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# A BILL FOR AN ACT

RELATING TO MEDICAL CANNABIS.

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

1 PART I

2 SECTION 1. The legislature finds that amendments to the  
3 State's medical use of cannabis law and medical cannabis  
4 dispensary program law are necessary to facilitate the  
5 administration of the laws, resolve issues that have arisen  
6 under existing law, and clarify legislative intent.

7 PART II

8 SECTION 2. The purpose of this part is to:

- 9 (1) Define "waiting room" within a medical cannabis retail  
10 dispensing location and specify who may have access to  
11 the waiting room;
- 12 (2) Add or clarify requirements for the medical cannabis  
13 dispensary program related to signage, types of  
14 permitted manufactured cannabis products, standards  
15 for packaging of cannabis and manufactured cannabis  
16 products, supervision of certain personnel who are  
17 onsite at a retail dispensing location or medical



1 cannabis production center, annual reporting  
2 requirements for the department of health, and the  
3 continuing education and training program conducted by  
4 the department of health; and

5 (3) Make various housekeeping amendments.

6 SECTION 3. Section 329D-1, Hawaii Revised Statutes, is  
7 amended as follows:

8 1. By adding a new definition to be appropriately inserted  
9 and to read as follows:

10 "Waiting room" means a designated area at the public  
11 entrance of a retail dispensing location that may be accessed by  
12 a member of the general public who is waiting for, assisting, or  
13 accompanying a qualifying patient, primary caregiver, qualifying  
14 out-of-state patient, or caregiver of a qualifying out-of-state  
15 patient who enters or remains on the premises of a retail  
16 dispensing location for the purpose of a transaction conducted  
17 pursuant to sections 329D-6 and 329D-13; provided that the  
18 storage, display, and retail sale of cannabis and manufactured  
19 cannabis products shall be prohibited within the waiting room  
20 area."



1           2. By amending the definition of "manufactured cannabis  
2 product" to read as follows:

3           ""Manufactured cannabis product" means any capsule,  
4 lozenge, oil or oil extract, tincture, ointment or skin lotion,  
5 pill, transdermal patch, or pre-filled and sealed container used  
6 to aerosolize and deliver cannabis orally~~[7]~~ or by inhalation,  
7 such as an inhaler ~~[or]~~, nebulizer, or device that provides safe  
8 pulmonary administration, that has been manufactured using  
9 cannabis~~[7]~~; edible cannabis products; pre-rolled cannabis  
10 flower products; or any other products as specified by the  
11 department pursuant to section 329D-10(a)(11)."

12           SECTION 4. Section 329D-6, Hawaii Revised Statutes, is  
13 amended as follows:

14           1. By amending subsection (o) to read:

15           "(o) A dispensary shall not:

16           (1) Display cannabis or manufactured cannabis products in  
17 windows or in public view; or

18           (2) Post any signage other than ~~[a single sign]~~ one or two  
19 signs, each no greater than one thousand six hundred  
20 square inches bearing only the business or trade name  
21 in text without any pictures or illustrations;



1 provided that if any applicable law or ordinance  
2 restricting outdoor signage is more restrictive, that  
3 law or ordinance shall govern."

4 2. By amending subsection (r) to read:

5 "(r) The department may authorize a dispensary to purchase  
6 cannabis and manufactured cannabis products from another  
7 dispensary in a manner prescribed by the department by rules  
8 adopted pursuant to this chapter [~~and chapter 91~~]; provided  
9 that:

10 (1) The purchasing dispensary establishes to the  
11 department's satisfaction that:

12 (A) The purchase is necessary to ensure that  
13 qualifying patients have continuous access to  
14 cannabis for medical use; or

15 (B) The cannabis and manufactured cannabis products  
16 are for medical, scientific, or other legitimate  
17 purposes approved by the State;

18 (2) The selling dispensary may transport no more than  
19 eight hundred ounces of cannabis or manufactured  
20 cannabis products to the purchasing dispensary within  
21 a thirty-day period;



1 (3) The cannabis and manufactured cannabis products are  
2 transported between the dispensaries for medical,  
3 scientific, or other legitimate purposes approved by  
4 the State; and

5 (4) Nothing in this subsection shall relieve any  
6 dispensary of its responsibilities and obligations  
7 under this chapter and chapter 329."

8 SECTION 5. Section 329D-10, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

10 "(a) The types of medical cannabis products that may be  
11 manufactured and distributed pursuant to this chapter shall be  
12 limited to:

- 13 (1) Capsules;
- 14 (2) Lozenges;
- 15 (3) Pills;
- 16 (4) Oils and oil extracts;
- 17 (5) Tinctures;
- 18 (6) Ointments and skin lotions;
- 19 (7) Transdermal patches;
- 20 (8) Pre-filled and sealed containers used to aerosolize  
21 and deliver cannabis orally[7] or by inhalation, such



1 as with an inhaler ~~[or]~~, nebulizer~~[,]~~, or device that  
2 provides safe pulmonary administration; provided that  
3 ~~[containers]~~:

4 (A) Containers need not be manufactured by the  
5 licensed dispensary but shall be filled with  
6 cannabis, cannabis oils, or cannabis extracts  
7 manufactured by the licensed dispensary~~[,]~~ or as  
8 permitted by section 329D-6(r); but shall not  
9 contain nicotine, tobacco-related products, or  
10 any other non-cannabis derived products; and  
11 ~~[shall be designed to be used with devices used~~  
12 ~~to provide safe pulmonary administration of~~  
13 ~~manufactured cannabis products;~~

14 ~~(9) Devices]~~

15 (B) For devices that provide safe pulmonary  
16 administration~~[, provided that]~~:

17 ~~[(A)]~~ (i) The heating element of the device, if any,  
18 ~~[is]~~ shall be made of inert materials such  
19 as glass, ceramic, or stainless steel, and  
20 not of plastic or rubber;





1           "(a) The department shall establish standards regarding  
2 the advertising and packaging of cannabis and manufactured  
3 cannabis products; provided that the standards, at a minimum,  
4 shall require the use of packaging that:

- 5           (1) Is child-resistant and opaque so that the product  
6           cannot be seen from outside the packaging;
- 7           (2) Uses only [~~black~~] lettering in colors approved by the  
8           department on a white background with no pictures or  
9           graphics;
- 10          (3) Is clearly labeled with the phrase "For medical use  
11          only";
- 12          (4) Is clearly labeled with the phrase "Not for resale or  
13          transfer to another person";
- 14          (5) Includes instructions for use and "use by date";
- 15          (6) Contains information about the contents and potency of  
16          the product;
- 17          (7) Includes the name of the production center where  
18          cannabis in the product was produced, including the  
19          batch number and date of packaging;
- 20          (8) Includes a barcode generated by tracking software; and



- 1 (9) In the case of a manufactured cannabis product,  
2 includes a:
- 3 (A) Listing of the equivalent physical weight of the  
4 cannabis used to manufacture the amount of the  
5 product that is within the packaging, pursuant to  
6 section 329D-9(c);
- 7 (B) Clearly labeled warning stating that the product:  
8 (i) Is a medication that contains cannabis, and  
9 is not a food; and  
10 (ii) Should be kept away from children; and  
11 (C) Date of manufacture."

12 SECTION 7. Section 329D-12, Hawaii Revised Statutes, is  
13 amended by amending subsection (a) to read as follows:

14 "(a) The following shall be subject to background checks  
15 conducted by the department or its designee, including but not  
16 limited to criminal history record checks in accordance with  
17 section 846-2.7:

- 18 (1) Each applicant and licensee for a medical cannabis  
19 dispensary license, including the individual applicant  
20 and all officers, directors, members of a limited  
21 liability corporation; shareholders with at least



- 1           twenty-five per cent or more ownership interest in a  
2           corporation; and managers of an entity applicant;
- 3           (2) Each employee of a medical cannabis dispensary;
- 4           (3) Each employee of a subcontracted production center or  
5           retail dispensing location;
- 6           (4) All officers, directors, members of a limited  
7           liability corporation; and shareholders with at least  
8           twenty-five per cent or more ownership interest in a  
9           corporate owner of a subcontracted production center  
10          or retail dispensing location; and
- 11          (5) Any person permitted to enter and remain in a  
12          ~~[dispensary facility]~~ retail dispensing location or  
13          production center pursuant to section 329D-15(a)(4) or  
14          329D-16(a)(3).

15 The person undergoing the background check shall provide written  
16 consent and all applicable processing fees to the department or  
17 its designee to conduct the background checks."

18           SECTION 8. Section 329D-15, Hawaii Revised Statutes, is  
19 amended by amending subsections (a) and (b) to read as follows:



1           "(a) No person shall intentionally or knowingly enter or  
2 remain upon the premises of a medical cannabis retail dispensing  
3 location unless the individual is:

4           (1) An individual licensee or registered employee of the  
5 dispensary;

6           (2) A qualifying patient, primary caregiver, qualifying  
7 out-of-state patient, or caregiver of a qualifying  
8 out-of-state patient;

9           (3) A government employee or official acting in the  
10 person's official capacity; or

11           (4) Previously included on a current department-approved  
12 list provided to the department by the licensee of  
13 those persons who are allowed into that [~~dispensary's~~  
14 ~~facilities~~] retail dispensing location for a specific  
15 purpose for that dispensary, including but not limited  
16 to construction, maintenance, repairs, legal counsel,  
17 providers of paratransit or other assistive services  
18 required by a qualifying patient to access a retail  
19 [~~dispensary~~] dispensing location, or investors;

20 provided that:



- 1 (A) The person has been individually approved by the  
2 department to be included on the list;
- 3 (B) The person is at least twenty-one years of age,  
4 as verified by a valid government issued  
5 identification card;
- 6 (C) The department has confirmed that the person has  
7 no felony convictions;
- 8 (D) The person is escorted by an individual licensee  
9 or registered employee of the dispensary at all  
10 times while in the [~~dispensary facility;~~] retail  
11 dispensing location; provided that construction  
12 and maintenance personnel who are not normally  
13 engaged in the business of cultivating,  
14 processing, or selling medical cannabis need not  
15 be accompanied on a full-time basis, but shall be  
16 reasonably monitored by an individual licensee or  
17 registered employee of the retail dispensing  
18 location while in areas not containing any  
19 cannabis or manufactured cannabis products;
- 20 (E) The person is only permitted within those  
21 portions of the [~~dispensary facility~~] retail



1                    dispensing location as necessary to fulfill the  
2                    person's purpose for entering;

3                    (F) The person is only permitted within the  
4                    [~~dispensary facility~~] retail dispensing location  
5                    during the times and for the duration necessary  
6                    to fulfill the person's purpose for entering;

7                    (G) The dispensary shall keep an accurate record of  
8                    each person's first and last name, date and times  
9                    upon entering and exiting the [~~dispensary~~  
10                    ~~facility,~~] retail dispensing location, purpose  
11                    for entering, and the identity of the escort; and

12                    (H) The approved list shall be effective for one year  
13                    from the date of the department approval.

14                    (b) No individual licensee or registered employee of a  
15                    medical cannabis dispensary with control over or responsibility  
16                    for a retail dispensing location shall intentionally or  
17                    knowingly allow another to enter or remain upon the premises of  
18                    the retail dispensing location, unless the other is permitted to  
19                    enter and remain as specified in subsection (a) [~~-~~], except in an  
20                    emergency situation to repair infrastructure at a retail  
21                    dispensing location by a person not on the department-approved



1 list; provided that the repair worker shall be escorted at all  
2 times, and the licensee shall notify the department of the use  
3 of this individual immediately."

4 SECTION 9. Section 329D-16, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "[~~§~~329D-16~~§~~] **Criminal offense; unauthorized access to**  
7 **production centers.** (a) No person shall intentionally or  
8 knowingly enter or remain upon the premises of a medical  
9 cannabis production center unless the person is:

- 10 (1) An individual licensee or registered employee of the  
11 production center;
- 12 (2) A government employee or official acting in the  
13 person's official capacity; or
- 14 (3) Previously included on a current department-approved  
15 list provided to the department by the licensee of  
16 those persons who are allowed into that [~~dispensary's~~  
17 ~~facilities~~] production center for a specific purpose  
18 for that [~~dispensary,~~] production center, including  
19 but not limited to construction, maintenance, repairs,  
20 legal counsel, or investors; provided that:



- 1 (A) The person has been individually approved by the  
2 department to be included on the list;
- 3 (B) The person is at least twenty-one years of age,  
4 as verified by a valid government issued  
5 identification card;
- 6 (C) The department has confirmed that the person has  
7 no felony convictions;
- 8 (D) The person is escorted by an individual licensee  
9 or registered employee of the [~~dispensary~~]  
10 production center at all times while in the  
11 [~~dispensary facility;~~] production center;  
12 provided that construction and maintenance  
13 personnel not normally engaged in the business of  
14 cultivating, processing, or selling medical  
15 cannabis need not be accompanied on a full-time  
16 basis, but only reasonably monitored by an  
17 individual licensee or registered employee of the  
18 production center while in areas not containing  
19 any cannabis or manufactured cannabis products;
- 20 (E) The person is only permitted within those  
21 portions of the [~~dispensary facility~~] production



1           center as necessary to fulfill the person's  
2           purpose for entering;

3           (F) The person is only permitted within the  
4           ~~[dispensary facility]~~ production center during  
5           the times and for the duration necessary to  
6           fulfill the person's purpose for entering;

7           (G) The ~~[dispensary]~~ production center shall keep an  
8           accurate record of each person's identity, date  
9           and times upon entering and exiting the  
10          ~~[dispensary facility,]~~ production center, purpose  
11          for entering, and the identity of the escort; and

12          (H) The approved list shall be effective for one year  
13          from the date of department approval.

14          (b) No individual licensee or registered employee of a  
15          medical cannabis dispensary with control over or responsibility  
16          for a production center shall intentionally or knowingly allow  
17          another to enter or remain upon the premises of the production  
18          center, unless the other is permitted to enter and remain as  
19          specified in subsection (a) ~~[.]~~, except in an emergency situation  
20          to repair infrastructure at a production center by a person not  
21          on the department-approved list; provided that the repair worker



1 shall be escorted at all times, and the licensee shall notify  
2 the department of the use of this individual immediately.

3 (c) Unauthorized access to a production center is a class  
4 C felony."

5 SECTION 10. Section 329D-23, Hawaii Revised Statutes, is  
6 amended by amending subsection (b) to read as follows:

7 "(b) The department shall report annually to the governor  
8 and the legislature on the establishment and regulation of  
9 medical cannabis production centers and dispensaries [~~including~~  
10 ~~but not limited to the number and location of production centers~~  
11 ~~and dispensaries licensed, the total licensing fees collected,~~  
12 ~~the total amount of taxes collected from production centers and~~  
13 ~~dispensaries, and any licensing violations determined by the~~  
14 ~~department]~~. The report shall include, at minimum:

- 15 (1) Three consistent key performance indicators to measure
- 16 program performance, as initially created and defined
- 17 by the department;
- 18 (2) The number and location of dispensaries licensed;
- 19 (3) The total licensing fees collected and the total
- 20 amount of taxes collected from dispensaries;



- 1        (4) The number of inspections conducted, licensing
- 2                    violations determined by the department, and fines
- 3                    collected from violations, by category; and
- 4        (5) The description and number of education activities
- 5                    undertaken pursuant to section 329D-26."

6            SECTION 11. Section 329D-26, Hawaii Revised Statutes, is  
 7 amended by amending subsection (a) to read as follows:

8            "(a) The department shall conduct a continuing education  
 9 and training program to explain and clarify the purposes and  
 10 requirements of this chapter or to provide substance abuse  
 11 prevention and education. The program shall target community  
 12 partner agencies, physicians and other health care providers,  
 13 patients and caregivers, law enforcement agencies, law and  
 14 policy makers, and the general public. The program shall  
 15 include, at minimum, education and outreach regarding:

- 16            (1) The updated, publicly-available list of medical
- 17                    cannabis dispensaries, physicians, and other health
- 18                    care providers participating in the program under this
- 19                    chapter;
- 20            (2) Lawful activities, unlawful activities, and applicable
- 21                    penalties for a medical cannabis dispensary,



1 qualifying patient, primary caregiver, qualifying  
2 out-of-state patient, caregiver of a qualifying  
3 out-of-state patient, and other entity performing  
4 related activities; and

5 (3) The methods and associated requirements for a medical  
6 cannabis dispensary, qualifying patient, primary  
7 caregiver, or other entity to produce cannabis and  
8 manufactured cannabis products, as applicable."

9 PART III

10 SECTION 12. The purpose of this part is to:

11 (1) Establish a medical cannabis cultivation site registry  
12 and impose fees on the owners and operators of medical  
13 cannabis cultivation sites;

14 (2) Amend the use of and sources of funding for the  
15 medical cannabis registry and regulation special fund  
16 by:

17 (A) Authorizing the office of medical cannabis  
18 control and regulation to make expenditures from  
19 the fund for certain purposes;

20 (B) Authorizing the use of the fund for expenditures  
21 relating to the establishment and regulation of



1 the medical cannabis cultivation site registry,  
2 the regulation of medical cannabis collectives  
3 and cooperatives, and the regulation of medical  
4 cannabis dispensaries;

5 (C) Authorizing the deposit of fees from the medical  
6 cannabis cultivation site registry to be  
7 deposited into the fund; and

8 (D) Deleting the medical cannabis registry program  
9 sub-account and medical cannabis dispensary  
10 program sub-account;

11 (3) Prohibit the cultivation, production, manufacture,  
12 possession, distribution, handling, or dispensation of  
13 medical cannabis except by qualifying patients,  
14 qualifying out-of-state patients, their authorized  
15 primary caregivers, or medical cannabis dispensaries;

16 (4) Restrict the number of qualifying patients who may use  
17 a grow site to twenty, unless an exemption is obtained  
18 from the department of health; and

19 (5) Prohibit the use or receipt of cannabis as  
20 compensation for acting as a primary caregiver to a  
21 qualifying patient.



1 SECTION 13. Chapter 329, Hawaii Revised Statutes, is  
2 amended by adding a new section to part IX to be appropriately  
3 designated and to read as follows:

4 **"§329-A Medical cannabis cultivation site registry; fees;**  
5 **penalties.** (a) All persons owning or operating a medical  
6 cannabis cultivation site shall register with the department of  
7 health. The department of health shall issue each owner or  
8 operator of a medical cannabis cultivation site a registration  
9 certificate, which shall be valid for twelve months from the  
10 date of approval, and shall charge a fee for the certificate.  
11 The registration shall be effective until the expiration of the  
12 certificate issued by the department of health.

13 (b) In registering with the department of health, each  
14 owner or operator shall provide in a form designated by the  
15 department the following information:

16 (1) The name of the owner or operator of the medical  
17 cannabis cultivation site;

18 (2) The physical location of the medical cannabis  
19 cultivation site; and



1       (3) The name of each qualifying patient or primary  
2       caregiver cultivating cannabis for medical use at the  
3       medical cannabis cultivation site.

4       (c) The department of health shall adopt rules pursuant to  
5       chapter 91 for the purposes of this section.

6       (d) For the purposes of this section, "medical cannabis  
7       cultivation site" means a location where cannabis is grown for  
8       medical use by a qualifying patient or primary caregiver and is  
9       not the residence of the qualifying patient or the primary  
10       caregiver."

11       SECTION 14. Section 321-30.1, Hawaii Revised Statutes, is  
12       amended to read as follows:

13       "**§321-30.1 Medical cannabis registry and regulation**  
14       **special fund; established.** (a) There is established within the  
15       state treasury the medical cannabis registry and regulation  
16       special fund. The fund shall be [~~expended at the discretion of~~  
17       ~~the director of health~~] used for the following purposes:

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



- 1 (2) To offset the cost of the processing and issuance of  
2 patient registry identification certificates and  
3 primary caregiver registration certificates;
- 4 (3) To fund positions and operating costs authorized by  
5 the legislature;
- 6 (4) To establish and manage a secure and confidential  
7 database;
- 8 (5) To fund public education as required by section 329D-  
9 26;
- 10 (6) To fund substance abuse prevention and education  
11 programs; [~~and~~]
- 12 (7) To regulate medical cannabis collectives and  
13 cooperatives;
- 14 (8) To establish and regulate a medical cannabis  
15 cultivation site registry; and
- 16 [~~(7)~~] (9) For any other expenditure necessary, consistent  
17 with this chapter and [~~chapter~~] chapters 329 and 329D,  
18 to implement medical cannabis registry and regulation  
19 programs.



1 For the purposes of this subsection, "medical cannabis  
2 cultivation site" shall have the same meaning as defined in  
3 section 329-A.

4 (b) The fund shall be expended at the discretion of the  
5 director of health; provided that the office of medical cannabis  
6 control and regulation shall have discretion to expend the fund  
7 for the purposes of subsection (a) (1), (7), and (8).

8 ~~[(b)]~~ (c) The fund shall consist of all moneys derived  
9 from fees collected pursuant to subsection ~~[(e)]~~ (d) and  
10 ~~[section]~~ sections 329-A and 329D-4. ~~[There is established~~  
11 ~~within the medical cannabis registry and regulation special~~  
12 ~~fund:~~

13 ~~-(1) A medical cannabis registry program sub-account, into~~  
14 ~~which shall be deposited all fees collected pursuant~~  
15 ~~to subsection (c); and~~

16 ~~-(2) A medical cannabis dispensary program sub-account,~~  
17 ~~into which shall be deposited all fees collected~~  
18 ~~pursuant to section 329D-4.~~

19 ~~-(e)]~~ (d) The department, upon completion of the transfer  
20 of the medical use of cannabis program, shall charge a medical  
21 cannabis registration fee to each qualifying patient, other than



1 a qualifying out-of-state patient, of no more than \$35 per  
2 year."

3 SECTION 15. Section 329-41, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) It is unlawful for any person:

6 (1) Who is subject to part III to distribute, administer,  
7 prescribe, or dispense a controlled substance in  
8 violation of section 329-38 or rules authorized under  
9 section 329-31; however, a licensed manufacturer or  
10 wholesaler may sell or dispense a controlled substance  
11 to a master of a transpacific ship or a person in  
12 charge of a transpacific aircraft upon which no  
13 physician is regularly employed, for the actual  
14 medical needs of persons on board such ship or  
15 aircraft when not in port; provided schedule I or II  
16 controlled substances shall be sold to the master of  
17 such ship or person in charge of such aircraft only in  
18 accordance with the provisions set forth in title 21  
19 Code of Federal Regulations[7] sections 1301, 1305,  
20 and 1307, adopted pursuant to [~~Title~~] title 21[7]  
21 United States Code[7] section 821;



- 1           (2) Who is a registrant to manufacture a controlled  
2           substance not authorized by the registrant's  
3           registration or to distribute or dispense a controlled  
4           substance not authorized by the registrant's  
5           registration to another registrant or another  
6           authorized person;
- 7           (3) To refuse or fail to make available, keep, or furnish  
8           any record, notification, order form, prescription,  
9           statement, invoice, or information in patient charts  
10          relating to the administration, dispensing, or  
11          prescribing of controlled substances;
- 12          (4) To refuse any lawful entry into any premises for any  
13          inspection authorized by this chapter;
- 14          (5) Knowingly to keep or maintain any store, shop,  
15          warehouse, dwelling, building, vehicle, boat,  
16          aircraft, or other structure or place for the purpose  
17          of using these substances or which is used for keeping  
18          or selling them in violation of this chapter or  
19          chapter 712, part IV;
- 20          (6) Who is a practitioner or pharmacist to dispense a  
21          controlled substance to any individual not known to



1 the practitioner or pharmacist, except under the  
2 following circumstances:

3 (A) When dispensing a controlled substance directly  
4 to an individual, the practitioner or pharmacist  
5 shall first obtain and document, in a log book or  
6 an electronic database, the full name,  
7 identification number, identification type, and  
8 signature, whether by actual signature or by  
9 electronic signature capture device, of the  
10 individual obtaining the controlled substance.  
11 If the individual does not have any form of  
12 proper identification, the pharmacist shall  
13 verify the validity of the prescription and  
14 identity of the patient with the prescriber, or  
15 their authorized agent, before dispensing the  
16 controlled substance; and

17 (B) For mail order prescriptions, the practitioner or  
18 pharmacist shall not be subject to subparagraph  
19 (A); provided that all other requirements of  
20 chapter 329 shall apply and that the practitioner  
21 or pharmacist, as part of the initial



1 registration process of an individual in a mail  
2 order prescription drug plan and prior to the  
3 controlled substance being dispensed, shall  
4 obtain all identification information, including  
5 the full name, identification number,  
6 identification type, signature, and a photocopy  
7 of a form of proper identification of the  
8 individual obtaining the controlled substance.  
9 The practitioner or pharmacist shall also comply  
10 with other requirements set forth by rule.

11 For the purpose of this section, "proper  
12 identification" means government-issued identification  
13 containing the photograph, printed name,  
14 identification number, and signature of the individual  
15 obtaining the controlled substance;

16 (7) Who is a practitioner to predate or pre-sign  
17 prescriptions to facilitate the obtaining or attempted  
18 obtaining of controlled substances; [~~or~~]

19 (8) Who is a practitioner to facilitate the issuance or  
20 distribution of a written prescription or to issue an



1 oral prescription for a controlled substance when not  
2 physically in the State[-]; or

3 (9) To cultivate, produce, manufacture, distribute, or  
4 dispense cannabis for medical use if the person is not  
5 authorized pursuant to chapter 329, part IX, or  
6 chapter 329D."

7 SECTION 16. Section 329-121, Hawaii Revised Statutes, is  
8 amended by amending the definition of "medical use" to read as  
9 follows:

10 "Medical use" means the acquisition, possession,  
11 cultivation, use, distribution, or transportation of cannabis or  
12 paraphernalia relating to the administration of cannabis to  
13 alleviate the symptoms or effects of a qualifying patient's  
14 debilitating medical condition; provided that "medical use" does  
15 not include the cultivation or distribution of cannabis or  
16 paraphernalia by a qualifying out-of-state patient or the  
17 caregiver of a qualifying out-of-state patient. For the  
18 purposes of "medical use", the term "distribution" is limited to  
19 the transfer of cannabis and paraphernalia[-] from the  
20 qualifying patient's registered primary caregiver to the  
21 qualifying patient."

1 SECTION 17. Section 329-122, Hawaii Revised Statutes, is  
2 amended by amending subsection (e) to read as follows:

3 "(e) The authorization for the medical use of cannabis in  
4 this section shall not apply to:

5 (1) The medical use of cannabis that endangers the health  
6 or well-being of another person;

7 (2) The medical use of cannabis:

8 (A) In a school bus, public bus, or any moving  
9 vehicle;

10 (B) In the workplace of one's employment;

11 (C) On any school grounds;

12 (D) At any public park, public beach, public  
13 recreation center, recreation or youth center; or

14 (E) At any other place open to the public; provided  
15 that a qualifying patient, primary caregiver,

16 qualifying out-of-state patient, caregiver of a  
17 qualifying out-of-state patient, or an owner or

18 employee of a medical cannabis dispensary  
19 licensed under chapter 329D shall not be

20 prohibited from transporting cannabis or any  
21 manufactured cannabis product, as that term is



1 defined in section 329D-1, in any public place;  
 2 provided further that the cannabis or  
 3 manufactured cannabis product shall be  
 4 transported in a sealed container, not be visible  
 5 to the public, and shall not be removed from its  
 6 sealed container or consumed or used in any way  
 7 while it is in the public place; [~~and~~]

8 (3) The use of cannabis by a qualifying patient, parent,  
 9 primary caregiver, qualifying out-of-state patient, or  
 10 caregiver of a qualifying out-of-state patient, for  
 11 purposes other than medical use permitted by this  
 12 part[-]; and

13 (4) The cultivation, handling, or possession of a  
 14 qualifying patient's cannabis for medical use, unless  
 15 the person is the qualifying patient or the qualifying  
 16 patient's registered primary caregiver."

17 SECTION 18. Section 329-123, Hawaii Revised Statutes, is  
 18 amended as follows:

19 1. By amending subsection (a) to read:

20 "(a) Physicians or advanced practice registered nurses who  
 21 issue written certifications shall provide, in each written



1 certification, the name, address, patient identification number,  
2 and other identifying information of the qualifying patient.  
3 The department of health shall require, in rules adopted  
4 pursuant to chapter 91, that all written certifications comply  
5 with a designated form completed by or on behalf of a qualifying  
6 patient. The form shall require information from the applicant,  
7 primary caregiver, and physician or advanced practice registered  
8 nurse as specifically required or permitted by this chapter.  
9 The form shall require the address of the location where the  
10 cannabis is grown and shall appear on the registry card issued  
11 by the department of health. No more than twenty qualifying  
12 patients may use any particular location to cultivate cannabis;  
13 provided that this limitation shall not apply to qualifying  
14 patients who obtain a written exemption from the department of  
15 health. The certifying physician or advanced practice  
16 registered nurse shall be required to have a bona fide  
17 physician-patient relationship or bona fide advanced practice  
18 registered nurse-patient relationship, as applicable, with the  
19 qualifying patient. All current active medical cannabis permits  
20 shall be honored through their expiration date."

21 2. By amending subsection (c) to read:



1           "(c) Primary caregivers shall register with the department  
2 of health. Every primary caregiver shall be responsible for the  
3 care of only one qualifying patient at any given time, unless  
4 the primary caregiver is the parent, guardian, or person having  
5 legal custody of more than one minor qualifying patient, in  
6 which case the primary caregiver may be responsible for the care  
7 of more than one minor qualifying patient at any given time;  
8 provided that the primary caregiver is the parent, guardian, or  
9 person having legal custody of all of the primary caregiver's  
10 qualifying patients. The department of health may permit  
11 registration of up to two primary caregivers for a minor  
12 qualifying patient; provided that both primary caregivers are  
13 the parent, guardian, or person having legal custody of the  
14 minor qualifying patient. A primary caregiver shall not use a  
15 qualifying patient's cannabis, nor shall the primary caregiver  
16 accept a qualifying patient's cannabis as compensation for the  
17 primary caregiver's services."

18           SECTION 19. Section 329-125, Hawaii Revised Statutes, is  
19 amended by amending subsection (b) to read as follows:

20           "(b) Any qualifying patient, primary caregiver, qualifying  
21 out-of-state patient, or caregiver of a qualifying out-of-state



1 patient not complying with the permitted scope of the medical  
2 use of cannabis shall not be afforded the protections against  
3 searches and seizures pertaining to the misapplication of the  
4 medical use of cannabis. To the extent the department is  
5 authorized by this chapter, the department may conduct  
6 inspections of grow sites to verify a person's compliance with  
7 this chapter."

8 SECTION 20. Section 329-130, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

10 "(a) After December 31, 2024, a qualifying patient shall  
11 obtain medical cannabis or manufactured cannabis products only:

12 (1) From a dispensary licensed pursuant to chapter 329D;  
13 provided that the cannabis shall be purchased and paid  
14 for at the time of purchase; or

15 (2) By cultivating cannabis in an amount that does not  
16 exceed an adequate supply for the qualifying patient,  
17 pursuant to section 329-122; provided that each  
18 location used to cultivate cannabis shall be used by  
19 no more than [~~five~~] twenty qualifying patients.

20 After December 31, 2024, no primary caregiver shall be  
21 authorized to cultivate cannabis for any qualifying patient."



1 PART IV

2 SECTION 21. The purpose of this part is to establish  
3 annual reporting requirements for the department of health  
4 regarding the medical cannabis patient registry program.

5 SECTION 22. Chapter 329, Hawaii Revised Statutes, is  
6 amended by adding a new section to part IX to be appropriately  
7 designated and to read as follows:

8 "§329-B Medical use of cannabis; reports. The department  
9 shall report annually to the governor and the legislature on the  
10 medical use of cannabis. Each report, at minimum, shall  
11 include:

12 (1) Three consistent key performance indicators to measure  
13 program performance, as initially created and defined  
14 by the department;

15 (2) The number of new, renewed, and expired and not  
16 renewed registrations of qualifying patients, primary  
17 caregivers, qualifying out-of-state patients, and  
18 caregivers of qualifying out-of-state patients;

19 (3) The amount of fees collected from new and renewed  
20 registrations;





1 SECTION 23. The purpose of this part is to require the  
2 department of business, economic development, and tourism to  
3 submit a report to the legislature analyzing aggregated de-  
4 identified information regarding the medical cannabis patient  
5 registry program and medical cannabis dispensary program.

6 SECTION 24. Pursuant to section 201-13.9, Hawaii Revised  
7 Statutes, the department of business economic development and  
8 tourism shall submit to the legislature, no later than twenty  
9 days prior to the convening of the regular session of 2024, a  
10 report that provides an analysis of aggregated de-identified  
11 information regarding the medical cannabis registry and  
12 dispensary programs established pursuant to chapters 329 and  
13 329D, Hawaii Revised Statutes.

14 PART VI

15 SECTION 25. In codifying the new sections added by  
16 sections 13 and 22 of this Act, the revisor of statutes shall  
17 substitute appropriate section numbers for the letters used in  
18 designating the new sections in this Act.

19 SECTION 26. This Act does not affect rights and duties  
20 that matured, penalties that were incurred, and proceedings that  
21 were begun before its effective date.



1 SECTION 27. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 28. This Act shall take effect on June 30, 3000.



**Report Title:**

Medical Cannabis Dispensary System; Waiting Rooms; Signage;  
Medical Cannabis; Cultivation Sites; Registry; Caregivers;  
Reporting Requirements; Violations

**Description:**

Defines "waiting room" within a medical cannabis retail dispensing location and clarifies public access to the waiting room. Adds or clarifies requirements for the dispensary program related to signage, permitted types of manufactured cannabis products, supervision of certain personnel while onsite at retail dispensing locations or medical cannabis production centers, annual reporting requirements for DOH, and DOH's education and training program. Clarifies penalties for violations. Establishes the medical cannabis cultivation site registry and imposes fees. Amends the uses of the medical cannabis registry and regulation special fund. Prohibits the cultivation, production, manufacture, possession, distribution, handling, or dispensation of medical cannabis except by specific persons or entities. Restricts the number of qualifying patients who may use a grow site to twenty, unless an exemption is obtained from DOH. Prohibits the use or receipt of cannabis as compensation for acting as a primary caregiver to a qualifying patient. Establishes annual reporting requirements for DOH regarding the medical cannabis patient registry program. Requires a report from DBEDT. Makes various housekeeping amendments. Effective 6/30/3000. (HD2)

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

