

JAN 18 2019

A BILL FOR AN ACT

RELATING TO MEDICAL CANNABIS COLLECTIVES.

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

1 SECTION 1. The purpose of this Act is to allow qualifying
2 patients to form medical cannabis collectives, which are
3 certified and regulated by the department of health, for the
4 purpose of pooling excess cannabis lawfully cultivated by those
5 qualifying patients and recovering costs incurred by cultivating
6 the excess medical cannabis.

7 SECTION 2. Chapter 329, Hawaii Revised Statutes, is
8 amended by adding a new section to part IX to be appropriately
9 designated and to read as follows:

10 "§329- Certified medical cannabis collectives. (a)
11 Qualifying patients having valid registration certificates
12 pursuant to section 329-123 may form medical cannabis
13 collectives pursuant to this section and rules adopted pursuant
14 to this section for the purposes of pooling excess cannabis that
15 is lawfully cultivated by those qualifying patients and selling
16 that cannabis to members of the collective for the members'
17 lawful personal use.



1 (b) No person shall operate a medical cannabis collective
2 unless the collective has been certified by the department of
3 health pursuant to this section and complies with rules adopted
4 pursuant to this section.

5 (c) A person who is not a qualifying patient having a
6 valid registration certificate pursuant to section 329-123 shall
7 not:

8 (1) Be a member or employee of a certified medical
9 cannabis collective; or

10 (2) Sell or otherwise provide any cannabis to a certified
11 medical cannabis collective.

12 (d) No certified medical cannabis collective shall sell or
13 otherwise provide any cannabis to any person who is not a member
14 of that collective; provided that a collective may provide
15 cannabis to another person for purposes of testing for content,
16 quality, and consistency pursuant to rules adopted by the
17 department of health.

18 (e) No more than two medical cannabis collectives shall be
19 certified by the department of health to simultaneously operate
20 on any single island in the State.



1 (f) Notwithstanding any other law to the contrary, a
2 certified medical cannabis collective shall not be subject to
3 the prescription requirements of section 329-38 or the board of
4 pharmacy licensure or regulatory requirements under chapter 461.

5 (g) Nothing in this section shall be construed as
6 authorizing any qualifying patient to cultivate or possess
7 cannabis in an amount that exceeds an adequate supply for the
8 qualifying patient, pursuant to section 329-122. The total
9 amount of medical cannabis jointly possessed by all members of a
10 certified medical cannabis collective shall not exceed the
11 combined adequate supply that all members of the collective
12 could individually possess as a qualifying patient, pursuant to
13 section 329-122.

14 (h) The department of health shall adopt rules pursuant to
15 chapter 91 with respect to qualifications and requirements for
16 the certification, establishment, operation, regulation, and
17 security of medical cannabis collectives."

18 SECTION 3. Section 329-125.6, Hawaii Revised Statutes, is
19 amended to read as follows:

20 **"§329-125.6 Protections afforded to an owner or qualified**
21 **employee of a licensed medical cannabis dispensary[-] or member**



1 of a certified medical cannabis collective. (a) An owner or
2 employee of a medical cannabis dispensary that is licensed under
3 chapter 329D, or a member of a certified medical cannabis
4 collective pursuant to section 329- , may assert the
5 production or distribution of medical cannabis as an affirmative
6 defense to any prosecution involving marijuana under this part,
7 part IV, chapter 329D, or part IV of chapter 712; provided that
8 the owner, ~~[or]~~ employee, or member strictly complied with the
9 requirements of this chapter or chapter 329D, as applicable, and
10 any ~~[administrative]~~ rules adopted thereunder.

11 (b) An owner or employee of a licensed medical cannabis
12 dispensary, or a member of a certified cannabis collective, not
13 strictly complying with the requirements of this chapter or
14 chapter 329D, as applicable, and any ~~[administrative]~~ rules
15 adopted thereunder, shall not be afforded the protections
16 provided by subsection (a)."

17 SECTION 4. Section 329-130, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) After December 31, 2023, a qualifying patient shall
20 obtain medical cannabis or manufactured cannabis products only:



- 1 (1) From a dispensary licensed pursuant to chapter 329D;
2 provided that the cannabis shall be purchased and paid
3 for at the time of purchase; [~~or~~]
- 4 (2) By cultivating cannabis in an amount that does not
5 exceed an adequate supply for the qualifying patient,
6 pursuant to section 329-122; provided that each
7 location used to cultivate cannabis shall be used by
8 no more than five qualifying patients[~~-~~]; or
- 9 (3) From a certified medical cannabis collective pursuant
10 to section 329- ; provided that the qualifying
11 patient is a member of the collective at the time the
12 qualifying patient obtains the cannabis from the
13 collective.

14 After December 31, 2023, no primary caregiver shall be
15 authorized to cultivate cannabis for any qualifying patient."

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

19 SECTION 6. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

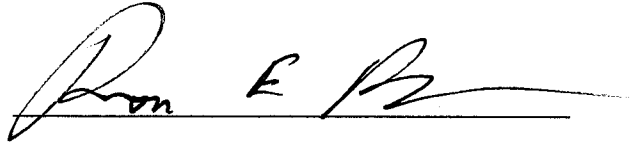
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1 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:







S.B. NO. 454

Report Title:

Medical Cannabis; Certified Medical Cannabis Collectives;
Regulation; Qualifying Patients

Description:

Authorizes qualifying patients to form medical cannabis collectives. Specifies requirements for the collectives and members of the collectives. Requires the Department of Health to certify and regulate the collectives.

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

