of another branch; provided that multiple stalks emanating from  
19 the same root ball or root system shall be considered part of  
20 the same single plant."



1 SECTION 9. Section 329D-3, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3 "(c) A dispensary license shall not be sold or otherwise  
4 transferred from one person to another person[-] without  
5 approval from the department as provided in section 329D- ."

6 SECTION 10. Section 329D-6, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "§329D-6 **Dispensary operations.** (a) No person shall  
9 operate a dispensary, nor engage in the production, manufacture,  
10 or sale of cannabis or manufactured cannabis products, unless  
11 the person has obtained a license from the department pursuant  
12 to this chapter.

13 (b) No dispensary licensee, its officers, employees, or  
14 agents shall provide written certification for the use of  
15 medical cannabis or manufactured cannabis products for any  
16 person.

17 (c) No person under the age of twenty-one shall be  
18 employed by a dispensary licensee.

19 (d) Notwithstanding any other law to the contrary,  
20 including but not limited to sections 378-2 and 378-2.5,  
21 dispensaries:



1 (1) Shall deny employment to any individual who has been:

2 (A) Convicted of murder in any degree;

3 (B) Convicted of a class A or class B felony; or

4 (C) Convicted of a class C felony involving  
5 trafficking, distributing, or promoting a  
6 schedule I or II controlled substance other than  
7 cannabis within the last ten years; and

8 (2) May deny employment to any individual who has been  
9 convicted of a class C felony involving:

10 (A) Fraud, deceit, misrepresentation, embezzlement,  
11 or theft; or

12 (B) Endangering the welfare of a minor.

13 Employment under this chapter shall be exempt from section  
14 378-2(a)(1), as it relates to arrest and court record  
15 discrimination, and section 378-2.5.

16 (e) Retail dispensing locations shall not be open for  
17 retail sales before 8:00 a.m. or after 8:00 p.m., Hawaii-  
18 Aleutian Standard Time, Monday through Sunday. [~~Retail~~  
19 ~~dispensing locations shall be closed on official state and~~  
20 ~~federal holidays.~~]



1 (f) All dispensary facilities, including but not limited  
2 to production centers and retail dispensing locations, shall be  
3 enclosed indoor facilities and shall maintain twenty-four hour  
4 security measures, including but not limited to an alarm system,  
5 video monitoring and recording on the premises, and exterior  
6 lighting. A dispensary licensee who intends to utilize, as a  
7 production center, an enclosed indoor facility that includes a  
8 roof that is partially or completely transparent or translucent,  
9 as provided under section 329D-1, shall notify the department of  
10 that intention prior to altering or constructing the facility.  
11 Production centers shall remain locked at all times. Retail  
12 dispensing locations shall remain locked at all times, other  
13 than business hours as authorized by subsection (e), and shall  
14 only be opened for authorized persons.

15 (g) In all dispensary facilities, only the licensee, if an  
16 individual, registered employees of the dispensary licensee,  
17 registered employees of a subcontracted production center or  
18 retail dispensing location, employees of a certified laboratory  
19 for testing purposes, state employees authorized by the director  
20 of health, and law enforcement and other government officials  
21 acting in their official capacity shall be permitted to touch or



1 handle any cannabis or manufactured cannabis products, except  
2 that a qualifying patient, primary caregiver, qualifying out-of-  
3 state patient, or caregiver of a qualifying out-of-state patient  
4 may receive manufactured cannabis products at a retail  
5 dispensing location following completion of a sale.

6 (h) A dispensary shall provide the department with the  
7 address, tax map key number, and a copy of the premises lease,  
8 if applicable, of the proposed location of a production center  
9 allowed under a license for a county not later than thirty days  
10 prior to any medical cannabis or manufactured cannabis products  
11 being produced or manufactured at that production center.

12 (i) A dispensary shall provide the department with the  
13 address, tax map key number, and a copy of the premises lease,  
14 if applicable, of the proposed location of each retail  
15 dispensing location allowed under a license not less than sixty  
16 days prior to opening for business.

17 (j) The department shall establish, maintain, and control  
18 a computer software tracking system that shall have real time,  
19 twenty-four-hour access to the data of all dispensaries.

20 (1) The computer software tracking system shall collect  
21 data relating to:





- 1 (A) The total amount of cannabis in possession of all  
2 dispensaries from either seed or immature plant  
3 state, including all plants that are derived from  
4 cuttings or cloning, until the cannabis, cannabis  
5 plants, or manufactured cannabis product is sold  
6 or destroyed pursuant to section 329D-7;
- 7 (B) The total amount of manufactured cannabis product  
8 inventory, including the equivalent physical  
9 weight of cannabis that is used to manufacture  
10 manufactured cannabis products, purchased by a  
11 qualifying patient, primary caregiver, qualifying  
12 out-of-state patient, and caregiver of a  
13 qualifying out-of-state patient from all retail  
14 dispensing locations in the State in any fifteen-  
15 day period;
- 16 (C) The amount of waste produced by each plant at  
17 harvest; and
- 18 (D) The transport of cannabis and manufactured  
19 cannabis products between production centers and  
20 retail dispensing locations [7] and as permitted  
21 by subsection (r), including tracking



1 identification issued by the tracking system, the  
2 identity of the person transporting the cannabis  
3 or manufactured cannabis products, and the make,  
4 model, and license number of the vehicle being  
5 used for the transport;

6 (2) The procurement of the computer software tracking  
7 system established pursuant to this subsection shall  
8 be exempt from chapter 103D; provided that:

9 (A) The department shall publicly solicit at least  
10 three proposals for the computer software  
11 tracking system; and

12 (B) The selection of the computer software tracking  
13 system shall be approved by the director of the  
14 department and the chief information officer; and

15 (3) Notwithstanding any other provision of this subsection  
16 to the contrary, once the department has authorized a  
17 licensed dispensary to commence sales of cannabis or  
18 manufactured cannabis products, if the department's  
19 computer software tracking system is inoperable or is  
20 not functioning properly, as an alternative to  
21 requiring dispensaries to temporarily cease



1 operations, the department may implement an alternate  
2 tracking system that will enable a qualifying patient,  
3 primary caregiver, qualifying out-of-state patient,  
4 and caregiver of a qualifying out-of-state patient to  
5 purchase cannabis or manufactured cannabis products  
6 from a licensed dispensary on a temporary basis. The  
7 department shall seek input regarding the alternate  
8 tracking system from medical cannabis licensees. The  
9 alternate tracking system may operate as follows:

10 (A) The department may immediately notify all  
11 licensed dispensaries that the computer software  
12 tracking system is inoperable; and

13 (B) Once the computer software tracking system is  
14 operational and functioning to meet the  
15 requirements of this subsection, the department  
16 may notify all licensed dispensaries, and the  
17 alternate tracking system in this subsection  
18 shall be discontinued.

19 (k) A dispensary licensed pursuant to this chapter shall  
20 purchase, operate, and maintain a computer software tracking  
21 system that shall:



- 1           (1) Interface with the department's computer software  
2           tracking system established pursuant to subsection  
3           (j);
- 4           (2) Allow each licensed dispensary's production center to  
5           submit to the department in real time, by automatic  
6           identification and data capture, all cannabis,  
7           cannabis plants, and manufactured cannabis product  
8           inventory in possession of that dispensary from either  
9           seed or immature plant state, including all plants  
10          that are derived from cuttings or cloning, until the  
11          cannabis or manufactured cannabis product is sold or  
12          destroyed pursuant to section 329D-7;
- 13          (3) Allow the licensed dispensary's retail dispensing  
14          location to submit to the department in real time for  
15          the total amount of cannabis and manufactured cannabis  
16          product purchased by a qualifying patient, primary  
17          caregiver, qualifying out-of-state patient, and  
18          caregiver of a qualifying out-of-state patient from  
19          the dispensary's retail dispensing locations in the  
20          State in any fifteen day period; provided that the  
21          software tracking system shall impose an automatic



1 stopper in real time, which cannot be overridden, on  
2 any further purchases of cannabis or manufactured  
3 cannabis products, if the maximum allowable amount of  
4 cannabis has already been purchased for the applicable  
5 fifteen day period; provided further that additional  
6 purchases shall not be permitted until the next  
7 applicable period; and

8 (4) Allow the licensed dispensary to submit all data  
9 required by this subsection to the department and  
10 permit the department to access the data if the  
11 department's computer software tracking system is not  
12 functioning properly and sales are made pursuant to  
13 the alternate tracking system under subsection (j).

14 (1) No free samples of cannabis or manufactured cannabis  
15 products shall be provided at any time, and no consumption of  
16 cannabis or manufactured cannabis products shall be permitted on  
17 any dispensary premises.

18 (m) [A] Except as permitted pursuant to subsection (r), a  
19 dispensary shall not transport cannabis or manufactured cannabis  
20 products to another county or another island; provided that this  
21 subsection shall not apply to the transportation of cannabis or



1 any manufactured cannabis product solely for the purposes of  
2 laboratory testing pursuant to section 329D-8, and subject to  
3 subsection (j), if no certified laboratory is located in the  
4 county or on the island where the dispensary is located;  
5 provided further that a dispensary shall only transport samples  
6 of cannabis and manufactured cannabis products for laboratory  
7 testing for purposes of this subsection in an amount and manner  
8 prescribed by the department, in rules adopted pursuant to this  
9 chapter, and with the understanding that state law and its  
10 protections do not apply outside of the jurisdictional limits of  
11 the State.

12 (n) [A] Except for dispensary-to-dispensary sales as  
13 provided in subsection (r), a dispensary shall be prohibited  
14 from off-premises delivery of cannabis or manufactured cannabis  
15 products to a qualifying patient, primary caregiver, qualifying  
16 out-of-state patient, or caregiver of a qualifying out-of-state  
17 patient.

18 (o) A dispensary shall not:

19 (1) Display cannabis or manufactured cannabis products in  
20 windows or in public view; or



1           (2) Post any signage other than a single sign no greater  
2           than one thousand six hundred square inches bearing  
3           only the business or trade name in text without any  
4           pictures or illustrations; provided that if any  
5           applicable law or ordinance restricting outdoor  
6           signage is more restrictive, that law or ordinance  
7           shall govern.

8           (p) No cannabis or manufactured cannabis products shall be  
9           transported to, from, or within any federal fort or arsenal,  
10          national park or forest, any other federal enclave, or any other  
11          property possessed or occupied by the federal government.

12          (q) A dispensary licensed pursuant to this chapter shall  
13          be prohibited from providing written certification pursuant to  
14          section 329-122 for the use of medical cannabis for any person.

15          (r) In the event of a crop failure of cannabis plants that  
16          could affect patient access, the department may permit a  
17          dispensary to purchase medical cannabis and manufactured  
18          cannabis products from another dispensary in an amount and  
19          manner prescribed by the department by rules adopted pursuant to  
20          this chapter and chapter 91; provided that:



1       (1) The purchasing dispensary documents the failure of the  
2       cannabis crops and submits the documentation to the  
3       department;

4       (2) The selling dispensary is permitted by the department  
5       to transport cannabis or manufactured cannabis  
6       products to another county or another island, for the  
7       limited purpose of completing its sale to the  
8       purchasing dispensary pursuant to this subsection, in  
9       an amount and manner prescribed by the department by  
10       rules adopted pursuant to this chapter and chapter 91  
11       and with the understanding that state law and its  
12       protections do not apply outside of the jurisdictional  
13       limits of the State; and

14       (3) Nothing in this subsection shall relieve any  
15       dispensary of its responsibilities and obligations  
16       under this chapter and chapter 329."

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

19       "(a) The department shall establish and enforce standards  
20       for laboratory-based testing of cannabis and manufactured  
21       cannabis products for content, contamination, and consistency;





1 provided that in establishing these standards, the department  
2 shall:

- 3 (1) Review and take guidance from the testing programs and  
4 standards utilized in other jurisdictions;
- 5 (2) Consider the impact of the standards on the retail  
6 cost of the product to the qualifying patient;
- 7 (3) Review and take guidance from the testing programs and  
8 standards for pesticides under the regulations of the  
9 United States Environmental Protection Agency;
- 10 (4) Consider processes that allow any batch of cannabis or  
11 manufactured cannabis products that fails testing  
12 standards to be remediated and manufactured as long as  
13 any final cannabis or manufactured cannabis product  
14 passes testing standards;
- 15 (5) For the testing for microbiological impurities,  
16 consider the benefits of organically grown cannabis  
17 that features the use of bacteria in lieu of  
18 pesticides; and
- 19 [~~5~~] (6) Include permission for qualifying patients and  
20 primary caregivers to obtain testing services directly



1 from certified laboratories on the island where the  
2 qualifying patient and primary caregiver reside."

3 SECTION 12. Section 329D-10, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§329D-10 Types of manufactured cannabis products. (a)

6 The types of medical cannabis products that may be manufactured  
7 and distributed pursuant to this chapter shall be limited to:

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



1 or any other non-cannabis derived products; and shall  
2 be designed to be used with devices used to provide  
3 safe pulmonary administration of manufactured cannabis  
4 products;

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

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

10 (B) The device is distributed solely for use with  
11 single-use, pre-filled, tamper-resistant, sealed  
12 containers that do not contain nicotine or other  
13 tobacco products;

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

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



1 (E) The device need not be manufactured by the  
2 licensed dispensary; [and]

3 (10) Edible cannabis products;

4 (11) Cannabidiol products; and

5 (12) Other products as specified by the department.

6 (b) As used in this section [~~,"lozenge"~~]:

7 "Lozenge" means a small tablet manufactured in a manner to  
8 allow for the dissolving of its medicinal or therapeutic  
9 component slowly in the mouth.

10 "Edible cannabis products" means food products intended for  
11 human consumption that are infused with any cannabinoid  
12 extracted from the cannabis plant as regulated by administrative  
13 rules of the department.

14 "Cannabidiol products" means any products derived from the  
15 cannabis sativa which contain cannabidiol, including cannabidiol  
16 derived from hemp as defined in the Agriculture Improvement Act  
17 of 2018, P.L. 115-334."

18 SECTION 13. This Act does not affect rights and duties  
19 that matured, penalties that were incurred, and proceedings that  
20 were begun before its effective date.



1 SECTION 14. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 15. This Act shall take effect upon its approval.

4

INTRODUCED BY:                     *Neil D. Hill*                    

**By Request**



# S.B. NO. 1430

**Report Title:**

Department of Health; Cannabis; Cannabidiol Products;  
Naturopathic Physician; License; Dispensary

**Description:**

Allows naturopathic physicians and physician assistants to provide written certification for qualifying patients. Allows licensed dispensaries to have up to two additional manufacturing or processing facilities separate from their production facilities. Provides a process for the voluntary or involuntary sale or transfer of an individual dispensary license. Allows retail dispensaries to operate on state and federal holidays. Allows a licensed dispensary to purchase medical cannabis or manufactured cannabis products from another licensed dispensary, with department approval, in the event of a crop failure. Allows remediation of any cannabis batch that fails laboratory testing standards as long as any final product passes such standards. Allows licensed retail dispensaries to sell edible cannabis and cannabidiol products.

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

