

Honolulu, Hawaii

APR 06 2023

RE: H.B. No. 1217
H.D. 2
S.D. 1

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. 1217, H.D. 2, 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) Prohibit 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;
- (2) Clarify 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;
- (3) Clarify 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;



- (4) Increase 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;
- (5) Establish 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;
- (6) Authorize only a qualifying patient or their designated primary caregiver to cultivate cannabis after December 31, 2024;
- (7) Repeal a provision in existing law that exempts certain qualifying patients from obtaining medical cannabis or manufactured cannabis products from authorized sources;
- (8) Prohibit 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;
- (9) Clarify 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; and
- (10) Prohibit a person from producing, manufacturing, or dispensing cannabis or manufactured cannabis products without a dispensary license unless authorized.

Your Committees received testimony in support of this measure from the Department of Health, Aloha Green Apoth, Cure Oahu, and two individuals. Your Committees received testimony in opposition to this measure from Kaua'i Farm Planning and twelve individuals. Your Committees received comments on this measure from Akamai Cannabis Consulting, Oahu Cannabis Farms Alliance, Maine Craft Cannabis Association, and fifteen individuals.

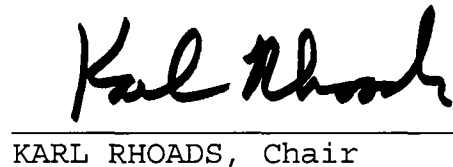


Your Committees find that medical cannabis dispensaries are regulated under chapter 329D, Hawaii Revised Statutes, and the individual medical use of medical cannabis is regulated under chapter 329, Hawaii Revised Statutes. By definition, any activity that falls outside of these regulations is not regulated cannabis. Clarity as to what is permitted by law is fundamental to any legal, regulated system. There is currently some confusion in the marketplace and community of medical cannabis patients as to what is permissible under the law. This measure amends various statutory provisions for the purpose of providing clarity and strengthening the integrity of cannabis law.

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. 1217, H.D. 2, S.D. 1, and recommend that it pass Third Reading.

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

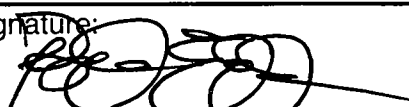

DONOVAN M. DELA CRUZ, Chair


KARL RHOADS, Chair



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 Thirty-Second Legislature
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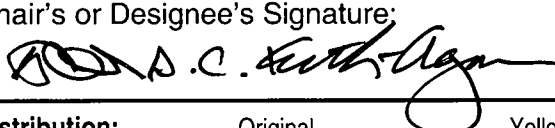
Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1217 HD2 SD1	HHS, JDC/WAM	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 checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton			✓	
TOTAL	4	0	1	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; margin-top: 10px;">  </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Thirty-Second Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

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The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input 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	10	1		2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
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