
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 real-world
2 experience in states around the country shows medical cannabis
3 to have numerous positive effects treating debilitating
4 conditions as well as chronic conditions, such as insomnia,
5 anxiety, stress, and other issues. Medical cannabis has been
6 demonstrated to positively help with these often-recurring
7 health issues, resulting in a better quality of life.

8 The legislature further finds that such conditions have
9 been broadly exacerbated by the pandemic, economic instability,
10 and increasing uncertainty in recent years. Relief of suffering
11 and promotion of functional status and quality of life are major
12 goals of geriatric medicine. The geriatric population can
13 benefit from medical cannabis treatment for a variety of
14 symptoms not already included in the list of qualified medical
15 conditions, such as sleep difficulties, tremor, spasticity,
16 agitation, nausea, vomiting, and reduced appetite. Cannabis may
17 also be useful in palliative care. Accordingly, the purpose of



1 this Act is to provide senior citizens with greater access to
2 the state medical cannabis program.

3 SECTION 2. Section 329-121, Hawaii Revised Statutes, is
4 amended by amending the definition of "qualifying patient" to
5 read as follows:

6 "Qualifying patient" means a person who has been diagnosed
7 by a physician or advanced practice registered nurse as having a
8 debilitating medical condition[-] or who has reached the age of
9 sixty-five."

10 SECTION 3. Section 329-122, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§329-122 Medical use of cannabis; conditions of use. (a)**

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

- 15 (1) The qualifying patient has been diagnosed by a
16 physician or advanced practice registered nurse as
17 having a debilitating medical condition;
- 18 (2) The qualifying patient's physician or advanced
19 practice registered nurse has certified in writing
20 that, in the physician's or advanced practice
21 registered nurse's professional opinion, the potential



1 benefits of the medical use of cannabis would likely
2 outweigh the health risks for the particular
3 qualifying patient; and

4 (3) The amount of cannabis possessed by the qualifying
5 patient does not exceed an adequate supply.

6 (b) Subsection (a) shall not apply to a qualifying patient
7 under the age of eighteen years, unless:

8 (1) The qualifying patient's physician or advanced
9 practice registered nurse has explained the potential
10 risks and benefits of the medical use of cannabis to
11 the qualifying patient and to a parent, guardian, or
12 person having legal custody of the qualifying patient;
13 and

14 (2) A parent, guardian, or person having legal custody
15 consents in writing to:

16 (A) Allow the qualifying patient's medical use of
17 cannabis;

18 (B) Serve as the qualifying patient's primary
19 caregiver; and



1 (C) Control the acquisition of the cannabis, the
2 dosage, and the frequency of the medical use of
3 cannabis by the qualifying patient.

4 (c) The requirements in subsections (a) (1) and (2) shall
5 not apply to a qualifying patient aged sixty-five or older.

6 ~~[(e)]~~ (d) Notwithstanding any law to the contrary, the
7 medical use of cannabis within the State by a qualifying out-of-
8 state patient aged eighteen years or older legally authorized to
9 use cannabis for medical purposes in another state, a United
10 States territory, or the District of Columbia shall be permitted
11 only if the qualifying out-of-state patient:

12 (1) Provides to the department of health a valid medical
13 use of cannabis card with an explicit expiration date
14 that has not yet passed from the issuing jurisdiction
15 and a valid photographic identification card or
16 driver's license issued by the same jurisdiction;

17 (2) Attests under penalty of law pursuant to section
18 710-1063 that the condition for which the qualifying
19 out-of-state patient is legally authorized to use
20 cannabis for medical purposes is a debilitating
21 medical condition as defined in section 329-121;



1 (3) Provides consent for the department of health to
2 obtain information from the qualifying out-of-state
3 patient's certifying medical provider and from the
4 entity that issued the medical cannabis card for the
5 purpose of allowing the department of health to verify
6 the information provided in the registration process;

7 (4) Pays the required fee for out-of-state registration to
8 use cannabis for medical purposes;

9 (5) Registers with the department of health pursuant to
10 section 329-123.5 to use cannabis for medical
11 purposes;

12 (6) Receives a medical cannabis registry card from the
13 department of health; and

14 (7) Abides by all laws relating to the medical use of
15 cannabis, including not possessing an amount of
16 cannabis that exceeds an adequate supply.

17 [~~(d)~~] (e) Notwithstanding any law to the contrary, the
18 medical use of cannabis by a qualifying out-of-state patient
19 under eighteen years of age shall only be permitted if:



1 (1) The caregiver of the qualifying out-of-state patient
2 provides the information required pursuant to
3 subsection ~~[(e),]~~ (d); and

4 (2) The caregiver of the qualifying out-of-state patient
5 consents in writing to:

6 (A) Allow the qualifying out-of-state patient's
7 medical use of cannabis;

8 (B) Undertake the responsibility for managing the
9 well-being of the qualifying out-of-state patient
10 who is under eighteen years of age with respect
11 to the medical use of cannabis; and

12 (C) Control the acquisition of the cannabis, the
13 dosage, and the frequency of the medical use of
14 cannabis by the qualifying out-of-state patient
15 who is under eighteen years of age.

16 ~~[(e)]~~ (f) The authorization for the medical use of
17 cannabis in this section shall not apply to:

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

20 (2) The medical use of cannabis:



- 1 (A) In a school bus, public bus, or any moving
2 vehicle;
- 3 (B) In the workplace of one's employment;
- 4 (C) On any school grounds;
- 5 (D) At any public park, public beach, public
6 recreation center, recreation or youth center; or
- 7 (E) At any other place open to the public; provided
8 that a qualifying patient, primary caregiver,
9 qualifying out-of-state patient, caregiver of a
10 qualifying out-of-state patient, or an owner or
11 employee of a medical cannabis dispensary
12 licensed under chapter 329D shall not be
13 prohibited from transporting cannabis or any
14 manufactured cannabis product, as that term is
15 defined in section 329D-1, in any public place;
16 provided further that the cannabis or
17 manufactured cannabis product shall be
18 transported in a sealed container, not be visible
19 to the public, and shall not be removed from its
20 sealed container or consumed or used in any way
21 while it is in the public place; and



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

~~[(f)]~~ (g) For the purposes of this section, "transport" means the transportation of cannabis, usable cannabis, or any manufactured cannabis product between:

(1) A qualifying patient and the qualifying patient's primary caregiver;

(2) A qualifying out-of-state patient under eighteen years of age and the caregiver of a qualifying out-of-state patient;

(3) The production centers and the retail dispensing locations under a dispensary licensee's license; or

(4) A production center, retail dispensing location, qualifying patient, primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient and a certified laboratory for the purpose of laboratory testing; provided that a qualifying patient, primary caregiver, qualifying out-



1 of-state patient, or caregiver of a qualifying out-of-
2 state patient may only transport up to one gram of
3 cannabis per test to a certified laboratory for
4 laboratory testing and may only transport the product
5 if the qualifying patient, primary caregiver,
6 qualifying out-of-state patient, or caregiver of a
7 qualifying out-of-state patient:

8 (A) Secures an appointment for testing at a certified
9 laboratory;

10 (B) Obtains confirmation, which may be electronic,
11 that includes the specific time and date of the
12 appointment and a detailed description of the
13 product and amount to be transported to the
14 certified laboratory for the appointment; and

15 (C) Has the confirmation, which may be electronic,
16 available during transport.

17 For purposes of interisland transportation, "transport" of
18 cannabis, usable cannabis, or any manufactured cannabis product,
19 by any means is allowable only between a production center or
20 retail dispensing location and a certified laboratory for the
21 sole purpose of laboratory testing pursuant to section 329D-8,



1 as permitted under section 329D-6(m) and subject to section
2 329D-6(j), and with the understanding that state law and its
3 protections do not apply outside of the jurisdictional limits of
4 the State. Allowable transport pursuant to this section does
5 not include interisland transportation by any means or for any
6 purpose between a qualified patient, primary caregiver,
7 qualifying out-of-state patient, or caregiver of a qualifying
8 out-of-state patient and any other entity or individual,
9 including an individual who is a qualified patient, primary
10 caregiver, qualifying out-of-state patient, or caregiver of a
11 qualifying out-of-state patient."

12 SECTION 4. Section 329D-7, Hawaii Revised Statutes, is
13 amended to read as follows:

14 **"§329D-7 Medical cannabis dispensary rules.** The
15 department shall establish standards with respect to:

- 16 (1) The number of medical cannabis dispensaries that shall
17 be permitted to operate in the State;
- 18 (2) A fee structure for the submission of applications and
19 renewals of licenses to dispensaries; provided that
20 the department shall consider the market conditions in



1 each county in determining the license renewal fee
2 amounts;

3 (3) Criteria and procedures for the consideration and
4 selection, based on merit, of applications for
5 licensure of dispensaries; provided that the criteria
6 shall include but not be limited to an applicant's:

7 (A) Ability to operate a business;

8 (B) Financial stability and access to financial
9 resources; provided that applicants for medical
10 cannabis dispensary licenses shall provide
11 documentation that demonstrates control of not
12 less than \$1,000,000 in the form of escrow
13 accounts, letters of credit, surety bonds, bank
14 statements, lines of credit or the equivalent to
15 begin operating the dispensary;

16 (C) Ability to comply with the security requirements
17 developed pursuant to paragraph (6);

18 (D) Capacity to meet the needs of qualifying patients
19 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 licensed pursuant to this chapter;

(5) Procedures for announced and unannounced inspections by the department or its agents of production centers and dispensaries 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; provided that, at a minimum, the following shall be required:

(A) For production centers:

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



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

(iii) An alarm system; and

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

(B) For retail dispensing locations:

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

(ii) Video monitoring and recording of the premises; provided that recordings shall be retained for fifty days;

(iii) An alarm system;



(iv) Exterior lighting; and

(v) Other reasonable security measures as deemed
necessary by the department;

(7) Security requirements for the transportation of
cannabis and manufactured cannabis products between
production centers and retail dispensing locations and
between a production center, retail dispensing
location, qualifying patient, primary caregiver,
qualifying out-of-state patient, or caregiver of a
qualifying out-of-state patient and a certified
laboratory, pursuant to section [~~329-122(f)~~], 329-
122(g);

(8) Standards and criminal background checks to ensure the
reputable and responsible character and fitness of all
license applicants, licensees, employees,
subcontractors and their employees, and prospective
employees of medical cannabis dispensaries to operate
a dispensary; provided that the standards, at a
minimum, shall exclude from licensure or employment
any person convicted of any felony;



- 1 (9) The training and certification of operators and
2 employees of production centers and dispensaries;
- 3 (10) The types of manufactured cannabis products that
4 dispensaries shall be authorized to manufacture and
5 sell pursuant to sections 329D-9 and 329D-10;
- 6 (11) Laboratory standards related to testing cannabis and
7 manufactured cannabis products for content,
8 contamination, and consistency;
- 9 (12) The quantities of cannabis and manufactured cannabis
10 products that a dispensary may sell or provide to a
11 qualifying patient, primary caregiver, qualifying out-
12 of-state patient, or caregiver of a qualifying out-of-
13 state patient; provided that no dispensary shall sell
14 or provide to a qualifying patient, primary caregiver,
15 qualifying out-of-state patient, or caregiver of a
16 qualifying out-of-state patient any combination of
17 cannabis and manufactured products that:
- 18 (A) During a period of fifteen consecutive days,
19 exceeds the equivalent of four ounces of
20 cannabis; or



1 (B) During a period of thirty consecutive days,
2 exceeds the equivalent of eight ounces of
3 cannabis;

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

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

15 (B) Product packaging standards sufficient to allow
16 law enforcement personnel to reasonably determine
17 the contents of an unopened package;

18 (14) Limitation to the size or format of signs placed
19 outside a retail dispensing location or production
20 center; provided that the signage limitations, at a
21 minimum, shall comply with section 329D-6(o)(2) and



1 shall not include the image of a cartoon character or
2 other design intended to appeal to children;

3 (15) The disposal or destruction of unwanted or unused
4 cannabis and manufactured cannabis products;

5 (16) The enforcement of the following prohibitions against:

6 (A) The sale or provision of cannabis or manufactured
7 cannabis products to unauthorized persons;

8 (B) The sale or provision of cannabis or manufactured
9 cannabis products to a qualifying patient,
10 primary caregiver, qualifying out-of-state
11 patient, or caregiver of a qualifying out-of-
12 state patient in quantities that exceed limits
13 established by this chapter;

14 (C) Any use or consumption of cannabis or
15 manufactured cannabis products on the premises of
16 a retail dispensing location or production
17 center; and

18 (D) The distribution of cannabis or manufactured
19 cannabis products, for free, on the premises of a
20 retail dispensing location or production center;



1 (17) The establishment of a range of penalties for
2 violations of this chapter or rule adopted thereto;
3 and

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

10 SECTION 5. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 6. This Act shall take effect on January 1, 2050.



Report Title:

Medical Cannabis; Qualifying Patient; Elderly

Description:

Exempts any person who has reached the age of sixty-five from the requirement of having a debilitating medical condition to be eligible for the use of medical cannabis. Effective 1/1/2050.
(SD1)

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