
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 chapter 329D, Hawaii
2 Revised Statutes, codified in 2015, established a licensing
3 scheme for a statewide system of medical cannabis dispensaries
4 to ensure access to medical cannabis for qualifying patients,
5 with further amendments made by Act 230, Session Laws of Hawaii
6 2016; Act 41, Session Laws of Hawaii 2017; Act 116, Session Laws
7 of Hawaii 2018; and Act 240, Session Laws of Hawaii 2019.

8 The legislature further finds that some qualifying patients
9 and primary caregivers continue to have difficulty physically
10 getting to a retail dispensing location due to transportation
11 issues, their physical disability and pain, or geographic
12 distance. The legislature notes that states such as Arizona,
13 Colorado, New Mexico, and Oregon have established cannabis
14 delivery systems.

15 The purpose of this Act is to provide for a safe, secure,
16 and transparent system for qualifying patients and primary



1 caregivers to have medical cannabis and manufactured cannabis
2 products delivered to their homes.

3 SECTION 2. Chapter 329D, Hawaii Revised Statutes, is
4 amended by adding two new sections to be appropriately
5 designated and to read as follows:

6 "§329D-A Medical cannabis delivery permit; delivery to
7 qualifying patient or primary caregiver. (a) Notwithstanding
8 subsection 329D-6(n) to the contrary, the department may issue a
9 medical cannabis delivery permit to a medical cannabis
10 dispensary for the safe and secure transport of medical cannabis
11 or manufactured cannabis products to a qualifying patient or
12 primary caregiver.

13 (b) A medical cannabis delivery permit issued pursuant to
14 this section shall be valid for one year and may be renewed
15 annually upon renewal of the medical cannabis dispensary
16 license.

17 (c) A medical cannabis delivery permit issued pursuant to
18 this section shall apply to only one dispensary; provided that a
19 single medical cannabis delivery permit may apply to multiple
20 retail dispensing locations if the retail dispensing locations



1 are covered under the same dispensary's license, as specified in
2 this chapter and rules adopted by the department.

3 (d) At the time of an order for delivery of medical
4 cannabis or manufactured cannabis products, the dispensary shall
5 require the qualifying patient or primary caregiver to verify
6 that the qualifying patient is qualified to purchase and receive
7 a delivery of medical cannabis or manufactured cannabis products
8 pursuant to this section, including:

- 9 (1) The qualifying patient's name and date of birth;
- 10 (2) The medical cannabis registration certificate number
11 reflected on the qualifying patient's or primary
12 caregiver's registration with the department;
- 13 (3) The address of the residence where the order will be
14 delivered; and
- 15 (4) Any other information required by the department.

16 (e) A dispensary with a valid medical cannabis delivery
17 permit may receive an order by electronic means from a
18 qualifying patient or primary caregiver for the purchase and
19 delivery of medical cannabis or manufactured cannabis products
20 using an online platform for medical cannabis or manufactured
21 cannabis product delivery; provided that the online platform

1 shall require the qualifying patient or primary caregiver to
2 choose a retail dispensing location before viewing the price of
3 the medical cannabis or manufactured cannabis product.

4 (f) A dispensary may deliver medical cannabis and
5 manufactured cannabis products only to the qualifying patient or
6 primary caregiver who placed the order and who:

7 (1) Provides valid photographic identification in the form
8 of a state identification card, driver's license, or
9 passport;

10 (2) Has a photographic image taken of the qualifying
11 patient or primary caregiver and a photographic image
12 taken of the photographic identification at the time
13 of delivery; and

14 (3) Provides a signature acknowledging the delivery of the
15 medical cannabis or manufactured cannabis product.

16 (g) Any person delivering medical cannabis or manufactured
17 cannabis products shall:

18 (1) Be a current employee of the dispensary;

19 (2) Have completed training on proof of identification and
20 verification, including all forms of identification
21 deemed acceptable by the department; and



1 (3) Have completed any other training required by the
2 department.

3 (h) A dispensary with a valid medical cannabis delivery
4 permit issued pursuant to this section shall:

5 (1) Charge a \$1 surcharge on each delivery made pursuant
6 to this section, which shall be collected and remitted
7 to the department on a monthly basis;

8 (2) Track the medical cannabis and manufactured cannabis
9 products delivered to a qualifying patient or a
10 primary caregiver using its computer software tracking
11 system pursuant to section 329D-6(j);

12 (3) Deliver only to a qualifying patient or a primary
13 caregiver at the address provided in the order for
14 medical cannabis or manufactured cannabis products;
15 and

16 (4) Deliver only to private residences.

17 (i) A dispensary with a valid medical cannabis delivery
18 permit issued pursuant to this section shall not:

19 (1) Deliver medical cannabis or manufactured cannabis
20 products to any qualifying patient or primary
21 caregiver while also transporting medical cannabis or



1 manufactured cannabis products between the
2 dispensary's production centers and retail dispensing
3 locations in the same vehicle;

4 (2) Deliver medical cannabis and manufactured cannabis
5 products in excess of the amounts established under
6 section 329D-13; or

7 (3) Deliver more than once per day to the same qualifying
8 patient, primary caregiver, or private residence.

9 (j) It shall not be a violation of any state or county
10 civil or criminal law for a dispensary with a medical cannabis
11 delivery permit, or a person who has made timely and sufficient
12 application for the renewal of the permit, or a dispensary's
13 licensees as authorized by the department to possess, transport,
14 and deliver medical cannabis or manufactured cannabis products
15 pursuant to this section in amounts that do not exceed the
16 amounts established by the department.

17 (k) The department shall disclose any reports, including
18 complaints, investigative actions, and final agency action
19 orders, upon request, to any state or county agency engaged in
20 the criminal investigation or prosecution of violations of
21 applicable state or county law or regulations related to



1 criminal activity that is materially related to medical cannabis
2 delivery.

3 (l) Notwithstanding any provision of this section to the
4 contrary, delivery of medical cannabis or manufactured cannabis
5 products shall not be permitted at any school or on the campus
6 of any institution of higher education.

7 (m) For purposes of this section, "private residence"
8 means the private premises where a person lives, such as a
9 private dwelling place or place of habitation. "Private
10 residence" specifically excludes any premises located at a
11 school or on the campus of any institution of higher education,
12 or any other public property.

13 §329D-B Medical cannabis transporter license. The
14 department may issue a medical cannabis transporter license to a
15 person instead of a dispensary; provided that any licensed
16 medical cannabis transporter shall:

17 (1) Follow the requirements for delivery of medical
18 cannabis or manufactured cannabis product from a
19 designated dispensary to a qualifying patient as
20 required under section 329D-A, including the tracking
21 requirements pursuant to section 329-A(h) (2);



- 1 (2) Meet the same requirements for delivery of medical
- 2 cannabis or manufactured cannabis products from a
- 3 designated dispensary to a qualifying patient
- 4 applicable to medical cannabis delivery permits as
- 5 specified under section 329D-A;
- 6 (3) Be authorized to transport medical cannabis or
- 7 manufactured cannabis products for more than one
- 8 dispensary under the terms and conditions set by the
- 9 department; provided that a retail medical cannabis
- 10 transporter shall not be allowed to deliver to more
- 11 than qualifying patients in one trip from a
- 12 dispensary;
- 13 (4) Meet all requirements of this chapter applicable to
- 14 subcontractors; and
- 15 (5) Have a revocable, but valid driver's license for a
- 16 duration of one year that may be renewed annually."

17 SECTION 3. Section 329D-6, Hawaii Revised Statutes, is
 18 amended as follows:

19 1. By amending subsection (j) to read:

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

4 (1) The computer software tracking system shall collect
5 data relating to:

6 (A) The total amount of cannabis in possession of all
7 dispensaries from either seed or immature plant
8 state, including all plants that are derived from
9 cuttings or cloning, until the cannabis, cannabis
10 plants, or manufactured cannabis product is sold
11 or destroyed pursuant to section 329D-7;

12 (B) The total amount of manufactured cannabis product
13 inventory, including the equivalent physical
14 weight of cannabis that is used to manufacture
15 manufactured cannabis products, purchased by a
16 qualifying patient, primary caregiver, qualifying
17 out-of-state patient, and caregiver of a
18 qualifying out-of-state patient from all retail
19 dispensing locations in the State in any fifteen-
20 day period;



- 1 (C) The amount of waste produced by each plant at
- 2 harvest; [~~and~~]
- 3 (D) The transport of cannabis and manufactured
- 4 cannabis products between production centers and
- 5 retail dispensing locations, including tracking
- 6 identification issued by the tracking system, the
- 7 identity of the person transporting the cannabis
- 8 or manufactured cannabis products, and the make,
- 9 model, and license number of the vehicle being
- 10 used for the transport; and
- 11 (E) The delivery of cannabis and manufactured
- 12 cannabis products pursuant to sections 329D-A and
- 13 329D-B;
- 14 (2) The procurement of the computer software tracking
- 15 system established pursuant to this subsection shall
- 16 be exempt from chapter 103D; provided that:
- 17 (A) The department shall publicly solicit at least
- 18 three proposals for the computer software
- 19 tracking system; and

1 (B) The selection of the computer software tracking
2 system shall be approved by the director of the
3 department and the chief information officer; and
4 (3) Notwithstanding any other provision of this subsection
5 to the contrary, once the department has authorized a
6 licensed dispensary to commence sales of cannabis or
7 manufactured cannabis products, if the department's
8 computer software tracking system is inoperable or is
9 not functioning properly, as an alternative to
10 requiring dispensaries to temporarily cease
11 operations, the department may implement an alternate
12 tracking system that will enable a qualifying patient,
13 primary caregiver, qualifying out-of-state patient,
14 and caregiver of a qualifying out-of-state patient to
15 purchase cannabis or manufactured cannabis products
16 from a licensed dispensary on a temporary basis. The
17 department shall seek input regarding the alternate
18 tracking system from medical cannabis licensees. The
19 alternate tracking system may operate as follows:

1 (A) The department may immediately notify all
2 licensed dispensaries that the computer software
3 tracking system is inoperable; and

4 (B) Once the computer software tracking system is
5 operational and functioning to meet the
6 requirements of this subsection, the department
7 may notify all licensed dispensaries, and the
8 alternate tracking system in this subsection
9 shall be discontinued."

10 2. By amending subsection (n) to read:

11 "(n) [A] Except as otherwise provided in section 329D-A, a
12 dispensary shall be prohibited from off-premises delivery of
13 cannabis or manufactured cannabis products to a qualifying
14 patient, primary caregiver, qualifying out-of-state patient, or
15 caregiver of a qualifying out-of-state patient."

16 SECTION 4. Section 329D-12, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

18 "(a) The following shall be subject to background checks
19 conducted by the department or its designee, including but not
20 limited to criminal history record checks in accordance with
21 section 846-2.7:



- 1 (1) Each applicant and licensee for a medical cannabis
2 dispensary license, including the individual applicant
3 and all officers, directors, members of a limited
4 liability corporation; shareholders with at least
5 twenty-five per cent or more ownership interest in a
6 corporation; and managers of an entity applicant;
- 7 (2) Each employee of a medical cannabis dispensary;
- 8 (3) Each employee of a subcontracted production center or
9 retail dispensing location;
- 10 (4) All officers, directors, members of a limited
11 liability corporation; and shareholders with at least
12 twenty-five per cent or more ownership interest in a
13 corporate owner of a subcontracted production center
14 or retail dispensing location; [~~and~~]
- 15 (5) Any person permitted to enter and remain in a
16 dispensary facility pursuant to section 329D-15(a)(4)
17 or 329D-16(a)(3) [-]; and
- 18 (6) A licensed medical cannabis transporter pursuant to
19 section 329D-B.

1 The person undergoing the background check shall provide written
2 consent and all applicable processing fees to the department or
3 its designee to conduct the background checks."

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

7 SECTION 6. In codifying the new sections added by section
8 2 of this Act, the revisor of statutes shall substitute
9 appropriate section numbers for the letters used in designating
10 the new sections in this Act.

11 SECTION 7. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 8. This Act shall take effect on July 1, 2050.



Report Title:

Medical Cannabis; Dispensaries; Delivery

Description:

Authorizes the department of health to issue permits to medical cannabis dispensaries for the delivery of medical cannabis and manufactured cannabis products to qualifying patients or primary caregivers if certain conditions are met. Authorizes the department of health to issue medical cannabis transporter licenses in specific situations. Effective 7/1/2050. (HD1)

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