



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

June 20, 2017

**GOV. MSG. NO. 1141**

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

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Twenty-Ninth 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 June 20, 2017, the following bill was signed into law:

HB1488 HD1 SD1 CD1

RELATING TO MEDICAL MARIJUANA  
**ACT 041 (17)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

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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 Act 241, Session Laws  
2 of Hawaii 2015, codified as chapter 329D, Hawaii Revised  
3 Statutes, established a licensing framework for a statewide  
4 system of medical marijuana dispensaries to ensure access to  
5 medical marijuana for qualifying patients. Act 230, Session  
6 Laws of Hawaii 2016, clarified the system's implementation.  
7 Generally, Act 241 required the department of health to announce  
8 the selection of medical marijuana dispensary licensees by April  
9 15, 2016, and to allow retail dispensing of medical marijuana  
10 from July 15, 2016. However, the department of health only  
11 recently authorized a few medical marijuana dispensary licensees  
12 to proceed with the planting or cultivation of medical  
13 marijuana, and has been unable to provide assurances that the  
14 dispensary program envisioned by Acts 241 and 230 will be fully  
15 implemented in the near future.

16           The legislature also finds that the delay in implementing  
17 the medical marijuana dispensing system is affecting patient  
18 access to medical marijuana. One cause of the delay is the



1 department of health's struggle to implement the computer  
2 tracking system required pursuant to Acts 241 and 230. The  
3 legislature notes that although the computer tracking system is  
4 intended to serve an important role in ensuring the safety of  
5 the product, patient, and public, the need for the system must  
6 be balanced against the patients' need to receive their  
7 medicine. Recently, some medical marijuana dispensary programs  
8 on the mainland United States experienced failures of their  
9 computer tracking systems, but the affected jurisdictions  
10 fortunately had pre-determined alternate systems to track  
11 marijuana product sales during any tracking system shutdown.  
12 The legislature believes that the department of health should  
13 also have a pre-determined alternate system to track marijuana  
14 product sales so that qualified patients will have uninterrupted  
15 access to medical marijuana during any shutdown of the initial  
16 tracking system in this State.

17 The legislature further finds that, although laboratory  
18 testing of medical marijuana is necessary to ensure product and  
19 patient safety, testing should be performed within reasonable  
20 scope and tolerance levels. The State of Oregon has implemented  
21 testing standards that are appropriate, practical, and evidence-



1 based. Unreasonably strict and expansive testing standards will  
2 lead to unnecessarily high production costs that will result in  
3 medical marijuana that is unaffordable for patient use and may  
4 push patients to use the black market instead of legal  
5 dispensaries.

6 Accordingly, the purpose of this Act is to amend and  
7 clarify the regulatory framework for the use of medical  
8 marijuana and the dispensary system by:

- 9 (1) Increasing the number of marijuana plants that a  
10 qualified patient and primary caregiver may jointly  
11 possess from seven to ten plants at any stage of  
12 growth;
- 13 (2) Including rheumatoid arthritis, lupus, epilepsy, and  
14 multiple sclerosis as conditions that qualify a  
15 patient for the legal use of medical marijuana;
- 16 (3) Permitting qualified patients and primary caregivers  
17 to access laboratory testing for their medical  
18 marijuana;
- 19 (4) Amending certain dates and deadlines in existing law  
20 and establishing new deadlines to address the delays



- 1 in implementation of the medical marijuana dispensary  
2 system;
- 3 (5) Authorizing the department of health to permit  
4 additional retail dispensing locations and cultivation  
5 of additional plants for dispensary licensees;
- 6 (6) Allowing an alternate, backup system for tracking and  
7 monitoring data related to dispensary sales;
- 8 (7) Requiring retention of video security recordings of  
9 production centers and dispensaries for not less than  
10 fifty days;
- 11 (8) Amending requirements for laboratory standards and  
12 testing to ensure product and patient safety at  
13 reasonable tolerance levels with reasonable cost  
14 implications; and
- 15 (9) Ensuring that qualifying patients who require  
16 transportation or mobility assistance are able to  
17 access dispensary premises by permitting providers of  
18 paratransit or other assistive services to have  
19 limited access to the premises while providing  
20 assistance to a qualifying patient.



1 SECTION 2. Section 329-121, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By amending the definition of "adequate supply" to  
4 read:

5 "Adequate supply" means an amount of medical marijuana  
6 jointly possessed between the qualifying patient and the primary  
7 caregiver that is not more than is reasonably necessary to  
8 ensure the uninterrupted availability of marijuana for the  
9 purpose of alleviating the symptoms or effects of a qualifying  
10 patient's debilitating medical condition; provided that an  
11 "adequate supply" shall not exceed: [~~seven~~] ten marijuana  
12 plants, whether immature or mature, and four ounces of usable  
13 marijuana at any given time. The four ounces of usable  
14 marijuana shall include any combination of usable marijuana and  
15 manufactured marijuana products, as provided in chapter 329D,  
16 with the marijuana in the manufactured marijuana products being  
17 calculated using information provided pursuant to section  
18 329D-9(c)."

19 2. By amending the definition of "debilitating medical  
20 condition" to read:

21 "Debilitating medical condition" means:



- 1 (1) Cancer, glaucoma, lupus, epilepsy, multiple sclerosis,  
2 rheumatoid arthritis, positive status for human  
3 immunodeficiency virus, acquired immune deficiency  
4 syndrome, or the treatment of these conditions;
- 5 (2) A chronic or debilitating disease or medical condition  
6 or its treatment that produces one or more of the  
7 following:
- 8 (A) Cachexia or wasting syndrome;  
9 (B) Severe pain;  
10 (C) Severe nausea;  
11 (D) Seizures, including those characteristic of  
12 epilepsy;  
13 (E) Severe and persistent muscle spasms, including  
14 those characteristic of multiple sclerosis or  
15 Crohn's disease; or  
16 (F) Post-traumatic stress disorder; or
- 17 (3) Any other medical condition approved by the department  
18 of health pursuant to administrative rules in response  
19 to a request from a physician or advanced practice  
20 registered nurse or potentially qualifying patient."



1 SECTION 3. Section 329-122, Hawaii Revised Statutes, is  
2 amended by amending subsection (d) to read as follows:

3 "(d) For the purposes of this section, "transport" means  
4 the transportation of marijuana, usable marijuana, or any  
5 manufactured marijuana product between:

6 (1) A qualifying patient and the qualifying patient's  
7 primary caregiver;

8 (2) The production centers and the retail dispensing  
9 locations under a dispensary licensee's license; or

10 (3) A production center ~~[or]~~, retail dispensing location,  
11 qualifying patient, or primary caregiver and a  
12 certified laboratory for the purpose of laboratory  
13 testing; provided that a qualifying patient or primary  
14 caregiver may only transport up to one gram of  
15 marijuana per test to a certified laboratory for  
16 laboratory testing and may only transport the product  
17 if the qualifying patient or primary caregiver:

18 (A) Secures an appointment for testing at a certified  
19 laboratory;

20 (B) Obtains confirmation, which may be electronic,  
21 that includes the specific time and date of the





1 appointment and a detailed description of the  
2 product and amount to be transported to the  
3 certified laboratory for the appointment; and  
4 (C) Has the confirmation, which may be electronic,  
5 available during transport.

6 For purposes of interisland transportation, "transport"  
7 [does not include the interisland transportation] of marijuana,  
8 usable marijuana, or any manufactured marijuana product, [except  
9 when the transportation is performed] by any means is allowable  
10 only between a production center or retail dispensing location  
11 and a certified laboratory for the sole purpose of laboratory  
12 testing pursuant to section 329D-8, as permitted under section  
13 329D-6(m) and subject to section 329D-6(j), and with the  
14 understanding that state law and its protections do not apply  
15 outside of the jurisdictional limits of the State. Allowable  
16 transport pursuant to this section does not include interisland  
17 transportation by any means or for any purpose between a  
18 qualified patient or primary caregiver and any other entity or  
19 individual, including an individual who is a qualified patient  
20 or primary caregiver."



1 SECTION 4. Section 329-130, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) After December 31, [~~2018~~] 2023, a qualifying patient  
4 shall obtain medical marijuana or manufactured marijuana  
5 products only:

6 (1) From a dispensary licensed pursuant to chapter 329D;  
7 provided that the marijuana shall be purchased and  
8 paid for at the time of purchase; or

9 (2) By cultivating marijuana in an amount that does not  
10 exceed an adequate supply for the qualifying patient,  
11 pursuant to section 329-122[-]; provided that each  
12 location used to cultivate marijuana shall be used by  
13 no more than five qualifying patients.

14 After December 31, [~~2018~~] 2023, no primary caregiver shall be  
15 authorized to cultivate marijuana for any qualifying patient."

16 SECTION 5. Section 329D-2, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "**§329D-2 Medical marijuana dispensaries; authorized;**  
19 **licensure.** (a) No person shall operate a medical marijuana  
20 dispensary unless the person has a license issued by the  
21 department pursuant to this chapter.



1 (b) The director of health shall grant medical marijuana  
2 dispensary licenses to allow dispensaries to produce,  
3 manufacture, and dispense marijuana and manufactured marijuana  
4 products pursuant to this chapter.

5 (c) Each medical marijuana dispensary license shall allow  
6 production, manufacture, and dispensing of marijuana and  
7 manufactured marijuana products only in the county for which the  
8 license is granted.

9 (d) The department shall issue eight dispensary licenses  
10 statewide; provided that three dispensary licenses shall be  
11 issued for the city and county of Honolulu, two dispensary  
12 licenses each shall be issued for the county of Hawaii and the  
13 county of Maui, and one dispensary license shall be issued for  
14 the county of Kauai; provided further that no dispensary license  
15 shall be issued for the county of Kalawao.

16 (e) No person may be granted a dispensary license in more  
17 than one county.

18 (f) Up to two production centers shall be allowed under  
19 each dispensary license [7]; provided that, except as otherwise  
20 specified in subsection (k), each production center shall be  
21 limited to no more than three thousand marijuana plants. For



1 purposes of this subsection, "plant" means a marijuana plant  
2 that is greater than twelve vertical inches in height from where  
3 the base of the stalk emerges from the growth medium to the  
4 tallest point of the plant, or greater than twelve horizontal  
5 inches in width from the end of one branch to the end of another  
6 branch; provided that multiple stalks emanating from the same  
7 root ball or root system shall be considered part of the same  
8 single plant.

9 (g) A dispensary licensee may establish up to two retail  
10 dispensing locations under the licensee's dispensary license[-],  
11 except as otherwise specified in subsection (l).

12 (h) Each dispensary licensee may commence dispensing  
13 medical marijuana and manufactured marijuana products to  
14 qualifying patients or primary caregivers no sooner than July  
15 15, 2016, with approval by the department, in accordance with  
16 this chapter.

17 (i) Retail dispensing locations shall not be at the same  
18 location as the dispensary licensee's production centers.

19 (j) Notwithstanding subsection (d), the department shall  
20 determine whether, based on the qualifying patient need,  
21 additional dispensary licenses shall be offered to qualified



1 applicants in the State after October 1, [~~2017,~~] 2018; provided  
2 that the department shall make available not more than one  
3 license per five hundred qualifying patients residing in any  
4 single county[-]; provided further that in considering whether  
5 to award a new license, the department shall consider an  
6 applicant's capability to serve and supply medical marijuana to  
7 qualified patients in a rural or underserved geographical area  
8 of a county; provided further that a "rural or underserved  
9 geographical area" shall be determined by considering the number  
10 of registered medical marijuana patients that reside within a  
11 certain zip code compared to the quantity of medical marijuana  
12 that the closest production center and retail dispensing  
13 location have the capability to provide.

14 (k) Notwithstanding subsection (f) to the contrary, the  
15 department may determine whether dispensary licensees shall be  
16 allowed an additional two thousand marijuana plants at each of  
17 the licensee's production centers. In no case shall a licensee  
18 be allowed more than five thousand plants at a single production  
19 center.

20 (l) Notwithstanding any provision of subsection (g) to the  
21 contrary, the department may determine whether dispensary



1 licensees shall be allowed one additional retail dispensing  
2 location per licensee. In considering whether to allow  
3 additional retail dispensing locations, the department shall  
4 consider the licensee's capability to serve and supply medical  
5 marijuana to qualified patients in a rural or underserved  
6 geographical area of a county. For purposes of this subsection,  
7 a "rural or underserved geographical area" shall be determined  
8 by considering the number of registered medical marijuana  
9 patients that reside within a certain zip code compared to the  
10 quantity of medical marijuana that the closest production center  
11 and retail dispensing location have the capability to provide.

12 [~~(k)~~] (m) Notwithstanding any other law to the contrary, a  
13 dispensary shall not be subject to the prescription requirement  
14 of section 329-38 or to the board of pharmacy licensure or  
15 regulatory requirements under chapter 461."

16 SECTION 6. Section 329D-6, Hawaii Revised Statutes, is  
17 amended by amending subsections (j) and (k) to read as follows:

18 "(j) The department shall establish, maintain, and control  
19 a computer software tracking system that shall have real time,  
20 [~~twenty-four hour~~] twenty-four-hour access to the data of all  
21 dispensaries.



1        (1)    The computer software tracking system shall collect  
2                     data relating to:

3        [~~1~~]    (A)    The total amount of marijuana in possession of  
4                     all dispensaries from either seed or immature  
5                     plant state, including all plants that are  
6                     derived from cuttings or cloning, until the  
7                     marijuana, marijuana plants, or manufactured  
8                     marijuana product is sold or destroyed pursuant  
9                     to section 329D-7;

10       [~~2~~]    (B)    The total amount of manufactured marijuana  
11                     product inventory, including the equivalent  
12                     physical weight of marijuana that is used to  
13                     manufacture manufactured marijuana products,  
14                     purchased by a qualifying patient and primary  
15                     caregiver from all retail dispensing locations in  
16                     the State in any fifteen day period;

17       [~~3~~]    (C)    The amount of waste produced by each plant at  
18                     harvest; and

19       [~~4~~]    (D)    The transport of marijuana and manufactured  
20                     marijuana products between production centers and  
21                     retail dispensing locations, including tracking



1 identification issued by the tracking system, the  
2 identity of the person transporting the marijuana  
3 or manufactured marijuana products, and the make,  
4 model, and license number of the vehicle being  
5 used for the transport[-];

6 (2) The procurement of the computer software tracking  
7 system established pursuant to this subsection shall  
8 be exempt from chapter 103D; provided that: [the]

9 (A) The department shall publicly solicit at least  
10 three proposals for the computer software  
11 tracking system; and [the]

12 (B) The selection of the computer software tracking  
13 system shall be approved by the director of the  
14 department and the chief information officer[-];  
15 and

16 (3) Notwithstanding any other provision of this subsection  
17 to the contrary, once the department has authorized a  
18 licensed dispensary to commence sales of marijuana or  
19 manufactured marijuana products, if the department's  
20 computer software tracking system is inoperable or is  
21 not functioning properly, as an alternative to





1 requiring dispensaries to temporarily cease  
2 operations, the department may implement an alternate  
3 tracking system that will enable qualifying patients  
4 to purchase marijuana or manufactured marijuana  
5 products from a licensed dispensary on a temporary  
6 basis. The department shall seek input regarding the  
7 alternate tracking system from medical marijuana  
8 licensees. The alternate tracking system may operate  
9 as follows:

10 (A) The department may immediately notify all  
11 licensed dispensaries that the computer software  
12 tracking system is inoperable; and

13 (B) Once the computer software tracking system is  
14 operational and functioning to meet the  
15 requirements of this subsection, the department  
16 may notify all licensed dispensaries, and the  
17 alternate tracking system in this subsection  
18 shall be discontinued.

19 (k) A dispensary licensed pursuant to this chapter shall  
20 purchase, operate, and maintain a computer software tracking  
21 system that shall:



- 1           (1) Interface with the department's computer software  
2           tracking system established pursuant to subsection  
3           (j);
- 4           (2) Allow each licensed dispensary's production center to  
5           submit to the department in real time, by automatic  
6           identification and data capture, all marijuana,  
7           marijuana plants, and manufactured marijuana product  
8           inventory in possession of that dispensary from either  
9           seed or immature plant state, including all plants  
10          that are derived from cuttings or cloning, until the  
11          marijuana or manufactured marijuana product is sold or  
12          destroyed pursuant to section 329D-7; [~~and~~]
- 13          (3) Allow the licensed dispensary's retail dispensing  
14          location to submit to the department in real time for  
15          the total amount of marijuana and manufactured  
16          marijuana product purchased by a qualifying patient  
17          and primary caregiver from the dispensary's retail  
18          dispensing locations in the State in any fifteen day  
19          period; provided that the software tracking system  
20          shall impose an automatic stopper in real time, which  
21          cannot be overridden, on any further purchases of



1 marijuana or manufactured marijuana products, if the  
2 maximum allowable amount of marijuana has already been  
3 purchased for the applicable fifteen-day period;  
4 provided further that additional purchases shall not  
5 be permitted until the next applicable period[-]; and

- 6 (4) Allow the licensed dispensary to submit all data  
7 required by this subsection to the department and  
8 permit the department to access the data if the  
9 department's computer software tracking system is not  
10 functioning properly and sales are made pursuant to  
11 the alternate tracking system under subsection (j)."

12 SECTION 7. Section 329D-7, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "§329D-7 Medical marijuana dispensary rules. The  
15 department shall establish standards with respect to:

- 16 (1) The number of medical marijuana dispensaries that  
17 shall be permitted to operate in the State;  
18 (2) A fee structure for the submission of applications and  
19 renewals of licenses to dispensaries; provided that  
20 the department shall consider the market conditions in



1 each county in determining the license renewal fee  
2 amounts;

3 (3) Criteria and procedures for the consideration and  
4 selection, based on merit, of applications for  
5 licensure of dispensaries; provided that the criteria  
6 shall include but not be limited to an applicant's:

7 (A) Ability to operate a business;

8 (B) Financial stability and access to financial  
9 resources; provided that applicants for medical  
10 marijuana dispensary licenses shall provide  
11 documentation that demonstrates control of not  
12 less than \$1,000,000 in the form of escrow  
13 accounts, letters of credit, surety bonds, bank  
14 statements, lines of credit or the equivalent to  
15 begin operating the dispensary;

16 (C) Ability to comply with the security requirements  
17 developed pursuant to paragraph (6);

18 (D) Capacity to meet the needs of qualifying  
19 patients;



- 1 (E) Ability to comply with criminal background check  
2 requirements developed pursuant to paragraph (8);  
3 and  
4 (F) Ability to comply with inventory controls  
5 developed pursuant to paragraph (13);  
6 (4) Specific requirements regarding annual audits and  
7 reports required from each production center and  
8 dispensary licensed pursuant to this chapter;  
9 (5) Procedures for announced and unannounced inspections  
10 by the department or its agents of production centers  
11 and dispensaries licensed pursuant to this chapter;  
12 provided that inspections for license renewals shall  
13 be unannounced;  
14 (6) Security requirements for the operation of production  
15 centers and retail dispensing locations; provided  
16 that, at a minimum, the following shall be required:  
17 (A) For production centers:  
18 (i) Video monitoring and recording of the  
19 premises; provided that recordings shall be  
20 retained for fifty days;



- 1           (ii) Fencing that surrounds the premises and that
- 2                   is sufficient to reasonably deter intruders
- 3                   and prevent anyone outside the premises from
- 4                   viewing any marijuana in any form;
- 5           (iii) An alarm system; and
- 6           (iv) Other reasonable security measures to deter
- 7                   or prevent intruders, as deemed necessary by
- 8                   the department;
- 9           (B) For retail dispensing locations:
- 10           (i) Presentation of a valid government-issued
- 11                   photo identification and a valid
- 12                   identification as issued by the department
- 13                   pursuant to section 329-123, by a qualifying
- 14                   patient or caregiver, upon entering the
- 15                   premises;
- 16           (ii) Video monitoring and recording of the
- 17                   premises; provided that recordings shall be
- 18                   retained for fifty days;
- 19           (iii) An alarm system;
- 20           (iv) Exterior lighting; and



- 1 (v) Other reasonable security measures as deemed
- 2 necessary by the department;
- 3 (7) Security requirements for the transportation of
- 4 marijuana and manufactured marijuana products between
- 5 production centers and retail dispensing locations [7]
- 6 and between a production center, retail dispensing
- 7 location, qualifying patient, or primary caregiver and
- 8 a certified laboratory, pursuant to section 329-
- 9 122(d);
- 10 (8) Standards and criminal background checks to ensure the
- 11 reputable and responsible character and fitness of all
- 12 license applicants, licensees, employees,
- 13 subcontractors and their employees, and prospective
- 14 employees of medical marijuana dispensaries to operate
- 15 a dispensary; provided that the standards, at a
- 16 minimum, shall exclude from licensure or employment
- 17 any person convicted of any felony;
- 18 (9) The training and certification of operators and
- 19 employees of production centers and dispensaries;



- 1       (10) The types of manufactured marijuana products that
- 2               dispensaries shall be authorized to manufacture and
- 3               sell pursuant to sections 329D-9 and 329D-10;
- 4       (11) Laboratory standards related to testing marijuana and
- 5               manufactured marijuana products for content,
- 6               contamination, and consistency;
- 7       (12) The quantities of marijuana and manufactured marijuana
- 8               products that a dispensary may sell or provide to a
- 9               qualifying patient or primary caregiver; provided that
- 10              no dispensary shall sell or provide to a qualifying
- 11              patient or primary caregiver any combination of
- 12              marijuana and manufactured products that:
- 13              (A) During a period of fifteen consecutive days,
- 14                      exceeds the equivalent of four ounces of
- 15                      marijuana; or
- 16              (B) During a period of thirty consecutive days,
- 17                      exceeds the equivalent of eight ounces of
- 18                      marijuana;
- 19       (13) Dispensary and production center inventory controls to
- 20               prevent the unauthorized diversion of marijuana or
- 21               manufactured marijuana products or the distribution of





1 marijuana or manufactured marijuana products to  
2 qualifying patients or primary caregivers in  
3 quantities that exceed limits established by this  
4 chapter; provided that the controls, at a minimum,  
5 shall include:

6 (A) A computer software tracking system as specified  
7 in section 329D-6(j) and (k); and

8 (B) Product packaging standards sufficient to allow  
9 law enforcement personnel to reasonably determine  
10 the contents of an unopened package;

11 (14) Limitation to the size or format of signs placed  
12 outside a retail dispensing location or production  
13 center; provided that the signage limitations, at a  
14 minimum, shall comply with section 329D-6(o)(2) and  
15 shall not include the image of a cartoon character or  
16 other design intended to appeal to children;

17 (15) The disposal or destruction of unwanted or unused  
18 marijuana and manufactured marijuana products;

19 (16) The enforcement of the following prohibitions against:



- 1 (A) The sale or provision of marijuana or  
2 manufactured marijuana products to unauthorized  
3 persons;
- 4 (B) The sale or provision of marijuana or  
5 manufactured marijuana products to qualifying  
6 patients or primary caregivers in quantities that  
7 exceed limits established by this chapter;
- 8 (C) Any use or consumption of marijuana or  
9 manufactured marijuana products on the premises  
10 of a retail dispensing location or production  
11 center; and
- 12 (D) The distribution of marijuana or manufactured  
13 marijuana products, for free, on the premises of  
14 a retail dispensing location or production  
15 center;
- 16 (17) The establishment of a range of penalties for  
17 violations of this chapter or rule adopted thereto;  
18 and
- 19 (18) A process to recognize and register patients who are  
20 authorized to purchase, possess, and use medical  
21 marijuana in another state, United States territory,



1 or the District of Columbia as qualifying patients in  
2 this State; provided that this registration process  
3 may commence no sooner than January 1, 2018."

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

6 "(a) The department shall establish and enforce standards  
7 for laboratory-based testing of marijuana and manufactured  
8 marijuana products for content, contamination, and  
9 consistency[-]; provided that in establishing these standards,  
10 the department shall:

- 11 (1) Review and take guidance from the testing programs and  
12 standards utilized in other jurisdictions;  
13 (2) Consider the impact of the standards on the retail  
14 cost of the product to the qualifying patient;  
15 (3) Review and take guidance from the testing programs and  
16 standards for pesticides under the regulations of the  
17 United States Environmental Protection Agency;  
18 (4) For the testing for microbiological impurities,  
19 consider the benefits of organically grown marijuana  
20 that features the use of bacteria in lieu of  
21 pesticides; and



1        (5) Include permission for qualifying patients and primary  
2                    caregivers to obtain testing services directly from  
3                    certified laboratories on the island where the  
4                    qualifying patient and primary caregiver reside."

5            SECTION 9. Section 329D-15, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

7            "(a) No person shall intentionally or knowingly enter or  
8 remain upon the premises of a medical marijuana retail  
9 dispensing location unless the individual is:

- 10            (1) An individual licensee or registered employee of the
- 11                    dispensary;
- 12            (2) A qualifying patient or primary caregiver of a
- 13                    qualifying patient;
- 14            (3) A government employee or official acting in the
- 15                    person's official capacity; or
- 16            (4) Previously included on a current department-approved
- 17                    list provided to the department by the licensee of
- 18                    those persons who are allowed into that dispensary's
- 19                    facilities for a specific purpose for that dispensary,
- 20                    including but not limited to construction,
- 21                    maintenance, repairs, legal counsel, providers of



1           paratransit or other assistive services required by a  
2           qualifying patient to access a retail dispensary  
3           location, or investors; provided that:

4           (A) The person has been individually approved by the  
5           department to be included on the list;

6           (B) The person is at least twenty-one years of age,  
7           as verified by a valid government issued  
8           identification card;

9           (C) The department has confirmed that the person has  
10           no felony convictions;

11           (D) The person is escorted by an individual licensee  
12           or registered employee of the dispensary at all  
13           times while in the dispensary facility;

14           (E) The person is only permitted within those  
15           portions of the dispensary facility as necessary  
16           to fulfill the person's purpose for entering;

17           (F) The person is only permitted within the  
18           dispensary facility during the times and for the  
19           duration necessary to fulfill the person's  
20           purpose for entering;



1 (G) The dispensary shall keep an accurate record of  
2 each person's first and last name, date and times  
3 upon entering and exiting the dispensary  
4 facility, purpose for entering, and the identity  
5 of the escort; and

6 (H) The approved list shall be effective for one year  
7 from the date of the department approval."

8 SECTION 10. Section 329D-27, Hawaii Revised Statutes, is  
9 amended by amending subsections (b) and (c) to read as follows:

10 "(b) No later than January 4, 2016, the department shall  
11 adopt interim rules, which shall be exempt from chapter 91 and  
12 chapter 201M, to effectuate the purposes of this chapter;  
13 provided that the interim rules shall remain in effect until  
14 July 1, [~~2018-7~~] 2020, or until rules are adopted pursuant to  
15 subsection (a), whichever occurs sooner.

16 (c) The department may amend the interim rules, and the  
17 amendments shall be exempt from chapters 91 and 201M, to  
18 effectuate the purposes of this chapter; provided that any  
19 amended interim rules shall remain in effect until July 1,  
20 [~~2018-7~~] 2020, or until rules are adopted pursuant to subsection  
21 (a), whichever occurs sooner."



1 SECTION 11. Act 241, Session Laws of Hawaii 2015, is  
2 amended by amending section 14 to read as follows:

3 "SECTION 14. For the purposes of effectuating this Act,  
4 the personnel hired and the contracts entered into by the  
5 department of health, pursuant to this Act, shall be exempt from  
6 chapter 76, Hawaii Revised Statutes, for a period beginning on  
7 July 1, 2015, and ending on June 30, [~~2017~~] 2020; provided  
8 that:

9 (1) All personnel actions taken pursuant to this Act by  
10 the department of health after June 30, [~~2017~~] 2020,  
11 shall be subject to chapter 76, Hawaii Revised  
12 Statutes, as appropriate; and

13 (2) Any employee hired by the department of health to  
14 effectuate this Act, who occupies a position exempt  
15 from civil service on July 1, [~~2017~~] 2020, shall:

16 (A) Be appointed to a civil service position; and

17 (B) Not suffer any loss of prior service credit,  
18 vacation or sick leave credits previously earned,  
19 or other employee benefits or privileges;

20 provided that the employee possesses the minimum  
21 qualifications and public employment requirements for



1 the class or position to which appointed; provided  
2 further that subsequent changes in status shall be  
3 made pursuant to applicable civil service and  
4 compensation laws."

5 SECTION 12. The department of health shall submit a report  
6 to the legislative oversight working group established by Act  
7 230, Session Laws of Hawaii 2016, no later than sixty days prior  
8 to the convening of the regular session of 2018 with information  
9 and recommendations about the alternate tracking system,  
10 including input obtained from medical marijuana licensees.

11 SECTION 13. This Act does not affect rights and duties  
12 that matured, penalties that were incurred, and proceedings that  
13 were begun before its effective date.

14 SECTION 14. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 15. This Act shall take effect on June 29, 2017.

APPROVED this 20 day of JUN, 2017



GOVERNOR OF THE STATE OF HAWAII





HB No. 1488, HD 1, SD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2017  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2017.



Joseph M. Souki  
Speaker  
House of Representatives





Brian L. Takeshita  
Chief Clerk  
House of Representatives

**THE SENATE OF THE STATE OF HAWAII**

Date: May 2, 2017  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the  
Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017.

  
President of the Senate

  
Clerk of the Senate