

STAND. COM. REP. NO. 1413

Honolulu, Hawaii

MAR 24 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 Committee on Health and Human Services, to which was referred H.B. No. 1217, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO MEDICAL CANNABIS,"

begs leave to report as follows:

The purpose and intent of this measure is to make various amendments to laws regarding medical cannabis to provide clear parameters regarding the medical use of cannabis for qualifying patients, primary caregivers, qualifying out-of-state patients, and caregivers of qualifying out-of-state patients.

Your Committee received testimony in support of this measure from the Department of Health, Cure Oahu, PONO LIFE MAUI, and four individuals. Your Committee received testimony in opposition to this measure from Care Waiialua, LLC; Fire Farms Maui, LLC; Kauai Farm Planning; and more than two hundred individuals. Your Committee received comments on this measure from Aloha Green Holdings, Inc.

Your Committee finds that chapter 329, Hawaii Revised Statutes, regulates the individual use of medical cannabis, and chapter 329D, Hawaii Revised Statutes, regulates medical cannabis dispensaries. As a result, any activity that falls outside of these existing laws is not regulated and clarity is needed as to what activities are permitted to support the fundamentals of the



regulation system. This measure amends various provisions of laws regarding medical cannabis to ensure safe and legal access to medical cannabis, and resolve existing confusion with regard to the medical cannabis marketplace and its patients.

Your Committee acknowledges the concerns raised in testimony that this measure, as currently drafted, only allows five qualifying patients to cultivate medical cannabis at a particular location, which equates to only fifty cannabis plants. Your Committee also acknowledges the concerns raised in testimony that this measure is overly restrictive for qualifying patients who wish to cultivate medical cannabis for themselves. Accordingly, amendments to this measure are necessary to address these concerns.

Therefore, your Committee has amended this measure by:

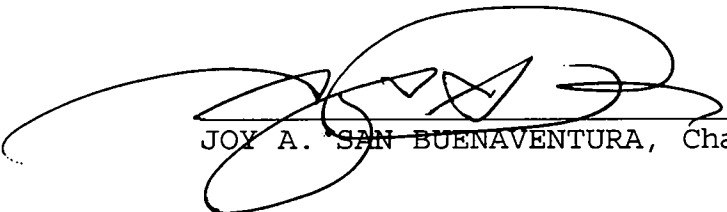
- (1) Inserting language increasing the number of qualifying patients that may use a particular location to cultivate cannabis from five to fifty;
- (2) Removing the sunset date of December 31, 2024, which would have prohibited primary caregivers from cultivating cannabis for qualifying patients after that date;
- (3) Repealing existing law that exempts certain qualifying patients from obtaining medical cannabis or manufactured cannabis products from authorized sources;
- (4) Clarifying that no person shall produce, manufacture, or dispense cannabis or manufactured cannabis products without a dispensary license unless authorized pursuant to chapter 329, part IX, Hawaii Revised Statutes;
- (5) Inserting an effective date of June 30, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this



report, your Committee is in accord with the intent and purpose of H.B. No. 1217, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1217, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Health and Human
Services,



JOY A. ~~SAN~~ BUENAVENTURA, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Health and Human Services
HHS

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>HB 1217 HD2</i>	<i>HHS, JDC/HAM</i>	<i>3/22/23</i>		
<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 type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Recommit				
2312 2311 2310 2313				
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
AQUINO, Henry J.C. (VC)	✓			
MORIWAKI, Sharon Y.	✓			
SHIMABUKURO, Maile S.L.			✓	
AWA, Brenton			✓	
TOTAL	<i>3</i>		<i>2</i>	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod				
File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes