
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 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. Chapter 329, Hawaii Revised Statutes, is
13 amended by adding three new sections to part IX to be
14 appropriately designated and to read as follows:

15 "§329- Transfers. A qualifying patient or primary
16 caregiver who is registered under section 329-123 may provide
17 usable marijuana or any part of the marijuana plant, including
18 seeds, seedlings, or clones, to any other qualifying patient or



1 any other primary caregiver who is registered under section 329-
2 123; provided that no consideration is paid for the marijuana
3 and that the total amount of marijuana possessed by the
4 recipient does not exceed the adequate supply amount specified
5 in section 329-121.

6 §329- Transportation. A qualifying patient who is
7 registered under section 329-123 and who transports marijuana
8 that is intended for medical use shall be immune from searches,
9 seizures, and prosecution for marijuana-related offenses under
10 part IV of chapter 712 while in the course of transport.

11 §329- Authorized conduct by a visiting qualifying
12 patient. A qualifying patient who is visiting the State from
13 another jurisdiction that authorizes the medical use of
14 marijuana pursuant to a law recognized by the department of
15 health and who possesses a valid registry identification card or
16 its equivalent and photographic identification from that
17 jurisdiction may for thirty days after entering the State engage
18 in conduct authorized for a qualifying patient under this
19 chapter."

20 SECTION 3. Section 329-121, Hawaii Revised Statutes, is
21 amended as follows:



1 1. By adding a new definition to be appropriately
2 inserted and to read:

3 "Reimbursement" means consideration provided to a primary
4 caregiver as compensation for costs associated with assisting
5 qualifying patients who are registered under section 329-123 to
6 obtain marijuana for medical use; provided that "reimbursement"
7 shall not include the sale of controlled substances."

8 2. By amending the definition of "adequate supply" to
9 read:

10 "Adequate supply" means an amount of marijuana jointly
11 possessed between the qualifying patient and the primary
12 caregiver that is not more than is reasonably necessary to
13 assure the uninterrupted availability of marijuana for the
14 purpose of alleviating the symptoms or effects of a qualifying
15 patient's debilitating medical condition; provided that an
16 "adequate supply" shall not exceed [~~three mature~~] seven
17 marijuana plants[~~, four immature marijuana plants, and one~~
18 ~~ounce~~], whether immature or mature, and five ounces of usable
19 marijuana [~~per each mature plant.~~] at any given time."

20 3. By amending the definition of "medical use" to read:

21 "Medical use" means the acquisition, possession,
22 cultivation, use, distribution, or transportation of marijuana



1 or paraphernalia relating to the administration of marijuana to
2 alleviate the symptoms or effects of a qualifying patient's
3 debilitating medical condition. For the purposes of "medical
4 use", the term distribution is limited to the transfer of
5 marijuana and paraphernalia [~~from the primary caregiver to the~~
6 ~~qualifying patient.~~] among qualifying patients and primary
7 caregivers."

8 4. By amending the definition of "primary caregiver" to
9 read:

10 "Primary caregiver" means a person[7] eighteen years of
11 age or older, other than the qualifying patient and the
12 qualifying patient's physician, [~~who is eighteen years of age or~~
13 ~~older~~] who has agreed, with or without reimbursement, to
14 undertake responsibility for managing the well-being of the
15 qualifying patient with respect to the medical use of marijuana.
16 In the case of a minor or an adult lacking legal capacity, the
17 primary caregiver shall be a parent, guardian, or person having
18 legal custody."

19 5. By amending the definition of "usable marijuana" to
20 read:

21 "Usable marijuana" means the dried leaves and flowers of
22 the plant Cannabis family Moraceae, and any mixture [+]or[+]



1 preparation thereof, that are appropriate for the medical use of
2 marijuana. "Usable marijuana" does not include the seeds,
3 stalks, and roots of the plant."

4 6. By amending the definition of "written certification"
5 to read:

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

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

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

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



1 (2) The qualifying patient's physician has certified in
2 writing that, in the physician's professional opinion,
3 the potential benefits of the medical use of marijuana
4 would likely outweigh the health risks for the
5 particular qualifying patient; and

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

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

10 "**§329-123 Registration requirements.** (a) Physicians who
11 issue written certifications shall [~~register the names,~~
12 ~~addresses, patient identification numbers,~~] provide, in each
13 written certification, the name, address, patient identification
14 number, and other identifying information of the [patients
15 ~~issued written certifications with the department of public~~
16 ~~safety.]~~ qualifying patient. The department of health may
17 require, in rules adopted pursuant to chapter 91, that all
18 written certifications comply with a designated form completed
19 by or on behalf of a qualifying patient. The form shall only
20 require information from the applicant, primary caregiver, and
21 certifying physician as specifically required or permitted by
22 this chapter. The form may request the address of the location



1 where the marijuana is grown, but that information shall be
2 confidential and shall not appear on the registry card issued by
3 the department of health. The information required shall
4 include the physician's attestation that the qualifying patient
5 has one of the debilitating medical conditions defined in
6 section 329-121 but shall not name or describe the particular
7 condition. The certifying physician shall not be required to be
8 the qualifying patient's primary care physician. If the
9 physician issuing the written certification is not the
10 qualifying patient's primary care physician, the issuing
11 physician shall send a copy of the written certification to the
12 qualifying patient's primary care physician, if any.

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



1 patient a registration certificate~~[7]~~ and may charge a
2 reasonable fee not to exceed \$35~~[7]~~ per year.

3 (c) Primary caregivers shall register with the department
4 of ~~[public safety.]~~ health. Every primary caregiver shall be
5 responsible for the care of ~~[only one]~~ not more than three
6 qualifying ~~[patient]~~ patients at any given time.

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

13 SECTION 6. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 7. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

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



Report Title:

Medical Marijuana; Uniform Controlled Substances Act

Description:

Amends aspects of the Medical Use of Marijuana regime, including definitions of adequate supply, primary caregiver, and reimbursement; confidentiality of growing sites; certifying physician requirements; confidentiality of patient's condition; caregiver to patient ratio; plant transfer; transportation of medical marijuana; qualifying visitors; and registration requirements. Effective July 1, 2050. (HB667 HD1)

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

