
A BILL FOR AN ACT

RELATING TO MEDICAL CANNABIS.

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

PART I

SECTION 1. Chapter 329D, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"§392D- Cultivation facility; authorized; licensure.

(a) No person shall operate a cultivation facility unless the person has a license issued by the department pursuant to this chapter.

(b) The director of health shall grant cultivation licenses to allow facilities to plant, cultivate, grow, and harvest cannabis pursuant to this chapter.

(c) Each cultivation license shall allow planting, cultivating, growing, and harvesting of cannabis only in the county for which the license is granted.

(d) The department shall determine whether, based on the qualifying patient need, cultivation licenses shall be offered to qualified applicants in the State after December 31, 2023;



1 provided that the department shall make available not more than
2 one license per five hundred qualifying patients residing in any
3 single county; provided further that in considering whether to
4 award a new license, the department shall consider an
5 applicant's capability to serve and supply medical cannabis to
6 qualified patients in a rural or underserved geographical area
7 of a county; provided further that a "rural or underserved
8 geographical area" shall be determined by considering the number
9 of registered medical cannabis patients that reside within a
10 certain zip code compared to the quantity of medical cannabis
11 that the closest production center and retail dispensing
12 location have the capability to provide.

13 (e) No person may be granted a cultivation license in more
14 than one county.

15 (f) Each cultivation facility shall be limited to no more
16 than one thousand cannabis plants. For purposes of this
17 subsection, "plant" means a cannabis plant that is greater than
18 twelve vertical inches in height from where the base of the
19 stalk emerges from the growth medium to the tallest point of the
20 plant, or greater than twelve horizontal inches in width from
21 the end of one branch to the end of another branch; provided



1 that multiple stalks emanating from the same root ball or root
2 system shall be considered part of the same single plant. Each
3 cultivation facility shall track the cannabis it cultivates from
4 seed or immature plant to wholesale purchase.

5 (g) No more than one cultivation license may be issued for
6 each tax map key.

7 (h) Notwithstanding subsection (f) to the contrary, the
8 department may determine whether cultivation licensees shall be
9 allowed an additional one thousand cannabis plants. In no case
10 shall a licensee be allowed more than two thousand plants at a
11 single production center.

12 (i) Notwithstanding any other law to the contrary, a
13 cultivation facility shall not be subject to any of the
14 regulatory requirements under chapter 141.

15 §329D- Cultivation facilities; license application
16 procedure and verification; fees. (a) The department shall
17 make a cultivation facility license application form available
18 to the public on December 30, 2023, commencing at 8:00 a.m.,
19 Hawaii-Aleutian Standard Time.

20 (b) The department shall establish an open application
21 period for each available license, the first of which shall be



no later than 8:00 a.m., Hawaii-Aleutian Standard Time, on
December 31, 2023, during which an application may be submitted.
This submittal period shall be closed on January 15, 2024, at
4:30 p.m. The department shall publish notice of the open
application period no less than thirty days prior to the start
of the open application period.

(c) A nonrefundable application fee of \$1,000 for each
license application shall be submitted to the department by
certified or cashier's check. Within seven days of approval, a
cultivation license fee of \$10,000 for each license approved
shall be submitted to the department by certified or cashier's
check or the department shall issue a license to the next
qualified applicant.

(d) All fees collected pursuant to this section shall be
deposited in the medical cannabis registry and regulation
special fund pursuant to section 321-30.1.

(e) Immediately upon receipt of each completed application
form, the department shall issue a receipt to each applicant
that includes the date and time of receipt.

(f) If an applicant submits an application form in which
all required information is not complete and valid, the



1 application shall not be accepted by the department and the
2 nonrefundable application fee shall be deposited in the medical
3 cannabis registry and regulation special fund established
4 pursuant to section 321-30.1.

5 (g) The cultivation facility application form shall
6 request information necessary to verify that applicants meet the
7 required qualifications for a cultivation license pursuant to
8 section 329D-3. Applicants shall provide a minimum of the
9 following information:

10 (1) Legal name and date of birth of individual applicant;

11 (2) Last four digits of individual applicant's social
12 security number;

13 (3) Validation code from an eCrim report for the
14 individual applicant generated by the Hawaii criminal
15 justice data center no earlier than December 1, 2023,
16 at 8:00 a.m., Hawaii-Aleutian Standard Time;

17 (4) Street address, telephone number, fax number, and
18 e-mail address of the individual applicant;

19 (5) A tax clearance certificate issued by the department
20 of taxation dated not more than thirty days prior to
21 the date of the application;



1 (6) Name of the applying entity and any other name under
2 which the applying entity does business, if
3 applicable;

4 (7) Street address, telephone number, fax number, and
5 e-mail address of the applying entity;

6 (8) Date the applying entity was organized under the laws
7 of Hawaii;

8 (9) A certified copy of the organizing documents of the
9 applying entity;

10 (10) A copy of the applying entity's bylaws;

11 (11) Federal employer identification number of the applying
12 entity;

13 (12) Hawaii tax identification number of applying entity;

14 (13) Department of commerce and consumer affairs business
15 registration number and suffix of the applying entity;

16 (14) Name(s) of all owners of the applying entity, in whole
17 or in part, and their percentage of ownership;

18 (15) Date when continuous legal residence in Hawaii began
19 for each Hawaii legal resident that owns a percentage
20 of the applying entity;



1 (16) Total percentage of the applying entity that is owned
2 by Hawaii legal residents;

3 (17) Designation of the county for which the cultivation
4 license applied for and proof that the required
5 minimum financial resources of \$250,000 are met;

6 (18) Total dollar amount of financial resources under
7 control of the applying entity in the form of bank
8 statements or escrow accounts;

9 (19) Date from when financial resources have been
10 continuously controlled by the applying entity;

11 (20) Copies of the entity's bank statements for the twelve
12 months prior to the date of the application; and

13 (21) A copy of the agreement in place with an existing
14 dispensary licensed by the State for the sale of the
15 applying entity's product.

16 (h) The department shall maintain a record of the time and
17 date that all completed application forms were submitted.

18 (i) The department shall process and deposit the
19 application fee within four business days of receipt of the
20 completed application form.



1 (j) If, for any reason, the application fee is not
2 available for deposit, the application shall be deemed void and
3 the department shall inform the applicant in writing that its
4 application has been rejected.

5 (k) The department shall review and verify the information
6 and documentation materials only of applicants whose
7 nonrefundable application fee has been processed and deposited.

8 (l) The department shall verify that the information
9 submitted in the application is true and valid and meets the
10 requirements established in section 329D-3(b) .

11 (m) Upon verification of the minimum requirements, the
12 department shall place the verified application into the pool of
13 applicants for further review and selection based on merit by
14 the department.

15 (n) A cultivation license may be renewed annually by
16 payment of an annual renewal fee of \$10,000 and subject to
17 verification by the department through an unannounced inspection
18 that the individual licensee and entity licensee continue to
19 meet all licensing requirements from the date the initial
20 licenses were issued."



SECTION 2. Section 329D-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

"Cultivation facility" means an establishment that is not owned, operated, or subcontracted by a medical cannabis dispensary and that is licensed by the State pursuant to this chapter to plant, cultivate, grow, or harvest cannabis and that sells its product only to dispensaries licensed under this chapter."

PART II

SECTION 3. Section 46-4, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

"(f) Neither this section nor any other law, county ordinance, or rule shall prohibit the use of land for medical cannabis production centers, medical cannabis cultivation facilities, or medical cannabis dispensaries established and licensed pursuant to chapter 329D; provided that the land is otherwise zoned for agriculture, manufacturing, or retail purposes."

SECTION 4. Section 329D-2.5, Hawaii Revised Statutes, is amended to read as follows:



1 " [{}§329D-2.5[{}] Office of medical cannabis control and
2 regulation; established; duties. (a) There is established
3 within the department the office of medical cannabis control and
4 regulation, which shall report to the deputy director of health
5 resources administration.

6 (b) The office of medical cannabis control and regulation
7 shall administer the licensure and regulation of medical
8 cannabis [~~dispensary licensure and regulation,~~] dispensaries and
9 cultivation facilities, pursuant to this chapter, and the
10 registration of qualifying patients and primary caregivers,
11 pursuant to part IX of chapter 329."

12 SECTION 5. Section 329D-3, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "[{}§329D-3[{}] Qualifications for licensure. (a) Each
15 application for a dispensary license or a cultivation facility
16 license shall include both an individual applicant and an
17 applying entity.

18 (b) The application shall be submitted to the department
19 and shall include supporting documentation to establish the
20 following:

21 (1) That the individual applicant:



1 (A) Has been a legal resident of the State for not
2 less than five years preceding the date of
3 application;

4 (B) Is not less than twenty-one years of age; and

5 (C) Has had no felony convictions;

6 (2) That the applying entity:

7 (A) Has been organized under the laws of the State;

8 (B) Has a Hawaii tax identification number;

9 (C) Has a department of commerce and consumer affairs
10 business registration division number and suffix;

11 (D) Has a federal employer identification number;

12 (E) Is not less than fifty-one per cent held by
13 Hawaii legal residents or entities wholly
14 controlled by Hawaii legal residents who have
15 been Hawaii legal residents for not less than
16 five years immediately preceding the date the
17 application was submitted;

18 (F) ~~[Has]~~ If applying for a dispensary license, has
19 financial resources under its control of not less
20 than \$1,000,000 for each license applied for,
21 plus not less than \$100,000 for each retail



1 dispensing location allowed under the license
2 applied for, in the form of bank statements or
3 escrow accounts, and that the financial resources
4 have been under the control of the applying
5 entity for not less than ninety days immediately
6 preceding the date the application was submitted;
7 [and]

8 (G) If applying for a cultivation license, has
9 financial resources under its control of not less
10 than \$250,000 for each license applied for, in
11 the form of bank statements or escrow accounts,
12 and that the financial resources have been under
13 the control of the applying entity for not less
14 than ninety days immediately preceding the date
15 the application was submitted;

16 (H) If applying for a cultivation license, has an
17 agreement with an existing dispensary, licensed
18 by the State, to which sales of the cultivator's
19 cannabis will be made and such agreement can be
20 amended annually; and



1 ~~[(G)]~~ (I) Is composed of principals or members, each
2 of whom has no felony convictions.

3 (c) A dispensary license or cultivation license shall not
4 be sold or otherwise transferred from one person to another
5 person."

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

8 "**§329D-6 Dispensary and cultivation facility operations.**

9 (a) No person shall operate a dispensary~~[7]~~ or cultivation
10 facility, nor engage in the production, manufacture, or sale of
11 cannabis or manufactured cannabis products, unless the person
12 has obtained a license from the department pursuant to this
13 chapter.

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

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



1 (d) Notwithstanding any other law to the contrary,
2 including but not limited to sections 378-2 and 378-2.5,
3 dispensaries[+] and cultivation facilities:

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

5 (A) Convicted of murder in any degree;

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

7 (C) Convicted of a class C felony involving

8 trafficking, distributing, or promoting a

9 schedule I or II controlled substance other than

10 cannabis within the last ten years; and

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

13 (A) Fraud, deceit, misrepresentation, embezzlement,
14 or theft; or

15 (B) Endangering the welfare of a minor.

16 Employment under this chapter shall be exempt from section
17 378-2(a)(1), as it relates to arrest and court record
18 discrimination, and section 378-2.5.

19 (e) Retail dispensing locations shall not be open for
20 retail sales before 8:00 a.m. or after 8:00 p.m., Hawaii-
21 Aleutian Standard Time, Monday through Sunday.



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 cultivation or dispensary licensee who intends to
7 utilize, as a production center, an enclosed indoor facility
8 that includes a roof that is partially or completely transparent
9 or translucent, as provided under section 329D-1, shall notify
10 the department of that intention prior to altering or
11 constructing the facility. Production centers shall remain
12 locked at all times. Retail dispensing locations shall remain
13 locked at all times, other than business hours as authorized by
14 subsection (e), and shall 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 or cultivation facility shall provide the
7 department with the address, tax map key number, and a copy of
8 the premises lease, if applicable, of the proposed location of a
9 production center or cultivation facility allowed under a
10 license for a county not later than thirty days prior to any
11 medical cannabis or manufactured cannabis products being
12 produced or manufactured at that production center[+] or
13 cultivation facility.

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

19 (j) The department shall establish, maintain, and control
20 a computer software tracking system that shall have real time,



1 twenty-four-hour access to the data of all dispensaries[?] and
2 cultivation facilities.

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

5 (A) The total amount of cannabis in possession of all
6 dispensaries and cultivation facilities from
7 either seed or immature plant state, including
8 all plants that are derived from cuttings or
9 cloning, until the cannabis, cannabis plants, or
10 manufactured cannabis product is sold or
11 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;



(C) The amount of waste produced by each plant at harvest; and

(D) The transport of cannabis and manufactured cannabis products between production centers or cultivation facilities and retail dispensing locations, including tracking identification issued by the tracking system, the identity of the person transporting the cannabis or manufactured cannabis products, and the make, model, and license number of the vehicle being used for the transport;

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

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

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



(3) Notwithstanding any other provision of this subsection to the contrary, once the department has authorized a licensed dispensary to commence sales of cannabis or manufactured cannabis products, if the department's computer software tracking system is inoperable or is not functioning properly, as an alternative to requiring dispensaries to temporarily cease operations, the department may implement an alternate tracking system that will enable a qualifying patient, primary caregiver, qualifying out-of-state patient, and caregiver of a qualifying out-of-state patient to purchase cannabis or manufactured cannabis products from a licensed dispensary on a temporary basis. The department shall seek input regarding the alternate tracking system from medical cannabis licensees. The alternate tracking system may operate as follows:

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

(B) Once the computer software tracking system is operational and functioning to meet the



1 requirements of this subsection, the department
2 may notify all licensed dispensaries, and the
3 alternate tracking system in this subsection
4 shall be discontinued.

5 (k) A dispensary or cultivation facility licensed pursuant
6 to this chapter shall purchase, operate, and maintain a computer
7 software tracking system that shall:

8 (1) Interface with the department's computer software
9 tracking system established pursuant to subsection
10 (j);

11 (2) Allow each licensed cultivation facility or
12 dispensary's production center to submit to the
13 department in real time, by automatic identification
14 and data capture, all cannabis, cannabis plants, and
15 manufactured cannabis product inventory in possession
16 of that cultivation facility or dispensary from either
17 seed or immature plant state, including all plants
18 that are derived from cuttings or cloning, until the
19 cannabis or manufactured cannabis product is sold or
20 destroyed pursuant to section 329D-7;



(3) Allow the licensed dispensary's retail dispensing location to submit to the department in real time for the total amount of cannabis and manufactured cannabis product purchased by a qualifying patient, primary caregiver, qualifying out-of-state patient, and caregiver of a qualifying out-of-state patient from the dispensary's retail dispensing locations in the State in any fifteen day period; provided that the software tracking system shall impose an automatic stopper in real time, which cannot be overridden, on any further purchases of cannabis or manufactured cannabis products, if the maximum allowable amount of cannabis has already been purchased for the applicable fifteen day period; provided further that additional purchases shall not be permitted until the next applicable period; [and]

(4) Allow the cultivation facility to submit to the department in real time for the total amount of cannabis purchased by a licensed dispensary; and

[+4+] (5) Allow the licensed dispensary or cultivation facility to submit all data required by this



subsection to the department and permit the department to access the data if the department's computer software tracking system is not functioning properly and sales are made pursuant to the alternate tracking system under subsection (j).

(l) No free samples of cannabis or manufactured cannabis products shall be provided at any time, and no consumption of cannabis or manufactured cannabis products shall be permitted on any dispensary or cultivation facility premises.

(m) A dispensary or cultivation facility shall not transport cannabis or manufactured cannabis products to another county or another island; provided that this subsection shall not apply to the transportation of cannabis or any manufactured cannabis product solely for the purposes of laboratory testing pursuant to section 329D-8, and subject to subsection (j); provided further that a dispensary shall only transport samples of cannabis and manufactured cannabis products for laboratory testing for purposes of this subsection in an amount and manner prescribed by the department, in rules adopted pursuant to this chapter, and with the understanding that state law and its



1 protections do not apply outside of the jurisdictional limits of
2 the State.

3 (n) A dispensary or cultivation facility shall be
4 prohibited from off-premises delivery of cannabis or
5 manufactured cannabis products to a qualifying patient, primary
6 caregiver, qualifying out-of-state patient, or caregiver of a
7 qualifying out-of-state patient.

8 (o) A dispensary or cultivation facility shall not:

9 (1) Display cannabis or manufactured cannabis products in
10 windows or in public view; or

11 (2) Post any signage other than a single sign no greater
12 than one thousand six hundred square inches bearing
13 only the business or trade name in text without any
14 pictures or illustrations; provided that if any
15 applicable law or ordinance restricting outdoor
16 signage is more restrictive, that law or ordinance
17 shall govern.

18 (p) No cannabis or manufactured cannabis products shall be
19 transported to, from, or within any federal fort or arsenal,
20 national park or forest, any other federal enclave, or any other
21 property possessed or occupied by the federal government.



1 (q) A cultivation facility or dispensary licensed pursuant
2 to this chapter shall be prohibited from providing written
3 certification pursuant to section 329-122 for the use of medical
4 cannabis for any person."

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

7 "§329D-7 Medical cannabis dispensary, production center,
8 and cultivation facility rules. The department shall establish
9 standards with respect to:

10 (1) The number of medical cannabis dispensaries that shall
11 be permitted to operate in the State;

12 (2) A fee structure for the submission of applications and
13 renewals of licenses to dispensaries[+] and
14 cultivation facilities; provided that the department
15 shall consider the market conditions in each county in
16 determining the license renewal fee amounts;

17 (3) Criteria and procedures for the consideration and
18 selection, based on merit, of applications for
19 licensure of dispensaries[+] and cultivation
20 facilities; provided that the criteria shall include
21 but not be limited to an applicant's:



- 1 (A) Ability to operate a business;
- 2 (B) Financial stability and access to financial
3 resources; provided that applicants for medical
4 cannabis dispensary licenses shall provide
5 documentation that demonstrates control of not
6 less than \$1,000,000 in the form of escrow
7 accounts, letters of credit, surety bonds, bank
8 statements, lines of credit or the equivalent to
9 begin operating the dispensary; provided further
10 that applicants for cultivation facility licenses
11 shall provide documentation that demonstrates
12 control of not less than \$250,000 in the form of
13 escrow accounts, letters of credit, surety bonds,
14 bank statements, lines of credit or the
15 equivalent to begin operating the cultivation
16 facility;
- 17 (C) Ability to comply with the security requirements
18 developed pursuant to paragraph (6);
- 19 (D) Capacity to meet the needs of qualifying patients
20 and qualifying out-of-state patients;



(E) Ability to comply with criminal background check requirements developed pursuant to paragraph (8); and

(F) Ability to comply with inventory controls developed pursuant to paragraph (13);

(4) Specific requirements regarding annual audits and reports required from each production center ~~[and]~~, dispensary, and cultivation facility licensed pursuant to this chapter;

(5) Procedures for announced and unannounced inspections by the department or its agents of production centers ~~[and]~~, dispensaries, and cultivation facilities licensed pursuant to this chapter; provided that inspections for license renewals shall be unannounced;

(6) Security requirements for the operation of production centers ~~[and]~~, retail dispensing locations~~[+]~~, and cultivation facilities; provided that, at a minimum, the following shall be required:

(A) For production centers~~[+]~~ and cultivation facilities:



1 (i) Video monitoring and recording of the
2 premises; provided that recordings shall be
3 retained for fifty days;

4 (ii) Fencing that surrounds the premises and that
5 is sufficient to reasonably deter intruders
6 and prevent anyone outside the premises from
7 viewing any cannabis in any form;

8 (iii) An alarm system; and

9 (iv) Other reasonable security measures to deter
10 or prevent intruders, as deemed necessary by
11 the department;

12 (B) For retail dispensing locations:

13 (i) Presentation of a valid government-issued
14 photo identification and a valid
15 identification as issued by the department
16 pursuant to section 329-123 by a qualifying
17 patient or caregiver, or section 329-123.5
18 by a qualifying out-of-state patient or
19 caregiver of a qualifying out-of-state
20 patient, upon entering the premises;



- 1 (ii) Video monitoring and recording of the
2 premises; provided that recordings shall be
3 retained for fifty days;
- 4 (iii) An alarm system;
- 5 (iv) Exterior lighting; and
- 6 (v) Other reasonable security measures as deemed
7 necessary by the department;
- 8 (7) Security requirements for the transportation of
9 cannabis and manufactured cannabis products between
10 production centers ~~[and]~~, retail dispensing locations,
11 and cultivation facilities and between a production
12 center, retail dispensing location, cultivation
13 facility, qualifying patient, primary caregiver,
14 qualifying out-of-state patient, or caregiver of a
15 qualifying out-of-state patient and a certified
16 laboratory, pursuant to section 329-122(f);
- 17 (8) Standards and criminal background checks to ensure the
18 reputable and responsible character and fitness of all
19 license applicants, licensees, employees,
20 subcontractors and their employees, and prospective
21 employees of medical cannabis dispensaries to operate



1 a dispensary; provided that the standards, at a
2 minimum, shall exclude from licensure or employment
3 any person convicted of any felony;

4 (9) The training and certification of operators and
5 employees of production centers [~~and~~],
6 dispensaries[~~+~~], and cultivation facilities;

7 (10) The types of manufactured cannabis products that
8 dispensaries shall be authorized to manufacture and
9 sell pursuant to sections 329D-9 and 329D-10;

10 (11) Laboratory standards related to testing cannabis and
11 manufactured cannabis products for content,
12 contamination, and consistency;

13 (12) The quantities of cannabis and manufactured cannabis
14 products that a dispensary may sell or provide to a
15 qualifying patient, primary caregiver, qualifying out-
16 of-state patient, or caregiver of a qualifying out-of-
17 state patient; provided that no dispensary shall sell
18 or provide to a qualifying patient, primary caregiver,
19 qualifying out-of-state patient, or caregiver of a
20 qualifying out-of-state patient any combination of
21 cannabis and manufactured products that:



1 (A) During a period of fifteen consecutive days,
2 exceeds the equivalent of four ounces of
3 cannabis; or

4 (B) During a period of thirty consecutive days,
5 exceeds the equivalent of eight ounces of
6 cannabis;

7 (13) Dispensary [~~and~~], production center, and cultivation
8 facility inventory controls to prevent the
9 unauthorized diversion of cannabis or manufactured
10 cannabis products or the distribution of cannabis or
11 manufactured cannabis products to a qualifying
12 patient, primary caregiver, qualifying out-of-state
13 patient, or caregiver of a qualifying out-of-state
14 patient in quantities that exceed limits established
15 by this chapter; provided that the controls, at a
16 minimum, shall include:

17 (A) A computer software tracking system as specified
18 in section 329D-6(j) and (k); and

19 (B) Product packaging standards sufficient to allow
20 law enforcement personnel to reasonably determine
21 the contents of an unopened package;



- 1 (14) Limitation to the size or format of signs placed
2 outside a retail dispensing location [~~or~~], production
3 center[~~+~~], or cultivation facility; provided that the
4 signage limitations, at a minimum, shall comply with
5 section 329D-6(o)(2) and shall not include the image
6 of a cartoon character or other design intended to
7 appeal to children;
- 8 (15) The disposal or destruction of unwanted or unused
9 cannabis and manufactured cannabis products;
- 10 (16) The enforcement of the following prohibitions against:
- 11 (A) The sale or provision of cannabis or manufactured
12 cannabis products to unauthorized persons;
- 13 (B) The sale or provision of cannabis or manufactured
14 cannabis products to a qualifying patient,
15 primary caregiver, qualifying out-of-state
16 patient, or caregiver of a qualifying out-of-
17 state patient in quantities that exceed limits
18 established by this chapter;
- 19 (C) Any use or consumption of cannabis or
20 manufactured cannabis products on the premises of



1 a retail dispensing location [~~or~~], production
2 center[~~or~~], or cultivation facility; and

3 (D) The distribution of cannabis or manufactured
4 cannabis products, for free, on the premises of a
5 retail dispensing location [~~or~~], production
6 center[~~or~~], or cultivation facility;

7 (17) The establishment of a range of penalties for
8 violations of this chapter or rule adopted thereto;
9 and

10 (18) A process to recognize and register patients who are
11 authorized to purchase, possess, and use medical
12 cannabis in another state, a United States territory,
13 or the District of Columbia as qualifying out-of-state
14 patients; provided that this registration process may
15 commence no sooner than January 1, 2018."

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

18 "(c) If a dispensary or cultivation licensee obtains a
19 laboratory result indicating that a sample of a batch of its
20 cannabis or manufactured cannabis products does not meet the
21 department's standards for patient safety, the dispensary or



1 cultivation licensee, at its own expense, may have the same
2 sample or a different sample from the same batch retested by the
3 same laboratory or a different laboratory. If a retest at a
4 different laboratory yields a different result, the department
5 shall determine which result controls whether the batch may be
6 approved for sale or whether further testing shall be required."

7 SECTION 9. Section 329D-11, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) The department shall establish standards regarding
10 the advertising and packaging of cannabis and manufactured
11 cannabis products; provided that the standards, at a minimum,
12 shall require the use of packaging that:

13 (1) Is child-resistant and opaque so that the product
14 cannot be seen from outside the packaging;

15 (2) Uses only black lettering on a white background with
16 no pictures or graphics;

17 (3) Is clearly labeled with the phrase "For medical use
18 only";

19 (4) Is clearly labeled with the phrase "Not for resale or
20 transfer to another person";

21 (5) Includes instructions for use and "use by date";



(6) Contains information about the contents and potency of the product;

(7) Includes the name of the production center or cultivation facility where cannabis in the product was produced, including the batch number and date of packaging;

(8) Includes a barcode generated by tracking software; and

(9) In the case of a manufactured cannabis product, includes a:

(A) Listing of the equivalent physical weight of the cannabis used to manufacture the amount of the product that is within the packaging, pursuant to section 329D-9(c);

(B) Clearly labeled warning stating that the product:

(i) Is a medication that contains cannabis, and is not a food; and

(ii) Should be kept away from children; and

(C) Date of manufacture."

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



1 "§329D-12 Background checks. (a) The following shall be
2 subject to background checks conducted by the department or its
3 designee, including but not limited to criminal history record
4 checks in accordance with section 846-2.7:

5 (1) Each applicant and licensee for a medical cannabis
6 dispensary or cultivation facility license, including
7 the individual applicant and all officers, directors,
8 members of a limited liability corporation;
9 shareholders with at least twenty-five per cent or
10 more ownership interest in a corporation; and managers
11 of an entity applicant;

12 (2) Each employee of a medical cannabis dispensary;

13 (3) Each employee of a subcontracted production center
14 [~~or~~], retail dispensing location[+], or cultivation
15 facility;

16 (4) All officers, directors, members of a limited
17 liability corporation; and shareholders with at least
18 twenty-five per cent or more ownership interest in a
19 corporate owner of a subcontracted production center
20 [~~or~~], retail dispensing location[+], or cultivation
21 facility; and



- 1 (5) Any person permitted to enter and remain in a
2 dispensary facility pursuant to section 329D-15(a)(4)
3 or 329D-16(a)(3).

4 The person undergoing the background check shall provide written
5 consent and all applicable processing fees to the department or
6 its designee to conduct the background checks.

- 7 (b) This section shall not apply to:

- 8 (1) A qualifying patient, primary caregiver, qualifying
9 out-of-state patient, or caregiver of a qualifying
10 out-of-state patient who enters or remains on the
11 premises of a retail dispensing location for the
12 purpose of a transaction conducted pursuant to
13 sections 329D-6 and 329D-13; or
14 (2) Government officials and employees acting in an
15 official capacity and employees of a certified
16 laboratory who enter or remain on the premises of a
17 retail dispensing location ~~[or]~~, production center, or
18 cultivation facility for any purpose authorized by
19 this chapter."

20 SECTION 11. Section 329D-16, Hawaii Revised Statutes, is
21 amended to read as follows:



1 " [†] §329D-16 [†] Criminal offense; unauthorized access to
2 production centers[-] and cultivation facilities. (a) No
3 person shall intentionally or knowingly enter or remain upon the
4 premises of a medical cannabis production center or cultivation
5 facility unless the person is:

6 (1) An individual licensee or registered employee of the
7 production center[-] or cultivation facility;

8 (2) A government employee or official acting in the
9 person's official capacity; or

10 (3) Previously included on a current department-approved
11 list provided to the department by the licensee of
12 those persons who are allowed into that [~~dispensary's~~
13 ~~facilities~~] dispensary or facilities' premises for a
14 specific purpose for that dispensary, including but
15 not limited to construction, maintenance, repairs,
16 legal counsel, or investors; provided that:

17 (A) The person has been individually approved by the
18 department to be included on the list;

19 (B) The person is at least twenty-one years of age,
20 as verified by a valid government issued
21 identification card;



- 1 (C) The department has confirmed that the person has
2 no felony convictions;
- 3 (D) The person is escorted by an individual licensee
4 or registered employee of the dispensary or
5 facility at all times while [~~in the dispensary~~
6 ~~facility,~~] on the premises;
- 7 (E) The person is only permitted within those
8 portions of the dispensary or cultivation
9 facility as necessary to fulfill the person's
10 purpose for entering;
- 11 (F) The person is only permitted within the
12 dispensary or cultivation facility during the
13 times and for the duration necessary to fulfill
14 the person's purpose for entering;
- 15 (G) The dispensary or cultivation facility shall keep
16 an accurate record of each person's identity,
17 date and times upon entering and exiting the
18 dispensary or cultivation facility, purpose for
19 entering, and the identity of the escort; and
- 20 (H) The approved list shall be effective for one year
21 from the date of department approval.



(b) No individual licensee or registered employee of a medical cannabis dispensary with control over or responsibility for a production center shall intentionally or knowingly allow another to enter or remain upon the premises of the production center, unless the other is permitted to enter and remain as specified in subsection (a).

(c) No individual licensee or registered employee of a cultivation facility with control over or responsibility for the facility shall intentionally or knowingly allow another to enter or remain upon the premises of the facility, unless the other is permitted to enter and remain as specified in subsection (a).

~~[(e)]~~ (d) Unauthorized access to a production center or cultivation facility is a class C felony."

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

"(a) A person commits the offense of promoting medical cannabis or medical cannabis products to a minor if the person intentionally or knowingly distributes any amount of cannabis or manufactured cannabis products that came from a dispensary ~~[or]~~, production center, or cultivation facility to a minor who is not



1 a registered qualifying patient or a registered qualifying out-
2 of-state patient under eighteen years of age."

3 SECTION 13. Section 329D-18, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "[~~§~~§329D-18~~§~~] Diversion from dispensary [~~or~~], production
6 center~~[,]~~, or cultivation facility; penalties. (a) A person
7 commits diversion from a dispensary [~~or~~], production center, or
8 cultivation facility if the person is a licensee, operator, or
9 employee of a dispensary [~~or~~], production center, or cultivation
10 facility and intentionally or knowingly diverts to the person's
11 own use or other unauthorized or illegal use, or takes, makes
12 away with, or secretes, with intent to divert to the person's
13 own use or other unauthorized or illegal use, any medical
14 cannabis, manufactured cannabis product, or cannabis concentrate
15 under the person's possession, care, or custody as a licensee,
16 operator, or employee of a medical cannabis dispensary [~~or~~],
17 production center, or cultivation facility licensed by the
18 department.

19 (b) Any person who violates this section shall be guilty
20 of a class C felony."



SECTION 14. Section 329D-20, Hawaii Revised Statutes, is amended to read as follows:

"[~~f~~]§329D-20[~~f~~] Law enforcement access to dispensary, ~~[and]~~ production center, and cultivation facility records.

Notwithstanding any other law, the department shall disclose information, documents, and other records regarding medical cannabis dispensaries ~~[and]~~, production centers, and cultivation facilities, upon request, to any state, federal, or county agency engaged in the criminal investigation or prosecution of violations of applicable state, county, or federal laws or regulations related to the operations or activities of a medical cannabis dispensary~~[r]~~ or cultivation facility."

SECTION 15. Section 329D-22, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Medical cannabis production centers ~~[and]~~, dispensaries, and cultivation facilities shall comply with all county zoning ordinances, rules, or regulations; provided that:

- (1) A medical cannabis production center or cultivation facility shall be permitted in any area in which agricultural production is permitted except as provided within this chapter; and



(2) No medical cannabis production center ~~[and]~~,
dispensary, or cultivation facility shall be permitted
within seven hundred fifty feet of the real property
comprising a playground or school."

SECTION 16. Section 329D-23, Hawaii Revised Statutes, is
amended to read as follows:

"§329D-23 Annual inspections, audits, and reports. (a)
Each medical cannabis production center ~~[and]~~, dispensary, and
cultivation facility licensed pursuant to this part shall:

(1) Be subject to an annual announced inspection and
unlimited unannounced inspections of its operations by
the department; provided that inspections for license
renewals shall be unannounced;

(2) Submit reports on at least a quarterly basis, or as
otherwise required, and in the format specified by the
department; and

(3) Annually cause an independent financial audit, at the
~~[dispensary]~~ licensee's own expense, to be conducted
of the cultivation facility, dispensary, its
production center, and retail dispensing locations and
shall submit the audit's findings to the department.



(b) The department shall report annually to the governor and the legislature on the establishment and regulation of medical cannabis production centers ~~[and]~~, dispensaries, and cultivation facilities, including but not limited to the number and location of production centers and dispensaries and cultivation facilities licensed, the total licensing fees collected, the total amount of taxes collected from production centers ~~[and]~~, dispensaries, and cultivation facilities and any licensing violations determined by the department."

SECTION 17. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 18. This Act shall take effect on July 1, 2050.



Report Title:

Medical Cannabis; Cultivation; Cultivation Licenses

Description:

Creates a cultivation facility license, which allows cultivators to grow cannabis for sale to licensed dispensaries. Establishes requirements for license application and qualifications for license holders. Establishes requirements for cultivation facility operations, including plant tracking and testing. Clarifies that cultivation facilities may sell product only to licensed dispensaries. Authorizes the Department of Health to determine the number of cultivation licenses to be issued. Allows one cultivation license to be issued per tax map key number. Limits the number of cannabis plants grown at each cultivation facility to one thousand. Effective 7/1/2050.
(SD1)

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

