



## Summary of Hawaii's Medical Cannabis Laws

In 2000, Hawaii became the first state to legalize medical marijuana legislatively, rather than through the ballot initiative process. The legislature has made a number of revisions and improvements over the years. Most notably, in 2015, the legislature expanded the law to include a regulated dispensary and cultivation system.

**Qualifying for the Program:** To qualify for an ID card, a patient must have a qualifying condition and a statement from a Hawaii physician or an advance practice registered nurse with prescribing authority that the “potential benefits of the medical use of marijuana would likely outweigh the health risks for the qualifying patient.” Patients then apply to the Department of Health for an ID card. Beginning in the first half of 2019, the department will launch an “electronic card” to provide patients with immediate access to medical cannabis upon approval.

**Qualifying Conditions:** The qualifying conditions in Hawaii are cancer, HIV/AIDS, glaucoma, PTSD, rheumatoid arthritis, lupus, epilepsy, and multiple sclerosis, and conditions causing one or more of the following: severe pain, cachexia or wasting, severe nausea, seizures, or severe and persistent muscle spasms. The health department can approve additional conditions. A minor patient only qualifies with parental consent and if the adult controls the dosage, frequency of use, and acquisition of marijuana.

**Legal Protections:** In addition to protections patients and medical cannabis businesses have from criminal penalties, in 2015 the legislature added some anti-discrimination protections for patients in reference to education, housing, medical care, and child custody:

- No school is allowed to refuse enrollment to an individual solely because of that person's status as a medical marijuana patient or caregiver.
- Landlords are prohibited from refusing rental solely because of medical marijuana enrollment status.
  - However, schools and landlords that would lose a financial or licensing related benefit under federal law or regulations if they enroll or rent to a medical marijuana patient are exempt from this provision.
- The proper use of medical marijuana is no longer considered the use of an illicit substance, nor can it otherwise disqualify a patient for the purposes of medical care, including organ transplants. The use of medical marijuana will be considered like the use of any other kind of medicine.
- Qualified patients and caregivers can no longer be denied custody, visitation, or parenting time with a child. In addition, status as a medical marijuana patient or caregiver, on its own, cannot lead to a presumption of neglect or abuse.
- Provisions in homeowners association or condominium bylaws, articles of incorporation, administrative rules, or similar documents that allow patient and caregiver discrimination are invalid. However, these types of entities may still prohibit the smoking of medical marijuana if they also prohibit tobacco smoking. In these cases, patients are still free to administer their medicine in other ways, like vaporization.

**Possession and Cultivation Limits:** Hawaii's law allows a patient with a registry identification card and his or her caregiver to collectively possess four ounces of processed marijuana and cultivate a total of 10 plants.

**Visiting Patients:** Pursuant to a 2018 law, patients who are registered in other medical marijuana states and their caregivers will be allowed to possess no more than four ounces of medical cannabis while visiting Hawaii. They will be required to register with Hawaii's medical cannabis program and could do so for no more than one or two 60-day intervals in a 12-month period. Visiting patients may obtain cannabis from Hawaii dispensaries, but may not cultivate it.

**Caregivers:** Patients may designate a caregiver, who may assist patients by picking up their cannabis from a dispensary. At this time, caregivers may also assist with cultivating patients' plants. Caregivers will not be able to cultivate after December 31, 2023 unless there is no dispensary on the patient's island, or the caregiver is the parent, guardian, or person having legal custody for a minor patient or an adult lacking legal capacity.

**Regulated Access:** Pursuant to amendments enacted in 2015, Hawaii has granted eight medical marijuana licenses to produce, manufacture, and dispense medical marijuana and manufactured marijuana products. Each licensee may have up to three cultivation locations and up to two dispensing locations. Hawaii's first dispensaries began serving patients in August 2017.

**Limitations:** Hawaii law does not allow the medical use of cannabis if it endangers the health or well-being of another person, nor does it allow the medical use of cannabis in a bus, moving vehicle, one's workplace, on school grounds, or in a place open to the public.

This does not prohibit patients and caregivers from transporting cannabis when it is in a sealed container that is not visible to the public.

Patient and caregivers may not use butane for THC extractions from cannabis. Doing so is a Class C felony.