

JAN 24 2018

A BILL FOR AN ACT

RELATING TO EDIBLE CANNABIS PRODUCTS.

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

1 SECTION 1. The legislature finds that studies have shown
2 the benefits of using cannabis to alleviate certain serious
3 illnesses. However, the legislature notes that the state
4 department of health discourages smoking, as part of its tobacco
5 prevention and education program.

6 The legislature further finds that several states permit
7 the sales of edible cannabis products, either for recreational
8 use or for medical use. These states generally place
9 restrictions on the edible cannabis products, such as limiting
10 the amount of psychoactive ingredients per serving, banning
11 manufacturers from making candy-like edibles that might attract
12 children, and requiring proper labeling.

13 The purpose of this Act is to legalize the sale of edible
14 cannabis products for medical purposes and establish basic
15 regulations on edible cannabis products.

16 SECTION 2. Section 328-1, Hawaii Revised Statutes, is
17 amended by amending the definition of "food" to read as follows:



- 1 "Food" means:
- 2 (1) Articles used for food or drink by humans, dogs, or
- 3 cats;
- 4 (2) Chewing gum; or
- 5 (3) Articles used for components of any such article.

6 "Food" does not include edible cannabis products, as defined in
 7 section 329D-10."

8 SECTION 3. Section 329D-1, Hawaii Revised Statutes, is
 9 amended by amending the definition of "manufactured cannabis
 10 product" to read as follows:

11 "Manufactured cannabis product" means any [~~capsule,~~
 12 ~~lozenge, oil or oil extract, tincture, ointment or skin lotion,~~
 13 ~~pill, transdermal patch, or pre-filled and sealed container used~~
 14 ~~to aerosolize and deliver cannabis orally, such as an inhaler or~~
 15 ~~nebulizer,~~] product that has been manufactured using cannabis [~~,~~
 16 ~~or any other products as specified by the department]~~ pursuant
 17 to section 329D-10 [~~(a)(9)~~]."

18 SECTION 4. Section 329D-9, Hawaii Revised Statutes, is
 19 amended by amending subsection (b) to read as follows:



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1 "(b) The department shall establish health, safety, and
2 sanitation standards regarding the manufacture of manufactured
3 cannabis products[-]; provided that:

4 (1) Manufactured cannabis products shall only be
5 manufactured in a commercial kitchen, home kitchen
6 that is approved by the department of health, or other
7 suitable facility;

8 (2) Any area within a dispensary or production center
9 where cannabis will be manufactured into an edible
10 cannabis product as defined in section 329D-10 shall
11 comply with the food safety code adopted by the
12 department; and

13 (3) All individuals participating in the manufacture of a
14 manufactured cannabis product shall wash their hands
15 thoroughly prior to handling the product, and in the
16 case of an edible cannabis product, also wear gloves
17 when manufacturing or packaging the product."

18 SECTION 5. Section 329D-10, Hawaii Revised Statutes, is
19 amended to read as follows:



1 "§329D-10 Types of manufactured cannabis products. (a)

2 The types of medical cannabis products that may be manufactured
3 and distributed pursuant to this chapter shall be limited to:

4 (1) Capsules;

5 (2) Lozenges;

6 (3) Pills;

7 (4) Oils and oil extracts;

8 (5) Tinctures;

9 (6) Ointments and skin lotions;

10 (7) Transdermal patches;

11 (8) Pre-filled and sealed containers used to aerosolize
12 and deliver cannabis orally, such as with an inhaler
13 or nebulizer; [~~and~~]

14 (9) Edible cannabis products; and

15 [~~(9)~~] (10) Other products as specified by the department.

16 (b) As used in this section [~~,"lozenge"~~]:

17 "Edible cannabis products" means manufactured cannabis that
18 is intended to be used, in whole or in part, for human
19 consumption, including but not limited to chewing gum, drinks,
20 baked products, and candy; provided that edible cannabis
21 products:



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- 1 (1) Shall be manufactured in a certified kitchen within a
2 production center using cannabis grown in a production
3 center or manufactured in a home kitchen that is
4 approved by the department of health using cannabis
5 home grown by a qualifying patient;
- 6 (2) Shall be tested and specifically labeled for each
7 product's dosage and strength;
- 8 (3) Shall not include products such as gummies, brightly
9 colored candies, or other products that may attract
10 children or bear resemblance to other commercially
11 available products; and
- 12 (4) May include liquid products that contain no more than
13 ten milligrams of activated tetrahydrocannabinol per
14 serving.

15 "Lozenge" means a small tablet manufactured in a manner to
16 allow for the dissolving of its medicinal or therapeutic
17 component slowly in the mouth."

18 SECTION 6. Section 329D-11, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "[+]§329D-11[+] **Advertising and packaging.** (a) The
21 department shall establish standards regarding the advertising



1 and packaging of cannabis and manufactured cannabis products;
2 provided that the standards, at a minimum, shall require the use
3 of packaging that:

- 4 (1) Is child-resistant and opaque so that the product
5 cannot be seen from outside the packaging;
- 6 (2) Uses only black lettering on a white background with
7 no pictures or graphics;
- 8 (3) Is clearly labeled with the phrase "For medical use
9 only";
- 10 (4) Is clearly labeled with the phrase "Not for resale or
11 transfer to another person";
- 12 (5) Includes instructions for use and "use by date";
- 13 (6) Contains information about the contents and potency of
14 the product;
- 15 (7) Includes the name of the production center where
16 cannabis in the product was produced, including the
17 batch number and date of packaging;
- 18 (8) Includes a barcode generated by tracking software; and
- 19 (9) In the case of a manufactured cannabis product, [a
20 listing] includes a:



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1 (c) All manufactured cannabis products shall be
 2 individually wrapped at the original point of manufacture."

3 SECTION 7. This Act does not affect rights and duties that
 4 matured, penalties that were incurred, and proceedings that were
 5 begun before its effective date.

6 SECTION 8. Statutory material to be repealed is bracketed
 7 and stricken. New statutory material is underscored.

8 SECTION 9. This Act shall take effect on January 1, 2020.

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Report Title:

Medical Cannabis; Edible Cannabis Products

Description:

Defines edible cannabis products as manufactured cannabis that is intended to be used for human consumption and provides manufacturing requirements for edible cannabis products. Authorizes licensed medical cannabis dispensaries to manufacture and distribute edible cannabis products. Establishes requirements for manufacturing, handling, and packaging manufactured cannabis products. Takes effect on 01/01/2020.

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

