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## A BILL FOR AN ACT

RELATING TO MEDICAL CANNABIS.

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

1       SECTION 1. Section 329-122, Hawaii Revised Statutes, is  
2 amended by amending subsection (f) to read as follows:

3       "(f) For the purposes of this section, "transport" means  
4 the transportation of cannabis, usable cannabis, or any  
5 manufactured cannabis product between:

6       (1) A qualifying patient and the qualifying patient's  
7 primary caregiver;

8       (2) A qualifying out-of-state patient under eighteen years  
9 of age and the caregiver of a qualifying out-of-state  
10 patient;

11       (3) The production centers and the retail dispensing  
12 locations under a dispensary licensee's license; ~~[or]~~

13       (4) Dispensaries, to the extent authorized by section  
14 329D-6(r); or

15       ~~[(4)]~~ (5) A production center, retail dispensing location,  
16 qualifying patient, primary caregiver, qualifying  
17 out-of-state patient, or caregiver of a qualifying



1 out-of-state patient and a certified laboratory for  
2 the purpose of laboratory testing; provided that a  
3 qualifying patient, primary caregiver, qualifying  
4 out-of-state patient, or caregiver of a qualifying  
5 out-of-state patient may only transport up to one gram  
6 of cannabis per test to a certified laboratory for  
7 laboratory testing and may only transport the product  
8 if the qualifying patient, primary caregiver,  
9 qualifying out-of-state patient, or caregiver of a  
10 qualifying out-of-state patient:

11 (A) Secures an appointment for testing at a certified  
12 laboratory;

13 (B) Obtains confirmation, which may be electronic,  
14 that includes the specific time and date of the  
15 appointment and a detailed description of the  
16 product and amount to be transported to the  
17 certified laboratory for the appointment; and

18 (C) Has the confirmation, which may be electronic,  
19 available during transport.

20 For purposes of interisland transportation, "transport" of  
21 cannabis, usable cannabis, or any manufactured cannabis product,



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

16 SECTION 2. Section 329D-6, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "§329D-6 **Dispensary operations.** (a) No person shall  
19 operate a dispensary, nor engage in the production, manufacture,  
20 or sale of cannabis or manufactured cannabis products, unless



1 the person has obtained a license from the department pursuant  
2 to this chapter.

3 (b) No dispensary licensee, its officers, employees, or  
4 agents shall provide written certification for the use of  
5 medical cannabis or manufactured cannabis products for any  
6 person.

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

9 (d) Notwithstanding any other law to the contrary,  
10 including ~~[but not limited to]~~ sections 378-2 and 378-2.5,  
11 dispensaries:

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

13 (A) Convicted of murder in any degree;

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

15 (C) Convicted of a class C felony involving

16 trafficking, distributing, or promoting a

17 schedule I or II controlled substance other than

18 cannabis within the last ten years; and

19 (2) May deny employment to any individual who has been

20 convicted of a class C felony involving:



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

(B) Endangering the welfare of a minor.

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

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

(f) All dispensary facilities, including ~~[but not limited~~  
~~to]~~ production centers and retail dispensing locations, shall be  
enclosed indoor facilities and shall maintain twenty-four hour  
security measures, including ~~[but not limited to]~~ an alarm  
system, video monitoring and recording on the premises, and  
exterior lighting. A dispensary licensee who intends to  
utilize, as a production center, an enclosed indoor facility  
that includes a roof that is partially or completely transparent  
or translucent, as provided under section 329D-1, shall notify  
the department of that intention ~~[prior to]~~ before altering or  
constructing the facility. Production centers shall remain  
locked at all times. Retail dispensing locations shall remain



1 locked at all times, other than business hours as authorized by  
2 subsection (e), and shall only be opened for authorized persons.

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

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



1           (i) 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 each retail  
4 dispensing location allowed under a license [~~not~~] no less than  
5 sixty days [~~prior to~~] before opening for business.

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

9           (1) The computer software tracking system shall collect  
10 data relating to:

11           (A) The total amount of cannabis in possession of all  
12 dispensaries from either seed or immature plant  
13 state, including all plants that are derived from  
14 cuttings or cloning, until the cannabis, cannabis  
15 plants, or manufactured cannabis product is sold  
16 or destroyed pursuant to section 329D-7;

17           (B) The total amount of manufactured cannabis product  
18 inventory, including the equivalent physical  
19 weight of cannabis that is used to manufacture  
20 manufactured cannabis products, purchased by a  
21 qualifying patient, primary caregiver, qualifying



1 out-of-state patient, and caregiver of a  
2 qualifying out-of-state patient from all retail  
3 dispensing locations in the State in any  
4 fifteen-day period;

5 (C) The amount of waste produced by each plant at  
6 harvest; and

7 (D) The transport of cannabis and manufactured  
8 cannabis products between production centers and  
9 retail dispensing locations[7] and as authorized  
10 by subsection (r), including tracking  
11 identification issued by the tracking system, the  
12 identity of the person transporting the cannabis  
13 or manufactured cannabis products, and the make,  
14 model, and license number of the vehicle being  
15 used for the transport;

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

19 (A) The department shall publicly solicit at least  
20 three proposals for the computer software  
21 tracking system; and





1 (B) The selection of the computer software tracking  
2 system shall be approved by the director of the  
3 department and the chief information officer; and

4 (3) Notwithstanding any other provision of this subsection  
5 to the contrary, once the department has authorized a  
6 licensed dispensary to commence sales of cannabis or  
7 manufactured cannabis products, if the department's  
8 computer software tracking system is inoperable or is  
9 not functioning properly, as an alternative to  
10 requiring dispensaries to temporarily cease  
11 operations, the department may implement an alternate  
12 tracking system that will enable a qualifying patient,  
13 primary caregiver, qualifying out-of-state patient,  
14 and caregiver of a qualifying out-of-state patient to  
15 purchase cannabis or manufactured cannabis products  
16 from a licensed dispensary on a temporary basis. The  
17 department shall seek input regarding the alternate  
18 tracking system from medical cannabis licensees. The  
19 alternate tracking system may operate as follows:



1 (A) The department may immediately notify all  
2 licensed dispensaries that the computer software  
3 tracking system is inoperable; and

4 (B) Once the computer software tracking system is  
5 operational and functioning to meet the  
6 requirements of this subsection, the department  
7 may notify all licensed dispensaries, and the  
8 alternate tracking system in this subsection  
9 shall be discontinued.

10 (k) A dispensary licensed pursuant to this chapter shall  
11 purchase, operate, and maintain a computer software tracking  
12 system that shall:

13 (1) Interface with the department's computer software  
14 tracking system established pursuant to subsection  
15 (j);

16 (2) Allow each licensed dispensary's production center to  
17 submit to the department in real time, by automatic  
18 identification and data capture, all cannabis,  
19 cannabis plants, and manufactured cannabis product  
20 inventory in possession of that dispensary from either  
21 seed or immature plant state, including all plants



1 that are derived from cuttings or cloning, until the  
2 cannabis or manufactured cannabis product is sold or  
3 destroyed pursuant to section 329D-7;

4 (3) Allow the licensed dispensary's retail dispensing  
5 location to submit to the department in real time for  
6 the total amount of cannabis and manufactured cannabis  
7 product purchased by a qualifying patient, primary  
8 caregiver, qualifying out-of-state patient, and  
9 caregiver of a qualifying out-of-state patient from  
10 the dispensary's retail dispensing locations in the  
11 State in any fifteen day period; provided that the  
12 software tracking system shall impose an automatic  
13 stopper in real time, which cannot be overridden, on  
14 any further purchases of cannabis or manufactured  
15 cannabis products, if the maximum allowable amount of  
16 cannabis has already been purchased for the applicable  
17 fifteen day period; provided further that additional  
18 purchases shall not be permitted until the next  
19 applicable period; and

20 (4) Allow the licensed dispensary to submit all data  
21 required by this subsection to the department and



1 permit the department to access the data if the  
2 department's computer software tracking system is not  
3 functioning properly and sales are made pursuant to  
4 the alternate tracking system under subsection (j).

5 (1) No free samples of cannabis or manufactured cannabis  
6 products shall be provided at any time, and no consumption of  
7 cannabis or manufactured cannabis products shall be permitted on  
8 any dispensary premises.

9 (m) [A] Except as authorized by subsection (r), a  
10 dispensary shall not transport cannabis or manufactured cannabis  
11 products to another county or another island; provided that this  
12 subsection shall not apply to the transportation of cannabis or  
13 any manufactured cannabis product solely for the purposes of  
14 laboratory testing pursuant to section 329D-8, and subject to  
15 subsection (j) [+], if no certified laboratory is located in the  
16 county or on the island where the dispensary is located;  
17 provided further that a dispensary shall only transport samples  
18 of cannabis and manufactured cannabis products for laboratory  
19 testing for purposes of this subsection in an amount and manner  
20 prescribed by the department, in rules adopted pursuant to this  
21 chapter, and with the understanding that state law and its



1 protections do not apply outside of the jurisdictional limits of  
2 the State.

3 (n) A dispensary shall be prohibited from off-premises  
4 delivery of cannabis or manufactured cannabis products to a  
5 qualifying patient, primary caregiver, qualifying out-of-state  
6 patient, or caregiver of a qualifying out-of-state patient.

7 (o) A dispensary shall not:

8 (1) Display cannabis or manufactured cannabis products in  
9 windows or in public view; ~~[or]~~

10 (2) Post ~~[any signage other]~~ more than ~~[a single sign no]~~  
11 two signs; or

12 (3) Post any sign greater than one thousand six hundred  
13 square inches bearing only the business or trade name  
14 in text without any pictures or illustrations;  
15 provided that if any applicable law or ordinance  
16 restricting outdoor signage is more restrictive, that  
17 law or ordinance shall govern.

18 (p) No cannabis or manufactured cannabis products shall be  
19 transported to, from, or within any federal fort or arsenal,  
20 national park or forest, any other federal enclave, or any other  
21 property possessed or occupied by the federal government.



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

4 (r) The department may authorize a dispensary to purchase  
5 cannabis and manufactured cannabis products from another  
6 dispensary in a manner prescribed by the department by rules  
7 adopted pursuant to this chapter and chapter 91; provided that:

8 (1) The selling dispensary may transport no more than ten  
9 pounds of cannabis or manufactured cannabis products  
10 per transaction to the purchasing dispensary; and

11 (2) Nothing in this subsection shall relieve any  
12 dispensary of its responsibilities and obligations  
13 under this chapter and chapter 329."

14 SECTION 3. Section 329D-7, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "**§329D-7 Medical cannabis dispensary rules.** The  
17 department shall establish standards with respect to:

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

20 (2) A fee structure for ~~the~~ :



1        (A) The submission of applications and renewals of  
2        licenses to dispensaries; [~~provided that the~~  
3        ~~department shall consider the market conditions~~  
4        ~~in each county in determining the license renewal~~  
5        ~~fee amounts;~~]

6        (B) The submission of applications for each  
7        additional production center and each additional  
8        retail dispensing location; and

9        (C) Dispensary-to-dispensary sales; provided that the  
10       department shall consider market conditions in  
11       each county in determining the amounts of the  
12       license renewal fees;

13       (3) Criteria and procedures for the consideration and  
14       selection, based on merit, of applications for  
15       licensure of dispensaries; provided that the criteria  
16       shall include but not be limited to an applicant's:

17       (A) Ability to operate a business;

18       (B) Financial stability and access to financial  
19       resources; provided that applicants for medical  
20       cannabis dispensary licenses shall provide  
21       documentation that demonstrates control of not



1 less than \$1,000,000 in the form of escrow  
2 accounts, letters of credit, surety bonds, bank  
3 statements, lines of credit or the equivalent to  
4 begin operating the dispensary;

5 (C) Ability to comply with the security requirements  
6 developed pursuant to paragraph (6);

7 (D) Capacity to meet the needs of qualifying patients  
8 and qualifying out-of-state patients;

9 (E) Ability to comply with criminal background check  
10 requirements developed pursuant to paragraph (8);  
11 and

12 (F) Ability to comply with inventory controls  
13 developed pursuant to paragraph (13);

14 (4) Specific requirements regarding annual audits and  
15 reports required from each production center and  
16 dispensary licensed pursuant to this chapter;

17 (5) Procedures for announced and unannounced inspections  
18 by the department or its agents of production centers  
19 and dispensaries licensed pursuant to this chapter;  
20 provided that inspections for license renewals shall  
21 be unannounced;





1       (6) Security requirements for the operation of production  
2       centers and retail dispensing locations; provided  
3       that, at a minimum, the following shall be required:

4       (A) For production centers:

5               (i) Video monitoring and recording of the  
6               premises; provided that recordings shall be  
7               retained for fifty days;

8               (ii) Fencing that surrounds the premises and that  
9               is sufficient to reasonably deter intruders  
10              and prevent anyone outside the premises from  
11              viewing any cannabis in any form;

12              (iii) An alarm system; and

13              (iv) Other reasonable security measures to deter  
14              or prevent intruders, as deemed necessary by  
15              the department;

16       (B) For retail dispensing locations:

17              (i) Presentation of a valid government-issued  
18              photo identification and a valid  
19              identification as issued by the department  
20              pursuant to section 329-123 by a qualifying  
21              patient or caregiver, or section 329-123.5



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



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

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

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

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

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



caregiver of a qualifying out-of-state patient any combination of cannabis and manufactured products that:

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

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

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

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



(B) Product packaging standards sufficient to allow law enforcement personnel to reasonably determine the contents of an unopened package;

(14) Limitation to the size or format of signs placed outside a retail dispensing location or production center; provided that the signage limitations, at a minimum, shall comply with section 329D-6(o)(2) and (3) and shall not include the image of a cartoon character or other design intended to appeal to children;

(15) The disposal or destruction of unwanted or unused cannabis and manufactured cannabis products;

(16) The enforcement of the following prohibitions against:

(A) The sale or provision of cannabis or manufactured cannabis products to unauthorized persons;

(B) The sale or provision of cannabis or manufactured cannabis products to a qualifying patient, primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient in quantities that exceed limits established by this chapter;



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

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

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

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

SECTION 4. Section 329D-15, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) No person shall intentionally or knowingly enter or remain upon the premises of a medical cannabis retail dispensing location unless the individual is:



- 1           (1) An individual licensee or registered employee of the  
2           dispensary;
- 3           (2) A qualifying patient, primary caregiver, qualifying  
4           out-of-state patient, or caregiver of a qualifying  
5           out-of-state patient;
- 6           (3) A government employee or official acting in the  
7           person's official capacity; or
- 8           (4) Previously included on a current department-approved  
9           list provided to the department by the licensee of  
10          those persons who are allowed into that dispensary's  
11          facilities for a specific purpose for that dispensary,  
12          including ~~[but not limited to]~~ construction,  
13          maintenance, repairs, legal counsel, providers of  
14          paratransit or other assistive services required by a  
15          qualifying patient to access a retail dispensary  
16          location, or investors; provided that:
- 17            (A) The person has been individually approved by the  
18            department to be included on the list;
- 19            (B) The person is at least twenty-one years of age,  
20            as verified by a valid government issued  
21            identification card;



1 (C) The department has confirmed that the person has  
2 no felony convictions;

3 (D) The person [~~is~~] shall not enter or move about the  
4 dispensary facility without being escorted by an  
5 individual licensee or registered employee of the  
6 dispensary at all times [~~while in the dispensary~~  
7 facility]; provided further that a person  
8 normally engaged in trade crafts and not normally  
9 engaged in the business of cultivating,  
10 processing, or selling medical cannabis need only  
11 be escorted while in areas of the facility that  
12 contain any cannabis or cannabis products when  
13 conducting a repair or upgrade at the facility;  
14 provided further that the trade crafts person  
15 shall not enter or remain in any other area of  
16 the facility that is not monitored by the  
17 individual licensee or a registered employee of  
18 the dispensary; provided further that for the  
19 purposes of this subparagraph, "person normally  
20 engaged in trade crafts" means a person licensed  
21 under chapter 448E;





1 (E) The person is only permitted within those  
2 portions of the dispensary facility as necessary  
3 to fulfill the person's purpose for entering;

4 (F) The person is only permitted within the  
5 dispensary facility during the times and for the  
6 duration necessary to fulfill the person's  
7 purpose for entering;

8 (G) The dispensary shall keep an accurate record of  
9 each person's first and last name, date and times  
10 upon entering and exiting the dispensary  
11 facility, purpose for entering, and the identity  
12 of the escort; and

13 (H) The approved list shall be effective for one year  
14 from the date of the department approval.

15 (b) No individual licensee or registered employee of a  
16 medical cannabis dispensary with control over or responsibility  
17 for a retail dispensing location shall intentionally or  
18 knowingly allow another person to enter or remain upon the  
19 premises of the retail dispensing location, unless the other  
20 ~~is~~ person:



1        (1) Is permitted to enter and remain as specified in  
2                subsection (a) ~~[-]~~; or

3        (2) Is necessary to assist in the emergency repair of the  
4                infrastructure of the location; provided that the  
5                other person shall be escorted at all times and the  
6                licensee shall immediately notify the department of  
7                the other person's presence."

8        SECTION 5. Section 329D-16, Hawaii Revised Statutes, is  
9        amended by amending subsections (a) and (b) to read as follows:

10        "(a) No person shall intentionally or knowingly enter or  
11        remain upon the premises of a medical cannabis production center  
12        unless the person is:

13            (1) An individual licensee or registered employee of the  
14            production center;

15            (2) A government employee or official acting in the  
16            person's official capacity; or

17            (3) Previously included on a current department-approved  
18            list provided to the department by the licensee of  
19            those persons who are allowed into that ~~[dispensary's~~  
20            ~~facilities]~~ production center for a specific purpose  
21            for that ~~[dispensary,]~~ production center, including



1           ~~[but not limited to]~~ construction, maintenance,  
2           repairs, legal counsel, or investors; provided that:  
3           (A) The person has been individually approved by the  
4                 department to be included on the list;  
5           (B) The person is at least twenty-one years of age,  
6                 as verified by a valid government issued  
7                 identification card;  
8           (C) The department has confirmed that the person has  
9                 no felony convictions;  
10          (D) The person ~~[is]~~ shall not enter or move about the  
11                 production center without being escorted by an  
12                 individual licensee or registered employee of the  
13                 ~~[dispensary]~~ production center at all times  
14                 ~~[while in the dispensary facility];~~ provided  
15                 further that a person normally engaged in trade  
16                 crafts and not normally engaged in the business  
17                 of cultivating, processing, or selling medical  
18                 cannabis need only be escorted while in areas of  
19                 the production center that contain any cannabis  
20                 or cannabis products when conducting a repair or  
21                 upgrade at the production center; provided



1           further that the trade crafts person shall not  
2           enter or remain in any other area of the  
3           production center that is not monitored by the  
4           individual licensee or a registered employee of  
5           the production center; provided further that for  
6           the purposes of this subparagraph, "person  
7           normally engaged in trade crafts" means a person  
8           licensed under chapter 448E;

9           (E) The person is only permitted within those  
10           portions of the [~~dispensary facility~~] production  
11           center as necessary to fulfill the person's  
12           purpose for entering;

13           (F) The person is only permitted within the  
14           [~~dispensary facility~~] production center during  
15           the times and for the duration necessary to  
16           fulfill the person's purpose for entering;

17           (G) The [~~dispensary~~] production center shall keep an  
18           accurate record of each person's identity, date  
19           and times upon entering and exiting the  
20           [~~dispensary facility,~~] production center, purpose  
21           for entering, and the identity of the escort; and



(H) The approved list shall be effective for one year from the date of department approval.

(b) No individual licensee or registered employee of a medical cannabis dispensary with control over or responsibility for a production center shall intentionally or knowingly allow another person to enter or remain upon the premises of the production center, unless the other ~~[is]~~ person:

(1) Is permitted to enter and remain as specified in subsection (a) [-]; or

(2) Is necessary to assist in the emergency repair of the infrastructure of the production center; provided that the other person shall be escorted at all times and the licensee shall immediately notify the department of the other person's presence."

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

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



1       SECTION 8.   This Act shall take effect upon its approval.

2

INTRODUCED BY: *James S. Kan*  
JAN 26 2022



# H.B. NO. 2335

**Report Title:**

DOH; Medical Cannabis; Transportation; Dispensaries; Production Centers

**Description:**

Amends the circumstances under which medical cannabis may be transported between dispensaries. Requires the Department of Health to establish fee structures for (1) the submission of applications for production centers and retail dispensing locations; and (2) dispensary-to-dispensary sales. Eases visitation restrictions on certain persons in trade crafts. Increases the number of signs that dispensaries may post.

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

