
A BILL FOR AN ACT

RELATING TO MEDICAL CANNABIS.

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

1 PART I

2 SECTION 1. The legislature finds that amendments to the
3 State's medical use of cannabis law and medical cannabis
4 dispensary program law are necessary to facilitate the
5 administration of the laws, resolve issues that have arisen
6 under existing law, and clarify legislative intent.

7 The purpose of this Act is to:

- 8 (1) Add or clarify signage, manufactured cannabis product,
9 and escort requirements for the medical cannabis
10 dispensary program;
- 11 (2) Establish annual reporting requirements to increase
12 public transparency regarding the medical cannabis
13 registry program; and
- 14 (3) Make various housekeeping amendments.



1 PART II

2 SECTION 2. Section 329D-1, Hawaii Revised Statutes, is
3 amended by amending the definition of "manufactured cannabis
4 product" to read as follows:

5 "Manufactured cannabis product" means any capsule,
6 lozenge, oil or oil extract, tincture, ointment or skin lotion,
7 pill, transdermal patch, or pre-filled and sealed container used
8 to aerosolize and deliver cannabis orally~~[,]~~ or by inhalation,
9 such as an inhaler ~~[,]~~ nebulizer, or device that provides safe
10 pulmonary administration, that has been manufactured using
11 cannabis, edible cannabis product, pre-rolled cannabis flower
12 product, or any other products as specified by the department
13 pursuant to section 329D-10(a)(11)."

14 SECTION 3. Section 329D-4, Hawaii Revised Statutes, is
15 amended by amending subsection (n) to read as follows:

16 "(n) Pursuant to section ~~[,]~~ 329D-7(2) ~~[,]~~, a dispensary
17 license may be renewed annually by payment of an annual renewal
18 fee and subject to verification by the department through an
19 unannounced inspection that the individual licensee and entity
20 licensee continue to meet all licensing requirements from the
21 date the initial licenses were issued."



1 SECTION 4. Section 329D-6, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (o) to read:

4 "(o) A dispensary shall not:

5 (1) Display cannabis or manufactured cannabis products in
6 windows or in public view; or

7 (2) Post any signage other than [~~a single sign~~] one or two
8 signs, each no greater than one thousand six hundred
9 square inches bearing only the business or trade name
10 in text without any pictures or illustrations;
11 provided that if any applicable law or ordinance
12 restricting outdoor signage is more restrictive, that
13 law or ordinance shall govern."

14 2. By amending subsection (r) to read:

15 "(r) The department may authorize a dispensary to purchase
16 cannabis and manufactured cannabis products from another
17 dispensary in a manner prescribed by the department by rules
18 adopted pursuant to this chapter [~~and chapter 91~~]; provided
19 that:

20 (1) The purchasing dispensary establishes to the
21 department's satisfaction that:



- 1 (A) The purchase is necessary to ensure that
- 2 qualifying patients have continuous access to
- 3 cannabis for medical use; or
- 4 (B) The cannabis and manufactured cannabis products
- 5 are for medical, scientific, or other legitimate
- 6 purposes approved by the State;
- 7 (2) The selling dispensary may transport no more than
- 8 eight hundred ounces of cannabis or manufactured
- 9 cannabis products to the purchasing dispensary within
- 10 a thirty-day period;
- 11 (3) The cannabis and manufactured cannabis products are
- 12 transported between the dispensaries for medical,
- 13 scientific, or other legitimate purposes approved by
- 14 the State; and
- 15 (4) Nothing in this subsection shall relieve any
- 16 dispensary of its responsibilities and obligations
- 17 under this chapter and chapter 329."

18 SECTION 5. Section 329D-10, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:



1 "(a) The types of medical cannabis products that may be
2 manufactured and distributed pursuant to this chapter shall be
3 limited to:

- 4 (1) Capsules;
5 (2) Lozenges;
6 (3) Pills;
7 (4) Oils and oil extracts;
8 (5) Tinctures;
9 (6) Ointments and skin lotions;
10 (7) Transdermal patches;
11 (8) Pre-filled and sealed containers used to aerosolize
12 and deliver cannabis orally, or by inhalation, such as
13 with an inhaler [~~or~~], nebulizer[+], or device that
14 provides safe pulmonary administration; provided that
15 [~~containers~~]:

- 16 (A) Containers need not be manufactured by the
17 licensed dispensary but shall be filled with
18 cannabis, cannabis oils, or cannabis extracts
19 manufactured by the licensed dispensary[+] or as
20 permitted by section 329D-6(r); but shall not
21 contain nicotine, tobacco-related products, or



1 any other non-cannabis derived products; and
2 ~~[shall be designed to be used with devices used~~
3 ~~to provide safe pulmonary administration of~~
4 ~~manufactured cannabis products;~~

5 ~~(9) Devices that provide safe pulmonary administration,~~
6 ~~provided that:~~

7 ~~(A) The heating element of the device, if any, is~~
8 ~~made of inert materials such as glass, ceramic,~~
9 ~~or stainless steel, and not of plastic or rubber;~~

10 ~~(B) The device is distributed solely for use with~~
11 ~~single use, pre-filled, tamper resistant, sealed~~
12 ~~containers that do not contain nicotine or other~~
13 ~~tobacco products;~~

14 ~~(C) The device is used to aerosolize and deliver~~
15 ~~cannabis by inhalation, such as an inhaler,~~
16 ~~medical-grade nebulizer, or other similar medical~~
17 ~~grade volitization device;~~

18 ~~(D) There is a temperature control on the device that~~
19 ~~is regulated to prevent the combustion of~~
20 ~~cannabis oil; and~~



- 1 ~~(E) The device need not be manufactured by the~~
- 2 ~~licensed dispensary;]~~
- 3 (B) For devices that provide safe pulmonary
- 4 administration:
- 5 (i) The heating element of the device, if any,
- 6 shall be made of inert materials such as
- 7 glass, ceramic, or stainless steel, and not
- 8 of plastic or rubber;
- 9 (ii) The device shall be distributed solely for
- 10 use with single-use, pre-filled,
- 11 tamper-resistant, sealed containers that do
- 12 not contain nicotine or other tobacco
- 13 products;
- 14 (iii) There shall be a temperature control on the
- 15 device that is regulated to prevent the
- 16 combustion of cannabis oil; and
- 17 (iv) The device need not be manufactured by the
- 18 licensed dispensary;
- 19 (9) Pre-rolled cannabis flower products, as specified by
- 20 the department;



1 (10) [~~Other products, including edible~~] Edible cannabis
2 products, as specified by the department; and

3 (11) Other products as specified by the department."

4 SECTION 6. Section 329D-15, Hawaii Revised Statutes, is
5 amended by amending subsections (a) and (b) to read as follows:

6 "(a) No person shall intentionally or knowingly enter or
7 remain upon the premises of a medical cannabis retail dispensing
8 location unless the individual is:

9 (1) An individual licensee or registered employee of the
10 dispensary;

11 (2) A qualifying patient, primary caregiver, qualifying
12 out-of-state patient, or caregiver of a qualifying
13 out-of-state patient;

14 (3) A government employee or official acting in the
15 person's official capacity; or

16 (4) Previously included on a current department-approved
17 list provided to the department by the licensee of
18 those persons who are allowed into that dispensary's
19 facilities for a specific purpose for that dispensary,
20 including but not limited to construction,
21 maintenance, repairs, legal counsel, providers of



1 paratransit or other assistive services required by a
2 qualifying patient to access a retail dispensary
3 location, or investors; provided that:

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

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

9 (C) The department has confirmed that the person has
10 no felony convictions;

11 (D) The person is escorted by an individual licensee
12 or registered employee of the dispensary at all
13 times while in the dispensary facility; provided
14 that construction and maintenance personnel who
15 are not normally engaged in the business of
16 cultivating, processing, or selling medical
17 cannabis need not be accompanied on a full-time
18 basis, but shall be reasonably monitored by an
19 individual licensee or registered employee of the
20 dispensary while in areas not containing any
21 cannabis or cannabis products;



- 1 (E) The person is only permitted within those
2 portions of the dispensary facility as necessary
3 to fulfill the person's purpose for entering;
- 4 (F) The person is only permitted within the
5 dispensary facility during the times and for the
6 duration necessary to fulfill the person's
7 purpose for entering;
- 8 (G) The dispensary shall keep an accurate record of
9 each person's first and last name, date and times
10 upon entering and exiting the dispensary
11 facility, purpose for entering, and the identity
12 of the escort; and
- 13 (H) The approved list shall be effective for one year
14 from the date of the department approval.
- 15 (b) No individual licensee or registered employee of a
16 medical cannabis dispensary with control over or responsibility
17 for a retail dispensing location shall intentionally or
18 knowingly allow another to enter or remain upon the premises of
19 the retail dispensing location, unless the other is permitted to
20 enter and remain as specified in subsection (a) [-], except in an
21 emergency situation to repair infrastructure at a dispensary by



1 a person not on the department-approved list; provided that
2 those repair workers shall be escorted at all times, and the
3 licensee shall notify the department of the use of this
4 individual immediately."

5 SECTION 7. Section 329D-16, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "[+]§329D-16[+] Criminal offense; unauthorized access to
8 production centers. (a) No person shall intentionally or
9 knowingly enter or remain upon the premises of a medical
10 cannabis production center unless the person is:

- 11 (1) An individual licensee or registered employee of the
12 production center;
- 13 (2) A government employee or official acting in the
14 person's official capacity; or
- 15 (3) Previously included on a current department-approved
16 list provided to the department by the licensee of
17 those persons who are allowed into that [~~dispensary's~~
18 ~~facilities~~] production center for a specific purpose
19 for that [~~dispensary,~~] production center, including
20 but not limited to construction, maintenance, repairs,
21 legal counsel, or investors; provided that:



- 1 (A) The person has been individually approved by the
2 department to be included on the list;
- 3 (B) The person is at least twenty-one years of age,
4 as verified by a valid government issued
5 identification card;
- 6 (C) The department has confirmed that the person has
7 no felony convictions;
- 8 (D) The person is escorted by an individual licensee
9 or registered employee of the [~~dispensary~~]
10 production center at all times while in the
11 [~~dispensary facility;~~] production center;
12 provided that construction and maintenance
13 personnel not normally engaged in the business of
14 cultivating, processing, or selling medical
15 cannabis need not be accompanied on a full-time
16 basis, but only reasonably monitored by an
17 individual licensee or registered employee of the
18 production center while in areas not containing
19 any cannabis or cannabis products;
- 20 (E) The person is only permitted within those
21 portions of the [~~dispensary facility~~] production



1 center as necessary to fulfill the person's
2 purpose for entering;

3 (F) The person is only permitted within the
4 ~~[dispensary facility]~~ production center during
5 the times and for the duration necessary to
6 fulfill the person's purpose for entering;

7 (G) The ~~[dispensary]~~ production center shall keep an
8 accurate record of each person's identity, date
9 and times upon entering and exiting the
10 dispensary facility, purpose for entering, and
11 the identity of the escort; and

12 (H) The approved list shall be effective for one year
13 from the date of department approval.

14 (b) No individual licensee or registered employee of a
15 medical cannabis dispensary with control over or responsibility
16 for a production center shall intentionally or knowingly allow
17 another to enter or remain upon the premises of the production
18 center, unless the other is permitted to enter and remain as
19 specified in subsection (a) ~~[-]~~, except in an emergency situation
20 to repair infrastructure at a dispensary by a person not on the
21 department-approved list; provided that those repair workers



1 shall be escorted at all times, and the licensee shall notify
2 the department of the use of this individual immediately.

3 (c) Unauthorized access to a production center is a class
4 C felony."

5 SECTION 8. Section 329D-23, Hawaii Revised Statutes, is
6 amended by amending subsection (b) to read as follows:

7 "(b) The department shall report annually to the governor
8 and the legislature on the establishment and regulation of
9 medical cannabis production centers and dispensaries [~~including~~
10 ~~but not limited to the number and location of production centers~~
11 ~~and dispensaries licensed, the total licensing fees collected,~~
12 ~~the total amount of taxes collected from production centers and~~
13 ~~dispensaries, and any licensing violations determined by the~~
14 ~~department]~~. The report shall include, at minimum:

15 (1) Three consistent key performance indicators to measure
16 program performance, as initially created and defined
17 by the department;

18 (2) The number and location of production centers and
19 dispensaries licensed;



- 1 (3) The total licensing fees collected and the total
- 2 amount of taxes collected from production centers and
- 3 dispensaries;
- 4 (4) The number of inspections conducted, licensing
- 5 violations determined by the department, and fines
- 6 collected from violations, by category; and
- 7 (5) The description and number of education activities
- 8 undertaken pursuant to section 329D-26."

9 SECTION 9. Section 329D-26, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) The department shall conduct a continuing education
12 and training program to explain and clarify the purposes and
13 requirements of this chapter or to provide substance abuse
14 prevention and education. The program shall target community
15 partner agencies, physicians and other health care providers,
16 patients and caregivers, law enforcement agencies, law and
17 policy makers, and the general public. The program shall
18 include, at minimum, education and outreach regarding:

- 19 (1) The updated, publicly-available list of medical
- 20 cannabis dispensaries, physicians, and other health



1 care providers participating in the program under this
2 chapter;

3 (2) Lawful activities, unlawful activities, and applicable
4 penalties for a medical cannabis dispensary,
5 qualifying patient, primary caregiver, qualifying
6 out-of-state patient, caregiver of a qualifying
7 out-of-state patient, and other entity performing
8 related activities; and

9 (3) The methods and associated requirements for a medical
10 cannabis dispensary, qualifying patient, primary
11 caregiver, or other entity to produce cannabis and
12 manufactured cannabis products, as applicable."

13 PART III

14 SECTION 10. Chapter 329, Hawaii Revised Statutes, is
15 amended by adding a new section to part IX to be appropriately
16 designated and to read as follows:

17 "§329- Medical use of cannabis; reports. The department
18 shall report annually to the governor and the legislature on the
19 medical use of cannabis. Each report, at minimum, shall
20 include:



- 1 (1) Three consistent key performance indicators to measure
2 program performance, as initially created and defined
3 by the department;
- 4 (2) The number of new, renewed, and expired and not
5 renewed registrations of qualifying patients, primary
6 caregivers, qualifying out-of-state patients, and
7 caregivers of a qualifying out-of-state patient;
- 8 (3) The amount of fees collected from new and renewed
9 registrations;
- 10 (4) The number of physician or advanced practice
11 registered nurses issuing medical cannabis
12 certifications, and the number of certifications
13 issued by each of the ten physician or advanced
14 practice registered nurses who issue the highest
15 number of certifications;
- 16 (5) The number of locations on each island where more than
17 five qualifying patients register the same or
18 contiguous location or locations for cultivating
19 cannabis, and the number of qualifying patients
20 registered at each of the ten most frequently used



1 same or contiguous locations used to cultivate
2 cannabis;
3 (6) The number of inspections conducted and number of
4 violations found by the department; and
5 (7) The description and number of education activities
6 undertaken by the full-time staff member per
7 section 329D-26 and the total expense of those
8 education activities."

PART IV

10 SECTION 11. Pursuant to section 201-13.9, Hawaii Revised
11 Statutes, the department of business economic development and
12 tourism shall submit to the legislature, no later than twenty
13 days prior to the convening of the regular session of 2024, a
14 report that provides an analysis of aggregated de-identified
15 information regarding the medical cannabis registry and
16 dispensary programs established pursuant to chapters 329 and
17 329D, Hawaii Revised Statutes.

PART V

19 SECTION 12. This Act does not affect rights and duties
20 that matured, penalties that were incurred, and proceedings that
21 were begun before its effective date.



1 SECTION 13. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 14. This Act shall take effect on December 31,
4 2050.



Report Title:

Medical Cannabis; Dispensaries; Certification; Patients

Description:

Adds or clarifies signage, manufactured cannabis product, and escort requirements for the medical cannabis dispensary program. Establishes annual reporting requirements to increase public transparency regarding the medical cannabis registry program. Makes various housekeeping amendments. Effective 12/31/2050.
(SD1)

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

