

JAN 20 2023

A BILL FOR AN ACT

RELATING TO CANNABIS FOR MEDICAL USE.

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

1 SECTION 1. The legislature finds that patients and primary
2 caregivers cultivating medical cannabis at a registered grow
3 site under the State's medical cannabis registry program have no
4 legal means of obtaining safe, laboratory-tested genetic
5 material from which to propagate their plants. State law on the
6 medical use of cannabis currently authorizes qualifying patients
7 to cultivate up to ten medical cannabis plants at a grow site
8 listed on the patient's registry card, but it does not specify
9 by what means propagules, cuttings, or other cannabis genetic
10 material necessary to produce these plants may be obtained. In
11 practice, existing law often forces patients or their primary
12 caregivers to obtain propagules, cuttings, or other cannabis
13 genetic material from the illicit market. Unfortunately, these
14 materials have not been tested for the presence of pesticides
15 and heavy metals and are of unknown genetic provenance and
16 therapeutic value.



1 The legislature also finds that, in a number of other
2 states that authorize the medical use of cannabis, cannabis
3 propagules and cannabis cuttings are available for purchase
4 through state-licensed dispensaries. These laws ensure that
5 patients who choose to cultivate their own cannabis plants have
6 a legal channel from which to obtain safe, quality-assured
7 genetic material with verified therapeutic properties.

8 The legislature further finds that the State's medical
9 cannabis dispensary system law was enacted, in part, to improve
10 qualifying patients' access to safe and quality-assured medical
11 cannabis and medical cannabis products. However, state law does
12 not explicitly authorize licensed dispensaries to distribute
13 cannabis propagules or cannabis cuttings.

14 Accordingly, the purpose of this Act is to amend the
15 State's medical cannabis dispensary system law to:

- 16 (1) Include cannabis propagules and cannabis cuttings in
17 the definition of "cannabis", thereby authorizing
18 dispensaries to dispense medical cannabis propagules
19 and cannabis cuttings;
- 20 (2) Allow qualifying patients and primary caregivers who
21 are authorized to cultivate cannabis for medical use



1 to purchase cannabis propagules and cannabis cuttings
2 from a dispensary licensed in the State; and
3 (3) Establish quantity limits and quality requirements for
4 the dispensing of cannabis propagules and cannabis
5 cuttings.

6 SECTION 2. Section 329D-1, Hawaii Revised Statutes, is
7 amended as follows:

8 1. By adding two new definitions to be appropriately
9 inserted and to read:

10 "Cannabis cutting" means the stem of a cannabis plant that
11 is taken or cut off for the purpose of being rooted and grown
12 into a new cannabis plant.

13 "Cannabis propagule" means any part of a cannabis plant
14 that can be used to grow a new cannabis plant."

15 2. By amending the definition of "cannabis" to read:

16 "Cannabis" shall have the same meaning as in section
17 329-121. "Cannabis" includes cannabis propagules and cannabis
18 cuttings."

19 SECTION 3. Section 329D-13, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§329D-13 Dispensing of cannabis; quantity limits[-];
2 quality restrictions. (a) A qualifying patient, primary
3 caregiver, qualifying out-of-state patient, or caregiver of a
4 qualifying out-of-state patient shall be allowed to purchase
5 [nø] not more than four ounces of cannabis, excluding cannabis
6 propagules and cannabis cuttings, within a consecutive period of
7 fifteen days, or [nø] not more than eight ounces of cannabis,
8 excluding cannabis propagules and cannabis cuttings, within a
9 consecutive period of thirty days.

10 (b) A qualifying patient [~~, primary caregiver, qualifying~~
11 ~~out of state patient, or caregiver of a qualifying out of state~~
12 ~~patient may purchase cannabis] or primary caregiver who is
13 authorized to cultivate cannabis pursuant to sections 329-122
14 and 329-130(a) shall be allowed to purchase a total of not more
15 than five cannabis propagules or cannabis cuttings within a
16 consecutive period of fifteen days, or a total of not more than
17 ten cannabis propagules or cannabis cuttings within a
18 consecutive period of thirty days; provided that:~~

19 (1) The cannabis propagules or cannabis cuttings dispensed
20 to the qualifying patient or primary caregiver shall



1 have undergone laboratory-based testing for residual
2 pesticides and heavy metals; and

3 (2) The laboratory-based test results indicate that no
4 pesticides or heavy metals have been detected from the
5 cannabis propagules or cannabis cuttings.

6 This subsection shall not apply to a qualifying out-of-state
7 patient or a caregiver of a qualifying out-of-state patient.

8 (c) The purchase of cannabis pursuant to subsection (a),
9 and the purchase of cannabis propagules and cannabis cuttings
10 pursuant to subsection (b), may be made from any dispensary
11 location in the State, subject to the quantity limits and
12 quality restrictions set forth in [subsection] subsections
13 (a) [-] and (b), respectively.

14 ~~[(e) Beginning on January 1, 2018, this section]~~ (d)
15 Subsections (a) and (c) may apply to qualifying out-of-state
16 patients from other states, territories of the United States, or
17 the District of Columbia[-], who are attempting to purchase
18 cannabis, exclusive of cannabis propagules and cannabis
19 cuttings; provided that the patient meets the registration
20 requirements of section 329-123.5."




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1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 5. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: 



S.B. NO. 1104

Report Title:

Cannabis; Cannabis Propagules; Cannabis Cuttings; Medical Cannabis Dispensaries; Dispensing Limits and Restrictions

Description:

Amends the definition of "cannabis" to include cannabis propagules and cannabis cuttings. Allows qualifying patients and primary caregivers who are authorized to cultivate cannabis for medical use to purchase cannabis propagules and cannabis cuttings from licensed dispensaries in the State under certain conditions. Establishes quantity limits and quality requirements for the dispensing of cannabis propagules and cannabis cuttings. Defines "cannabis cutting" and "cannabis propagule".

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

