
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 restricting the
2 interisland transportation of cannabis by qualifying patients
3 for their personal medical use is contrary to the intent of
4 state laws that authorize qualifying patients to use medical
5 cannabis.

6 Accordingly, the purpose of this Act is to protect the
7 rights of qualifying patients to use medical cannabis by:

8 (1) Specifically authorizing the interisland
9 transportation of cannabis for personal medical use;
10 provided that no individual or entity shall be
11 required to violate federal law; and

12 (2) Requiring the department of transportation to adopt
13 rules for the interisland transport of controlled
14 substances within the State.

15 SECTION 2. Section 26-19, Hawaii Revised Statutes, is
16 amended to read as follows:



1 **"§26-19 Department of transportation.** The department of
2 transportation shall be headed by a single executive to be known
3 as the director of transportation. The department shall
4 establish, maintain, and operate transportation facilities of
5 the State, including highways, airports, harbors, and such other
6 transportation facilities and activities as may be authorized by
7 law.

8 The department shall plan, develop, promote, and coordinate
9 various transportation systems management programs that shall
10 include, but not be limited to, alternate work and school hours
11 programs, bicycling programs, and ridesharing programs.

12 The department shall develop and promote ridesharing
13 programs which shall include but not be limited to, carpool and
14 vanpool programs, and may assist organizations interested in
15 promoting similar programs, arrange for contracts with private
16 organizations to manage and operate these programs, and assist
17 in the formulation of ridesharing arrangements. Ridesharing
18 programs include informal arrangements in which two or more
19 persons ride together in a motor vehicle.

20 The functions and authority heretofore exercised by the
21 department of public works with respect to highways are



1 transferred to the department of transportation established by
2 this chapter.

3 On July 1, 1961, the Hawaii aeronautics commission, the
4 board of harbor commissioners and the highway commission shall
5 be abolished and their remaining functions, duties, and powers
6 shall be transferred to the department of transportation.

7 The department shall adopt rules pursuant to chapter 91 for
8 the interisland transport of controlled substances within the
9 jurisdictional limits of the State, which extend twelve nautical
10 miles from the perimeter of each island and connect Oahu, Maui,
11 Molokai, Lanai, and Kahoolawe."

12 SECTION 3. Section 329-122, Hawaii Revised Statutes, is
13 amended by amending subsection (f) to read as follows:

14 "(f) For the purposes of this section, "transport" means
15 the transportation of cannabis, usable cannabis, or any
16 manufactured cannabis product between:

17 (1) A qualifying patient and the qualifying patient's
18 primary caregiver;

19 (2) A qualifying out-of-state patient under eighteen years
20 of age and the caregiver of a qualifying out-of-state
21 patient;



- 1 (3) The production centers and the retail dispensing
2 locations under a dispensary licensee's license;
- 3 (4) Dispensaries, to the extent authorized by section
4 329D-6(r); or
- 5 (5) A production center, retail dispensing location,
6 qualifying patient, primary caregiver, qualifying out-
7 of-state patient, or caregiver of a qualifying out-of-
8 state patient and a certified laboratory for the
9 purpose of laboratory testing; provided that a
10 qualifying patient, primary caregiver, qualifying out-
11 of-state patient, or caregiver of a qualifying out-of-
12 state patient may only transport up to one gram of
13 cannabis per test to a certified laboratory for
14 laboratory testing and may only transport the product
15 if the qualifying patient, primary caregiver,
16 qualifying out-of-state patient, or caregiver of a
17 qualifying out-of-state patient:
- 18 (A) Secures an appointment for testing at a certified
19 laboratory;
- 20 (B) Obtains confirmation, which may be electronic,
21 that includes the specific time and date of the



1 appointment and a detailed description of the
2 product and amount to be transported to the
3 certified laboratory for the appointment; and

4 (C) Has the confirmation, which may be electronic,
5 available during transport.

6 For purposes of interisland transportation, "transport" of
7 cannabis, usable cannabis, or any manufactured cannabis product,
8 by any means is allowable only by a qualifying patient or
9 qualifying out-of-state patient for the patient's personal
10 medical use, between dispensaries to the extent authorized by
11 section 329D-6(r) [and], or between a production center or
12 retail dispensing location and a certified laboratory for the
13 sole purpose of laboratory testing pursuant to section 329D-8,
14 as permitted under section 329D-6(m) and subject to section
15 329D-6(j) [~~r~~]; provided that no individual or entity shall be
16 required to violate federal law, and with the understanding that
17 state law and its protections [~~do not apply outside of the~~
18 ~~jurisdictional limits of the State. Allowable transport pursuant~~
19 ~~to this section does not include interisland transportation by~~
20 ~~any means or for any purpose between a qualifying patient,~~
21 ~~primary caregiver, qualifying out-of-state patient, or caregiver~~



1 ~~of a qualifying out-of-state patient and any other entity or~~
2 ~~individual, including an individual who is a qualifying patient,~~
3 ~~primary caregiver, qualifying out-of-state patient, or caregiver~~
4 ~~of a qualifying out-of-state patient.] do not affect federal~~
5 law."

6 SECTION 4. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

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

11 SECTION 6. This Act shall take effect on June 30, 3000.



Report Title:

Cannabis; Medical Use; Department of Transportation; Interisland Transportation; Authorization

Description:

Authorizes qualifying patients and qualifying out-of-state patients to transport cannabis between islands of the State for personal medical use; provided that no individual or entity shall be required to violate federal law. Requires the Department of Transportation to adopt rules for the interisland transport of controlled substances within the State. Effective 6/30/3000. (HD1)

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

