

**ORIGINAL**  
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THE SENATE  
NINTH..... LEGISLATURE, 19 78  
STATE OF HAWAII

S.B. NO. 1727-78

# A BILL FOR AN ACT

RELATING TO DRUGS.

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

1           SECTION 1. The health of the people of Hawaii is a  
2 major goal of legislation. The legislature finds that  
3 although the production and use of marijuana, including  
4 tetrahydrocannabinols, should be carefully regulated,  
5 marijuana, including tetrahydrocannabinols, as a drug has  
6 therapeutic benefits which has been proven in medical cases.  
7 The purpose of this Act is to authorize the production,  
8 prescription, distribution, and use of marijuana, including  
9 tetrahydrocannabinols, under strict guidelines for medical  
10 purposes in the treatment of glaucoma, asthma, and chemotherapy.

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

14           "Sec. 329-    Use of marijuana for medical purposes.

15           (a) Chapter 712, provisions of this chapter, and any other  
16 law to the contrary notwithstanding, a person may manufacture,  
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1 distribute, prescribe, dispense, or possess such amounts of  
2 marijuana or tetrahydrocannabinols as may be authorized  
3 pursuant to this section; provided that such manufacture,  
4 distribution, prescription, dispensing, and possession shall  
5 take place within the State; and provided that when the term  
6 "marijuana" is used in this section, it shall include  
7 tetrahydrocannabinols (THC).

8 (b) The department of health shall prescribe rules and  
9 charge reasonable fees relating to the registration and  
10 regulation of the manufacture, distribution, prescription,  
11 and dispensing of marijuana. The department may inspect the  
12 records of establishment of a registrant or applicant for  
13 registration to enforce compliance with this section. All  
14 registrants shall keep and maintain such records as may be  
15 deemed necessary by the department to enforce this section.

16 (c) Every person who manufactures, distributes,  
17 prescribes, or dispenses or who proposes to engage in the  
18 manufacture, distribution, prescription, or dispensing of  
19 any marijuana within this State, shall obtain annually a  
20 registration issued by the department in accordance with  
21 subsection (d).

22 Except as otherwise provided, the following persons  
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1 need not register and may lawfully possess marijuana under  
2 this section:

3 (1) An agent or employee of any registered manufacturer,  
4 distributor, or dispenser of any marijuana while  
5 acting in the usual course of business or employment;

6 (2) A common or contract carrier or warehouseman, or an  
7 employee thereof, whose possession of any marijuana  
8 is in the usual course of business or employment;  
9 and

10 (3) An ultimate user or a person in possession of any  
11 marijuana pursuant to a lawful prescription of a  
12 practitioner issued under subsection (f).

13 The department may waive by rule the requirement for  
14 registration or filing of certain manufacturers, distributors,  
15 prescribers, or dispensers if it is consistent with the  
16 public health and safety and if the department states the  
17 specific reasons for such waiver and the time period for  
18 which it is to be valid.

19 (d) The department shall register an applicant to  
20 manufacture, dispense, prescribe, or distribute marijuana  
21 for the treatment of glaucoma, asthma, or involving chemotherapy;  
22 provided that:

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- (1) The marijuana involved shall be manufactured, dispensed, prescribed, or distributed solely for the treatment of glaucoma, asthma, or in chemotherapy as provided in subsection (f);
- (2) The department is satisfied that adequate safeguards exist or will be instituted to prevent the unauthorized manufacture, dispensing, prescription, distribution, or possession of marijuana; and
- (3) The department shall consider:
  - (A) Maintenance of effective controls against diversion of marijuana into other than legitimate medical, scientific, or industrial channels;
  - (B) Compliance with applicable state and local law;
  - (C) Any convictions of the applicant under any federal and state laws relating to any controlled substance;
  - (D) Past experience in the manufacture or distribution of marijuana, and the existence in the applicant's establishment of effective controls against diversion;
  - (E) Furnishing by the applicant of false or

1 fraudulent material in any application filed  
2 under this section;

3 (F) Suspension or revocation of the applicant's  
4 federal registration to manufacture, distribute,  
5 or dispense controlled substances as authorized  
6 by federal law; and

7 (G) Any other factor relevant to and consistent  
8 with the public health and safety and the  
9 purposes of this section.

10 (e) A registration, issued pursuant to this section  
11 may be denied, refused to be renewed, revoked, or suspended  
12 upon a finding by the department that the registrant:

13 (1) Has furnished false or fraudulent material information  
14 in any application filed under this section;

15 (2) Has been convicted of a felony under any state or  
16 federal law relating to any controlled substance;

17 (3) Has had a federal registration suspended or revoked  
18 to manufacture, distribute, prescribe, or dispense  
19 controlled substances; or

20 (4) Has violated any rule of the department.

21 The department shall conduct a hearing pursuant to chapter  
22 91 in enforcing this subsection. The department may suspend  
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1 any registration simultaneously with the institution of  
2 proceedings herein, if it finds that there is an imminent  
3 danger to the public health or safety which warrants this  
4 action. The suspension shall continue in effect until the  
5 conclusion of the proceedings, including judicial review  
6 thereof, unless sooner withdrawn by the department or dissolved  
7 by a court of competent jurisdiction.

8 (f) A person may obtain and possess marijuana; provided  
9 that:

10 (1) The person has glaucoma, asthma, or is undergoing  
11 chemotherapy, and the practitioner who is treating  
12 the person for such disease shall prescribe the  
13 marijuana for treatment of that disease;

14 (2) The practitioner determines that the marijuana is  
15 medically necessary for treatment of that disease;

16 (3) The marijuana is dispensed to the person by an  
17 individual who is registered to dispense marijuana  
18 pursuant to this section; and

19 (4) The marijuana obtained does not exceed the amount  
20 prescribed by the practitioner.

21 (g) The penalties and laws otherwise applicable to  
22 acts authorized under this section shall not apply to any  
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act authorized by this section; provided that these penalties  
and laws shall apply to any act not authorized by this  
section. A person violating any provision of this section  
or any rule adopted pursuant thereto, shall be liable for a  
civil fine of not more than \$ \_\_\_\_\_."

SECTION 3. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: Anson Chong  
[Signature]  
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