
A BILL FOR AN ACT

RELATING TO CANNABIS.

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

1 SECTION 1. The legislature finds that the laws governing
2 the medical use of cannabis and medical cannabis dispensaries
3 are intended to ensure that qualifying patients have safe,
4 timely, and adequate access to medical cannabis. The
5 legislature also finds, however, that qualifying patients'
6 ability to use cannabis may be delayed as they wait for the
7 department of health to issue their registry cards, which are
8 necessary under current law for a person to access and use
9 cannabis for medical purposes.

10 The legislature further finds that although the
11 administrative and registration process for medical cannabis is
12 important, the central determinant of a patient's access to
13 medical cannabis should be the patient's medical provider.

14 The purpose of this Act is to authorize a non-registered
15 qualifying patient to have immediate access to the medical use
16 of cannabis for a period of one year from the date of the



1 issuance of a medical provider's certification letter; provided
2 that:

3 (1) The medical provider is in full compliance with all
4 requirements imposed by the department of health
5 pursuant to part IX of chapter 329, Hawaii Revised
6 Statutes;

7 (2) The patient holds the State, the department of health,
8 and dispensaries harmless regarding any consequences
9 the patient may endure for using cannabis before the
10 receipt of a registry card;

11 (3) The patient does not possess cannabis in an amount
12 that exceeds half of the amount that a registered
13 qualifying patient may possess; and

14 (4) The patient submits to certain other requirements.

15 SECTION 2. Chapter 329, Hawaii Revised Statutes, is
16 amended by adding a new section to part IX to be appropriately
17 designated and to read as follows:

18 "§329- Non-registered qualifying patients.

19 Notwithstanding section 329-123, a qualifying patient who has
20 not been issued a registry card by the department of health



1 pursuant to section 329-123(a) may engage in the medical use of
2 cannabis as a non-registered qualifying patient; provided that:

3 (1) A physician or an advanced practice registered nurse
4 has issued a written certification for the patient on
5 a form designated by the department of health pursuant
6 to section 329-123(a); provided that:

7 (A) The physician has a bona fide physician-patient
8 relationship with the non-registered qualifying
9 patient or the advanced practice registered nurse
10 has a bona fide advanced practice registered
11 nurse-patient relationship with the patient; and

12 (B) The physician or advanced practice registered
13 nurse is in full compliance with all requirements
14 imposed by the department of health pursuant to
15 this part;

16 (2) The non-registered qualifying patient has submitted to
17 the dispensary from which the patient will obtain
18 cannabis:

19 (A) Consent forms, designated by the department of
20 health and signed by the patient, that authorize
21 the department of health and the dispensary to



1 obtain information from the patient's physician
2 or advanced practice registered nurse to verify
3 the information provided in the written
4 certification issued for the patient; and

5 (B) Waiver forms, designated by the department of
6 health and signed by the patient, with which the
7 patient agrees to hold the department of health,
8 the State, and the dispensary harmless with
9 respect to any legal, health, or other
10 consequences that the patient may endure as a
11 result of the patient's possession or medical use
12 of cannabis before the department has issued the
13 patient a registry card;

14 (3) The amount of cannabis possessed by the non-registered
15 qualifying patient does not exceed an adequate supply;
16 provided further that, notwithstanding section 329-121
17 or any other law to the contrary, an adequate supply
18 for the non-registered qualifying patient shall at no
19 time exceed five cannabis plants, whether immature or
20 mature, and two ounces of usable cannabis; and



1 (4) The non-registered qualifying patient shall cease to
2 be qualified to use and possess medical cannabis under
3 this section one year after the date of the issuance
4 of the written certification described in paragraph
5 (1), unless the department of health has issued a
6 registry card to the patient, and the card has not
7 expired."

8 SECTION 3. Section 329-122, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) Notwithstanding any law to the contrary, the medical
11 use of cannabis by a qualifying patient shall be permitted only
12 [~~if~~] under the following circumstances:

13 (1) The qualifying patient has been diagnosed by a
14 physician or advanced practice registered nurse as
15 having a debilitating medical condition;

16 (2) The qualifying patient's physician or advanced
17 practice registered nurse has certified in writing
18 that, in the physician's or advanced practice
19 registered nurse's professional opinion, the potential
20 benefits of the medical use of cannabis would likely



- 1 outweigh the health risks for the particular
2 qualifying patient; [~~and~~]
- 3 (3) The amount of cannabis possessed by the qualifying
4 patient does not exceed an adequate supply~~[-]~~;
5 provided that, notwithstanding section 329-121 or any
6 other law to the contrary, an adequate supply for a
7 non-registered qualifying patient described in section
8 329- shall at no time exceed five cannabis plants,
9 whether immature or mature, and two ounces of usable
10 cannabis; and
- 11 (4) If the qualifying patient is a non-registered
12 qualifying patient as described in section 329- ,
13 the non-registered qualifying patient shall fully
14 comply with that section."

15 SECTION 4. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

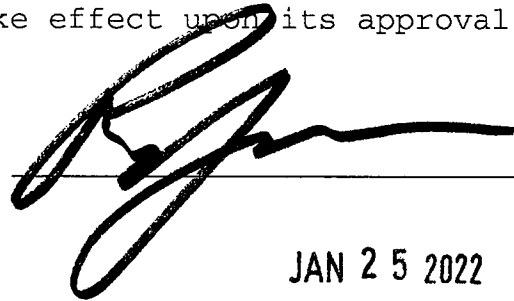
18 SECTION 5. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



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

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INTRODUCED BY: _____

A large, stylized handwritten signature in black ink is written over a horizontal line. The signature is cursive and appears to be the name of the person who introduced the bill.

JAN 25 2022



H.B. NO. 2261

Report Title:

Medical Use of Cannabis; Dispensaries; Patients; Registration

Description:

Authorizes a non-registered qualifying patient to engage in the medical use of cannabis for a period of one year from the date of the issuance of a medical provider's certification letter, subject to certain conditions.

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

