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## A BILL FOR AN ACT

RELATING TO MEDICAL MARIJUANA COLLECTIVES.

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

1           SECTION 1. The purpose of this Act is to allow qualifying  
2 patients who lawfully cultivate medical marijuana but who do not  
3 use all the marijuana they are authorized to cultivate to  
4 provide that marijuana to other qualifying patients through  
5 collectives that are certified and regulated by the department  
6 of health and to thereby recover costs incurred in cultivating  
7 the marijuana.

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

11           "§329-        Medical marijuana collectives. (a) Qualifying  
12 patients having valid registration certificates pursuant to  
13 section 329-123 may form medical marijuana collectives pursuant  
14 to this section, and administrative rules adopted thereunder,  
15 for the purposes of pooling excess marijuana that is lawfully  
16 cultivated by those qualifying patients and selling that



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1 marijuana to members of the collective for their lawful personal  
2 use.

3 (b) No person shall operate a medical marijuana collective  
4 unless the collective has been certified by the department of  
5 health pursuant to this section and administrative rules adopted  
6 thereunder.

7 (c) A person who is not a qualifying patient having a  
8 valid registration certificate pursuant to section 329-123 shall  
9 not:

10 (1) Be a member or employee of a medical marijuana  
11 collective that is certified pursuant to this section;  
12 or

13 (2) Sell or otherwise provide any marijuana to a medical  
14 marijuana collective that is certified pursuant to  
15 this section.

16 (d) No medical marijuana collective that is certified  
17 pursuant to this section shall sell or otherwise provide any  
18 marijuana to any person who is not a member of that collective;  
19 provided that a collective may provide marijuana to another  
20 person for purposes of testing for content, quality, and



1 consistency pursuant to administrative rules adopted by the  
2 department of health.

3 (e) No more than two medical marijuana collectives shall  
4 be certified by the department of health to simultaneously  
5 operate on any single island in the State.

6 (f) Notwithstanding any other law to the contrary, a  
7 medical marijuana collective that is certified pursuant to this  
8 section shall not be subject to the prescription requirement of  
9 section 329-38 or to the board of pharmacy licensure or  
10 regulatory requirements under chapter 461.

11 (g) Nothing in this section shall be construed as  
12 authorizing any qualifying patient to cultivate or possess more  
13 marijuana than is authorized pursuant to section 329-121;  
14 provided that a medical marijuana collective that is certified  
15 pursuant to this section may jointly possess no more than the  
16 combined total of the marijuana that all members of the  
17 collective could lawfully possess as individuals pursuant to  
18 section 329-121.

19 (h) The department of health shall adopt rules pursuant to  
20 chapter 91 with respect to qualifications and requirements for



1 the certification, establishment, operation, regulation, and  
2 security of medical marijuana collectives."

3 SECTION 3. Section 329-125.6, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§329-125.6 Protections afforded to an owner or qualified  
6 employee of a licensed medical marijuana dispensary~~[-]~~ or member  
7 of a certified medical marijuana collective. (a) An owner or

8 employee of a medical marijuana dispensary that is licensed  
9 under chapter 329D, or a member of a medical marijuana  
10 collective that is certified under section 329- , may assert  
11 the production or distribution of medical marijuana as an  
12 affirmative defense to any prosecution involving marijuana under  
13 this part or part IV; chapter 329D; or part IV of chapter 712;  
14 provided that the owner, ~~[e]~~ employee, or member strictly  
15 complied with the requirements of this chapter or chapter 329D,  
16 as applicable, and any administrative rules adopted thereunder.

17 (b) An owner or employee of a licensed medical marijuana  
18 dispensary, or a member of a certified medical marijuana  
19 collective, not strictly complying with the requirements of this  
20 chapter or chapter 329D, as applicable, and any administrative



1 rules adopted thereunder, shall not be afforded the protections  
2 provided by subsection (a)."

3 SECTION 4. Section 329-130, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "[~~f~~] §329-130 [~~f~~] Authorized sources of medical marijuana.

6 (a) After December 31, 2018, a qualifying patient shall obtain  
7 medical marijuana or manufactured marijuana products only:

8 (1) From a dispensary licensed pursuant to chapter 329D;  
9 provided that the marijuana shall be purchased and  
10 paid for at the time of purchase; [~~or~~]

11 (2) By cultivating marijuana in an amount that does not  
12 exceed an adequate supply for the qualifying patient,  
13 pursuant to section 329-122 [~~-~~]; or

14 (3) From a collective certified pursuant to section  
15 329- ; provided that the qualifying patient is a  
16 member of the collective at the time the patient  
17 obtains the marijuana from the collective.

18 After December 31, 2018, no primary caregiver shall be  
19 authorized to cultivate marijuana for any qualifying patient."



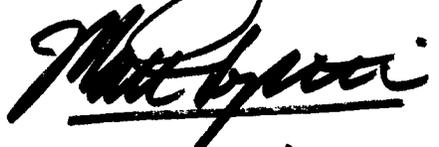
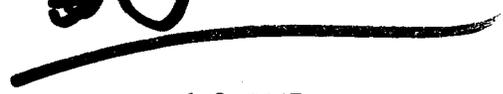
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1 SECTION 5. This Act does not affect rights and duties that  
 2 matured, penalties that were incurred, and proceedings that were  
 3 begun before its effective date.

4 SECTION 6. Statutory material to be repealed is bracketed  
 5 and stricken. New statutory material is underscored.

6 SECTION 7. This Act shall take effect upon its approval.

7

INTRODUCED BY:   
  
  
  


JAN 19 2017



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**Report Title:**

Medical Marijuana; Collectives; Authorization; Regulation

**Description:**

Authorizes certification and regulation of medical marijuana collectives comprising qualifying patients.

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

