
A BILL FOR AN ACT

RELATING TO MEDICAL MARIJUANA DISPENSARIES.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

PART I

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



1 tetrahydrocannabinol by a qualifying patient or primary
2 caregiver for the qualifying patient's use.

3 "Marijuana" shall have the same meaning as in section 329-
4 121.

5 "Medical marijuana dispensary" or "dispensary" means an
6 establishment operated by an organization or business licensed
7 by the State pursuant to this part.

8 "Medical marijuana production center" or "production
9 center" means a farm or facility operated by an organization or
10 business licensed by the State pursuant to this part where
11 marijuana or marijuana products are cultivated, processed, or
12 packaged with the limited and express intent that the marijuana
13 or marijuana products be supplied to medical marijuana
14 dispensaries or other medical marijuana production centers,
15 pursuant to this part and to section 329-122.

16 "Person" means an individual, firm, corporation,
17 partnership, association, or any form of business or legal
18 entity.

19 "Primary caregiver" shall have the same meaning as in
20 section 329-121.



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

3 §321-B Medical marijuana dispensaries; licensure; fees;
4 inspection. (a) This section applies to the distribution of
5 marijuana for medical use, as defined in section 329-121.

6 (b) No person shall act as a dispensary unless the person
7 has obtained a license from the department pursuant to this
8 part.

9 (c) The department shall adopt rules, in accordance with
10 chapter 91, to provide for the licensure and standards for
11 dispensaries in this State.

12 (d) The director of health shall grant medical marijuana
13 dispensary licenses to allow dispensaries registered under this
14 section to acquire, possess, cultivate, manufacture, deliver,
15 transfer, transport, supply, or dispense marijuana, or related
16 supplies and educational materials, to registered qualifying
17 patients.

18 (e) At least dispensaries shall be licensed in each
19 county; provided that a dispensary shall not be required in the
20 county of Kalawao; provided further that there shall be:



1 (1) Up to dispensaries in the city and county of
2 Honolulu;

3 (2) Up to dispensaries in Hawaii county;

4 (3) Up to dispensaries in Maui county; and

5 (4) Up to dispensaries in Kauai county.

6 (f) Each dispensary licensed pursuant to this section
7 shall:

8 (1) Be a health care provider incorporated in the State
9 for at least years before the date of
10 application;

11 (2) Be a legal entity formed under the laws of the State;

12 (3) Not be a legal entity formed under the laws of any
13 other state;

14 (4) Not be an insurance company or mutual benefit society,
15 nor directly owned or controlled by an insurance
16 company or mutual benefit society; and

17 (5) Have obtained a Hawaii general excise tax license
18 pursuant to section 237-9.

19 (g) The director of health shall approve an application
20 for a dispensary license if the application meets all dispensary
21 licensing requirements and criteria pursuant to this section



1 and, if approved, shall issue the license to the dispensary
2 within days of receiving the application. The director
3 shall issue dispensary licenses in the order in which
4 applications are received.

5 (h) Dispensaries licensed pursuant to this section shall
6 be open for business and have medical marijuana for sale to
7 patients no later than days from the date of license
8 approval.

9 (i) The department of health shall commence accepting
10 applications for the dispensary license that is applicable to
11 each county beginning on the effective date of this Act.

12 (j) A single dispensary may be granted a dispensary
13 license in more than counties if the dispensary meets all
14 licensing requirements.

15 (k) At least per cent of the interests in a
16 dispensary shall be held at all times by Hawaii residents who
17 have documented Hawaii residency for at least years
18 immediately preceding the date of the license application. No
19 more than per cent of the interests in a dispensary shall
20 be held at any time by individuals who do not have documented



1 Hawaii residency for at least years immediately preceding
2 the date of the license application.

3 (1) Each individual who holds per cent or more
4 interest in a dispensary shall:

5 (1) Be a principal officer or board member of the
6 dispensary;

7 (2) Have been a Hawaii resident for at least years
8 immediately preceding the date of the license
9 application;

10 (3) Be a legal resident of the State;

11 (4) Maintain a full-time residence in the State; and

12 (5) Not have been convicted of a felony anywhere in the
13 United States within years immediately preceding
14 the date of the license application.

15 (m) Each person seeking licensure as a dispensary shall
16 submit an application that includes the following:

17 (1) The name of at least principal officer or board
18 member of the dispensary; provided that the name of
19 each individual who is required to be a principal
20 officer and board member of the dispensary pursuant to
21 subsection (1) shall be included, if applicable;



- 1 (2) Documentation that demonstrates that the dispensary
2 controls at least \$ for each license and at
3 least \$ for each dispensing location allowed
4 under the license or licenses applied for in the form
5 of escrow accounts, letters of credit, surety bonds,
6 bank statements, lines of credit, or the equivalent,
7 to begin operating the dispensary;
- 8 (3) Documentation that demonstrates that the dispensary
9 has controlled at least \$ for at least
10 days prior to the date the license application was
11 submitted;
- 12 (4) Documentation that demonstrates the capacity of the
13 dispensary to conduct chemical and pharmaceutical
14 analysis of medical marijuana to ensure quality,
15 consistency, purity, and potency of medication for at
16 least days prior to the date the license
17 application was submitted;
- 18 (5) A fee of \$; provided that:
- 19 (A) The applicant shall submit the fee in the form of
20 checks in the amount of \$;



1 (B) If the application is unsuccessful, the
2 department shall retain the fee of \$,
3 and destroy the remaining checks for \$;
4 and

5 (C) Application fees of successful applicants are
6 nonrefundable;

7 (6) Documentation that demonstrates that the dispensary is
8 a legal entity formed under the laws of the State; and

9 (7) A general excise tax license number.

10 (n) All dispensary licenses shall expire on ,
11 and may be renewed by application submitted beginning on

12 .

13 (o) The department shall establish and collect an annual
14 renewal fee of \$ from a medical marijuana dispensary;
15 provided that the amount of the renewal fee shall be subject to
16 review and revision by the department; provided further that the
17 renewal fee shall be sufficient to cover the department's
18 expenses in carrying out this part.

19 (p) All fees collected pursuant to this section shall be
20 deposited in the medical marijuana registry and regulation
21 special fund pursuant to section 321-30.1.



1 (q) Notwithstanding any other law to the contrary, no
2 dispensary shall employ a person convicted of a felony anywhere
3 in the United States within _____ years immediately preceding
4 the date of the license application.

5 **§321-C Medical marijuana production centers; licensure;**
6 **fees; inspection.** (a) No person may act as a medical marijuana
7 production center unless the person has obtained a license from
8 the department pursuant to this part.

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

12 (c) Medical marijuana production centers shall distribute
13 marijuana only to dispensaries or other production centers
14 licensed pursuant to this part. Medical marijuana production
15 centers shall not distribute marijuana directly to qualifying
16 patients or primary caregivers.

17 **§321-D Manufacturing of medical marijuana products.** (a)
18 Any medical marijuana dispensary or production center licensed
19 by the department pursuant to this part shall be permitted to
20 manufacture medical marijuana; provided that the dispensary or
21 production center shall also obtain any other state or county



1 permits or licenses that may be necessary for a particular
2 manufacturing activity.

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

8 **§321-E Types of medical marijuana products.** (a) The
9 department shall adopt rules regarding the type of medical
10 marijuana products that may be manufactured and distributed
11 pursuant to this part; provided that no candy products
12 containing medical marijuana shall be permitted; provided
13 further that nothing in this section shall be construed as
14 prohibiting the manufacture and distribution of lozenges.

15 (b) As used in this section, "lozenges" means a small
16 tablet manufactured in a manner to allow for the dissolving of
17 its medicinal or therapeutic component slowly in the mouth.

18 **§321-F Advertising and packaging.** (a) The department
19 shall establish standards regarding the advertising and
20 packaging of medical marijuana products; provided that the



1 standards, at a minimum, shall require the use of packaging
2 that:

- 3 (1) Is child-resistant and opaque so that the product
4 cannot be seen from outside the packaging;
- 5 (2) Is clearly labeled with the phrase "For medicinal use
6 only"; and
- 7 (3) Contains information about the contents and potency of
8 the product.

9 (b) Any lozenge, capsule, or pill containing medical
10 marijuana or its principal psychoactive constituent
11 tetrahydrocannabinol shall be packaged so that one dose,
12 serving, or single wrapped item contains no more than
13 milligrams of tetrahydrocannabinol.

14 **§321-G Medical marijuana production center and dispensary**
15 **rules.** The department shall adopt rules pursuant to chapter 91
16 for the purpose of this part and with respect to:

- 17 (1) A fee structure for the submission of applications and
18 renewal of licenses to operate production centers or
19 dispensaries;



- 1 (2) Any specific requirements regarding annual audits and
- 2 reports pertaining to each production center and
- 3 dispensary that is licensed pursuant to this part;
- 4 (3) Security requirements for the operation of production
- 5 centers and dispensaries; provided that the
- 6 requirements, at a minimum, shall require:
- 7 (A) For productions centers:
- 8 (i) Video monitoring and recording of the
- 9 premises;
- 10 (ii) Fencing that surrounds the premises and that
- 11 is sufficient to reasonably deter intruders
- 12 and prevent anyone outside the premises from
- 13 viewing any area where marijuana is
- 14 cultivated, processed, or stored;
- 15 (iii) An alarm system; and
- 16 (iv) Other reasonable security measures to deter
- 17 or prevent intruders, as deemed necessary by
- 18 the department;
- 19 (B) For dispensaries:
- 20 (i) Presentation of valid identification as
- 21 issued by the department pursuant to section



1 329-123, by a qualifying patient or primary
2 caregiver, upon entering the premises;
3 (ii) Video monitoring and recording of the
4 premises;
5 (iii) An alarm system;
6 (iv) Exterior lighting; and
7 (v) Other reasonable security measures as deemed
8 necessary by the department;
9 (4) Standards and criminal backgrounds checks for
10 operators and employees of production centers and
11 dispensaries; provided that the standards, at a
12 minimum, shall exclude from licensure or employment
13 any person convicted of any felony pursuant to section
14 321-B(q); provided further that the department may
15 adopt rules exempting from this paragraph a person who
16 was convicted of a felony that was specifically
17 related to marijuana, if the conviction was at least
18 years prior to the licensure or employment;
19 (5) The training and certification of operators and
20 employees of production centers and dispensaries;
21 provided that the department shall establish a

1 training or certification program for dispensary
2 employees;

3 (6) The types of medical marijuana products that
4 production centers and dispensaries shall be
5 authorized to grow, manufacture, sell, or provide;

6 (7) Standards and methodologies related to testing medical
7 marijuana products for content, contamination, and
8 consistency;

9 (8) Dispensary and production center inventory controls to
10 prevent the unauthorized diversion of marijuana;
11 provided that the controls, at a minimum, shall
12 include:

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

19 (B) Product packaging standards sufficient to allow
20 law enforcement personnel to reasonably determine
21 the contents of an unopened package;



1 (9) The enforcement of prohibitions against the sale of
2 provision of medical marijuana products to
3 unauthorized persons;

4 (10) Any limitations to the size or format of any signs
5 placed outside a dispensary or production center;
6 provided that no sign shall include the image of a
7 cartoon character or other design intended to appeal
8 to children; and

9 (11) Penalties for violations of this part or rules adopted
10 thereunder.

11 **§321-H Medical marijuana zoning.** Medical marijuana
12 production centers and dispensaries shall comply with all county
13 zoning ordinances, rules, or regulations; provided that:

14 (1) A medical marijuana production center shall be
15 permitted in any area in which agricultural production
16 is permitted except as provided within this part;

17 (2) A medical marijuana dispensary shall be permitted in
18 any area in which a pharmacy is permitted; and

19 (3) No medical marijuana production center or dispensary
20 shall be permitted within feet of the real



1 property comprising a public school as defined in
2 section 302A-101.

3 §321-I Annual inspections, audits, and reports. (a) Each
4 medical marijuana production center and dispensary licensed
5 pursuant to this part shall:

6 (1) Be subject to an annual announced inspection and
7 unannounced inspections of its operations by the
8 department; and

9 (2) Annually cause an independent financial audit, at the
10 production center or dispensary operator's own
11 expense, to be conducted of the production center or
12 dispensary and shall submit the audit's findings to
13 the department.

14 (b) The department shall report annually to the governor
15 and the legislature on the establishment and regulation of
16 medical marijuana production centers and dispensaries, including
17 but not limited to:

18 (1) The number and location of production centers and
19 dispensaries licensed;

20 (2) The total licensing fees collected; and

21 (3) Any licensing violations determined by the department.



1 **§321-J Cultivation of medical marijuana by qualifying**
2 **patients and primary caregivers.** Nothing in this part shall be
3 construed as prohibiting a qualifying patient or primary
4 caregiver from cultivating or possessing an adequate supply of
5 medical marijuana pursuant to part IX of chapter 329.

6 **§321-K Coordination among state and federal agencies.** (a)
7 The department shall initiate ongoing dialogue among relevant
8 state and federal agencies to identify processes and policies
9 that ensure the privacy of medical marijuana patients and the
10 compliance of patients, caregivers, producers, and dispensaries
11 with state laws and regulations related to medical marijuana.

12 (b) The entirety of this part, and all actions and
13 activities provided for and allowed for by this part, shall be
14 deemed the implementation of a state law that authorizes the
15 use, distribution, and possession of medical marijuana under
16 section 538 of the Consolidated and Further Continuing
17 Appropriations Act of 2015.

18 **§321-L County ordinance restriction; preemption.** (a) No
19 county shall enact any ordinances or laws regulating
20 dispensaries, the cultivation of marijuana by medical marijuana
21 production centers, or the location of dispensaries and



1 production centers. No county shall regulate dispensaries or
2 production centers other than as provided in this part and shall
3 not prohibit the cultivation, processing, transportation,
4 infusion, preparation, possession, dispensing, sale, and use of
5 medical marijuana.

6 (b) This part is an express preemption of the concurrent
7 exercise by county governments on the regulation and licensing
8 of dispensaries, production centers, and the operation of
9 dispensaries and production centers, all such powers being
10 exclusively reserved to and exercised under this part by the
11 State. The State hereby expresses an intent to fill the field
12 of the regulation of medical marijuana and the dispensing and
13 production thereof, and all county laws or ordinances in
14 conflict with and having the effect of interfering with the
15 State's intent to fill the field are expressly preempted."

16 PART III

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

19 "§46-4 County zoning. (a) This section and any
20 ordinance, rule, or regulation adopted in accordance with this
21 section shall apply to lands not contained within the forest



1 reserve boundaries as established on January 31, 1957, or as
2 subsequently amended.

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

- 18 (1) The areas within which agriculture, forestry,
19 industry, trade, and business may be conducted;
20 (2) The areas in which residential uses may be regulated
21 or prohibited;



- 1 (3) The areas bordering natural watercourses, channels,
2 and streams, in which trades or industries, filling or
3 dumping, erection of structures, and the location of
4 buildings may be prohibited or restricted;
- 5 (4) The areas in which particular uses may be subjected to
6 special restrictions;
- 7 (5) The location of buildings and structures designed for
8 specific uses and designation of uses for which
9 buildings and structures may not be used or altered;
- 10 (6) The location, height, bulk, number of stories, and
11 size of buildings and other structures;
- 12 (7) The location of roads, schools, and recreation areas;
- 13 (8) Building setback lines and future street lines;
- 14 (9) The density and distribution of population;
- 15 (10) The percentage of a lot that may be occupied, size of
16 yards, courts, and other open spaces;
- 17 (11) Minimum and maximum lot sizes; and
- 18 (12) Other regulations the boards or city council find
19 necessary and proper to permit and encourage the
20 orderly development of land resources within their
21 jurisdictions.



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

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

13 Nothing in this section shall invalidate any zoning
14 ordinance or regulation adopted by any county or other agency of
15 government pursuant to the statutes in effect prior to July 1,
16 1957.

17 The powers granted herein shall be liberally construed in
18 favor of the county exercising them, and in such a manner as to
19 promote the orderly development of each county or city and
20 county in accordance with a long-range, comprehensive general
21 plan to ensure the greatest benefit for the State as a whole.



1 This section shall not be construed to limit or repeal any
2 powers of any county to achieve these ends through zoning and
3 building regulations, except insofar as forest and water reserve
4 zones are concerned and as provided in subsections (c) and (d).

5 Neither this section nor any ordinance enacted pursuant to
6 this section shall prohibit the continued lawful use of any
7 building or premises for any trade, industrial, residential,
8 agricultural, or other purpose for which the building or
9 premises is used at the time this section or the ordinance takes
10 effect; provided that a zoning ordinance may provide for
11 elimination of nonconforming uses as the uses are discontinued,
12 or for the amortization or phasing out of nonconforming uses or
13 signs over a reasonable period of time in commercial,
14 industrial, resort, and apartment zoned areas only. In no event
15 shall such amortization or phasing out of nonconforming uses
16 apply to any existing building or premises used for residential
17 (single-family or duplex) or agricultural uses. Nothing in this
18 section shall affect or impair the powers and duties of the
19 director of transportation as set forth in chapter 262.

20 (b) Any final order of a zoning agency established under
21 this section may be appealed to the circuit court of the circuit



1 in which the land in question is found. The appeal shall be in
2 accordance with the Hawaii rules of civil procedure.

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

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

17 (e) Neither this section nor any other law, county
18 ordinance, or rule shall prohibit the use of land for employee
19 housing and community buildings in plantation community
20 subdivisions as defined in section 205-4.5(a)(12); in addition,
21 no zoning ordinance shall provide for the elimination,



1 amortization, or phasing out of plantation community
2 subdivisions as a nonconforming use.

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

7 PART IV

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

10 "~~{}~~§321-30.1~~}~~ Medical marijuana registry and regulation
11 special fund; established. (a) There is established within the
12 state treasury the medical marijuana registry and regulation
13 special fund. The fund shall be expended at the discretion of
14 the director of health:

15 (1) To establish and regulate a system of medical
16 marijuana production centers and dispensaries in the
17 State;

18 ~~{1}~~ (2) To offset the cost of the processing and issuance
19 of patient registry identification certificates and
20 primary caregiver registration certificates;

21 ~~{2}~~ (3) To fund positions authorized by the legislature;



1 SECTION 5. Chapter 329, Hawaii Revised Statutes, is
2 amended by adding a new section to part IX to be appropriately
3 designated and to read as follows:

4 "§329- Protections afforded to an owner or qualified
5 employee of a licensed production center or dispensary. (a) An
6 owner or employee of a medical marijuana production center or a
7 medical marijuana dispensary licensed under section 321-B or
8 321-C may assert the medical production or medical distribution
9 of marijuana as an affirmative defense to any prosecution
10 involving marijuana under this part or chapter 712; provided
11 that the owner or employee strictly complied with the
12 requirements of chapter 321, part .

13 (b) An owner or employee of a licensed medical marijuana
14 production center or licensed medical marijuana dispensary not
15 complying with the permitted scope of the medical production or
16 medical distribution of marijuana shall not be afforded the
17 protections against searches and seizures pertaining to the
18 misapplication of the medical production or medical distribution
19 of marijuana.

20 (c) No person shall be subject to arrest or prosecution
21 for merely being in the presence or vicinity of a medical



1 marijuana production center or medical marijuana dispensary
2 licensed and operating under chapter 321, part _____."

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

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

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

9 (2) The medical use of marijuana:

10 (A) In a school bus, public bus, or any moving
11 vehicle;

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

13 (C) On any school grounds;

14 (D) At any public park, public beach, public
15 recreation center, recreation or youth center; or

16 (E) ~~[Other]~~ At any other place open to the public;
17 provided that a qualifying patient, parent,

18 primary caregiver, or an owner or employee of a

19 medical marijuana production center or dispensary

20 licensed under sections 321-B and 321-C shall not



1 be prohibited from transporting medical marijuana
2 in any public place; and

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

6 PART VI

7 SECTION 7. Section 329-123, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) Physicians who issue written certifications shall
10 provide, in each written certification, the name, address,
11 patient identification number, and other identifying information
12 of the qualifying patient. The department of health shall
13 require, in rules adopted pursuant to chapter 91, that all
14 written certifications comply with a designated form completed
15 by or on behalf of a qualifying patient. The form shall require
16 information from the applicant, primary caregiver, and [~~primary~~
17 ~~care~~] physician as specifically required or permitted by this
18 chapter. The form shall require the address of the location
19 where the marijuana is grown and shall appear on the registry
20 card issued by the department of health. [~~The certifying~~
21 ~~physician shall be required to be the qualifying patient's~~



1 ~~primary care physician.]~~ All current active medical marijuana
2 permits shall be honored through their expiration date."

3 PART VII

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

11 SECTION 9. There is appropriated out of the medical
12 marijuana registry and regulation special fund the sum of
13 \$ or so much thereof as may be necessary for fiscal
14 year 2015-2016 and the same sum or so much thereof as may be
15 necessary for fiscal year 2016-2017 to carry out the purposes of
16 this Act, including the hiring of full-time equivalent
17 (FTE) positions to carry out the purposes of the medical
18 marijuana dispensary program established pursuant to this Act.

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



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

10 **PART VIII**

11 SECTION 11. In codifying the new sections added by section
12 2 of this Act, the revisor of statutes shall substitute
13 appropriate section numbers for the letters used in designating
14 the new sections in this Act.

15 SECTION 12. If any provision of this Act, or the
16 application thereof to any person or circumstance, is held
17 invalid, the invalidity does not affect other provisions or
18 applications of the Act that can be given effect without the
19 invalid provision or application, and to this end the provisions
20 of this Act are severable.



1 SECTION 13. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 14. This Act shall take effect on July 1, 2050,
4 and shall be repealed on ; provided that sections 46-
5 4, 321-30.1, 329-122(c), and 329-123(a), Hawaii Revised
6 Statutes, shall be reenacted in the form in which they read on
7 the day prior to the effective date of this Act.

8



Report Title:

Medical Marijuana; Dispensaries; Production Centers; License; 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. Renames "medical marijuana registry special fund" to "medical marijuana registry and regulation special fund" and expands expending options. Establishes protections for an owner or qualified employee of a licensed production center or dispensary. Clarifies the right of qualifying patients and primary caregivers to transport medical marijuana. Appropriates funds. Repeals the requirement that the physician who issues a written certification for a qualifying patient be the patient's primary care physician. Effective 7/1/2050.
(SD1)

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

