



Newsletter March

LEGISLATIVE BILL UPDATES.

Still a lot of uncertainty in these bills going forward and need to be further refined.

These bills are still alive and have not been scheduled for hearing. We will notify everybody on Instagram @care_waialua when they get scheduled. Up to 48 hours in advance to allow time for folks to submit testimony.

HB1217. [HTTPS://WWW.CAPITOL.HAWAII.GOV/SESSIONS/SESSION2023/BILLS/HB1217_SD1_.HTM](https://www.capitol.hawaii.gov/sessions/session2023/bills/hb1217_sd1_.htm)

- No more than **fifty qualifying patients** may use a particular location to cultivate cannabis; provided that this limitation shall not apply to qualifying patients who obtain a written exemption from the department of health.

SB962. [HTTPS://WWW.CAPITOL.HAWAII.GOV/SESSIONS/SESSION2023/BILLS/SB962_HD2_.HTM](https://www.capitol.hawaii.gov/sessions/session2023/bills/sb962_hd2_.htm)

- Restrict the number of qualifying patients who may use a grow site to **twenty**, unless an exemption is obtained from the department of health; and

- **SB669.** https://www.capitol.hawaii.gov/sessions/session2023/bills/SB669_SD2_.HTM

Deferred til next year, but possibly some good news for cultivators.

- Cannabis cultivation facility licenses, which shall authorize the licensee to cultivate, process, prepare, label, transport, and package cannabis and cannabis products for sale or wholesale to retail cannabis stores, cannabis manufacturing facilities, and dual use cannabis dispensaries; to purchase or take possession of cannabis from other licensed cannabis cultivation facilities or dual use cannabis dispensaries; and to transfer possession of and sell cannabis and cannabis products to retail cannabis stores and dual use cannabis dispensaries; provided a cannabis cultivation facility licensee may establish one cultivation facility that shall be not larger than **five thousand square feet of total indoor or outdoor canopy space**; add flowering canopy space for clarification.

SB375. Dead legalization bill

- I. **This bill was disguised as legalization bills and the language written in would allow a full monopoly by the dispensaries in the legal market.**

OFCA Proposed Medical Laws

1. Personal Grow

- A) Adult medical cannabis patients may cultivate, process, possess and consume the cannabis and cannabis products from unlimited seedlings, 10 plants at their home in an enclosed cultivation areas.
- B) Privacy: Patients shall not be required to register with the state; however a patient may be required by the State Office of Cannabis Policy or law enforcement to provide appropriate documentation demonstrating their status as a patient and their age when justified by circumstances

1. Possession and use

- A) Possess up to 10 plants of harvested cannabis.
- B) Possess cannabis paraphernalia.
- C) Furnish to another patient* (or accept from another patient) up to 1 ounces of harvested cannabis for no remuneration.
- D) Provide samples for testing or harvested cannabis for processing.
- E) Manufacture cannabis products (other than using inherently hazardous substances).
- F) Transport cannabis plants or harvested cannabis
- G) Use cannabis in any form.

2. Assistance

- A) Purchase cannabis plants, cannabis flower (up to 1 ounce per transaction), cannabis products and cannabis paraphernalia from a licensed caregiver or dispensary.
- B) Receive a certification from a medical provider (physician, certified nurse practitioner or physician assistant) for the medical use of cannabis. This may be done through use of telehealth services.

3. Reciprocity/visiting patients

- A) Visiting qualified patients - patients who are authorized for the medical use of cannabis in another state and possess valid documentation (valid certification and valid ID) are permitted the same rights as resident cannabis patients. Purchases are limited to 2 ½ ounces of harvested cannabis every 15 days.
- B) The Office of Cannabis Policy must maintain a list of states with medical cannabis laws and a description of related documentation required of patients.
- C) Visiting qualified patients do not need to register with the Hawaii cannabis program at all.

Caregiver Activities Licensed (UNLIMITED LICENSEES-ANY MEDICAL PATIENTS CAN OBTAIN A LICENSE AND THERE WILL BE NO LIMIT TO THE AMOUNT OF LICENSES APPROVED)

must be 21 or over, may be vertically integrated or may do only one or some combination of approved activities (acquire, possess, cultivate, manufacture, deliver, transfer, transport, sell, supply or dispense cannabis plants or harvested cannabis or related supplies to certified patients or other caregivers or dispensary operators). Any caregiver may possess all license types at any given time, but only one each per person / entity. Caregivers must obtain a state registration certificate and the state must approve or deny a complete application within 30 days of receipt.

1. Cultivation*

1.1. Indoor cultivation. Indoor cultivation is limited to 8000 sq ft flowering canopy,

A) Must be enclosed and locked. May be in more than one area or building, but on the same tract of land or parcel.

1.1.1. Any facility may have multiple owners, but each facility must be controlled by a single entity and each entity may only possess one of each license type (entities are Sole Proprietor/ LLC/C-Corp/S-Corp et al).

1.2. Outdoor cultivation. Outdoor cultivation limited to 8000* sq ft flowering canopy per license per individual or entity.

A) Cultivation areas must be enclosed and locked. May be in more than one area or building, but on the same tract of land or parcel.

1.3. Cost of any cultivation license shall be no more than \$2500 a year

1.4. All provisional licensees shall be inspected for compliance to approve cultivation site

1.5. Solventless concentrates may also be prepared at the cultivation site and do not require further licensing

1.6 May transfer for sale or accept from another registered caregiver or dispensary cannabis plants or harvested cannabis in a wholesale transaction (unlimited).

1.7 May provide cannabis to a manufacturing facility for processing, packaging and labeling in accordance with state requirements.

1.8 Must retain records of all transactions in a way that protects patient confidentiality but permits the regulator(s) to identify the chain of a cannabis product throughout its life through to sale.

1.9 May not utilize pesticides in the cultivation of medical cannabis. Non-pesticide IPM allowed.

2. **Retail Store** - Caregivers may have one retail store.

2.1. Cost of any caregiver store license shall be no more than \$2500 a year

2.2. Cannabis tax - Tax on smokable products and prepackaged edibles shall be get retail tax (flat sales tax for all medical cannabis). Tax occurs only on sale to retail customer.

2.3. Limit of 2.5 oz per transaction per medical patient.

2.4. Limit of 2.5 oz per transaction every 15 days for out of state medical patient

3. **Kitchen**

3.1. Cost of any caregiver kitchen license shall be no more than \$2500 a year

3.2. Requirements of a caregiver kitchen shall comply with other safety and public health guidelines of any commercial kitchen in HI.

4. **Delivery**

4.1. Any medical caregiver licensee of any kind listed above can engage in delivery to a certified patient at a private residence (or business?) and must require the recipient to show valid proof of certification and identification.

4.2. May sell up to 2.5 ounces per transaction to any qualified patient (once every 15 days for visiting patients).

5. **Labeling & Packaging**

5.1. All products sold will have labels on all packaging to prevent the accidental use by a minor or non-medical cannabis patient.

5.1.1. THC content warning

5.1.2. Child Safety warning

5.2. If the label contains any information about potency, contaminants, or the cannabinoid profile, that label must be verified by a cannabis testing facility.

5.3 Label must state net contents of the container



5.4 Labeling requirements must consider the environmental impact against the public safety impact

5.5 Packaging requirements must consider the environmental impact against the public safety impact

5.5.1. Products may be required to be in tamper-evident, child resistant packaging.

6. Sales

6.1.1. Limit of 4 oz per transaction per medical patient.

6.1.2. Limit of 2.5 oz per transaction every 15 days for out of state medical patient

7. Transport

7.1. Each transport of any product to any other caregiver licensee must have a trip ticket for inspection by law enforcement inspection.

7.2. There are no limits to the amount of product that can be transported.

8. Testing

8.1. Testing may be done voluntarily by the caregiver or the patient of the caregiver licensee.

8.2. No state imposed mandatory testing unless performed by the state.

9. Tracking

9.1. No required "seed to sale tracking".

10. Staffing

10.1 Caregivers may hire an unlimited number of assistants 21 years of age and older (or 18 and older if an immediate family member), all other labor laws apply.

11. Manufacturing

11.1 Additional license not required for non-inherently-hazardous extraction and manufacturing. All typical HI licenses and building codes apply, e.g. a manufacturer of edibles must still hold a valid kitchen license.

11.2 Inherently-hazardous extraction and manufacturing (butane, et al) should be a separate license with much more stringent safety requirements.

12. Fees

12.1. All fees generated by medical cannabis patients or providers shall be credited to the Medical Use Of Cannabis Fund and used to operate the Medical Cannabis program. There may not be a state fee required to be a certified patient.

12.2 \$2500 per any license

13. Confidentiality and non discrimination.

13.1. Patient, caregiver, dispensary, manufacturing facility or testing facility may not be required to disclose identifying patient information to law enforcement without a warrant.

13.2. May not discriminate in housing, employment, education, or child custody or parental rights for an individual's status as a medical cannabis licensee, assistant, or patient unless failing to do so would put that school, employer, landlord in violation of federal law or cause it to lose a federal contract or funding or unless (in the child welfare context) the conduct is contrary to the best interests of the child.

14. Business Formation

14.1 A caregiver may be organized as any type of legal business entity recognized under the laws of the State

14.2 Individuals or entities may not hold more than one of any caregiver license type

14.3 Disclosures required to ensure multiple caregiver licenses of same type not held by any individual person/entity.

14.4 Each business shall comply with state and federal laws in accordance with owning a business. Most business taxes implement a 5% business retail tax. The tax of doing business.

15. Recordkeeping

15.1 Caregivers shall keep a record of all transfers of cannabis plants and harvested cannabis

15.2 Caregivers shall make the books and records maintained under this subsection available to inspection by the department upon the department's demand

15.3 A registered caregiver, registered dispensary, cannabis testing facility and manufacturing facility shall accompany all cannabis plants and harvested cannabis being transported between registrants pursuant to this chapter with a label that identifies:

(1) The person transferring the cannabis plants or harvested cannabis, including the person's registry identification number;

(2) The person receiving the cannabis plants or harvested cannabis, including the person's registry identification number or, if the person is not required to register, a unique identifier assigned to the person;

(3) A description of the cannabis plants or harvested cannabis being transferred, including the amount and form;

(4) The time and date of the transfer; and

(5) The destination of the cannabis plants or harvested cannabis.

15.4 Records kept under this section must avoid identifying qualifying patients. Any records of patients able to be removed from state recordkeeping.