

JAN 30 2026

A BILL FOR AN ACT

RELATING TO CANNABIS.

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

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER

LOW-DOSE AND LOW-POTENCY CANNABIS

PART I. GENERAL PROVISIONS

§ -1 **Definitions.** As used in this chapter:

"Cannabinoid" means any of the various naturally occurring, biologically active, chemical constituents of the plant of the genus Cannabis that bind to or interact with receptors of the endogenous cannabinoid system.

"Cannabis" has the same meaning as marijuana and marijuana concentrate as provided in sections 329-1 and 712-1240; provided that for the purposes of this chapter "cannabis":

(1) Includes:

(A) Cannabis flower and cannabis products;

(B) Medical cannabis; and



1 (C) Low-dose and low-potency cannabis; and
2 (2) Does not include hemp or manufactured hemp products
3 authorized pursuant to chapter 328G.

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

11 "Cannabis concentrate" means the separated resin, whether
12 crude or purified, obtained, derived, or extracted from
13 cannabis.

14 "Cannabis flower" means the flower of a plant of the genus
15 Cannabis that has been harvested, dried, or cured, before any
16 processing whereby the plant material is transformed into a
17 cannabis product.

18 "Child care facility" has the same meaning as defined in
19 section 346-151.



1 "Child-resistant" means designed or constructed to be
2 significantly difficult for children under the age of five to
3 open, and not difficult for average adults to use properly.

4 "Cultivate" or "cultivation" means cloning, curing, drying,
5 grading, growing, harvesting, propagating, or trimming of low-
6 dose and low-potency cannabis plants or hemp plants.

7 "Edible cannabis product" means a cannabis product intended
8 to be used orally, in whole or in part, for human consumption,
9 including cannabis products that dissolve or disintegrate in the
10 mouth. "Edible cannabis product" does not include any product
11 otherwise defined as cannabis concentrate.

12 "Hemp" has the same meaning as defined in section 328G-1.

13 "Low-dose and low-potency cannabis" means cannabis that:

14 (1) May be legally possessed or consumed by a person who
15 is at least twenty-one years of age pursuant to this
16 chapter; and

17 (2) Contains not more than:

18 (A) Five milligrams of tetrahydrocannabinol per
19 serving, as defined by the department by rule; or

20 (B) If in liquid form, five milligrams of
21 tetrahydrocannabinol per twelve ounces.



1 "Low-dose and low-potency cannabis" includes low-dose and low-
2 potency cannabis products. "Low-dose and low-potency cannabis"
3 does not include medical cannabis.

4 "Low-dose and low-potency cannabis plant" means the plant
5 of the genus Cannabis that produces low-dose and low-potency
6 cannabis in the seedling, vegetative, or flowering stages, with
7 readily observable roots and leaves with serrated edges.

8 "Cannabis plant" does not include a germinated seed, cutting, or
9 clone without readily observable roots and leaves with serrated
10 edges.

11 "Low-dose and low-potency cannabis product" means any
12 product containing or derived from low-dose and low-potency
13 cannabis, including an edible cannabis product, and cannabis
14 concentrate. "Low-dose and low-potency cannabis product" does
15 not include medical cannabis products.

16 "Manufactured hemp product" has the same meaning as defined
17 in section 328G-1.

18 "Marijuana" has the same meaning as defined in section
19 712-1240.

20 "Marijuana concentrate" has the same meaning as defined in
21 section 712-1240.



1 "Medical cannabis" means cannabis that is dispensed by a
2 medical cannabis dispensary for the medical use of cannabis
3 pursuant to chapter 329D. "Medical cannabis" includes a medical
4 cannabis product.

5 "Medical cannabis dispensary" has the same meaning as
6 defined in section 329D-1.

7 "Medical cannabis product" means any product containing or
8 derived from cannabis, including an edible cannabis product and
9 cannabis concentrate, that is solely for medical use by a
10 medical cannabis patient pursuant to chapter 329D.

11 "Medical use" means the acquisition, cultivation,
12 possession, transportation, or use of cannabis or cannabis
13 accessories relating to the administration of cannabis to
14 alleviate the symptoms or effects of a medical cannabis
15 patient's debilitating medical condition.

16 "Personal adult use" means the acquisition, cultivation,
17 possession, transportation, or use of low-dose and low-potency
18 cannabis or cannabis accessories by a person who is at least
19 twenty-one years of age.

20 "Private residence" means a house, condominium, or
21 apartment. "Private residence" does not include, unless



1 otherwise authorized by law, dormitories or other on-campus
2 college or university housing; bed-and-breakfast establishments,
3 hotels, motels, or other commercial hospitality operations; and
4 federal public housing, shelters, or residential programs.

5 "Process" or "processing" means to blend, compound,
6 extract, infuse, or otherwise make or prepare a cannabis
7 product.

8 "School" has the same meaning as defined in section
9 712-1249.6.

10 "School vehicle" has the same meaning as defined in section
11 286-181.

12 "Tetrahydrocannabinol" means the group of cannabinoids that
13 function as the primary psychoactive component of cannabis.

14 § -2 **General exemptions.** (a) Notwithstanding any law
15 to the contrary, including part IV of chapter 329 and part IV of
16 chapter 712, actions authorized pursuant to this chapter shall
17 be lawful if done in strict compliance with the requirements of
18 this chapter and any rules adopted pursuant to this chapter.

19 (b) A person may assert strict compliance with this
20 chapter or rules adopted pursuant to this chapter as an
21 affirmative defense to any prosecution involving marijuana or



1 marijuana concentrate, including under part IV of chapter 329
2 and part IV of chapter 712.

3 (c) Actions that do not strictly comply with the
4 requirements of this chapter and any rules adopted pursuant to
5 this chapter shall be unlawful and subject to civil, criminal,
6 or administrative procedures and penalties, or all of the above,
7 as provided by law.

8 § -3 Limitations; construction with other laws. Nothing
9 in this chapter shall be construed to:

10 (1) Supersede any law relating to operating a vehicle
11 under the influence of an intoxicant;

12 (2) Supersede any law involving the performance of any
13 task while impaired by cannabis that would constitute
14 negligence or professional malpractice, or prevent the
15 imposition of any civil, criminal, or other penalty
16 for the conduct;

17 (3) Supersede any law prohibiting or relating to smoking
18 or vaping, including chapter 328J;

19 (4) Authorize the possession or use of cannabis or
20 cannabis accessories on the grounds of or within a
21 child care facility, school, daycare center, youth



1 center, college, university, or other educational
2 institution, including a nursery school or summer
3 camp; school vehicle; or any correctional facility or
4 detoxification facility; provided that a caregiver may
5 administer a medical cannabis product that is not
6 intended for inhalation to a medical cannabis patient
7 under the age of twenty-one in a vehicle on school
8 grounds; provided further that a college or university
9 may authorize the possession or use of cannabis or
10 cannabis accessories, including low-dose and low-
11 potency cannabis or cannabis accessories, by persons
12 who are at least twenty-one years of age on the
13 grounds of or within the college or university in
14 accordance with this chapter; or

- 15 (5) Require any person that occupies, owns, or controls
16 real property to allow the consumption, cultivation,
17 dispensing, display, distribution, or processing of
18 cannabis on or within that property; provided that in
19 the case of the rental of a residential dwelling, a
20 landlord shall not prohibit the possession of cannabis



or the consumption of cannabis that is not intended
for inhalation, unless:

(A) The tenant is renting a room or rooms in only a
portion of a residence, where the rest of the
residence is rented to other people or occupied
by the landlord;

(B) The residence is incidental to detention or the
provision of counseling, educational, geriatric,
medical, religious, or similar service;

(C) The residence is a transitional housing facility;
or

(D) Failing to prohibit the possession or use of
cannabis would violate federal law or regulations
or cause the landlord to lose a monetary or
licensing-related benefit under federal law or
regulations.

**PART II. AUTHORIZED CONDUCT; SALE, USE, OR CULTIVATION OF LOW-
DOSE AND LOW-POTENCY CANNABIS**

**§ -11 Sale or use of low-dose and low-potency cannabis;
protections.** (a) Notwithstanding any other provision of law to
the contrary, except as limited by this chapter, beginning



January 1, 2027, it shall be lawful for persons who are at least twenty-one years of age to:

(1) Dispense or otherwise sell low-dose and low-potency cannabis to any person who is at least twenty-one years of age;

(2) Cultivate, store, transport, manufacture, process, possess, or possess with intent to distribute up to pounds of low-dose and low-potency cannabis for retail or dispensing purposes only;

(3) Smoke, ingest, or consume low-dose and low-potency cannabis;

(4) Purchase, transport, or possess up to ounces of low-dose and low-potency cannabis and up to grams of low-dose and low-potency cannabis products;

(5) Within a person's private residence only, possess up to ounces of low-dose and low-potency cannabis produced by their personal cultivation of cannabis pursuant to section -12; provided that not more than pounds of cannabis in total, whether for medical use or personal adult use of low-dose and low-



1 potency cannabis, shall be stored at any private
2 residence, regardless of the number of people residing
3 there; and

4 (6) Purchase, obtain, transport, or possess cannabis
5 accessories.

6 (b) All low-dose and low-potency cannabis that is
7 dispensed by a business shall be stored in a sealed child-
8 resistant and resealable packaging with original labels and not
9 easily accessible to any person under the age of twenty-one.

10 All low-dose and low-potency cannabis cultivated for personal
11 adult use shall be stored in a manner that is not easily
12 accessible to any person under the age of twenty-one.

13 (c) All low-dose and low-potency cannabis shall be
14 transported in a sealed container, shall not be visible to the
15 public, and shall not be removed from its sealed container or
16 consumed or used in any way while in a public place or vehicle.

17 (d) For the purposes of medical care, including organ and
18 tissue transplants, a person's personal adult use of low-dose
19 and low-potency cannabis in compliance with this part shall not
20 constitute the use of an illicit substance or otherwise
21 disqualify a person from medical care, unless in the judgment of



1 the health care provider the use of low-dose and low-potency
2 cannabis increases the risk for an adverse outcome from a
3 medical procedure or treatment.

4 (e) No person shall be denied custody, visitation, or
5 parenting time with a minor for conduct allowed under this part
6 and no presumption of neglect or child endangerment shall arise
7 therefrom; provided that this subsection shall not apply if the
8 person's conduct creates a danger to the safety of the minor as
9 established by a preponderance of the evidence.

10 (f) Except as provided in this chapter, the State and any
11 of its political subdivisions shall not impose any discipline
12 upon an employee or deny an employee any benefit or entitlement
13 for conduct permitted under this part or solely for the presence
14 of cannabinoids or cannabinoid metabolites in the urine, blood,
15 saliva, breath, hair, or other tissue or fluid of a person who
16 is at least twenty-one years of age, unless the failure to do so
17 would cause the State or any of its political subdivisions to
18 lose a monetary or licensing-related benefit under a contract or
19 federal law, or otherwise violate federal law. This subsection
20 shall not be construed to prohibit the State or any of its
21 political subdivisions from:



(1) Conducting drug testing and using the results of those tests for the discipline of an employee if the testing is done to comply with federal requirements or in accordance with the applicable collective bargaining agreement; or

(2) Disciplining employees for being impaired by cannabis while at work.

§ -12 Personal cultivation of low-dose and low-potency

cannabis. (a) Notwithstanding any other provision of law to the contrary, except as limited by this part, beginning January 1, 2027, it shall be lawful for persons who are at least twenty-one years of age to:

(1) Possess, plant, or cultivate not more than living low-dose and low-potency cannabis plants, whether mature or immature, for personal adult use only; and

(2) Harvest, dry, and process the low-dose and low-potency cannabis plants cultivated under paragraph (1) into low-dose and low-potency cannabis and low-dose and low-potency cannabis products for personal adult use only.



1 (b) Personal cultivation of low-dose and low-potency
2 cannabis plants shall only be permitted within, or on the
3 grounds of, a person's private residence; provided that not more
4 than plants, whether mature or immature and whether for
5 medical use or for personal adult use, shall be cultivated at a
6 private residence at any time regardless of the number of people
7 residing at the private residence.

8 (c) Low-dose and low-potency cannabis plants cultivated
9 for personal adult use shall be kept in a secured place not
10 easily accessible to any person under the age of twenty-one.

11 (d) Low-dose and low-potency cannabis plants cultivated
12 for personal adult use shall not be visible to the public
13 without the use of technology.

14 (e) A landlord, condominium association, planned community
15 association, or similar association may limit or prohibit the
16 personal cultivation of low-dose and low-potency cannabis plants
17 through contracts, lease or rental agreements, bylaws, or rules.

18 (f) The department of commerce and consumer affairs shall
19 adopt rules in accordance with chapter 91 to establish
20 requirements and restrictions for the personal cultivation of
21 low-dose and low-potency cannabis plants, including manners in



1 which the low-dose and low-potency cannabis plant may be
2 cultivated or processed into low-dose and low-potency cannabis
3 and low-dose and low-potency cannabis products and further
4 restrictions necessary to ensure that the personal cultivation
5 of low-dose and low-potency cannabis plants is not utilized for
6 illicit activity.

7 **§ -13 Cannabis accessories; authorized.** (a)

8 Notwithstanding any other provision of law to the contrary, it
9 shall be lawful for persons who are at least twenty-one years of
10 age to manufacture, possess, possess with intent to distribute,
11 or purchase cannabis accessories, or distribute or sell cannabis
12 accessories to persons who are at least twenty-one years of age.

13 (b) This section is intended to meet the requirements of
14 title 21 United States Code section 863(f) by authorizing, under
15 state law, any person in compliance with this chapter to
16 manufacture, possess, or distribute cannabis accessories.

17 **PART III. ADMINISTRATIVE RULES**

18 **§ -31 Administrative rules; authority.** The department
19 of commerce and consumer affairs shall adopt rules pursuant to
20 chapter 91 to effectuate the purposes of this chapter."



SECTION 2. Section 712-1240.1, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

"(2) It is an affirmative defense to prosecution for any marijuana-related offense defined in this part that the person who possessed or distributed the marijuana was authorized to possess or distribute the marijuana pursuant to chapter or for medical purposes pursuant to part IX of chapter 329."

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 5. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY: 



S.B. NO. 3275

Report Title:

DCCA; Cannabis; Low-Dose and Low-Potency Cannabis; Personal Adult Use; Sale; Possession; Cultivation; Legalization

Description:

Beginning January 1, 2027, legalizes the cultivation, sale, processing, purchasing, possession, transport, and use of low-dose and low-potency cannabis for personal adult use by persons over the age of twenty-one. Legalizes cannabis accessories. Legalizes the cultivation of low-dose and low-potency cannabis for personal adult use. Requires the Department of Commerce and Consumer Affairs to adopt rules to effectuate the legalization of low-dose and low-potency cannabis.

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

