
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 existing law does not
9 specify by what means propagules, cuttings, 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 propagules, cuttings, or
13 other cannabis genetic material from the illicit market.
14 Unfortunately, these materials have not been tested for the
15 presence of pesticides and heavy metals and are of unknown
16 genetic provenance and therapeutic value.



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

20 (2) Allow qualifying patients and primary caregivers who
21 are authorized to cultivate cannabis for medical use



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

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 and cannabis
18 cuttings."

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



1 "§329D-13 Dispensing of cannabis; quantity limits[-];
2 quality restrictions. (a) A qualifying patient, primary
3 caregiver, qualifying out-of-state patient, or caregiver of a
4 qualifying out-of-state patient shall be allowed to purchase no
5 more than four ounces of cannabis, excluding cannabis propagules
6 and cannabis cuttings, within a consecutive period of fifteen
7 days, or no more than eight ounces of cannabis, excluding
8 cannabis propagules and cannabis cuttings, within a consecutive
9 period of thirty days.

10 (b) A qualifying patient [~~primary caregiver, qualifying~~
11 ~~out-of-state patient, or caregiver of a qualifying out-of-state~~
12 ~~patient may purchase cannabis] or primary caregiver who is
13 authorized to cultivate cannabis pursuant to sections 329-122
14 and 329-130(a) shall be allowed to purchase a total of no more
15 than five cannabis propagules or cannabis cuttings within a
16 consecutive period of fifteen days, or a total of no more than
17 ten cannabis propagules or cannabis cuttings within a
18 consecutive period of thirty days; provided that:~~

19 (1) The cannabis propagules or cannabis cuttings dispensed
20 to the qualifying patient or primary caregiver shall



1 have undergone laboratory-based testing for residual
 2 pesticides and heavy metals; and
 3 (2) The laboratory-based test results indicate that no
 4 pesticides or heavy metals have been detected from the
 5 cannabis propagules or cannabis cuttings.

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

8 (c) The purchase of cannabis pursuant to subsection (a),
 9 and the purchase of cannabis propagules and cannabis cuttings
 10 pursuant to subsection (b), may be made from any dispensary
 11 location in the State, subject to the quantity limits and
 12 quality restrictions as set forth in [subsection] subsections
 13 (a) [-] and (b).

14 [~~(e) Beginning on January 1, 2018, this section~~] (d)
 15 Subsections (a) and (c) may apply to qualifying out-of-state
 16 patients from other states, territories of the United States, or
 17 the District of Columbia[+], who are attempting to purchase
 18 cannabis, exclusive of cannabis propagules and cannabis
 19 cuttings; provided that the patient meets the registration
 20 requirements of section 329-123.5."



1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

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

6 SECTION 6. This Act shall take effect on June 30, 3000.

7



Report Title:

Cannabis; Cannabis Propagules; Cannabis Cuttings; Medical Cannabis Dispensaries; Dispensing Limits and Restrictions

Description:

Defines "cannabis cutting" and "cannabis propagule". Amends the definition of "cannabis" to include cannabis propagules and cannabis cuttings. Allows qualifying patients and primary caregivers who are authorized to cultivate cannabis for medical use to purchase cannabis propagules and cannabis cuttings from licensed dispensaries in the State under certain conditions. Establishes quantity limits and quality requirements for the dispensing of cannabis propagules and cannabis cuttings. Effective 6/30/3000. (HD1)

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