Hawaii Department of Health
Medical Cannabis Program

“Cannabis in Paradise”

2017 Hawaii Congress of Planning Officials (HCPO) Conference

“Neighbors in Paradise”

September 20 - 22, 2017
'Alohilani Resort Waikīkī
Foundational Principles

Patient Safety

Product Safety

Public Safety
Department of Health
Medical Cannabis Program

Registry
Chapter 329 Hawaii Revised Statutes
Chapter 160 Hawaii Administrative Rules

Dispensary
Chapter 329D Hawaii Revised Statutes
Chapter 850 Hawaii Administrative Rules
Compliance with Federal Law
The Cole Memorandum

- Prosecutors and law enforcement should focus on the following priorities to avoid federal interference:
  - Prevent distribution of cannabis to minors
  - Prevent cannabis revenue from funding criminal enterprises, gangs or cartels
  - Prevent cannabis from moving out of states where it is legal
  - Prevent use of state-legal cannabis sales as a cover for illegal activity
  - Prevent violence and use of firearms in growing or distributing cannabis
  - Prevent drugged driving or exacerbation of other adverse public health consequences associated with cannabis use
  - Prevent growing cannabis on public lands
  - Prevent cannabis possession or use on federal property (national parks, government property, etc.)

Guidance Regarding Marijuana Enforcement, August 29 2013, James M. Cole, Deputy Attorney General, U.S. Department of Justice
Department of Health
Medical Cannabis Website

The Medical Marijuana Registry Program was created by Act 226 (Service Laws of Hawaii 2000), and is codified in the Hawaii Revised Statutes at part IX, Chapter 320, HRS.

The Medical Marijuana Dispensary Program was created by Act 241 (Service Laws of Hawaii 2016), and is codified in the Hawaii Revised Statutes (HRS) at Chapter 320-1, HRS.

For more details click on the Medical Marijuana Registry Program.

For more information on the Medical Marijuana Dispensary Program.
Qualifying Debilitating Medical Conditions

Cancer
Glaucoma
HIV/AIDS
Post Traumatic Stress Disorder (PTSD)
Lupus
Epilepsy
Multiple sclerosis
Arthritis
Autism

A chronic or debilitating disease or condition that produces one or more of the following:
- Cachexia or wasting syndrome;
- Severe Pain;
- Severe Nausea;
§329-125 Patients and Caregivers

(a) “... may assert the medical use of cannabis as an affirmative defense to any prosecution involving cannabis under this [part] or part 712 ...”

(b) any patient or caregiver “not complying with the permitted scope of the medical use of cannabis shall not be afforded the protections against searches and seizures pertaining to the misapplication of the medical use of cannabis.”
Act 242 - effective July 1, 2015 amends various laws and adds non-discriminatory language to:

- §421J: Planned Community Associations;
- §514A: Condominium Property Regimes &
- §514B: Condominiums
  - regarding discriminatory language against valid 329 card holders for any of the discriminatory practices listed in paragraphs (1) to (7) of section 515-3: Discrimination in Real Property Transactions, “unless the documents prohibit the smoking of tobacco and the medical cannabis is used by means of smoking”
Medical Use

§329-121 Definitions: “Medical Use” means

- acquisition,
- possession,
- cultivation,
- use,
- distribution, or
- transportation
Conditions of Use

Transportation

§329-122 (d) - “transport” means ... “the transportation of cannabis, usable cannabis, or any manufactured cannabis product between”

- Patient and caregiver, or
- Production center and retail location
- Production center/retail location and labs for testing

Limitations

§329-122 (c)(2)(E) - Use in any public place including the work place and in any moving vehicle - is not allowed, however transportation in public may be allowed IF cannabis is:

- In a sealed container;
- Not visible to the public; and
- Not “removed from its sealed container or consumed or used in any way while it is in the public place”.

§329-122 (c)(1) Use that endangers the health or well-being of another person
All Smoke Free Laws Applicable

1. §328J- Smoke-free workplaces and public places law
   - Defines “smoke” or “smoking“: means inhaling, exhaling, burning, or carrying any lighted or heated tobacco product or plant product intended for inhalation in any manner or in any form. "Smoking" includes the use of an electronic smoking device.
   - covers common areas of multi-unit housing
   - “20 foot rule”
   - legally allows managers to expand the smoking prohibitions to the entire property
§329-128 Fraudulent misrepresentation: penalty... fraudulent misrepresentation to a law enforcement official of...

(a) “any fact or circumstance relating to the medical use of cannabis to avoid arrest or prosecution under this part or chapter 721 shall be a petty misdemeanor and subject to a fine of $500.”

(b) “any fact or circumstance relating to the issuance of a written certificate by a physician not covered under section §329-126 for the medical use of cannabis shall be a misdemeanor.”

§329-129 Prohibited acts; flammable solvents...

(a) “no qualifying patient or primary caregiver shall use butane to extract tetrahydrocannabinol from cannabis plants.”

(b) “any person who violates this section shall be guilty of a class C felony.”
What’s Coming Up

§329D-7 (18)

- **Reciprocity:** No sooner than January 1, 2018, DOH may begin a registration process for individuals registered in other states

§329-130 (a)(2)

- **Phase Out Caregiver Grow Sites:** After December 31, 2023, except for all islands that do not have dispensaries (i.e., Molokai, Lanai) “no primary caregiver shall be authorized to cultivate cannabis”.
Dispensary Locations on the Islands

Each dispensary licensee will be allowed to operate up to two production centers and two retail dispensing locations.
Status of Licensees

- Each license allows 2 production centers of 3,000 plants each (6,000 total plants, excludes seeds, seedlings), and 2 retail locations. Up to 32 total locations for all 8 licenses. DOH can allow for more plants.
  - 16 production centers
  - 16 retail locations

- Production centers
  - All locations approved

- Retail dispensing locations
  - All identified approved
  - Two retail dispensing locations open

- State Narcotics Enforcement Division (NED) Certificates
  - Each production center and retail dispensing locations requires approval
Monitoring Steps

- Confirmation of other licenses or permits
  - County approvals as required
- State’s Computer Software Tracking System (Seed-to-Sale)
  - Inventory
  - Movement within production center and transport to labs and retail dispensing location
  - Sales
- Patient Registry System Interface with Tracking System
- Certified Labs
- Destruction of unusable plants and products
Public Health Concerns

- Motor vehicle accidents
- Emergency room visits
- Calls to Hawaii Poison Center for overdoses
- Access to minors