

JAN 23 2020

A BILL FOR AN ACT

RELATING TO MEDICAL CANNABIS.

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

1 SECTION 1. The legislature finds that chapter 329D, Hawaii
2 Revised Statutes, codified in 2015, established a licensing
3 scheme for a statewide system of medical cannabis dispensaries
4 to ensure access to medical cannabis for qualifying patients,
5 with further amendments made by Act 230, Session Laws of Hawaii
6 2016; Act 41, Session Laws of Hawaii 2017; Act 116, Session Laws
7 of Hawaii 2018; and Act 240, Session Laws of Hawaii 2019.

8 The legislature further finds that some qualifying patients
9 and primary caregivers continue to have difficulty physically
10 getting to a retail dispensing location due to transportation
11 issues, their physical disability and pain, or geographic
12 distance. The legislature notes that states such as Arizona,
13 Colorado, New Mexico, and Oregon have established cannabis
14 delivery systems.

15 The purpose of this Act is to provide for a safe, secure,
16 and transparent system for qualifying patients and primary



1 caregivers to have medical cannabis and manufactured cannabis
2 products delivered to their homes.

3 SECTION 2. Chapter 329D, Hawaii Revised Statutes, is
4 amended by adding two new sections to be appropriately
5 designated and to read as follows:

6 "§329D-A Delivery permit; delivery to qualifying patient
7 or primary caregiver. (a) Notwithstanding subsection 329D-6(n)
8 to the contrary, the department may issue a medical cannabis
9 delivery permit to a qualified medical cannabis dispensary for
10 the safe and secure transport of medical cannabis or
11 manufactured cannabis products to a qualifying patient or
12 primary caregiver.

13 (b) A medical cannabis delivery permit issued pursuant to
14 this section shall be valid for one year and may be renewed
15 annually upon renewal of the medical cannabis dispensary
16 license.

17 (c) A medical cannabis delivery permit issued pursuant to
18 this section shall apply to only one dispensary; provided that a
19 single medical cannabis delivery permit may apply to multiple
20 retail dispensing locations if the retail dispensing locations



1 are covered under the same dispensary's license, as specified in
2 this chapter and rules adopted by the department.

3 (d) At the time of an order for delivery of medical
4 cannabis or manufactured cannabis products, the dispensary shall
5 require the qualifying patient or primary caregiver to verify
6 that the qualifying patient is qualified to purchase and receive
7 a delivery of medical cannabis or manufactured cannabis products
8 pursuant to this section, including:

- 9 (1) The qualifying patient's name and date of birth;
10 (2) The medical cannabis registration certificate number
11 reflected on the qualifying patient's or primary
12 caregiver's registration with the department;
13 (3) The address of the residence where the order will be
14 delivered; and
15 (4) Any other information required by the department.

16 (e) A dispensary with a valid medical cannabis delivery
17 permit may receive an order by electronic means from a
18 qualifying patient or primary caregiver for the purchase and
19 delivery of medical cannabis or manufactured cannabis products
20 using an online platform for medical cannabis delivery; provided
21 that the online platform shall require the qualifying patient or



1 primary caregiver to choose a retail dispensing location before
2 viewing the price of the medical cannabis or manufactured
3 cannabis product.

4 (f) A dispensary may deliver medical cannabis and
5 manufactured cannabis products only to the qualifying patient or
6 primary caregiver who placed the order and who:

7 (1) Provides valid photographic identification in the form
8 of a state identification card, driver's license, or
9 passport;

10 (2) Has a photographic image taken of themselves and a
11 photographic image taken of the photographic
12 identification at the time of delivery; and

13 (3) Provides a signature acknowledging the delivery of the
14 medical cannabis or manufactured cannabis product.

15 (g) Any person delivering medical cannabis or manufactured
16 cannabis products shall:

17 (1) Be a current employee of the dispensary;

18 (2) Have completed training on proof of identification and
19 verification, including all forms of identification
20 deemed acceptable by the department; and



1 (3) Have completed any other training required by the
2 department.

3 (h) A dispensary with a valid medical cannabis delivery
4 permit issued pursuant to this section shall:

5 (1) Charge a \$1 surcharge on each delivery made pursuant
6 to this section, which shall be collected and remitted
7 to the department on a monthly basis;

8 (2) Deliver only to a qualifying patient or a primary
9 caregiver at the address provided in the order for
10 medical cannabis or manufactured cannabis products;
11 and

12 (3) Deliver only to private residences.

13 (i) A dispensary with a valid medical cannabis delivery
14 permit issued pursuant to this section shall not:

15 (1) Deliver medical cannabis or manufactured cannabis
16 products to any qualifying patient or primary
17 caregiver while also transporting medical cannabis or
18 manufactured cannabis products between the
19 dispensary's production centers and retail dispensing
20 locations in the same vehicle;



S.B. NO. 2787

1 (2) Deliver medical cannabis and manufactured cannabis
2 products in excess of the amounts established under
3 section 329D-13; or

4 (3) Deliver more than once per day to the same qualifying
5 patient, primary caregiver, or primary residence.

6 (j) It shall not be a violation of any state or county
7 civil or criminal law for a dispensary with a medical cannabis
8 delivery permit, or a person who has made timely and sufficient
9 application for the renewal of the permit, or a dispensary's
10 licensees as authorized by the department to possess, transport,
11 and deliver medical cannabis or manufactured cannabis products
12 pursuant to this section in amounts that do not exceed amounts
13 established by the department.

14 (k) The department shall disclose any reports, including
15 complaints, investigative actions, and final agency action
16 orders, upon request, to any state or county agency engaged in
17 the criminal investigation or prosecution of violations of
18 applicable state or county law or regulations related to
19 criminal activity that is materially related to medical cannabis
20 delivery.



1 (l) Notwithstanding any provision of this section to the
2 contrary, delivery of medical cannabis or manufactured cannabis
3 products shall not be permitted at any school or on campus of
4 any institution of higher education.

5 (m) For purposes of this section, "private residence"
6 means private premises where a person lives, such as a private
7 dwelling place or place of habitation. "Private residence"
8 specifically excludes any premises located at a school or on the
9 campus of any institution of higher education, or any other
10 public property.

11 **§329D-B Medical cannabis transporter license.** The
12 department may issue a medical cannabis transporter license to a
13 person instead of a dispensary; provided that any licensed
14 retail medical transporter shall:

15 (1) Follow the requirements for delivery of medical
16 cannabis or manufactured cannabis product from a
17 designated dispensary to a qualifying patient as
18 required under section 329D-A;

19 (2) Meet the same requirements for delivery of medical
20 cannabis or manufactured cannabis products from a
21 designated dispensary to a qualifying patient



- 1 applicable to medical cannabis delivery permits as
2 specified under section 329D-A;
- 3 (3) Be authorized to transport medical cannabis or
4 manufactured cannabis products for more than one
5 dispensary under the terms and conditions set by the
6 department; provided that a retail medical cannabis
7 transporter shall not be allowed to deliver to more
8 than qualifying patients in one trip from a
9 dispensary;
- 10 (4) Meet all requirements of this chapter applicable to
11 subcontractors; and
- 12 (5) Have a revocable, but valid driver's license for a
13 duration of one year that may be renewed annually."

14 SECTION 3. Section 329D-6, Hawaii Revised Statutes, is
15 amended by amending subsection (n) to read as follows:

16 "(n) [A] Except as otherwise provided in section 329D-A, a
17 dispensary shall be prohibited from off-premises delivery of
18 cannabis or manufactured cannabis products to a qualifying
19 patient, primary caregiver, qualifying out-of-state patient, or
20 caregiver of a qualifying out-of-state patient."



S.B. NO. 2787

1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

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

8 SECTION 6. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 7. This Act shall take effect upon its approval.

11

INTRODUCED BY: _____



By Request



S.B. NO. 2787

Report Title:

Medical Cannabis; Dispensaries; Delivery

Description:

Authorizes the department of health to issue permits to medical cannabis dispensaries for the delivery of medical cannabis and manufactured cannabis products to qualifying patients or primary caregivers if certain conditions are met. Authorizes the department of health to issue medical cannabis transporter licenses in specific situations.

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

