

JAN 26 2022

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# 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 purpose of the  
2 medical cannabis dispensary system law is to ensure that  
3 qualified patients have safe, timely, and adequate access to  
4 medical cannabis. The legislature further finds that the  
5 coronavirus disease 2019 (COVID-19) pandemic has severely  
6 impacted the way in which qualified patients can safely access  
7 the facilities that provide medical cannabis. Many qualified  
8 patients suffer from debilitating conditions that make them  
9 especially vulnerable to exposure, and seek alternative ways to  
10 physically access facilities and minimize exposure.

11           The purpose of this Act is to authorize the department of  
12 health to approve under certain conditions in-vehicle receipt of  
13 medical cannabis and medical cannabis products on or near the  
14 premises of dispensaries.

15           SECTION 2. Section 329D-6, Hawaii Revised Statutes, is  
16 amended by amending subsection (n) to read as follows:



1           "(n) A dispensary shall [~~be prohibited from~~] not make an  
2 off-premises delivery of cannabis or manufactured cannabis  
3 products to a qualifying patient, primary caregiver, qualifying  
4 out-of-state patient, or caregiver of a qualifying out-of-state  
5 patient[~~;~~], unless authorized by the department and:

6           (1) The dispensary receives a pickup order by telephone or  
7           electronic means from the qualifying patient, primary  
8           caregiver, qualifying out-of-state patient, or  
9           caregiver of the qualifying out-of-state patient;

10          (2) The qualifying patient, primary caregiver, qualifying  
11          out-of-state patient, or caregiver of the qualifying  
12          out-of-state patient arrives in a vehicle, provides  
13          the license number for the vehicle, and notifies the  
14          dispensary upon arrival at the dispensary in a  
15          designated area for pickup;

16          (3) The area designated for pickup:  
17            (A) Is no further than one hundred feet from the main  
18            entry of a secured retail location;  
19            (B) Complies with section 329D-6(f) and paragraph (6)  
20            of section 329D-7;  
21            (C) Is monitored by a video recording system that:



- 1                    (i) Is under the control of the dispensary; and
- 2                    (ii) Regularly records and stores video of pickup
- 3                    transactions, including vehicles, vehicle
- 4                    license plates, and persons receiving the
- 5                    medical cannabis or medical cannabis
- 6                    product;
- 7                    (4) Before providing the medical cannabis or medical
- 8                    cannabis product, the dispensary confirms the identity
- 9                    of the qualifying patient, primary caregiver,
- 10                   qualifying out-of-state patient, or caregiver of the
- 11                   qualifying out-of-state patient by:
- 12                   (A) Verifying that the license plate number of the
- 13                   vehicle matches the number stated by the
- 14                   qualifying patient, primary caregiver, qualifying
- 15                   out-of-state patient, or caregiver of the
- 16                   qualifying out-of-state patient at the time the
- 17                   order was placed;
- 18                   (B) Reviewing valid photographic identification in
- 19                   the form of a state identification card, driver's
- 20                   license, or passport;



1           (C) Requiring the person attempting to receive the  
2           order to sign an acknowledgment of receipt; and

3           (D) Comparing the signature provided pursuant to  
4           subparagraph (C) with the signature on the  
5           photographic identification described in  
6           subparagraph (B) or another reliable signature  
7           sample; and

8           (5) The amount of medical cannabis or manufactured  
9           cannabis products received do not exceed the  
10           limitations established by the department."

11           SECTION 3. This Act does not affect rights and duties that  
12           matured, penalties that were incurred, and proceedings that were  
13           begun before its effective date.

14           SECTION 4. Statutory material to be repealed is bracketed  
15           and stricken. New statutory material is underscored.

16           SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line.

# S.B. NO. 3386

**Report Title:**

DOH; Medical Cannabis; Products; Delivery; Vehicles; COVID-19

**Description:**

Authorizes the Department of Health to approve in-vehicle receipt of medical cannabis and medical cannabis products on or near the premises of dispensaries under 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.*

