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# A BILL FOR AN ACT

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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, which would allow qualifying patients  
5 to obtain strains with medicinal properties while minimizing the  
6 risk of unwanted pests and pathogens from being introduced into  
7 a homegrown environment. Similarly, qualifying patients and  
8 primary caregivers who cultivate medical cannabis at a  
9 registered grow site under the State's medical cannabis registry  
10 program have no legal means of obtaining safe, laboratory-tested  
11 genetic material from which to propagate their plants.

12       The legislature further finds that state law on the medical  
13 use of cannabis currently authorizes qualifying patients to  
14 cultivate up to ten medical cannabis plants at a grow site  
15 listed on the patient's registry card but does not specify by  
16 what means propagules, cuttings, or other cannabis genetic  
17 material necessary to produce these plants may be obtained. In



1 practice, existing law often forces patients or their primary  
2 caregivers to obtain propagules, cuttings, or other cannabis  
3 genetic material from the illicit market.

4 The legislature also finds that, in a number of other  
5 states that authorize the medical use of cannabis, propagules  
6 and cuttings are available for purchase through state-licensed  
7 dispensaries. These laws ensure that patients who choose to  
8 cultivate their own cannabis plants have a legal channel from  
9 which to obtain safe, quality-assured genetic material with  
10 verified therapeutic properties.

11 The State's medical cannabis dispensary system law was  
12 enacted, in part, to improve qualifying patients' access to safe  
13 and quality-assured medical cannabis and medical cannabis  
14 products. However, state law does not explicitly authorize  
15 licensed dispensaries to distribute cannabis seeds, clones,  
16 propagules, or cuttings. Accordingly, the purpose of this Act  
17 is to:

18 (1) Authorize the manufacture and distribution of cannabis  
19 seeds and cannabis clones by medical cannabis  
20 dispensary licensees;



(2) Include cannabis propagules and cuttings in the definition of the term "cannabis", thereby authorizing dispensaries to distribute medical cannabis propagules and cuttings;

(3) Authorize only persons who may cultivate medical cannabis to purchase the propagules and cuttings; and

(4) Impose quantity limits and quality requirements on the distributed propagules and cuttings.

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

1. By inserting two new definitions to read:

"Cutting" means the stem of a cannabis plant that is taken or cut off for the purpose of being rooted and grown into a new cannabis plant.

"Propagule" means any part of a cannabis plant that can be used to grow a new cannabis plant."

2. By amending the definition of "cannabis" to read:

"Cannabis" shall have the same meaning as in section 329-121. "Cannabis" includes propagules and cuttings."

3. By amending the definition of "manufactured cannabis product" to read:



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

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

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

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

- 13       (1) Capsules;  
14       (2) Lozenges;  
15       (3) Pills;  
16       (4) Oils and oil extracts;  
17       (5) Tinctures;  
18       (6) Ointments and skin lotions;  
19       (7) Transdermal patches;  
20       (8) Pre-filled and sealed containers used to aerosolize  
21       and deliver cannabis orally, such as with an inhaler



1 or nebulizer; provided that containers need not be  
2 manufactured by the licensed dispensary but shall be  
3 filled with cannabis, cannabis oils, or cannabis  
4 extracts manufactured by the licensed dispensary;  
5 shall not contain nicotine, tobacco-related products,  
6 or any other non-cannabis derived products; and shall  
7 be designed to be used with devices used to provide  
8 safe pulmonary administration of manufactured cannabis  
9 products;

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

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

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

19 (C) The device is used to aerosolize and deliver  
20 cannabis by inhalation, such as an inhaler,



1 medical-grade nebulizer, or other similar medical  
2 grade volitization device;

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

6 (E) The device need not be manufactured by the  
7 licensed dispensary;

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

10 (11) Cannabis seeds;

11 (12) Cannabis clones; and

12 [~~(11)~~] (13) Other products as specified by the department.

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

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



1 ~~in chapter 328, or as "bottled water" as defined and regulated~~  
2 ~~in chapter 328D.~~

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

9       (c) As used in this section:

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

14       "Cannabis seed" means the seed of the plant (genus)  
15 Cannabis.

16       "Edible cannabis product" means any manufactured cannabis  
17 product intended for gastrointestinal administration of any  
18 cannabinoid extracted from the cannabis plant and regulated as  
19 manufactured cannabis products and not as a "drug" or "food" as  
20 defined and regulated in chapter 328, or as "bottled water" as  
21 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. Section 329D-13, Hawaii Revised Statutes, is  
5       amended to read as follows:

6       **"§329D-13 Dispensing limits.** (a) A qualifying patient,  
7       primary caregiver, qualifying out-of-state patient, or caregiver  
8       of a qualifying out-of-state patient shall be allowed to  
9       purchase no more than four ounces of cannabis, not including  
10      propagules, cuttings, cannabis clones, and cannabis seeds,  
11      within a consecutive period of fifteen days, or no more than  
12      eight ounces of cannabis, not including propagules, cuttings,  
13      cannabis clones, and cannabis seeds, within a consecutive period  
14      of thirty days.

15      (b) A qualifying patient or primary caregiver authorized  
16      to cultivate cannabis pursuant to sections 329-122 and  
17      329-130(a) shall be allowed to purchase no more than a total of  
18      five propagules, cuttings, cannabis clones, and cannabis seeds  
19      within a consecutive period of fifteen days, or no more than a  
20      total of ten propagules, cuttings, cannabis clones, and cannabis  
21      seeds within a consecutive period of thirty days; provided that:





(1) Propagules, cuttings, cannabis clones, and cannabis seeds sold by the licensee shall have undergone laboratory-based testing for residual pesticides and heavy metals, and shall not be distributed if pesticides or heavy metals are detected; and

(2) This subsection shall not apply to a qualifying out-of-state patient or a caregiver of a qualifying out-of-state patient.

~~[(b) A qualifying patient, primary caregiver, qualifying out of state patient, or caregiver of a qualifying out of state patient may purchase cannabis]~~ (c) Purchases under subsections (a) and (b) may be made from any dispensary location in the State, subject to the limits and restrictions set forth in [subsection] subsections (a) [-] and (b).

~~[(c) Beginning on January 1, 2018, this section]~~ (d) Subsections (a) and (c) may apply to qualifying out-of-state patients from other states, territories of the United States, or the District of Columbia[+] attempting to purchase cannabis, not including propagules, cuttings, cannabis clones, and cannabis seeds, provided that the patient meets the registration requirements of section 329-123.5."



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

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

6       SECTION 7. This Act shall take effect upon its approval.



**Report Title:**

Medical Cannabis; Cannabis Seeds; Cannabis Clones; Dispensaries

**Description:**

Authorizes the sale and distribution of cannabis propagules, cuttings, cannabis seeds and cannabis clones by medical cannabis dispensary licensees, subject to quantity limits and quality requirements. (SD1)

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

