

Honolulu, Hawaii

APR 06 2023

RE: H.B. No. 1082
H.D. 3
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred H.B. No. 1082, H.D. 3, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MEDICAL CANNABIS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize the Department of Health to allow written certifications for a patient with a chronic condition to be valid for three years;
- (2) Remove the requirement that a certifying physician or advanced practice registered nurse have a "bona fide" physician-patient or advanced practice registered nurse-patient relationship to certify that a patient has a debilitating medical condition pursuant to chapter 329, Hawaii Revised Statutes;
- (3) Amend the definition of "manufactured cannabis product" to include devices that provide safe pulmonary administration, edible cannabis products, and pre-rolled cannabis flower products;
- (4) Define "waiting room" within a medical cannabis retail dispensary;



- (5) Allow primary caregivers, qualifying out-of-state patients, and caregivers of a qualifying out-of-state patient to access the waiting room;
- (6) Allow selling dispensaries to transport not more than eight hundred ounces of cannabis or manufactured cannabis products to purchasing dispensaries within a thirty-day period, or other amounts with prior approval of the Department of Health;
- (7) Clarify the types of medical cannabis products that may be manufactured and distributed pursuant to the State's medical cannabis dispensary system;
- (8) Clarify that each day of a violation of chapter 329D, Hawaii Revised Statutes, is a separate violation;
- (9) Amend the rulemaking authority for dispensary-to-dispensary sales; and
- (10) Require medical cannabis dispensaries, in conjunction with physicians and advanced practice registered nurses who issue written certifications pursuant to section 329-123, Hawaii Revised Statutes, to conduct the continuing education and training program required by section 329D-26, Hawaii Revised Statutes, rather than the Department of Health.

Your Committees received testimony in support of this measure from the Department of Health, Aloha Green Apothecary, Hawai'i Cannabis Industry Association, Cure Oahu, Big Island Grown, and Pono Life Maui. Your Committees received comments on this measure from the Department of Commerce and Consumer Affairs, Akamai Cannabis Consulting, and Metrc.

Your Committees find that the regulated statewide dispensary system for medical cannabis was established on July 14, 2015, as Act 241, Session Laws of Hawaii 2015, to ensure safe and legal access to medical cannabis by qualifying patients. Since that time, the experience of the program indicates that improvements to the law will help to fulfill its original intent by clarifying provisions and implementing reasonable modifications to support



patient access. This measure will improve the law to allow certain people access to areas in a medical cannabis retail dispensary and clarify numerous other provisions in the law.


Your Committees have amended this measure by:

- (1) Adding language that establishes a Medical and Adult Use of Cannabis Working Group;
- (2) Adding language that requires the Medical and Adult Use of Cannabis Working Group to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than ten days prior to the convening of the Regular Session of 2024; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1082, H.D. 3, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1082, H.D. 3, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Ways and Means,



DONOVAN M. DELA CRUZ, Chair


KARL RHOADS, Chair



The Senate
Thirty-Second Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* HB 1082 HD3 SDI	Committee Referral: HHS/CPN, JDC/WAM	Date: 4/4/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
AQUINO, Henry J.C.	X			
DECOITE, Lynn	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
KIM, Donna Mercado	X			
LEE, Chris	X			
MORIWAKI, Sharon Y.				X
SHIMABUKURO, Maile S.L.				X
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
TOTAL	11			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes