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# A BILL FOR AN ACT

RELATING TO MARIJUANA.

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

1           SECTION 1. The legislature finds that current laws do not  
2 fully protect the rights of medical marijuana patients and their  
3 primary caregivers. More specifically, patients and primary  
4 caregivers who want to confirm the chemical components of their  
5 marijuana are not clearly authorized to submit marijuana for  
6 testing at state-certified laboratories. Additionally, patients  
7 and primary caregivers are prohibited from transporting  
8 marijuana between islands, although patients may need to  
9 transport marijuana between islands for testing or for medical  
10 use upon arriving on a different island.

11           The legislature further finds that compassionate and  
12 reasonable regulation of medical marijuana is necessary to  
13 ensure that people with debilitating medical conditions have  
14 access to and are able to test their marijuana.

15           SECTION 2. Chapter 261, Hawaii Revised Statutes, is  
16 amended by adding a new section to be appropriately designated  
17 and to read as follows:



1        "§261-        Interisland transportation of marijuana; rules.

2        The department shall adopt rules, pursuant to chapter 91,  
3        regarding the interisland transportation of marijuana, usable  
4        marijuana, or any manufactured marijuana product. For purposes  
5        of this section, "marijuana" and "usable marijuana" shall be as  
6        defined in section 329-121."

7                SECTION 3. Chapter 329, Hawaii Revised Statutes, is  
8        amended by adding two new sections to part IX to be  
9        appropriately designated and to read as follows:

10               "§329-A Interisland transportation of marijuana by a  
11        qualified patient or primary caregiver. (a) In addition to the  
12        transport permitted under section 329-122, a qualifying patient  
13        or primary caregiver may transport marijuana or manufactured  
14        marijuana products between the islands of the State, in a manner  
15        and amount prescribed by rules adopted by:

16                (1) The department under this chapter; and

17                (2) The department of transportation under section  
18                261-        ,

19        and with the understanding that state law and its protections do  
20        not apply outside of the jurisdictional limits of the State.



1           §329-B Testing of marijuana received from a qualifying  
2 patient or primary caregiver. A certified laboratory may test  
3 samples of marijuana and manufactured marijuana products  
4 received directly from a qualifying patient or primary  
5 caregiver."

6           SECTION 4. Section 329-122, Hawaii Revised Statutes, is  
7 amended by amending subsection (d) to read as follows:

8           "(d) For the purposes of this section, "transport" means  
9 the transportation of marijuana, usable marijuana, or any  
10 manufactured marijuana product between:

- 11           (1) A qualifying patient and the qualifying patient's  
12                 primary caregiver;
- 13           (2) The production centers and the retail dispensing  
14                 locations under a dispensary licensee's license; or
- 15           (3) A production center [~~or~~], retail dispensing location,  
16                 a qualifying patient, or a primary caregiver and a  
17                 certified laboratory for the purpose of laboratory  
18                 testing;

19 provided that "transport" does not include the interisland  
20 transportation of marijuana, usable marijuana, or any  
21 manufactured marijuana product, except when the transportation



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1 is performed for the sole purpose of laboratory testing pursuant  
 2 to section 329D-8, as permitted under section 329D-6(m) and  
 3 subject to section 329D-6(j) [~~7~~]; or in accordance with section  
 4 329-A, and with the understanding that state law and its  
 5 protections do not apply outside of the jurisdictional limits of  
 6 the State."

7 SECTION 5. In codifying the new sections added by section  
 8 3 of this Act, the revisor of statutes shall substitute  
 9 appropriate section numbers for the letters used in designating  
 10 the new sections in this Act.

11 SECTION 6. Statutory material to be repealed is bracketed  
 12 and stricken. New statutory material is underscored.

13 SECTION 7. This Act shall take effect on July 1, 2017.

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INTRODUCED BY:

Richard Kruger  
J. S. DeHaven

[Signature]  
[Signature]  
Debra A. Reuter  
Christy Evans

JAN 23 2017



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**Report Title:**

Marijuana; Certified Laboratories; Testing; DOT

**Description:**

Authorizes the interisland transportation of marijuana by medicinal marijuana patients and primary caregivers. Authorizes certified laboratories to test marijuana received from patients and primary caregivers. Requires DOT to adopt rules regarding interisland transportation of marijuana. Effective 7/1/2017.

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

