
A BILL FOR AN ACT

RELATING TO MEDICAL MARIJUANA.

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

1 SECTION 1. The legislature finds that Act 228, Session
2 Laws of Hawaii 2000, codified in part IX of chapter 329, Hawaii
3 Revised Statutes, initiated regulation in the State of the use
4 of medical marijuana for individuals suffering from certain
5 debilitating medical conditions to alleviate pain. In 2004, the
6 legislative reference bureau issued report number 4 entitled *In*
7 *Search of a Viable Distribution System for Hawaii's Medical*
8 *Marijuana Program*, that concluded that Hawaii's law, as written,
9 does not allow for a distribution system.

10 The purpose of this Act is to:

11 (1) Transfer the responsibility of regulation of the use
12 of medical marijuana from the department of public
13 safety to the department of health because the
14 department of health deals more directly with the
15 health of residents of the State and should be the
16 state agency responsible for handling confidential
17 patient information. The department of health shall
18 have the following responsibilities:



- 1 (A) Regulate the application process for qualifying
2 patients including written medical certifications
3 and patient registration;
- 4 (B) Keep all records, including confidential patient
5 information;
- 6 (C) Provide liaison with law enforcement by
7 implementing a hotline to ensure authenticity of
8 written medical certifications;
- 9 (D) Provide overall medical and operational oversight
10 of growing and distribution of marijuana,
11 including:
 - 12 (i) Hiring of personnel to manage and operate
13 marijuana growing facilities;
 - 14 (ii) Cultivation of marijuana in all relevant
15 aspects;
 - 16 (iii) Identifying and acquiring all agriculturally
17 zoned land in the State suitable for growing
18 marijuana;
 - 19 (iv) Developing a system to grow and distribute
20 marijuana in collectives with participation
21 from qualifying patients, caregivers,



- 1 growers, the department of public safety as
2 distributors, and dispensaries;
- 3 (v) Authenticating and guaranteeing the quality
4 and quantity of marijuana through oversight
5 of packaging of individual doses of
6 marijuana at growing sites secured by the
7 department of public safety for individual
8 qualifying patients registered with the
9 department of health; and
- 10 (vi) Hiring all necessary personnel and operating
11 special dispensaries statewide that
12 distribute only marijuana to qualifying
13 patients and caregivers; and
- 14 (2) Require the department of public safety to adopt the
15 following new responsibilities:
- 16 (A) Provide security for all facilities that grow
17 marijuana within the State for medical use;
- 18 (B) Oversee the physical transportation of marijuana
19 for medical use from growing facilities to
20 dispensaries within the State, especially between
21 counties; and



1 (C) Distribute marijuana from growing facilities to
2 qualifying patients, caregivers, and dispensaries
3 throughout the State including cross-county
4 distribution by authorized transportation of
5 marijuana under the auspices of the department.

6 SECTION 2. The department of health shall assume the
7 duties and responsibilities as delineated under section 1(1) of
8 this Act.

9 SECTION 3. The department of public safety shall assume
10 the duties and responsibilities as delineated under section 1(2)
11 of this Act.

12 SECTION 4. Section 329-121, Hawaii Revised Statutes, is
13 amended by amending the definition of "adequate supply" to read
14 as follows:

15 "Adequate supply" means an amount of marijuana jointly
16 possessed between the qualifying patient and the primary
17 caregiver that is not more than is reasonably necessary to
18 assure the uninterrupted availability of marijuana for the
19 purpose of alleviating the symptoms or effects of a qualifying
20 patient's debilitating medical condition; provided that an
21 "adequate supply" shall not exceed [~~three mature marijuana~~
22 ~~plants, four immature marijuana plants, and one ounce~~] four



1 ounces of usable marijuana [~~per each mature plant.~~] every thirty
2 calendar days."

3 SECTION 5. Section 329-123, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "[+] §329-123 [+] **Registration requirements.** (a)

6 Physicians who issue written certifications shall register the
7 names, addresses, patient identification numbers, and other
8 identifying information of the patients issued written
9 certifications with the department of public safety.

10 (b) Qualifying patients shall register with the department
11 of [~~public safety.—Such~~] health. The registration shall be
12 effective until the expiration of the certificate issued by the
13 physician. Every qualifying patient shall provide sufficient
14 identifying information to establish personal identity of the
15 qualifying patient and the primary caregiver. Qualifying
16 patients shall report changes in information within five working
17 days. Every qualifying patient shall have only one primary
18 caregiver at any given time. The department of health shall
19 then issue to the qualifying patient a registration certificate,
20 and may charge a reasonable fee not to exceed [~~\$25.—~~] \$50.

21 (c) Primary caregivers shall register with the department
22 of [~~public safety.—Every~~] health. Each primary caregiver shall



1 be responsible for the care of only one qualifying patient at
2 any given time[-] and each qualifying patient shall have only
3 one primary caregiver at any given time.

4 (d) Upon an inquiry by a law enforcement agency, the
5 department of [~~public safety~~] health shall verify whether the
6 particular qualifying patient has registered with the department
7 of health and may provide reasonable access to the registry
8 information for official law enforcement purposes."

9 SECTION 6. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 7. This Act shall take effect upon its approval.

12

INTRODUCED BY:

Calvin K. Boy

BY REQUEST

JAN 26 2009



Report Title:

Medical Marijuana

Description:

Requires department of health to grow, manage, operate, and dispense medical marijuana collectives to qualifying patients. Requires department of public safety to provide security for marijuana growing facilities and for transportation of marijuana. Limits each qualifying patient to 1 caregiver. Allows no more than 4 ounces of marijuana to each patient for every 30 calendar days.

