

---

---

**\*\* BILL PROPOSAL \*\***

RELATING TO MEDICAL CANNABIS.

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

PART I

SECTION 1. The legislature finds that changes to Hawaii's Medical Cannabis Program are necessary to ensure patient access and protect patient safety, especially as the State contemplates authorizing the adult use of cannabis.

The purpose of this act is to amend the following sections of Hawaii's Medical Use of Cannabis Act.

PART II

SECTION 2. Section [329-121](#), Hawaii Revised Statutes, is amended as follows:

By amending the definition of "adequate supply" to read:

"Adequate supply" means an amount of usable ~~[medical]~~ cannabis jointly possessed between the qualifying patient and the primary caregiver that is not more than is reasonably necessary to ensure the uninterrupted availability of cannabis for the purpose of alleviating the symptoms or effects of a qualifying patient's debilitating medical condition; provided

that an "adequate supply" shall not exceed: ten cannabis plants, [~~whether immature or mature,~~] and four ounces of usable cannabis at any given time, or an amount determined by the certifying physician or certifying advanced practice registered nurse. The [~~four ounces~~] adequate supply [~~of usable cannabis~~] obtained from a dispensary shall include any combination of [~~usable~~] cannabis and manufactured cannabis products, as provided in chapter 329D, with the cannabis in the manufactured cannabis products being calculated using information provided pursuant to section 329D-9(c).

By amending the definition of "advanced practice registered nurse" to read:

"Advanced practice registered nurse" means a person licensed to practice under Chapter 457 [~~an advanced practice registered nurse with prescriptive authority as described in section 457-8.6 and registered under section 329-32~~].

By adding a new definition of "cannabis plant" to be appropriately inserted and to read:

"Cannabis plant" means a plant of the genus Cannabis that is greater than twelve vertical inches in height from where the base of the stalk emerges from the growth medium to the tallest point of the plant, or greater than twelve horizontal inches in width from the end of one branch to the end of another branch;

provided that multiple stalks emanating from the same root ball or root system shall be considered part of the same single plant.

By amending the definition of "debilitating medical condition" to read:

"Debilitating medical condition" means a medical condition for which the certifying physician or certifying advanced practice registered nurse has determined that the medical use of cannabis is appropriate.[÷

- ~~(1) Cancer, glaucoma, lupus, epilepsy, multiple sclerosis, rheumatoid arthritis, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, or the treatment of these conditions;~~
- ~~(2) A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following:
  - ~~(A) Cachexia or wasting syndrome;~~
  - ~~(B) Severe pain;~~
  - ~~(C) Severe nausea;~~
  - ~~(D) Seizures, including those characteristic of epilepsy;~~~~

~~(E) Severe and persistent muscle spasms, including those characteristic of multiple sclerosis or Crohn's disease; or~~

~~(F) Post-traumatic stress disorder; or~~

~~(3) Any other medical condition approved by the department of health pursuant to administrative rules in response to a request from a physician or advanced practice registered nurse or potentially qualifying patient.]~~

By amending the definition of "medical use" to read:

"Medical use" means the acquisition, possession, cultivation, use, distribution, or transportation of cannabis or paraphernalia relating to the administration of cannabis to alleviate the symptoms or effects of a qualifying patient's debilitating medical condition; provided that "medical use" does not include the cultivation or distribution of cannabis or paraphernalia by a qualifying out-of-state patient or the caregiver of a qualifying out-of-state patient. For the purposes of "medical use" for qualifying patients, the term "distribution" is limited to the transfer of cannabis and paraphernalia between qualifying patients.

By amending the definition of "physician" to read:

"Physician" means a person who is licensed to practice under chapter 453 [~~and is licensed with authority to prescribe~~

~~drugs and is registered under section 329-32].~~ "Physician" does not include a physician assistant as described in section 453-5.3.

By amending the definition of "usable cannabis" to read:

"Usable cannabis" means the dried leaves and flowers of the plant genus Cannabis [~~family Moraceae~~], and any mixture or preparation thereof, including hash and rosin, that are appropriate for each patient's [~~the~~] medical use of cannabis.

"Usable cannabis" does not include the seeds, stalks, and roots of the plant.

By amending the definition of "written certification" to read:

"Written certification" means the qualifying patient's medical records or a statement signed by a qualifying patient's physician or advanced practice registered nurse, stating that in the physician's or advanced practice registered nurse's professional opinion, the qualifying patient has a debilitating medical condition and the potential benefits of the medical use of cannabis would likely outweigh the health risks for the qualifying patient. The department of health shall [~~may~~] require, through its rulemaking authority, that all written certifications comply with a designated form. "Written certifications" are valid for one year from the time of signing

~~[; provided that the department of health may allow for the validity of any written certification for three years if the qualifying patient's physician or advanced practice registered nurse states that the patient's debilitating medical condition is chronic in nature].~~

SECTION 3. Section [329-122](#), Hawaii Revised Statutes, is amended as follows:

By amending subsection (c) to read:

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

- (1) Possesses a valid registration card from another medical cannabis state ~~[Provides to the department of health a valid medical use of cannabis card with an explicit expiration date that has not yet passed from the issuing jurisdiction and a valid photographic identification card or driver's license issued by the same jurisdiction];~~
- (2) Possesses valid government issued identification;  
~~[Attests under penalty of law pursuant to section 710-~~

~~1063 that the condition for which the qualifying out-of-state patient is legally authorized to use cannabis for medical purposes is a debilitating medical condition as defined in section 329-121;~~

- ~~(3) Provides consent for the department of health to obtain information from the qualifying out-of-state patient's certifying medical provider and from the entity that issued the medical cannabis card for the purpose of allowing the department of health to verify the information provided in the registration process;~~
- ~~(4) Pays the required fee for out-of-state registration to use cannabis for medical purposes;~~
- ~~(5) Registers with the department of health pursuant to section 329-123.5 to use cannabis for medical purposes;~~
- ~~(6) Receives a medical cannabis registry card from the department of health; and~~
- ~~(7)]~~ (3) Abides by all laws relating to the medical use of cannabis, including not possessing an amount of cannabis that exceeds an adequate supply.

By amending subsection (d) to read:

(d) Notwithstanding any law to the contrary, the medical use of cannabis by a qualifying out-of-state patient under eighteen years of age shall only be permitted if:

(1) The qualifying out-of-state patient and the caregiver of the qualifying out-of-state patient possess a valid registration card from another medical cannabis state [~~provides the information required pursuant to subsection (c); and~~] ;

(2) The qualifying out-of-state patient and the caregiver of the qualifying out-of-state patient possess valid government issued identification [~~consents in writing to:~~

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

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

~~(C) Control the acquisition of the cannabis, the dosage, and the frequency of the medical use of cannabis by the qualifying out-of-state patient who is under eighteen years of age.] ; and~~



(3) The qualifying out-of-state patient and the caregiver of the qualifying out-of-state patient abide by all laws relating to the medical use of cannabis, including not possessing an amount of cannabis that exceeds an adequate supply.

By amending the definition of "transport" to read:

For purposes of interisland transportation, "transport" of cannabis, usable cannabis, or any manufactured cannabis product, by any means is allowable only between dispensaries to the extent authorized by section 329D-6(r) and between a production center or retail dispensing location and a certified laboratory for the sole purpose of laboratory testing pursuant to section 329D-8, as permitted under section 329D-6(m) and subject to section 329D-6(j), or by qualifying patients or qualifying out-of-state patients for their own personal use, [~~and~~] with the understanding that state law and its protections do not apply outside of the jurisdictional limits of the State. [~~Allowable transport pursuant to this section does not include interisland transportation by any means or for any purpose between a qualifying patient, primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient and any other entity or individual, including an individual who is a~~

~~qualifying patient, primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient.]~~

SECTION 4. Section [329-123](#), Hawaii Revised Statutes, is amended to read:

(a) Physicians or advanced practice registered nurses who issue written certifications shall provide, in each written certification, the name, address, patient identification number, and other identifying information of the qualifying patient. The department of health shall require, in rules adopted pursuant to chapter 91, that all written certifications comply with a designated form completed by or on behalf of a qualifying patient. The form shall require information from the applicant, primary caregiver, and physician or advanced practice registered nurse as specifically required or permitted by this chapter. The form shall require the adequate supply determined by the certifying physician or certifying advanced practice registered nurse ~~[address of the location where the cannabis is grown]~~ and shall appear on the registry card issued by the department of health. The certifying physician or advanced practice registered nurse shall be required to have a bona fide physician-patient relationship or bona fide advanced practice registered nurse-patient relationship, as applicable, with the

qualifying patient. All current active medical cannabis permits shall be honored through their expiration date.

(b) Qualifying patients shall register with the department of health. The registration shall be effective until the expiration of the written certification [~~certificate issued by the department of health and signed by the physician or advanced practice registered nurse~~]. Every qualifying patient shall provide sufficient identifying information to establish the personal identities of the qualifying patient and the primary caregiver. Qualifying patients shall report changes in information within ten working days. A [~~Every~~] qualifying patient may share a primary caregiver with nine other registered patients [~~shall have only one primary caregiver at any given time~~]. The department of health shall issue to the qualifying patient a registration certificate and may charge a fee for the certificate in an amount adopted by rules pursuant to chapter 91.

(c) Primary caregivers shall register with the department of health. A [~~Every~~] primary caregiver may [~~shall~~] be responsible for the care of ten qualifying patients [~~only one qualifying patient~~] at any given time [~~, unless the primary caregiver is the parent, guardian, or person having legal custody of more than one minor qualifying patient, in which case~~

~~the primary caregiver may be responsible for the care of more than one minor qualifying patient at any given time; provided that the primary caregiver is the parent, guardian, or person having legal custody of all of the primary caregiver's qualifying patients].~~ The department of health may permit registration of up to two primary caregivers for a minor qualifying patient; provided that both primary caregivers are the parent, guardian, or person having legal custody of the minor qualifying patient.

(d) Upon inquiry by a law enforcement agency, which inquiry may be made twenty-four hours a day, seven days a week, the department of health shall immediately verify whether the subject of the inquiry has registered with the department of health and may provide reasonable access to the registry information for official law enforcement purposes.

(e) This section shall not apply to [~~registration of~~] a qualifying out-of-state patient or a caregiver of a qualifying out-of-state patient.

SECTION 5. Section [329-123.5](#), Hawaii Revised Statutes, is amended by repealing the entire section:

~~(a) Notwithstanding section 329-123, a qualifying out-of-state patient and a caregiver of a qualifying out-of-state patient shall register with the department of health as~~

~~established by rule. The registration shall be effective for no more than sixty days and may be renewed for no more than one additional sixty-day period that begins no later than twelve months after the preceding registration date; provided that the department shall not register any qualifying out-of-state patient for a period that exceeds the term of validity of the qualifying out-of-state patient's authority to use medical cannabis in the qualifying out-of-state patient's home jurisdiction.~~

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

- ~~(1) Provide a valid government-issued medical cannabis card issued to the qualifying out-of-state patient by another state, United States territory, or the District of Columbia; provided that the medical cannabis card has an expiration date and has not expired;~~
- ~~(2) Provide a valid photographic identification card or driver's license issued by the same jurisdiction that issued the medical cannabis card; and~~
- ~~(3) Have a debilitating medical condition, as defined in section 329-121.~~

~~(c) A qualifying out-of-state patient under eighteen years of age may be registered pursuant to this section only if the qualifying patient has a debilitating medical condition as defined in section 329-121 and the caregiver of the qualifying out-of-state patient, at a minimum, meets the requirements of paragraphs (1) and (2) of subsection (b) and consents in writing to:~~

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

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

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

~~(d) In the case of any qualifying out-of-state patient who is under eighteen years of age, the department of health shall register the qualifying out-of-state patient and the caregiver of the qualifying out-of-state patient; provided that the department may register two caregivers for a qualifying out-of-state patient if each caregiver is the parent, guardian, or~~

~~person having legal custody of the qualifying out-of-state patient who is under eighteen years of age.~~

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

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

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

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

SECTION 6. Section [329-125.5](#), Hawaii Revised Statutes, is amended to read:

(a) No school shall refuse to enroll or otherwise penalize, and no landlord shall refuse to lease property to or otherwise penalize, a person solely for the person's status as a qualifying patient or primary caregiver in the medical cannabis program under this part, unless failing to do so would cause the school or landlord to lose a monetary or licensing-related benefit under federal law or regulation; provided that the qualifying patient or primary caregiver strictly complied with the requirements of this part; provided further that the qualifying patient or primary caregiver shall present a medical cannabis registry card or certificate and photo identification, to ensure that the qualifying patient or primary caregiver is validly registered with the department of health pursuant to section 329-123.



(b) For the purposes of medical care, including organ transplants, a registered qualifying patient's use of cannabis in compliance with this part shall be considered the equivalent of the use of any other medication under the direction of a physician and shall not constitute the use of an illicit substance or otherwise disqualify a registered qualifying patient from medical care.

(c) No qualifying patient or primary caregiver under this part shall be denied custody of, visitation with, or parenting time with a minor, and there shall be no presumption of neglect or child endangerment, for conduct allowed under this part; provided that this subsection shall not apply if the qualifying patient's or primary caregiver's conduct created a danger to the safety of the minor, as established by a preponderance of the evidence.

(d) Unless a failure to do so would cause the employer to lose a monetary or licensing-related benefit under a contract or federal law, an employer shall not discriminate against a person in hiring, termination, or any term or condition of employment, other than that contained in a collective bargaining agreement, if the discrimination is based upon either of the following:

(1) The person's status as a cardholder; or

(2) A registered qualifying patient's positive drug test for cannabis components or metabolites, unless the registered qualifying patient was impaired by cannabis during the hours of employment;

provided that nothing in this subsection shall abridge any existing right of an employer to send an employee for medical evaluation when the employer has safety concerns about the impairment of the employee; provided further that an employer may take adverse action or discipline an employee who uses or possesses medical cannabis in the workplace and is impaired.

(e) In a potentially dangerous occupation, an employer may use a fit-for-duty test as a risk-based assessment tool for a registered qualifying patient.

(f) No employer shall have any liability to any employee who is injured or killed during the performance of the employee's job if the employee's impairment by medical cannabis was the sole contributing factor to the employee's death or injury.

(g) [~~(d)~~] This section shall apply to qualifying patients, and primary caregivers who are validly registered with the department of health, and qualifying out-of-state patients, and caregivers of qualifying out-of-state patients who are recognized [~~validly registered with the department of health~~]

pursuant to this part and the administrative rules of the department of health.

SECTION 7. Section [329-126](#), Hawaii Revised Statutes, is amended by amending subsection (b) to read:

(b) For purposes of this section, a bona fide physician-patient relationship may be established via telehealth, as defined in section 453-1.3(j), and a bona fide advanced practice registered nurse-patient relationship may be established via telehealth, as defined in section 457-2  ~~[; provided that treatment recommendations that include certifying a patient for the medical use of cannabis via telehealth shall be allowed only after an initial in-person consultation between the certifying physician or advanced practice registered nurse and the patient]~~.

SECTION 8. Section [329-130](#), Hawaii Revised Statutes, is amended to read:

(a) A  ~~[After December 31, 2024, a]~~ qualifying patient shall obtain medical cannabis or manufactured cannabis products only:

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

(2) By cultivating cannabis in an amount that does not exceed an adequate supply for the qualifying patient, pursuant to section 329-122; provided that each location used to cultivate cannabis shall be used by no more than ten [~~five~~] qualifying patients; provided further that more than ten qualifying patients may utilize the same grow site if the grow site can demonstrate an underserved need by local qualifying patients; and provided further that qualifying patients registered to the same grow site may assist each other with the cultivation and processing of cannabis; and provided further that the department shall provide patient education and conduct voluntary routine grow site inspections without law enforcement at grow sites with more than ten qualifying patients to ensure grow site compliance; and provided further that the department shall adopt rules to implement this section.

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

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

~~(1) A qualifying patient who is a minor or an adult lacking legal capacity and the primary caregiver is~~

~~the parent, guardian, or person having legal custody  
of a qualifying patient described in this paragraph;  
or~~

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

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

SECTION 9. Section [329D-1](#), Hawaii Revised Statutes, is  
amended by amending the definition of “manufactured cannabis  
product” to read:

“Manufactured cannabis product” means:

(1) Any capsule, lozenge, oil or oil extract, tincture,  
ointment or skin lotion, pill, or transdermal patch [~~, or pre-  
filled and sealed container used to aerosolize and deliver  
cannabis orally or by inhalation, such as an inhaler, nebulizer,  
or device that provides safe pulmonary administration, that has  
been manufactured using cannabis];~~

(2) Edible cannabis products; or

~~[(3) Pre-rolled cannabis flower products; or~~

~~(4)]~~ (3) Any other products as specified by the department pursuant to section 329D-10(a)(11).

SECTION 10. Section [329D-6](#), Hawaii Revised Statutes, is amended as follows:

By amending subsection (l) to read:

(l) No free samples of cannabis or manufactured cannabis products shall be provided at any time, and no consumption of cannabis or manufactured cannabis products shall be permitted by customers on any dispensary premises; provided that dispensaries shall make an accommodation for employees who are registered patients and must engage in the medical use of cannabis during working hours to relieve the symptoms of their debilitating medical condition; provided further that such accommodation shall only be allowed if impairment does not result at work.

By amending subsection (n) to read:

(n) A dispensary may engage in the ~~[shall be prohibited from]~~ off-premises delivery of cannabis or manufactured cannabis products to a qualifying patient, or primary caregiver; provided that such delivery shall only occur to the qualifying patient's or primary caregiver's residential address. A dispensary shall be prohibited from the off-premises delivery of cannabis or manufactured cannabis products to a ~~[7]~~ qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient.

By adding a new subsection (s) to be appropriately inserted and to read:

(s) dispensaries may sell viable cannabis seeds; provided that such seeds shall be produced in Hawaii with the understanding that state law and its protections do not apply outside of the jurisdictional limits of the State.

SECTION 11. Section [329D-7](#), Hawaii Revised Statutes, is amended by amending subsection (18) to read:

(18) A process to recognize [~~and register~~] patients who are authorized to purchase, possess, and use medical cannabis in another state, a United States territory, or the District of Columbia as qualifying out-of-state patients; provided that this [~~registration~~] process may commence no sooner than January 1, 2018.

SECTION 12. Section [329D-8](#), Hawaii Revised Statutes, is amended by amending subsection (a) to read:

(a) The department shall establish and enforce standards for laboratory-based testing of cannabis and manufactured cannabis products for content, contamination, and consistency; provided that in establishing these standards, the department shall:

- (1) Review and take guidance from the testing programs and standards utilized in other jurisdictions;

- (2) Consider the impact of the standards on the retail cost of the product to the qualifying patient;
- (3) Review and take guidance from the testing programs and standards for pesticides under the regulations of the United States Environmental Protection Agency;
- (4) Establish [~~Consider~~] standardized processes that [~~may~~] allow cannabis or manufactured cannabis products that fail testing standards to be remediated and make these processes available to the public;
- (5) For the testing for microbiological impurities, consider the benefits of organically grown cannabis that features the use of bacteria in lieu of pesticides; and
- (6) Include permission for qualifying patients and primary caregivers to obtain testing services directly from certified laboratories on the island where the qualifying patient and primary caregiver reside.
- (7) Establish and maintain standards for testing of cannabis and manufactured cannabis products at the department's State lab for reference purposes and post-marketing testing.
- (8) Promote the formation of prep labs on islands that do not have a certified testing facility to facilitate



the preparation of "de minimis" samples that fall below the threshold for federal regulation and can be transported legally to another island for required potency and contaminant testing.

SECTION 13. Section [329D-10](#), Hawaii Revised Statutes, is amended by amending subsection (a) to read:

(a) The types of medical cannabis products that may be manufactured and distributed pursuant to this chapter shall be limited to:

- (1) Capsules;
- (2) Lozenges;
- (3) Pills;
- (4) Oils and oil extracts;
- (5) Tinctures;
- (6) Ointments and skin lotions;
- (7) Transdermal patches;

(8) Pre-filled and sealed containers used to aerosolize and deliver cannabis orally; ~~[or by inhalation, such as an inhaler, nebulizer, or device that provides safe pulmonary administration; provided that~~

~~(A) Containers need not be manufactured by the licensed dispensary but shall be filled with cannabis, cannabis oils, or cannabis extracts manufactured by the licensed~~

~~dispensary or purchased from another dispensary pursuant to section 329D-6(r); but shall not contain nicotine, tobacco-related products, or any other non-cannabis derived products; and:~~

~~(B) For devices that provide safe pulmonary administration:~~

~~(i) The heating element of the device, if any, shall be made of inert materials such as glass, ceramic, or stainless steel, and not of plastic or rubber;~~

~~(ii) The device shall be distributed solely for use with single-use, pre-filled, tamper resistant, sealed containers that do not contain nicotine or other tobacco products;~~

~~(iii) There shall be a temperature control on the device that is regulated to prevent the combustion of cannabis oil; and~~

~~(iv) The device need not be manufactured by the licensed dispensary;~~

~~(9) Pre-rolled cannabis flower products, as specified by the department;]~~

~~(10) (9) Edible cannabis products, as specified by the department; and~~

~~(11) (10) Other products as specified by the department.~~

SECTION 14. Section [329D-13](#), Hawaii Revised Statutes, is amended by amending subsection (c) to read:

(c) Beginning on January 1, 2018, this section shall ~~[may]~~ apply to qualifying out-of-state patients from other states, territories of the United States, or the District of Columbia; provided that the patient meets the ~~[registration]~~ requirements of section [329-122](#) and [329-130](#) ~~[329-123.5]~~.

SECTION 15. Section [329D-25](#), Hawaii Revised Statutes, is amended to read:

The department shall initiate ongoing dialogue among relevant state and federal agencies to identify processes and policies that ensure the privacy of qualifying patients and qualifying out-of-state patients and the compliance of qualifying patients, primary caregivers, qualifying out-of-state patients, and caregivers of qualifying out-of-state patients and medical cannabis dispensaries with state and federal laws and regulations related to medical cannabis.

SECTION 16. Section [329D-27](#), Hawaii Revised Statutes, is amended to read:

(a) The department shall adopt rules pursuant to chapter 91 to effectuate the purposes of this chapter.

(b) No later than January 4, 2016, the department shall adopt interim rules, which shall be exempt from chapter 91 and

chapter 201M, to effectuate the purposes of this chapter; provided that the interim rules shall remain in effect until August 1, 2024 [~~July 1, 2025~~], or until rules are adopted pursuant to subsection (a), whichever occurs sooner.

(c) The department may amend the interim rules, and the amendments shall be exempt from chapters 91 and 201M, to effectuate the purposes of this chapter; provided that any amended interim rules shall remain in effect until August 1, 2024 [~~July 1, 2025~~], or until rules are adopted pursuant to subsection (a), whichever occurs sooner.

SECTION 17. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 18. This Act shall take effect upon its approval.

INTRODUCED BY: \_\_\_\_\_

## SUMMARY

### SECTION 2:

Amending the definitions of adequate supply, advanced practice registered nurse, debilitating medical condition, medical use, physician, usable cannabis, written certification.  
Adding a new definition for cannabis plant.

### SECTION 3:

Recognizing qualifying out-of-state patients and caregivers for qualifying out-of-state patients.  
Amending the definition of transport.

### SECTION 4:

Adding adequate supply to the registration card, removing grow site address from the registration card.  
Aligning registration and written certification expiration.

### SECTION 5:

Repealing registration requirements for qualifying out-of-state patients and caregivers of qualifying out-of-state patients.

### SECTION 6:

Adding employment protections.

### SECTION 7:

Allowing a provider-patient relationship to be established via tele-health.

### SECTION 8:

Allowing ten patients per grow site, and more than ten patients per grow site based on need, allowing patients at the same grow site to assist each other, establishing department grow site inspections.  
Removing the sunset of caregivers.

### SECTION 9:

Removing cartridges and marijuana cigarettes from the list of manufactured cannabis products for qualifying patients.

### SECTION 10:

Providing an accommodation for dispensary employees who need to engage in the medical use of cannabis at work.  
Allowing dispensaries to deliver products and sell seeds.

SUMMARY (cont.)

SECTION 11:

Conforming recognition of qualifying out-of-state patients.

SECTION 12:

Establishing standardized processes for remediation, establishing testing at the DOH State lab, encouraging prep labs on outer islands.

SECTION 13:

Removing cartridges and marijuana cigarettes from list of dispensary products for qualifying patients.

SECTION 14:

Conforming requirements for qualifying-out-of-state patients.

SECTION 15:

Amending the required dialogue between the department and federal agencies.

SECTION 16:

Changing the sunset of interim dispensary rules to August 1, 2024.

Respectfully submitted:  
Akamai Cannabis Consulting  
Clifton Otto, MD  
[cliftonotto@hotmail.com](mailto:cliftonotto@hotmail.com)  
808-233-8267.