
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 cannabis for medical use at a registered
3 grow site under the State's medical cannabis registry program
4 have no 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 it does not specify
9 by what means propagules, cuttings, seeds, or other cannabis
10 genetic material necessary to produce these plants may be
11 obtained. In practice, existing law often forces patients or
12 their primary caregivers to obtain cannabis genetic material
13 from the illicit market. Unfortunately, these materials have
14 not been tested for the presence of pesticides and heavy metals
15 and are of unknown genetic provenance and therapeutic value.

16 The legislature also finds that, in a number of other
17 states that authorize the medical use of cannabis, cannabis



1 propagules and cuttings are available for purchase through
2 state-licensed dispensaries. These states ensure that patients
3 who choose to cultivate their own cannabis plants have a legal
4 channel from which to obtain safe, quality-assured genetic
5 material with verified therapeutic properties.

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

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

- 15 (1) Include cannabis propagules, cuttings, and seeds in
16 the definition of "cannabis", thereby authorizing
17 dispensaries to dispense cannabis propagules,
18 cuttings, and seeds for medical use;
- 19 (2) Allow qualifying patients and primary caregivers who
20 are authorized to cultivate cannabis for medical use



1 to purchase cannabis propagules, cuttings, and seeds
2 from a dispensary licensed in the State; and
3 (3) Establish quantity limits and quality requirements for
4 the dispensing of cannabis propagules, cuttings, and
5 seeds.

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

8 1. By adding two new definitions to be appropriately
9 inserted and to read:

10 "Cannabis cutting" means the stem of a cannabis plant that
11 is taken or cut off for the purpose of being rooted and grown
12 into a new cannabis plant.

13 "Cannabis propagule" means any part of a cannabis plant
14 that can be used to grow a new cannabis plant."

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

16 "Cannabis" shall have the same meaning as in section
17 329-121. "Cannabis" includes cannabis propagules, cannabis
18 cuttings, and cannabis seeds."

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



1 "§329D-13 Dispensing of cannabis; propagative material;
2 quantity limits[-]; quality restrictions; rules. (a) A
3 qualifying patient, primary caregiver, qualifying out-of-state
4 patient, or caregiver of a qualifying out-of-state patient shall
5 be allowed to purchase [~~ne~~] not more than four ounces of
6 cannabis, excluding cannabis propagules, cannabis cuttings, and
7 cannabis seeds, within a consecutive period of fifteen days, or
8 [~~ne~~] not more than eight ounces of cannabis, excluding cannabis
9 propagules, cannabis cuttings, and cannabis seeds, within a
10 consecutive period of thirty days.

11 (b) A qualifying patient [~~, primary caregiver, qualifying~~
12 ~~out-of-state patient, or caregiver of a qualifying out-of-state~~
13 ~~patient may purchase cannabis] or primary caregiver who is
14 authorized to cultivate cannabis pursuant to sections 329-122
15 and 329-130(a) shall be allowed to purchase a total of not more
16 than five cannabis propagules, cannabis cuttings, or cannabis
17 seeds within a consecutive period of fifteen days, or a total of
18 not more than ten cannabis propagules, cannabis cuttings, or
19 cannabis seeds within a consecutive period of thirty days;
20 provided that:~~



1 (1) The amount of cannabis, including cannabis propagules,
2 cannabis cuttings, and cannabis seeds, possessed by
3 the qualifying patient at any time shall not exceed
4 the amount allowed under section 329-122;

5 (2) The cannabis propagules, cannabis cuttings, or
6 cannabis seeds dispensed to the qualifying patient or
7 primary caregiver shall have undergone laboratory-
8 based testing for residual pesticides and heavy
9 metals; and

10 (3) The laboratory-based test results indicate that no
11 pesticides or heavy metals have been detected in the
12 cannabis propagules, cannabis cuttings, or cannabis
13 seeds.

14 This subsection shall not apply to a qualifying out-of-state
15 patient or a caregiver of a qualifying out-of-state patient.

16 (c) The purchase of cannabis pursuant to subsection (a),
17 and the purchase of cannabis propagules, cannabis cuttings, and
18 cannabis seeds pursuant to subsection (b), may be made from any
19 dispensary location in the State, subject to the quantity limits
20 [set forth] and quality restrictions described in [subsection]
21 subsections (a) [-] and (b), respectively.



1 [~~(e) Beginning on January 1, 2018, this section~~] (d)
2 Subsections (a) and (c) may apply to qualifying out-of-state
3 patients from other states, territories of the United States, or
4 the District of Columbia[+], who are attempting to purchase
5 cannabis, exclusive of cannabis propagules, cannabis cuttings,
6 and cannabis seeds; provided that the patient meets the
7 registration requirements of section 329-123.5.

8 (e) The department shall adopt rules pursuant to chapter
9 91 regarding the dispensing of cannabis propagules, cannabis
10 cuttings, and cannabis seeds."

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

16 SECTION 6. This Act shall take effect on December 31,
17 2050.



Report Title:

Cannabis; Cannabis Propagules; Cannabis Cuttings; Cannabis Seeds; Medical Cannabis Dispensaries; Dispensing Limits and Restrictions; Department of Health; Rules

Description:

Amends the definition of "cannabis" to include cannabis propagules, cuttings, and seeds. Defines "cannabis cutting" and "cannabis propagule". Allows qualifying patients and primary caregivers who are authorized to cultivate cannabis for medical use to purchase cannabis propagules, cuttings, and seeds from licensed dispensaries in the State under certain conditions. Establishes quantity limits and quality requirements for the dispensing of cannabis propagules, cuttings, and seeds. Requires the Department of Health to adopt rules regarding the dispensing of cannabis propagules, cuttings, and seeds. Effective 12/31/2050. (SD1)

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