
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. Section 329-121, Hawaii Revised Statutes, is
2 amended by amending the definition of "written certification" to
3 read as follows:

4 ""Written certification" means the qualifying patient's
5 medical records or a statement signed by a qualifying patient's
6 physician, stating that in the physician's professional opinion,
7 the qualifying patient has a debilitating medical condition and
8 the potential benefits of the medical use of marijuana would
9 likely outweigh the health risks for the qualifying patient.
10 The department of [~~public safety~~] health may require, through
11 its rulemaking authority, that all written certifications comply
12 with a designated form. "Written certifications" are valid for
13 only one year from the time of signing."

14 SECTION 2. Section 329-123, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "~~{}~~§329-123~~{}~~ **Registration requirements.** (a)

17 Physicians who issue written certifications shall register the
18 names, addresses, patient identification numbers, and other



1 identifying information of the patients issued written
2 certifications with the department of [~~public safety.~~] health.

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

14 (c) Primary caregivers shall register with the department
15 of [~~public safety.~~] health. Every primary caregiver shall be
16 responsible for the care of only one qualifying patient at any
17 given time.

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



1 SECTION 3. The department of public safety shall
2 facilitate the transfer of functions pursuant to this Act by
3 collaborating with, cooperating with, and assisting the
4 department of health with assuming jurisdiction of and
5 responsibility for the medical marijuana program as contained in
6 this Act.

7 In order to facilitate the transfer of functions pursuant
8 to this Act, until all relevant records are transferred to the
9 department of health, the duties of the department of public
10 safety shall include but not be limited to maintaining a
11 confirmation service of the registration and certification of
12 physicians, qualifying patients, and primary caregivers,
13 pursuant to section 329-123, Hawaii Revised Statutes, that is
14 full time, operating twenty-four hours per day and seven days
15 per week, and is accessible to the department of health.

16 SECTION 4. All rights, powers, functions, and duties of
17 the department of public safety relating to the medical use of
18 marijuana under chapter 329, part IX, Hawaii Revised Statutes,
19 are transferred to the department of health.

20 All officers and employees whose functions are transferred
21 by this Act shall be transferred with their functions and shall



1 continue to perform their regular duties upon their transfer,
2 subject to the state personnel laws and this Act.

3 All employees who occupy civil service positions and whose
4 functions are transferred to the department of health by this
5 Act shall retain their civil service status, whether permanent
6 or temporary. Employees shall be transferred without loss of
7 salary, seniority, retention points, prior service credit, any
8 vacation and sick leave credits previously earned, and other
9 rights, benefits, and privileges in accordance with state
10 personnel laws and this Act; provided that the employees possess
11 the minimum qualifications and public employment requirements
12 for the class or position to which transferred or appointed, as
13 applicable; and provided further that subsequent changes in
14 status may be made pursuant to applicable civil service and
15 compensation laws.

16 Any employee who, prior to this Act, is exempt from civil
17 service and is transferred as a consequence of this Act, may
18 continue to retain the employee's exempt status, but shall not
19 be appointed to a civil service position because of this Act.

20 An exempt employee who is transferred by this Act shall not
21 suffer any loss of prior service credit, any vacation and sick
22 leave credits previously earned, or other employee benefits or



1 privileges as a consequence of this Act; provided that the
2 employee possesses legal and public employment requirements for
3 the position to which the employee is transferred or appointed,
4 as applicable; and provided further that subsequent changes in
5 status may be made pursuant to applicable employment and
6 compensation laws. The director of health may prescribe the
7 duties and qualifications of such employees and fix their
8 salaries without regard to chapter 76, Hawaii Revised Statutes.

9 If an office or position held by an officer or employee
10 having tenure is abolished, the officer or employee shall not
11 thereby be separated from public employment, but shall remain in
12 the employment of the State with the same pay and classification
13 and shall be transferred to some other office or position for
14 which the officer or employee is eligible under the personnel
15 laws of the State as determined by the head of the department or
16 the governor.

17 SECTION 5. All appropriations, records, equipment,
18 machines, files, supplies, contracts, books, papers, documents,
19 maps, and other personal property heretofore made, used,
20 acquired, or held by the department of public safety relating to
21 the functions transferred to the department of health shall be
22 transferred with the functions to which they relate.



1 SECTION 6. All designated forms for written certifications
2 issued by the department of public safety shall be valid under
3 the department of health until the department of health issues
4 new designated forms.

5 SECTION 7. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 8. This Act shall take effect on July 1, 2050.



Report Title:

Medical Use of Marijuana

Description:

Transfers departmental jurisdiction of the medical marijuana laws from the department of public safety (DPS) to the department of health (DOH) and requires DPS to assist with the transfer. To facilitate the transfer, requires the DPS to continue to maintain a verification service to confirm registration that is accessible 24/7 to the DOH. Effective 07/01/2050. (SD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

