
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
18 cultivation. Part of the justification for establishing the

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

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

10 SECTION 2. Section 329-130, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§329-130 Authorized sources of medical cannabis. (a)
13 ~~[After December 31, 2024]~~ A qualifying patient shall obtain
14 medical cannabis or manufactured cannabis products only:

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

18 (2) By cultivating cannabis in an amount that does not
19 exceed an adequate supply for the qualifying
20 patient~~[7]~~ pursuant to section 329-122; provided that
21 each location used to cultivate cannabis shall be used

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1 ~~[by]~~ to cultivate cannabis for no more than five
2 qualifying patients[-]; or

3 (3) From the qualifying patient's primary caregiver who
4 cultivates cannabis in an amount that does not exceed
5 an adequate supply for the qualifying patient pursuant
6 to section 329-122; provided that each location used
7 to cultivate cannabis shall be used to cultivate
8 cannabis for no more than five qualifying patients.

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

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

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

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

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

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1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act, upon its approval, shall take effect
4 retroactive to January 1, 2025.

5
6 INTRODUCED BY: Nathan K. Perkins

7 BY REQUEST

JAN 21 2025

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Report Title:

Department of Health; 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. Clarifies that each location used to cultivate cannabis can be used to cultivate cannabis for no more than five qualifying patients. Effective 1/1/2025.

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

JUSTIFICATION SHEET

DEPARTMENT: HEALTH

TITLE: A BILL FOR AN ACT RELATING TO MEDICAL CANNABIS.

PURPOSE: To reestablish options for a qualifying patient's access to medical cannabis by authorizing a primary caregiver to cultivate cannabis for their qualifying patient.

MEANS: Amend section 329-130, Hawaii Revised Statutes

JUSTIFICATION: Medical cannabis primary caregivers are a vital resource to qualifying patients that require cannabis for medical use. Many patients are too ill to grow their medical cannabis and a caregiver can be designated to cultivate medical cannabis on behalf of the patient, as well as assist the patient in purchasing medical cannabis from the dispensary. The Department believes it is beneficial for patients to continue to have multiple options for accessing cannabis for medical use.

Impact on the public: Expand access to medical cannabis for qualifying patients who are unable to cultivate medical cannabis on their own.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HTH 560

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.