
A BILL FOR AN ACT

RELATING TO MEDICAL MARIJUANA..

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

1 PART I

2 SECTION 1. The legislature finds that Hawaii's medical use
3 of marijuana law was enacted on June 14, 2000, as Act 228,
4 Session Laws of Hawaii 2000, to provide medical relief for
5 seriously ill individuals in the State. While the current law
6 recognizes the beneficial use of marijuana in treating or
7 alleviating pain or other symptoms associated with certain
8 debilitating illnesses, it is silent on how patients can obtain
9 medical marijuana if they or their caregivers are unable to grow
10 their own supply of medical marijuana. The legislature further
11 finds that many of the State's nearly thirteen thousand
12 qualifying patients lack the ability to grow their own supply of
13 medical marijuana due to a number of factors, including
14 disability and limited space to grow medical marijuana. As a
15 result, a regulated statewide dispensary system for medical
16 marijuana is urgently needed by qualifying patients in the
17 State.



1 "Marijuana" shall have the same meaning as in section 329-
2 121.

3 "Manufactured marijuana product" means any capsule,
4 lozenge, oil, or pill that has been manufactured using
5 marijuana.

6 "Medical marijuana dispensary" or "dispensary" means an
7 establishment operated by a person licensed by the State
8 pursuant to this part where medical marijuana or medical
9 marijuana products manufactured pursuant to this part are made
10 available for retail sale to qualifying patients or primary
11 caregivers pursuant to this part and to section 329-122.

12 "Medical marijuana production center" or "production
13 center" means a farm or facility operated by a person licensed
14 by the State pursuant to this part where marijuana is cultivated
15 with the limited and express intent that marijuana or medical
16 marijuana products manufactured pursuant to this part be
17 supplied to medical marijuana dispensaries or other medical
18 marijuana production centers, pursuant to this part and to
19 section 329-122.



1 "Person" means an individual, firm, corporation,
2 partnership, association, or any form of business or legal
3 entity.

4 "Primary caregiver" shall have the same meaning as in
5 section 329-121.

6 "Production" means the planting, cultivation, growing, or
7 harvesting of marijuana. "Production" includes the manufacture
8 of medical marijuana products pursuant to this part.

9 "Qualifying patient" shall have the same meaning as in
10 section 329-121.

11 § -B **Medical marijuana dispensaries; licensure; fees;
12 inspection.** (a) No person may operate a dispensary unless the
13 person has obtained a license from the department pursuant to
14 this part.

15 (b) The department shall adopt rules, in accordance with
16 chapter 91, to provide for the licensure and standards for
17 dispensaries in this State.

18 (c) The department shall determine the number of
19 dispensaries appropriate to meet the needs of qualifying
20 patients in this State; provided that:



- 1 (1) Not less than twenty-six dispensary licenses shall be
2 offered to qualified applicants in the State by
3 January 1, 2019;
- 4 (2) At least one dispensary license shall be offered in
5 each county; provided that a dispensary shall not be
6 required in the county of Kalawao;
- 7 (3) Licenses shall be issued in proportion to qualifying
8 patient density within each county, which the
9 department shall review and determine annually;
10 provided that the department shall make available one
11 license per five hundred registered patients. For the
12 purposes of this section, qualifying patient density
13 shall be calculated by using a qualifying patient's
14 county of residency; and
- 15 (4) If an island in the State, or the county of Kalawao,
16 lacks a single licensed dispensary by July 1, 2017, a
17 dispensary that is licensed and established on another
18 island or in another county may petition the
19 department to allow an owner or employee of the
20 licensed dispensary to deliver medical marijuana
21 products to a qualified patient or caregiver on the



1 island that lacks a dispensary or in the county of
2 Kalawao; provided that the owner or employee of the
3 licensed dispensary shall at all times retain
4 possession of the medical marijuana products until
5 they are delivered to the qualified patient or
6 caregiver. The department shall grant the petition
7 within sixty days unless the department determines
8 that there is good cause to deny the petition.

9 (d) The department may begin offering licenses to
10 dispensaries on January 1, 2017;

11 (e) Dispensaries licensed pursuant to this section may
12 begin operations on July 1, 2017.

13 (f) Each person seeking licensure as a dispensary shall
14 submit an application in the form prescribed by the department,
15 as well as a fee of \$20,000; provided that:

16 (1) The applicant shall submit the fee in the form of one
17 payment in the amount of \$2,000 and a second payment
18 in the amount of \$18,000;

19 (2) If the application is unsuccessful, the department
20 shall retain the fee of \$2,000, and return the payment
21 of \$18,000; and



1 (3) Application fees of successful applicants are
2 nonrefundable.

3 (g) The department shall establish and collect an annual
4 renewal fee of \$30,000 from a medical marijuana dispensary;
5 provided that the amount of the renewal fee shall be subject to
6 review and revision by the department; provided further that the
7 renewal fee shall be sufficient to cover the department's
8 expenses in carrying out this part.

9 (h) All fees collected pursuant to this section shall be
10 deposited in the medical marijuana registry and regulation
11 special fund pursuant to section 321-30.1.

12 §321-C Medical marijuana production centers; licensure;
13 fees; inspection. (a) No person may operate a medical marijuana
14 production center unless the person has obtained a license from
15 the department pursuant to this part.

16 (b) The department shall adopt rules, in accordance with
17 chapter 91, to provide for the licensure and standards for
18 medical marijuana production centers in this State.

19 (c) Medical marijuana production centers may distribute
20 marijuana only to dispensaries or other production centers
21 licensed pursuant to this part. Medical marijuana production



1 centers shall not distribute marijuana directly to qualifying
2 patients or primary caregivers.

3 (d) The department shall determine the number of medical
4 marijuana production centers appropriate to meet the needs of
5 qualifying patients and dispensaries in this State; provided
6 that the department shall base this determination on the
7 presumption that no single production center shall acquire,
8 cultivate, manufacture, possess, or transport more than one
9 thousand marijuana plants in total at any one time.

10 (e) The department may begin offering a minimum of thirty
11 licenses to production centers on July 1, 2016.

12 (f) The department shall offer two types of licenses,
13 which shall authorize qualified production centers to acquire,
14 cultivate, manufacture, possess, or transport either no more
15 than:

16 (1) marijuana plants in total at any one time; or

17 (2) marijuana plants in total at any one time.

18 (g) Each person seeking a license pursuant to subsection
19 (f)(1) shall submit an application in the form prescribed by the
20 department, as well as a fee of \$2,000; provided that:



1 (1) The applicant shall submit the fee in the form of two
2 payments in the amount of \$1,000 each;

3 (2) If the application is unsuccessful, the department
4 shall retain the fee of \$1,000, and return the second
5 payment of \$1,000; and

6 (3) Application fees of successful applicants are
7 nonrefundable.

8 (h) Each person seeking a license pursuant to subsection
9 (f)(2) shall submit an application in the form prescribed by the
10 department, as well as a fee of \$4,000; provided that:

11 (1) The applicant shall submit the fee in the form of two
12 payments in the amount of \$2,000 each;

13 (2) If the application is unsuccessful, the department
14 shall retain the fee of \$2,000, and return the second
15 payment of \$2,000; and

16 (3) Application fees of successful applicants are
17 nonrefundable.

18 (i) The department shall establish and collect an annual
19 renewal fee from medical marijuana production centers sufficient
20 to cover the department's expenses in carrying out this part.



1 (j) All fees collected pursuant to this section shall be
2 deposited in the medical marijuana registry and regulation
3 special fund pursuant to section 321-30.1.

4 §321-D Public education. (a) The department shall engage
5 in a continuing education and training program to explain and
6 clarify the purposes and requirements of this part. The program
7 shall target community partner agencies, physicians and other
8 health care providers, patients and caregivers, law enforcement
9 agencies, individuals under eighteen years of age, law and
10 policy makers, and the general public.

11 (b) The department shall employ at least one full time
12 staff member whose qualifications and duties include the
13 provision of medical marijuana health education.

14 §321-E Manufacturing of medical marijuana products. (a)
15 Any medical marijuana dispensary or production center licensed
16 by the department pursuant to this part shall be permitted to
17 manufacture medical marijuana; provided that the dispensary or
18 production center shall also obtain any other state or county
19 permits or licenses that may be necessary for a particular
20 manufacturing activity.



1 (b) The department shall establish standards regarding the
2 manufacture of medical marijuana products; provided that any
3 area within a dispensary or production center where marijuana
4 will be manufactured into an ingestible form shall comply with
5 the food safety code, chapter 11-50, Hawaii Administrative
6 Rules.

7 (c) A manufacturer of a manufactured marijuana product
8 shall calculate the equivalent physical weight of the marijuana
9 that is used to manufacture the product and shall make the
10 equivalency calculations available to the department and to a
11 consumer of the manufactured marijuana product.

12 §321-F Types of manufactured marijuana products. (a) The
13 types of medical marijuana products that may be manufactured and
14 distributed pursuant to this part shall be limited to:

- 15 (1) Capsules;
16 (2) Lozenges;
17 (3) Oils; and
18 (4) Pills.

19 (b) As used in this section, "lozenge" means a small
20 tablet manufactured in a manner to allow for the dissolving of
21 its medicinal or therapeutic component slowly in the mouth.



1 §321-G Advertising and packaging. (a) The department
2 shall establish standards regarding the advertising and
3 packaging of medical marijuana products; provided that the
4 standards, at a minimum, shall require the use of packaging
5 that:

6 (1) Is child-resistant and opaque so that the product
7 cannot be seen from outside the packaging;

8 (2) Is clearly labeled with the phrase "For medical use
9 only";

10 (3) Contains information about the contents and potency of
11 the product; and

12 (4) In the case of manufactured marijuana products, lists
13 the equivalent physical weight of the marijuana used
14 to manufacture the amount of the product that is
15 within the packaging, pursuant to section 321-E.

16 (b) Any capsule, lozenge, or pill containing medical
17 marijuana or its principal psychoactive constituent
18 tetrahydrocannabinol shall be packaged so that one dose,
19 serving, or single wrapped item contains no more than ten
20 milligrams of tetrahydrocannabinol.



1 §321-H Medical marijuana production center and dispensary
2 rules. The department shall adopt rules pursuant to chapter 91
3 for the purposes of this part and with respect to:

4 (1) The number of medical marijuana production centers and
5 dispensaries that shall be permitted to operate in the
6 State;

7 (2) A fee structure for the submission of applications and
8 renewal of licenses to operate production centers or
9 dispensaries;

10 (3) Any specific requirements regarding annual audits and
11 reports pertaining to each production center and
12 dispensary that is licensed pursuant to this part;

13 (4) Security requirements for the operation of production
14 centers and dispensaries; provided that the
15 requirements, at a minimum, shall require:

16 (A) For production centers:

17 (i) Video monitoring and recording of the
18 premises;

19 (ii) Fencing that surrounds the premises and that
20 is sufficient to reasonably deter intruders.



1 and prevent anyone outside the premises from
2 viewing any marijuana in any form;

3 (iii) An alarm system; and

4 (iv) Other reasonable security measures to deter
5 or prevent intruders, as deemed necessary by
6 the department;

7 (B) For dispensaries:

8 (i) Presentation of valid identification as
9 issued by the department pursuant to section
10 329-123, by a qualifying patient or
11 caregiver, upon entering the premises;

12 (ii) Video monitoring and recording of the
13 premises;

14 (iii) An alarm system;

15 (iv) Exterior lighting; and

16 (v) Other reasonable security measures as deemed
17 necessary by the department;

18 (5) Security requirements for the transportation of
19 medical marijuana and manufactured marijuana products;
20 provided that the requirements, at a minimum, shall
21 require that any dispensary or production center that



1 ships medical marijuana or manufactured marijuana
2 products between islands in the State shall:

3 (A) Be responsible for providing adequate security
4 measures to guard against in-transit losses;

5 (B) When using the services of common or contract
6 carriers, be responsible for selecting common or
7 contract carriers that provide adequate security
8 to guard against in-transit losses; and

9 (C) When storing marijuana or manufactured marijuana
10 products in a public warehouse, be responsible
11 for selecting a warehouse operator that will
12 provide adequate security to guard against
13 storage losses.

14 (6) Standards and criminal background checks for operators
15 and employees of production centers and dispensaries;
16 provided that the standards, at a minimum, shall
17 exclude from licensure or employment any person
18 convicted of any felony; provided that the department
19 may adopt rules exempting from this paragraph a person
20 who was convicted of a felony that was specifically



- 1 related to marijuana, if the conviction was at least
2 ten years prior to the licensure or employment;
- 3 (7) The training and certification of operators and
4 employees of production centers and dispensaries;
5 provided that the department shall establish a
6 training or certification program for dispensary
7 employees;
- 8 (8) The types of medical marijuana products that
9 production centers and dispensaries shall be
10 authorized to grow, manufacture, sell, or provide
11 pursuant to section 321-F;
- 12 (9) Standards and methodologies related to testing medical
13 marijuana products for content, contamination, and
14 consistency;
- 15 (10) The quantities of manufactured marijuana products that
16 a dispensary may sell or provide to a qualifying
17 patient or primary caregiver; provided that no
18 dispensary or dispensaries shall sell or provide to a
19 qualifying patient or primary caregiver any
20 combination of marijuana and manufactured marijuana
21 products that:



1 (A) During a period of fifteen consecutive days,
2 exceeds the equivalent of four ounces of
3 marijuana; or

4 (B) During a period of thirty consecutive days,
5 exceeds the equivalent of eight ounces of
6 marijuana.

7 (11) Dispensary and production center inventory controls to
8 prevent the unauthorized diversion of marijuana or the
9 distribution of medical marijuana or manufactured
10 marijuana products to qualifying patients or primary
11 caregivers in quantities that exceed limits
12 established by this section; provided that the
13 controls, at a minimum, shall include:

14 (A) A computer software tracking system that will
15 allow the department to track all medical
16 marijuana and medical marijuana product inventory
17 from either seed or immature plant stage until
18 the marijuana or marijuana product is sold to a
19 customer or destroyed; and



1 (B) Product packaging standards sufficient to allow
2 law enforcement personnel to reasonably determine
3 the contents of an unopened package;

4 (12) The enforcement of prohibitions against the sale or
5 provision of medical marijuana or manufactured
6 marijuana products to unauthorized persons or to
7 qualifying patients or primary caregivers in
8 quantities that exceed limits established by this
9 section;

10 (13) Any limitations to the size or format of any signs
11 placed outside a dispensary or production center;
12 provided that no sign shall include the image of a
13 cartoon character or other design intended to appeal
14 to children; and

15 (14) The establishment of a range of penalties for
16 violations of this part or rules adopted thereunder.

17 §321-I Prohibited acts related to visits to more than one
18 dispensary to obtain medical marijuana or manufactured marijuana
19 products. (a) It is unlawful for any qualifying patient or
20 primary caregiver who visits more than one dispensary to
21 knowingly or intentionally withhold information regarding prior



1 dispensary visits for the purpose of obtaining quantities of
2 medical marijuana or manufactured marijuana products that exceed
3 limits established by this part.

4 (b) Any person who violates this section is guilty of a
5 petty misdemeanor and subject to a fine of \$500.

6 **§321-J Revocation and suspension of license.** (a) In
7 addition to any other actions authorized by law, the department
8 shall have the power to deny, revoke, or suspend any license
9 applied for or issued by the department in accordance with this
10 part, and to fine or otherwise discipline a licensee for any
11 cause authorized by law, including but not limited to the
12 following:

- 13 (1) Procuring a license through fraud, misrepresentation,
14 or deceit;
- 15 (2) Professional misconduct, gross carelessness, or
16 manifest incapacity;
- 17 (3) Violation of any of the provisions of this part or the
18 rules adopted pursuant thereto;
- 19 (4) False, fraudulent, or deceptive advertising;
- 20 (5) Any other conduct constituting fraudulent or dishonest
21 dealings;



- 1 (6) Failure to comply with a department order; and
- 2 (7) Making a false statement on any document submitted or
- 3 required to be filed by this part, including
- 4 furnishing false or fraudulent material information in
- 5 any application.

6 (b) Any person who violates any of the provisions of this
7 chapter or the rules adopted pursuant thereto shall be fined not
8 less than \$ nor more than \$ for each
9 violation.

10 (c) If the department revokes or suspends a license, the
11 licensee shall not:

- 12 (1) Dispense, sell, transfer, or otherwise dispose of any
- 13 marijuana or manufactured marijuana products owned by
- 14 or in the possession of the licensee; or

15 (2) Manufacture marijuana products,
16 until the time for taking an appeal has elapsed or until all
17 appeals have been concluded. Upon a revocation order becoming
18 final, all marijuana and manufactured marijuana products may be
19 forfeited to the State.

20 (d) All proceedings for denial, suspension, fine, or
21 revocation of a license on any grounds specified in subsection



1 (a) shall be conducted pursuant to chapter 91, including the
2 right of judicial review.

3 §321-K Medical marijuana zoning. (a) Medical marijuana
4 production centers and dispensaries shall comply with all county
5 zoning ordinances, rules, or regulations; provided that:

6 (1) A medical marijuana production center shall be
7 permitted in any area in which agricultural production
8 is permitted except as provided within this part; and

9 (2) No medical marijuana production center or dispensary
10 shall be permitted within seven hundred and fifty feet
11 of the real property comprising a playground, public
12 housing project or complex, or school.

13 (b) As used in this section:

14 "Playground" means any public outdoor facility, including
15 any parking lot appurtenant thereto, that is intended for
16 recreation, with any portion thereof containing three or more
17 separate apparatus intended for the recreation of children,
18 including but not limited to sliding boards, swing sets, and
19 teeterboards.

20 "Public housing project or complex" means a housing project
21 directly controlled, owned, developed, or managed by the Hawaii



1 public housing authority pursuant to the federal or state low-
2 rent public housing program.

3 "School" means any public or private preschool,
4 kindergarten, elementary, intermediate, middle secondary, or
5 high school.

6 §321-L Annual inspections, audits, and reports. (a) Each
7 medical marijuana production center and dispensary
8 licensed pursuant to this part shall:

- 9 (1) Be subject to an annual announced inspection and
10 unannounced inspections of its operations by the
11 department; and
- 12 (2) Annually cause an independent financial audit, at the
13 production center or dispensary operator's own
14 expense, to be conducted of the production center or
15 dispensary and shall submit the audit's findings to
16 the department.

17 (b) The department shall report annually to the governor
18 and the legislature on the establishment and regulation of
19 medical marijuana production centers and dispensaries including,
20 but not limited to, the number and location of production
21 centers and dispensaries licensed, the total licensing fees



1 collected, and any licensing violations determined by the
2 department.

3 §321-M Cultivation of medical marijuana by qualifying
4 patients and primary caregivers. Nothing in this part shall be
5 construed as prohibiting a qualifying patient or primary
6 caregiver from cultivating or possessing an adequate supply of
7 medical marijuana pursuant to part IX of chapter 329.

8 §321-N Coordination among state and federal agencies. The
9 department shall initiate ongoing dialogue among relevant state
10 and federal agencies to identify processes and policies that
11 ensure the privacy of medical marijuana patients and the
12 compliance of patients, caregivers, producers, and dispensaries
13 with state laws and regulations related to medical marijuana.

14 §321-O Interim rules. The department may adopt interim
15 rules, which shall be exempt from chapter 91, to effectuate the
16 purposes of this part; provided that the interim rules shall be
17 effective for no more than twenty-four months."

18 PART III

19 SECTION 3. Section 46-4, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§46-4 County zoning. (a) This section and any
2 ordinance, rule, or regulation adopted in accordance with this
3 section shall apply to lands not contained within the forest
4 reserve boundaries as established on January 31, 1957, or as
5 subsequently amended.

6 Zoning in all counties shall be accomplished within the
7 framework of a long-range, comprehensive general plan prepared
8 or being prepared to guide the overall future development of the
9 county. Zoning shall be one of the tools available to the
10 county to put the general plan into effect in an orderly manner.
11 Zoning in the counties of Hawaii, Maui, and Kauai means the
12 establishment of districts of such number, shape, and area, and
13 the adoption of regulations for each district to carry out the
14 purposes of this section. In establishing or regulating the
15 districts, full consideration shall be given to all available
16 data as to soil classification and physical use capabilities of
17 the land to allow and encourage the most beneficial use of the
18 land consonant with good zoning practices. The zoning power
19 granted herein shall be exercised by ordinance which may relate
20 to:



- 1 (1) The areas within which agriculture, forestry,
2 industry, trade, and business may be conducted;
- 3 (2) The areas in which residential uses may be regulated
4 or prohibited;
- 5 (3) The areas bordering natural watercourses, channels,
6 and streams, in which trades or industries, filling or
7 dumping, erection of structures, and the location of
8 buildings may be prohibited or restricted;
- 9 (4) The areas in which particular uses may be subjected to
10 special restrictions;
- 11 (5) The location of buildings and structures designed for
12 specific uses and designation of uses for which
13 buildings and structures may not be used or altered;
- 14 (6) The location, height, bulk, number of stories, and
15 size of buildings and other structures;
- 16 (7) The location of roads, schools, and recreation areas;
- 17 (8) Building setback lines and future street lines;
- 18 (9) The density and distribution of population;
- 19 (10) The percentage of a lot that may be occupied, size of
20 yards, courts, and other open spaces;
- 21 (11) Minimum and maximum lot sizes; and



1 (12) Other regulations the boards or city council find
2 necessary and proper to permit and encourage the
3 orderly development of land resources within their
4 jurisdictions.

5 The council of any county shall prescribe rules,
6 regulations, and administrative procedures and provide personnel
7 it finds necessary to enforce this section and any ordinance
8 enacted in accordance with this section. The ordinances may be
9 enforced by appropriate fines and penalties, civil or criminal,
10 or by court order at the suit of the county or the owner or
11 owners of real estate directly affected by the ordinances.

12 Any civil fine or penalty provided by ordinance under this
13 section may be imposed by the district court, or by the zoning
14 agency after an opportunity for a hearing pursuant to chapter
15 91. The proceeding shall not be a prerequisite for any
16 injunctive relief ordered by the circuit court.

17 Nothing in this section shall invalidate any zoning
18 ordinance or regulation adopted by any county or other agency of
19 government pursuant to the statutes in effect prior to July 1,
20 1957.



1 The powers granted herein shall be liberally construed in
2 favor of the county exercising them, and in such a manner as to
3 promote the orderly development of each county or city and
4 county in accordance with a long-range, comprehensive general
5 plan to ensure the greatest benefit for the State as a whole.
6 This section shall not be construed to limit or repeal any
7 powers of any county to achieve these ends through zoning and
8 building regulations, except insofar as forest and water reserve
9 zones are concerned and as provided in subsections (c) and (d).

10 Neither this section nor any ordinance enacted pursuant to
11 this section shall prohibit the continued lawful use of any
12 building or premises for any trade, industrial, residential,
13 agricultural, or other purpose for which the building or
14 premises is used at the time this section or the ordinance takes
15 effect; provided that a zoning ordinance may provide for
16 elimination of nonconforming uses as the uses are discontinued,
17 or for the amortization or phasing out of nonconforming uses or
18 signs over a reasonable period of time in commercial,
19 industrial, resort, and apartment zoned areas only. In no event
20 shall such amortization or phasing out of nonconforming uses
21 apply to any existing building or premises used for residential



1 (single-family or duplex) or agricultural uses. Nothing in this
2 section shall affect or impair the powers and duties of the
3 director of transportation as set forth in chapter 262.

4 (b) Any final order of a zoning agency established under
5 this section may be appealed to the circuit court of the circuit
6 in which the land in question is found. The appeal shall be in
7 accordance with the Hawaii rules of civil procedure.

8 (c) Each county may adopt reasonable standards to allow
9 the construction of two single-family dwelling units on any lot
10 where a residential dwelling unit is permitted.

11 (d) Neither this section nor any other law, county
12 ordinance, or rule shall prohibit group living in facilities
13 with eight or fewer residents for purposes or functions that are
14 licensed, certified, registered, or monitored by the State;
15 provided that a resident manager or a resident supervisor and
16 the resident manager's or resident supervisor's family shall not
17 be included in this resident count. These group living
18 facilities shall meet all applicable county requirements not
19 inconsistent with the intent of this subsection, including but
20 not limited to building height, setback, maximum lot coverage,
21 parking, and floor area requirements.



1 (e) Neither this section nor any other law, county
2 ordinance, or rule shall prohibit the use of land for employee
3 housing and community buildings in plantation community
4 subdivisions as defined in section 205-4.5(a)(12); in addition,
5 no zoning ordinance shall provide for the elimination,
6 amortization, or phasing out of plantation community
7 subdivisions as a nonconforming use.

8 (f) Neither this section nor any other law, county
9 ordinance, or rule shall prohibit the use of land for medical
10 marijuana production centers or dispensaries established and
11 licensed pursuant to part of chapter 321."

12 PART IV

13 SECTION 4. Section 321-30.1, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "[+]§321-30.1[+] Medical marijuana registry and regulation
16 special fund; established. (a) There is established within the
17 state treasury the medical marijuana registry and regulation
18 special fund. The fund shall be expended at the discretion of
19 the director of health:



1 (1) To establish and regulate a system of medical
2 marijuana production centers and dispensaries in the
3 State;

4 ~~[(1)]~~ (2) To offset the cost of the processing and issuance
5 of patient registry identification certificates and
6 primary caregiver registration certificates;

7 ~~[(2)]~~ (3) To fund positions authorized by the legislature;

8 ~~[(3)]~~ (4) To establish and manage a secure and confidential
9 database; and

10 ~~[(4)]~~ (5) For any other expenditure necessary, as
11 authorized by the legislature, to implement [a]
12 medical marijuana registry and regulation [program-]
13 programs.

14 (b) The fund shall consist of all moneys derived from fees
15 collected pursuant to subsection (c) ~~[-]~~ and sections 321-B and
16 321-C. There is established within the medical marijuana
17 registry and regulation special fund:

18 (1) A medical marijuana registry program sub-account, into
19 which shall be deposited [All] all fees collected
20 pursuant to subsection (c) [shall be deposited into
21 the medical marijuana registry special fund.]; and



1 complying with the permitted scope of the production or
2 distribution of medical marijuana under chapter 321, part ,
3 shall not be afforded the protections provided by subsection
4 (a).

5 (c) No person shall be subject to arrest or prosecution
6 for merely being in the presence or vicinity of a medical
7 marijuana production center or medical marijuana dispensary
8 licensed and operating under chapter 321, part ."

9 SECTION 6. Section 329-121, Hawaii Revised Statutes, is
10 amended by amending the definition of "adequate supply" to read
11 as follows:

12 "Adequate supply" means an amount of marijuana jointly
13 possessed between the qualifying patient and the primary
14 caregiver that is not more than is reasonably necessary to
15 ~~assure~~ ensure the uninterrupted availability of marijuana for
16 the purpose of alleviating the symptoms or effects of a
17 qualifying patient's debilitating medical condition; provided
18 that an "adequate supply" shall not exceed: seven marijuana
19 plants, whether immature or mature, and four ounces of usable
20 marijuana at any given time[-]; or any combination of usable
21 marijuana and marijuana products manufactured pursuant to



1 part of chapter 321 that exceed four ounces of usable
2 marijuana or the equivalent of four ounces of usable marijuana,
3 as calculated using information provided pursuant to section
4 321-G(a)(4)."

5 SECTION 7. Section 329-122, Hawaii Revised Statutes, is
6 amended by amending subsection (c) to read as follows:

7 "(c) The authorization for the medical use of marijuana in
8 this section shall not apply to:

9 (1) The medical use of marijuana that endangers the health
10 or well-being of another person;

11 (2) The medical use of marijuana:

12 (A) In a school bus, public bus, or any moving
13 vehicle;

14 (B) In the workplace of one's employment;

15 (C) On any school grounds;

16 (D) At any public park, public beach, public
17 recreation center, recreation or youth center; or

18 (E) ~~Other~~ At any other place open to the public;

19 provided that a qualifying patient, parent,

20 primary caregiver, or an owner or employee of a

21 medical marijuana production center or dispensary



1 licensed under sections 321-B and 321-C shall not
 2 be prohibited from transporting medical marijuana
 3 in any public place; and

4 (3) The use of marijuana by a qualifying patient, parent,
 5 or primary caregiver for purposes other than medical
 6 use permitted by this part."

PART VI

8 SECTION 8. There is appropriated out of the general
 9 revenues of the State of Hawaii the sum of \$ or so
 10 much thereof as may be necessary for fiscal year 2015-2016, and
 11 the same sum or so much thereof as may be necessary for fiscal
 12 year 2016-2017, to be deposited into the medical marijuana
 13 registry and regulation special fund established pursuant to
 14 section 321-30.1, Hawaii Revised Statutes.

15 SECTION 9. There is appropriated out of the medical
 16 marijuana registry and regulation special fund the sum of
 17 \$ or so much thereof as may be necessary for fiscal
 18 year 2015-2016 and the same sum or so much thereof as may be
 19 necessary for fiscal year 2016-2017 to carry out the purposes of
 20 this Act, including the hiring of full-time equivalent



1 (FTE) positions to carry out the purposes of the medical
2 marijuana dispensary program established pursuant to this Act.

3 The sums appropriated shall be expended by the department
4 of health for the purposes of this Act.

5 SECTION 10. Not later than July 1, 2016, the department of
6 health shall establish and commence a repayment plan and
7 schedule to repay to the general fund, the sums deposited into
8 the medical marijuana registry and regulation special fund
9 established pursuant to section 321-30.1, Hawaii Revised
10 Statutes. The department of health shall only use moneys from
11 the medical marijuana registry and regulation special fund to
12 repay the general fund. The repayment schedule shall not extend
13 beyond June 30,

14 PART VII

15 SECTION 11. Not later than March 15, 2016, the director of
16 health shall submit a report and provide an informational
17 briefing to the legislature concerning the progress of
18 implementing the provisions of part II of this Act, including
19 the status of rulemaking by the department of health pertaining
20 to the licensure of medical marijuana dispensaries and
21 production centers.



1 PART VIII

2 SECTION 12. In codifying the new sections added by section
3 2 of this Act, the revisor of statutes shall substitute
4 appropriate section numbers for the letters used in designating
5 the new sections in this Act.

6 SECTION 13. If any provision of this Act, or the
7 application thereof to any person or circumstance, is held
8 invalid, the invalidity does not affect other provisions or
9 applications of the Act that can be given effect without the
10 invalid provision or application, and to this end the provisions
11 of this Act are severable.

12 SECTION 14. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 15. This Act shall take effect ;
15 provided that part VI shall take effect on July 1, 2050.



Report Title:

Medical Marijuana; Dispensaries and Production Centers;
Appropriation

Description:

Establishes a system of medical marijuana dispensaries and production centers. Prohibits counties from enacting zoning regulations that discriminate against licensed dispensaries and production centers. Clarifies the right of qualifying patients and primary caregivers to transport medical marijuana. Appropriates funds. (HD1)

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

