

JAN 29 2015

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# A BILL FOR AN ACT

RELATING TO MEDICAL MARIJUANA DISPENSARIES.

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

**PART I**

1  
2 SECTION 1. The legislature finds that Hawaii's medical use  
3 of marijuana law was enacted on June 14, 2000, as Act 228,  
4 Session Laws of Hawaii 2000, to provide medical relief for  
5 seriously ill individuals in the State. While the current law  
6 recognizes the beneficial use of marijuana in treating or  
7 alleviating pain or other symptoms associated with certain  
8 debilitating illnesses, it is silent on how patients can obtain  
9 medical marijuana if they or their caregivers are unable to grow  
10 their own supply of medical marijuana. The legislature further  
11 finds that many of the State's nearly thirteen thousand  
12 qualifying patients lack the ability to grow their own supply of  
13 medical marijuana due to a number of factors, including  
14 disability and limited space to grow medical marijuana. As a  
15 result, a regulated statewide dispensary system for medical  
16 marijuana is urgently needed by qualifying patients in the  
17 State.





1 tetrahydrocannabinol by a qualifying patient or primary  
2 caregiver for the qualifying patient's use.

3 "Marijuana" shall have the same meaning as in section 329-  
4 121.

5 "Medical marijuana dispensary" or "dispensary" means an  
6 establishment operated by an organization or business licensed  
7 by the State pursuant to this part.

8 "Medical marijuana production center" or "production  
9 center" means a farm or facility operated by an organization or  
10 business licensed by the State pursuant to this part where  
11 marijuana or marijuana products are cultivated, processed, or  
12 packaged with the limited and express intent that the marijuana  
13 or marijuana products be supplied to medical marijuana  
14 dispensaries or other medical marijuana production centers,  
15 pursuant to this part and to section 329-122.

16 "Person" means an individual, firm, corporation,  
17 partnership, association, or any form of business or legal  
18 entity.

19 "Primary caregiver" shall have the same meaning as in  
20 section 329-121.



1 "Qualifying patient" shall have the same meaning as in  
2 section 329-121.

3 **§321-B Medical marijuana dispensaries; licensure; fees;**  
4 **inspection.** (a) This section applies to the distribution of  
5 marijuana for medical use, as defined in section 329-121.

6 (b) No person shall act as a dispensary unless the person  
7 has obtained a license from the department pursuant to this  
8 part.

9 (c) The department shall adopt rules, in accordance with  
10 chapter 91, to provide for the licensure and standards for  
11 dispensaries in this State.

12 (d) The director of health shall grant medical marijuana  
13 dispensary licenses to allow dispensaries registered under this  
14 section to acquire, possess, cultivate, manufacture, deliver,  
15 transfer, transport, supply, or dispense marijuana, or related  
16 supplies and educational materials, to registered qualifying  
17 patients.

18 (e) At least                    dispensaries shall be licensed in each  
19 county; provided that a dispensary shall not be required in the  
20 county of Kalawao; provided further that there shall be:



- 1           (1) Up to           dispensaries in the city and county of
- 2                   Honolulu;
- 3           (2) Up to           dispensaries in Hawaii county;
- 4           (3) Up to           dispensaries in Maui county; and
- 5           (4) Up to           dispensaries in Kauai county.
- 6           (f) Each dispensary licensed pursuant to this section
- 7 shall:
- 8           (1) Be a health care provider incorporated in the State
- 9                   for at least           years before the date of
- 10                   application;
- 11           (2) Be a legal entity formed under the laws of the State;
- 12           (3) Not be a legal entity formed under the laws of any
- 13                   other state;
- 14           (4) Not be an insurance company or mutual benefit society,
- 15                   nor directly owned or controlled by an insurance
- 16                   company or mutual benefit society; and
- 17           (5) Have obtained a Hawaii general excise tax license
- 18                   pursuant to section 237-9.
- 19           (g) The director of health shall approve an application
- 20 for a dispensary license if the application meets all dispensary
- 21 licensing requirements and criteria pursuant to this section



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1 and, if approved, shall issue the license to the dispensary  
2 within            days of receiving the application. The director  
3 shall issue dispensary licenses in the order in which  
4 applications are received.

5            (h) Dispensaries licensed pursuant to this section shall  
6 be open for business and have medical marijuana for sale to  
7 patients no later than            days from the date of license  
8 approval.

9            (i) The department of health shall commence accepting  
10 applications for the dispensary license that is applicable to  
11 each county beginning on the effective date of this Act.

12            (j) A single dispensary may be granted a dispensary  
13 license in more than            counties if the dispensary meets all  
14 licensing requirements.

15            (k) At least            per cent of the interests in a  
16 dispensary shall be held at all times by Hawaii residents who  
17 have documented Hawaii residency for at least            years  
18 immediately preceding the date of the license application. No  
19 more than            per cent of the interests in a dispensary shall  
20 be held at any time by individuals who do not have documented



1 Hawaii residency for at least            years immediately preceding  
2 the date of the license application.

3            (1) Each individual who holds            per cent or more  
4 interest in a dispensary shall:

5            (1) Be a principal officer or board member of the  
6            dispensary;

7            (2) Have been a Hawaii resident for at least            years  
8            immediately preceding the date of the license  
9            application;

10           (3) Be a legal resident of the State;

11           (4) Maintain a full-time residence in the State; and

12           (5) Not have been convicted of a felony anywhere in the  
13           United States within            years immediately preceding  
14           the date of the license application.

15           (m) Each person seeking licensure as a dispensary shall  
16 submit an application that includes the following:

17           (1) The name of at least            principal officer or board  
18           member of the dispensary; provided that the name of  
19           each individual who is required to be a principal  
20           officer and board member of the dispensary pursuant to  
21           subsection (1) shall be included, if applicable;



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- 1           (2) Documentation that demonstrates that the dispensary  
2           controls at least \$                   for each license and at  
3           least \$                   for each dispensing location allowed  
4           under the license or licenses applied for in the form  
5           of escrow accounts, letters of credit, surety bonds,  
6           bank statements, lines of credit, or the equivalent,  
7           to begin operating the dispensary;
- 8           (3) Documentation that demonstrates that the dispensary  
9           has controlled at least \$                   for at least  
10          days prior to the date the license application was  
11          submitted;
- 12          (4) Documentation that demonstrates the capacity of the  
13          dispensary to conduct chemical and pharmaceutical  
14          analysis of medical marijuana to ensure quality,  
15          consistency, purity, and potency of medication for at  
16          least            days prior to the date the license  
17          application was submitted;
- 18          (5) A fee of \$                   ; provided that:
- 19            (A) The applicant shall submit the fee in the form of  
20            checks in the amount of \$                   ;





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1           (B) If the application is unsuccessful, the  
2           department shall retain the fee of \$           ,  
3           and destroy the remaining checks for \$           ;  
4           and

5           (C) Application fees of successful applicants are  
6           nonrefundable;

7           (6) Documentation that demonstrates that the dispensary is  
8           a legal entity formed under the laws of the State; and

9           (7) A general excise tax license number.

10          (n) All dispensary licenses shall expire on           ,  
11 and may be renewed by application submitted beginning on

12  
13          (o) The department shall establish and collect an annual  
14 renewal fee of \$           from a medical marijuana dispensary;  
15 provided that the amount of the renewal fee shall be subject to  
16 review and revision by the department; provided further that the  
17 renewal fee shall be sufficient to cover the department's  
18 expenses in carrying out this part.

19          (p) All fees collected pursuant to this section shall be  
20 deposited in the medical marijuana registry and regulation  
21 special fund pursuant to section 321-30.1.



1           (q) Notwithstanding any other law to the contrary, no  
2 dispensary shall employ a person convicted of a felony anywhere  
3 in the United States within           years immediately preceding  
4 the date of the license application.

5           **§321-C Medical marijuana production centers; licensure;  
6 fees; inspection.** (a) No person may act as a medical marijuana  
7 production center unless the person has obtained a license from  
8 the department pursuant to this part.

9           (b) The department shall adopt rules, in accordance with  
10 chapter 91, to provide for the licensure and standards for  
11 medical marijuana production centers in this State.

12           (c) Medical marijuana production centers shall distribute  
13 marijuana only to dispensaries or other production centers  
14 licensed pursuant to this part. Medical marijuana production  
15 centers shall not distribute marijuana directly to qualifying  
16 patients or primary caregivers.

17           **§321-D Manufacturing of medical marijuana products.** (a)  
18 Any medical marijuana dispensary or production center licensed  
19 by the department pursuant to this part shall be permitted to  
20 manufacture medical marijuana; provided that the dispensary or  
21 production center shall also obtain any other state or county



1 permits or licenses that may be necessary for a particular  
2 manufacturing activity.

3 (b) The department shall establish standards regarding the  
4 manufacture of medical marijuana products; provided that any  
5 area within a dispensary or production center where marijuana  
6 will be manufactured into an edible form shall comply with the  
7 food safety code, chapter 11-50, Hawaii Administrative Rules.

8 **§321-E Types of medical marijuana products.** (a) The  
9 department shall adopt rules regarding the type of medical  
10 marijuana products that may be manufactured and distributed  
11 pursuant to this part; provided that no candy products  
12 containing medical marijuana shall be permitted; provided  
13 further that nothing in this section shall be construed as  
14 prohibiting the manufacture and distribution of lozenges.

15 (b) As used in this section, "lozenges" means a small  
16 tablet manufactured in a manner to allow for the dissolving of  
17 its medicinal or therapeutic component slowly in the mouth.

18 **§321-F Advertising and packaging.** (a) The department  
19 shall establish standards regarding the advertising and  
20 packaging of medical marijuana products; provided that the



1 standards, at a minimum, shall require the use of packaging  
2 that:

- 3 (1) Is child-resistant and opaque so that the product  
4 cannot be seen from outside the packaging;
- 5 (2) Is clearly labeled with the phrase "For medicinal use  
6 only"; and
- 7 (3) Contains information about the contents and potency of  
8 the product.

9 (b) Any lozenge, capsule, or pill containing medical  
10 marijuana or its principal psychoactive constituent  
11 tetrahydrocannabinol shall be packaged so that one dose,  
12 serving, or single wrapped item contains no more than  
13 milligrams of tetrahydrocannabinol.

14 **§321-G Medical marijuana production center and dispensary**  
15 **rules.** The department shall adopt rules pursuant to chapter 91  
16 for the purpose of this part and with respect to:

- 17 (1) A fee structure for the submission of applications and  
18 renewal of licenses to operate production centers or  
19 dispensaries;



- 1           (2) Any specific requirements regarding annual audits and  
2           reports pertaining to each production center and  
3           dispensary that is licensed pursuant to this part;
- 4           (3) Security requirements for the operation of production  
5           centers and dispensaries; provided that the  
6           requirements, at a minimum, shall require:
- 7           (A) For productions centers:
- 8                 (i) Video monitoring and recording of the  
9                 premises;
- 10                (ii) Fencing that surrounds the premises and that  
11                is sufficient to reasonably deter intruders  
12                and prevent anyone outside the premises from  
13                viewing any area where marijuana is  
14                cultivated, processed, or stored;
- 15                (iii) An alarm system; and
- 16                (iv) Other reasonable security measures to deter  
17                or prevent intruders, as deemed necessary by  
18                the department;
- 19           (B) For dispensaries:
- 20                (i) Presentation of valid identification as  
21                issued by the department pursuant to section



1                   329-123, by a qualifying patient or primary  
2                   caregiver, upon entering the premises;  
3                   (ii) Video monitoring and recording of the  
4                   premises;  
5                   (iii) An alarm system;  
6                   (iv) Exterior lighting; and  
7                   (v) Other reasonable security measures as deemed  
8                   necessary by the department;  
9           (4) Standards and criminal backgrounds checks for  
10           operators and employees of production centers and  
11           dispensaries; provided that the standards, at a  
12           minimum, shall exclude from licensure or employment  
13           any person convicted of any felony pursuant to section  
14           321-B(q); provided further that the department may  
15           adopt rules exempting from this paragraph a person who  
16           was convicted of a felony that was specifically  
17           related to marijuana, if the conviction was at least  
18                   years prior to the licensure or employment;  
19           (5) The training and certification of operators and  
20           employees of production centers and dispensaries;  
21           provided that the department shall establish a



1 training or certification program for dispensary  
2 employees;

3 (6) The types of medical marijuana products that  
4 production centers and dispensaries shall be  
5 authorized to grow, manufacture, sell, or provide;

6 (7) Standards and methodologies related to testing medical  
7 marijuana products for content, contamination, and  
8 consistency;

9 (8) Dispensary and production center inventory controls to  
10 prevent the unauthorized diversion of marijuana;  
11 provided that the controls, at a minimum, shall  
12 include:

13 (A) A computer software tracking system that will  
14 allow the department to track all medical  
15 marijuana and medical marijuana product inventory  
16 from either seed or immature plant state until  
17 the marijuana or marijuana product is sold to a  
18 customer or destroyed; and

19 (B) Product packaging standards sufficient to allow  
20 law enforcement personnel to reasonably determine  
21 the contents of an unopened package;



1 (9) The enforcement of prohibitions against the sale of  
2 provision of medical marijuana products to  
3 unauthorized persons;

4 (10) Any limitations to the size or format of any signs  
5 placed outside a dispensary or production center;  
6 provided that no sign shall include the image of a  
7 cartoon character or other design intended to appeal  
8 to children; and

9 (11) Penalties for violations of this part or rules adopted  
10 thereunder.

11 **§321-H Medical marijuana zoning.** Medical marijuana  
12 production centers and dispensaries shall comply with all county  
13 zoning ordinances, rules, or regulations; provided that:

14 (1) A medical marijuana production center shall be  
15 permitted in any area in which agricultural production  
16 is permitted except as provided within this part;

17 (2) A medical marijuana dispensary shall be permitted in  
18 any area in which a pharmacy is permitted; and

19 (3) No medical marijuana production center or dispensary  
20 shall be permitted within feet of the real





1 property comprising a public school as defined in  
2 section 302A-101.

3 **§321-I Annual inspections, audits, and reports.** (a) Each  
4 medical marijuana production center and dispensary licensed  
5 pursuant to this part shall:

6 (1) Be subject to an annual announced inspection and  
7 unannounced inspections of its operations by the  
8 department; and

9 (2) Annually cause an independent financial audit, at the  
10 production center or dispensary operator's own  
11 expense, to be conducted of the production center or  
12 dispensary and shall submit the audit's findings to  
13 the department.

14 (b) The department shall report annually to the governor  
15 and the legislature on the establishment and regulation of  
16 medical marijuana production centers and dispensaries, including  
17 but not limited to:

18 (1) The number and location of production centers and  
19 dispensaries licensed;

20 (2) The total licensing fees collected; and

21 (3) Any licensing violations determined by the department.



1           **§321-J Cultivation of medical marijuana by qualifying**  
2 **patients and primary caregivers.** Nothing in this part shall be  
3 construed as prohibiting a qualifying patient or primary  
4 caregiver from cultivating or possessing an adequate supply of  
5 medical marijuana pursuant to part IX of chapter 329.

6           **§321-K Coordination among state and federal agencies.** (a)  
7 The department shall initiate ongoing dialogue among relevant  
8 state and federal agencies to identify processes and policies  
9 that ensure the privacy of medical marijuana patients and the  
10 compliance of patients, caregivers, producers, and dispensaries  
11 with state laws and regulations related to medical marijuana.

12           (b) The entirety of this part, and all actions and  
13 activities provided for and allowed for by this part, shall be  
14 deemed the implementation of a state law that authorizes the  
15 use, distribution, and possession of medical marijuana under  
16 section 538 of the Consolidated and Further Continuing  
17 Appropriations Act of 2015.

18           **§321-L County ordinance restriction; preemption.** (a) No  
19 county shall enact any ordinances or laws regulating  
20 dispensaries, the cultivation of marijuana by medical marijuana  
21 production centers, or the location of dispensaries and



1 production centers. No county shall regulate dispensaries or  
2 production centers other than as provided in this part and shall  
3 not prohibit the cultivation, processing, transportation,  
4 infusion, preparation, possession, dispensing, sale, and use of  
5 medical marijuana.

6 (b) This part is an express preemption of the concurrent  
7 exercise by county governments on the regulation and licensing  
8 of dispensaries, production centers, and the operation of  
9 dispensaries and production centers, all such powers being  
10 exclusively reserved to and exercised under this part by the  
11 State. The State hereby expresses an intent to fill the field  
12 of the regulation of medical marijuana and the dispensing and  
13 production thereof, and all county laws or ordinances in  
14 conflict with and having the effect of interfering with the  
15 State's intent to fill the field are expressly preempted."

16 **PART III**

17 SECTION 3. Section 46-4, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 **"§46-4 County zoning.** (a) This section and any  
20 ordinance, rule, or regulation adopted in accordance with this  
21 section shall apply to lands not contained within the forest



1 reserve boundaries as established on January 31, 1957, or as  
2 subsequently amended.

3 Zoning in all counties shall be accomplished within the  
4 framework of a long-range, comprehensive general plan prepared  
5 or being prepared to guide the overall future development of the  
6 county. Zoning shall be one of the tools available to the  
7 county to put the general plan into effect in an orderly manner.  
8 Zoning in the counties of Hawaii, Maui, and Kauai means the  
9 establishment of districts of such number, shape, and area, and  
10 the adoption of regulations for each district to carry out the  
11 purposes of this section. In establishing or regulating the  
12 districts, full consideration shall be given to all available  
13 data as to soil classification and physical use capabilities of  
14 the land to allow and encourage the most beneficial use of the  
15 land consonant with good zoning practices. The zoning power  
16 granted herein shall be exercised by ordinance which may relate  
17 to:

- 18 (1) The areas within which agriculture, forestry,  
19 industry, trade, and business may be conducted;  
20 (2) The areas in which residential uses may be regulated  
21 or prohibited;



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- 1           (3) The areas bordering natural watercourses, channels,  
2                   and streams, in which trades or industries, filling or  
3                   dumping, erection of structures, and the location of  
4                   buildings may be prohibited or restricted;
- 5           (4) The areas in which particular uses may be subjected to  
6                   special restrictions;
- 7           (5) The location of buildings and structures designed for  
8                   specific uses and designation of uses for which  
9                   buildings and structures may not be used or altered;
- 10          (6) The location, height, bulk, number of stories, and  
11             size of buildings and other structures;
- 12          (7) The location of roads, schools, and recreation areas;
- 13          (8) Building setback lines and future street lines;
- 14          (9) The density and distribution of population;
- 15          (10) The percentage of a lot that may be occupied, size of  
16             yards, courts, and other open spaces;
- 17          (11) Minimum and maximum lot sizes; and
- 18          (12) Other regulations the boards or city council find  
19             necessary and proper to permit and encourage the  
20             orderly development of land resources within their  
21             jurisdictions.



1           The council of any county shall prescribe rules,  
2 regulations, and administrative procedures and provide personnel  
3 it finds necessary to enforce this section and any ordinance  
4 enacted in accordance with this section. The ordinances may be  
5 enforced by appropriate fines and penalties, civil or criminal,  
6 or by court order at the suit of the county or the owner or  
7 owners of real estate directly affected by the ordinances.

8           Any civil fine or penalty provided by ordinance under this  
9 section may be imposed by the district court, or by the zoning  
10 agency after an opportunity for a hearing pursuant to chapter  
11 91. The proceeding shall not be a prerequisite for any  
12 injunctive relief ordered by the circuit court.

13           Nothing in this section shall invalidate any zoning  
14 ordinance or regulation adopted by any county or other agency of  
15 government pursuant to the statutes in effect prior to July 1,  
16 1957.

17           The powers granted herein shall be liberally construed in  
18 favor of the county exercising them, and in such a manner as to  
19 promote the orderly development of each county or city and  
20 county in accordance with a long-range, comprehensive general  
21 plan to ensure the greatest benefit for the State as a whole.



1 This section shall not be construed to limit or repeal any  
2 powers of any county to achieve these ends through zoning and  
3 building regulations, except insofar as forest and water reserve  
4 zones are concerned and as provided in subsections (c) and (d).

5 Neither this section nor any ordinance enacted pursuant to  
6 this section shall prohibit the continued lawful use of any  
7 building or premises for any trade, industrial, residential,  
8 agricultural, or other purpose for which the building or  
9 premises is used at the time this section or the ordinance takes  
10 effect; provided that a zoning ordinance may provide for  
11 elimination of nonconforming uses as the uses are discontinued,  
12 or for the amortization or phasing out of nonconforming uses or  
13 signs over a reasonable period of time in commercial,  
14 industrial, resort, and apartment zoned areas only. In no event  
15 shall such amortization or phasing out of nonconforming uses  
16 apply to any existing building or premises used for residential  
17 (single-family or duplex) or agricultural uses. Nothing in this  
18 section shall affect or impair the powers and duties of the  
19 director of transportation as set forth in chapter 262.

20 (b) Any final order of a zoning agency established under  
21 this section may be appealed to the circuit court of the circuit



1 in which the land in question is found. The appeal shall be in  
2 accordance with the Hawaii rules of civil procedure.

3 (c) Each county may adopt reasonable standards to allow  
4 the construction of two single-family dwelling units on any lot  
5 where a residential dwelling unit is permitted.

6 (d) Neither this section nor any other law, county  
7 ordinance, or rule shall prohibit group living in facilities  
8 with eight or fewer residents for purposes or functions that are  
9 licensed, certified, registered, or monitored by the State;  
10 provided that a resident manager or a resident supervisor and  
11 the resident manager's or resident supervisor's family shall not  
12 be included in this resident count. These group living  
13 facilities shall meet all applicable county requirements not  
14 inconsistent with the intent of this subsection, including but  
15 not limited to building height, setback, maximum lot coverage,  
16 parking, and floor area requirements.

17 (e) Neither this section nor any other law, county  
18 ordinance, or rule shall prohibit the use of land for employee  
19 housing and community buildings in plantation community  
20 subdivisions as defined in section 205-4.5(a)(12); in addition,  
21 no zoning ordinance shall provide for the elimination,





1 amortization, or phasing out of plantation community  
2 subdivisions as a nonconforming use.

3 (f) Neither this section nor any other law, county  
4 ordinance, or rule shall prohibit the use of land for medical  
5 marijuana production centers or dispensaries established and  
6 licensed pursuant to part \_\_\_\_\_ of chapter 321."

7 **PART IV**

8 SECTION 4. Section 321-30.1, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "~~[+]§321-30.1[+]~~ **Medical marijuana registry and regulation**  
11 **special fund; established.** (a) There is established within the  
12 state treasury the medical marijuana registry and regulation  
13 special fund. The fund shall be expended at the discretion of  
14 the director of health:

15 (1) To establish and regulate a system of medical  
16 marijuana production centers and dispensaries in the  
17 State;

18 [~~+1~~] (2) To offset the cost of the processing and issuance  
19 of patient registry identification certificates and  
20 primary caregiver registration certificates;

21 [~~+2~~] (3) To fund positions authorized by the legislature;





1 SECTION 5. Chapter 329, Hawaii Revised Statutes, is  
2 amended by adding a new section to part IX to be appropriately  
3 designated and to read as follows:

4 "§329- Protections afforded to an owner or qualified  
5 employee of a licensed production center or dispensary. (a) An  
6 owner or employee of a medical marijuana production center or a  
7 medical marijuana dispensary licensed under section 321-B or  
8 321-C may assert the medical production or medical distribution  
9 of marijuana as an affirmative defense to any prosecution  
10 involving marijuana under this part or chapter 712; provided  
11 that the owner or employee strictly complied with the  
12 requirements of chapter 321, part \_\_\_\_\_.

13 (b) An owner or employee of a licensed medical marijuana  
14 production center or licensed medical marijuana dispensary not  
15 complying with the permitted scope of the medical production or  
16 medical distribution of marijuana shall not be afforded the  
17 protections against searches and seizures pertaining to the  
18 misapplication of the medical production or medical distribution  
19 of marijuana.

20 (c) No person shall be subject to arrest or prosecution  
21 for merely being in the presence or vicinity of a medical



1 marijuana production center or medical marijuana dispensary  
2 licensed and operating under chapter 321, part ."

3 SECTION 6. Section 329-122, Hawaii Revised Statutes, is  
4 amended by amending subsection (c) to read as follows:

5 "(c) The authorization for the medical use of marijuana in  
6 this section shall not apply to:

- 7 (1) The medical use of marijuana that endangers the health  
8 or well-being of another person;
- 9 (2) The medical use of marijuana:
- 10 (A) In a school bus, public bus, or any moving  
11 vehicle;
- 12 (B) In the workplace of one's employment;
- 13 (C) On any school grounds;
- 14 (D) At any public park, public beach, public  
15 recreation center, recreation or youth center; or
- 16 (E) ~~At~~ At any other place open to the public;  
17 provided that a qualifying patient, parent,  
18 primary caregiver, or an owner or employee of a  
19 medical marijuana production center or dispensary  
20 licensed under sections 321-B and 321-C shall not





1 ~~primary care physician.]~~ All current active medical marijuana  
2 permits shall be honored through their expiration date."

3 **PART VII**

4 SECTION 8. There is appropriated out of the general  
5 revenues of the State of Hawaii the sum of \$ or so  
6 much thereof as may be necessary for fiscal year 2015-2016 and  
7 the same sum or so much thereof as may be necessary for fiscal  
8 year 2016-2017 to be deposited into the medical marijuana  
9 registry and regulation special fund established pursuant to  
10 section 321-30.1, Hawaii Revised Statutes.

11 SECTION 9. There is appropriated out of the medical  
12 marijuana registry and regulation special fund the sum of  
13 \$ or so much thereof as may be necessary for fiscal  
14 year 2015-2016 and the same sum or so much thereof as may be  
15 necessary for fiscal year 2016-2017 to carry out the purposes of  
16 this Act, including the hiring of full-time equivalent  
17 ( FTE) positions to carry out the purposes of the medical  
18 marijuana dispensary program established pursuant to this Act.

19 The sums appropriated shall be expended by the department  
20 of health for the purposes of this Act.





1 SECTION 13. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 14. This Act shall take effect upon its approval  
4 and shall be repealed on ; provided that part VII  
5 shall take effect on July 1, 2015.

6

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# S.B. NO. 1302

**Report Title:**

Medical Marijuana; Dispensaries; Production Centers; License; Appropriation

**Description:**

Establishes a system of medical marijuana dispensaries and production centers. Prohibits counties from enacting zoning regulations that discriminate against licensed dispensaries and production centers. Renames "medical marijuana registry special fund" to "medical marijuana registry and regulation special fund" and expands expending options. Establishes protections for an owner or qualified employee of a licensed production center or dispensary. Clarifies the right of qualifying patients and primary caregivers to transport medical marijuana. Appropriates funds. Repeals the requirement that the physician who issues a written certification for a qualifying patient be the patient's primary care physician.

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

