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# 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 two new sections to be appropriately  
18 designated and to read as follows:



1           "§321-        Medical marijuana transition advisory group;  
2 established.   There is established the medical marijuana  
3 advisory group, comprised of:

- 4           (1)   The director of health;
- 5           (2)   The attorney general; and
- 6           (3)   The deputy director of law enforcement.

7           The transition advisory group shall make the specific  
8 recommendations on the transfer of the medical marijuana program  
9 to the department of health, which recommendations shall be  
10 submitted to the legislature no later than December 31, 2013.

11           §321-        Medical marijuana registry revolving fund;  
12 established.   (a) There is established within the state  
13 treasury the medical marijuana registry revolving fund. The  
14 fund shall be expended at the discretion of the director of  
15 health:

- 16           (1)   To offset the cost of the processing and issuance of a  
17           patient registry identification certificate;
- 18           (2)   To fund positions authorized by the legislature;
- 19           (3)   To establish and manage a secure and confidential  
20           database; and



1       (4) For any other expenditure necessary, as authorized by  
2       the legislature, to implement a medical marijuana  
3       registry program.

4       (b) The fund shall consist of all moneys derived from fees  
5       collected pursuant to subsection (c). All fees collected  
6       pursuant to subsection (c) shall be deposited into the medical  
7       marijuana registry revolving fund.

8       (c) The department may charge a medical marijuana  
9       registration fee of no more than \$ \_\_\_\_\_."

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

12       "(b) The fund shall consist of all moneys derived from  
13       fees collected pursuant to sections 329-31[~~7~~] and 329-67[~~7~~ and  
14       ~~329-123(b)~~] and legislative appropriations. All fees collected  
15       pursuant to sections 329-31[~~7~~] and 329-67[~~7~~ and ~~329-123(b)~~]  
16       shall be deposited in the controlled substance registration  
17       revolving fund."

18       SECTION 4. (a) No later than January 1, 2015, all rights,  
19       powers, functions, and duties of the department of public safety  
20       relating to the medical use of marijuana under part IX of  
21       chapter 329, Hawaii Revised Statutes, shall be transferred to  
22       the department of health; provided that such transfer is made



1 pursuant to the recommendations of the medical marijuana  
2 transition advisory group; provided further that the transfer of  
3 the medical marijuana program shall not take effect unless the  
4 legislature passes legislation codifying in the Hawaii Revised  
5 Statutes, the recommendations of the medical marijuana  
6 transition advisory group by December 30, 2014.

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

21 Any employee who, prior to this Act, is exempt from civil  
22 service and is transferred as a consequence of this Act, may



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

14 SECTION 5. The department of public safety shall  
15 facilitate the transfer of functions pursuant to this Act and  
16 the recommendations of the medical marijuana transition advisory  
17 group by collaborating with, cooperating with, and assisting the  
18 department of health with assuming jurisdiction of and  
19 responsibilities for the medical use of marijuana program.

20 In order to facilitate the transfer of functions pursuant  
21 to this Act, until all relevant records are transferred to the  
22 department of health, the duties of the department of public



1 safety shall include but not be limited to maintaining a  
2 confirmation service of the registration and certification of  
3 physicians, qualifying patients, and primary caregivers,  
4 pursuant to section 329-123, Hawaii Revised Statutes, which  
5 service shall operate twenty-four hours per day, seven days per  
6 week, and shall be accessible to the department of health.

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

13 SECTION 7. All rules, policies, procedures, guidelines,  
14 and other material adopted or developed by the department of  
15 public safety that are reenacted or made applicable to the  
16 department of health by this Act shall remain in full force and  
17 effect until amended or repealed by the department of health  
18 pursuant to chapter 91, Hawaii Revised Statutes. In the  
19 interim, every reference to the department of public safety or  
20 director of public safety in those rules, policies, procedures,  
21 guidelines, and other material is amended to refer to the  
22 department of health or director of health.



1 SECTION 8. 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 PART II

6 SECTION 9. The department of public safety and the  
7 department of health, based on the recommendations of the  
8 medical marijuana transition advisory group, shall develop a  
9 plan for transferring the medical use of marijuana program from  
10 the department of public safety to the department of health by  
11 January 1, 2015, pursuant to this Act. The plan shall include a  
12 timeline for the transfer.

13 SECTION 10. 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 11. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21 SECTION 12. This Act shall take effect upon its approval;  
22 provided that this Act shall be repealed on December 31, 2014,



1 if the recommendations of the medical marijuana advisory group  
2 are not codified in the Hawaii Revised Statutes by December 30,  
3 2014.  
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**Report Title:**

Medical Marijuana Program; Transfer of Responsibilities

**Description:**

Establishes the medical marijuana transition advisory group to make binding recommendations on the transfer of the medical use of marijuana program. Transfers the medical use of marijuana program from the Department of Public Safety to the Department of Health by January 1, 2015. Requires report, with transfer plan and timeline, to the legislature prior to the 2014 regular session. Requires legislation codifying the recommendations of the medical marijuana advisory group to be adopted by December 30, 2014; otherwise, repeals this measure and prohibits transfer of the medical use of marijuana program. (SD1)

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

