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## A BILL FOR AN ACT

RELATING TO MEDICAL MARIJUANA.

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

1           SECTION 1. The legislature finds that Act 241, Session  
2 Laws of Hawaii 2015, established a regulatory system for medical  
3 marijuana dispensaries that was codified as chapter 329D, Hawaii  
4 Revised Statutes. Pursuant to Act 241, the department of health  
5 began administering the medical marijuana dispensary program in  
6 2016. Dispensaries may begin to dispense medical marijuana and  
7 manufactured medical marijuana products in 2017 with  
8 departmental approval.

9           The legislature further finds that the medical marijuana  
10 dispensary task force recommended policies and procedures for  
11 the establishment of medical marijuana dispensaries. However, a  
12 minority group of the task force expressed many concerns about  
13 the safety of marijuana and manufactured marijuana products  
14 that, in their view, were not sufficiently addressed. These  
15 concerns include protecting adolescent brain development from  
16 impairment; preventing fetal alcohol spectrum disorders, a range  
17 of lifelong disabilities among infants born to substance-using



1 mothers; and preventing and reducing injuries and deaths  
2 associated with marijuana-impaired driving.

3       According to a 2015 study by the state of Colorado,  
4 entitled "Marijuana equivalency in portion and dosage", the  
5 average potencies of products sold in Colorado are approximately  
6 17.1 per cent for cannabis flowers and 62.1 per cent for  
7 marijuana extracts. Furthermore, according to a 2015 study  
8 entitled "Alcohol and drug treatment services: Hawaii 5-year  
9 trends (2010-2014)", marijuana was the primary illicit substance  
10 used by the majority of adolescents seventeen years old and  
11 younger seeking treatment (61.2 per cent), followed by alcohol  
12 (28.1 per cent).

13       In addition, according to a "4P's plus" survey for Hawaii  
14 covering the years 2007 to 2015, 8.6 per cent of the women  
15 surveyed reported that they had used marijuana a month before  
16 they knew they were pregnant, and that 8.9 per cent reported  
17 that they had used any amount of marijuana in the last month  
18 during a known pregnancy.

19       Marijuana can impair driving skills and increase the risk  
20 of accidents. Tetrahydrocannabinol, or THC, is the principal  
21 psychoactive constituent of marijuana. A review of fatality



1 analysis reporting system data for Hawaii for the years 1991 to  
2 2014 found that driving fatalities involving those with THC in  
3 their systems increased from 4.8 per cent to 14.9 per cent, or  
4 from twenty-eight fatalities to one hundred fifty, since 2000,  
5 the year medical marijuana was legalized.

6 The 2016 surgeon general's report on alcohol, drugs and  
7 health, entitled "Facing addiction in America", states that  
8 because many manufactured marijuana products are unregulated  
9 even in states that have legalized marijuana use, users may not  
10 have accurate information about the dosage or potency of those  
11 products. This could lead to serious consequences such as  
12 hospitalizations for psychosis and other overdose-related  
13 symptoms.

14 Presently, section 329D-8, Hawaii Revised Statutes,  
15 requires the department of health to establish and enforce  
16 standards for laboratory-based testing of marijuana and  
17 manufactured marijuana products prior to their sale. The  
18 chemical profile of the required batch testing includes delta 9  
19 tetrahydrocannabinol levels, among other compounds and  
20 contaminants. Furthermore, the University of Hawaii is  
21 authorized pursuant to section 304A-1865, Hawaii Revised



1 Statutes, to conduct testing and research regarding marijuana  
2 plant cannabinoid content and concentration, purity of  
3 manufactured marijuana products, or additional testing requested  
4 by the department of health.

5 Accordingly, the purpose of this Act is to protect the  
6 health and welfare of the general public by setting limits on  
7 the potency of tetrahydrocannabinol in manufactured marijuana  
8 products sold in the State, and to require public notification  
9 of the health risks associated with the consumption of products  
10 containing potency levels of more than ten per cent.

11 SECTION 2. Section 329D-9, Hawaii Revised Statutes, is  
12 amended by amending subsection (c) to read as follows:

13 "(c) A manufacturer of a manufactured marijuana product  
14 shall calculate the equivalent physical weight of the marijuana  
15 that is used to manufacture the product and shall make the  
16 equivalency calculations available to the department and to a  
17 consumer of the manufactured marijuana product[-]; provided that  
18 the potency level of tetrahydrocannabinol contained within each  
19 manufactured marijuana product shall not exceed twelve per  
20 cent."



1 SECTION 3. Section 329D-11, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) Any capsule, lozenge, or pill containing marijuana or  
4 its principal psychoactive constituent tetrahydrocannabinol  
5 shall be packaged so that one dose, serving, or single wrapped  
6 item contains no more than ten milligrams of  
7 tetrahydrocannabinol; provided that the potency level of  
8 tetrahydrocannabinol contained in each manufactured marijuana  
9 product shall not exceed twelve per cent; provided further that  
10 no manufactured marijuana product that is sold in a pack of  
11 multiple doses, servings, or single wrapped items, nor any  
12 containers of oils, shall contain more than a total of one  
13 hundred milligrams of tetrahydrocannabinol per pack or  
14 container. The packaging of each manufactured marijuana product  
15 shall include wording substantially similar to the following, in  
16 bold capital letters that are not less than a fourteen-point  
17 font:

18 "WARNING: THE HEALTH IMPACTS OF MARIJUANA WITH THC POTENCY  
19 LEVELS OF 10 PERCENT AND OVER ARE UNKNOWN."

20 SECTION 4. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



# H.B. NO. 661

1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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JAN 20 2017



# H.B. NO. 661

**Report Title:**

Medical Marijuana; Products; Potency; Limitations; Labeling

**Description:**

Limits tetrahydrocannabinol levels in manufactured marijuana products. Requires warning labels on packaging.

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

