
A BILL FOR AN ACT

RELATING TO MEDICAL CANNABIS.

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

1 SECTION 1. Chapter 329D, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§329D-A Medical cannabis delivery permit; delivery to
5 qualifying patient. (a) Notwithstanding subsection 329D-6(n)
6 to the contrary, the department may issue a medical cannabis
7 delivery permit to a medical cannabis dispensary for the safe
8 and secure transport of medical cannabis or manufactured
9 cannabis products to a qualifying patient.

10 (b) A medical cannabis delivery permit issued pursuant to
11 this section shall be valid for one year and may be renewed
12 annually upon renewal of the medical cannabis dispensary
13 license.

14 (c) A medical cannabis delivery permit issued pursuant to
15 this section shall apply to only one dispensary; provided that a
16 single medical cannabis delivery permit may apply to multiple
17 retail dispensing locations if the retail dispensing locations



1 are covered under the same dispensary's license, as specified in
2 this chapter and rules adopted by the department.

3 (d) At the time of an order for delivery of medical
4 cannabis or manufactured cannabis products, the dispensary shall
5 require the qualifying patient to verify that the qualifying
6 patient is qualified to purchase and receive a delivery of
7 medical cannabis or manufactured cannabis products pursuant to
8 this section, including:

- 9 (1) The qualifying patient's name and date of birth;
10 (2) The medical cannabis registration certificate number
11 reflected on the qualifying patient's registration
12 with the department;
13 (3) The address of the residence where the order will be
14 delivered; and
15 (4) Any other information required by the department.

16 (e) A dispensary with a valid medical cannabis delivery
17 permit may receive an order by electronic means from a
18 qualifying patient for the purchase and delivery of medical
19 cannabis or manufactured cannabis products using an online
20 platform for medical cannabis or manufactured cannabis product
21 delivery; provided that the online platform shall require the



1 qualifying patient to choose a retail dispensing location before
2 viewing the price of the medical cannabis or manufactured
3 cannabis product.

4 (f) A dispensary may deliver medical cannabis and
5 manufactured cannabis products only to the qualifying patient
6 who placed the order and who:

7 (1) Provides valid photographic identification in the form
8 of a state identification card, driver's license, or
9 passport; and

10 (2) Provides a signature acknowledging the delivery of the
11 medical cannabis or manufactured cannabis product.

12 (g) Any person delivering medical cannabis or manufactured
13 cannabis products shall:

14 (1) Be a current employee of the dispensary;

15 (2) Have completed training on proof of identification and
16 verification, including all forms of identification
17 deemed acceptable by the department; and

18 (3) Have completed any other training required by the
19 department.

20 (h) A dispensary with a valid medical cannabis delivery
21 permit issued pursuant to this section shall:



- 1 (1) Charge a \$1 surcharge on each delivery made pursuant
2 to this section, which shall be collected and remitted
3 to the department on a monthly basis;
- 4 (2) Track the medical cannabis and manufactured cannabis
5 products delivered to a qualifying patient using the
6 computer software tracking system pursuant to section
7 329D-6(j);
- 8 (3) Deliver only to a qualifying patient at the address
9 provided in the order for medical cannabis or
10 manufactured cannabis products; and
- 11 (4) Deliver only to private residences.
- 12 (i) A dispensary with a valid medical cannabis delivery
13 permit issued pursuant to this section shall not:
- 14 (1) Deliver medical cannabis or manufactured cannabis
15 products to any qualifying patient while also
16 transporting medical cannabis or manufactured cannabis
17 products between the dispensary's production centers
18 and retail dispensing locations in the same vehicle;
- 19 (2) Deliver medical cannabis and manufactured cannabis
20 products in excess of the amounts established under
21 section 329D-13; or



1 (3) Deliver more than once per day to the same qualifying
2 patient or private residence.

3 (j) It shall not be a violation of any state or county
4 civil or criminal law for a dispensary with a medical cannabis
5 delivery permit, or a person who has made timely and sufficient
6 application for the renewal of the permit, or a dispensary's
7 licensees as authorized by the department to possess, transport,
8 and deliver medical cannabis or manufactured cannabis products
9 pursuant to this section in amounts that do not exceed the
10 amounts established by the department.

11 (k) The department shall disclose any reports, including
12 complaints, investigative actions, and final agency action
13 orders, upon request, to any state or county agency engaged in
14 the criminal investigation or prosecution of violations of
15 applicable state or county law or regulations related to
16 criminal activity that is materially related to medical cannabis
17 delivery.

18 (l) Notwithstanding any provision of this section to the
19 contrary, delivery of medical cannabis or manufactured cannabis
20 products shall not be permitted at any school or on the campus
21 of any institution of higher education.



1 (m) For purposes of this section, "private residence"
2 means the private premises where a person lives, such as a
3 private dwelling place or place of habitation. "Private
4 residence" specifically excludes any premises located at a
5 school or on the campus of any institution of higher education,
6 or any other public property.

7 §329D-B Medical cannabis transporter license. The
8 department may issue to a person a revocable medical cannabis
9 transporter license that may be renewed on an annual basis;
10 provided that any licensed medical cannabis transporter shall:

11 (1) Follow the requirements for delivery of medical
12 cannabis or manufactured cannabis product from a
13 designated dispensary to a qualifying patient as
14 required under section 329D-A, including the tracking
15 requirements pursuant to section 329-A(h)(2);

16 (2) Meet the same requirements for delivery of medical
17 cannabis or manufactured cannabis products from a
18 designated dispensary to a qualifying patient
19 applicable to medical cannabis delivery permits as
20 specified under section 329D-A;



- 1 (3) Be authorized to transport medical cannabis or
2 manufactured cannabis products for more than one
3 dispensary under the terms and conditions set by the
4 department; provided that a retail medical cannabis
5 transporter shall not be allowed to deliver to more
6 than qualifying patients in one trip from a
7 dispensary; and
- 8 (4) Meet all requirements of this chapter applicable to
9 subcontractors."

10 SECTION 2. Section 329-122, Hawaii Revised Statutes, is
11 amended by amending subsection (f) to read as follows:

12 "(f) For the purposes of this section, "transport" means
13 the transportation of cannabis, usable cannabis, or any
14 manufactured cannabis product between:

- 15 (1) A qualifying patient and the qualifying patient's
16 primary caregiver;
- 17 (2) A qualifying out-of-state patient under eighteen years
18 of age and the caregiver of a qualifying out-of-state
19 patient;
- 20 (3) The production centers and the retail dispensing
21 locations under a dispensary licensee's license; [e#]

1 (4) A medical cannabis delivery permittee or licensed
2 medical cannabis transporter and a qualifying patient;
3 (5) Dispensaries as permitted by section 329D-6(r); or
4 [~~4~~] (6) A production center, retail dispensing location,
5 qualifying patient, primary caregiver, qualifying out-
6 of-state patient, or caregiver of a qualifying out-of-
7 state patient and a certified laboratory for the
8 purpose of laboratory testing; provided that a
9 qualifying patient, primary caregiver, qualifying out-
10 of-state patient, or caregiver of a qualifying out-of-
11 state patient may only transport up to one gram of
12 cannabis per test to a certified laboratory for
13 laboratory testing and may only transport the product
14 if the qualifying patient, primary caregiver,
15 qualifying out-of-state patient, or caregiver of a
16 qualifying out-of-state patient:
17 (A) Secures an appointment for testing at a certified
18 laboratory;
19 (B) Obtains confirmation, which may be electronic,
20 that includes the specific time and date of the
21 appointment and a detailed description of the



1 product and amount to be transported to the
2 certified laboratory for the appointment; and
3 (C) Has the confirmation, which may be electronic,
4 available during transport.

5 For purposes of interisland transportation, "transport" of
6 cannabis, usable cannabis, or any manufactured cannabis product,
7 by any means is allowable only between dispensaries as permitted
8 by section 329D-6(r) and between a production center or retail
9 dispensing location and a certified laboratory for the sole
10 purpose of laboratory testing pursuant to section 329D-8, as
11 permitted under section 329D-6(m) and subject to section
12 329D-6(j), and with the understanding that state law and its
13 protections do not apply outside of the jurisdictional limits of
14 the State. Allowable transport pursuant to this section does
15 not include interisland transportation by any means or for any
16 purpose between a qualified patient, primary caregiver,
17 qualifying out-of-state patient, or caregiver of a qualifying
18 out-of-state patient and any other entity or individual,
19 including an individual who is a qualified patient, primary
20 caregiver, qualifying out-of-state patient, or caregiver of a
21 qualifying out-of-state patient."



1 SECTION 3. Section 329D-1, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending the definition of "medical cannabis
4 dispensary" or "dispensary" to read:

5 ""Medical cannabis dispensary" or "dispensary" means a
6 person licensed by the State pursuant to this chapter to own,
7 operate, or subcontract up to two production centers and up to
8 [~~two~~] five retail dispensing locations."

9 2. By amending the definition of "medical cannabis
10 production center" or "production center" to read:

11 ""Medical cannabis production center" or "production
12 center" means a farm or facility wholly owned, operated, or
13 subcontracted by a person licensed by the State pursuant to this
14 chapter as a medical cannabis dispensary that produces cannabis
15 and manufactured cannabis products [~~solely~~] to supply cannabis
16 and manufactured cannabis products to one or more of the retail
17 dispensing locations of [~~the~~] any licensed medical cannabis
18 dispensary."

19 SECTION 4. Section 329D-2, Hawaii Revised Statutes, is
20 amended as follows:

21 1. By amending subsections (f) and (g) to read:



1 "(f) Up to two production centers shall be allowed under
2 each dispensary license; provided that, except as otherwise
3 specified in subsection (k), each production center shall be
4 limited to no more than [~~three~~] eight thousand cannabis plants.
5 For purposes of this subsection, "plant" means a cannabis plant
6 that is greater than twelve vertical inches in height from where
7 the base of the stalk emerges from the growth medium to the
8 tallest point of the plant, or greater than twelve horizontal
9 inches in width from the end of one branch to the end of another
10 branch; provided that multiple stalks emanating from the same
11 root ball or root system shall be considered part of the same
12 single plant.

13 (g) A dispensary licensee may establish up to [~~two~~] five
14 retail dispensing locations under the licensee's dispensary
15 license, except as otherwise specified in subsection (l)."

16 2. By amending subsection (k) to read:

17 "(k) Notwithstanding subsection (f) to the contrary, the
18 department may determine whether dispensary licensees shall be
19 allowed an additional two thousand cannabis plants at each of
20 the licensee's production centers. In no case shall a licensee



1 be allowed more than [~~five~~] ten thousand plants at a single
2 production center."

3 SECTION 5. Section 329D-6, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§329D-6 Dispensary operations.** (a) No person shall
6 operate a dispensary, nor engage in the production, manufacture,
7 or sale of cannabis or manufactured cannabis products, unless
8 the person has obtained a license from the department pursuant
9 to this chapter.

10 (b) No dispensary licensee, its officers, employees, or
11 agents shall provide written certification for the use of
12 medical cannabis or manufactured cannabis products for any
13 person.

14 (c) No person under the age of twenty-one shall be
15 employed by a dispensary licensee.

16 (d) Notwithstanding any other law to the contrary,
17 including but not limited to sections 378-2 and 378-2.5,
18 dispensaries:

19 (1) Shall deny employment to any individual who has been:

20 (A) Convicted of murder in any degree;

21 (B) Convicted of a class A or class B felony; or



1 (C) Convicted of a class C felony involving
2 trafficking, distributing, or promoting a
3 schedule I or II controlled substance other than
4 cannabis within the last ten years; and

5 (2) May deny employment to any individual who has been
6 convicted of a class C felony involving:

7 (A) Fraud, deceit, misrepresentation, embezzlement,
8 or theft; or

9 (B) Endangering the welfare of a minor.

10 Employment under this chapter shall be exempt from section
11 378-2(a)(1), as it relates to arrest and court record
12 discrimination, and section 378-2.5.

13 (e) Retail dispensing locations shall not be open for
14 retail sales before 8:00 a.m. or after 8:00 p.m., Hawaii-
15 Aleutian Standard Time, Monday through Sunday.

16 (f) All dispensary facilities, including but not limited
17 to production centers and retail dispensing locations, shall be
18 enclosed indoor facilities and shall maintain twenty-four hour
19 security measures, including but not limited to an alarm system,
20 video monitoring and recording on the premises, and exterior
21 lighting. A dispensary licensee who intends to utilize, as a



1 production center, an enclosed indoor facility that includes a
2 roof that is partially or completely transparent or translucent,
3 as provided under section 329D-1, shall notify the department of
4 that intention [~~prior to~~] before altering or constructing the
5 facility. Production centers shall remain locked at all times.
6 Retail dispensing locations shall remain locked at all times,
7 other than business hours as authorized by subsection (e), and
8 shall only be opened for authorized persons.

9 (g) In all dispensary facilities, only the licensee, if an
10 individual, registered employees of the dispensary licensee,
11 registered employees of a subcontracted production center or
12 retail dispensing location, employees of a certified laboratory
13 for testing purposes, state employees authorized by the director
14 of health, and law enforcement and other government officials
15 acting in their official capacity shall be permitted to touch or
16 handle any cannabis or manufactured cannabis products, except
17 that a qualifying patient, primary caregiver, qualifying out-of-
18 state patient, or caregiver of a qualifying out-of-state patient
19 may receive manufactured cannabis products at a retail
20 dispensing location following completion of a sale.



1 (h) A dispensary shall provide the department with the
2 address, tax map key number, and a copy of the premises lease,
3 if applicable, of the proposed location of a production center
4 allowed under a license for a county [~~not~~] no later than thirty
5 days [~~prior to~~] before any medical cannabis or manufactured
6 cannabis products being produced or manufactured at that
7 production center.

8 (i) A dispensary shall provide the department with the
9 address, tax map key number, and a copy of the premises lease,
10 if applicable, of the proposed location of each retail
11 dispensing location allowed under a license [~~not~~] no less than
12 sixty days [~~prior to~~] before opening for business.

13 (j) The department shall establish, maintain, and control
14 a computer software tracking system that shall have real time,
15 twenty-four-hour access to the data of all dispensaries.

16 (1) The computer software tracking system shall collect
17 data relating to:

18 (A) The total amount of cannabis in possession of all
19 dispensaries from either seed or immature plant
20 state, including all plants that are derived from
21 cuttings or cloning, until the cannabis, cannabis



1 plants, or manufactured cannabis product is sold
2 or destroyed pursuant to section 329D-7;
3 (B) The total amount of manufactured cannabis product
4 inventory, including the equivalent physical
5 weight of cannabis that is used to manufacture
6 manufactured cannabis products, purchased by a
7 qualifying patient, primary caregiver, qualifying
8 out-of-state patient, and caregiver of a
9 qualifying out-of-state patient from all retail
10 dispensing locations in the State in any fifteen-
11 day period;
12 (C) The amount of waste produced by each plant at
13 harvest; [and]
14 (D) The transport of cannabis and manufactured
15 cannabis products between production centers and
16 retail dispensing locations[7] and between
17 dispensaries as permitted by subsection (r),
18 including tracking identification issued by the
19 tracking system, the identity of the person
20 transporting the cannabis or manufactured
21 cannabis products, and the make, model, and



1 license number of the vehicle being used for the
2 transport;

3 (E) The delivery of cannabis and manufactured
4 cannabis products pursuant to sections 329D-A and
5 329D-B; and

6 (F) All sales and purchases of cannabis or
7 manufactured cannabis products undertaken
8 pursuant to subsection (r);

9 (2) The procurement of the computer software tracking
10 system established pursuant to this subsection shall
11 be exempt from chapter 103D; provided that:

12 (A) The department shall publicly solicit at least
13 three proposals for the computer software
14 tracking system; and

15 (B) The selection of the computer software tracking
16 system shall be approved by the director of the
17 department and the chief information officer; and

18 (3) Notwithstanding any other provision of this subsection
19 to the contrary, once the department has authorized a
20 licensed dispensary to commence sales of cannabis or
21 manufactured cannabis products, if the department's



1 computer software tracking system is inoperable or is
2 not functioning properly, as an alternative to
3 requiring dispensaries to temporarily cease
4 operations, the department may implement an alternate
5 tracking system that will enable a qualifying patient,
6 primary caregiver, qualifying out-of-state patient,
7 and caregiver of a qualifying out-of-state patient to
8 purchase cannabis or manufactured cannabis products
9 from a licensed dispensary on a temporary basis. The
10 department shall seek input regarding the alternate
11 tracking system from medical cannabis licensees. The
12 alternate tracking system may operate as follows:

13 (A) The department may immediately notify all
14 licensed dispensaries that the computer software
15 tracking system is inoperable; and

16 (B) Once the computer software tracking system is
17 operational and functioning to meet the
18 requirements of this subsection, the department
19 may notify all licensed dispensaries, and the
20 alternate tracking system in this subsection
21 shall be discontinued.



1 (k) A dispensary licensed pursuant to this chapter shall
2 purchase, operate, and maintain a computer software tracking
3 system that shall:

4 (1) Interface with the department's computer software
5 tracking system established pursuant to subsection
6 (j);

7 (2) Allow each licensed dispensary's production center to
8 submit to the department in real time, by automatic
9 identification and data capture, all cannabis,
10 cannabis plants, and manufactured cannabis product
11 inventory in possession of that dispensary from either
12 seed or immature plant state, including all plants
13 that are derived from cuttings or cloning, until the
14 cannabis or manufactured cannabis product is sold or
15 destroyed pursuant to section 329D-7;

16 (3) Allow the licensed dispensary's retail dispensing
17 location to submit to the department in real time for
18 the total amount of cannabis and manufactured cannabis
19 product purchased by a qualifying patient, primary
20 caregiver, qualifying out-of-state patient, and
21 caregiver of a qualifying out-of-state patient from



1 the dispensary's retail dispensing locations in the
2 State in any fifteen day period; provided that the
3 software tracking system shall impose an automatic
4 stopper in real time, which cannot be overridden, on
5 any further purchases of cannabis or manufactured
6 cannabis products, if the maximum allowable amount of
7 cannabis has already been purchased for the applicable
8 fifteen day period; provided further that additional
9 purchases shall not be permitted until the next
10 applicable period; and

11 (4) Allow the licensed dispensary to submit all data
12 required by this subsection to the department and
13 permit the department to access the data if the
14 department's computer software tracking system is not
15 functioning properly and sales are made pursuant to
16 the alternate tracking system under subsection (j).

17 (1) No free samples of cannabis or manufactured cannabis
18 products shall be provided at any time, and no consumption of
19 cannabis or manufactured cannabis products shall be permitted on
20 any dispensary premises.



1 (m) [A] Except as permitted pursuant to subsection (r), a
2 dispensary shall not transport cannabis or manufactured cannabis
3 products to another county or another island; provided that this
4 subsection shall not apply to the transportation of cannabis or
5 any manufactured cannabis product solely for the purposes of
6 laboratory testing pursuant to section 329D-8, and subject to
7 subsection (j); provided further that a dispensary shall only
8 transport samples of cannabis and manufactured cannabis products
9 for laboratory testing for purposes of this subsection in an
10 amount and manner prescribed by the department, in rules adopted
11 pursuant to this chapter, and with the understanding that state
12 law and its protections do not apply outside of the
13 jurisdictional limits of the State.

14 (n) [A] Except as otherwise provided in section 329D-A and
15 for dispensary-to-dispensary sales as provided in subsection
16 (r), a dispensary shall be prohibited from off-premises delivery
17 of cannabis or manufactured cannabis products to a qualifying
18 patient, primary caregiver, qualifying out-of-state patient, or
19 caregiver of a qualifying out-of-state patient.

20 (o) A dispensary shall not:



1 (1) Display cannabis or manufactured cannabis products in
2 windows or in public view; or

3 (2) Post any signage other than a single sign no greater
4 than one thousand six hundred square inches bearing
5 only the business or trade name in text without any
6 pictures or illustrations; provided that if any
7 applicable law or ordinance restricting outdoor
8 signage is more restrictive, that law or ordinance
9 shall govern.

10 (p) No cannabis or manufactured cannabis products shall be
11 transported to, from, or within any federal fort or arsenal,
12 national park or forest, any other federal enclave, or any other
13 property possessed or occupied by the federal government.

14 (q) A dispensary licensed pursuant to this chapter shall
15 be prohibited from providing written certification pursuant to
16 section 329-122 for the use of medical cannabis for any person.

17 (r) In the event of a crop failure or an inability of a
18 current licensee to meet product demand, or to provide a
19 licensee the ability to offer qualifying patients a diversity of
20 strains, formulations, and dosages, the department may permit a



1 dispensary to purchase medical cannabis and manufactured
2 cannabis products from another dispensary; provided that

3 (1) All sales and purchases of cannabis and manufactured
4 cannabis products pursuant to this subsection shall be
5 subject to the data collection and reporting
6 requirements of the computer software tracking system
7 outlined in subsection (j); and

8 (2) The selling dispensary is permitted to transport
9 cannabis or manufactured cannabis products to another
10 county or another island, for the limited purpose of
11 completing its sale to the purchasing dispensary
12 pursuant to this subsection and with the understanding
13 that state law and its protections do not apply
14 outside of the jurisdictional limits of the State."

15 SECTION 6. Section 329D-7, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§329D-7 Medical cannabis dispensary rules.** The
18 department shall establish standards with respect to:

19 (1) The number of medical cannabis dispensaries that shall
20 be permitted to operate in the State;



- 1 (2) A fee structure for the submission of applications and
2 renewals of licenses to dispensaries; provided that
3 the department shall consider the market conditions in
4 each county in determining the license renewal fee
5 amounts;
- 6 (3) Criteria and procedures for the consideration and
7 selection, based on merit, of applications for
8 licensure of dispensaries; provided that the criteria
9 shall include but not be limited to an applicant's:
- 10 (A) Ability to operate a business;
- 11 (B) Financial stability and access to financial
12 resources; provided that applicants for medical
13 cannabis dispensary licenses shall provide
14 documentation that demonstrates control of [~~net~~]
15 no less than \$1,000,000 in the form of escrow
16 accounts, letters of credit, surety bonds, bank
17 statements, lines of credit or the equivalent to
18 begin operating the dispensary;
- 19 (C) Ability to comply with the security requirements
20 developed pursuant to paragraph (6);



- 1 (D) Capacity to meet the needs of qualifying patients
2 and qualifying out-of-state patients;
- 3 (E) Ability to comply with criminal background check
4 requirements developed pursuant to paragraph (8);
5 and
- 6 (F) Ability to comply with inventory controls
7 developed pursuant to paragraph (13);
- 8 (4) Specific requirements regarding annual audits and
9 reports required from each production center and
10 dispensary licensed pursuant to this chapter;
- 11 (5) Procedures for announced and unannounced inspections
12 by the department or its agents of production centers
13 and dispensaries licensed pursuant to this chapter;
14 provided that inspections for license renewals shall
15 be unannounced;
- 16 (6) Security requirements for the operation of production
17 centers and retail dispensing locations; provided
18 that, at a minimum, the following shall be required:
19 (A) For production centers:



- 1 (i) Video monitoring and recording of the
- 2 premises; provided that recordings shall be
- 3 retained for fifty days;
- 4 (ii) Fencing that surrounds the premises and that
- 5 is sufficient to reasonably deter intruders
- 6 and prevent anyone outside the premises from
- 7 viewing any cannabis in any form;
- 8 (iii) An alarm system; and
- 9 (iv) Other reasonable security measures to deter
- 10 or prevent intruders, as deemed necessary by
- 11 the department;
- 12 (B) For retail dispensing locations:
- 13 (i) Presentation of a valid government-issued
- 14 photo identification and a valid
- 15 identification as issued by the department
- 16 pursuant to section 329-123 by a qualifying
- 17 patient or caregiver, or section 329-123.5
- 18 by a qualifying out-of-state patient or
- 19 caregiver of a qualifying out-of-state
- 20 patient, upon entering the premises;



- 1 (ii) Video monitoring and recording of the
- 2 premises; provided that recordings shall be
- 3 retained for fifty days;
- 4 (iii) An alarm system;
- 5 (iv) Exterior lighting; and
- 6 (v) Other reasonable security measures as deemed
- 7 necessary by the department;
- 8 (7) Security requirements for the transportation of
- 9 cannabis and manufactured cannabis products between
- 10 production centers and retail dispensing locations,
- 11 between a medical cannabis delivery permittee or
- 12 licensed medical cannabis transporter and a qualifying
- 13 patient, between dispensaries as permitted by section
- 14 329D-6(r), and between a production center, retail
- 15 dispensing location, qualifying patient, primary
- 16 caregiver, qualifying out-of-state patient, or
- 17 caregiver of a qualifying out-of-state patient and a
- 18 certified laboratory, pursuant to section 329-122(f);
- 19 (8) Standards and criminal background checks to ensure the
- 20 reputable and responsible character and fitness of all
- 21 license applicants, licensees, employees,



1 subcontractors and their employees, and prospective
2 employees of medical cannabis dispensaries to operate
3 a dispensary; provided that the standards, at a
4 minimum, shall exclude from licensure or employment
5 any person convicted of any felony;

6 (9) The training and certification of operators and
7 employees of production centers and dispensaries;

8 (10) The types of manufactured cannabis products that
9 dispensaries shall be authorized to manufacture and
10 sell pursuant to sections 329D-9 and 329D-10;

11 (11) Laboratory standards related to testing cannabis and
12 manufactured cannabis products for content,
13 contamination, and consistency;

14 (12) The quantities of cannabis and manufactured cannabis
15 products that a dispensary may sell or provide to a
16 qualifying patient, primary caregiver, qualifying out-
17 of-state patient, or caregiver of a qualifying out-of-
18 state patient; provided that no dispensary shall sell
19 or provide to a qualifying patient, primary caregiver,
20 qualifying out-of-state patient, or caregiver of a



1 qualifying out-of-state patient any combination of
2 cannabis and manufactured products that:

3 (A) During a period of fifteen consecutive days,
4 exceeds the equivalent of four ounces of
5 cannabis; or

6 (B) During a period of thirty consecutive days,
7 exceeds the equivalent of eight ounces of
8 cannabis;

9 (13) Dispensary and production center inventory controls to
10 prevent the unauthorized diversion of cannabis or
11 manufactured cannabis products or the distribution of
12 cannabis or manufactured cannabis products to a
13 qualifying patient, primary caregiver, qualifying out-
14 of-state patient, or caregiver of a qualifying out-of-
15 state patient in quantities that exceed limits
16 established by this chapter; provided that the
17 controls, at a minimum, shall include:

18 (A) A computer software tracking system as specified
19 in section 329D-6(j) and (k); and



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



1 (C) Any use or consumption of cannabis or
2 manufactured cannabis products on the premises of
3 a retail dispensing location or production
4 center; and

5 (D) The distribution of cannabis or manufactured
6 cannabis products, for free, on the premises of a
7 retail dispensing location or production center;

8 (17) The establishment of a range of penalties for
9 violations of this chapter or rule adopted thereto;
10 and

11 (18) A process to recognize and register patients who are
12 authorized to purchase, possess, and use medical
13 cannabis in another state, a United States territory,
14 or the District of Columbia as qualifying out-of-state
15 patients; provided that this registration process may
16 commence no sooner than January 1, 2018."

17 SECTION 7. Section 329D-12, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) The following shall be subject to background checks
20 conducted by the department or its designee, including but not



1 limited to criminal history record checks in accordance with
2 section 846-2.7:

- 3 (1) Each applicant and licensee for a medical cannabis
4 dispensary license, including the individual applicant
5 and all officers, directors, members of a limited
6 liability corporation; shareholders with at least
7 twenty-five per cent or more ownership interest in a
8 corporation; and managers of an entity applicant;
- 9 (2) Each employee of a medical cannabis dispensary;
- 10 (3) Each employee of a subcontracted production center or
11 retail dispensing location;
- 12 (4) All officers, directors, members of a limited
13 liability corporation; and shareholders with at least
14 twenty-five per cent or more ownership interest in a
15 corporate owner of a subcontracted production center
16 or retail dispensing location; ~~and~~
- 17 (5) Any person permitted to enter and remain in a
18 dispensary facility pursuant to section 329D-15(a)(4)
19 or 329D-16(a)(3) ~~[]~~; and
- 20 (6) A licensed medical cannabis transporter pursuant to
21 section 329D-B.



1 The person undergoing the background check shall provide written
2 consent and all applicable processing fees to the department or
3 its designee to conduct the background checks."

4 SECTION 8. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 9. In codifying the new sections added by section
8 1 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 10. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 11. This Act shall take effect upon its approval.

14

INTRODUCED BY:



JAN 22 2021



H.B. NO. 6667

Report Title:

Medical Cannabis; Delivery; License; Dispensary; DOH

Description:

Authorizes the department of health to issue medical cannabis delivery permits and medical cannabis transporter licenses for the delivery of medical cannabis and manufactured cannabis products to qualifying patients if certain conditions are met. Increases the allowable number of retail dispensing locations and cannabis plants per dispensary license. Allows a licensed dispensary to purchase medical cannabis or manufactured cannabis products from another licensed dispensary, with department approval, in the event of a crop failure or an inability to meet product demand or to provide more product diversity.

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

