
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 registered medical
2 cannabis patients need a local source of viable cannabis seeds
3 for personal cultivation so that they do not feel compelled to
4 turn to the illicit cannabis market.

5 The legislature further finds that statutory protections
6 for the intrastate sale of cannabis seeds by dispensaries to
7 registered medical cannabis patients are necessary, especially
8 in light of recent changes to the federal definition of "hemp"
9 and state restrictions on the commercial sale of viable hemp
10 seeds.

11 Accordingly, the purpose of this Act is to:

12 (1) Authorize dispensaries to sell viable cannabis seeds
13 to qualifying patients or their primary caregivers
14 under certain circumstances; and

15 (2) Repeal existing statutory language that authorizes the
16 department of law enforcement to:

1 (A) Inspect a qualifying medical cannabis patient's
2 medical records held by the health provider who
3 issued a written certification for the qualifying
4 patient; and

5 (B) Suspend or revoke a health provider's ability to
6 issue written certification for medical cannabis
7 if the provider refuses the foregoing inspection,
8 or if the medical records do not comply with the
9 medical use of cannabis law.

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

13 "§329D- **Viabile cannabis seeds; limited quantities.** (a)
14 Notwithstanding section 329D-24.5 or any law to the contrary, a
15 dispensary may sell viable cannabis seeds to a qualifying
16 patient or the qualifying patient's primary caregiver; provided
17 that not more than ten seeds per month may be purchased by, or
18 on behalf of, the qualifying patient.

19 (b) The department shall adopt rules pursuant to
20 chapter 91 as necessary to implement this section.



1 (c) For the purposes of this section, "viable cannabis
2 seed" means a healthy, mature cannabis seed that is capable of
3 germinating and growing into a healthy plant."

4 SECTION 3. Section 329-123.2, Hawaii Revised Statutes, is
5 repealed.

6 [~~"§329-123.2 Qualifying patient medical records;~~
7 ~~inspection and enforcement; authority.~~ (a) The department may
8 inspect a qualifying patient's medical records held by the
9 physician, advanced practice registered nurse, or hospice
10 provider who issued a written certification for the qualifying
11 patient.

12 ~~(b) The department may suspend or revoke the ability to~~
13 ~~issue a written certification for any physician, advanced~~
14 ~~practice registered nurse, or hospice provider who refuses~~
15 ~~inspection of a qualifying patient's medical records by the~~
16 ~~department pursuant to this section.~~

17 ~~(c) The department may suspend or revoke the ability to~~
18 ~~issue a written certification for any physician, advanced~~
19 ~~practice registered nurse, or hospice provider whose medical~~
20 ~~records do not comply with the requirements of this chapter."]~~



1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 5. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 6. This Act shall take effect on January 30, 2050.



Report Title:

DOH; DLE; Medical Cannabis; Dispensaries; Sales; Viable Seeds; Patients; Medical Records; Inspection; Repeal

Description:

Authorizes dispensaries to sell viable cannabis seeds to qualifying patients or their primary caregivers; provided that not more than 10 seeds per month may be purchased by, or on behalf of, the qualifying patient. Repeals existing statutory language that authorizes the Department of Law Enforcement to: (1) inspect a qualifying medical cannabis patient's medical records held by the health provider who issued a written certification for the qualifying patient; and (2) suspend or revoke a health provider's ability to issue written certification for medical cannabis if the provider refuses the foregoing inspection, or if the medical records do not comply with the medical use of cannabis law. Requires the Department of Health to adopt any necessary rules. Effective 1/30/2050. (SD1)

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