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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 the state medical  
2 marijuana program, which was enacted as Act 228, Session Laws of  
3 Hawaii 2000, and codified as part IX of chapter 329, Hawaii  
4 Revised Statutes, is a public health program conceived out of  
5 concern for the health and welfare of the people of the State.  
6 However, the intent of Act 228 has been frustrated by the fact  
7 that legal access to medical marijuana is severely restricted in  
8 Hawaii. Although the state medical marijuana program has  
9 existed for nearly fifteen years, current law provides no legal  
10 method of acquiring medical marijuana other than allowing  
11 qualifying patients and primary caregivers to grow it  
12 themselves.

13           The legislature also finds that a task force was convened  
14 in 2014 to develop a framework for a system of medical marijuana  
15 dispensaries. Legislation based on the recommendations of the  
16 task force is expected to be considered during the current  
17 legislative session. However, even if this legislation is



1 enacted, it is anticipated that a medical marijuana dispensary  
2 system would not be operational until 2017 or later.

3 The legislature further finds that more immediate measures  
4 are necessary to improve access to medical marijuana for  
5 qualifying patients who are unable to grow their own supply.

6 The purpose of this Act is to:

7 (1) Allow a qualifying patient or a primary caregiver to  
8 transfer marijuana plants or plant material to any  
9 other qualifying patient or primary caregiver;

10 (2) Increase the amount of marijuana that constitutes an  
11 adequate supply; and

12 (3) Increase the maximum number of qualifying patients  
13 that a primary caregiver may care for at any given  
14 time.

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

18 §329- Transfer of marijuana plants or plant materials.

19 Notwithstanding any law to the contrary, a qualifying patient or  
20 primary caregiver who is registered under section 329-123 may  
21 provide usable marijuana or any part of the marijuana plant,



1 including seeds, seedlings, or clones, to any other qualifying  
2 patient or any other primary caregiver who is registered under  
3 section 329-123; provided that the total amount of marijuana  
4 possessed by the recipient does not exceed the adequate supply  
5 amount specified in section 329-121."

6 SECTION 3. Section 329-121, Hawaii Revised Statutes, is  
7 amended by amending the definition of "adequate supply" to read  
8 as follows:

9 "Adequate supply" means an amount of marijuana jointly  
10 possessed between the qualifying patient and the primary  
11 caregiver that is not more than is reasonably necessary to  
12 assure the uninterrupted availability of marijuana for the  
13 purpose of alleviating the symptoms or effects of a qualifying  
14 patient's debilitating medical condition; provided that an  
15 "adequate supply" shall not exceed [~~seven~~] sixteen marijuana  
16 plants, whether immature or mature, and [~~four~~] eight ounces of  
17 usable marijuana at any given time."

18 SECTION 4. Section 329-123, Hawaii Revised Statutes, is  
19 amended by amending subsection (c) to read as follows:

20 "(c) Primary caregivers shall register with the department  
21 of health. Every primary caregiver shall be responsible for the



1 care of [~~only one~~] not more than five qualifying [patient]  
2 patients at any given time[-]; provided that, upon registration,  
3 a primary caregiver shall disclose the number of qualifying  
4 patients for whom the primary caregiver is responsible and that  
5 number shall be included on any registration card provided to  
6 the primary caregiver. The primary caregiver shall notify the  
7 department of health in writing of any changes to the number of  
8 qualifying patients for whom the primary caregiver is  
9 responsible."

10 SECTION 5. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: Richard Lopez

JAN 29 2015



# H.B. NO. 1455

**Report Title:**

Medical Marijuana; Transfer; Adequate Supply; Primary Caregivers

**Description:**

Allows a qualifying patient or a primary caregiver to transfer marijuana plants or plant material to any other qualifying patient or primary caregiver. Increases the amount of marijuana that constitutes an adequate supply. Increases the maximum number of qualifying patients that a primary caregiver may care for at any given time.

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

