
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 PART I

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

13 The purpose of this Act is to transfer the State's medical
14 use of marijuana program from the department of public safety to
15 the department of health.

16 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

HB668 HD2 HMS 2013-2495



- 1 "§321- Medical marijuana registry revolving fund;
2 established. (a) There is established within the state
3 treasury the medical marijuana registry revolving fund. The
4 fund shall be expended at the discretion of the director of
5 health:
- 6 (1) To offset the cost of the processing and issuance of a
7 patient registry identification certificate;
- 8 (2) To fund positions authorized by the legislature;
- 9 (3) To establish and manage a secure and confidential
10 database; and
- 11 (4) For any other expenditure necessary, as authorized by
12 the legislature, to implement a medical marijuana
13 registry program.
- 14 (b) The fund shall consist of all moneys derived from fees
15 collected pursuant to subsection (c). All fees collected
16 pursuant to subsection (c) shall be deposited into the medical
17 marijuana registry revolving fund.
- 18 (c) The department may charge a medical marijuana
19 registration fee of no more than \$35."

20 SECTION 3. Section 329-59, Hawaii Revised Statutes, is
21 amended by amending subsection (b) to read as follows:



1 "(b) The fund shall consist of all moneys derived from
2 fees collected pursuant to sections 329-31[~~7~~] and 329-67[~~7~~ and
3 ~~329-123(b)~~] and legislative appropriations. All fees collected
4 pursuant to sections 329-31[~~7~~] and 329-67[~~7~~ and ~~329-123(b)~~]
5 shall be deposited in the controlled substance registration
6 revolving fund."

7 SECTION 4. (a) No later than June 30, 2014, all rights,
8 powers, functions, and duties of the department of public safety
9 relating to the medical use of marijuana under part IX of
10 chapter 329, Hawaii Revised Statutes, shall be transferred to
11 the department of health.

12 (b) All employees who occupy civil service positions and
13 whose functions are transferred to the department of health by
14 this Act shall retain their civil service status, whether
15 permanent or temporary. Employees shall be transferred without
16 loss of salary, seniority (except as prescribed by applicable
17 collective bargaining agreement), retention points, prior
18 service credit, any vacation and sick leave credits previously
19 earned, and other rights, benefits, and privileges, in
20 accordance with state personnel laws and this Act; provided that
21 the employees possess the minimum qualifications and public
22 employment requirements for the class or position to which



1 transferred or appointed, as applicable; provided further that
2 subsequent changes in status may be made pursuant to applicable
3 civil service and compensation laws.

4 Any employee who, prior to this Act, is exempt from civil
5 service and is transferred as a consequence of this Act, may
6 continue to retain the employee's exempt status, but shall not
7 be appointed to a civil service position as a consequence of
8 this Act. An exempt employee who is transferred by this Act
9 shall not suffer any loss of prior service credit, vacation or
10 sick leave credits previously earned, or other employee benefits
11 or privileges as a consequence of this Act; provided that the
12 employees possess legal and public employment requirements for
13 the position to which transferred or appointed, as applicable;
14 provided further that subsequent changes in status may be made
15 pursuant to applicable employment and compensation laws. The
16 director of health may prescribe the duties and qualifications
17 of such employees and fix their salaries without regard to
18 chapter 76, Hawaii Revised Statutes.

19 SECTION 5. The department of public safety shall
20 facilitate the transfer of functions pursuant to this Act by
21 collaborating with, cooperating with, and assisting the



1 department of health with assuming jurisdiction of and
2 responsibilities for the medical use of marijuana program.

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

12 SECTION 6. All appropriations, fees, records, equipment,
13 machines, files, supplies, contracts, books, papers, documents,
14 maps, and other personal property heretofore made, used,
15 acquired, or held by the department of public safety relating to
16 the functions transferred to the department of health shall be
17 transferred with the functions to which they relate.

18 SECTION 7. All rules, policies, procedures, guidelines,
19 and other material adopted or developed by the department of
20 public safety that are reenacted or made applicable to the
21 department of health by this Act shall remain in full force and
22 effect until amended or repealed by the department of health



1 pursuant to chapter 91, Hawaii Revised Statutes. In the
2 interim, every reference to the department of public safety or
3 director of public safety in those rules, policies, procedures,
4 guidelines, and other material is amended to refer to the
5 department of health or director of health.

6 SECTION 8. All designated forms for written certifications
7 issued by the department of public safety shall be valid under
8 the department of health until the department of health issues
9 new designated forms.

10 PART II

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

16 SECTION 10. The department of public safety and the
17 department of health shall submit a joint report on the transfer
18 of the medical use of marijuana program, including the plan and
19 timeline for the transfer, and the progress made, to the
20 legislature no later than twenty days prior to the convening of
21 the regular session of 2014.

22 SECTION 11. This Act shall take effect on July 1, 2030.



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, 2030. (HB668 HD2)

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

