
A BILL FOR AN ACT

RELATING TO CANNABIS.

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

1 PART I

2 SECTION 1. The legal history of cannabis or marijuana in
3 the United States primarily addresses the regulation of cannabis
4 for medical use, and secondarily the use of cannabis for
5 personal or recreational purposes. By the mid-1930s cannabis
6 was regulated as a drug in every state, including thirty-five
7 states that adopted the Uniform State Narcotic Drug Act which
8 was subsequently replaced in 1970 with the federal Uniform
9 Controlled Substances Act, which classifies marijuana and
10 tetrahydrocannabinol as schedule I controlled substances.

11 Notwithstanding the prospect of federal prosecution,
12 several states, including Hawaii, have enacted medical cannabis
13 laws. Chapter 329, part IX, Hawaii Revised Statutes, was
14 enacted to create a medical use of cannabis exemption from
15 criminal sanctions. Other jurisdictions—specifically, Alabama,
16 Alaska, Arizona, Arkansas, California, Colorado, Connecticut,
17 Delaware, District of Columbia, Florida, Illinois, Louisiana,



1 Maine, Maryland, Massachusetts, Michigan, Minnesota,
2 Mississippi, Missouri, Montana, Nevada, New Hampshire, New
3 Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma,
4 Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont,
5 Virginia, Washington, and West Virginia—also allow the use of
6 cannabis for medicinal purposes. Furthermore, chapter 329D,
7 Hawaii Revised Statutes, was enacted to establish medical
8 cannabis dispensaries that were authorized to operate beginning
9 in July 2016. As Hawaii expands its medical cannabis program
10 through the use of highly regulated and monitored dispensaries,
11 more patients are anticipated to consider medical cannabis as a
12 viable treatment, knowing that the medicine will be regulated
13 and tested.

14 In addition to medicinal cannabis laws, some states have
15 decriminalized cannabis: Alaska, Arizona, California, Colorado,
16 Connecticut, Delaware, District of Columbia, Illinois, Maine,
17 Maryland, Massachusetts, Michigan, Minnesota, Mississippi,
18 Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey,
19 New Mexico, New York, North Carolina, North Dakota, Ohio,
20 Oregon, Rhode Island, Vermont, Virginia, and Washington. In
21 2019, Hawaii enacted Act 273, which decriminalized the



1 possession of cannabis in the amount of three grams or less. In
2 each of these states, cannabis users no longer face arrest or
3 jail time for the possession or use of cannabis in an amount
4 permitted by statute. Most places that have decriminalized
5 possession of small amounts of cannabis have replaced
6 incarceration or criminal charges with civil fines,
7 confiscation, drug education, or drug treatment, or have made
8 various cannabis offenses the lowest priority for law
9 enforcement.

10 The legislature further finds that the legalization of
11 cannabis for personal or recreational use is a natural, logical,
12 and reasonable outgrowth of the current science of cannabis and
13 attitude toward cannabis. In 2012, voters in Colorado and
14 Washington voted to legalize and regulate the production,
15 possession, and distribution of cannabis for persons aged
16 twenty-one and older. Following Colorado and Washington's lead,
17 Alaska, Arizona, California, Connecticut, District of Columbia,
18 Illinois, Maine, Maryland, Massachusetts, Michigan, Missouri,
19 Montana, Nevada, New Jersey, New Mexico, Oregon, Rhode Island,
20 Vermont, and Virginia also legalized small amounts of cannabis
21 for adult recreational use.



1 States that have legalized cannabis use have increased
2 their tax collections. For example, Colorado collected
3 \$67,594,323 from medical and retail cannabis taxes and fees
4 during the first year of retail cannabis sales in 2014,
5 \$302,458,426 during the 2019 calendar year, and a total of
6 \$2,321,115,468 in revenues as of November 2022. Most industry
7 experts estimate that New Jersey and Arizona will be billion-
8 dollar markets in a few years.

9 The legislature further finds that the virus known as SARS-
10 CoV-2 causes a disease named coronavirus disease 2019
11 (COVID-19), which spread globally and was declared a pandemic by
12 the World Health Organization on March 11, 2020. Upon reaching
13 Hawaii's shores, the COVID-19 outbreak disrupted the economy,
14 resulting in an estimated \$2,300,000,000 budget shortfall as of
15 August 2020. While the State has since seen revenues bounce
16 back, an additional source of revenue is necessary to allow the
17 State to continue to meet its strategic goals, including the
18 provision of quality early learning and preschool programs for
19 Hawaii's children. The legislature further finds that cannabis
20 cultivation and sales hold potential for economic development,
21 increased tax revenues, and reduction in crime.



1 The purpose of this Act is to:

2 (1) Establish the Hawaii cannabis authority within the
3 department of health to adopt rules to regulate
4 responsible, adult use of cannabis in the State;

5 (2) Establish that possession of cannabis by an adult
6 without a prescription in the amount of four ounces or
7 less shall be lawful and require all records relating
8 to the arrest, criminal charge, or convictions for
9 such acts be expunged; and

10 (3) Transfer the powers and duties of the department of
11 health under chapter 329D, Hawaii Revised Statutes,
12 including powers and duties over medical marijuana
13 dispensary operations, licensing, testing, and
14 administration, to the Hawaii cannabis authority.

15 PART II

16 SECTION 2. The purpose of this part is to authorize
17 responsible, adult-use cannabis in the State and to provide for
18 its regulation.

19 SECTION 3. The Hawaii Revised Statutes is amended by
20 adding a new chapter to be appropriately designated and to read
21 as follows:



1 "CHAPTER A

2 RESPONSIBLE, ADULT-USE CANNABIS

3 PART I. GENERAL PROVISIONS

4 §A-1 Short title. This chapter may be cited as the Hawaii
5 Responsible, Adult-Use Cannabis Law.

6 §A-2 Definitions. As used in this chapter, unless the
7 context otherwise requires:

8 "Authority" means the Hawaii cannabis authority established
9 under section A-11.

10 "Cannabis" means all parts of the plant Cannabis sativa L.,
11 Cannabis indica, or Cannabis ruderalis, whether growing or not;
12 the seeds thereof; the resin, whether crude or purified,
13 extracted from any part of the plant; and every compound,
14 manufacture, salt, derivative, mixture, or preparation of the
15 plant, its seeds, or resin. "Cannabis" includes the separated
16 resin, whether crude or purified, obtained from cannabis.

17 "Cannabis" does not include the mature stalks of the plant;
18 fiber produced from the stalks; oil or cake made from the seeds
19 of the plant; any other compound, manufacture, salt, derivative,
20 mixture, or preparation of the mature stalks (except the resin
21 extracted therefrom), fiber, oil, or cake; the sterilized seed



1 of the plant that is incapable of germination; or hemp as
2 defined by section 328G-1.

3 "Cannabis accessories" means any equipment, products or
4 materials of any kind which are used, intended for use, or
5 designed for use in planting, propagating, cultivating, growing,
6 harvesting, manufacturing, compounding, converting, producing,
7 processing, preparing, testing, analyzing, packaging,
8 repackaging, storing, smoking, vaporizing, or containing
9 cannabis, or for ingesting, inhaling, or otherwise introducing
10 cannabis or manufactured cannabis products into or onto the
11 human body.

12 "Concentrated cannabis" means the separated resin, whether
13 crude or purified, obtained from cannabis.

14 "Cultivation" means any activity involving the planting,
15 growing, harvesting, drying, curing, grading, or trimming of
16 cannabis.

17 "Department" means the department of health.

18 "Manufacture" means to compound, blend, extract, infuse, or
19 otherwise make or prepare a manufactured cannabis product.

20 "Manufactured cannabis products" means cannabis that has
21 undergone a process whereby the plant material has been



1 transformed into a concentrate, including but not limited to
2 concentrated cannabis, an edible or topical product containing
3 cannabis, or concentrated cannabis and other ingredients.

4 "Responsible, adult use" means use in accordance with
5 section A-17 and any rules adopted by the authority pursuant to
6 this chapter.

7 **§A-3 Cannabidiol products; application of chapter.** This
8 chapter shall not apply to any product containing cannabidiol
9 that has been approved by the federal Food and Drug
10 Administration that has either been placed on a schedule of the
11 federal Controlled Substances Act other than Schedule I or has
12 been exempted from one or more provisions of that act, and that
13 is intended for prescribed use for the treatment of a medical
14 condition.

15 **§A-4 Construction of the chapter.** Nothing in this chapter
16 shall be construed to:

- 17 (1) Affect the medical use of cannabis or limit any
18 privileges or rights as provided in part IX of chapter
19 329;
- 20 (2) Affect the regulation of medical cannabis dispensaries
21 as provided in chapter 329D;



- 1 (3) Require an employer to permit or accommodate conduct
2 otherwise allowed by this chapter in any workplace or
3 on the employer's property;
- 4 (4) Prohibit an employer from disciplining an employee for
5 violation of a workplace drug policy or for working
6 while under the influence of cannabis;
- 7 (5) Prevent an employer from refusing to hire,
8 discharging, disciplining, or otherwise taking an
9 adverse employment action against a person with
10 respect to hire, tenure, terms, conditions, or
11 privileges of employment because of that person's
12 violation of a workplace drug policy or because that
13 person was working while under the influence of
14 cannabis;
- 15 (6) Supersede any law relating to operating a vehicle
16 under the influence of an intoxicant;
- 17 (7) Permit the transfer of cannabis, with or without
18 remuneration, to a minor or to allow a minor to
19 purchase, possess, use, transport, grow, or consume
20 cannabis; or



- 1 (8) Require any person, corporation, or any other entity
2 that occupies, owns, or controls real property to
3 allow the consumption, cultivation, display, sale, or
4 transfer of cannabis on or in that property; provided
5 that in the case of the rental of a residential
6 dwelling, a landlord shall not prohibit the possession
7 of cannabis or the consumption of cannabis that is not
8 inhaled, unless:
- 9 (A) The tenant is not leasing the entire residential
10 dwelling;
- 11 (B) The residence is incidental to detention or the
12 provision of medical, geriatric, educational,
13 counseling, religious, or similar service;
- 14 (C) The residence is a transitional housing facility;
15 or
- 16 (D) Failing to prohibit cannabis possession or
17 consumption would violate federal law or
18 regulations or cause the landlord to lose a
19 monetary or licensing-related benefit under
20 federal law or regulations.

21 **PART II. ADMINISTRATION**



1 §A-11 Hawaii cannabis authority; members; qualifications;
2 compensation. (a) There is established a Hawaii cannabis
3 authority within the department of health for administrative
4 purposes only.

5 (b) Notwithstanding section 26-34 to the contrary, the
6 authority shall consist of nine members who shall be residents
7 of the State and of which:

- 8 (1) One person from the public health sector to be
9 appointed by the director of health;
- 10 (2) One person actively engaged in the cannabis industry
11 to be appointed by the director of commerce and
12 consumer affairs;
- 13 (3) One person to be appointed by the chairperson of the
14 civil rights commission;
- 15 (4) One person to be appointed by the chairperson of the
16 commission on the status of women;
- 17 (5) One person to be appointed by the chairperson of the
18 board of trustees of the office of Hawaiian affairs;
- 19 (6) One person from a nonprofit advocacy organization that
20 focuses on cannabis decriminalization or correctional
21 justice reform to be appointed by the governor;



1 (7) One person from the public appointed by the governor;
2 and

3 (8) Two persons from the public, one each to be appointed
4 by the speaker of the house of representatives and
5 president of the senate.

6 The member representing the public health sector or public, or
7 the member's immediate family member, may not have a financial
8 interest in the cannabis industry or liquor industry. No person
9 who has served as a commissioner on a county liquor commission
10 shall be eligible to sit as a member of the authority until at
11 least five years have expired between the person's termination
12 from service as a commissioner on a county liquor commission and
13 the person's appointment to the authority.

14 For purposes of this subsection:

15 "Cannabis industry" means a business or profession related
16 to cannabis in which the person is lawfully engaged and that is
17 in compliance with the provisions of state law, including this
18 chapter and rules adopted under this chapter.

19 "Financial interest" means holding directly or indirectly,
20 a legal or equitable interest in the operation of a business
21 licensed under this chapter.



1 "Immediate family member" means a spouse, child, or parent.

2 "Public health sector" means a state, federal, or local
3 entity that works to ensure the health and safety of persons and
4 communities through education, policymaking, treatment, and
5 prevention of injury and disease, and promotion of wellness.

6 (c) Each member of the authority shall serve without pay.
7 However, the actual and necessary traveling expenses incurred in
8 connection with the performance of the member's official duties
9 shall be paid by the department, upon the presentation of
10 vouchers approved by the department.

11 **§A-12 Hawaii cannabis authority; organization.** (a) The
12 authority shall elect one member as chairperson and one member
13 as vice-chairperson annually. In the absence of both the
14 chairperson and the vice-chairperson to preside at a meeting,
15 the members present shall select a chair pro tem.

16 (b) The authority shall meet not less than quarterly at a
17 time and place determined by the authority.

18 (c) The majority of the members shall constitute a quorum.
19 The concurrence of a majority of the members shall be necessary
20 to make any action taken by the authority valid. The authority



1 shall conduct its meetings in accordance with chapters 91 and
2 92.

3 **§A-13 Hawaii cannabis authority; powers and duties.** In
4 addition to any other powers or duties authorized by law, the
5 Hawaii cannabis authority may:

- 6 (1) Adopt, amend, or repeal rules, issue declaratory
7 rulings or informal nonbinding interpretations, and
8 conduct contested case proceedings pursuant to chapter
9 91;
- 10 (2) Grant, deny, convert, forfeit, renew, reinstate, or
11 restore licenses, including the issuance of
12 conditional licenses;
- 13 (3) Revoke, suspend, or otherwise limit the license of any
14 licensee for any violation of the provisions in this
15 chapter or any rule or order of the authority;
- 16 (4) Develop requirements for licensure;
- 17 (5) Establish fees;
- 18 (6) Investigate and conduct hearings regarding any
19 violation of this chapter and any rule or order of the
20 authority;



- 1 (7) Create fact-finding committees which may make
2 recommendations to the authority for its
3 deliberations;
- 4 (8) Contract with qualified persons including
5 investigators who may be exempt from chapter 76 and
6 who shall assist the authority in exercising its
7 powers and duties; and
- 8 (9) Subpoena witnesses and documents, administer oaths,
9 and receive affidavits and oral testimony, including
10 telephonic communications, and do any and all things
11 necessary or incidental to the exercise of the
12 authority's power and duties, including the authority
13 to conduct contested case proceedings under chapter
14 91.

15 **§A-14 Delegation of authority.** (a) The authority shall
16 delegate to the department the authority to receive, arbitrate,
17 investigate, and prosecute any complaint against a licensee.

18 (b) The authority may delegate to the director of health
19 any of its powers or duties as it deems reasonable and proper.
20 The delegation of powers and duties by the authority shall be
21 made in accordance with the procedures set forth in rules



1 adopted by the authority pursuant to section A-16; provided that
2 the authority shall not delegate its discretionary functions
3 resulting in a final decision, including but not limited to the
4 following:

- 5 (1) Adopting, amending, or repealing rules;
- 6 (2) Ordering disciplinary action against a licensee,
7 including the revocation, suspension, or imposition of
8 conditions or fines; provided that summary suspensions
9 may be delegated; and
- 10 (3) Granting, denying, or otherwise conditioning license
11 applications.

12 **§A-15 Hawaii cannabis authority special fund.** (a) There
13 is established within the state treasury the Hawaii cannabis
14 authority special fund. The special fund shall be administered
15 by the department and the moneys in the special fund shall be
16 expended for the purposes of this chapter.

17 (b) The special fund shall consist of all revenues, fees,
18 and fines collected pursuant to this chapter, except part VI,
19 and the rules adopted thereunder.

20 (c) All revenues and fines collected pursuant to part VI
21 of this chapter shall be deposited into the general fund.



1 **§A-16 Rules.** (a) The authority shall adopt rules
2 pursuant to chapter 91 to effectuate this chapter and to carry
3 out its purpose of protecting the health, safety, and welfare of
4 consumers, including rules concerning licensing, fees,
5 operations, and testing, and all issues concerning the
6 dispensing, sale, and taxation of adult-use cannabis, no later
7 than December 1, 2024. The enumeration of specific matters
8 which may properly be made the subject of rules shall not be
9 construed to limit the authority's broad general power to make
10 all rules necessary to fully effectuate the purpose of this
11 chapter.

12 (b) The authority shall begin accepting applications for
13 licenses according to rules adopted by the authority pursuant to
14 this section no later than January 31, 2025. The issuance of
15 licenses by the authority pursuant to the rules adopted by the
16 authority shall begin no later than March 30, 2025.

17 **§A-17 Possession of cannabis by persons twenty-one years**
18 **of age or older.** (a) Except as limited by this part, it shall
19 be lawful for persons twenty-one years of age or older, without
20 a prescription, to:



- 1 (1) Possess, process, transport, purchase, obtain, or give
2 away to persons twenty-one years of age or older
3 without any compensation, cannabis in an amount not to
4 exceed four ounces;
- 5 (2) Possess, process, transport, purchase, obtain, or give
6 away to persons twenty-one years of age or older
7 without any compensation, cannabis in the form of
8 concentrated cannabis, including as contained in
9 cannabis products, in excess of a limit as established
10 by the authority by rule pursuant to chapter 91;
- 11 (3) Possess, plant, cultivate, harvest, dry, or process
12 not more than ten living cannabis plants and possess
13 the cannabis produced by the plants;
- 14 (4) Smoke or ingest cannabis or manufactured cannabis
15 products; and
- 16 (5) Possess, transport, purchase, obtain, use,
17 manufacture, or give away cannabis accessories to
18 persons twenty-one years of age or older without any
19 compensation.
- 20 (b) It is the intent of subsection (a) (5) to meet the
21 requirements of title 21 United States Code section 863(f) by



1 authorizing, under state law, any person in compliance with this
2 section to manufacture, possess, or distribute cannabis
3 accessories.

4 (c) Cannabis and manufactured cannabis products involved
5 in any way with conduct deemed lawful by this section are not
6 contraband nor subject to seizure, and no conduct deemed lawful
7 by this section shall constitute the basis for detention,
8 search, or arrest."

9 PART III

10 SECTION 4. The purpose of this part is to transfer the
11 powers and duties of the department of health under chapter
12 329D, Hawaii Revised Statutes, to the Hawaii cannabis authority
13 established in section 3 of this Act.

14 SECTION 5. Section 329D-1, Hawaii Revised Statutes, is
15 amended by adding a new definition to be appropriately inserted
16 and to read as follows:

17 "Authority" means the Hawaii Cannabis Authority
18 established by section A-11."

19 SECTION 6. Sections 329D-2, 329D-2.5, 329D-3, 329D-4,
20 329D-5, 329D-5.5, 329D-6, 329D-7, 329D-8, 329D-9, 329D-10,
21 329D-11, 329D-12, 329D-15, 329D-16, 329D-18, 329D-19, 329D-20,



1 329D-21, 329D-23, 329D-25, 329D-26, and 329D-27, Hawaii Revised
2 Statutes, are amended by substituting the word "authority"
3 wherever the word "department" appears, as the context requires.

4 PART IV

5 SECTION 7. The purpose of this part is to clarify the
6 lawful possession of cannabis and manufactured cannabis products
7 for responsible, adult use with respect to the uniform
8 controlled substances act and the Hawaii penal code.

9 SECTION 8. Chapter 329, Hawaii Revised Statutes, is
10 amended by adding a new section to part IX to be appropriately
11 designated and to read as follows:

12 "§329- Relation to chapter A. This part shall not
13 affect the possession of cannabis for responsible, adult use as
14 authorized under section A-17."

15 SECTION 9. Section 329-43.5, Hawaii Revised Statutes, is
16 amended by amending subsection (e) to read as follows:

17 "(e) Subsections (a) and (b) shall not apply to a person
18 who is authorized to:

19 (1) Acquire, possess, cultivate, use, distribute, or
20 transport cannabis pursuant to the definition of
21 "medical use" under section 329-121, while the person



1 is facilitating the medical use of cannabis by a
2 qualifying patient; [ø]

3 (2) Dispense, manufacture, or produce cannabis or
4 manufactured cannabis products pursuant to and in
5 compliance with chapter 329D, while the person is
6 facilitating the medical use of cannabis by a
7 qualifying patient pursuant to part IX of chapter
8 329 [-]; or

9 (3) Possess cannabis for the individual's responsible,
10 adult use, pursuant to section A-17."

11 SECTION 10. Chapter 329D, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 "§329D- Relation to chapter A. Nothing in this chapter
15 shall be construed to affect the possession of cannabis for
16 responsible, adult use as authorized under section A-17."

17 SECTION 11. Chapter 706, Hawaii Revised Statutes, is
18 amended by adding a new section to part II to be appropriately
19 designated and to read as follows:

20 "§706- Marijuana offenders; resentencing; expungement;
21 sealing. (1) Records relating to the arrest, criminal charge,



1 or conviction of a person for an offense under chapter 329, part
2 IV of chapter 712, or any other offense, the basis of which is
3 an act permitted by section A-17 or decriminalized under
4 Act _____, Session Laws of Hawaii 2023, including the possession
5 of marijuana, shall be ordered to be expunged in accordance with
6 the provisions of this section.

7 (2) No later than December 31, 2025, the attorney general,
8 in collaboration with the judiciary and county prosecuting
9 attorneys, shall determine the offenses that meet the criteria
10 for expungement set forth in subsection (1). The county
11 prosecuting attorneys shall issue a written notice to persons
12 with records that qualify for expungement under subsection (1).
13 Once offenses have been identified, but no later than January 1,
14 2026, the attorney general, in cases of an arrest for or charge
15 with but not convicted of a crime, and the appropriate court of
16 record, in cases of conviction and pursuant to procedures
17 established by the judiciary, shall order the automatic
18 expungement of the records relating to the arrest, criminal
19 charge, or conviction, as appropriate.

20 (3) A person convicted for an offense under chapter 329,
21 part IV of chapter 712, or any other offense, the basis of which



1 is an act permitted by section A-17 or decriminalized under
2 Act _____, Session Laws of Hawaii 2023, including the possession
3 of marijuana, shall have the right to petition at any time, and
4 without limitation to the number of petitions a convicted person
5 may file, with the appropriate court of record for review and
6 adjustment of the sentence.

7 (4) Any expungement order issued pursuant to this section
8 shall be sealed.

9 (5) Eligibility pursuant to this section shall be granted
10 notwithstanding the existence of:

11 (a) Prior arrests or convictions;

12 (b) Pending criminal proceedings; and

13 (c) Outstanding court-imposed or court-related fees,
14 finances, costs, assessments, or charges.

15 (6) Any outstanding fees, fines, costs, assessments, or
16 charges related to the eligible conviction shall be waived.

17 (7) Nothing in this section shall be construed to restrict
18 or modify a person's right to have the person's records
19 expunged, except as otherwise may be provided by law, or
20 diminish or abrogate any rights or remedies otherwise available
21 to the person.



1 (8) Nothing in this section shall be construed to require
2 the court or any agency to reimburse any petitioner for fines,
3 fees, and costs previously incurred, paid or collected in
4 association with the eligible conviction.

5 (9) The existence of convictions in other counts within
6 the same case that are not eligible for expungement pursuant to
7 this section or other applicable laws shall not prevent any
8 conviction otherwise eligible for expungement under this section
9 from being expunged pursuant to this section. In such
10 circumstances, the court shall make clear in its order what
11 counts are expunged and what counts are not expunged or remain
12 convictions. In such circumstances, notwithstanding
13 subsection (5), any expungement pursuant to this subsection
14 shall not affect the records related to any count or conviction
15 in the same case that are not eligible for expungement.

16 (10) Any conviction ordered expunged pursuant to this
17 section shall not be considered as a prior conviction when
18 determining the sentence to be imposed for any subsequent crime.

19 (11) In any application for employment, license, or other
20 civil right or privilege, or any appearance as a witness, a
21 person whose conviction of a crime has been expunged pursuant to



1 this chapter may state that the person has never been convicted
2 of the crime; provided that, if the person is an applicant for a
3 law enforcement agency position, for admission to the bar of any
4 court, an applicant for a teaching certificate, or the operator
5 or employee of an early childhood education facility, the person
6 shall disclose the fact of a conviction.

7 (12) Whenever the records of any conviction of a person
8 have been expunged under the provisions of this section, any
9 custodian of the records of conviction relating to that crime
10 shall not disclose the existence of the records upon inquiry
11 from any source, unless the inquiry is that of the person whose
12 record was expunged, that of a bar admission, character and
13 fitness, or disciplinary committee, board, or agency, or court
14 which is considering a bar admission, character and fitness, or
15 disciplinary matter, or that of the board of education, or that
16 of any law enforcement agency when the nature and character of
17 the offense in which an individual is to be charged would be
18 affected by virtue of the person having been previously
19 convicted or adjudicated of the same offense. The custodian of
20 any records which have been expunged pursuant to the provisions
21 of this section shall only release or allow access to those



1 records for the purposes specified in this subsection or by
2 order of a court.

3 (13) The judiciary and its employees and agents and the
4 department of the attorney general and its employees and agents
5 are immune from any civil liability for any act of commission or
6 omission, taken in good faith, arising out of and in the course
7 of participation in, or assistance with the expungement
8 procedures set forth in this section. This immunity shall be in
9 addition to and not in limitation of any other immunity provided
10 by law.

11 (14) The attorney general may adopt rules to effectuate
12 the purposes of this section."

13 PART V

14 SECTION 12. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$ or so
16 much thereof as may be necessary for fiscal year 2023-2024 and
17 the same sum or so much thereof as may be necessary for fiscal
18 year 2024-2025 for the implementation of this Act.

19 The sums appropriated shall be expended by the department
20 of health for the purposes of this Act.

21 PART VI



1 SECTION 13. In codifying the new chapters and sections
2 added by sections 3 and referenced in sections 5, 8, 9, 10, and
3 11 of this Act, the revisor of statutes shall substitute
4 appropriate section numbers for the letters used in designating
5 the new sections in this Act.

6 SECTION 14. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 15. This Act shall take effect on July 1, 2023.



Report Title:

Responsible, Adult-Use Cannabis; Hawaii Cannabis authority;
Medical Cannabis; Taxation; DOH; Appropriation

Description:

Establishes the Hawaii Cannabis Authority within the Department of Health to adopt rules to regulate responsible, adult-use of cannabis in the State. Establishes that possession of cannabis by an adult in the amount of four ounces or less without a prescription shall be lawful and requires all convictions for such acts be expunged. Transfers the powers and duties of the Department of Health under state law governing medical cannabis dispensary system, including powers and duties over medical marijuana dispensary operations, licensing, testing, and administration, to the Hawaii cannabis authority. Appropriates funds. (SD1)

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

