#### HOUSE OF REPRESENTATIVES TWENTY-NINTH LEGISLATURE, 2017 STATE OF HAWAII

H.B. NO. <sup>1488</sup> H.D. 1 S.D. 1 C.D. 1

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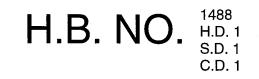
# A BILL FOR AN ACT

RELATING TO MEDICAL MARIJUANA.

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

1 SECTION 1. The legislature finds that Act 241, Session Laws 2 of Hawaii 2015, codified as chapter 329D, Hawaii Revised 3 Statutes, established a licensing framework for a statewide 4 system of medical marijuana dispensaries to ensure access to 5 medical marijuana for qualifying patients. Act 230, Session 6 Laws of Hawaii 2016, clarified the system's implementation. 7 Generally, Act 241 required the department of health to announce the selection of medical marijuana dispensary licensees by April 8 9 15, 2016, and to allow retail dispensing of medical marijuana 10 from July 15, 2016. However, the department of health only 11 recently authorized a few medical marijuana dispensary licensees 12 to proceed with the planting or cultivation of medical marijuana, and has been unable to provide assurances that the 13 14 dispensary program envisioned by Acts 241 and 230 will be fully 15 implemented in the near future.

16 The legislature also finds that the delay in implementing 17 the medical marijuana dispensing system is affecting patient 18 access to medical marijuana. One cause of the delay is the HB1488 CD1 HMS 2017-3662

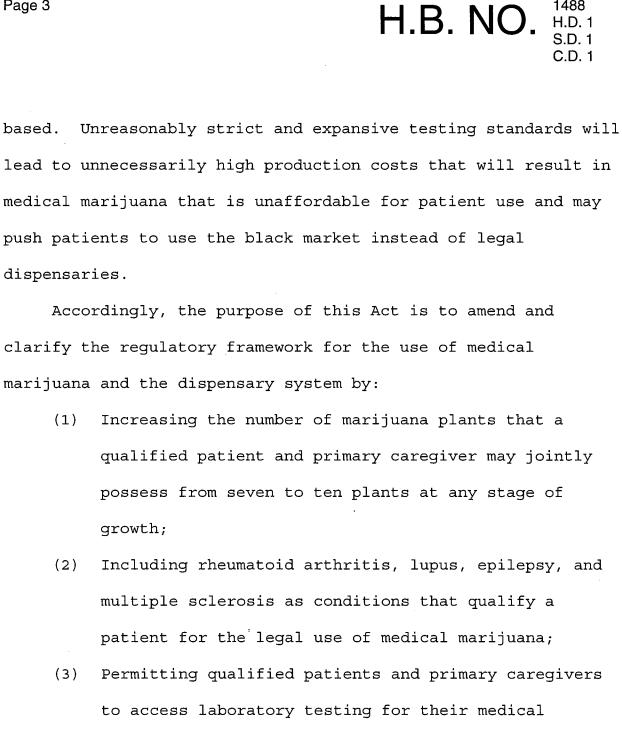


1 department of health's struggle to implement the computer 2 tracking system required pursuant to Acts 241 and 230. The 3 legislature notes that although the computer tracking system is 4 intended to serve an important role in ensuring the safety of 5 the product, patient, and public, the need for the system must 6 be balanced against the patients' need to receive their 7 medicine. Recently, some medical marijuana dispensary programs 8 on the mainland United States experienced failures of their 9 computer tracking systems, but the affected jurisdictions 10 fortunately had pre-determined alternate systems to track 11 marijuana product sales during any tracking system shutdown. 12 The legislature believes that the department of health should 13 also have a pre-determined alternate system to track marijuana 14 product sales so that qualified patients will have uninterrupted 15 access to medical marijuana during any shutdown of the initial 16 tracking system in this State.

17 The legislature further finds that, although laboratory 18 testing of medical marijuana is necessary to ensure product and 19 patient safety, testing should be performed within reasonable 20 scope and tolerance levels. The State of Oregon has implemented 21 testing standards that are appropriate, practical, and evidence-

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marijuana;

(4)Amending certain dates and deadlines in existing law and establishing new deadlines to address the delays



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1		in implementation of the medical marijuana dispensary
2		system;
3	(5)	Authorizing the department of health to permit
4		additional retail dispensing locations and cultivation
5		of additional plants for dispensary licensees;
6	(6)	Allowing an alternate, backup system for tracking and
7		monitoring data related to dispensary sales;
8	(7)	Requiring retention of video security recordings of
9		production centers and dispensaries for not less than
10		fifty days;
11	(8)	Amending requirements for laboratory standards and
12		testing to ensure product and patient safety at
13		reasonable tolerance levels with reasonable cost
14		implications; and
15	(9)	Ensuring that qualifying patients who require
16		transportation or mobility assistance are able to
17		access dispensary premises by permitting providers of
18		paratransit or other assistive services to have
19		limited access to the premises while providing
20		assistance to a qualifying patient.

4.

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

3 1. By amending the definition of "adequate supply" to4 read:

5 ""Adequate supply" means an amount of medical marijuana 6 jointly possessed between the qualifying patient and the primary 7 caregiver that is not more than is reasonably necessary to 8 ensure the uninterrupted availability of marijuana for the 9 purpose of alleviating the symptoms or effects of a qualifying 10 patient's debilitating medical condition; provided that an 11 "adequate supply" shall not exceed: [seven] ten marijuana 12 plants, whether immature or mature, and four ounces of usable 13 marijuana at any given time. The four ounces of usable 14 marijuana shall include any combination of usable marijuana and 15 manufactured marijuana products, as provided in chapter 329D, 16 with the marijuana in the manufactured marijuana products being 17 calculated using information provided pursuant to section 18 329D-9(c)."

19 2. By amending the definition of "debilitating medical20 condition" to read:

21

""Debilitating medical condition" means:

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1	(1)	Cancer, glaucoma, <u>lupus, epilepsy, multiple sclerosis,</u>
2		rheumatoid arthritis, positive status for human
3		immunodeficiency virus, acquired immune deficiency
4		syndrome, or the treatment of these conditions;
5	(2)	A chronic or debilitating disease or medical condition
6		or its treatment that produces one or more of the
7		following:
8		(A) Cachexia or wasting syndrome;
9		(B) Severe pain;
10		(C) Severe nausea;
11		(D) Seizures, including those characteristic of
12		epilepsy;
13		(E) Severe and persistent muscle spasms, including
14		those characteristic of multiple sclerosis or
15		Crohn's disease; or
16		(F) Post-traumatic stress disorder; or
17	(3)	Any other medical condition approved by the department
18		of health pursuant to administrative rules in response
19		to a request from a physician or advanced practice
20		registered nurse or potentially qualifying patient."

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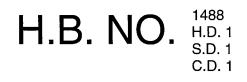
1	SECT	ION 3. Section 329-122, Hawaii Revised Statutes, is
2	amended b	y amending subsection (d) to read as follows:
3	" (d)	For the purposes of this section, "transport" means
4	the trans	portation of marijuana, usable marijuana, or any
5	manufactu	red marijuana product between:
6	(1)	A qualifying patient and the qualifying patient's
7		primary caregiver;
8	(2)	The production centers and the retail dispensing
9		locations under a dispensary licensee's license; or
10	(3)	A production center [ <del>or</del> ], retail dispensing location,
11		qualifying patient, or primary caregiver and a
12		certified laboratory for the purpose of laboratory
13		testing; provided that a qualifying patient or primary
14		caregiver may only transport up to one gram of
15		marijuana per test to a certified laboratory for
16		laboratory testing and may only transport the product
17		if the qualifying patient or primary caregiver:
18		(A) Secures an appointment for testing at a certified
19		laboratory;
20		(B) Obtains confirmation, which may be electronic,
21		that includes the specific time and date of the



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1		appointment and a detailed description of the
2		product and amount to be transported to the
3		certified laboratory for the appointment; and
4	<u>(C)</u>	Has the confirmation, which may be electronic,
5		available during transport.
6	For purpo	ses of interisland transportation, "transport"
7	[ <del>does_not_incl</del>	ude the interisland transportation] of marijuana,
8	usable marijua	na, or any manufactured marijuana product, [ <del>except</del>
9	when the trans	portation is performed] by any means is allowable
10	only between a	production center or retail dispensing location
11	and a certifie	d laboratory for the sole purpose of laboratory
12	testing pursua	nt to section 329D-8, as permitted under section
13	329D-6(m) and	subject to section 329D-6(j), and with the
14	understanding	that state law and its protections do not apply
15	outside of the	jurisdictional limits of the State. <u>Allowable</u>
16	transport purs	uant to this section does not include interisland
17	transportation	by any means or for any purpose between a
18	qualified pati	ent or primary caregiver and any other entity or
19	individual, in	cluding an individual who is a qualified patient
20	or primary car	egiver."





1	SECTION 4. Section 329-130, Hawaii Revised Statutes, is	
2	amended by amending subsection (a) to read as follows:	
3	"(a) After December 31, [ <del>2018,</del> ] <u>2023,</u> a qualifying patie	nt
4	shall obtain medical marijuana or manufactured marijuana	
5	products only:	
6	(1) From a dispensary licensed pursuant to chapter 329D;	
7	provided that the marijuana shall be purchased and	
8	paid for at the time of purchase; or	
9	(2) By cultivating marijuana in an amount that does not	
10	exceed an adequate supply for the qualifying patient	,
11	pursuant to section 329-122[-]; provided that each	
12	location used to cultivate marijuana shall be used b	Y
13	no more than five qualifying patients.	
14	After December 31, [ <del>2018,</del> ] <u>2023,</u> no primary caregiver shall be	
15	authorized to cultivate marijuana for any qualifying patient."	
16	SECTION 5. Section 329D-2, Hawaii Revised Statutes, is	
17	amended to read as follows:	
18	"§329D-2 Medical marijuana dispensaries; authorized;	
19	licensure. (a) No person shall operate a medical marijuana	
20	dispensary unless the person has a license issued by the	
21	department pursuant to this chapter.	



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(b) The director of health shall grant medical marijuana
 dispensary licenses to allow dispensaries to produce,

3 manufacture, and dispense marijuana and manufactured marijuana4 products pursuant to this chapter.

5 (c) Each medical marijuana dispensary license shall allow
6 production, manufacture, and dispensing of marijuana and
7 manufactured marijuana products only in the county for which the
8 license is granted.

9 (d) The department shall issue eight dispensary licenses 10 statewide; provided that three dispensary licenses shall be 11 issued for the city and county of Honolulu, two dispensary 12 licenses each shall be issued for the county of Hawaii and the 13 county of Maui, and one dispensary license shall be issued for 14 the county of Kauai; provided further that no dispensary license 15 shall be issued for the county of Kalawao.

16 (e) No person may be granted a dispensary license in more17 than one county.

(f) Up to two production centers shall be allowed under
each dispensary license [7]; provided that, except as otherwise
<u>specified in subsection (k)</u>, each production center shall be
limited to no more than three thousand marijuana plants. For





purposes of this subsection, "plant" means a marijuana plant 1 2 that is greater than twelve vertical inches in height from where 3 the base of the stalk emerges from the growth medium to the 4 tallest point of the plant, or greater than twelve horizontal 5 inches in width from the end of one branch to the end of another 6 branch; provided that multiple stalks emanating from the same 7 root ball or root system shall be considered part of the same 8 single plant.

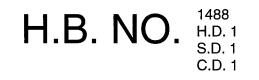
9 (g) A dispensary licensee may establish up to two retail
10 dispensing locations under the licensee's dispensary license[-].
11 except as otherwise specified in subsection (1).

12 (h) Each dispensary licensee may commence dispensing 13 medical marijuana and manufactured marijuana products to 14 qualifying patients or primary caregivers no sooner than July 15 15, 2016, with approval by the department, in accordance with 16 this chapter.

17 (i) Retail dispensing locations shall not be at the same18 location as the dispensary licensee's production centers.

19 (j) Notwithstanding subsection (d), the department shall
20 determine whether, based on the qualifying patient need,
21 additional dispensary licenses shall be offered to qualified





1	applicants in the State after October 1, [ <del>2017;</del> ] <u>2018;</u> provided
2	that the department shall make available not more than one
3	license per five hundred qualifying patients residing in any
4	single county $[, ]$ ; provided further that in considering whether
5	to award a new license, the department shall consider an
6	applicant's capability to serve and supply medical marijuana to
7	qualified patients in a rural or underserved geographical area
8	of a county; provided further that a "rural or underserved
9	geographical area" shall be determined by considering the number
10	of registered medical marijuana patients that reside within a
11	certain zip code compared to the quantity of medical marijuana
12	that the closest production center and retail dispensing
13	location have the capability to provide.
14	(k) Notwithstanding subsection (f) to the contrary, the
15	department may determine whether dispensary licensees shall be
16	allowed an additional two thousand marijuana plants at each of
17	the licensee's production centers. In no case shall a licensee
18	be allowed more than five thousand plants at a single production
19	center.
20	(1) Notwithstanding any provision of subsection (g) to the

21 contrary, the department may determine whether dispensary

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1	licensees shall be allowed one additional retail dispensing
2	location per licensee. In considering whether to allow
3	additional retail dispensing locations, the department shall
4	consider the licensee's capability to serve and supply medical
5	marijuana to qualified patients in a rural or underserved
6	geographical area of a county. For purposes of this subsection,
7	a "rural or underserved geographical area" shall be determined
8	by considering the number of registered medical marijuana
9	patients that reside within a certain zip code compared to the
10	quantity of medical marijuana that the closest production center
11	and retail dispensing location have the capability to provide.
12	$\left[\frac{(k)}{m}\right]$ (m) Notwithstanding any other law to the contrary, a
13	dispensary shall not be subject to the prescription requirement
14	of section 329-38 or to the board of pharmacy licensure or
15	regulatory requirements under chapter 461."
16	SECTION 6. Section 329D-6, Hawaii Revised Statutes, is
17	amended by amending subsections (j) and (k) to read as follows:
18	"(j) The department shall establish, maintain, and control
19	a computer software tracking system that shall have real time,
20	[ <del>twenty-four hour</del> ] <u>twenty-four-hour</u> access to the data of all
21	dispensaries.





1	(1)	The	computer software tracking system shall collect
2		data	relating to:
3	[ <del>(1)</del> ]	<u>(A)</u>	The total amount of marijuana in possession of
4			all dispensaries from either seed or immature
5			plant state, including all plants that are
6			derived from cuttings or cloning, until the
7			marijuana, marijuana plants, or manufactured
8			marijuana product is sold or destroyed pursuant
9			to section 329D-7;
10	[ <del>(2)</del> ]	<u>(B)</u>	The total amount of manufactured marijuana
11			product inventory, including the equivalent
12			physical weight of marijuana that is used to
13			manufacture manufactured marijuana products,
14			purchased by a qualifying patient and primary
15			caregiver from all retail dispensing locations in
16			the State in any fifteen day period;
17	[ <del>(3)</del> ]	(C)	The amount of waste produced by each plant at
18			harvest; and
19	[ <del>(4)</del> ]	(D)	The transport of marijuana and manufactured
20			marijuana products between production centers and
21			retail dispensing locations, including tracking





4		
1		identification issued by the tracking system, the
2		identity of the person transporting the marijuana
3		or manufactured marijuana products, and the make,
4		model, and license number of the vehicle being
5		used for the transport $[-]_{j}$
6	(2)	The procurement of the computer software tracking
7		system established pursuant to this subsection shall
8		be exempt from chapter 103D; provided that: [ <del>the</del> ]
9		(A) The department shall publicly solicit at least
10		three proposals for the computer software
11		tracking system; and [ <del>the</del> ]
12		(B) The selection of the computer software tracking
13		system shall be approved by the director of the
14		department and the chief information officer $[-]$ ;
15		and
16	(3)	Notwithstanding any other provision of this subsection
17		to the contrary, once the department has authorized a
18		licensed dispensary to commence sales of marijuana or
19		manufactured marijuana products, if the department's
20		computer software tracking system is inoperable or is
21		not functioning properly, as an alternative to



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1		requ	iring dispensaries to temporarily cease
2		oper	ations, the department may implement an alternate
3		trac	king system that will enable qualifying patients
4		to p	urchase marijuana or manufactured marijuana
5		prod	ucts from a licensed dispensary on a temporary
6		basi	s. The department shall seek input regarding the
7		alte	rnate tracking system from medical marijuana
8		lice	nsees. The alternate tracking system may operate
9		as f	ollows:
10		(A)	The department may immediately notify all
11			licensed dispensaries that the computer software
12			tracking system is inoperable; and
13		<u>(B)</u>	Once the computer software tracking system is
14			operational and functioning to meet the
15			requirements of this subsection, the department
16			may notify all licensed dispensaries, and the
17			alternate tracking system in this subsection
18			shall be discontinued.
19	(k)	A di	spensary licensed pursuant to this chapter shall
20	purchase,	oper	ate, and maintain a computer software tracking

21 system that shall:

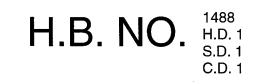
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1	(1)	Interface with the department's computer software
2		tracking system established pursuant to subsection
3		(j);
4	(2)	Allow each licensed dispensary's production center to
5		submit to the department in real time, by automatic
6		identification and data capture, all marijuana,
7		marijuana plants, and manufactured marijuana product
8		inventory in possession of that dispensary from either
9		seed or immature plant state, including all plants
10		that are derived from cuttings or cloning, until the
11		marijuana or manufactured marijuana product is sold or
12		destroyed pursuant to section 329D-7; [and]
13	(3)	Allow the licensed dispensary's retail dispensing
14		location to submit to the department in real time for
15		the total amount of marijuana and manufactured
16		marijuana product purchased by a qualifying patient
17		and primary caregiver from the dispensary's retail
18		dispensing locations in the State in any fifteen day
19		period; provided that the software tracking system
20		shall impose an automatic stopper in real time, which
21		cannot be overridden, on any further purchases of



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	marijuana or manufactured marijuana products, if the
	maximum allowable amount of marijuana has already been
	purchased for the applicable fifteen day period;
	provided further that additional purchases shall not
	be permitted until the next applicable period[-]; and
(4)	Allow the licensed dispensary to submit all data
	required by this subsection to the department and
	permit the department to access the data if the
	department's computer software tracking system is not
	functioning properly and sales are made pursuant to
	the alternate tracking system under subsection (j)."
SECT	ION 7. Section 329D-7, Hawaii Revised Statutes, is
àmended t	o read as follows:
"§32	9D-7 Medical marijuana dispensary rules. The
departmen	t shall establish standards with respect to:
(1)	The number of medical marijuana dispensaries that
	shall be permitted to operate in the State;
(2)	A fee structure for the submission of applications and
	renewals of licenses to dispensaries; provided that
	SECT àmended t "§32 departmen (1)

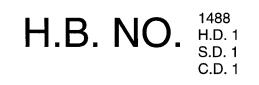


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1 each county in determining the license renewal fee 2 amounts; 3 (3) Criteria and procedures for the consideration and 4 selection, based on merit, of applications for 5 licensure of dispensaries; provided that the criteria 6 shall include but not be limited to an applicant's: 7 (A) Ability to operate a business; 8 Financial stability and access to financial (B) resources; provided that applicants for medical 9 10 marijuana dispensary licenses shall provide 11 documentation that demonstrates control of not 12 less than \$1,000,000 in the form of escrow 13 accounts, letters of credit, surety bonds, bank 14 statements, lines of credit or the equivalent to 15 begin operating the dispensary; 16 (C) Ability to comply with the security requirements 17 developed pursuant to paragraph (6); 18 Capacity to meet the needs of qualifying (D) 19 patients;

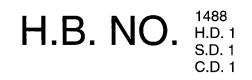


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1		(E) Ability to comply with criminal background check
2	1	requirements developed pursuant to paragraph (8);
3		and
4		(F) Ability to comply with inventory controls
5		developed pursuant to paragraph (13);
6	(4)	Specific requirements regarding annual 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;



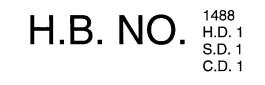


1	(ii)	Fencing that surrounds the premises and that
2		is sufficient to reasonably deter intruders
3		and prevent anyone outside the premises from
4		viewing any marijuana in any form;
5	(iii)	An alarm system; and
6	(iv)	Other reasonable security measures to deter
7		or prevent intruders, as deemed necessary by
8		the department;
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, upon entering the
15	,	premises;
16	(ii)	Video monitoring and recording of the
17		premises; provided that recordings shall be
18		retained for fifty days;
19	(iii)	An alarm system;
20	(iv)	Exterior lighting; and





1		(v) Other reasonable security measures as deemed
2		necessary by the department;
3	(7)	Security requirements for the transportation of
4		marijuana and manufactured marijuana products between
5		production centers and retail dispensing locations $[+]$
6		and between a production center, retail dispensing
7		location, qualifying patient, or primary caregiver and
8		a certified laboratory, pursuant to section 329-
9		<u>122(d);</u>
10	(8)	Standards and criminal background checks to ensure the
11		reputable and responsible character and fitness of all
12		license applicants, licensees, employees,
13		subcontractors and their employees, and prospective
14		employees of medical marijuana dispensaries to operate
15		a dispensary; provided that the standards, at a
16		minimum, shall exclude from licensure or employment
17		any person convicted of any felony;
18	(9)	The training and certification of operators and
19		employees of production centers and dispensaries;



1	(10)	The types of manufactured marijuana products that
2		dispensaries shall be authorized to manufacture and
3		sell pursuant to sections 329D-9 and 329D-10;
4	(11)	Laboratory standards related to testing marijuana and
5		manufactured marijuana products for content,
6		contamination, and consistency;
7	(12)	The quantities of marijuana and manufactured marijuana
8		products that a dispensary may sell or provide to a
9		qualifying patient or primary caregiver; provided that
10		no dispensary shall sell or provide to a qualifying
11		patient or primary caregiver any combination of
12		marijuana and manufactured products that:
13		(A) During a period of fifteen consecutive days,
14		exceeds the equivalent of four ounces of
15		marijuana; or
16		(B) During a period of thirty consecutive days,
17		exceeds the equivalent of eight ounces of
18		marijuana;
19	(13)	Dispensary and production center inventory controls to
20		prevent the unauthorized diversion of marijuana or
21		manufactured marijuana products or the distribution of





1		marijuana or manufactured marijuana products to
2		qualifying patients or primary caregivers in
3		quantities that exceed limits established by this
4		chapter; provided that the controls, at a minimum,
5		shall include:
6		(A) A computer software tracking system as specified
7		in section 329D-6(j) and (k); and
8		(B) Product packaging standards sufficient to allow
9		law enforcement personnel to reasonably determine
10		the contents of an unopened package;
11	(14)	Limitation to the size or format of signs placed
12		outside a retail dispensing location or production
13		center; provided that the signage limitations, at a
14		minimum, shall comply with section 329D-6(o)(2) and
15		shall not include the image of a cartoon character or
16		other design intended to appeal to children;
17	(15)	The disposal or destruction of unwanted or unused
18		marijuana and manufactured marijuana products;
19	(16)	The enforcement of the following prohibitions against:



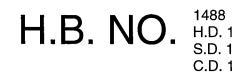
1		(A)	The sale or provision of marijuana or
2			manufactured marijuana products to unauthorized
3			persons;
4		(B)	The sale or provision of marijuana or
5			manufactured marijuana products to qualifying
6			patients or primary caregivers in quantities that
7			exceed limits established by this chapter;
8		(C)	Any use or consumption of marijuana or
9			manufactured marijuana products on the premises
10			of a retail dispensing location or production
11			center; and
12		(D)	The distribution of marijuana or manufactured
13			marijuana products, for free, on the premises of
14			a retail dispensing location or production
15			center;
16	. (17)	The	establishment of a range of penalties for
17		viol	ations of this chapter or rule adopted thereto;
18		and	
19	(18)	A pr	ocess to recognize and register patients who are
20		auth	orized to purchase, possess, and use medical
21		mari	juana in another state, United States territory,





1	or	the District of Columbia as qualifying patients in
2	th	is State; provided that this registration process
3	ma	y commence no sooner than January 1, 2018."
4	SECTION	8. Section 329D-8, Hawaii Revised Statutes, is
5	amended by a	mending subsection (a) to read as follows:
6	"(a) 1	he department shall establish and enforce standards
7	for laborato	ory-based testing of marijuana and manufactured
8	marijuana pr	oducts for content, contamination, and
9	consistency	[-]; provided that in establishing these standards,
10	the departme	ent shall:
11	<u>(1)</u> Re	view and take guidance from the testing programs and
12	st	andards utilized in other jurisdictions;
13	<u>(2)</u> Co	onsider the impact of the standards on the retail
14	<u>cc</u>	ost of the product to the qualifying patient;
15	<u>(3)</u> Re	view and take guidance from the testing programs and
16	st	andards for pesticides under the regulations of the
17	Ur	ited States Environmental Protection Agency;
18	<u>(4)</u> Fo	or the testing for microbiological impurities,
19	CC	onsider the benefits of organically grown marijuana
20	tł	hat features the use of bacteria in lieu of
21	pe	esticides; and





1	(5)	Include permission for qualifying patients and primary
2		caregivers to obtain testing services directly from
3		certified laboratories on the island where the
4		qualifying patient and primary caregiver reside."
5	SECT	ION 9. Section 329D-15, Hawaii Revised Statutes, is
6	amended b	y amending subsection (a) to read as follows:
7	"(a)	No person shall intentionally or knowingly enter or
8	remain up	on the premises of a medical marijuana retail
9	dispensin	g location unless the individual is:
10	(1)	An individual licensee or registered employee of the
11		dispensary;
12	(2)	A qualifying patient or primary caregiver of a
13		qualifying patient;
14	(3)	A government employee or official acting in the
15		person's official capacity; or
16	(4)	Previously included on a current department-approved
17		list provided to the department by the licensee of
18		those persons who are allowed into that dispensary's
19		facilities for a specific purpose for that dispensary,
20		including but not limited to construction,
21		maintenance, repairs, legal counsel, providers of





1	para	transit or other assistive services required by a
2	qual	ifying patient to access a retail dispensary
3	loca	tion, or investors; provided that:
4	(A)	The person has been individually approved by the
5		department to be included on the list;
6	(B)	The person is at least twenty-one years of age,
7		as verified by a valid government issued
8		identification card;
9	(C)	The department has confirmed that the person has
10		no felony convictions;
11	(D)	The person is escorted by an individual licensee
12		or registered employee of the dispensary at all
13		times while in the dispensary facility;
14	(E)	The person is only permitted within those
15		portions of the dispensary facility as necessary
16		to fulfill the person's purpose for entering;
17	(F)	The person is only permitted within the
18		dispensary facility during the times and for the
19		duration necessary to fulfill the person's
20		purpose for entering;



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1	(G) The dispensary shall keep an accurate record of
2	each person's first and last name, date and times
3	upon entering and exiting the dispensary
4	facility, purpose for entering, and the identity
5	of the escort; and
6	(H) The approved list shall be effective for one year
7	from the date of the department approval."
8	SECTION 10. Section 329D-27, Hawaii Revised Statutes, is
9	amended by amending subsections (b) and (c) to read as follows:
10	"(b) No later than January 4, 2016, the department shall
11	adopt interim rules, which shall be exempt from chapter 91 and
12	chapter 201M, to effectuate the purposes of this chapter;
13	provided that the interim rules shall remain in effect until
14	July 1, [ <del>2018,</del> ] <u>2020,</u> or until rules are adopted pursuant to
15	subsection (a), whichever occurs sooner.
16	(c) The department may amend the interim rules, and the
17	amendments shall be exempt from chapters 91 and 201M, to
18	effectuate the purposes of this chapter; provided that any
19	amended interim rules shall remain in effect until July 1,
20	[ <del>2018,</del> ] <u>2020,</u> or until rules are adopted pursuant to subsection
21	(a), whichever occurs sooner."

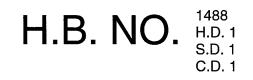
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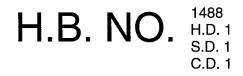
1	SECTION 11. Act 241, Session Laws of Hawaii 2015, is
2	amended by amending section 14 to read as follows:
3	"SECTION 14. For the purposes of effectuating this Act,
4	the personnel hired and the contracts entered into by the
5	department of health, pursuant to this Act, shall be exempt from
6	chapter 76, Hawaii Revised Statutes, for a period beginning on
7	July 1, 2015, and ending on June 30, [ <del>2017;</del> ] <u>2020;</u> provided
8	that:
9	(1) All personnel actions taken pursuant to this Act by
10	the department of health after June 30, [ <del>2017,</del> ] <u>2020,</u>
11	shall be subject to chapter 76, Hawaii Revised
12	Statutes, as appropriate; and
13	(2) Any employee hired by the department of health to
14	effectuate this Act, who occupies a position exempt
15	from civil service on July 1, [ <del>2017,</del> ] <u>2020,</u> shall:
16	(A) Be appointed to a civil service position; and
17	(B) Not suffer any loss of prior service credit,
18	vacation or sick leave credits previously earned,
19	or other employee benefits or privileges;
20	provided that the employee possesses the minimum
21	qualifications and public employment requirements for





1	the class or position to which appointed; provided
2	further that subsequent changes in status shall be
3	made pursuant to applicable civil service and
4	compensation laws."
5	SECTION 12. The department of health shall submit a report
6	to the legislative oversight working group established by Act
7	230, Session Laws of Hawaii 2016, no later than sixty days prior
8	to the convening of the regular session of 2018 with information
9	and recommendations about the alternate tracking system,
10	including input obtained from medical marijuana licensees.
11	SECTION 13. This Act does not affect rights and duties
12	that matured, penalties that were incurred, and proceedings that
13	were begun before its effective date.
14	SECTION 14. Statutory material to be repealed is bracketed
15	and stricken. New statutory material is underscored.
16	SECTION 15. This Act shall take effect on June 29, 2017.





Report Title:

Medical Marijuana; Qualifying Patients; Dispensaries; Production Centers

#### Description:

Adds additional qualifying medical conditions for medical marijuana patients and permits possession of additional plants. Amends requirements for and access to testing. Extends deadlines related to implementation of the dispensary system. Amends security, information tracking, and access requirements for licensed facilities. Clarifies DOH regulatory authority. Authorizes additional retail dispensing locations and plants for existing licensees. Requires DOH to report to Legislative Oversight Working Group. (HB1488 CD1)

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

