
A BILL FOR AN ACT

RELATING TO MEDICAL CANNABIS.

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

1 SECTION 1. The legislature finds that existing state law
2 recognizes the beneficial use of cannabis in treating certain
3 debilitating medical conditions, their symptoms, and certain
4 side effects of treatment for these conditions, including severe
5 pain, nausea, muscle spasms, and seizures. Act 241, Session
6 Laws of Hawaii 2015 (Act 241), provided patient access to
7 medical cannabis beyond the access that existed before the
8 creation of the dispensary system authorized by Act 241.
9 However, the intent of the legislature as expressed in Act 241
10 was, and continues to be, to expand qualifying patient's access
11 to cannabis rather than to replace existing legal access routes.
12 According to the rapid survey of Hawaii medical cannabis
13 patients and providers conducted by the department of health in
14 2022, fifty-five per cent of patients indicated that they
15 obtained their cannabis exclusively from a licensed medical
16 cannabis dispensary. This means that up to forty-five per cent
17 of patients obtain their cannabis for medical use from other



1 sources, including home cultivation. Part of the justification
2 for establishing the medical cannabis dispensary system was that
3 some patients may not be able to grow their own supply of
4 medical cannabis due to limitations such as disability or lack
5 of space. These patients should continue to have multiple
6 options for obtaining medical cannabis, including having a
7 primary caregiver grow an adequate supply of cannabis for
8 medical use on their behalf.

9 Accordingly, the purpose of this Act is to repeal the
10 sunset date of the authorization for primary caregivers to
11 cultivate medical cannabis for qualifying patients and clarify
12 that primary caregivers may continue to cultivate medical
13 cannabis for qualifying patients subject to certain
14 restrictions.

15 SECTION 2. Section 329-130, Hawaii Revised Statutes, is
16 amended to read as follows:

17 **"§329-130 Authorized sources of medical cannabis.** (a)
18 [~~After December 31, 2024, a~~] A qualifying patient shall obtain
19 medical cannabis or manufactured cannabis products only:



1 (1) From a dispensary licensed pursuant to chapter 329D;
2 provided that the cannabis shall be purchased and paid
3 for at the time of purchase; [~~or~~]

4 (2) By cultivating cannabis in an amount that does not
5 exceed an adequate supply for the qualifying patient,
6 pursuant to section 329-122; provided that each
7 location used to cultivate cannabis shall be used by
8 no more than [~~five~~] ten qualifying patients[~~;~~]; or

9 (3) From the qualifying patient's primary caregiver who
10 cultivates cannabis in an amount that does not exceed
11 an adequate supply for the qualifying patient pursuant
12 to section 329-122; provided that each location used
13 to cultivate cannabis shall be used to cultivate
14 cannabis for no more than ten qualifying patients.

15 [~~After December 31, 2024, no primary caregiver shall be~~
16 ~~authorized to cultivate cannabis for any qualifying patient.~~

17 ~~(b) This section shall not apply to:~~

18 ~~(1) A qualifying patient who is a minor or an adult~~
19 ~~lacking legal capacity and the primary caregiver is~~
20 ~~the parent, guardian, or person having legal custody~~



1 ~~of a qualifying patient described in this paragraph;~~

2 ~~or~~

3 ~~(2) A qualifying patient on any island on which there is~~

4 ~~no medical cannabis dispensary licensed pursuant to~~

5 ~~chapter 329D.~~

6 ~~(e)]~~ (b) A qualifying out-of-state patient and a caregiver

7 of a qualifying out-of-state patient shall be authorized to

8 obtain cannabis for medical use only from retail dispensing

9 locations of dispensaries licensed pursuant to chapter 329D."

10 SECTION 3. Statutory material to be repealed is bracketed

11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on December 31,

13 2050.



Report Title:

Medical Cannabis; Cultivation; Primary Caregivers

Description:

Repeals the sunset date of the authorization for primary caregivers to cultivate medical cannabis for qualifying patients. Clarifies that primary caregivers may continue to cultivate medical cannabis for qualifying patients subject to certain restrictions. Increases the maximum number of qualified patients for which each location used to cultivate cannabis may cultivate cannabis from five to ten patients. Effective 12/31/2050. (SD1)

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