

STAND. COM. REP. NO. 403

Honolulu, Hawaii

FEB 16 2023

RE: S.B. No. 1104
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 S.B. No. 1104 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Amend the definition of "cannabis" to include cannabis propagules and cannabis cuttings, thereby authorizing dispensaries to dispense cannabis propagules and cannabis cuttings;
- (2) Allow qualifying patients and primary caregivers who are authorized to cultivate cannabis for medical use to purchase cannabis propagules and cuttings from a dispensary licensed in the State; and
- (3) Establish quantity limits and quality requirements for the dispensing of cannabis propagules and cuttings.

Your Committee received testimony in support of this measure from Maui Grown Therapies; Drug Policy Forum of Hawai'i, Inc.; Aloha Green Holdings Inc.; and two individuals. Your Committee received testimony in opposition to this measure from the Department of Health. Your Committee received comments on this measure from the Department of the Attorney General.



Your Committee finds that existing law allows qualifying patients and primary caregivers to cultivate cannabis for medical use but neglects to provide a legal means for these individuals to acquire the propagative material to do so, such as cannabis cuttings and propagules. Consequently, qualifying patients and primary caregivers are forced to obtain cannabis genetic material from the illicit market, where there is an absence of regulation and questionable and often mislabeled material. To curtail the illicit purchasing of cannabis genetic material, this measure establishes a legal channel for the distribution of cannabis genetic material by allowing certain qualifying patients and primary caregivers to purchase cannabis cuttings and propagules from licensed dispensaries.

Your Committee further finds that allowing qualifying patients to purchase cannabis seeds would help increase legal access to cannabis genetic material. Accordingly, amendments to this measure are necessary to address cannabis seeds.

Therefore, your Committee has amended this measure by:

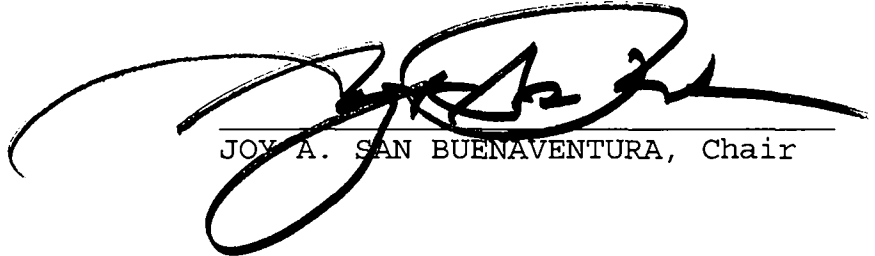
- (1) Clarifying that the definition of "cannabis" includes cannabis seeds;
- (2) Inserting language that allows qualifying patients and primary caregivers who are authorized to cultivate cannabis for medical use to purchase cannabis seeds from a dispensary licensed in the State;
- (3) Clarifying that the amount of cannabis, including cannabis propagules, cuttings, and seeds, possessed by a qualifying patient at any time shall not exceed an adequate supply as defined in section 329-122, Hawaii Revised Statutes;
- (4) Inserting language to require the Department of Health to adopt rules for the dispensing of cannabis propagules, cuttings, and seeds;
- (5) Amending section 1 to reflect its amended purpose;



- (6) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (7) 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 S.B. No. 1104, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1104, S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

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



JOY A. SAN BUENAVENTURA, Chair



