
A BILL FOR AN ACT

RELATING TO THE MEDICAL USE OF CANNABIS.

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

1 PART I

2 SECTION 1. This Act may be known and cited as "The Hawaii
3 Medical Use of Cannabis Act of 2025".

4 PART II

5 SECTION 2. The Hawaii Revised Statutes is amended by
6 adding a new chapter to title 19 to be appropriately designated
7 and to read as follows:

8 "CHAPTER

9 MEDICAL CANNABIS CULTIVATION SITE COLLECTIVE SYSTEM

10 § -1 Definitions. As used in this chapter:

11 "Cannabis" shall have the same meaning as in section 329-
12 121.

13 "Cannabis concentrate" shall have the same meaning as
14 "marijuana concentrate" in section 712-1240.

15 "Cannabis extraction" means the process of extracting
16 cannabis concentrate from harvested cannabis using water,



1 lipids, gases, solvents, or other chemicals or chemical
2 processes.

3 "Cannabis plant" means a plant of the genus Cannabis,
4 including Cannabis sativa, Cannabis indica, and Cannabis
5 ruderalis.

6 "Cannabis testing facility" means a facility that meets the
7 requirements established by the department pursuant to section
8 329D-8(a).

9 "Caregiver of a qualifying out-of-state patient" shall have
10 the same meaning as in section 329-121.

11 "Child-resistant", with respect to packaging or a
12 container, means specially designed or constructed to be
13 significantly difficult for a typical child under five years of
14 age to open but not significantly difficult for a typical adult
15 to open and reseal.

16 "Cultivation area" means an indoor or outdoor area used for
17 cultivation of mature cannabis plants, immature cannabis plants,
18 or seedlings in accordance with this chapter, that is enclosed
19 and equipped with locks or other security devices that permit
20 access only by a person authorized under this chapter to have
21 access to the area. "Cultivation area" includes one or more



1 indoor or outdoor areas, whether contiguous or noncontiguous, on
2 the same parcel or tract of land.

3 "Cultivation site collective" or "collective" means an
4 association, cooperative, affiliation, or group of primary
5 caregivers who physically assist each other in the act of
6 cultivation, processing, or distribution of cannabis for medical
7 use for the benefit of the members of the collective.

8 "Department" means the department of health.

9 "Harvested cannabis" means plant material harvested from a
10 mature cannabis plant, but does not include stalks, leaves, or
11 roots that are not used for a qualifying patient's medical use.
12 "Harvested cannabis" includes cannabis concentrate and cannabis
13 products.

14 "Immature cannabis plant" means a cannabis plant that is in
15 a stage of growth in which the plant's pistils are not showing
16 or the pistils protrude in pairs from seed bracts that may be
17 located on multiple nodes of the plant.

18 "Licensee" means an individual or private entity that holds
19 a license pursuant to this chapter.

20 "Manufacture" or "manufacturing" means the production,
21 blending, infusing, compounding, or other preparation of



1 cannabis concentrate or cannabis products, including cannabis
2 extraction or preparation by means of chemical synthesis.

3 "Manufactured cannabis product" shall have the same meaning
4 as in section 329D-1.

5 "Manufacturing facility" means a facility at which cannabis
6 is manufactured.

7 "Mature cannabis plant" means a flowering female cannabis
8 plant.

9 "Mature plant canopy" means the total surface area within a
10 cultivation area where mature cannabis plants are growing.

11 "Medical cannabis dispensary" means a person licensed by
12 the State pursuant to chapter 329D.

13 "Medical provider" shall have the same meaning as in
14 section 329-121.

15 "Medical use" shall have the same meaning as in section
16 329-121.

17 "Officer or director" means a director, manager,
18 shareholder, board member, partner, or other person holding a
19 management position or ownership interest in a private entity.

20 "Person" means an individual or private entity.



1 "Primary caregiver" shall have the same meaning as in
2 section 329-121.

3 "Private entity" means one or more individuals, a company,
4 a corporation, a partnership, an association, or any other type
5 of legal entity, other than a governmental agency.

6 "Production" means the planting, cultivating, growing, or
7 harvesting of cannabis. "Production" includes the manufacture
8 of medical cannabis products pursuant to this chapter.

9 "Qualifying out-of-state patient" shall have the same
10 meaning as in section 329-121.

11 "Qualifying patient" shall have the same meaning as in
12 section 329-121.

13 "Seed-to-sale tracking system" means an inventory control
14 system that tracks the cultivation, processing, and sales of
15 cannabis and manufactured cannabis products to qualifying
16 patients, qualifying out-of-state patients, primary caregivers,
17 and caregivers of qualifying out-of-state patients.

18 "Seedling" means a cannabis plant or rooted cutting that is
19 not flowering and does not exceed twenty-four inches in length,
20 height, or width.



1 § -2 **Licensure; application process.** No individual or
2 private entity shall operate a cultivation site collective
3 without a license issued by the department. Each license
4 applicant shall:

5 (1) Complete and submit to the department all application
6 forms required and provided by the department;

7 (2) Submit to the department documentation sufficient to
8 satisfy all applicable residency requirements of the
9 department, which may include, among other
10 requirements, a photographic identification card
11 issued by the State;

12 (3) Submit to a criminal history record check, if required
13 by the department; and

14 (4) Submit to the department documentation establishing
15 that the applicant has a general excise tax license
16 issued pursuant to chapter 237.

17 § -3 **License; fee; limitation.** (a) Each licensed
18 collective shall pay an annual license fee of \$2,500.

19 (b) License fees shall be deposited in the medical
20 cannabis registry and regulation special fund established
21 pursuant to section 321-30.1.



1 (c) No more than one license shall be granted for a
2 cultivation area within any tax map key area.

3 (d) A licensee may hold no more than one license each for
4 indoor and outdoor cultivation areas. The department shall
5 require appropriate disclosures from licensees and potential
6 licensees to enforce this subsection.

7 (e) The department may issue provisional licenses;
8 provided that the department shall inspect the applicable
9 premises and relevant records of each provisional licensee to
10 determine whether the provisional licensee should receive full
11 approval to operate pursuant to this chapter.

12 § -4 Cultivation areas; limitations; calculation. (a)

13 The mature plant canopy for an indoor cultivation area operated
14 by a collective shall not exceed one thousand square feet.

15 (b) The mature plant canopy for an outdoor cultivation
16 area operated by a collective shall not exceed five thousand
17 square feet.

18 (c) The surface area of any mature plant canopy shall be
19 calculated in square feet and measured using the outside
20 boundaries of the area and shall include all of the area within
21 the boundaries. If the surface area of the mature plant canopy



1 consists of noncontiguous areas, each component area shall be
2 separated by identifiable boundaries. If a tiered or shelving
3 system is used in the cultivation area, the surface area of each
4 tier or shelf shall be included in calculating the area of the
5 mature plant canopy. Calculation of the surface area of the
6 mature plant canopy shall not include the areas within the
7 cultivation area that are not used at any time to cultivate
8 mature cannabis plants.

9 (d) Each cultivation area shall be enclosed and locked.
10 Each cultivation area may consist of one or more areas, whether
11 contiguous or noncontiguous; provided that the mature plant
12 canopy shall not exceed the mature plant canopy limitations of
13 this section; provided further that all areas of the cultivation
14 area shall be on the same parcel or tract of land.

15 (e) Each cultivation area shall be controlled by no more
16 than one licensee.

17 § -5 **Pest control; restriction.** (a) A licensee shall
18 not use any pesticide on any cannabis plant in any manner that
19 is inconsistent with federal labeling requirements or is not
20 authorized by the department of agriculture.



1 (b) A licensee may employ integrated pest management
2 principles; provided that any pesticide use shall comply with
3 subsection (a).

4 § -6 Sales to consumers. Each licensee may sell usable
5 cannabis directly to:

6 (1) A qualifying patient or primary caregiver; provided
7 that the quantity of usable cannabis sold in a single
8 transaction shall not exceed four ounces; and

9 (2) A qualifying out-of-state patient or caregiver of a
10 qualifying out-of-state patient; provided that the
11 total quantity of usable cannabis sold to the patient
12 or caregiver within a fifteen-day period shall not
13 exceed four ounces.

14 § -7 Packaging; labels. (a) All cannabis and
15 manufactured cannabis products sold by a licensee shall be
16 contained in packaging designed and labeled to prevent
17 accidental usage by a person who is not a qualifying patient or
18 qualifying out-of-state patient. Packaging shall:

19 (1) Include one or more labels that include, at minimum:
20 (A) A statement on the net contents within the
21 packaging;



1 (B) A warning about tetrahydrocannabinol content; and

2 (C) A child safety warning; and

3 (2) Be child-resistant.

4 (b) If a label on the packaging of any cannabis or
5 manufactured cannabis product for use by a qualifying patient or
6 qualifying out-of-state patient includes information about
7 contaminants, the cannabinoid profile, or potency of the
8 cannabis, the label shall be verified by a cannabis testing
9 facility; provided that this subsection shall not apply if there
10 is no cannabis testing facility operating within the State.

11 (c) The department may establish additional packaging and
12 labeling requirements for the purposes of public safety;
13 provided that the department shall first weigh the potential
14 environmental impacts of any proposed packaging and labeling
15 requirements against the proposed requirements' potential
16 benefits to public safety.

17 § -8 Testing. (a) Testing of cannabis sold by a
18 licensee may be performed with the consent of the licensee or a
19 qualifying patient or qualifying out-of-state patient who is a
20 customer of the licensee.



1 (b) The department and its employees may conduct mandatory
2 testing of cannabis in the possession of a licensee. The
3 department shall not assign this responsibility to any other
4 entity or individual, other than another state agency and its
5 employees. Mandatory testing conducted pursuant to this section
6 may be conducted without prior notice to a licensee.

7 § -9 Records; reports by licensees. (a) Each licensee
8 shall employ appropriate internal tracking and records of
9 qualifying patients or qualifying out-of-state patients served
10 by the licensee.

11 (b) Each licensee shall retain records of all cannabis
12 transactions and transfers of cannabis plants and harvested
13 cannabis. The records shall be available for inspection by the
14 department upon the department's demand. The records shall
15 permit the department to identify the chain of a cannabis
16 product throughout its life through to sale, but shall protect
17 the confidentiality of qualifying patients and qualifying out-
18 of-state patients.

19 (c) The department shall not require any licensee to
20 participate in a seed-to-sale tracking system; provided that



1 this subsection shall not be construed to conflict with the
2 other provisions of this chapter.

3 (d) Each licensee shall submit to the department an annual
4 report on the number of qualifying patients and qualifying out-
5 of-state patients that the collective has assisted during the
6 most recent fiscal year.

7 § -10 **Staffing.** Each licensee may employ an unlimited
8 number of employees; provided that:

9 (1) Each employee shall be no less than:

10 (A) Twenty-one years of age; or

11 (B) Eighteen years of age, if the employee is an
12 immediate family member of:

13 (i) The licensee, if the licensee is an
14 individual; or

15 (ii) An officer or director of the licensee, if
16 the licensee is a private entity; and

17 (2) The licensee shall comply with all applicable
18 employment and labor laws.

19 § -11 **Restriction on law enforcement access.** Unless
20 otherwise authorized by a warrant or by applicable law, a law



1 enforcement officer shall not require a licensee to disclose
2 identifying patient information.

3 § -12 **Nondiscrimination.** Neither an individual's
4 holding of a license for the cultivation of cannabis as provided
5 in this chapter nor the individual's role as an officer,
6 director, or employee of a licensee under this chapter shall be
7 the basis for denying the individual access to employment,
8 education, child custody rights, parental visitation rights, or
9 housing; provided that this section shall not apply if:

10 (1) Denial of access to employment or education is
11 necessary for the employer, school, or educational
12 institution to comply with federal law or a federal
13 contract, or to receive federal funds;

14 (2) In determining child custody rights or parental
15 visitation rights, a court determines that the
16 individual's access to or use of medical cannabis is
17 harmful to the best interests of the child; or

18 (3) An exception described in section 421J-16, 514B-113,
19 or 521-39 applies.

20 § -13 **Additional licenses.** (a) A licensee shall not be
21 required to obtain an additional license to engage in



1 nonhazardous cannabis extraction and manufacturing or to prepare
2 solventless concentrates at its cultivation site; provided that:

3 (1) The licensee shall otherwise obtain licenses and
4 comply with applicable building codes, as provided by
5 law; and

6 (2) The department shall require the licensee to obtain
7 additional licenses to:

8 (A) Use butane to extract tetrahydrocannabinol from
9 cannabis plants; or

10 (B) Engage in other hazardous activities relating to
11 the extraction or manufacture of cannabis.

12 (b) The department shall adopt rules pursuant to chapter
13 91 necessary for the purposes of subsection (a) (2).

14 § -14 Transportation. (a) Qualifying patients,
15 qualifying out-of-state patients, primary caregivers, and
16 caregivers of qualifying out-of-state patients may transport and
17 receive cannabis cultivated at a site maintained by a licensee,
18 subject to the quantity and form limitations of this chapter;
19 provided that each transfer shall be accompanied by
20 documentation that includes:



- 1 (1) The transporting individual's name and registry
- 2 identification number, if applicable;
- 3 (2) The name and license number of the licensee
- 4 responsible for the cultivation site from which the
- 5 cannabis was gathered;
- 6 (3) The receiving individual's name and registry
- 7 identification number, if applicable, or other unique
- 8 identification number;
- 9 (4) A description of the cannabis being transferred,
- 10 including the quantity and form;
- 11 (5) The time and date of the transfer; and
- 12 (6) The location of the destination of the cannabis.
- 13 (b) Each licensee may engage in the wholesale transfer of
- 14 cannabis plants and harvested cannabis by the licensee to other
- 15 licensees within the State, without any quantity limitations;
- 16 provided that each licensee shall ensure that each transport of
- 17 transferred cannabis is accompanied by the documentation
- 18 described in subsection (a), to the extent applicable, and make
- 19 the documentation available for inspection by law enforcement
- 20 officers.



1 § -15 **Protections afforded to licensees.** (a) A
2 licensee shall not be subject to prosecution, search, seizure,
3 or penalty in any manner, including any civil penalty or
4 disciplinary action by a business or an occupational or
5 professional licensing board or other body, and shall not be
6 denied any right or privilege solely for acting in accordance
7 with this chapter for the medical use or for assisting in the
8 medical use of cannabis in accordance with this chapter.

9 (b) An officer or director or assistant of a licensee that
10 is a private entity shall not be subject to arrest, prosecution,
11 search, seizure, or penalty in any manner, including any civil
12 penalty or disciplinary action by a business or an occupational
13 or professional licensing board or other body, and shall not be
14 denied any right or privilege solely for working for or with
15 another primary caregiver, cannabis testing facility,
16 manufacturing facility, or medical cannabis dispensary to
17 provide cannabis plants or cannabis products to qualifying
18 patients or other primary caregivers, cannabis testing
19 facilities, manufacturing facilities, or medical cannabis
20 dispensaries, or to otherwise assist with the medical use of
21 cannabis in accordance with this chapter.



1 § -16 Administration; enforcement; rules; special
2 **procedures.** (a) The department shall:

3 (1) Adopt rules pursuant to chapter 91 necessary for the
4 purposes of this chapter; and

5 (2) Administer and enforce this chapter and the rules
6 adopted pursuant to chapter 91 and this chapter;

7 provided that the administration and enforcement by the
8 department of this chapter and the rules adopted pursuant to
9 this chapter shall not be assigned to any agency within the
10 department that is responsible for the administration and
11 enforcement of the laws governing the manufacture, sale, or
12 distribution of liquor or alcohol.

13 (b) Before adopting rules pursuant to this chapter and
14 chapter 91, the department shall consult with qualifying
15 patients, primary caregivers, and medical providers having
16 significant knowledge and experience certifying patients under
17 part IX of chapter 329. The department shall develop a process
18 to use when hiring consultants to advise on rule changes related
19 to this chapter and shall report any subsequent changes to that
20 process to the standing committees of the legislature having



1 jurisdiction over matters relating to the medical use of
2 cannabis."

3 PART III

4 SECTION 3. Chapter 329, Hawaii Revised Statutes, is
5 amended by adding seven new sections to part IX to be
6 appropriately designated and to read as follows:

7 "§329-A Additional protections; conduct of qualifying
8 patients. (a) In addition to any other conduct authorized by
9 this part, a qualifying patient may:

- 10 (1) Cultivate, or designate a primary caregiver to
11 cultivate, no more than two hundred fifty square feet
12 of mature flowering canopy within any property having
13 a designated tax map key;
- 14 (2) Possess cannabis paraphernalia;
- 15 (3) Furnish or offer to furnish to another qualifying
16 patient for that patient's medical use of cannabis no
17 more than two and one-half ounces of usable cannabis
18 for no remuneration;
- 19 (4) Obtain or receive cannabis for the patient's medical
20 use without designating a primary caregiver or a
21 dispensary; provided that a qualifying patient or the



1 parent, legal guardian, or person having legal custody
2 of a qualifying patient who has not attained eighteen
3 years of age or who is enrolled in a preschool or
4 primary or secondary school shall designate, as
5 applicable:

6 (A) A primary caregiver who shall cultivate cannabis
7 plants for the patient;

8 (B) A long-term care facility to assist with the
9 qualifying patient's medical use of harvested
10 cannabis; provided that the facility shall not be
11 designated to cultivate cannabis plants for the
12 patient; and

13 (C) A person to obtain harvested cannabis on behalf
14 of the qualifying patient or transport the
15 harvested cannabis to the qualifying patient;
16 provided that the person shall possess the
17 person's government-issued photographic
18 identification that contains the person's
19 address, the qualifying patient's written
20 certification, and the qualifying patient's
21 designation in order to engage in this conduct;



1 provided that a designation pursuant to this paragraph
2 shall be in a standardized written document, developed
3 by the department, that is signed and dated by the
4 qualifying patient or the parent, legal guardian, or
5 person having legal custody of the qualifying patient
6 and that expires on a date not to exceed the
7 expiration date of the qualifying patient's written
8 certification; provided further that the document
9 shall include the signed acknowledgment of the person
10 or facility that the person or facility may be
11 contacted to confirm the designation of the person or
12 facility to engage in the conduct authorized;

13 (5) Choose a primary caregiver based solely on the
14 patient's preference; provided that a parent, legal
15 guardian, or person having legal custody of a
16 qualifying patient who has not attained eighteen years
17 of age shall serve as primary caregiver for the
18 patient;

19 (6) Be in the presence or vicinity of the medical use of
20 cannabis and assist any qualifying patient with using
21 or administering harvested cannabis;



1 (7) Accept cannabis plants or harvested cannabis from a
2 qualifying patient, primary caregiver, or licensed
3 dispensary if no remuneration is provided to the
4 patient, primary caregiver, or dispensary;

5 (8) Provide samples to a cannabis testing facility for
6 testing and research purposes;

7 (9) Manufacture cannabis products and cannabis concentrate
8 for medical use;

9 (10) Provide harvested cannabis to a manufacturing facility
10 and obtain cannabis products and cannabis concentrate
11 from the manufacturing facility that are produced from
12 the harvested cannabis the qualifying patient provided
13 to the manufacturing facility; and

14 (11) Use cannabis in any form.

15 (b) For the purposes of this section:

16 "Remuneration" means a donation or any other monetary
17 payment received directly or indirectly by a person in exchange
18 for goods or services as part of a transaction in which cannabis
19 is transferred or furnished by that person to another person.



1 "Sample" means a cannabis plant or harvested cannabis that
2 is provided for testing or research purposes to a cannabis
3 testing facility.

4 §329-B Record of states authorizing the medical use of
5 cannabis. The department of health shall maintain a record of
6 states that authorize the medical use of cannabis. For each
7 state, the record shall include a description of documentation
8 the state requires of patients for the purpose of authorizing
9 the medical use of cannabis.

10 §329-C Restrictions on law enforcement access. Unless
11 otherwise authorized by a warrant or by applicable law, a law
12 enforcement officer shall not:

13 (1) Enter any location in which a qualifying patient,
14 primary caregiver, qualifying out-of-state patient, or
15 caregiver of a qualifying out-of-state patient is
16 conducting activities authorized by this part; or

17 (2) Require a qualifying patient or qualifying out-of-
18 state patient to disclose identifying patient
19 information.

20 §329-D Excess cannabis; forfeiture. (a) A qualifying
21 patient, primary caregiver, qualifying out-of-state patient, or



1 caregiver of a qualifying out-of-state patient who possesses
2 usable cannabis in excess of the limits provided in this part
3 shall:

4 (1) Forfeit the excess amount to a law enforcement
5 officer; provided that the law enforcement officer may
6 remove all excess usable cannabis from the person and
7 record the amount of excess cannabis; and

8 (2) Be penalized pursuant subsection (b).

9 (b) If the amount of the excess is:

10 (1) No more than four ounces above any amount the person
11 is authorized to possess pursuant to this part, the
12 penalty shall be a civil fine of no less than \$350 and
13 no more than \$600; or

14 (2) More than four ounces above any amount the person is
15 authorized to possess pursuant to this part, the
16 penalty shall be a civil fine of no less than \$700 and
17 no more than \$1,000.

18 (c) The penalties described in subsection (b) shall not be
19 suspended.

20 (d) For a second or subsequent violation of this section,
21 the person's privileges under this part, including any



1 registration, shall be revoked, and any cannabis plants,
2 harvested cannabis, or usable cannabis shall be forfeited to a
3 law enforcement officer.

4 **§329-E Professional responsibilities maintained.** Nothing
5 in this part shall be construed to authorize any person to
6 perform any task under the influence of cannabis when doing so
7 would constitute negligence or professional malpractice or would
8 otherwise violate any professional standard.

9 **§329-F Nondiscrimination.** Neither an individual's holding
10 of a valid certificate for the medical use of cannabis as
11 provided in this part nor the individual's lawful use of medical
12 cannabis shall be the basis for denying the individual access to
13 employment, education, child custody rights, parental visitation
14 rights, or housing; provided that this section shall not apply
15 if:

16 (1) Denial of access to employment or education is
17 necessary for the employer, school, or educational
18 institution to comply with federal law or a federal
19 contract, or to receive federal funds;

20 (2) In determining child custody rights or parental
21 visitation rights, a court determines that the



1 individual's access to use of medical cannabis is
2 harmful to the best interests of the child; or

3 (3) An exception described in section 421J-16, 514B-113,
4 or 521-39 applies.

5 §329-G Administration; enforcement; rules; special
6 procedures. (a) The department of health shall:

7 (1) Adopt rules pursuant to chapter 91 necessary for the
8 purposes of this part; and

9 (2) Administer and enforce this part and the rules adopted
10 pursuant to chapter 91 and this part;

11 provided that the administration and enforcement by the
12 department of health of this part and the rules adopted pursuant
13 to this part may not be assigned to any agency within the
14 department of health that is responsible for the administration
15 and enforcement of the laws governing the manufacture, sale, or
16 distribution of liquor or alcohol.

17 (b) Before adopting rules pursuant to this part and
18 chapter 91, the department of health shall consult with
19 qualifying patients, primary caregivers, and medical providers
20 having significant knowledge and experience certifying patients
21 under this part. The department of health shall develop a



1 process to use when hiring consultants to advise on rule changes
2 related to this part and shall report any subsequent changes to
3 that process to the standing committees of the legislature
4 having jurisdiction over matters relating to the medical use of
5 cannabis."

6 SECTION 4. Section 329-43.5, Hawaii Revised Statutes, is
7 amended by amending subsection (e) to read as follows:

8 "(e) Subsections (a) and (b) shall not apply to a person
9 who is authorized to:

- 10 (1) Acquire, possess, cultivate, use, distribute, or
11 transport cannabis pursuant to the definition of
12 "medical use" under section 329-121, while the person
13 is facilitating the medical use of cannabis by a
14 qualifying patient; or
- 15 (2) [~~Dispense~~] Cultivate, dispense, manufacture, or
16 produce cannabis or manufactured cannabis products
17 pursuant to and in compliance with chapter 329D[~~7~~] or
18 chapter _____, while the person is facilitating the
19 medical use of cannabis by a qualifying patient
20 pursuant to part IX [~~of chapter 329~~]."



1 SECTION 5. Section 329-121, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding six new definitions to be appropriately
4 inserted and to read:

5 "Cannabis paraphernalia" means equipment, products,
6 devices, and materials that are used for planting, propagating,
7 cultivating, harvesting, processing, preparing, testing,
8 packaging, or storing cannabis for medical use or used for
9 ingesting, inhaling, or otherwise consuming cannabis for medical
10 use. "Cannabis paraphernalia" includes:

- 11 (1) Kits used for planting, propagating, cultivating, or
12 harvesting a cannabis plant;
- 13 (2) Isomerization devices used for adjusting the potency
14 of a cannabis plant;
- 15 (3) Testing equipment used for identifying or analyzing
16 the potency, effectiveness, or purity of a cannabis
17 plant or harvested cannabis;
- 18 (4) Scales and balances used for weighing or measuring
19 harvested cannabis;



- 1 (5) Separation gins and sifters used for removing twigs
2 and seeds from, or in otherwise cleaning or refining,
3 harvested cannabis;
- 4 (6) Envelopes and other containers used for packaging
5 small quantities of harvested cannabis for medical
6 use;
- 7 (7) Containers and other objects used for storing
8 harvested cannabis;
- 9 (8) Rolling papers, cigarette papers, or wraps used for
10 rolling harvested cannabis for smoking;
- 11 (9) Metal, wooden, acrylic, glass, stone, plastic, or
12 ceramic pipes, with or without screens, chillums, or
13 punctured metal bowls used for smoking harvested
14 cannabis; and
- 15 (10) Electronic smoking devices used for simulating the
16 smoking of harvested cannabis or cannabis products
17 through the inhalation of vapor or aerosol from the
18 device.

19 "Cannabis testing facility" means a facility that meets the
20 requirements established by the department of health pursuant to
21 section 329D-8(a).



1 "Manufacturing facility" shall have this same meaning as in
2 section -1.

3 "Medical provider" means a physician, advanced practice
4 registered nurse, or physician assistant licensed to practice in
5 the State.

6 "Officer or director" shall have this same meaning as in
7 section -1.

8 "Private entity" shall have this same meaning as in
9 section -1."

10 2. By amending the definition of "adequate supply" to
11 read:

12 "Adequate supply" means an amount of medical cannabis
13 jointly possessed between [the-qualifying] a:

14 (1) Qualifying patient and the primary caregiver of the
15 qualifying patient; or

16 (2) Qualifying out-of-state patient and the caregiver of
17 the qualifying out-of-state patient;

18 that is ~~[not]~~ no more than is reasonably necessary to ensure the
19 uninterrupted availability of cannabis for the purpose of
20 alleviating the symptoms or effects of ~~[a-qualifying]~~ the
21 patient's debilitating medical condition~~;~~ ~~provided that an~~



~~"adequate supply" shall not exceed: ten cannabis plants,
whether immature or mature, and four ounces of usable cannabis
at any given time. The four ounces of usable cannabis shall
include any combination of usable cannabis and manufactured
cannabis products, as provided in chapter 329D, with the
cannabis in the manufactured cannabis products being calculated
using information provided pursuant to section 329D-9(e).]~~
subject to the limitations of sections 329-122 and 329-130."

3. By amending the definition of "debilitating medical
condition" to read:

"Debilitating medical condition" means:

(1) Cancer, glaucoma, lupus, epilepsy, multiple sclerosis,
rheumatoid arthritis, positive status for human
immunodeficiency virus, acquired immune deficiency
syndrome, or the treatment of these conditions;

(2) A chronic or debilitating disease or medical condition
or its treatment that produces one or more of the
following:

(A) Cachexia or wasting syndrome;

(B) Severe pain;

(C) Severe nausea;



1 (D) Seizures, including those characteristic of
2 epilepsy;

3 (E) Severe and persistent muscle spasms, including
4 those characteristic of multiple sclerosis or
5 Crohn's disease; or

6 (F) Post-traumatic stress disorder; or

7 (3) Any other medical condition approved by the department
8 of health pursuant to administrative rules in response
9 to a request from a ~~[physician or advanced practice~~
10 ~~registered nurse]~~ medical provider or potentially
11 qualifying patient."

12 4. By amending the definitions of "primary caregiver",
13 "qualifying out-of-state patient" and "registered qualifying
14 out-of-state patient", and "qualifying patient" to read:

15 "'Primary caregiver" means a person, eighteen years of age
16 or older, other than the qualifying patient and the qualifying
17 patient's ~~[physician or advanced practice registered nurse,]~~
18 medical provider, who has agreed to undertake responsibility for
19 managing the well-being of the qualifying patient with respect
20 to the medical use of cannabis. ~~[In the case of a minor or an~~



1 ~~adult lacking legal capacity, the primary caregiver shall be a~~
2 ~~parent, guardian, or person having legal custody.]~~"

3 "Qualifying out-of-state patient" or "registered qualifying
4 out-of-state patient" means a person who is ~~[registered]~~:

5 (1) Registered for the medical use of cannabis in another
6 state, a United States territory, or the District of
7 Columbia~~[-]~~; and

8 (2) Is either:

9 (A) Not a resident of the State; or

10 (B) Has been a resident of the State for fewer than
11 thirty days.

12 "Qualifying patient" means a person who has been a resident
13 of the State for at least thirty days and who has been diagnosed
14 by a ~~[physician or advanced practice registered nurse]~~ medical
15 provider as having a debilitating medical condition."

16 5. By amending the definition of "written certification"
17 to read:

18 ""Written certification" means the qualifying patient's
19 medical records or a statement signed by a qualifying patient's
20 ~~[physician or advanced practice registered nurse,]~~ medical
21 provider, stating that in the ~~[physician's or advanced practice~~



1 ~~registered nurse's]~~ medical provider's professional opinion, the
2 qualifying patient has a debilitating medical condition and the
3 potential benefits of the medical use of cannabis would likely
4 outweigh the health risks for the qualifying patient. ~~[The~~
5 ~~department of health may require, through its rulemaking~~
6 ~~authority, that all written certifications comply with a~~
7 ~~designated form. "Written certifications" are valid for one~~
8 ~~year from the time of signing; provided that the department of~~
9 ~~health may allow for the validity of any written certification~~
10 ~~for three years if the qualifying patient's physician or~~
11 ~~advanced practice registered nurse states that the patient's~~
12 ~~debilitating medical condition is chronic in nature.]"~~

13 6. By repealing the definition of "adequate supply for a
14 qualifying out-of-state patient":

15 ~~["Adequate supply for a qualifying out-of-state patient"~~
16 ~~means an amount of cannabis individually possessed by a~~
17 ~~qualifying out-of-state patient or jointly possessed by a~~
18 ~~qualifying out-of-state patient who is under eighteen years old~~
19 ~~and the caregiver of the qualifying out-of-state patient that is~~
20 ~~not more than is reasonably necessary to ensure the~~
21 ~~uninterrupted availability of cannabis for the purpose of~~



1 ~~alleviating the symptoms or effects of the qualifying out-of-~~
2 ~~state patient's debilitating medical condition; provided that an~~
3 ~~"adequate supply for a qualifying out-of-state patient" shall~~
4 ~~not exceed four ounces of usable cannabis at any given time and~~
5 ~~shall not include live plants. The four ounces of usable~~
6 ~~cannabis shall include any combination of usable cannabis and~~
7 ~~manufactured cannabis products, as provided in chapter 329D;~~
8 ~~provided that the usable cannabis in the manufactured products~~
9 ~~shall be calculated using information provided pursuant to~~
10 ~~section 329D-9(e)."]~~

11 SECTION 6. Section 329-122, Hawaii Revised Statutes, is
12 amended as follows:

13 1. By amending subsections (a), (b), (c), and (d) to read:

14 "(a) Notwithstanding any law to the contrary, the medical
15 use of cannabis by a qualifying patient shall be permitted only
16 if:

17 (1) The qualifying patient has been diagnosed by a
18 ~~[physician or advanced practice registered nurse]~~
19 medical provider as having a debilitating medical
20 condition;



1 (2) The qualifying patient's [~~physician or advanced~~
2 ~~practice registered nurse~~] medical provider has
3 certified in writing that, in the [~~physician's or~~
4 ~~advanced practice registered nurse's~~] medical
5 provider's professional opinion, the potential
6 benefits of the medical use of cannabis would likely
7 outweigh the health risks for the particular
8 qualifying patient; and

9 (3) The amount of cannabis possessed by the qualifying
10 patient at any given time does not exceed an adequate
11 supply[~~-~~] for a qualifying patient, which shall be
12 eight pounds of usable cannabis, or the amount
13 cultivated as described in section 329-A(1).

14 (b) Subsection (a) shall not apply to a qualifying patient
15 under the age of eighteen years, unless:

16 (1) The qualifying patient's [~~physician or advanced~~
17 ~~practice registered nurse~~] medical provider has
18 explained the potential risks and benefits of the
19 medical use of cannabis to the qualifying patient and
20 to a parent, guardian, or person having legal custody
21 of the qualifying patient; and



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

3 (A) Allow the qualifying patient's medical use of
4 cannabis;

5 (B) Serve as the qualifying patient's primary
6 caregiver; and

7 (C) Control the acquisition of the cannabis, the
8 dosage, and the frequency of the medical use of
9 cannabis by the qualifying patient.

10 (c) Notwithstanding any law to the contrary, the medical
11 use of cannabis within the State by a qualifying out-of-state
12 patient aged eighteen years or older legally authorized to use
13 cannabis for medical purposes in another state, a United States
14 territory, or the District of Columbia shall be permitted only
15 if the qualifying out-of-state patient[+]

16 ~~(1) Provides to the department of health a valid medical~~
17 ~~use of cannabis card with an explicit expiration date~~
18 ~~that has not yet passed from the issuing jurisdiction~~
19 ~~and a valid photographic identification card or~~
20 ~~driver's license issued by the same jurisdiction;~~



- 1 ~~(2) Attests under penalty of law pursuant to section 710-~~
2 ~~1063 that the condition for which the qualifying out-~~
3 ~~of-state patient is legally authorized to use cannabis~~
4 ~~for medical purposes is a debilitating medical~~
5 ~~condition as defined in section 329-121;~~
- 6 ~~(3) Provides consent for the department of health to~~
7 ~~obtain information from the qualifying out-of-state~~
8 ~~patient's certifying medical provider and from the~~
9 ~~entity that issued the medical cannabis card for the~~
10 ~~purpose of allowing the department of health to verify~~
11 ~~the information provided in the registration process;~~
- 12 ~~(4) Pays the required fee for out-of-state registration to~~
13 ~~use cannabis for medical purposes;~~
- 14 ~~(5) Registers with the department of health pursuant to~~
15 ~~section 329-123.5 to use cannabis for medical~~
16 ~~purposes;~~
- 17 ~~(6) Receives a medical cannabis registry card from the~~
18 ~~department of health; and~~
- 19 ~~(7) Abides]~~ abides by all laws relating to the medical use
20 of cannabis, including not possessing at any given
21 time an amount of cannabis that exceeds an adequate



1 supply[-] for a qualifying out-of-state patient, which
2 shall be four ounces of usable cannabis.

3 (d) Notwithstanding any law to the contrary, the medical
4 use of cannabis by a qualifying out-of-state patient under
5 eighteen years of age shall only be permitted if[+]

6 ~~(1) The caregiver of the qualifying out-of-state patient~~
7 ~~provides the information required pursuant to~~
8 ~~subsection (c); and~~

9 ~~(2)]~~ (1) The caregiver of the qualifying out-of-state
10 . patient consents in writing to:

11 (A) Allow the qualifying out-of-state patient's
12 medical use of cannabis;

13 (B) Undertake the responsibility for managing the
14 well-being of the qualifying out-of-state patient
15 who is under eighteen years of age with respect
16 to the medical use of cannabis; and

17 (C) Control the acquisition of the cannabis, the
18 dosage, and the frequency of the medical use of
19 cannabis by the qualifying out-of-state patient
20 who is under eighteen years of age[-]; and



1 (2) The caregiver of the qualifying out-of-state patient
2 submits the written consent to the department of
3 health before the qualifying out-of-state patient
4 engages in the medical use of cannabis."

5 2. By amending subsection (f) to read:

6 "(f) For the purposes of this section, [~~"transport"~~ means]
7 the authorized transportation of cannabis, usable cannabis, or
8 any manufactured cannabis product shall be limited to
9 transportation between:

- 10 (1) A qualifying patient and the qualifying patient's
11 primary caregiver;
- 12 (2) A qualifying out-of-state patient under eighteen years
13 of age and the caregiver of a qualifying out-of-state
14 patient;
- 15 (3) The production centers and the retail dispensing
16 locations under a dispensary licensee's license;
- 17 (4) Dispensaries, to the extent authorized by section
18 329D-6(r); [~~or~~]
- 19 (5) A production center, retail dispensing location,
20 qualifying patient, primary caregiver, qualifying out-
21 of-state patient, or caregiver of a qualifying out-of-



1 state patient and a certified laboratory for the
2 purpose of laboratory testing[+] and research
3 purposes; provided that a qualifying patient, primary
4 caregiver, qualifying out-of-state patient, or
5 caregiver of a qualifying out-of-state patient may
6 only transport up to one gram of cannabis per test to
7 a certified laboratory for laboratory testing and
8 research purposes and may only transport the product
9 if the qualifying patient, primary caregiver,
10 qualifying out-of-state patient, or caregiver of a
11 qualifying out-of-state patient:

12 (A) Secures an appointment for testing at a certified
13 laboratory;

14 (B) Obtains confirmation, which may be electronic,
15 that includes the specific time and date of the
16 appointment and a detailed description of the
17 product and amount to be transported to the
18 certified laboratory for the appointment; and

19 (C) Has the confirmation, which may be electronic,
20 available during transport[+]; or



1 (6) Any two points within an island of the State, if the
2 person performing the transportation is a qualifying
3 patient and the cannabis is for the patient's medical
4 use.

5 For purposes of interisland transportation, [~~"transport"~~]
6 the transportation of cannabis, usable cannabis, or any
7 manufactured cannabis product, by any means [~~is~~] shall be
8 allowable only between dispensaries to the extent authorized by
9 section 329D-6(r) and between a production center or retail
10 dispensing location and a certified laboratory for the sole
11 purpose of laboratory testing pursuant to section 329D-8, as
12 permitted under section 329D-6(m) and subject to section 329D-
13 6(j) [~~7~~]; and between cultivation site licensees pursuant to
14 chapter , and with the understanding that state law and its
15 protections do not apply outside of the jurisdictional limits of
16 the State. Allowable [~~transport~~] transportation pursuant to
17 this section [~~does~~] shall not include interisland transportation
18 by any means or for any purpose between a qualifying patient,
19 primary caregiver, qualifying out-of-state patient, or caregiver
20 of a qualifying out-of-state patient and any other entity or
21 individual, including an individual who is a qualifying patient,



1 primary caregiver, qualifying out-of-state patient, or caregiver
2 of a qualifying out-of-state patient."

3 SECTION 7. Section 329-123, Hawaii Revised Statutes, is
4 amended by amending subsections (a), (b), and (c) to read as
5 follows:

6 "(a) [~~Physicians or advanced practice registered nurses~~]
7 Medical providers who issue written certifications shall
8 provide, in each written certification, the name, address,
9 patient identification number, and other identifying information
10 of the qualifying patient. The department of health shall
11 require, in rules adopted pursuant to chapter 91, that all
12 written certifications comply with a designated form completed
13 by or on behalf of a qualifying patient. The form shall require
14 information from the applicant, primary caregiver, and
15 [~~physician or advanced practice registered nurse~~] medical
16 provider as specifically required or permitted by this chapter.
17 The form shall require the address of the location where the
18 cannabis is grown and shall appear on the registry card issued
19 by the department of health. The certifying [~~physician or~~
20 ~~advanced practice registered nurse~~] medical provider shall be
21 required to have a bona fide [~~physician-patient relationship or~~



1 ~~bona fide advanced practice registered nurse-patient~~
2 ~~relationship, as applicable,]~~ medical provider-patient
3 relationship with the qualifying patient. Each written
4 certification shall be valid for one year from the time of
5 signing; provided that the department of health may allow for
6 the validity of any written certification for three years if the
7 qualifying patient's medical provider states that the
8 debilitating medical condition is chronic in nature. All
9 current active medical cannabis permits shall be honored through
10 their expiration date.

11 (b) Qualifying patients shall register with the department
12 of health. The registration shall be effective until the
13 expiration of the certificate issued by the department of health
14 and signed by the ~~[physician or advanced practice registered~~
15 ~~nurse-]~~ medical provider. Every qualifying patient shall
16 provide sufficient identifying information to establish the
17 personal identities of the qualifying patient and the primary
18 caregiver. Qualifying patients shall report changes in
19 information within ten working days. Every qualifying patient
20 ~~[shall]~~ who is an adult may have ~~[only one]~~ primary ~~[caregiver]~~
21 caregivers at any given time~~[-]~~, to the extent necessary to



1 effectively assist the patient. The department of health shall
2 issue to the qualifying patient a registration certificate
3 [and]. The department of health shall not charge a fee for a
4 patient to receive a written certification, but may charge [a]
5 an annual fee for [the certificate] registration in an amount
6 adopted by rules pursuant to chapter 91[-], subject to the
7 limitations of section 321-30.1(c). Every qualifying patient
8 shall provide to inspectors from the department of health
9 appropriate documentation demonstrating the patient's status as
10 a patient and the patient's age, when circumstances warrant.

11 (c) Primary caregivers shall register with the department
12 of health. ~~[Every primary caregiver shall be responsible for~~
13 ~~the care of only one qualifying patient at any given time,~~
14 ~~unless the primary caregiver is the parent, guardian, or person~~
15 ~~having legal custody of more than one minor qualifying patient,~~
16 ~~in which case the primary caregiver may be responsible for the~~
17 ~~care of more than one minor qualifying patient at any given~~
18 ~~time; provided that the primary caregiver is the parent,~~
19 ~~guardian, or person having legal custody of all of the primary~~
20 ~~caregiver's qualifying patients.]~~ The department of health
21 [may] shall permit registration of [up to two] multiple primary



1 caregivers for a minor qualifying patient; provided that ~~[both]~~
2 no fewer than one primary ~~[caregivers are the]~~ caregiver shall
3 be a parent, guardian, or person having legal custody of the
4 minor qualifying patient."

5 SECTION 8. Section 329-123.5, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "§329-123.5 Registration ~~[requirements,]~~ not required;
8 qualifying out-of-state patient; caregiver of a qualifying out-
9 of-state patient. ~~[(a)]~~ Notwithstanding section 329-123, a
10 qualifying out-of-state patient and a caregiver of a qualifying
11 out-of-state patient shall not be required to register with the
12 department of health ~~[as established by rule. The registration~~
13 ~~shall be effective for no more than sixty days and may be~~
14 ~~renewed for no more than one additional sixty-day period that~~
15 ~~begins no later than twelve months after the preceding~~
16 ~~registration date; provided that the department shall not~~
17 ~~register any qualifying out-of-state patient for a period that~~
18 ~~exceeds the term of validity of the qualifying out-of-state~~
19 ~~patient's authority to use medical cannabis in the qualifying~~
20 ~~out-of-state patient's home jurisdiction.~~



1 ~~(b) A qualifying out-of-state patient aged eighteen or~~
2 ~~older, at a minimum, shall meet the following criteria for~~
3 ~~registration:~~

4 ~~(1) Provide a valid government-issued medical cannabis~~
5 ~~card issued to the qualifying out-of-state patient by~~
6 ~~another state, United States territory, or the~~
7 ~~District of Columbia; provided that the medical~~
8 ~~cannabis card has an expiration date and has not~~
9 ~~expired;~~

10 ~~(2) Provide a valid photographic identification card or~~
11 ~~driver's license issued by the same jurisdiction that~~
12 ~~issued the medical cannabis card; and~~

13 ~~(3) Have a debilitating medical condition, as defined in~~
14 ~~section 329-121.~~

15 ~~(c) A qualifying out-of-state patient under eighteen years~~
16 ~~of age may be registered pursuant to this section only if the~~
17 ~~qualifying patient has a debilitating medical condition as~~
18 ~~defined in section 329-121 and the caregiver of the qualifying~~
19 ~~out-of-state patient, at a minimum, meets the requirements of~~
20 ~~paragraphs (1) and (2) of subsection (b) and consents in writing~~
21 ~~to:~~



1 ~~(1) Allow the qualifying out-of-state patient's medical~~
2 ~~use of cannabis;~~

3 ~~(2) Undertake the responsibility for managing the well-~~
4 ~~being of the qualifying out-of-state patient who is~~
5 ~~under eighteen years of age, with respect to the~~
6 ~~medical use of cannabis; and~~

7 ~~(3) Control the acquisition of the cannabis, the dosage,~~
8 ~~and the frequency of the medical use of cannabis by~~
9 ~~the qualifying out-of-state patient who is under~~
10 ~~eighteen years of age.~~

11 ~~(d) In the case of any qualifying out-of-state patient who~~
12 ~~is under eighteen years of age, the department of health shall~~
13 ~~register the qualifying out-of-state patient and the caregiver~~
14 ~~of the qualifying out-of-state patient; provided that the~~
15 ~~department may register two caregivers for a qualifying out-of-~~
16 ~~state patient if each caregiver is the parent, guardian, or~~
17 ~~person having legal custody of the qualifying out-of-state~~
18 ~~patient who is under eighteen years of age.~~

19 ~~(e) Each qualifying out-of-state patient shall pay a fee~~
20 ~~in an amount established by rules adopted by the department~~
21 ~~pursuant to chapter 91 for each registration and renewal.~~



~~(f) Upon inquiry by a law enforcement agency, the department of health shall immediately verify whether the subject of the inquiry has registered with the department of health and may provide reasonable access to the registry information for official law enforcement purposes. An inquiry and verification under this subsection may be made twenty-four hours a day, seven days a week.~~

~~(g) The department of health may temporarily suspend the registration of a qualifying out-of-state patient or a registered caregiver of a qualifying out-of-state patient for a period of up to thirty days if the department of health determines that the registration process for qualifying patients or primary caregivers is being adversely affected or the supply of cannabis for medical use available in licensed dispensaries is insufficient to serve qualifying patients and qualifying out-of-state patients. A temporary suspension may be extended by thirty-day periods until the department of health determines that:~~

~~(1) Adequate capacity exists to register qualifying out-of-state patients and caregivers of qualifying out-of-~~



1 ~~state patients in addition to qualifying patients and~~
2 ~~primary caregivers; and~~

3 ~~(2) The licensed dispensaries are able to meet the demands~~
4 ~~of qualifying patients]."~~

5 SECTION 9. Section 329-125, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§329-125 Protections afforded to a qualifying patient,**
8 **primary caregiver, qualifying out-of-state patient, or caregiver**
9 **of a qualifying out-of-state patient.** (a) A qualifying
10 patient, primary caregiver, qualifying out-of-state patient, or
11 caregiver of a qualifying out-of-state patient ~~[may assert the~~
12 ~~medical use of cannabis authorized under this part as an~~
13 ~~affirmative defense to any prosecution involving marijuana under~~
14 ~~this part, part IV, or part IV of chapter 712; provided that the~~
15 ~~qualifying patient, primary caregiver, qualifying out-of-state~~
16 ~~patient, or caregiver of a qualifying out-of-state patient~~
17 ~~strictly complied with the requirements of this part.] shall not~~
18 be subject to prosecution, search, seizure, or penalty in any
19 manner, including any civil penalty or disciplinary action by a
20 business or an occupational or professional licensing board or
21 other body, and shall not be denied any right or privilege



1 solely for acting in accordance with this part for the medical
2 use or for assisting in the medical use of cannabis in
3 accordance with this part.

4 (b) An officer or director or assistant of a primary
5 caregiver that is a private entity shall not be subject to
6 arrest, prosecution, search, seizure, or penalty in any manner,
7 including any civil penalty or disciplinary action by a business
8 or an occupational or professional licensing board or other
9 body, and shall not be denied any right or privilege solely for
10 working for or with another primary caregiver, cannabis testing
11 facility, manufacturing facility, or medical cannabis dispensary
12 to provide cannabis plants and cannabis products to qualifying
13 patients or other primary caregivers, cannabis testing
14 facilities, manufacturing facilities, or medical cannabis
15 dispensaries, or to otherwise assist with the medical use of
16 cannabis in accordance with this chapter.

17 ~~[(b)]~~ (c) Any qualifying patient, primary caregiver,
18 qualifying out-of-state patient, or caregiver of a qualifying
19 out-of-state patient not complying with the permitted scope of
20 the medical use of cannabis shall not be afforded the



1 protections against searches and seizures pertaining to the
2 misapplication of the medical use of cannabis.

3 ~~[(e)]~~ (d) No person shall be subject to arrest or
4 prosecution for simply being in the presence or vicinity of the
5 medical use of cannabis as permitted under this part."

6 SECTION 10. Section 329-127, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) Cannabis, cannabis paraphernalia, or other property
9 in connection with a claimed medical use of cannabis under this
10 part shall not be seized by any law enforcement officer from a
11 qualifying patient ~~[(e)]~~, primary caregiver ~~[in connection with a~~
12 ~~claimed medical use of cannabis under this part]~~, cannabis
13 testing facility, manufacturing facility, or licensed medical
14 cannabis dispensary, except when necessary for an ongoing
15 criminal or civil investigation. A law enforcement officer who
16 has improperly seized cannabis or other property shall return
17 the cannabis or other property to the owner of the cannabis or
18 other property within seven days after receiving the owner's
19 written request for the return. Further, any property seized
20 shall be returned immediately upon the determination by a court
21 that the qualifying patient or primary caregiver is entitled to



1 the protections of this part, as evidenced by a decision not to
2 prosecute, dismissal of charges, or an acquittal; provided that
3 law enforcement agencies seizing live plants as evidence shall
4 not be responsible for the care and maintenance of ~~[such]~~ the
5 plants."

6 PART IV

7 SECTION 11. Section 329D-7, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§329D-7 Medical cannabis dispensary rules.** The
10 department shall establish standards with respect to:

11 (1) The number of medical cannabis dispensaries that shall
12 be permitted to operate in the State;

13 (2) A fee structure, set by rules adopted pursuant to
14 chapter 91, for:

15 (A) The submission of applications and renewals of
16 licenses to dispensaries; provided that the
17 department shall consider the market conditions
18 in each county in determining the license renewal
19 fee amounts;

20 (B) The submission of applications and renewals for
21 each additional production center; and



(C) Dispensary-to-dispensary sales authorized by
section 329D-6(r);

provided that no designated fee shall increase by more
than two and one-half per cent annually;

(3) Criteria and procedures for the consideration and
selection, based on merit, of applications for
licensure of dispensaries; provided that the criteria
shall include but not be limited to an applicant's:

(A) Ability to operate a business;

(B) Financial stability and access to financial
resources; provided that applicants for medical
cannabis dispensary licenses shall provide
documentation that demonstrates control of [~~not~~]
no less than \$1,000,000 in the form of escrow
accounts, letters of credit, surety bonds, bank
statements, lines of credit, or the equivalent to
begin operating the dispensary;

(C) Ability to comply with the security requirements
developed pursuant to paragraph (6);

(D) Capacity to meet the needs of qualifying patients
and qualifying out-of-state patients;



1 (E) Ability to comply with criminal background check
2 requirements developed pursuant to paragraph (8);
3 and

4 (F) Ability to comply with inventory controls
5 developed pursuant to paragraph (13);

6 (4) Specific requirements regarding annual audits and
7 reports required from each production center and
8 dispensary licensed pursuant to this chapter;

9 (5) Procedures for announced and unannounced inspections
10 by the department or its agents of production centers
11 and dispensaries licensed pursuant to this chapter;
12 provided that inspections for license renewals shall
13 be unannounced;

14 (6) Security requirements for the operation of production
15 centers and retail dispensing locations; provided
16 that, at a minimum, the following shall be required:

17 (A) For production centers:

18 (i) Video monitoring and recording of the
19 premises; provided that recordings shall be
20 retained for fifty days;



1 (ii) Fencing that surrounds the premises and that
2 is sufficient to reasonably deter intruders
3 and prevent anyone outside the premises from
4 viewing any cannabis in any form;

5 (iii) An alarm system; and

6 (iv) Other reasonable security measures to deter
7 or prevent intruders, as deemed necessary by
8 the department; and

9 (B) For retail dispensing locations:

10 (i) Presentation of a valid government-issued
11 photo identification [~~and a valid~~
12 ~~identification as issued by the department~~
13 ~~pursuant to section 329-123 by a qualifying~~
14 ~~patient or caregiver, or section 329-123.5~~
15 ~~by a qualifying out-of-state patient or~~
16 ~~caregiver of a qualifying out-of-state~~
17 ~~patient]~~, upon entering the premises;

18 (ii) Presentation of valid identification of a
19 person as a qualifying patient or primary
20 caregiver, as issued by the department
21 pursuant to section 329-123, if the person



- 1 is a qualifying patient or primary
2 caregiver;
- 3 (iii) Presentation of valid identification of a
4 person as a qualifying out-of-state patient
5 or caregiver of a qualifying out-of-state
6 patient, as issued by the appropriate
7 governmental agency of the person's state of
8 residence, if the person is a qualifying
9 out-of-state patient or caregiver of a
10 qualifying out-of-state patient;
- 11 ~~[(i)]~~ (iv) Video monitoring and recording of the
12 premises; provided that ~~[recording]~~
13 recordings shall be retained for fifty days;
- 14 ~~[(iii)]~~ (v) An alarm system;
- 15 ~~[(iv)]~~ (vi) Exterior lighting; and
- 16 ~~[(v)]~~ (vii) Other reasonable security measures as
17 deemed necessary by the department;
- 18 (7) Security requirements for the transportation of
19 cannabis and manufactured cannabis products between
20 production centers and retail dispensing locations and
21 between a production center, retail dispensing



1 location, qualifying patient, primary caregiver,
2 qualifying out-of-state patient, or caregiver of a
3 qualifying out-of-state patient and a certified
4 laboratory, pursuant to section 329-122(f);

5 (8) Standards and criminal background checks to ensure the
6 reputable and responsible character and fitness of all
7 license applicants, licensees, employees,
8 subcontractors and their employees, and prospective
9 employees of medical cannabis dispensaries to operate
10 a dispensary; provided that the standards, at a
11 minimum, shall exclude from licensure or employment
12 any person convicted of any felony;

13 (9) The training and certification of operators and
14 employees of production centers and dispensaries;

15 (10) The types of manufactured cannabis products that
16 dispensaries shall be authorized to manufacture and
17 sell pursuant to sections 329D-9 and 329D-10;

18 (11) Laboratory standards related to testing cannabis and
19 manufactured cannabis products for content,
20 contamination, and consistency;



- 1 (12) The quantities of cannabis and manufactured cannabis
2 products that a dispensary may sell or provide to a
3 qualifying patient, primary caregiver, qualifying out-
4 of-state patient, or caregiver of a qualifying out-of-
5 state patient; provided that no dispensary shall sell
6 or provide to a qualifying patient, primary caregiver,
7 qualifying out-of-state patient, or caregiver of a
8 qualifying out-of-state patient any combination of
9 cannabis and manufactured cannabis products that:
10 (A) During a period of fifteen consecutive days,
11 exceeds the equivalent of four ounces of
12 cannabis; or
13 (B) During a period of thirty consecutive days,
14 exceeds the equivalent of eight ounces of
15 cannabis;
16 (13) Dispensary and production center inventory controls to
17 prevent the unauthorized diversion of cannabis or
18 manufactured cannabis products or the distribution of
19 cannabis or manufactured cannabis products to a
20 qualifying patient, primary caregiver, qualifying out-
21 of-state patient, or caregiver of a qualifying out-of-



1 state patient in quantities that exceed limits
2 established by this chapter; provided that the
3 controls, at a minimum, shall include:

4 (A) A computer software tracking system as specified
5 in section 329D-6(j) and (k); and

6 (B) Product packaging standards sufficient to allow
7 law enforcement personnel to reasonably determine
8 the contents of an unopened package;

9 (14) Limitation to the size or format of signs placed
10 outside a retail dispensing location or production
11 center; provided that the signage limitations, at a
12 minimum, shall comply with section 329D-6(o)(2) and
13 shall not include the image of a cartoon character or
14 other design intended to appeal to children;

15 (15) The disposal or destruction of unwanted or unused
16 cannabis and manufactured cannabis products;

17 (16) The enforcement of the following prohibitions against:

18 (A) The sale or provision of cannabis or manufactured
19 cannabis products to unauthorized persons;

20 (B) The sale or provision of cannabis or manufactured
21 cannabis products to a qualifying patient,



- 1 primary caregiver, qualifying out-of-state
- 2 patient, or caregiver of a qualifying out-of-
- 3 state patient in quantities that exceed limits
- 4 established by this chapter;
- 5 (C) Any use or consumption of cannabis or
- 6 manufactured cannabis products on the premises of
- 7 a retail dispensing location or production
- 8 center; and
- 9 (D) The distribution of cannabis or manufactured
- 10 cannabis products, for free, on the premises of a
- 11 retail dispensing location or production center;
- 12 (17) The establishment of a range of penalties for
- 13 violations of this chapter or rule adopted thereto;
- 14 (18) A process to recognize ~~[and register]~~ patients who are
- 15 authorized to purchase, possess, and use medical
- 16 cannabis in another state, a United States territory,
- 17 or the District of Columbia as qualifying out-of-state
- 18 patients~~[- provided that this registration process may~~
- 19 ~~commence no sooner than January 1, 2018]~~; and
- 20 (19) Security requirements and restrictions regarding
- 21 waiting rooms, including but not limited to:



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- 1 (A) Security measures to prevent unauthorized access
- 2 to any area within the retail dispensing location
- 3 outside of the waiting room;
- 4 (B) Restrictions on marketing and advertising within
- 5 the waiting room;
- 6 (C) Restrictions on signage within the waiting room;
- 7 and
- 8 (D) Other reasonable security measures or
- 9 restrictions as deemed necessary by the
- 10 department."

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

13 "(c) [~~Beginning on January 1, 2018, this~~] This section may
14 apply to qualifying out-of-state patients from other states,
15 territories of the United States, or the District of Columbia;
16 provided that the patient meets the [~~registration~~] requirements
17 of [~~section 329-123.5.~~] part IX of chapter 329."

18 PART V

19 SECTION 13. Chapter 237, Hawaii Revised Statutes, is
20 amended by adding a new section to be appropriately designated
21 and to read as follows:



1 "§237- Additional amounts not taxable; medical
2 cannabis. In addition to the amounts not taxable under section
3 237-24, this chapter shall not apply to sales of cannabis
4 conducted pursuant to chapter , except for retail sales to
5 consumers."

6 SECTION 14. Section 201-13.9, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "§201-13.9 Medical cannabis; economic and other data;
9 collection. (a) The department shall continuously collect
10 de-identified information regarding the medical cannabis
11 registry and dispensary programs established pursuant to
12 chapters 329 [~~and~~], 329D, and , including [~~but not limited~~
13 ~~to~~] information regarding the:

- 14 (1) Quantities of cannabis cultivated and dispensed;
15 (2) Number of applications received by the department of
16 health to register as a qualifying patient or primary
17 caregiver;
18 [~~+2~~] (3) Number of qualifying patients[+] and primary
19 caregivers registered, by county of residence;
20 (4) Number of qualifying patients and primary caregivers
21 whose privileges have been suspended or revoked;



- 1 (5) Number of medical providers providing written
2 certifications for qualifying patients;
3 (6) Number of licensed cultivation site collectives, by
4 county;
5 ~~[(3)]~~ (7) Geographic areas in which cannabis is cultivated
6 and consumed;
7 ~~[(4)]~~ (8) Prices of cannabis and related products;
8 ~~[(5)]~~ (9) Number of employment opportunities related to
9 cannabis; and
10 ~~[(6)]~~ (10) Economic impact of cannabis cultivation and
11 sales.

12 (b) The department of health ~~[and]~~, dispensaries licensed
13 pursuant to chapter 329D, and cultivation site collectives
14 licensed pursuant to chapter shall provide de-identified
15 aggregated data as required by the department pursuant to this
16 section.

17 (c) ~~[Upon request, the]~~ The department shall provide an
18 annual report and analysis of the aggregated de-identified data
19 to the department of health and the legislature~~[]~~ no later than
20 twenty days prior to each regular session."



1 SECTION 15. Section 321-30.1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§321-30.1 Medical cannabis registry and regulation**
4 **special fund; established.** (a) There [~~is~~] shall be established
5 within the state treasury the medical cannabis registry and
6 regulation special fund. The fund shall be expended at the
7 discretion of the director of health:

- 8 (1) To establish and regulate [~~a system~~] systems of
9 medical cannabis dispensaries and cultivation site
10 collectives in the State;
- 11 (2) To offset the cost of the processing and issuance of
12 patient registry identification certificates and
13 primary caregiver registration certificates;
- 14 (3) To fund positions and operating costs authorized by
15 the legislature;
- 16 (4) To establish and manage a secure and confidential
17 database;
- 18 (5) To fund public education as required by section 329D-
19 26;
- 20 (6) To fund substance abuse prevention and education
21 programs; and



1 (7) For any other expenditure necessary, consistent with
2 this chapter and ~~[chapter]~~ chapters 329D~~[7]~~ and ,
3 to implement medical cannabis registry and regulation
4 programs.

5 (b) The fund shall consist of all moneys derived from fees
6 collected pursuant to subsection (c) and ~~[section]~~ sections
7 329D-4~~[7]~~ and -3. There ~~[is]~~ shall be established within the
8 medical cannabis registry and regulation special fund:

9 (1) A medical cannabis registry program ~~[sub-account,]~~
10 subaccount, into which shall be deposited all fees
11 collected pursuant to subsection (c); ~~[and]~~

12 (2) A medical cannabis dispensary program ~~[sub-account,]~~
13 subaccount, into which shall be deposited all fees
14 collected pursuant to section 329D-4~~[7]~~; and

15 (3) A medical cannabis cultivation collective system
16 subaccount, into which shall be deposited all fees
17 collected pursuant to section -3.

18 (c) The department, upon completion of the transfer of the
19 medical use of cannabis program, shall charge a medical cannabis
20 registration fee to each qualifying patient, other than a



1 qualifying out-of-state patient, of no less than \$20 per year
2 and no more than [\$35] \$50 per year."

3 SECTION 16. Section 421J-16, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§421J-16 Medical cannabis; discrimination.** (a) A
6 provision in any association document allowing for any of the
7 discriminatory practices listed in section 515-3(a)(1) to (7)
8 against a person residing in a unit who ~~[has]~~:

9 (1) Has a valid certificate for the medical use of
10 cannabis as provided in section 329-123 in any form
11 [is];

12 (2) Holds a license to cultivate cannabis pursuant to
13 chapter ; or

14 (3) Is an officer, director, or employee of a private
15 entity that holds a license to cultivate cannabis
16 pursuant to chapter ,

17 shall be void, [unless the] except as provided in subsection
18 (b) .

19 (b) Subsection (a) shall not apply if:



1 (1) The association document also prohibits the smoking of
2 tobacco and the medical cannabis is used by means of
3 smoking~~[-]~~; or

4 (2) The relevant provision is necessary for the
5 association to comply with federal law or a federal
6 contract, or to receive federal funds.

7 (c) Nothing in this section shall be construed to diminish
8 the obligation of a planned community association to provide
9 reasonable accommodations for persons with disabilities pursuant
10 to section 515-3(a)(9)."

11 SECTION 17. Section 514B-113, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§514B-113 Medical cannabis; discrimination.** (a) A
14 provision in any articles of incorporation, declaration, bylaws,
15 administrative rules, house rules, or association documents of a
16 condominium allowing for any of the discriminatory practices
17 listed in section 515-3(a)(1) to (7) against a person residing
18 in a unit who ~~[has]~~:

19 (1) Has a valid certificate for the medical use of
20 cannabis as provided in section 329-123 in any form
21 ~~[is]~~;



1 (2) Holds a license to cultivate cannabis pursuant to
 2 chapter ; or

3 (3) Is an officer, director, or employee of a private
 4 entity that holds a license to cultivate cannabis
 5 pursuant to chapter ,

6 shall be void, [unless the] except as provided in subsection
 7 (b) .

8 (b) Subsection (a) shall not apply if:

9 (1) The documents also prohibit the smoking of tobacco and
 10 the medical cannabis is used by means of smoking[+];
 11 or

12 (2) The relevant provision is necessary for the
 13 condominium to comply with federal law or a federal
 14 contract, or to receive federal funds.

15 (c) Nothing in this section shall be construed to diminish
 16 the obligation of a condominium association to provide
 17 reasonable accommodations for persons with disabilities pursuant
 18 to section 515-3(a) (9) ."

19 SECTION 18. Section 521-39, Hawaii Revised Statutes, is
 20 amended to read as follows:



1 "§521-39 Medical cannabis; tenant use; eviction. (a) A
2 provision in a rental agreement allowing for eviction of a
3 tenant who ~~[has]~~:

4 (1) Has a valid certificate for the medical use of
5 cannabis as provided in section 329-123 in any form
6 ~~[is]~~;

7 (2) Holds a license to cultivate cannabis pursuant to
8 chapter ; or

9 (3) Is an officer, director, or employee of a private
10 entity that holds a license to cultivate cannabis
11 pursuant to chapter ,

12 shall be void, ~~[unless the]~~ except as provided in subsection
13 (b) .

14 (b) Subsection (a) shall not apply if:

15 (1) The rental agreement also allows for eviction for
16 smoking tobacco and the medical cannabis is used by
17 means of smoking; ~~[provided that this section shall~~
18 ~~not apply where the]~~

19 (2) The articles of incorporation, declaration, bylaws,
20 administrative rules, house rules, association
21 documents, or a similar document of a condominium



1 property regime or planned community association also
2 prohibits the smoking of tobacco and the medical [use
3 of] cannabis[-] is used by means of smoking; or

4 (3) The relevant provision is necessary for the landlord,
5 condominium property regime, or planned community
6 association to comply with federal law or a federal
7 contract, or to receive federal funds."

8 PART VI

9 SECTION 19. In codifying the new sections added by
10 sections 2 and 3 of this Act, the revisor of statutes shall
11 substitute appropriate section numbers for the letters used in
12 designating the new sections in this Act.

13 SECTION 20. This Act does not affect rights and duties
14 that matured, penalties that were incurred, and proceedings that
15 were begun before its effective date.

16 SECTION 21. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 22. This Act shall take effect on July 1, 2025.



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1

INTRODUCED BY:

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JAN 23 2025



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Report Title:

DOH; Cannabis; Medical Use; Cultivation; Patients; Caregivers

Description:

Establishes a licensing system for medical cannabis cultivation. Facilitates the transport of medical cannabis. Expands the scope of authorized actions for medical cannabis patients. Provides that qualifying out-of-state patients need not register with the Department of Health. Protects medical cannabis patients and cultivation licensees from undue discrimination.

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

