
A BILL FOR AN ACT

RELATING TO MEDICAL CANNABIS.

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

1 SECTION 1. Section 329-41, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
3 "(a) It is unlawful for any person:
4 (1) Who is subject to part III to distribute, administer,
5 prescribe, or dispense a controlled substance in
6 violation of section 329-38 or rules authorized under
7 section 329-31; however, a licensed manufacturer or
8 wholesaler may sell or dispense a controlled substance
9 to a master of a transpacific ship or a person in
10 charge of a transpacific aircraft upon which no
11 physician is regularly employed, for the actual
12 medical needs of persons on board [~~such~~] the ship or
13 aircraft when not in port; provided that schedule I or
14 II controlled substances shall be sold to the master
15 of [~~such~~] the ship or person in charge of [~~such~~] the
16 aircraft only in accordance with the provisions [~~set~~
17 ~~forth in~~] of title 21 Code of Federal Regulations[~~7~~]



- 1 sections 1301, 1305, and 1307, adopted pursuant to
2 [~~Title~~] title 21[~~7~~] United States Code[~~7~~] section 821;
- 3 (2) Who is a registrant to manufacture a controlled
4 substance not authorized by the registrant's
5 registration or to distribute or dispense a controlled
6 substance not authorized by the registrant's
7 registration to another registrant or another
8 authorized person;
- 9 (3) To refuse or fail to make available, keep, or furnish
10 any record, notification, order form, prescription,
11 statement, invoice, or information in patient charts
12 relating to the administration, dispensing, or
13 prescribing of controlled substances;
- 14 (4) To refuse any lawful entry into any premises for any
15 inspection authorized by this chapter;
- 16 (5) Knowingly to keep or maintain any store, shop,
17 warehouse, dwelling, building, vehicle, boat,
18 aircraft, or other structure or place for the purpose
19 of using these substances or [~~which~~] that is used for
20 keeping or selling them in violation of this chapter
21 or chapter 712, part IV;



1 (6) Who is a practitioner or pharmacist to dispense a
2 controlled substance to any individual not known to
3 the practitioner or pharmacist, except under the
4 following circumstances:

5 (A) When dispensing a controlled substance directly
6 to an individual, the practitioner or pharmacist
7 shall first obtain and document, in a log book or
8 an electronic database, the full name,
9 identification number, identification type, and
10 signature, whether by actual signature or by
11 electronic signature capture device, of the
12 individual obtaining the controlled substance.

13 If the individual does not have any form of
14 proper identification, the pharmacist shall
15 verify the validity of the prescription and
16 identity of the patient with the prescriber, or
17 their authorized agent, before dispensing the
18 controlled substance; and

19 (B) For mail order prescriptions, the practitioner or
20 pharmacist shall not be subject to subparagraph

21 (A); provided that all other requirements of



1 chapter 329 shall apply and that the practitioner
2 or pharmacist, as part of the initial
3 registration process of an individual in a mail
4 order prescription drug plan and prior to the
5 controlled substance being dispensed, shall
6 obtain all identification information, including
7 the full name, identification number,
8 identification type, signature, and a photocopy
9 of a form of proper identification of the
10 individual obtaining the controlled substance.
11 The practitioner or pharmacist shall also comply
12 with other requirements [~~set forth~~] established
13 by rule.

14 For the purpose of this section, "proper
15 identification" means government-issued identification
16 containing the photograph, printed name,
17 identification number, and signature of the individual
18 obtaining the controlled substance;

19 (7) Who is a practitioner to predate or pre-sign
20 prescriptions to facilitate the obtaining or attempted
21 obtaining of controlled substances; [~~or~~]



1 (8) Who is a practitioner to facilitate the issuance or
2 distribution of a written prescription or to issue an
3 oral prescription for a controlled substance when not
4 physically in the State[-]; or

5 (9) To cultivate, produce, manufacture, distribute, or
6 dispense cannabis for medical use if the person is not
7 authorized pursuant to chapter 329, part IX, or
8 chapter 329D."

9 SECTION 2. Section 329-121, Hawaii Revised Statutes, is
10 amended by amending the definition of "medical use" to read as
11 follows:

12 "Medical use" means the acquisition, possession,
13 cultivation, use, distribution, or transportation of cannabis or
14 paraphernalia relating to the administration of cannabis to
15 alleviate the symptoms or effects of a qualifying patient's
16 debilitating medical condition; provided that "medical use" does
17 not include the cultivation or distribution of cannabis or
18 paraphernalia by a qualifying out-of-state patient or the
19 caregiver of a qualifying out-of-state patient. For the
20 purposes of "medical use", the term "distribution" is limited to
21 the transfer of cannabis and paraphernalia[-] from the



1 qualifying patient's registered primary caregiver to the
2 qualifying patient."

3 SECTION 3. Section 329-122, Hawaii Revised Statutes, is
4 amended by amending subsection (e) to read as follows:

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

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

9 (2) The medical use of cannabis:

10 (A) In a school bus, public bus, or any moving
11 vehicle;

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

13 (C) On any school grounds;

14 (D) At any public park, public beach, public
15 recreation center, or recreation or youth center;
16 or

17 (E) At any other place open to the public; provided
18 that a qualifying patient, primary caregiver,
19 qualifying out-of-state patient, caregiver of a
20 qualifying out-of-state patient, or an owner or
21 employee of a medical cannabis dispensary



1 licensed under chapter 329D shall not be
 2 prohibited from transporting cannabis or any
 3 manufactured cannabis product, as that term is
 4 defined in section 329D-1, in any public place;
 5 provided further that the cannabis or
 6 manufactured cannabis product shall be
 7 transported in a sealed container, not be visible
 8 to the public, and shall not be removed from its
 9 sealed container or consumed or used in any way
 10 while it is in the public place; [~~and~~]

11 (3) The use of cannabis by a qualifying patient, parent,
 12 primary caregiver, qualifying out-of-state patient, or
 13 caregiver of a qualifying out-of-state patient, for
 14 purposes other than medical use permitted by this
 15 part ~~[]~~; and

16 (4) The cultivation, handling, or possession of a
 17 qualifying patient's cannabis for medical use, unless
 18 the person is the qualifying patient or the qualifying
 19 patient's registered primary caregiver."

20 SECTION 4. Section 329-123, Hawaii Revised Statutes, is
 21 amended as follows:



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

2 "(a) Physicians or advanced practice registered nurses who
3 issue written certifications shall provide, in each written
4 certification, the name, address, patient identification number,
5 and other identifying information of the qualifying patient.

6 The department of health shall require, in rules adopted
7 pursuant to chapter 91, that all written certifications comply
8 with a designated form completed by or on behalf of a qualifying
9 patient. The form shall require information from the applicant,
10 primary caregiver, and physician or advanced practice registered
11 nurse as specifically required or permitted by this chapter.

12 The form shall require the address of the location where the
13 cannabis is grown and shall appear on the registry card issued
14 by the department of health. No more than fifty qualifying
15 patients may use a particular location to cultivate cannabis;
16 provided that this limitation shall not apply to qualifying
17 patients who obtain a written exemption from the department of
18 health. The certifying physician or advanced practice

19 registered nurse shall be required to have a bona fide
20 physician-patient relationship or bona fide advanced practice
21 registered nurse-patient relationship, as applicable, with the



1 qualifying patient. All current active medical cannabis permits
2 shall be honored through their expiration date."

3 2. By amending subsection (c) to read:

4 "(c) Primary caregivers shall register with the department
5 of health. Every primary caregiver shall be responsible for the
6 care of only one qualifying patient at any given time, unless
7 the primary caregiver is the parent, guardian, or person having
8 legal custody of more than one minor qualifying patient, in
9 which case the primary caregiver may be responsible for the care
10 of more than one minor qualifying patient at any given time;
11 provided that the primary caregiver is the parent, guardian, or
12 person having legal custody of all of the primary caregiver's
13 qualifying patients. The department of health may permit
14 registration of up to two primary caregivers for a minor
15 qualifying patient; provided that both primary caregivers are
16 the parent, guardian, or person having legal custody of the
17 minor qualifying patient. A primary caregiver shall not use a
18 qualifying patient's cannabis, nor shall the primary caregiver
19 accept a qualifying patient's cannabis as compensation for the
20 primary caregiver's services."



1 SECTION 5. Section 329-125, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§329-125 Protections afforded to a qualifying patient,
4 primary caregiver, qualifying out-of-state patient, or caregiver
5 of a qualifying out-of-state patient. (a) A qualifying
6 patient, primary caregiver, qualifying out-of-state patient, or
7 caregiver of a qualifying out-of-state patient may assert the
8 medical use of cannabis authorized under this part as an
9 affirmative defense to any prosecution involving marijuana under
10 this part, part IV, or part IV of chapter 712; provided that the
11 qualifying patient, primary caregiver, qualifying out-of-state
12 patient, or caregiver of a qualifying out-of-state patient
13 strictly complied with the requirements of this part.

14 (b) Any qualifying patient, primary caregiver, qualifying
15 out-of-state patient, or caregiver of a qualifying out-of-state
16 patient not complying with the permitted scope of the medical
17 use of cannabis shall not be afforded the protections against
18 searches and seizures pertaining to the misapplication of the
19 medical use of cannabis. To the extent the department is
20 authorized by this chapter, the department may conduct



1 inspections of grow sites to verify a person's compliance with
2 this chapter.

3 (c) A person who is not a qualifying patient, primary
4 caregiver, qualifying out-of-state patient, or caregiver of a
5 qualifying out-of-state patient or medical cannabis dispensary
6 under chapter 329D shall not:

7 (1) Be afforded any protections against searches and
8 seizures pertaining to the misapplication of the
9 medical use of cannabis, other than the protections
10 provided under constitutional law;

11 (2) Cultivate, produce, manufacture, distribute or
12 dispense cannabis; or

13 (3) Receive compensation, cannabis or cannabis products,
14 or engage in other related business transactions
15 arising out of the production, manufacture, sale, or
16 distribution of cannabis intended for medical use.

17 ~~(e)~~ (d) No person shall be subject to arrest or
18 prosecution for simply being in the presence or vicinity of the
19 medical use of cannabis as permitted under this part.

20 (e) No person shall mischaracterize or disguise
21 transactions arising out of the production, manufacture, sale,



1 or distribution of cannabis intended for medical use as another
2 type of compensation or expense."

3 SECTION 6. Section 329-129, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) No qualifying patient, primary caregiver, qualifying
6 out-of-state patient, or caregiver of a qualifying out-of-state
7 patient shall use butane or any other flammable solvent to
8 ~~[extract tetrahydrocannabinol from]~~ process cannabis plants[-]
9 or manufacture cannabis products."

10 SECTION 7. Section 329-130, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "§329-130 Authorized sources of medical cannabis. (a)
13 After December 31, 2024, a qualifying patient shall obtain
14 medical cannabis or manufactured cannabis products only:

15 (1) From a dispensary licensed pursuant to chapter 329D;
16 provided that the cannabis shall be purchased and paid
17 for at the time of purchase; or

18 (2) By cultivating cannabis in an amount that does not
19 exceed an adequate supply for the qualifying patient,
20 pursuant to section 329-122; provided that each



1 location used to cultivate cannabis shall be used by
2 no more than ~~[five]~~ fifty qualifying patients.
3 After December 31, 2024, ~~[no]~~ only a qualifying patient or their
4 designated primary caregiver shall be authorized to cultivate
5 cannabis ~~[for any qualifying patient.]~~

6 ~~(b) This section shall not apply to:~~

7 ~~(1) A qualifying patient who is a minor or an adult~~
8 ~~lacking legal capacity and the primary caregiver is~~
9 ~~the parent, guardian, or person having legal custody~~
10 ~~of a qualifying patient described in this paragraph,~~
11 ~~or~~

12 ~~(2) A qualifying patient on any island on which there is~~
13 ~~no medical cannabis dispensary licensed pursuant to~~
14 ~~chapter 329D].~~

15 ~~[(e)]~~ (b) A qualifying out-of-state patient and a
16 caregiver of a qualifying out-of-state patient shall be
17 authorized to obtain cannabis for medical use only from retail
18 dispensing locations of dispensaries licensed pursuant to
19 chapter 329D."

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



1 "(b) The director of health shall grant medical cannabis
2 dispensary licenses to allow dispensaries to produce,
3 manufacture, and dispense cannabis and manufactured cannabis
4 products pursuant to this chapter. No person shall produce,
5 manufacture, or dispense cannabis or manufactured cannabis
6 products without a dispensary license unless authorized pursuant
7 to part IX of chapter 329."

8 SECTION 9. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

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

13 SECTION 11. This Act shall take effect on June 30, 2050.



Report Title:

Cannabis; Medical Use; Patients; Caregivers; Cultivation; Grow Sites

Description:

Prohibits any person other than those authorized pursuant to chapter 329, part IX or chapter 329D, Hawaii Revised Statutes, from cultivating, producing, manufacturing, distributing, possessing, or dispensing cannabis for medical use. Clarifies that the definition of "distribution" within the definition of "medical use" is limited to the transfer of cannabis and cannabis paraphernalia from the qualifying patient's registered primary caregiver to the qualifying patient. Clarifies that the authorization for the medical use of cannabis does not apply to the cultivation, handling, or possession of a qualifying patient's cannabis for medical use, unless the person is the qualifying patient or the qualifying patient's registered primary caregiver. Increases the restriction on the number of qualifying patients who may use a grow site to fifty, unless an exemption is obtained by the Department of Health, and authorizes the Department of Public Safety to inspect grow sites for compliance. Establishes that a person who is not a qualifying patient, primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient or medical cannabis dispensary under chapter 329D, Hawaii Revised Statutes, shall not be afforded certain protections. Authorizes only a qualifying patient or their designated primary caregiver to cultivate cannabis after December 31, 2024. Repeals a provision in existing law that exempts certain qualifying patients from obtaining medical cannabis or manufactured cannabis products from authorized sources. Prohibits the mischaracterization or disguise of transactions arising out of the production, manufacture, sale, or distribution of cannabis intended for medical use as another type of compensation or expense. Clarifies that no qualifying patient, primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient shall use butane or any other flammable solvent to process cannabis plants or manufacture cannabis products. Prohibits a person from producing, manufacturing, or dispensing cannabis or manufactured cannabis



products without a dispensary license unless authorized.
Effective 6/30/2050. (SD1)

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

