A BILL FOR AN ACT

RELATING TO MEDICAL MARIJUANA.

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

SECTION 1. The legislature finds that the state medical marijuana program, which was enacted as Act 228, Session Laws of Hawaii 2000, and codified as part IX of chapter 329, Hawaii Revised Statutes, is a public health program conceived out of concern for the health and welfare of the people of the State. However, the intent of Act 228 has been frustrated by the fact that legal access to medical marijuana is severely restricted in Hawaii. Although the state medical marijuana program has existed for nearly fifteen years, current law provides no legal method of acquiring medical marijuana other than allowing qualifying patients and primary caregivers to grow it themselves.

The legislature also finds that a task force was convened in 2014 to develop a framework for a system of medical marijuana dispensaries. Legislation based on the recommendations of the task force is expected to be considered during the current legislative session. However, even if this legislation is
enacted, it is anticipated that a medical marijuana dispensary system would not be operational until 2017 or later.

The legislature further finds that more immediate measures are necessary to improve access to medical marijuana for qualifying patients who are unable to grow their own supply.

The purpose of this Act is to:

(1) Allow a qualifying patient or a primary caregiver to transfer marijuana plants or plant material to any other qualifying patient or primary caregiver;

(2) Increase the amount of marijuana that constitutes an adequate supply; and

(3) Increase the maximum number of qualifying patients that a primary caregiver may care for at any given time.

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

"§329- Transfer of marijuana plants or plant materials. Notwithstanding any law to the contrary, a qualifying patient or primary caregiver who is registered under section 329-123 may provide usable marijuana or any part of the marijuana plant,
including seeds, seedlings, or clones, to any other qualifying patient or any other primary caregiver who is registered under section 329-123; provided that the total amount of marijuana possessed by the recipient does not exceed the adequate supply amount specified in section 329-121."

SECTION 3. Section 329-121, Hawaii Revised Statutes, is amended by amending the definition of "adequate supply" to read as follows:

"Adequate supply" means an amount of marijuana jointly possessed between the qualifying patient and the primary caregiver that is not more than is reasonably necessary to assure the uninterrupted availability of marijuana 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 [seven] **sixteen** marijuana plants, whether immature or mature, and [four] **eight** ounces of usable marijuana at any given time."

SECTION 4. Section 329-123, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Primary caregivers shall register with the department of health. Every primary caregiver shall be responsible for the
care of [only-one] not more than five qualifying [patient]
patients at any given time[-]; provided that, upon registration,
a primary caregiver shall disclose the number of qualifying
patients for whom the primary caregiver is responsible and that
number shall be included on any registration card provided to
the primary caregiver. The primary caregiver shall notify the
department of health in writing of any changes to the number of
qualifying patients for whom the primary caregiver is
responsible."

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

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

INTRODUCED BY:  Richard J.领导人
JAN 29 2015
Report Title: Medical Marijuana; Transfer; Adequate Supply; Primary Caregivers

Description:
Allows a qualifying patient or a primary caregiver to transfer marijuana plants or plant material to any other qualifying patient or primary caregiver. Increases the amount of marijuana that constitutes an adequate supply. Increases the maximum number of qualifying patients that a primary caregiver may care for at any given time.

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