

JAN 22 2021

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# A BILL FOR AN ACT

RELATING TO CANNABIS FOR MEDICAL USE.

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

1           SECTION 1. The legislature finds that patients and primary  
2 caregivers cultivating medical cannabis at a registered grow  
3 site under the State's medical cannabis registry program have no  
4 legal means of obtaining safe, laboratory-tested genetic  
5 material from which to propagate their plants. State law on the  
6 medical use of cannabis currently authorizes qualifying patients  
7 to cultivate up to ten medical cannabis plants at a grow site  
8 listed on the patient's registry card, but does not specify by  
9 what means propagules, cuttings, or other cannabis genetic  
10 material necessary to produce these plants may be obtained. In  
11 practice, existing law often forces patients or their primary  
12 caregivers to obtain propagules, cuttings, or other cannabis  
13 genetic material from the illicit market. Unfortunately, these  
14 materials have not been tested for the presence of pesticides  
15 and heavy metals, and are of unknown genetic provenance and  
16 therapeutic value.



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

8           The legislature further finds that the State's medical  
9 cannabis dispensary system law was enacted, in part, to improve  
10 qualifying patients' access to safe and quality-assured medical  
11 cannabis and medical cannabis products. However, state law does  
12 not explicitly authorize licensed dispensaries to distribute  
13 cannabis propagules or cuttings.

14           Accordingly, the purpose of this Act is to amend the  
15 State's medical cannabis dispensary system law to:

- 16           (1) Include cannabis propagules and cuttings in the  
17 definition of the term "cannabis", thereby authorizing  
18 dispensaries to distribute medical cannabis propagules  
19 and cuttings;
- 20           (2) Authorize only persons who may cultivate medical  
21 cannabis to purchase the propagules and cuttings; and



1 (3) Imposes quantity limits and quality requirements on  
2 the distributed propagules and cuttings.

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

5 1. By inserting two new definitions to read:

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

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

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

12 "Cannabis" shall have the same meaning as in section  
13 329-121. "Cannabis" includes cannabis propagules and cuttings."

14 SECTION 3. Section 329D-13, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 **"§329D-13 Dispensing limits.** (a) A qualifying patient,  
17 primary caregiver, qualifying out-of-state patient, or caregiver  
18 of a qualifying out-of-state patient shall be allowed to  
19 purchase no more than four ounces of cannabis, not including  
20 propagules and cuttings, within a consecutive period of fifteen  
21 days, or no more than eight ounces of cannabis, not including



1 propagules and cuttings, within a consecutive period of thirty  
2 days.

3 (b) A qualifying patient [~~, primary caregiver, qualifying~~  
4 ~~out of state patient, or caregiver of a qualifying out of state~~  
5 ~~patient may purchase cannabis] or primary caregiver authorized  
6 to cultivate cannabis pursuant to sections 329-122 and  
7 329-130(a) shall be allowed to purchase no more than five  
8 propagules or cuttings within a consecutive period of fifteen  
9 days, or no more than ten propagules or cuttings within a  
10 consecutive period of thirty days; provided that:~~

11 (1) Propagules or cuttings sold by the licensee shall have  
12 undergone laboratory-based testing for residual  
13 pesticides and heavy metals, and shall not be  
14 distributed if pesticides or heavy metals are  
15 detected; and

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

19 (c) Purchases under subsections (a) and (b) may be made  
20 from any dispensary location in the State, subject to the limits



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1 and restrictions set forth in [~~subsection~~] subsections (a) [-]  
2 and (b).

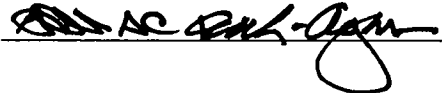
3 [~~(e) Beginning on January 1, 2018, this section~~] (d)  
4 Subsections (a) and (c) may apply to qualifying out-of-state  
5 patients from other states, territories of the United States, or  
6 the District of Columbia[+] attempting to purchase cannabis, not  
7 including propagules and cuttings, provided that the patient  
8 meets the registration requirements of section 329-123."

9 SECTION 4. This Act does not affect rights and duties that  
10 matured, penalties that were incurred, and proceedings that were  
11 begun before its effective date.

12 SECTION 5. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: 



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**Report Title:**

Health; Cannabis; Medical Use; Propagules; Cuttings; Medical Cannabis Dispensaries

**Description:**

Authorizes medical cannabis dispensaries to distribute cannabis propagules and cuttings to individuals authorized to cultivate cannabis plants for medical use, subject to quantity limits and quality requirements.

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

