

S.B. NO. 3132

JAN 24 2024

A BILL FOR AN ACT

RELATING TO MEDICAL CANNABIS.

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

1 SECTION 1. Current State law recognizes the beneficial use
2 of cannabis in treating certain debilitating medical conditions,
3 their symptoms, and certain side effects of treatment of these
4 conditions, including severe pain, nausea, muscle spasms, and
5 seizures. Act 241, Session Laws of Hawaii 2015, provided
6 patient access to medical cannabis beyond the access that
7 existed prior to the creation of dispensary system authorized by
8 the Act. However, the intent of the legislature as expressed in
9 that Act was, and continues to be, to expand qualifying
10 patient's access to cannabis rather than to replace existing
11 legal access routes. According to the rapid survey of Hawaii
12 medical cannabis patients and providers conducted by the
13 department of health in 2022, fifty-five per cent of patients
14 indicated that they obtained their cannabis exclusively from a
15 licensed medical cannabis dispensary, this means that up to
16 forty-five per cent of patients obtain their cannabis for
17 medical use from other sources, including home cultivation.
18 Part of the justification for establishing the medical cannabis

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1 dispensary system was that some patients may not be able to grow
2 their own supply of medical cannabis due to limitations such as
3 disability or lack of space. These patients should continue to
4 have multiple options for obtaining medical cannabis, including
5 having a primary caregiver grow an adequate supply of cannabis
6 for medical use on their behalf. Accordingly, the purpose of
7 this Act is to repeal the sunset date of the authorization for
8 primary caregivers to cultivate medical cannabis for qualifying
9 patients and clarify that primary caregivers may continue to
10 cultivate medical cannabis for qualifying patients subject to
11 certain restrictions.

12 SECTION 2. Section 329-130, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§329-130 Authorized sources of medical cannabis.** (a)
15 [~~After December 31, 2024, a~~] A qualifying patient shall obtain
16 medical cannabis or manufactured cannabis products only:

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

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

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1 location used to cultivate cannabis shall be used by
2 no more than five qualifying patients[-]; or
3 (3) By the qualifying patient's primary caregiver
4 cultivating cannabis in an amount that does not exceed
5 an adequate supply for the qualifying patient pursuant
6 to section 329-122; provided that each location used
7 to cultivate cannabis shall be used to cultivate
8 cannabis for no more than five qualifying patients.

9 ~~[After December 31, 2024, no primary caregiver shall be~~
10 ~~authorized to cultivate cannabis for any qualifying patient.~~

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

12 ~~(1) A qualifying patient who is a minor or an adult~~
13 ~~lacking legal capacity and the primary caregiver is~~
14 ~~the parent, guardian, or person having legal custody~~
15 ~~of a qualifying patient described in this paragraph;~~
16 ~~or~~

17 ~~(2) A qualifying patient on any island on which there is~~
18 ~~no medical cannabis dispensary licensed pursuant to~~
19 ~~chapter 329D.~~

20 ~~(e)]~~ (b) A qualifying out-of-state patient and a caregiver
21 of a qualifying out-of-state patient shall be authorized to

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1 obtain cannabis for medical use only from retail dispensing
2 locations of dispensaries licensed pursuant to chapter 329D."


3 SECTION 3. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.

6

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INTRODUCED BY:

A handwritten signature in black ink, appearing to be "J. M. M.", is written over a horizontal line.

8

BY REQUEST

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Report Title:

Medical Cannabis; Primary Caregivers

Description:

Repeals the sunset date of the authorization for primary caregivers to cultivate medical cannabis for qualifying patients and clarifies that primary caregivers may continue to cultivate medical cannabis for qualifying patients subject to certain restrictions.

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

JUSTIFICATION SHEET

DEPARTMENT: Health.

TITLE: A BILL FOR AN ACT RELATING TO MEDICAL CANNABIS.

PURPOSE: To repeal the sunset date for the authorization for primary caregivers to cultivate medical cannabis for qualifying patients and clarify that primary caregivers may continue to cultivate medical cannabis for qualifying patients subject to certain restrictions.

MEANS: Amend section 329-130, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Primary caregivers are a vital resource to qualifying patients who may be too ill to grow their own supply of medical cannabis. This bill will allow qualifying patients to continue designating their primary caregiver to cultivate medical cannabis on their behalf.

Impact on the public: Repealing the sunset date of the cultivation authorization for primary caregivers will ensure continuity of access to medical cannabis for certain qualifying patients.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HTH-560.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.