

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 1380
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 1380 entitled:

"A BILL FOR AN ACT RELATING TO MEDICAL CANNABIS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Define "waiting room" within a medical cannabis retail dispensary and allow primary caregivers, qualifying out-of-state patients, and caregivers of a qualifying out-of-state patient to access the waiting room;
- (2) Clarify that each day of a violation of chapter 329D, Hawaii Revised Statutes, is a separate violation; and
- (3) Amend the rule-making authority for dispensary-to-dispensary sales.

Your Committee received testimony in support of this measure from the Department of Health, Cure Oahu, Maui Grown Therapies, and Pono Life. Your Committee received comments on this measure from MetrC.

Your Committee finds under the existing medical cannabis dispensary law, any person who is not a "qualifying patient" is not allowed to be on the premises of a medical cannabis retail



location. Adding a definition of "waiting room" will better serve the needs of qualifying patients by allowing caregivers to assist patients into retail dispensary locations. Your Committee also finds that amendments to this measure are necessary to allow the Office of Medical Cannabis Control and Regulation to maintain interim rule-making authority and to clarify that each day of a violation of chapter 329D, is a separate violation. This measure makes these necessary amendments and addresses certain patient needs that have come to light since the inception of the medical cannabis dispensary program.

Your Committee acknowledges the testimony of Maui Grown Therapies, which proposed amendments to the medical cannabis and medical cannabis dispensary program that would enhance patient centered services and provide more effective cannabis continuing education.

Accordingly, your Committee has amended this measure by:

- (1) Inserting a provision clarifying that written certifications for a patient with a chronic condition be valid for three years;
- (2) Repealing the existing requirement that a certifying physician and advanced practice registered nurse have a "bona fide" relationship with a qualifying patient;
- (3) Inserting a provision requiring medical cannabis dispensaries, in conjunction with physicians and advanced practice registered nurses who issue written certifications pursuant to section 329-123, Hawaii Revised Statutes, to conduct the continuing education and training program required by section 329D-26, Hawaii Revised Statutes, and repealing language that requires the Department of Health to employ staff to conduct the medical cannabis health education;
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1380, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1380, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,



BARRETT KEOHOKALOLE, Chair



