
A BILL FOR AN ACT

RELATING TO HEALTH.

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

PART I

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SECTION 1. The legislature finds that the one of the top recommendations of the "Medical Cannabis Working Group Report to the Hawaii State Legislature" in 2010 was the transfer of the administration of Hawaii's medical use of marijuana program from the department of public safety to the department of health. The status of the medical use of marijuana program as a public health program is more in keeping with the mission and expertise of the department of health. The department of health is experienced in working with patients and health programs, including such important tasks as public outreach and education, and safeguarding patient privacy.

The purpose of this Act is to transfer the State's medical use of marijuana program to the department of health.

SECTION 2. No later than June 30, 2014, all rights, powers, functions, and duties of the department of public safety relating to the medical use of marijuana under chapter 329, part



1 IX, Hawaii Revised Statutes, shall be transferred to the
2 department of health.

3 SECTION 3. The department of public safety shall
4 facilitate the transfer of functions pursuant to this Act by
5 collaborating with, cooperating with, and assisting the
6 department of health with assuming jurisdiction of and
7 responsibilities for the medical use of marijuana program.

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

17 SECTION 4. All rights, powers, functions, and duties of
18 the department of public safety are transferred to the
19 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 No officer or employee of the State having tenure shall
4 suffer any loss of salary, seniority, prior service credit,
5 vacation, sick leave, or other employee benefit or privilege as
6 a consequence of this Act, and such officer or employee may be
7 transferred or appointed to a civil service position without the
8 necessity of examination; provided that the officer or employee
9 possesses the minimum qualifications for the position to which
10 transferred or appointed; and provided that subsequent changes
11 in status may be made pursuant to applicable civil service and
12 compensation laws.

13 An officer or employee of the State who does not have
14 tenure and who may be transferred or appointed to a civil
15 service position as a consequence of this Act shall become a
16 civil service employee without the loss of salary, seniority,
17 prior service credit, vacation, sick leave, or other employee
18 benefits or privileges and without the necessity of examination;
19 provided that such officer or employee possesses the minimum
20 qualifications for the position to which transferred or
21 appointed.



1 If an office or position held by an officer or employee
2 having tenure is abolished, the officer or employee shall not
3 thereby be separated from public employment, but shall remain in
4 the employment of the State with the same pay and classification
5 and shall be transferred to some other office or position for
6 which the officer or employee is eligible under the personnel
7 laws of the State as determined by the head of the department or
8 the governor.

9 SECTION 5. All appropriations, fees, records, equipment,
10 machines, files, supplies, contracts, books, papers, documents,
11 maps, and other personal property heretofore made, used,
12 acquired, or held by the department of public safety relating to
13 the functions transferred to the department of health shall be
14 transferred with the functions to which they relate.

15 SECTION 6. All rules, policies, procedures, guidelines,
16 and other material adopted or developed by the department of
17 public safety that are reenacted or made applicable to the
18 department of health by this Act shall remain in full force and
19 effect until amended or repealed by the department of health
20 pursuant to chapter 91, Hawaii Revised Statutes. In the
21 interim, every reference to the department of public safety or
22 director of public safety in those rules, policies, procedures,



1 guidelines, and other material is amended to refer to the
2 department of health or director of health.

3 SECTION 7. All designated forms for written certifications
4 issued by the department of public safety shall be valid under
5 the department of health until the department of health issues
6 new designated forms.

7 PART II

8 SECTION 8. The department of public safety and the
9 department of health shall develop a plan for transferring the
10 medical use of marijuana program from the department of public
11 safety to the department of health by June 30, 2014, pursuant to
12 this Act. The plan shall include a timeline for the transfer.

13 SECTION 9. The department of public safety and the
14 department of health shall submit a joint report on the transfer
15 of the medical use of marijuana program, including the plan and
16 timeline for the transfer, and the progress made, to the
17 legislature no later than twenty days prior to the convening of
18 the regular session of 2014.

19 SECTION 10. This Act shall take effect on July 1, 2013.



Report Title:

Medical Marijuana Program; Transfer of Responsibilities

Description:

Transfers the medical use of marijuana program, from the Department of Public Safety to the Department of Health by June 30, 2014. Requires report, with transfer plan and timeline, to the legislature prior to the 2014 regular session. Effective July 1, 2013. (HB668 HD1)

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

