

JAN 23 2025

A BILL FOR AN ACT

RELATING TO THE MEDICAL USE OF CANNABIS.

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

1 SECTION 1. Section 329-122, Hawaii Revised Statutes, is
2 amended by amending subsections (c) and (d) to read as follows:

3 "(c) Notwithstanding any law to the contrary, the medical
4 use of cannabis within the State by a qualifying out-of-state
5 patient aged eighteen years or older legally authorized to use
6 cannabis for medical purposes in another state, a United States
7 territory, or the District of Columbia shall be permitted only
8 if the qualifying out-of-state patient:

9 (1) [~~Provides to the department of health~~] Possesses a
10 valid medical use of cannabis card with an explicit
11 expiration date that has not yet passed from the
12 issuing jurisdiction and a valid photographic
13 identification card or driver's license issued by the
14 same jurisdiction;

15 [~~(2) Attests under penalty of law pursuant to section~~
16 ~~710-1063 that the condition for which the qualifying~~
17 ~~out-of-state patient is legally authorized to use~~



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



1 (1) The caregiver of the qualifying out-of-state patient
2 [~~provides the information required pursuant to~~
3 ensures that the qualifying out-of-state patient
4 complies with subsection (c); and

5 (2) The caregiver of the qualifying out-of-state patient
6 [~~consents in writing to~~]:

7 (A) [~~Allow~~] Allows the qualifying out-of-state
8 patient's medical use of cannabis;

9 (B) [~~Undertake~~] Undertakes the responsibility for
10 managing the well-being of the qualifying
11 out-of-state patient who is under eighteen years
12 of age with respect to the medical use of
13 cannabis; and

14 (C) [~~Control~~] Controls the acquisition of the
15 cannabis, the dosage, and the frequency of the
16 medical use of cannabis by the qualifying
17 out-of-state patient who is under eighteen years
18 of age."

19 SECTION 2. Section 329-123, Hawaii Revised Statutes, is
20 amended by amending subsections (a) and (b) to read as follows:



1 "(a) Physicians or advanced practice registered nurses who
2 issue written certifications shall provide, in each written
3 certification, the name, address, patient identification number,
4 and other identifying information of the qualifying patient.
5 The department of health shall require, in rules adopted
6 pursuant to chapter 91, that all written certifications comply
7 with a designated form completed by or on behalf of a qualifying
8 patient. The form shall require information from the applicant,
9 primary caregiver, and physician or advanced practice registered
10 nurse as specifically required or permitted by this chapter.
11 The form shall require the address of the location where the
12 cannabis is grown and shall appear on the registry card issued
13 by the department of health. The certifying physician or
14 advanced practice registered nurse shall be required to have a
15 bona fide physician-patient relationship or bona fide advanced
16 practice registered nurse-patient relationship, as applicable,
17 with the qualifying patient. These relationships may be
18 established in-person, or via telehealth as described in section
19 329-126(b). All current active medical cannabis permits shall
20 be honored through their expiration date.



1 (b) Qualifying patients shall register with the department
2 of health. The registration shall be effective until the
3 expiration of the certificate issued by the department of health
4 and signed by the physician or advanced practice registered
5 nurse. Every qualifying patient shall provide sufficient
6 identifying information to establish the personal identities of
7 the qualifying patient and the primary caregiver. Qualifying
8 patients shall report changes in information within ten working
9 days. Every qualifying patient shall have only one primary
10 caregiver at any given time. The department of health shall
11 issue to the qualifying patient a registration certificate [~~and~~
12 ~~may~~]. The department of health shall not charge a fee for [the]
13 an initial certificate [in an amount adopted by rules pursuant
14 to chapter 91.] or any renewal certificate."

15 SECTION 3. Section 329-126, Hawaii Revised Statutes, is
16 amended by amending subsection (b) to read as follows:

17 "(b) For purposes of this [~~section,~~] part, a bona fide
18 physician-patient relationship may be established via
19 telehealth, as defined in section 453-1.3(j), and a bona fide
20 advanced practice registered nurse-patient relationship may be
21 established via telehealth, as defined in section 457-2[~~+~~



1 ~~provided that treatment recommendations that include certifying~~
2 ~~a patient for the medical use of cannabis via telehealth shall~~
3 ~~be allowed only after an initial in-person consultation between~~
4 ~~the certifying physician or advanced practice registered nurse~~
5 ~~and the patient]."~~

6 SECTION 4. Section 329D-7, Hawaii Revised Statutes, is
7 amended to read as follows:

8 **"§329D-7 Medical cannabis dispensary rules.** The
9 department shall establish standards with respect to:

- 10 (1) The number of medical cannabis dispensaries that shall
11 be permitted to operate in the State;
- 12 (2) A fee structure, set by rules adopted pursuant to
13 chapter 91, for:
- 14 (A) The submission of applications and renewals of
15 licenses to dispensaries; provided that the
16 department shall consider the market conditions
17 in each county in determining the license renewal
18 fee amounts;
- 19 (B) The submission of applications and renewals for
20 each additional production center; and



- 1 (C) Dispensary-to-dispensary sales authorized by
2 section 329D-6(r);
3 provided that no designated fee shall increase by more
4 than two and one-half per cent annually;
- 5 (3) Criteria and procedures for the consideration and
6 selection, based on merit, of applications for
7 licensure of dispensaries; provided that the criteria
8 shall include but not be limited to an applicant's:
- 9 (A) Ability to operate a business;
- 10 (B) Financial stability and access to financial
11 resources; provided that applicants for medical
12 cannabis dispensary licenses shall provide
13 documentation that demonstrates control of not
14 less than \$1,000,000 in the form of escrow
15 accounts, letters of credit, surety bonds, bank
16 statements, lines of credit or the equivalent to
17 begin operating the dispensary;
- 18 (C) Ability to comply with the security requirements
19 developed pursuant to paragraph (6);
- 20 (D) Capacity to meet the needs of qualifying patients
21 and qualifying out-of-state patients;



- 1 (E) Ability to comply with criminal background check
- 2 requirements developed pursuant to paragraph (8);
- 3 and
- 4 (F) Ability to comply with inventory controls
- 5 developed pursuant to paragraph (13);
- 6 (4) Specific requirements regarding annual audits and
- 7 reports required from each production center and
- 8 dispensary licensed pursuant to this chapter;
- 9 (5) Procedures for announced and unannounced inspections
- 10 by the department or its agents of production centers
- 11 and dispensaries licensed pursuant to this chapter;
- 12 provided that inspections for license renewals shall
- 13 be unannounced;
- 14 (6) Security requirements for the operation of production
- 15 centers and retail dispensing locations; provided
- 16 that, at a minimum, the following shall be required:
- 17 (A) For production centers:
- 18 (i) Video monitoring and recording of the
- 19 premises; provided that recordings shall be
- 20 retained for fifty days;



1 (ii) Fencing that surrounds the premises and that
2 is sufficient to reasonably deter intruders
3 and prevent anyone outside the premises from
4 viewing any cannabis in any form;

5 (iii) An alarm system; and

6 (iv) Other reasonable security measures to deter
7 or prevent intruders, as deemed necessary by
8 the department; and

9 (B) For retail dispensing locations:

10 (i) Presentation of a valid government-issued
11 photo identification and a valid
12 identification as issued by the department
13 pursuant to section 329-123 by a qualifying
14 patient or caregiver, or [~~section 329-123.5~~]
15 by another state, a United States territory,
16 or the District of Columbia by a qualifying
17 out-of-state patient or caregiver of a
18 qualifying out-of-state patient, upon
19 entering the premises;



- 1 (ii) Video monitoring and recording of the
- 2 premises; provided that recording shall be
- 3 retained for fifty days;
- 4 (iii) An alarm system;
- 5 (iv) Exterior lighting; and
- 6 (v) Other reasonable security measures as deemed
- 7 necessary by the department;
- 8 (7) Security requirements for the transportation of
- 9 cannabis and manufactured cannabis products between
- 10 production centers and retail dispensing locations and
- 11 between a production center, retail dispensing
- 12 location, qualifying patient, primary caregiver,
- 13 qualifying out-of-state patient, or caregiver of a
- 14 qualifying out-of-state patient and a certified
- 15 laboratory, pursuant to section 329-122(f);
- 16 (8) Standards and criminal background checks to ensure the
- 17 reputable and responsible character and fitness of all
- 18 license applicants, licensees, employees,
- 19 subcontractors and their employees, and prospective
- 20 employees of medical cannabis dispensaries to operate
- 21 a dispensary; provided that the standards, at a



- 1 minimum, shall exclude from licensure or employment
2 any person convicted of any felony;
- 3 (9) The training and certification of operators and
4 employees of production centers and dispensaries;
- 5 (10) The types of manufactured cannabis products that
6 dispensaries shall be authorized to manufacture and
7 sell pursuant to sections 329D-9 and 329D-10;
- 8 (11) Laboratory standards related to testing cannabis and
9 manufactured cannabis products for content,
10 contamination, and consistency;
- 11 (12) The quantities of cannabis and manufactured cannabis
12 products that a dispensary may sell or provide to a
13 qualifying patient, primary caregiver, qualifying
14 out-of-state patient, or caregiver of a qualifying
15 out-of-state patient; provided that no dispensary
16 shall sell or provide to a qualifying patient, primary
17 caregiver, qualifying out-of-state patient, or
18 caregiver of a qualifying out-of-state patient any
19 combination of cannabis and manufactured cannabis
20 products that:



1 (A) During a period of fifteen consecutive days,
2 exceeds the equivalent of four ounces of
3 cannabis; or

4 (B) During a period of thirty consecutive days,
5 exceeds the equivalent of eight ounces of
6 cannabis;

7 (13) Dispensary and production center inventory controls to
8 prevent the unauthorized diversion of cannabis or
9 manufactured cannabis products or the distribution of
10 cannabis or manufactured cannabis products to a
11 qualifying patient, primary caregiver, qualifying
12 out-of-state patient, or caregiver of a qualifying
13 out-of-state patient in quantities that exceed limits
14 established by this chapter; provided that the
15 controls, at a minimum, shall include:

16 (A) A computer software tracking system as specified
17 in section 329D-6(j) and (k); and

18 (B) Product packaging standards sufficient to allow
19 law enforcement personnel to reasonably determine
20 the contents of an unopened package;



- 1 (14) Limitation to the size or format of signs placed
- 2 outside a retail dispensing location or production
- 3 center; provided that the signage limitations, at a
- 4 minimum, shall comply with section 329D-6(o)(2) and
- 5 shall not include the image of a cartoon character or
- 6 other design intended to appeal to children;
- 7 (15) The disposal or destruction of unwanted or unused
- 8 cannabis and manufactured cannabis products;
- 9 (16) The enforcement of the following prohibitions against:
- 10 (A) The sale or provision of cannabis or manufactured
- 11 cannabis products to unauthorized persons;
- 12 (B) The sale or provision of cannabis or manufactured
- 13 cannabis products to a qualifying patient,
- 14 primary caregiver, qualifying out-of-state
- 15 patient, or caregiver of a qualifying
- 16 out-of-state patient in quantities that exceed
- 17 limits established by this chapter; and
- 18 (C) Any use or consumption of cannabis or
- 19 manufactured cannabis products on the premises of
- 20 a retail dispensing location or production
- 21 center;



- 1 (17) The establishment of a range of penalties for
- 2 violations of this chapter or rule adopted thereto;
- 3 (18) A process to recognize and register patients who are
- 4 authorized to purchase, possess, and use medical
- 5 cannabis in another state, a United States territory,
- 6 or the District of Columbia as qualifying out-of-state
- 7 patients; provided that this registration process may
- 8 commence no sooner than January 1, 2018; and
- 9 (19) Security requirements and restrictions regarding
- 10 waiting rooms, including but not limited to:
- 11 (A) Security measures to prevent unauthorized access
- 12 to any area within the retail dispensing location
- 13 outside of the waiting room;
- 14 (B) Restrictions on marketing and advertising within
- 15 the waiting room;
- 16 (C) Restrictions on signage within the waiting room;
- 17 and
- 18 (D) Other reasonable security measures or
- 19 restrictions as deemed necessary by the
- 20 department."



1 SECTION 5. Section 329D-13, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) Beginning on January 1, 2018, this section may apply
4 to qualifying out-of-state patients from other states,
5 territories of the United States, or the District of Columbia[+
6 ~~provided that the patient meets the registration requirements of~~
7 ~~section 329-123.5]."~~

8 SECTION 6. Section 329-123.5, Hawaii Revised Statutes, is
9 repealed.

10 [~~§329-123.5 Registration requirements; qualifying~~
11 ~~out-of-state patient; caregiver of a qualifying out-of-state~~
12 ~~patient.~~ (a) ~~Notwithstanding section 329-123, a qualifying~~
13 ~~out-of-state patient and a caregiver of a qualifying~~
14 ~~out-of-state patient shall register with the department of~~
15 ~~health as established by rule. The registration shall be~~
16 ~~effective for no more than sixty days and may be renewed for no~~
17 ~~more than one additional sixty-day period that begins no later~~
18 ~~than twelve months after the preceding registration date;~~
19 ~~provided that the department shall not register any qualifying~~
20 ~~out-of-state patient for a period that exceeds the term of~~
21 ~~validity of the qualifying out-of-state patient's authority to~~



1 ~~use medical cannabis in the qualifying out-of-state patient's~~
2 ~~home jurisdiction.~~

3 ~~(b) A qualifying out-of-state patient aged eighteen or~~
4 ~~older, at a minimum, shall meet the following criteria for~~
5 ~~registration:~~

6 ~~(1) Provide a valid government-issued medical cannabis~~
7 ~~card issued to the qualifying out-of-state patient by~~
8 ~~another state, United States territory, or the~~
9 ~~District of Columbia; provided that the medical~~
10 ~~cannabis card has an expiration date and has not~~
11 ~~expired;~~

12 ~~(2) Provide a valid photographic identification card or~~
13 ~~driver's license issued by the same jurisdiction that~~
14 ~~issued the medical cannabis card; and~~

15 ~~(3) Have a debilitating medical condition, as defined in~~
16 ~~section 329-121.~~

17 ~~(c) A qualifying out-of-state patient under eighteen years~~
18 ~~of age may be registered pursuant to this section only if the~~
19 ~~qualifying patient has a debilitating medical condition as~~
20 ~~defined in section 329-121 and the caregiver of the qualifying~~
21 ~~out-of-state patient, at a minimum, meets the requirements of~~



1 ~~paragraphs (1) and (2) of subsection (b) and consents in writing~~
2 ~~to:~~

3 ~~(1) Allow the qualifying out-of-state patient's medical~~
4 ~~use of cannabis;~~

5 ~~(2) Undertake the responsibility for managing the~~
6 ~~well-being of the qualifying out-of-state patient who~~
7 ~~is under eighteen years of age, with respect to the~~
8 ~~medical use of cannabis; and~~

9 ~~(3) Control the acquisition of the cannabis, the dosage,~~
10 ~~and the frequency of the medical use of cannabis by~~
11 ~~the qualifying out-of-state patient who is under~~
12 ~~eighteen years of age.~~

13 ~~(d) In the case of any qualifying out-of-state patient who~~
14 ~~is under eighteen years of age, the department of health shall~~
15 ~~register the qualifying out-of-state patient and the caregiver~~
16 ~~of the qualifying out-of-state patient; provided that the~~
17 ~~department may register two caregivers for a qualifying~~
18 ~~out-of-state patient if each caregiver is the parent, guardian,~~
19 ~~or person having legal custody of the qualifying out-of-state~~
20 ~~patient who is under eighteen years of age.~~



1 ~~(e) Each qualifying out-of-state patient shall pay a fee~~
2 ~~in an amount established by rules adopted by the department~~
3 ~~pursuant to chapter 91 for each registration and renewal.~~

4 ~~(f) Upon inquiry by a law enforcement agency, the~~
5 ~~department of health shall immediately verify whether the~~
6 ~~subject of the inquiry has registered with the department of~~
7 ~~health and may provide reasonable access to the registry~~
8 ~~information for official law enforcement purposes. An inquiry~~
9 ~~and verification under this subsection may be made twenty-four~~
10 ~~hours a day, seven days a week.~~

11 ~~(g) The department of health may temporarily suspend the~~
12 ~~registration of a qualifying out-of-state patient or a~~
13 ~~registered caregiver of a qualifying out-of-state patient for a~~
14 ~~period of up to thirty days if the department of health~~
15 ~~determines that the registration process for qualifying patients~~
16 ~~or primary caregivers is being adversely affected or the supply~~
17 ~~of cannabis for medical use available in licensed dispensaries~~
18 ~~is insufficient to serve qualifying patients and qualifying~~
19 ~~out-of-state patients. A temporary suspension may be extended~~
20 ~~by thirty-day periods until the department of health determines~~
21 ~~that:~~



1 ~~(1) Adequate capacity exists to register qualifying~~
2 ~~out-of-state patients and caregivers of qualifying~~
3 ~~out-of-state patients in addition to qualifying~~
4 ~~patients and primary caregivers; and~~
5 ~~(2) The licensed dispensaries are able to meet the demands~~
6 ~~of qualifying patients."]~~

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

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

12 SECTION 9. This Act shall take effect upon its approval.

13

INTRODUCED BY: 



S.B. NO. 1595

Report Title:

DOH; Medical Cannabis; Out-of-State Patients; Registration;
Telehealth; Fees

Description:

Repeals registration requirements relating to qualifying out-of-state medical cannabis patients who are validly registered in other states, United States territories, or the District of Columbia. Repeals language requiring an initial in-person consultation before physicians and advanced practice registered nurses may make medical cannabis treatment recommendations via telehealth. Prohibits the Department of Health from imposing fees for patients' medical cannabis registration certificates.

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

