

JAN 21 2021

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# A BILL FOR AN ACT

RELATING TO MEDICAL CANNABIS PRODUCTS.

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

1           SECTION 1. The legislature finds that, for twenty years,  
2 medical cannabis patients have been allowed to self-cultivate  
3 cannabis. However, there has been no legal way to acquire  
4 cannabis seeds or clones. Allowing medical cannabis patients to  
5 grow their own cannabis from seeds or clones will enable these  
6 patients to obtain strains with medicinal properties while  
7 minimizing the risk of unwanted pests and pathogens from being  
8 introduced into a homegrown environment.

9           The purpose of this Act is to authorize the manufacture and  
10 distribution of cannabis seeds and cannabis clones by medical  
11 cannabis dispensary licensees.

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

15           "Manufactured cannabis product" means any capsule,  
16 lozenge, oil or oil extract, tincture, ointment or skin lotion,  
17 pill, transdermal patch, or pre-filled and sealed container used



1 to aerosolize and deliver cannabis orally, such as an inhaler or  
2 nebulizer, that has been manufactured using cannabis, or any  
3 other products as specified by the department pursuant to  
4 section [~~329D-10(a)(11).~~] 329D-10(a)."

5 SECTION 3. Section 329D-10, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "§329D-10 Types of manufactured cannabis products. (a)

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

- 10 (1) Capsules;
- 11 (2) Lozenges;
- 12 (3) Pills;
- 13 (4) Oils and oil extracts;
- 14 (5) Tinctures;
- 15 (6) Ointments and skin lotions;
- 16 (7) Transdermal patches;
- 17 (8) Pre-filled and sealed containers used to aerosolize  
18 and deliver cannabis orally, such as with an inhaler  
19 or nebulizer; provided that containers need not be  
20 manufactured by the licensed dispensary but shall be  
21 filled with cannabis, cannabis oils, or cannabis



1 extracts manufactured by the licensed dispensary;  
2 shall not contain nicotine, tobacco-related products,  
3 or any other non-cannabis derived products; and shall  
4 be designed to be used with devices used to provide  
5 safe pulmonary administration of manufactured cannabis  
6 products;

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

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

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

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



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

4 (E) The device need not be manufactured by the  
5 licensed dispensary;

6 (10) [~~Other products, including edible~~] Edible cannabis  
7 products~~[7]~~ as specified by the department; [~~and~~]

8 (11) Cannabis seeds;

9 (12) Cannabis clones; and

10 [~~(11)~~] (13) Other products as specified by the department.

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

14 [~~(c)~~] ~~As used in this section, "edible cannabis products"~~  
15 ~~means manufactured cannabis products intended for~~  
16 ~~gastrointestinal administration of any cannabinoid extracted~~  
17 ~~from the cannabis plant and regulated as manufactured cannabis~~  
18 ~~products and not as a "drug" or "food" as defined and regulated~~  
19 ~~in chapter 328, or as "bottled water" as defined and regulated~~  
20 ~~in chapter 328D.~~



1       ~~(d)~~] (b) Any medical cannabis product manufactured  
2 pursuant to this chapter shall be regulated and approved by the  
3 department and meet all requirements of rules adopted pursuant  
4 to this chapter; provided that the department shall establish  
5 requirements for child-resistant packaging and accurate and  
6 proper labeling.

7       (c) As used in this section:

8       "Cannabis clone" means a cutting or other specimen of a  
9 cannabis plant that is genetically identical to the plant from  
10 which it was taken and can be replanted or developed to produce  
11 a mature cannabis plant.

12       "Cannabis seed" means the seed of the plant (genus)  
13 Cannabis.

14       "Edible cannabis product" means any manufactured cannabis  
15 product intended for gastrointestinal administration of any  
16 cannabinoid extracted from the cannabis plant and regulated as  
17 manufactured cannabis products and not as a "drug" or "food" as  
18 defined and regulated in chapter 328, or as "bottled water" as  
19 defined and regulated in chapter 328D.



1        "Lozenge" means a small tablet manufactured in a manner to  
2 allow for the dissolving of its medicinal or therapeutic  
3 component slowly in the mouth."

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

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

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INTRODUCED BY:



# S.B. NO. 145

**Report Title:**

Medical Cannabis; Cannabis Seeds; Cannabis Clones; Dispensaries

**Description:**

Authorizes the manufacture and distribution of cannabis seeds and cannabis clones by medical cannabis dispensary licensees.

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

