
A BILL FOR AN ACT

RELATING TO CANNABIS.

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

1 PART I

2 SECTION 1. The legislature finds that access for
3 qualifying patients and primary caregivers to medical cannabis
4 and particularly licensed medical cannabis dispensaries remains
5 challenging due to limited access to medical providers, delays
6 in obtaining allowed access to enter and purchase medical
7 cannabis, and the availability of cannabis through a thriving
8 illicit market.

9 The legislature further finds that registration for the
10 medical cannabis program has decreased in the last few years.
11 While the number of registered medical cannabis patients reached
12 its peak in August 2021, with 35,444 card-holding patients,
13 since then, the number of patients has decreased over fifteen
14 per cent to 30,035 by November 2024. This appears to indicate
15 that residents are shifting away from licensed medical cannabis
16 dispensaries, and instead are obtaining their medical cannabis
17 from elsewhere due to administrative barriers, delays in



1 registering, and the ease and lower costs in obtaining cannabis
2 elsewhere.

3 The legislature also finds that this apparent shift away
4 from licensed medical cannabis dispensaries toward the illicit
5 market undermines the purposes of the medical cannabis program
6 in ensuring patient safety, product safety, and public safety.

7 The legislature additionally finds that Act 34, Session
8 Laws of Hawaii 2021, amended existing law governing physicians
9 by eliminating the requirement for a physician-patient
10 relationship to be established by an initial in-person
11 consultation, and authorized the relationship to be established
12 via telehealth.

13 The purpose of this part is to make various amendments to
14 the medical use of cannabis and medical cannabis dispensaries
15 laws by:

16 (1) Authorizing the department of health to inspect a
17 qualifying patient's medical records that are held by
18 the physician, advanced practice registered nurse, or
19 hospice provider who issued a written certification
20 for the qualifying patient;



- 1 (2) Amending definitions of "qualifying patient" and
2 "written certification" and adding a definition of
3 "primary treating medical provider";
- 4 (3) Clarifying the conditions of use for the medical use
5 of cannabis;
- 6 (4) Authorizing the establishment of a provider-patient
7 relationship via telehealth for purposes of issuing
8 written certifications and limiting the maximum fee a
9 provider may assess for issuing a written
10 certification;
- 11 (5) Authorizing the sale of hemp products and accessories
12 to the medical use of cannabis at retail dispensing
13 locations, except in the waiting room; and
- 14 (6) Clarifying the transportation requirements for certain
15 types of dispensary-to-dispensary purchases of
16 cannabis or manufactured cannabis products.

17 SECTION 2. Chapter 329, Hawaii Revised Statutes, is
18 amended by adding a new section to part IX to be appropriately
19 designated and to read as follows:

20 **"§329- Qualifying patient medical records; inspection**
21 **and enforcement; authority.** (a) The department may inspect a



1 qualifying patient's medical records held by the physician,
2 advanced practice registered nurse, or hospice provider who
3 issued a written certification for the qualifying patient.

4 (b) The department may suspend or revoke the ability to
5 issue a written certification for any physician, advanced
6 practice registered nurse, or hospice provider who refuses
7 inspection of a qualifying patient's medical records by the
8 department pursuant to this section.

9 (c) The department may suspend or revoke the ability to
10 issue a written certification for any physician, advanced
11 practice registered nurse, or hospice provider whose medical
12 records do not comply with the requirements of this chapter."

13 SECTION 3. Section 329-121, Hawaii Revised Statutes, is
14 amended as follows:

15 1. By adding a new definition to be appropriate inserted
16 and to read:

17 "Primary treating medical provider" means a physician or
18 an advanced practice registered nurse located in, and with an
19 active unrestricted license to practice in, the State who,
20 within the physician's or advanced practice registered nurse's
21 scope of practice and individual competency, is primarily



1 responsible for the treatment and ongoing care of the qualifying
2 patient and has determined that the potential benefits of the
3 medical use of cannabis are likely to outweigh the associated
4 health risks for the qualifying patient."

5 2. By amending the definition of "qualifying patient" to
6 read:

7 ""Qualifying patient" means a person who ~~[has]~~:

8 (1) Has been diagnosed ~~[by a physician or advanced~~
9 ~~practice registered nurse]~~ as having a debilitating
10 medical condition~~[-]~~ by a physician or advanced
11 practice registered nurse who has certified in writing
12 that, in the physician's or advanced practice
13 registered nurse's professional opinion, the benefit
14 of the medical use of cannabis would likely outweigh
15 the health risks for the person;

16 (2) Has been diagnosed as having a condition other than a
17 debilitating medical condition by the person's primary
18 treating medical provider who has certified in writing
19 that, in the primary treating medical provider's
20 professional opinion, the potential benefits of the



1 medical use of cannabis would likely outweigh the
2 health risks for the person; or

3 (3) Is receiving hospice care and the hospice provider
4 licensed in the State has certified in writing that
5 the person is receiving hospice care."

6 3. By amending the definition of "written certification"
7 to read:

8 ""Written certification" means the qualifying patient's
9 medical records or a statement signed by a qualifying patient's
10 physician ~~[or]~~, advanced practice registered nurse, or hospice
11 provider, stating that in the physician's ~~[or]~~, advanced
12 practice registered nurse's, or hospice provider's professional
13 opinion, the qualifying patient has a ~~[debilitating medical~~
14 ~~condition—and]~~ condition for which the potential benefits of
15 the medical use of cannabis would likely outweigh the health
16 risks for the qualifying patient. The department of health may
17 require, through its rulemaking authority, that all written
18 certifications comply with a designated form. "Written
19 certifications" are valid for one year from the time of signing;
20 provided that the department of health may allow for the
21 validity of any written certification for three years if the



1 qualifying patient's physician or advanced practice registered
2 nurse states that the patient's ~~[debilitating medical]~~ condition
3 is chronic in nature."

4 SECTION 4. Section 329-122, Hawaii Revised Statutes, is
5 amended by amending subsections (a) and (b) to read as follows:

6 "(a) Notwithstanding any law to the contrary, the medical
7 use of cannabis by a qualifying patient eighteen years of age or
8 older shall be permitted only if:

9 ~~[(1) The qualifying patient has been diagnosed by a~~
10 ~~physician or advanced practice registered nurse as~~
11 ~~having a debilitating medical condition;~~

12 ~~(2) The qualifying patient's physician or advanced~~
13 ~~practice registered nurse has certified in writing~~
14 ~~that, in the physician's or advanced practice~~
15 ~~registered nurse's professional opinion, the potential~~
16 ~~benefits of the medical use of cannabis would likely~~
17 ~~outweigh the health risks for the particular~~
18 ~~qualifying patient; and~~

19 ~~(3)]~~ (1) The physician, advanced practice registered
20 nurse, or hospice provider who has determined the
21 patient to be a qualifying patient has explained the



1 potential risks and benefits of the medical use of
2 cannabis to the qualifying patient and documented in
3 the qualifying patient's medical record that the
4 qualifying patient understands the potential risks and
5 benefits of the medical use of cannabis; and

6 (2) The amount of cannabis possessed by the qualifying
7 patient does not exceed an adequate supply.

8 (b) [~~Subsection (a) shall not apply to~~] Notwithstanding
9 any law to the contrary, the medical use of cannabis by a
10 qualifying patient under the age of eighteen years~~[, unless:]~~
11 shall be permitted only if:

12 (1) The [~~qualifying patient's~~] physician [~~or~~], advanced
13 practice registered nurse, or hospice provider who has
14 determined the patient to be a qualifying patient has
15 explained the potential risks and benefits of the
16 medical use of cannabis to the qualifying patient and
17 to a parent, guardian, or person having legal custody
18 of the qualifying patient~~[,]~~ and documented in the
19 qualifying patient's medical record that the
20 qualifying patient and the parent, guardian, or person
21 having legal custody of the qualifying patient



1 understand the potential risks and benefits of the
2 medical use of cannabis; and

3 (2) A parent, guardian, or person having legal custody
4 consents in writing to:

5 (A) Allow the qualifying patient's medical use of
6 cannabis;

7 (B) Serve as the qualifying patient's primary
8 caregiver; and

9 (C) Control the acquisition of the cannabis, the
10 dosage, and the frequency of the medical use of
11 cannabis by the qualifying patient."

12 SECTION 5. Section 329-123, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) Physicians or advanced practice registered nurses who
15 issue written certifications shall provide, in each written
16 certification, the name, address, patient identification number,
17 and other identifying information of the qualifying patient. A
18 written certification issued pursuant to this subsection shall
19 originate from within the State. The department of health shall
20 require, in rules adopted pursuant to chapter 91, that all
21 written certifications comply with a designated form completed



1 by or on behalf of a qualifying patient. The form shall require
2 information from the applicant, primary caregiver, and physician
3 or advanced practice registered nurse as specifically required
4 or permitted by this chapter. The form shall require the
5 address of the location where the cannabis is grown and shall
6 appear on the registry card issued by the department of health.
7 The certifying physician or advanced practice registered nurse
8 shall be required to have a bona fide physician-patient
9 relationship or bona fide advanced practice registered nurse-
10 patient relationship, as applicable, with the qualifying
11 patient[-]; provided that nothing under this part shall require
12 that the bona fide physician-patient relationship or bona fide
13 advanced practice registered nurse-patient relationship be
14 established by conducting an initial in-person consultation.
15 Any fees assessed by a certifying physician or advanced practice
16 registered nurse to issue a written certification pursuant to
17 this subsection shall not exceed an amount equal to three times
18 the amount of the fee charged by the department of health to
19 issue a registration certificate pursuant to subsection (b).
20 All current active medical cannabis permits shall be honored
21 through their expiration date."



SECTION 6. Section 329-126, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) For purposes of this section, a bona fide physician-patient relationship may be established via telehealth, as defined in section 453-1.3(j), and a bona fide advanced practice registered nurse-patient relationship may be established via telehealth, as defined in section 457-2; provided that nothing under this part shall require that treatment recommendations that include certifying a patient for the medical use of cannabis via telehealth ~~[shall]~~ be allowed only after an initial in-person consultation between the certifying physician or advanced practice registered nurse and the patient."

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

1. By amending the definition of "retail dispensing location" to read:

"Retail dispensing location" means an establishment owned, operated, or subcontracted by a medical cannabis dispensary where cannabis ~~[and]~~, manufactured cannabis products, hemp products, and accessories to the medical use of cannabis,



1 including but not limited to rolling papers, rolling trays,
2 grinders, and vaporizers, are made available for retail sale to
3 a qualifying patient, primary caregiver, qualifying out-of-state
4 patient, or caregiver of a qualifying out-of-state patient."

5 2. By amending the definition of "waiting room" to read:

6 ""Waiting room" means a designated area at the public
7 entrance of a retail dispensing location that may be accessed by
8 a member of the general public who is waiting for, assisting, or
9 accompanying a qualifying patient, primary caregiver, qualifying
10 out-of-state patient, or caregiver of a qualifying out-of-state
11 patient who enters or remains on the premises of a retail
12 dispensing location for the purpose of a transaction conducted
13 pursuant to sections 329D-6 and 329D-13; provided that the
14 storage, display, and retail sale of cannabis [~~and~~],
15 manufactured cannabis products, hemp products, and accessories
16 to the medical use of cannabis, including but not limited to
17 rolling papers, rolling trays, grinders, and vaporizers, shall
18 be prohibited within the waiting room area."

19 SECTION 8. Section 329D-6, Hawaii Revised Statutes, is
20 amended by amending subsection (r) to read as follows:



1 "(r) A dispensary may purchase cannabis and manufactured
2 cannabis products from another dispensary. The department shall
3 authorize a dispensary to purchase cannabis and manufactured
4 cannabis products from another dispensary in a manner prescribed
5 by the department by rules adopted pursuant to section 329D-27;
6 provided that:

7 (1) The selling dispensary may transport not more than
8 eight hundred ounces, or other amounts with prior
9 approval by the department, of cannabis or
10 manufactured cannabis products to the purchasing
11 dispensary within a thirty-day period; provided
12 further that cannabis and manufactured cannabis
13 products purchased pursuant to this section intended
14 for:

15 (A) Direct retail sale to qualifying patients shall
16 meet all applicable packaging, labeling, and
17 testing requirements at the time of transport to
18 the purchasing dispensary's production center or
19 one of its retail dispensing locations; and

20 (B) Further manufacturing by the purchasing
21 dispensary at the time of transportation shall be



1 transported to the purchasing dispensary's
2 production center;

3 (2) The cannabis and manufactured cannabis products are
4 transported between the dispensaries for medical
5 sales, scientific use, or other legitimate purposes
6 approved by the State; ~~[and]~~

7 (3) The selling dispensary shall submit a transport
8 manifest of the cannabis or manufactured cannabis
9 products to be sold to the department before the sale
10 is made, after which the selling dispensary may
11 immediately proceed with the transfer of the cannabis
12 or manufactured cannabis products; and

13 ~~[(3)]~~ (4) Nothing in this subsection shall relieve any
14 dispensary of its responsibilities and obligations
15 under this chapter and chapter 329."

16 SECTION 9. Section 453-1.3, Hawaii Revised Statutes, is
17 amended by amending subsection (c) to read as follows:

18 "(c) Treatment recommendations made via telehealth,
19 including issuing a prescription via electronic means, shall be
20 held to the same standards of appropriate practice as those in
21 traditional physician-patient settings that do not include



[+]an[+] in-person visit but in which prescribing is appropriate, including on-call telephone encounters and encounters for which a follow-up visit is arranged. Issuing a prescription based solely on an online questionnaire is not treatment for the purposes of this section and does not constitute an acceptable standard of care. For the purposes of prescribing opiates ~~[or certifying a patient for the medical use of cannabis]~~, a physician-patient relationship shall only be established after an in-person consultation between the prescribing physician and the patient."

PART II

SECTION 10. The purpose of this part is to establish criminal penalties for the unlicensed operation of a medical cannabis dispensary.

SECTION 11. Chapter 329D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§329D- Unlicensed operation of a dispensary; criminal penalty. (a) No person shall intentionally, knowingly, or recklessly operate a dispensary without a license issued by the department pursuant to this chapter.



1 (b) No person shall intentionally, knowingly, or
2 recklessly operate any search platform, web hosting service,
3 social media platform, or other service that posts information
4 advertising the sale of cannabis or manufactured cannabis
5 products by a person or entity engaged in the production,
6 manufacture, or sale of cannabis and manufactured cannabis
7 products without a license issued by the department pursuant to
8 this chapter.

9 (c) The department shall issue a cease and desist notice
10 to any person who violates subsections (a) or (b); provided that
11 the department shall issue the cease and desist notice before
12 initiating any criminal proceedings.

13 (d) Any person who violates subsection (a) shall be guilty
14 of a class C felony. Any person who violates subsection (b)
15 shall be guilty of a misdemeanor.

16 (e) It shall be an affirmative defense to subsection (b)
17 that the person operating any search platform, web hosting
18 service, social media platform, or other service that posts
19 information advertising the sale of cannabis or manufactured
20 cannabis products had requested, examined, and reasonably relied
21 upon a license that appeared to have been issued by the



1 department that was shown to the person by the unlicensed person
2 or unlicensed entity engaged in the production, manufacture, or
3 sale of cannabis or manufactured cannabis products establishing
4 that the unlicensed person or unlicensed entity was licensed by
5 the department to engage in the production, manufacture, or sale
6 of cannabis or manufactured cannabis products pursuant to this
7 chapter. The failure of the person operating any search
8 platform, web hosting service, social media platform, or other
9 service that posts information advertising the sale of cannabis
10 and manufactured cannabis products to request and examine a
11 license issued by the department from the unlicensed person or
12 unlicensed entity engaged in the production, manufacture, or
13 sale of cannabis or manufactured cannabis products before
14 providing access to any search platform, web hosting service,
15 social media platform, or other service that posts information
16 advertising the sale of cannabis and manufactured cannabis
17 products shall be construed against the person operating the
18 search platform, web hosting service, social media platform, or
19 other service that posts information advertising the sale of
20 cannabis and manufactured cannabis products and form a
21 conclusive basis for the person's violation of this section.



(f) This section shall not apply to:

(1) Hemp processors or hemp product retailers with a valid permit under chapter 328G; or

(2) Primary caregivers registered under chapter 329 who are acting within the scope of their registration."

PART III

SECTION 12. The purpose of this part is to:

(1) Authorize expenditures from the medical cannabis registry and regulation special fund to fund programs for the mitigation and abatement of nuisances related to illegal cannabis and hemp products or medical cannabis dispensaries; and

(2) Appropriate funds to the department of the attorney general's drug nuisance abatement unit for these purposes.

SECTION 13. Section 28-131, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The purpose of the drug nuisance abatement unit shall be to provide for the effective enforcement and prosecution of those violations of the drug nuisance abatement laws under chapter 712, part V but only for offenses related to drugs and



1 intoxicating compounds as provided under chapter 712, part IV[+]]
2 and violations of chapter 329D as provided under section
3 712-1270. The drug nuisance [+]abatement[+] unit may also
4 review and take appropriate action on drug nuisance complaints
5 of any citizen of the State, or drug nuisances that are
6 discovered by the unit in carrying out its activities."

7 SECTION 14. Section 321-30.1, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) There is established within the state treasury the
10 medical cannabis registry and regulation special fund. The fund
11 shall be expended at the discretion of the director of health:

12 (1) To establish and regulate a system of medical cannabis
13 dispensaries in the State;

14 (2) To offset the cost of the processing and issuance of
15 patient registry identification certificates and
16 primary caregiver registration certificates;

17 (3) To fund positions and operating costs authorized by
18 the legislature;

19 (4) To establish and manage a secure and confidential
20 database;



1 (5) To fund public education as required by section
2 329D-26;

3 (6) To fund substance abuse prevention and education
4 programs; ~~[and]~~

5 (7) To fund programs for the mitigation and abatement of
6 nuisances relating to illegal cannabis and hemp
7 products and chapter 329D; and

8 ~~[+7+]~~ (8) For any other expenditure necessary, consistent
9 with this chapter and chapter 329D, to implement
10 medical cannabis registry and regulation programs."

11 SECTION 15. There is appropriated out of the medical
12 cannabis registry and regulation special fund the sum of
13 \$750,000 or so much thereof as may be necessary for fiscal year
14 2025-2026 and the same sum or so much thereof as may be
15 necessary for fiscal year 2026-2027 for the department of the
16 attorney general to enforce, and mitigate nuisances relating to,
17 illegal cannabis and hemp products and chapter 329D, Hawaii
18 Revised Statutes, and to establish, recruit, and hire the
19 following positions:

20 (1) Four full-time equivalent (4.0 FTE) investigator V
21 positions;



(2) One full-time equivalent (1.0 FTE) investigator IV position; and

(3) One full-time equivalent (1.0 FTE) analyst position.

The sums appropriated shall be expended by the attorney general for the purposes of this part.

PART IV

SECTION 16. The purpose of this part is to prohibit the cultivation of cannabis without a cannabis cultivator license issued by the department of health.

SECTION 17. Chapter 329D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§329D- Cannabis cultivator; license required. (a)
Notwithstanding section 329D-24, it shall be unlawful for any person to cultivate cannabis without a license issued by the department pursuant to this section.

(b) A cannabis cultivator license shall authorize the licensee to:

(1) Acquire and cultivate cannabis plants, seeds, cuttings, or clones; and



(2) Distribute cannabis plants and cannabis flower to a
medical cannabis dispensary.

(c) The department shall issue no more than one cannabis
cultivator license for each person.

(d) A person issued a cannabis cultivator license under this section shall meet all production facility and processing requirements of this chapter."

PART V

SECTION 18. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 19. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 20. This Act shall take effect on July 1, 2025; provided that part IV of this Act shall take effect on January 1, 2028; provided further that the amendments made to section 453-1.3(c), Hawaii Revised Statutes, by section 9 of this Act shall not be repealed when that section is reenacted on December 31, 2025, pursuant to section 8 of Act 107, Session Laws of Hawaii 2023.



Report Title:

DOH; AG; Medical Cannabis; Medical Cannabis Dispensaries; Patient Records; Access; Provider-Patient Relationships; Inter-Dispensary Sales; Criminal Penalties; Nuisance Abatement and Mitigation; Medical Cannabis Registry and Regulation Special Fund; Cannabis Cultivator License; Appropriation

Description:

Part I: Authorizes DOH to inspect qualifying patient medical records held by the physician, advanced practice registered nurse, or hospice provider who issued a written certification for the qualifying patient. Amends and adds definitions for purposes of the medical use of cannabis law. Clarifies the conditions of use for the medical use of cannabis. For purposes of issuing written certifications, authorizes the establishment of a provider-patient relationship via telehealth and limits the maximum amount of fees that can be assessed by providers. Authorizes the sale of hemp products and accessories for the medical use of cannabis at retail dispensing locations, except in waiting rooms. Clarifies transportation requirements for certain inter-dispensary sales of cannabis and manufactured cannabis products. Part II: Establishes criminal penalties for the unlicensed operation of a medical cannabis dispensary. Part III: Authorizes expenditures from the Medical Cannabis Registry and Regulation Special Fund to fund programs for the mitigation and abatement of nuisances related to illegal cannabis and hemp products and medical cannabis dispensaries and appropriates funds from the Special Fund to the AG's Drug Nuisance Abatement Unit for these purposes, including establishing positions. Part IV: Beginning 1/1/2028, prohibits the cultivation of cannabis without a cannabis cultivator license issued by DOH. (CD1)

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

