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



1 sources, including home cultivation. Part of the justification  
2 for establishing the medical cannabis dispensary system was that  
3 some patients may not be able to grow their own supply of  
4 medical cannabis due to limitations such as disability or lack  
5 of space. These patients should continue to have multiple  
6 options for obtaining medical cannabis, including having a  
7 primary caregiver grow an adequate supply of cannabis for  
8 medical use on their behalf.

9 Accordingly, the purpose of this Act is to repeal the  
10 sunset date of the authorization for primary caregivers to  
11 cultivate medical cannabis for qualifying patients and clarify  
12 that primary caregivers may continue to cultivate medical  
13 cannabis for qualifying patients subject to certain  
14 restrictions.

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

17 "**§329-130 Authorized sources of medical cannabis.** (a)  
18 [~~After December 31, 2024, a~~] A qualifying patient shall obtain  
19 medical cannabis or manufactured cannabis products only:



- 1 (1) From a dispensary licensed pursuant to chapter 329D;  
2 provided that the cannabis shall be purchased and paid  
3 for at the time of purchase; [~~or~~]
- 4 (2) By cultivating cannabis in an amount that does not  
5 exceed an adequate supply for the qualifying patient,  
6 pursuant to section 329-122; provided that each  
7 location used to cultivate cannabis shall be used by  
8 [~~no~~] not more than five qualifying patients;  
9 provided further that patient grow sites with more  
10 than five patients shall be authorized on land zoned  
11 for agricultural use; provided further that the  
12 department shall adopt rules pursuant to chapter 91 to  
13 conduct routine voluntary grow site inspections  
14 without law enforcement; or
- 15 (3) From the qualifying patient's primary caregiver  
16 authorized to cultivate cannabis; provided that the  
17 amount of cannabis cultivated shall not exceed an  
18 adequate supply for the qualifying patient pursuant to  
19 section 329-122; provided further that each location  
20 used to cultivate cannabis shall be used to cultivate  
21 cannabis for not more than five qualifying patients.



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

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

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

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

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

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

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



**Report Title:**

DOH; Medical Cannabis; Primary Caregivers; Cultivation; Rules

**Description:**

Repeals the sunset date of the authorization for primary caregivers to cultivate medical cannabis for their qualifying patients, subject to certain restrictions. Authorizes patient grow sites with more than five patients on land zoned for agricultural use. Requires the Department of Health to adopt administrative rules to conduct routine voluntary grow site inspections without law enforcement. (SD1)

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

