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



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

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

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

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

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



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

6 (3) From the qualifying patient's primary caregiver who  
7 cultivates cannabis in an amount that does not exceed  
8 an adequate supply for the qualifying patient pursuant  
9 to section 329-122; provided that each location used  
10 to cultivate cannabis shall be used to cultivate  
11 cannabis for no more than five qualifying patients.

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

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

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



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

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

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

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



**Report Title:**

Medical Cannabis; Cultivation; Primary Caregivers

**Description:**

Repeals the sunset date of the authorization for primary caregivers to cultivate medical cannabis for qualifying patients. Clarifies that primary caregivers may continue to cultivate medical cannabis for qualifying patients subject to certain restrictions. (HD1)

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

