

Honolulu, Hawaii

FEB 28 2025RE: S.B. No. 1064
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred S.B. No. 1064, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit persons from operating a medical cannabis dispensary without a license from the Department of Health;
- (2) Prohibit individuals from providing certain services to individuals engaging in unlicensed cannabis operations;
- (3) Require the Department of Health to send a cease and desist notice to violators;
- (4) Establish criminal penalties;
- (5) Establish an affirmative defense against, and a conclusive basis for certain violations; and
- (6) Establish exceptions.

Your Committees received testimony in support of this measure from Cure Oahu, Noa Botanicals, and one individual.



Your Committees received testimony in opposition to this measure from LabGrownGenetics; Kaua'i Farm Planning; Hilo Grow Shop, LLC; Cannabis Society of Hawai'i; and eighteen individuals.

Your Committees received comments on this measure from the Department of Health.

Your Committees find that there are numerous websites in the State that are currently operating and advertising their sale of cannabis products. Some of these websites acknowledge that the State is a medical cannabis-only state, but some do not make this distinction explicitly and openly sell cannabis products without any disclaimer to consumers about the legality of non-medical use cannabis in the State. This measure will provide the Department of Health with clear enforcement tools to shut down illegal websites that are significantly impacting the State's regulated medical cannabis industry.

Your Committees have amended this measure by:

- (1) Inserting language to prohibit any person from cultivating cannabis without a cannabis cultivator license from the Department of Health;
- (2) Inserting language to establish that a cannabis cultivator license authorizes:
 - (A) The acquisition and cultivation of cannabis plants, seeds, cuttings, or clones; and
 - (B) The distribution of cannabis plants and cannabis flower to a medical cannabis dispensary;
- (3) Inserting language to require the Department of Health to issue not more than one cannabis cultivator license for each person;
- (4) Inserting language to limit the maximum number of cannabis cultivator licenses that the Department of Health may issue to the public to an unspecified number;
- (5) Inserting language to limit to unspecified numbers:



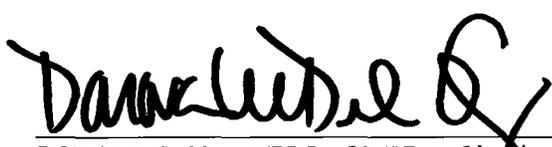
- (A) The maximum size of plant canopy for indoor and outdoor cultivations; and
- (B) The maximum plant count of mature cannabis plants, that the Department of Health may authorize for each cannabis cultivator license;
- (6) Inserting language to define "plant canopy" to mean the square footage dedicated to flowering plants that are wider or taller than twelve inches and does not include areas such as space used for the storage of fertilizers, pesticides, or other products, quarantine, or office space;
- (7) Inserting language to authorize expenditures from the Medical Cannabis Registry and Regulation Special Fund to fund programs for the mitigation and abatement of nuisances relating to chapter 329D, Hawaii Revised Statutes;
- (8) Inserting language to prohibit the fee assessed by a certifying physician or advanced practice registered nurse to issue a written certification for a qualifying patient from exceeding an amount equal to three times the amount of the fee charged by the Department of Health to issue a registration certificate pursuant to section 329-123, Hawaii Revised Statutes;
- (9) Inserting a blank appropriation amount out of the Medical Cannabis Registry and Regulation Special Fund for the Department of the Attorney General to enforce, and mitigate nuisances relating to, chapter 329D, Hawaii Revised Statutes; and
- (10) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1064, S.D. 1, as amended herein, and recommend



that it pass Third Reading in the form attached hereto as S.B.
No. 1064, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Ways and Means,



DONOVAN M. DELA CRUZ, Chair



KARL RHOADS, Chair

The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB1064 SD1	Committee Referral: HHS/CPN, JDC/WAM	Date: 2-26-2025		
<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 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
MORIWAKI, Sharon Y. (VC)	X			
AQUINO, Henry J.C.	X			
DECOITE, Lynn	X			
ELEFANTE, Brandon J.C.	X			
HASHIMOTO, Troy N.	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
KIM, Donna Mercado	X			
LEE, Chris	X			
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
TOTAL	13	0	0	0
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**