
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 of these conditions, including severe
5 pain, nausea, muscle spasms, and seizures. Act 241, Session
6 Laws of Hawaii 2015, provided patient access to medical cannabis
7 beyond the access that existed prior to the creation of the
8 dispensary system authorized by Act 241. However, the intent of
9 the legislature as expressed in Act 241 was, and continues to
10 be, to expand qualifying patients' access to cannabis rather
11 than to replace existing access routes. According to the rapid
12 survey of Hawaii medical cannabis patients and providers
13 conducted by the department of health in 2022, fifty-five per
14 cent of patients indicated that they obtained their cannabis
15 exclusively from a licensed medical cannabis dispensary. This
16 means that up to forty-five per cent of patients obtain their
17 cannabis for medical use from other sources, including



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

8 Accordingly, the purpose of this Act is to maintain and
9 clarify the multiple options currently available for qualifying
10 patients to access a safe and legal supply of medical cannabis.

11 SECTION 2. Section 329-123, Hawaii Revised Statutes, is
12 amended by amending subsection (c) to read as follows:

13 "(c) Primary caregivers shall register with the department
14 of health. [~~Every~~] Each primary caregiver shall be responsible
15 for the care of [~~only one~~] not more than five qualifying
16 [~~patient~~] patients at any given time, unless the primary
17 caregiver is the parent, guardian, or person having legal
18 custody of more than one minor qualifying patient, in which case
19 the primary caregiver may be responsible for the care of more
20 than one minor qualifying patient at any given time; provided
21 that the primary caregiver is the parent, guardian, or person



1 having legal custody of all of the primary caregiver's
 2 qualifying patients. The department of health may permit
 3 registration of up to two primary caregivers for a minor
 4 qualifying patient; provided that both primary caregivers are
 5 the parent, guardian, or person having legal custody of the
 6 minor qualifying patient."

7 SECTION 3. Section 329-130, Hawaii Revised Statutes, is
 8 amended to read as follows:

9 "**§329-130 Authorized sources of medical cannabis.** (a)

10 [~~After December 31, 2024, a~~] A qualifying patient shall obtain
 11 medical cannabis or manufactured cannabis products only:

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

15 (2) By cultivating cannabis in an amount that does not
 16 exceed an adequate supply for the qualifying
 17 patient[~~s~~] pursuant to section 329-122; provided that
 18 each location used to cultivate cannabis shall be used
 19 [~~by~~] to cultivate cannabis for no more than five
 20 qualifying patients[~~s~~]; or



1 (3) From the qualifying patient's primary caregiver who
 2 cultivates cannabis in an amount that does not exceed
 3 an adequate supply for the qualifying patient pursuant
 4 to section 329-122; provided that each location used
 5 to cultivate cannabis shall be used to cultivate
 6 cannabis for not more than five qualifying patients.

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

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

10 ~~(1) A qualifying patient who is a minor or an adult~~
 11 ~~lacking legal capacity and the primary caregiver is~~
 12 ~~the parent, guardian, or person having legal custody~~
 13 ~~of a qualifying patient described in the paragraph; or~~

14 ~~(2) A qualifying patient on any island on which there is~~
 15 ~~no medical cannabis dispensary licensed pursuant to~~
 16 ~~chapter 329D.~~

17 ~~(e)]~~ (b) A qualifying out-of-state patient and a caregiver
 18 of a qualifying out-of-state patient shall be authorized to
 19 obtain cannabis for medical use only from retail dispensing
 20 locations of dispensaries licensed pursuant to chapter 329D."



1 SECTION 4. Section 329D-27, Hawaii Revised Statutes, is
2 amended by amending subsections (b) and (c) to read as follows:

3 "(b) No later than January 4, 2016, the department shall
4 adopt interim rules, which shall be exempt from chapter 91 and
5 chapter 201M, to effectuate the purposes of this chapter;
6 provided that the interim rules shall remain in effect until
7 July 1, [~~2025~~] 2027, or until rules are adopted pursuant to
8 subsection (a), whichever occurs sooner.

9 (c) The department may amend the interim rules, and the
10 amendments shall be exempt from chapters 91 and 201M, to
11 effectuate the purposes of this chapter; provided that any
12 amended interim rules shall remain in effect until July 1,
13 [~~2025~~] 2027, or until rules are adopted pursuant to
14 subsection (a), whichever occurs sooner."

15 SECTION 5. Act 241, Session Laws of Hawaii 2015,
16 section 14, as amended by Act 41, Session Laws of Hawaii 2017,
17 section 11, as amended by Act 159, Session Laws of Hawaii 2018,
18 is amended to read as follows:

19 "SECTION 14. For the purposes of effectuating this Act,
20 the personnel hired and the contracts entered into by the
21 department of health, pursuant to this Act, shall be exempt from



1 chapter 76, Hawaii Revised Statutes, for a period beginning on
2 July 1, 2015, and ending on June 30, [~~2025,~~] 2027; provided
3 that:

4 (1) All personnel actions taken pursuant to this Act by
5 the department of health after June 30, [~~2025,~~] 2027,
6 shall be subject to chapter 76, Hawaii Revised
7 Statutes, as appropriate; and

8 (2) Any employee hired by the department of health to
9 effectuate this Act, who occupies a position exempt
10 from civil service on July 1, [~~2025,~~] 2027, shall:
11 (A) Be appointed to a civil service position; and
12 (B) Not suffer any loss of prior service credit,
13 vacation or sick leave credits previously earned,
14 or other employee benefits or privileges;
15 provided that the employee possesses the minimum
16 qualifications and public employment requirements for
17 the class or position to which appointed; provided
18 further that subsequent changes in status shall be
19 made pursuant to applicable civil service and
20 compensation laws."



1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect retroactive to
4 December 31, 2050.



Report Title:

DOH; Office of Medical Cannabis Control and Regulation;
Caregivers; Medical Cannabis; Cultivation

Description:

Retroactively repeals the sunset date of the authorization for primary caregivers to cultivate medical cannabis for their qualifying patients. Increases the number of qualifying patients a primary caregiver is authorized to care for from 1 to 5 patients. Establishes that each location used by primary caregivers to cultivate cannabis can be used to cultivate cannabis for not more than five qualifying patients. Extends the effective date of interim rules adopted by the Department of Health pursuant to section 329D-27, Hawaii Revised Statutes, to 7/1/2027. Extends the sunset date for the exemption of personnel hired by or contracts entered into by the Department of Health pursuant to Act 241, Session Laws of Hawaii 2015, from civil service to 6/30/2027. 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.

