HOUSE OF REPRESENTATIVES
THIRTIETH LEGISLATURE, 2020
STATE OF HAWAII

H.B. NO. 2097 H.D. 2

A BILL FOR AN ACT

RELATING TO MEDICAL CANNABIS.

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

SECTION 1. The legislature finds that amendments to chapter 329D, Hawaii Revised Statutes, are warranted to clarify legislative intent, ensure smooth administration of the medical cannabis dispensary system law, allow for adequate patient access based on experiences in other states that have a reasonable medical cannabis program, and resolve other issues that have arisen under the existing law.

The purpose of this Act is to:

(1) Allow for a process to remediate any batch of cannabis or manufactured cannabis product that fails laboratory testing standards so long as any final product passes all the laboratory standards;

(2) Authorize licensed dispensaries to manufacture and distribute edible cannabis products under certain conditions; and

(3) Authorize licensed dispensaries to circulate, sponsor, and promote educational and scientific information and events related to cannabis.

SECTION 2. Section 329D-1, Hawaii Revised Statutes, is amended by amending the definition of "manufactured cannabis products" to read as follows:

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

SECTION 3. Section 329D-8, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The department shall establish and enforce standards for laboratory-based testing of cannabis and manufactured cannabis products for content, contamination, and consistency; provided that in establishing these standards, the department shall:

(1) Review and take guidance from the testing programs and standards utilized in other jurisdictions;

(2) Consider the impact of the standards on the retail cost of the product to the qualifying patient;

(3) Review and take guidance from the testing programs and standards for pesticides under the regulations of the United States Environmental Protection Agency;

(4) Consider processes that allow any batch of cannabis or manufactured cannabis product that fails testing standards to be remediated and manufactured so long as any final cannabis or manufactured cannabis product passes testing standards;

[~~(4)~~] (5) For the testing for microbiological impurities, consider the benefits of organically grown cannabis that features the use of bacteria in lieu of pesticides; and

[~~(5)~~] (6) Include permission for qualifying patients and primary caregivers to obtain testing services directly from certified laboratories on the island where the qualifying patient and primary caregiver reside."

SECTION 4. Section 329D-10, Hawaii Revised Statutes, is amended to read as follows:

"**§329D-10 Types of manufactured cannabis products.** (a) The types of medical cannabis products that may be manufactured and distributed pursuant to this chapter shall be limited to:

(1) Capsules;

(2) Lozenges;

(3) Pills;

(4) Oils and oil extracts;

(5) Tinctures;

(6) Ointments and skin lotions;

(7) Transdermal patches;

(8) Pre-filled and sealed containers used to aerosolize and deliver cannabis orally, such as with an inhaler or nebulizer; provided that containers need not be manufactured by the licensed dispensary but shall be filled with cannabis, cannabis oils, or cannabis extracts manufactured by the licensed dispensary; shall not contain nicotine, tobacco-related products, or any other non-cannabis derived products; and shall be designed to be used with devices used to provide

safe pulmonary administration of manufactured cannabis products;

(9) Devices that provide safe pulmonary administration; provided that:

(A) The heating element of the device, if any, is made of inert materials such as glass, ceramic, or stainless steel, and not of plastic or rubber;

(B) The device is distributed solely for use with single-use, pre-filled, tamper-resistant, sealed containers that do not contain nicotine or other tobacco products;

(C) The device is used to aerosolize and deliver cannabis by inhalation, such as an inhaler, medical-grade nebulizer, or other similar medical grade volitization device;

(D) There is a temperature control on the device that is regulated to prevent the combustion of cannabis oil; and

(E) The device need not be manufactured by the licensed dispensary; [~~and~~]

(10) Edible cannabis products; and

[~~(10)~~] (11) Other products as specified by the department.

(b) As used in this section, "lozenge" means a small tablet manufactured in a manner to allow for the dissolving of its medicinal or therapeutic component slowly in the mouth.

(c) As used in this section, "edible cannabis products" means products intended for human consumption that are infused with any cannabinoid extracted from the cannabis plant, as regulated by administrative rules of the department; provided that these products shall:

(1) Undergo and pass laboratory testing as required under section 329D-8;

(2) Meet all requirements under section 329D-11, including:

(A) Providing the following in no less than ten-point font: "WARNING: CONTAINS CANNABIS AND IS FOR MEDICAL USE ONLY. THIS IS NOT FOOD. KEEP OUT OF REACH OF CHILDREN";

(B) Providing a list of all ingredients;

(C) Providing a statement that this product has passed testing requirements; and

(D) Ensuring that the words "candy" or "candies" or "gummy" or "gummies" do not appear on the product packaging; and

(3) Be regulated and approved by the department as medical manufactured cannabis products and not as "food" as defined and regulated in chapter 328; provided that the product meets the other requirements for manufactured cannabis products under section 329D-9."

SECTION 5. Section 329D-11, Hawaii Revised Statutes, is amended to read as follows:

"**§329D-11 Advertising and packaging.** (a) The department shall establish standards regarding the advertising and packaging of cannabis and manufactured cannabis products; provided that the standards, at a minimum, shall require the use of packaging that:

(1) Is child-resistant and opaque so that the product cannot be seen from outside the packaging;

(2) Uses only black lettering on a white background with no pictures or graphics;

(3) Is clearly labeled with the phrase "For medical use only";

(4) Is clearly labeled with the phrase "Not for resale or transfer to another person";

(5) Includes instructions for use and "use by date";

(6) Contains information about the contents and potency of the product;

(7) Includes the name of the production center where cannabis in the product was produced, including the batch number and date of packaging;

(8) Includes a barcode generated by tracking software; and

(9) In the case of a manufactured cannabis product, includes a:

(A) Listing of the equivalent physical weight of the cannabis used to manufacture the amount of the product that is within the packaging, pursuant to section 329D-9(c);

(B) Clearly labeled warning stating that the product:

(i) Is a medication that contains cannabis, and is not a food; and

(ii) Should be kept away from children; and

(C) Date of manufacture.

(b) Any capsule, lozenge, or pill containing cannabis or its principal psychoactive constituent tetrahydrocannabinol shall be packaged so that one dose, serving, or single wrapped item contains no more than ten milligrams of tetrahydrocannabinol; provided that no manufactured cannabis product that is sold in a pack of multiple doses, servings, or single wrapped items, nor any containers of oils, shall contain more than a total of one thousand milligrams of tetrahydrocannabinol per pack or container; provided further that no dispensary shall exceed the dispensing limits imposed by section 329D-7.

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

(d) A dispensary shall be allowed to:

(1) Provide, disseminate, and publish educational and scientific materials related to cannabis and its products; and

(2) Sponsor events about cannabis that shall not be considered advertising so long as the purpose does not seek to promote only the interests of that dispensary."

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

SECTION 7. This Act shall take effect on July 1, 2050.

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Report Title:
Medical Cannabis; Retail Dispensaries; Testing Standards; Edible Cannabis Products; Educational and Scientific Information

Description:
Allows for a process to remediate any batch of cannabis or manufactured cannabis product that fails laboratory testing standards so long as any final cannabis or manufactured cannabis product passes all the laboratory standards. Authorizes licensed dispensaries to manufacture and distribute edible cannabis products, under certain conditions, and circulate, sponsor, and promote educational and scientific information and events related to cannabis. Effective 7/1/2050. (HD2)

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