

JAN 22 2021

A BILL FOR AN ACT

RELATING TO CANNABIS FOR MEDICAL USE.

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

1 SECTION 1. The legislature finds that patients and primary
2 caregivers cultivating medical cannabis at a registered grow
3 site under the State's medical cannabis registry program have no
4 legal means of obtaining safe, laboratory-tested genetic
5 material from which to propagate their plants. State law on the
6 medical use of cannabis currently authorizes qualifying patients
7 to cultivate up to ten medical cannabis plants at a grow site
8 listed on the patient's registry card, but does not specify by
9 what means propagules, cuttings, or other cannabis genetic
10 material necessary to produce these plants may be obtained. In
11 practice, existing law often forces patients or their primary
12 caregivers to obtain propagules, cuttings, or other cannabis
13 genetic material from the illicit market. Unfortunately, these
14 materials have not been tested for the presence of pesticides
15 and heavy metals, and are of unknown genetic provenance and
16 therapeutic value.



1 The legislature also finds that, in a number of other
2 states that authorize the medical use of cannabis, propagules
3 and cuttings are available for purchase through state-licensed
4 dispensaries. These laws ensure that patients who choose to
5 cultivate their own cannabis plants have a legal channel from
6 which to obtain safe, quality-assured genetic material with
7 verified therapeutic properties.

8 The legislature further finds that the State's medical
9 cannabis dispensary system law was enacted, in part, to improve
10 qualifying patients' access to safe and quality-assured medical
11 cannabis and medical cannabis products. However, state law does
12 not explicitly authorize licensed dispensaries to distribute
13 cannabis propagules or cuttings.

14 Accordingly, the purpose of this Act is to amend the
15 State's medical cannabis dispensary system law to:

- 16 (1) Include cannabis propagules and cuttings in the
17 definition of the term "cannabis", thereby authorizing
18 dispensaries to distribute medical cannabis propagules
19 and cuttings;
- 20 (2) Authorize only persons who may cultivate medical
21 cannabis to purchase the propagules and cuttings; and



1 (3) Impose quantity limits and quality requirements on the
2 distributed propagules and cuttings.

3 SECTION 2. Section 329D-1, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By inserting two new definitions to read:

6 "Cutting" means the stem of a cannabis plant that is taken
7 or cut off for the purpose of being rooted and grown into a new
8 cannabis plant.

9 "Propagule" means any part of a cannabis plant that can be
10 used to grow a new cannabis plant."

11 2. By amending the definition of "cannabis" to read:

12 "Cannabis" shall have the same meaning as in section
13 329-121. "Cannabis" includes propagules and cuttings."

14 SECTION 3. Section 329D-13, Hawaii Revised Statutes, is
15 amended to read as follows:

16 **"§329D-13 Dispensing limits.** (a) A qualifying patient,
17 primary caregiver, qualifying out-of-state patient, or caregiver
18 of a qualifying out-of-state patient shall be allowed to
19 purchase no more than four ounces of cannabis, not including
20 propagules and cuttings, within a consecutive period of fifteen
21 days, or no more than eight ounces of cannabis, not including



1 propagules and cuttings, within a consecutive period of thirty
2 days.

3 (b) A qualifying patient or primary caregiver authorized
4 to cultivate cannabis pursuant to sections 329-122 and
5 329-130(a) shall be allowed to purchase no more than five
6 propagules or cuttings within a consecutive period of fifteen
7 days, or no more than ten propagules or cuttings within a
8 consecutive period of thirty days; provided that:

9 (1) Propagules or cuttings sold by the licensee shall have
10 undergone laboratory-based testing for residual
11 pesticides and heavy metals, and shall not be
12 distributed if pesticides or heavy metals are
13 detected; and

14 (2) This subsection shall not apply to a qualifying out-
15 of-state patient or a caregiver of a qualifying out-
16 of-state patient.

17 ~~[(b) A qualifying patient, primary caregiver, qualifying~~
18 ~~out of state patient, or caregiver of a qualifying out of state~~
19 ~~patient may purchase cannabis]~~ (c) Purchases under subsections

20 (a) and (b) may be made from any dispensary location in the



S.B. NO. 254

1 State, subject to the limits and restrictions set forth in
2 [~~subsection~~] subsections (a) [↔] and (b).

3 [~~(c) Beginning on January 1, 2018, this section~~] (d)
4 Subsections (a) and (c) may apply to qualifying out-of-state
5 patients from other states, territories of the United States, or
6 the District of Columbia[↔] attempting to purchase cannabis, not
7 including propagules and cuttings, provided that the patient
8 meets the registration requirements of section 329-123.5."

9 SECTION 4. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 5. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 6. This Act shall take effect on July 1, 2021.

15

INTRODUCED BY: *Roselynn H. Baker*
By Request



S.B. NO. 254

Report Title:

Health; Cannabis; Medical Use; Propagules; Cuttings; Medical Cannabis Dispensaries

Description:

Authorizes medical cannabis dispensaries to distribute cannabis propagules and cuttings to individuals authorized to cultivate cannabis plants for medical use, subject to quantity limits and quality requirements.

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

