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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 qualifying patients  
2 and primary caregivers cultivating cannabis for medical use at a  
3 registered grow site under the State's medical cannabis registry  
4 program have no legal means of obtaining safe, laboratory-tested  
5 genetic material from which to propagate their plants. State  
6 law on the medical use of cannabis currently authorizes  
7 qualifying patients to cultivate up to ten medical cannabis  
8 plants at a grow site listed on the patient's registry card, but  
9 it does not specify by what means propagules, cuttings, seeds,  
10 or other cannabis genetic material necessary to produce these  
11 plants may be obtained. In practice, qualifying patients or  
12 their primary caregivers must 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 states  
17 that authorize the medical use of cannabis, cannabis propagules



1 and cuttings are available for purchase through state-licensed  
2 dispensaries. These states ensure that patients who choose to  
3 cultivate their own cannabis plants have a legal channel from  
4 which to obtain safe, quality-assured genetic material with  
5 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, primary caregivers who are  
20 authorized to cultivate cannabis for medical use,  
21 qualifying out-of-state patients, and caregivers of



1           qualifying out-of-state patients to purchase cannabis  
2           propagules, cuttings, and seeds from a dispensary  
3           licensed in the State; and

4           (3) Establish quantity limits and quality requirements for  
5           the dispensing of cannabis propagules, cuttings, and  
6           seeds.

7           SECTION 2. Section 329-121, Hawaii Revised Statutes, is  
8           amended by amending the definition of "adequate supply for a  
9           qualifying out-of-state patient" to read as follows:

10           ""Adequate supply for a qualifying out-of-state patient"  
11           means an amount of cannabis individually possessed by a  
12           qualifying out-of-state patient or jointly possessed by a  
13           qualifying out-of-state patient who is under eighteen years old  
14           and the caregiver of the qualifying out-of-state patient that is  
15           not more than is reasonably necessary to ensure the  
16           uninterrupted availability of cannabis for the purpose of  
17           alleviating the symptoms or effects of the qualifying out-of-  
18           state patient's debilitating medical condition; provided that an  
19           "adequate supply for a qualifying out-of-state patient" shall  
20           not exceed four ounces of usable cannabis at any given time and  
21           shall not include live plants[-], excluding cannabis propagules,



1 cannabis cuttings, and cannabis seeds. The four ounces of  
 2 usable cannabis shall include any combination of usable cannabis  
 3 and manufactured cannabis products, as provided in chapter 329D;  
 4 provided that the usable cannabis in the manufactured products  
 5 shall be calculated using information provided pursuant to  
 6 section 329D-9(c)."

7 SECTION 3. Section 329-122, Hawaii Revised Statutes, is  
 8 amended by amending subsection (c) to read as follows:

9 "(c) Notwithstanding any law to the contrary, the medical  
 10 use of cannabis within the State by a qualifying out-of-state  
 11 patient aged eighteen years or older legally authorized to use  
 12 cannabis for medical purposes in another state, a United States  
 13 territory, or the District of Columbia shall be permitted only  
 14 if the qualifying out-of-state patient:

15 (1) Provides to the department of health a valid medical  
 16 use of cannabis card with an explicit expiration date  
 17 that has not yet passed from the issuing jurisdiction  
 18 and a valid photographic identification card or  
 19 driver's license issued by the same jurisdiction;

20 (2) Attests under penalty of law pursuant to section 710-  
 21 1063 that the condition for which the qualifying out-



- 1 of-state patient is legally authorized to use cannabis  
2 for medical purposes is a debilitating medical  
3 condition as defined in section 329-121;
- 4 (3) Provides consent for the department of health to  
5 obtain information from the qualifying out-of-state  
6 patient's certifying medical provider and from the  
7 entity that issued the medical cannabis card for the  
8 purpose of allowing the department of health to verify  
9 the information provided in the registration process;
- 10 (4) Pays the required fee for out-of-state registration to  
11 use cannabis for medical purposes;
- 12 (5) Registers with the department of health pursuant to  
13 section 329-123.5 to use cannabis for medical  
14 purposes;
- 15 (6) Receives a medical cannabis registry card from the  
16 department of health; and
- 17 (7) Abides by all laws relating to the medical use of  
18 cannabis, including not possessing an amount of  
19 cannabis that exceeds an adequate supply[-] for a  
20 qualifying out-of-state patient."



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

3 1. By adding two new definitions to be appropriately  
4 inserted and to read:

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

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

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

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

14 SECTION 5. Section 329D-6, Hawaii Revised Statutes, is  
15 amended by amending subsection (k) to read as follows:

16 "(k) A dispensary licensed pursuant to this chapter shall  
17 purchase, operate, and maintain a computer software tracking  
18 system that shall:

19 (1) Interface with the department's computer software  
20 tracking system established pursuant to subsection

21 (j);



- 1 (2) Allow each licensed dispensary's production center to  
2 submit to the department in real time, by automatic  
3 identification and data capture, all cannabis,  
4 cannabis propagules, cannabis cuttings, cannabis  
5 seeds, cannabis plants, and manufactured cannabis  
6 product inventory in possession of that dispensary  
7 from either seed or immature plant state, including  
8 all plants that are derived from cuttings or cloning,  
9 until the cannabis or manufactured cannabis product is  
10 sold or destroyed pursuant to section 329D-7;
- 11 (3) Allow the licensed dispensary's retail dispensing  
12 location to submit to the department in real time for  
13 the total amount of cannabis, cannabis propagules,  
14 cannabis cuttings, cannabis seeds, and manufactured  
15 cannabis product purchased by a qualifying patient,  
16 primary caregiver, qualifying out-of-state patient,  
17 and caregiver of a qualifying out-of-state patient  
18 from the dispensary's retail dispensing locations in  
19 the State in any fifteen day period; provided that the  
20 software tracking system shall impose an automatic  
21 stopper in real time, which cannot be overridden, on



1 any further purchases of cannabis or manufactured  
2 cannabis products, if the maximum allowable amount of  
3 cannabis has already been purchased for the applicable  
4 fifteen day period; provided further that additional  
5 purchases shall not be permitted until the next  
6 applicable period; and

7 (4) Allow the licensed dispensary to submit all data  
8 required by this subsection to the department and  
9 permit the department to access the data if the  
10 department's computer software tracking system is not  
11 functioning properly and sales are made pursuant to  
12 the alternate tracking system under subsection (j)."

13 SECTION 6. Section 329D-13, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "§329D-13 Dispensing of cannabis; propagative material;  
16 quantity limits[-]; quality restrictions; rules. (a) A  
17 qualifying patient, primary caregiver, qualifying out-of-state  
18 patient, or caregiver of a qualifying out-of-state patient shall  
19 be allowed to purchase no more than four ounces of cannabis  
20 within a consecutive period of fifteen days, or no more than





1 eight ounces of cannabis within a consecutive period of thirty  
2 days.

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

12 (1) The amount of cannabis possessed by:

13 (A) The qualifying patient at any time shall not  
14 exceed an adequate supply, as defined in section  
15 329-121; or

16 (B) The qualifying out-of-state patient at any time  
17 shall not exceed an adequate supply for a  
18 qualifying out-of-state patient, as defined in  
19 section 329-121;

20 (2) The cannabis propagules, cannabis cuttings, or  
21 cannabis seeds dispensed to the qualifying patient,



1 primary caregiver, qualifying out-of-state patient, or  
2 caregiver of a qualifying out-of-state patient shall  
3 have undergone laboratory-based testing for residual  
4 pesticides and heavy metals; and

5 (3) The laboratory-based test results indicate that no  
6 pesticides or heavy metals have been detected in the  
7 cannabis propagules, cannabis cuttings, or cannabis  
8 seeds.

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

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



1        (e) The department shall adopt rules pursuant to chapter  
2 91 regarding the dispensing of cannabis propagules, cannabis  
3 cuttings, and cannabis seeds."

4        SECTION 7. This Act does not affect rights and duties that  
5 matured, penalties that were incurred, and proceedings that were  
6 begun before its effective date.

7        SECTION 8. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9        SECTION 9. This Act shall take effect on June 30, 3000.



**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". Requires a licensed dispensary's production center to submit to DOH an inventory of cannabis propagules, cuttings, and seeds. Requires a licensed dispensary's retail dispensing location to submit to DOH the total amount of cannabis propagules, cuttings, and seeds purchased. Allows qualifying patients, primary caregivers who are authorized to cultivate cannabis for medical use, qualifying out-of-state patients, and caregivers of qualifying out-of-state patients 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 6/30/3000. (HD1)

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

