A BILL FOR AN ACT

RELATING TO MEDICAL CANNABIS PRODUCTS.

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

SECTION 1. The legislature finds that the list of medical cannabis products that may be manufactured and distributed pursuant to section 329D-10, Hawaii Revised Statutes, omits viable products. The legislature notes that the Act 230, Session Laws of Hawaii 2016, medical cannabis legislative oversight working group recommended updating transdermal patches to transdermal devices, as excluding non-patch devices that deliver through the dermis was unintentional.

The purpose of this Act is to further ensure access to medical cannabis for qualifying patients, by updating references in the medical cannabis dispensary laws from transdermal patches to transdermal devices to the list of manufactured cannabis products that may be manufactured and distributed by dispensaries.

SECTION 2. Section 329D-1, Hawaii Revised Statutes, is amended by amending the definition of "manufactured cannabis product" to read as follows:
"Manufactured cannabis product" means any capsule, lozenge, oil or oil extract, tincture, ointment or skin lotion, pill, transdermal patch, or pre-filled and sealed container used to aerosolize and deliver cannabis orally, such as an inhaler or nebulizer product that has been manufactured using cannabis or any other products as specified by the department pursuant to section [329D-10(a)(9)] 329D-10."

SECTION 3. Section 329D-10, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The types of medical cannabis products that may be manufactured and distributed pursuant to this chapter shall be limited to:

1. Capsules;
2. Lozenges;
3. Pills;
4. Oils and oil extracts;
5. Tinctures;
6. Ointments and skin lotions;
7. Transdermal [patches] devices;
8. Pre-filled and sealed containers used to aerosolize and deliver cannabis orally, such as with an inhaler
or nebulizer; provided that containers need not be
manufactured by the licensed dispensary but shall be
filled with cannabis, cannabis oils, or cannabis
extracts manufactured by the licensed dispensary;
shall not contain nicotine, tobacco-related products,
or any other non-cannabis derived products; and shall
be designed to be used with devices used to provide
safe pulmonary administration of manufactured cannabis
products;

(9) Devices that provide safe pulmonary administration;
provided that:

(A) The heating element of the device, if any, is
made of inert materials such as glass, ceramic,
or stainless steel, and not of plastic or rubber;

(B) The device is distributed solely for use with
single-use, pre-filled, tamper-resistant, sealed
containers that do not contain nicotine or other
tobacco products;

(C) The device is used to aerosolize and deliver
cannabis by inhalation, such as an inhaler,
medical-grade nebulizer, or other similar medical
grade volitization device;
(D) There is a temperature control on the device that
is regulated to prevent the combustion of
cannabis oil; and
(E) The device need not be manufactured by the
licensed dispensary; and
(10) Other products as specified by the department."

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

SECTION 5. This Act shall take effect upon its approval.
Report Title:
Medical Cannabis; Manufactured Cannabis Products; Transdermal Devices

Description:
Updates transdermal patches to transdermal devices in section 329D-10, Hawaii Revised Statutes, thereby including non-patch devices that deliver through the dermis.

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