

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



GOV. MSG. NO. 1343

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

June 27, 2025

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Third State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Nadine Nakamura  
Speaker, and Members of the  
House of Representatives  
Thirty-Third State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Aloha President Kouchi, Speaker Nakamura, and Members of the Legislature:

This is to inform you that on June 27, 2025, the following bill was signed into law:

H.B. NO. 302, H.D. 2,  
S.D. 2, C.D. 1

RELATING TO CANNABIS.  
**ACT 241**

Mahalo,

A handwritten signature in black ink that reads "Josh Green M.D.".

Josh Green, M.D.  
Governor, State of Hawai'i

# A BILL FOR AN ACT

RELATING TO CANNABIS.

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

PART I

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

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



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

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

**"§329- Qualifying patient medical records; inspection 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."



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

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

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

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

18 ""Retail dispensing location" means an establishment owned,  
19 operated, or subcontracted by a medical cannabis dispensary  
20 where cannabis [~~and~~], manufactured cannabis products, hemp  
21 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



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

## PART II

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

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

18       "§329D-       Unlicensed operation of a dispensary; criminal  
19  penalty. (a) No person shall intentionally, knowingly, or  
20  recklessly operate a dispensary without a license issued by the  
21  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.



1        (f) This section shall not apply to:

2        (1) Hemp processors or hemp product retailers with a valid

3        permit under chapter 328G; or

4        (2) Primary caregivers registered under chapter 329 who

5        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;



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

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

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

6 PART IV

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

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

13 "§329D-\_\_\_\_\_ Cannabis cultivator; license required. (a)  
14 Notwithstanding section 329D-24, it shall be unlawful for any  
15 person to cultivate cannabis without a license issued by the  
16 department pursuant to this section.

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

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



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

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

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

## 8 PART V

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

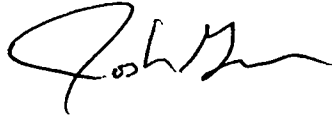
12 SECTION 19. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

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



H.B. NO. 302  
H.D. 2  
S.D. 2  
C.D. 1

APPROVED this 27th day of June, 2025

A handwritten signature in black ink, appearing to be 'Ihima', written in a cursive style.

GOVERNOR OF THE STATE OF HAWAII



HB No. 302, HD 2, SD 2, CD 1

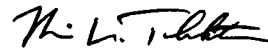
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 30, 2025  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Third Legislature of the State of Hawaii, Regular Session of 2025.

A handwritten signature in black ink, appearing to read "Nadine K. Nakamura", with a long horizontal flourish extending to the right.

Nadine K. Nakamura  
Speaker  
House of Representatives

A handwritten signature in black ink, appearing to read "Brian L. Takeshita", with a horizontal flourish.


Brian L. Takeshita  
Chief Clerk  
House of Representatives

**THE SENATE OF THE STATE OF HAWAI‘I**

Date: April 30, 2025  
Honolulu, Hawai‘i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate  
of the Thirty-Third Legislature of the State of Hawai‘i, Regular Session of 2025.

  
President of the Senate

  
Clerk of the Senate