

Learn the Law!

Concerning the Cultivation, Use & Transportation of Medical Cannabis By Registry Certificate Cardholders

Hawaii Revised Statutes (HRS §329) specifically state that medical marijuana shall only be **GROWN** at the location “designated on the registry certificate” and that it shall not be **USED** in any place “generally accessible to the public”.

Hawaii law states that the “acquisition, possession, cultivation, use, distribution (defined as only the transfer of marijuana and paraphernalia from the primary caregiver to the qualifying patient), or TRANSPORTATION of marijuana” for medicinal use is specifically PROTECTED.

- Direct quote from Hawaii Narcotics Enforcement Division online pamphlet:
“Patient Information for the Authorized Medical Use of Marijuana”

(See: <http://hawaii.gov/psd/law-enforcement/narcotics-enforcement> → Click on “Medical Marijuana Patient Information” link)

Q) What should a patient do if STOPPED by the police and accused of possession of marijuana? Politely show the officer your medical use of marijuana patient registry card. They may then contact the Narcotics Enforcement Division to verify your registration and let you go on your way.

- Another direct quote from HI Narcotics Enforcement Division online pamphlet:
“Patient Information for the Authorized Medical Use of Marijuana”

[HRS §329-127] Protection of marijuana and other seized property.

Marijuana, paraphernalia, or other property seized from a qualifying patient or primary caregiver in connection with a claimed medical use of marijuana under this part shall be returned immediately upon the determination by a court that the qualifying patient or primary caregiver is entitled to the protections of this part, as evidenced by a decision not to prosecute, dismissal of charges, or an acquittal; provided that law enforcement agencies seizing live plants as evidence shall not be responsible for the care and maintenance of such plants.

[HRS§329-125] Protections afforded to a qualifying patient or primary caregiver.

A qualifying patient or the primary caregiver may assert the medical use of marijuana as an affirmative defense to any prosecution involving marijuana under this [part] or chapter 712; provided that the qualifying patient or the primary caregiver strictly complied with the requirements of this part... No person shall be subject to arrest or prosecution for simply being in the presence or vicinity of the medical use of marijuana as permitted under this part.

[HRS§329-121] Definitions.

"Adequate supply" means an amount of marijuana jointly possessed between the qualifying patient and the primary caregiver that is not more than is reasonably necessary to assure the uninterrupted availability of marijuana for the purpose of alleviating the symptoms or effects of a qualifying patient's debilitating medical condition; provided that an "adequate supply" shall not exceed three mature marijuana plants, four immature marijuana plants, and one ounce of usable marijuana per each mature plant.

"Usable marijuana" means the dried leaves and flowers of the plant Cannabis family Moraceae, and any mixture [or] preparation thereof, that are appropriate for the medical use of marijuana. "Usable marijuana" does not include the seeds, stalks, and roots of the plant.