
A BILL FOR AN ACT

RELATING TO MEDICAL CANNABIS.

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

1 SECTION 1. Chapter 329D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§329D- Unauthorized operation of a dispensary; criminal
5 penalty. (a) It shall be unlawful for any person to operate a
6 dispensary without a license from the department pursuant to
7 this chapter.

8 (b) No person shall intentionally, knowingly, or
9 recklessly operate any search platform, web hosting services,
10 social media platform, or other entity that posts information
11 advertising the sale of cannabis products by an unlicensed
12 person or entity engaged in the production, manufacture, or sale
13 of cannabis or manufactured cannabis products without a license
14 pursuant to this chapter.

15 (c) The department shall issue a cease and desist notice
16 to any person or entity who violates subsection (a) or (b);



1 provided that the cease and desist notice shall be issued before
2 initiating criminal proceedings.

3 (d) Any person who violates subsection (a) shall be guilty
4 of a class C felony.

5 (e) It shall be an affirmative defense to subsection (b)
6 that the person operating any search platform, web hosting
7 services, social media platform, or other entity that posts
8 information advertising the sale of cannabis products had
9 requested, examined, and reasonably relied upon a license that
10 appeared to have been issued by the department that was shown by
11 the unlicensed person or unlicensed entity engaged in the
12 production, manufacture, or sale of cannabis or manufactured
13 cannabis products establishing that the unlicensed person or
14 unlicensed entity was licensed by the department to engage in
15 the production, manufacture, or sale of cannabis or manufactured
16 cannabis products pursuant to this chapter. The failure of the
17 person operating any search platform, web hosting services,
18 social media platform, or other entity that posts information
19 advertising the sale of cannabis products to request and examine
20 a license issued by the department from the unlicensed person or
21 unlicensed entity engaged in the production, manufacture, or



1 sale of cannabis or manufactured cannabis products before
2 providing access to any search platform, web hosting services,
3 social media platform, or other entity that posts information
4 advertising the sale of cannabis products shall be construed
5 against the person operating any search platform, web hosting
6 services, social media platform, or other entity that posts
7 information advertising the sale of cannabis products and form a
8 conclusive basis for the person's violation of this section.

9 (f) This section shall not apply to:

10 (1) Hemp processors, hemp product retailers, or hemp
11 produce retailers with a valid permit under
12 chapter 328G; or

13 (2) Primary qualified caregivers registered under
14 chapter 329 who are acting within the scope of their
15 permit or registration."

16 SECTION 2. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 3. New statutory material is underscored.

20 SECTION 4. This Act shall take effect on December 31,
21 2050.



Report Title:

DOH; Medical Cannabis; Licensure; Requirement; Cease and Desist Notice; Penalty; Violations; Affirmative Defense; Conclusive Basis; Exceptions

Description:

Prohibits persons from operating a medical cannabis dispensary without a license from the Department of Health. Prohibits individuals from providing certain services to individuals engaging in unlicensed cannabis operations. Requires the Department of Health to send a cease and desist notice to violators. Establishes criminal penalties. Establishes an affirmative defense for, and a conclusive basis for certain violations. Establishes exceptions. Effective 12/31/2050. (SD1)

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

