

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
6 low-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 office of medical
20 cannabis control and regulation by rule; or



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

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

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

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

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

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

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



1 "Marijuana concentrate" has the same meaning as defined in
2 section 712-1240.

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

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

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

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

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



1 "Private residence" means a house, condominium, or
2 apartment. "Private residence" does not include, unless
3 otherwise authorized by law, dormitories or other on-campus
4 college or university housing; bed-and-breakfast establishments,
5 hotels, motels, or other commercial hospitality operations; and
6 federal public housing, shelters, or residential programs.

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

10 "School" has the same meaning as defined in section
11 712-1249.6.

12 "School vehicle" has the same meaning as defined in section
13 286-181.

14 "Tetrahydrocannabinol" means the group of cannabinoids that
15 function as the primary psychoactive component of cannabis.

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



1 (b) A person may assert strict compliance with this
2 chapter or rules adopted pursuant to this chapter as an
3 affirmative defense to any prosecution involving marijuana or
4 marijuana concentrate, including under part IV of chapter 329
5 and part IV of chapter 712.

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

11 § -3 **Limitations; construction with other laws.** Nothing
12 in this chapter shall be construed to:

- 13 (1) Supersede any law relating to operating a vehicle
14 under the influence of an intoxicant;
- 15 (2) Supersede any law involving the performance of any
16 task while impaired by cannabis that would constitute
17 negligence or professional malpractice, or prevent the
18 imposition of any civil, criminal, or other penalty
19 for the conduct;
- 20 (3) Supersede any law prohibiting or relating to smoking
21 or vaping, including chapter 328J;

- 1 (4) Authorize the possession or use of cannabis or
2 cannabis accessories on the grounds of or within a
3 child care facility, school, daycare center, youth
4 center, college, university, or other educational
5 institution, including a nursery school or summer
6 camp; school vehicle; or any correctional facility or
7 detoxification facility; provided that a caregiver may
8 administer a medical cannabis product that is not
9 intended for inhalation to a medical cannabis patient
10 under the age of twenty-one in a vehicle on school
11 grounds; provided further that a college or university
12 may authorize the possession or use of cannabis or
13 cannabis accessories, including low-dose and
14 low-potency cannabis or cannabis accessories, by
15 persons who are at least twenty-one years of age on
16 the grounds of or within the college or university in
17 accordance with this chapter; or
- 18 (5) Require any person that occupies, owns, or controls
19 real property to allow the consumption, cultivation,
20 dispensing, display, distribution, or processing of
21 cannabis on or within that property; provided that in



1 the case of the rental of a residential dwelling, a
2 landlord shall not prohibit the possession of cannabis
3 or the consumption of cannabis that is not intended
4 for inhalation, unless:

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

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

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

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

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



1 § -11 **Sale or use of low-dose and low-potency cannabis;**
2 **protections.** (a) Notwithstanding any other provision of law to
3 the contrary, except as limited by this chapter, beginning
4 January 1, 2027, it shall be lawful for persons who are at least
5 twenty-one years of age to:

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

9 (2) Smoke, ingest, or consume low-dose and low-potency
10 cannabis; and

11 (3) Purchase, obtain, transport, or possess cannabis
12 accessories.

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

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

20 (c) All low-dose and low-potency cannabis shall be
21 transported in a sealed container, shall not be visible to the



1 public, and shall not be removed from its sealed container or
2 consumed or used in any way while in a public place or vehicle.

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

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

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

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

20 (h) The office of medical cannabis control and regulation
21 shall adopt rules in accordance with chapter 91 to establish



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

9 **§ -12 Cannabis accessories; authorized.** (a)

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

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

19 **PART III. ADMINISTRATIVE RULES**

20 **§ -21 Administrative rules; authority.** The office of
21 medical cannabis control and regulation shall adopt rules



1 pursuant to chapter 91 to effectuate the purposes of this
2 chapter."

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

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

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

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

19 SECTION 5. New statutory material is underscored.

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

Report Title:

OMCCR; Cannabis; Low-Dose and Low-Potency Cannabis; Personal Adult Use; Cultivation; Legalization

Description:

Beginning January 1, 2027, legalizes low-dose and low-potency cannabis for personal adult use by persons over the age of twenty-one, including cultivation of a certain quantity of plants at a private residence. Legalizes cannabis accessories. Requires the Office of Medical Cannabis Control and Regulation to adopt rules to effectuate the legalization of low-dose and low-potency cannabis. (SD1)

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

