



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

September 15, 2020

**GOV. MSG. NO. 1143**

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Thirtieth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirtieth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on September 15, 2020, the following bill was signed into law:

HB2097 HD2 SD2

RELATING TO MEDICAL CANNABIS.  
**Act 038 (20)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

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# 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 amendments to  
2 chapter 329D, Hawaii Revised Statutes, are warranted to clarify  
3 legislative intent, ensure smooth administration of the medical  
4 cannabis dispensary system law, allow for adequate patient  
5 access based on experiences in other states that have a  
6 reasonable medical cannabis program, and resolve other issues  
7 that have arisen under the existing law.

8           The purpose of this Act is to authorize:

- 9           (1) The department of health to consider processes that  
10           may allow cannabis or manufactured cannabis products  
11           that fail testing to be remediated;
- 12           (2) Licensed dispensaries to manufacture and distribute  
13           edible cannabis products under certain conditions; and
- 14           (3) The department of health to allow licensed  
15           dispensaries to provide educational and scientific  
16           information and sponsor events related to medical  
17           cannabis.



1 SECTION 2. Section 329D-1, Hawaii Revised Statutes, is  
2 amended by amending the definition of "manufactured cannabis  
3 product" to read as follows:

4 "Manufactured cannabis product" means any capsule,  
5 lozenge, oil or oil extract, tincture, ointment or skin lotion,  
6 pill, transdermal patch, or pre-filled and sealed container used  
7 to aerosolize and deliver cannabis orally, such as an inhaler or  
8 nebulizer, that has been manufactured using cannabis, or any  
9 other products as specified by the department pursuant to  
10 section [~~329D-10(a)(10)~~] 329D-10(a)(11)."

11 SECTION 3. Section 329D-8, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

13 "(a) The department shall establish and enforce standards  
14 for laboratory-based testing of cannabis and manufactured  
15 cannabis products for content, contamination, and consistency;  
16 provided that in establishing these standards, the department  
17 shall:

- 18 (1) Review and take guidance from the testing programs and  
19 standards utilized in other jurisdictions;
- 20 (2) Consider the impact of the standards on the retail  
21 cost of the product to the qualifying patient;



1 (3) Review and take guidance from the testing programs and  
2 standards for pesticides under the regulations of the  
3 United States Environmental Protection Agency;

4 (4) Consider processes that may allow cannabis or  
5 manufactured cannabis products that fail testing  
6 standards to be remediated;

7 [~~4~~] (5) For the testing for microbiological impurities,  
8 consider the benefits of organically grown cannabis  
9 that features the use of bacteria in lieu of  
10 pesticides; and

11 [~~5~~] (6) Include permission for qualifying patients and  
12 primary caregivers to obtain testing services directly  
13 from certified laboratories on the island where the  
14 qualifying patient and primary caregiver reside."

15 SECTION 4. Section 329D-10, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "§329D-10 **Types of manufactured cannabis products.** (a)

18 The types of medical cannabis products that may be manufactured  
19 and distributed pursuant to this chapter shall be limited to:

- 20 (1) Capsules;
- 21 (2) Lozenges;



- 1 (3) Pills;
- 2 (4) Oils and oil extracts;
- 3 (5) Tinctures;
- 4 (6) Ointments and skin lotions;
- 5 (7) Transdermal patches;
- 6 (8) Pre-filled and sealed containers used to aerosolize
- 7 and deliver cannabis orally, such as with an inhaler
- 8 or nebulizer; provided that containers need not be
- 9 manufactured by the licensed dispensary but shall be
- 10 filled with cannabis, cannabis oils, or cannabis
- 11 extracts manufactured by the licensed dispensary;
- 12 shall not contain nicotine, tobacco-related products,
- 13 or any other non-cannabis derived products; and shall
- 14 be designed to be used with devices used to provide
- 15 safe pulmonary administration of manufactured cannabis
- 16 products;
- 17 (9) Devices that provide safe pulmonary administration;
- 18 provided that:
  - 19 (A) The heating element of the device, if any, is
  - 20 made of inert materials such as glass, ceramic,
  - 21 or stainless steel, and not of plastic or rubber;



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

5 (C) The device is used to aerosolize and deliver  
6 cannabis by inhalation, such as an inhaler,  
7 medical-grade nebulizer, or other similar medical  
8 grade volitization device;

9 (D) There is a temperature control on the device that  
10 is regulated to prevent the combustion of  
11 cannabis oil; and

12 (E) The device need not be manufactured by the  
13 licensed dispensary; ~~and~~

14 (10) Other products, including edible cannabis products, as  
15 specified by the department; and

16 [~~(10)~~] (11) Other products as specified by the department.

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

20 (c) As used in this section, "edible cannabis products"  
21 means manufactured cannabis products intended for



1 gastrointestinal administration of any cannabinoid extracted  
2 from the cannabis plant and regulated as manufactured cannabis  
3 products and not as a "drug" or "food" as defined and regulated  
4 in chapter 328, or as "bottled water" as defined and regulated  
5 in chapter 328D.

6 (d) Any medical cannabis product manufactured pursuant to  
7 this chapter shall be regulated and approved by the department  
8 and meet all requirements of rules adopted pursuant to this  
9 chapter; provided that the department shall establish  
10 requirements for child-resistant packaging and accurate and  
11 proper labeling."

12 SECTION 5. Section 329D-11, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 **"§329D-11 Advertising and packaging.** (a) The department  
15 shall establish standards regarding the advertising and  
16 packaging of cannabis and manufactured cannabis products;  
17 provided that the standards, at a minimum, shall require the use  
18 of packaging that:

19 (1) Is child-resistant and opaque so that the product  
20 cannot be seen from outside the packaging;



- 1           (2) Uses only black lettering on a white background with
- 2                   no pictures or graphics;
- 3           (3) Is clearly labeled with the phrase "For medical use
- 4                   only";
- 5           (4) Is clearly labeled with the phrase "Not for resale or
- 6                   transfer to another person";
- 7           (5) Includes instructions for use and "use by date";
- 8           (6) Contains information about the contents and potency of
- 9                   the product;
- 10          (7) Includes the name of the production center where
- 11                   cannabis in the product was produced, including the
- 12                   batch number and date of packaging;
- 13          (8) Includes a barcode generated by tracking software; and
- 14          (9) In the case of a manufactured cannabis product,
- 15                   includes a:
- 16                   (A) Listing of the equivalent physical weight of the
- 17                           cannabis used to manufacture the amount of the
- 18                           product that is within the packaging, pursuant to
- 19                           section 329D-9(c);
- 20                   (B) Clearly labeled warning stating that the product:





- 1 (i) Is a medication that contains cannabis, and
- 2 is not a food; and
- 3 (ii) Should be kept away from children; and
- 4 (C) Date of manufacture.

5 (b) Any capsule, lozenge, or pill containing cannabis or  
6 its principal psychoactive constituent tetrahydrocannabinol  
7 shall be packaged so that one dose, serving, or single wrapped  
8 item contains no more than ten milligrams of  
9 tetrahydrocannabinol; provided that no manufactured cannabis  
10 product that is sold in a pack of multiple doses, servings, or  
11 single wrapped items, nor any containers of oils, shall contain  
12 more than a total of one thousand milligrams of  
13 tetrahydrocannabinol per pack or container; provided further  
14 that no dispensary shall exceed the dispensing limits imposed by  
15 section 329D-7.

16 (c) All manufactured cannabis products shall be  
17 individually wrapped at the original point of manufacture.

18 (d) The department shall be authorized to allow  
19 dispensaries to provide, disseminate, and publish educational  
20 and scientific materials relating to medical cannabis and its  
21 approved products and sponsor events about medical cannabis."



1 SECTION 6. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect on January 1, 2021.

APPROVED this 15 day of SEP, 2020



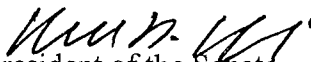
GOVERNOR OF THE STATE OF HAWAII




**THE SENATE OF THE STATE OF HAWAI'I**

Date: July 6, 2020  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2020.

  
President of the Senate

  
Clerk of the Senate

HB No. 2097, HD 2, SD 2

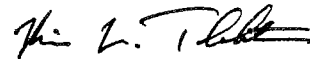
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: July 10, 2020  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2020.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives