
A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the State's medical
2 marijuana program was enacted into law in 2000 as a public
3 health program conceived out of compassion for the health and
4 welfare of the seriously ill. After twelve years, the
5 experience of the program indicates that improvements to the law
6 will help to fulfill its original intent by clarifying
7 provisions and removing serious obstacles to patient access and
8 physician participation.

9 The purpose of this Act is to amend the medical use of
10 marijuana law to address the concerns of Hawaii's seriously ill
11 patients.

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

14 1. By amending the definition of "adequate supply" to
15 read:

16 "Adequate supply" means an amount of marijuana jointly
17 possessed between the qualifying patient and the primary
18 caregiver that is not more than is reasonably necessary to



1 assure the uninterrupted availability of marijuana for the
2 purpose of alleviating the symptoms or effects of a qualifying
3 patient's debilitating medical condition; provided that an
4 "adequate supply" shall not exceed [~~three mature~~] seven
5 marijuana plants [~~, four immature marijuana plants, and one~~
6 ~~ounce~~], whether immature or mature, and four ounces of usable
7 marijuana [~~per each mature plant.~~] at any given time."

8 2. By amending the definition of "medical use" to read:

9 "Medical use" means the acquisition, possession,
10 cultivation, use, distribution, or transportation of marijuana
11 or paraphernalia relating to the administration of marijuana to
12 alleviate the symptoms or effects of a qualifying patient's
13 debilitating medical condition. For the purposes of "medical
14 use", the term distribution is limited to the transfer of
15 marijuana and paraphernalia [~~from the primary caregiver to the~~
16 ~~qualifying patient~~]."

17 3. By amending the definition of "primary caregiver" to
18 read:

19 "Primary caregiver" means a person[~~7~~] eighteen years of
20 age or older, other than the qualifying patient and the
21 qualifying patient's physician, [~~who is eighteen years of age or~~
22 ~~older~~] who has agreed to undertake responsibility for managing



1 the well-being of the qualifying patient with respect to the
2 medical use of marijuana. In the case of a minor or an adult
3 lacking legal capacity, the primary caregiver shall be a parent,
4 guardian, or person having legal custody."

5 4. By amending the definition of "usable marijuana" to
6 read:

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

12 5. By amending the definition of "written certification"
13 to read:

14 "Written certification" means the qualifying patient's
15 medical records or a statement signed by a qualifying patient's
16 physician, stating that in the physician's professional opinion,
17 the qualifying patient has a debilitating medical condition and
18 the potential benefits of the medical use of marijuana would
19 likely outweigh the health risks for the qualifying patient.
20 The department of [~~public safety~~] health may require, through
21 its rulemaking authority, that all written certifications comply



1 with a designated form. "Written certifications" are valid for
2 only one year from the time of signing."

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

5 "(a) Notwithstanding any law to the contrary, the medical
6 use of marijuana by a qualifying patient shall be permitted only
7 if:

8 (1) The qualifying patient has been diagnosed by a
9 physician as having a debilitating medical condition;

10 (2) The qualifying patient's physician has certified in
11 writing that, in the physician's professional opinion,
12 the potential benefits of the medical use of marijuana
13 would likely outweigh the health risks for the
14 particular qualifying patient; and

15 (3) The amount of marijuana possessed by the qualifying
16 patient does not exceed an adequate supply."

17 SECTION 4. Section 329-123, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§329-123 Registration requirements.** (a) Physicians who
20 issue written certifications shall [~~register the names,~~
21 ~~addresses, patient identification numbers,~~] provide, in each
22 written certification, the name, address, patient identification



1 number, and other identifying information of the [patients
2 issued written certifications with the department of public
3 safety.] qualifying patient. The department of health shall
4 require, in rules adopted pursuant to chapter 91, that all
5 written certifications comply with a designated form completed
6 by or on behalf of a qualifying patient. The form shall require
7 information from the applicant, primary caregiver, and primary
8 care physician as specifically required or permitted by this
9 chapter. The form shall require the address of the location
10 where the marijuana is grown and shall appear on the registry
11 card issued by the department of health. The certifying
12 physician shall be required to be the qualifying patient's
13 primary care physician. All current active medical marijuana
14 permits shall be honored through their expiration date.

15 (b) Qualifying patients shall register with the department
16 of [~~public safety.~~] health. The registration shall be effective
17 until the expiration of the certificate issued by the department
18 of health and signed by the physician. Every qualifying patient
19 shall provide sufficient identifying information to establish
20 the personal identities of the qualifying patient and the
21 primary caregiver. Qualifying patients shall report changes in
22 information within [~~five~~] ten working days. Every qualifying



1 patient shall have only one primary caregiver at any given time.
2 The department of health shall ~~[then]~~ issue to the qualifying
3 patient a registration certificate, and ~~[may]~~ shall charge [a
4 ~~reasonable fee not to exceed~~] \$35 ~~[-]~~ per year.

5 (c) Primary caregivers shall register with the department
6 of ~~[public safety-]~~ health. Every primary caregiver shall be
7 responsible for the care of only one qualifying patient at any
8 given time.

9 (d) Upon ~~[an]~~ inquiry by a law enforcement agency, which
10 inquiry may be made twenty-four hours a day, seven days a week,
11 the department of ~~[public safety]~~ health shall immediately
12 verify whether the ~~[particular qualifying patient]~~ subject of
13 the inquiry has registered with the department of health and may
14 provide reasonable access to the registry information for
15 official law enforcement purposes."

16 SECTION 5. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 6. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 7. This Act shall take effect on January 2, 2015.



Report Title:

Medical Use of Marijuana

Description:

Amends the definitions of "adequate supply", "medical use", "primary caregiver", "usable marijuana", and "written certification". Allows the medical use of marijuana if the amount of marijuana possessed by the qualifying patient does not exceed an adequate supply. Amends registration requirements. Allows inquiries by law enforcement agencies regarding registration status to be made 24 hours a day, 7 days a week. Requires DOH to immediately verify, upon inquiry, whether the subject of an inquiry is registered with DOH. Takes effect 1/2/2015. (CD1)

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