

EXECUTIVE ORDER NO. 24-06

(Guidance Regarding Medical Cannabis Primary Caregivers)

WHEREAS, the medical use of cannabis by a qualifying patient in full compliance with part IX of chapter 329, Hawaii Revised Statutes (HRS), is lawful and does not violate the Uniform Controlled Substances Act, chapter 329, HRS; and

WHEREAS, under part IX of chapter 329, HRS, a qualifying patient is authorized to jointly possess between the qualifying patient and the primary caregiver an “adequate supply” of medical cannabis not more than is reasonably necessary to ensure the uninterrupted availability of cannabis for the purposes of alleviating symptoms or effects of a qualifying patient’s debilitating medical condition; provided that an “adequate supply” shall not exceed: ten cannabis plants, whether immature or mature, and four ounces of usable cannabis at any given time; and

WHEREAS, pursuant to subsection 329-123(c), HRS, every primary caregiver shall be responsible for the care of only one qualifying patient at any given time, unless the primary caregiver is the parent, guardian, or person having legal custody of more than one minor qualifying patient, in which case the primary caregiver may be responsible for the care of more than one minor qualifying patient at any given time; provided that the primary caregiver is the parent, guardian, or person having legal custody of all of the primary caregiver’s qualifying patients; and

WHEREAS, the purpose for granting a primary caregiver the authority to cultivate up to ten cannabis plants for the benefit of the qualifying patient is that a qualifying patient with a debilitating medical condition may not be able to cultivate the cannabis themselves; and

WHEREAS, generally, pursuant to subsection 329-130(a), HRS, after December 31, 2024, no primary caregiver shall be authorized to cultivate cannabis for any qualifying patient; and

WHEREAS, the expiration of the authority of a primary caregiver to cultivate cannabis for a qualifying patient may lead to negative health outcomes for qualifying patients suffering from a debilitating condition; and

WHEREAS, the Department of Health and its Office of Medical Cannabis Control and Regulation have limited resources to investigate and enforce minor violations of part IX of chapter 329, HRS, concerning primary caregivers; and

WHEREAS, after January 1, 2025, a primary caregiver acting in accordance with the law in effect prior to January 1, 2025, is not committing a significant violation of part IX of chapter 329, HRS;

NOW, THEREFORE, I, Josh Green, M.D., Governor of the State of Hawai'i, pursuant to my executive authority under articles V and VII of the Constitution of the State of Hawai'i, the provisions of chapter 329 of the Hawaii Revised Statutes, and all other applicable authority, do hereby order effective January 1, 2025, that the Department of Health and its Office of Medical Cannabis Control and Regulation to follow these guidelines concerning investigation and enforcement of the provisions of part IX of chapter 329 concerning primary caregivers:

1. The Department of Health and its Office of Medical Cannabis Control and Regulation shall prioritize the use of its limited investigative and enforcement resources to address significant violations of part IX of chapter 329 concerning primary caregivers, which includes:


- a. Diversion of cannabis away from the qualifying patient registered to the primary caregiver;
 - b. Use of the status of a primary caregiver for improper purposes, or holding oneself out to be a primary caregiver for improper or commercial purposes;
 - c. Cultivation for more than one qualifying patient at any given time, unless the primary caregiver is the parent, guardian, or person having legal custody of more than one minor qualifying patient, in which case the primary caregiver may be responsible for the care of more than one minor qualifying patient at any given time; provided that the primary caregiver is the parent, guardian, or person having legal custody of all of the primary caregiver's qualifying patients; or
 - d. Cultivation of cannabis at a location used by more than five qualifying patients.
2. The Department of Health and its Office of Medical Cannabis Control and Regulation shall not prioritize the use of its limited investigative and enforcement resources to address minor violations of part IX of chapter 329 concerning primary caregivers, which include:
- a. A primary caregiver cultivating an "adequate supply" of cannabis for only one qualifying patient at any given time, unless the primary caregiver is the parent, guardian, or person having legal custody of more than one minor qualifying patient, in which case the primary caregiver may be responsible for the care of more than one minor

qualifying patient at any given time; provided that the primary caregiver is the parent, guardian, or person having legal custody of all of the primary caregiver's qualifying patients; and

b. A primary caregiver cultivating cannabis at a location used by five or fewer qualifying patients.

3. Nothing in this Executive Order shall preclude the Department of Health and its Office of Medical Cannabis Control and Regulation from investigating and enforcing a violation of part IX of chapter 329 concerning primary caregivers, including a violation described in paragraph 2 of this Executive Order, where such investigation and enforcement otherwise serves an important state interest.

Done at the State Capitol, Honolulu,
State of Hawai'i, this 30th day of
December, 2024.



Josh Green, M.D.
Governor of Hawai'i

APPROVED:

Anne E. Lopez

Anne E. Lopez
Attorney General