

JAN 18 2013

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



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

3 (b) Qualifying patients shall register with the department  
4 of [~~public safety~~] health. The registration shall be effective  
5 until the expiration of the certificate issued by the department  
6 and signed by the physician. Every qualifying patient shall  
7 provide sufficient identifying information to establish the  
8 personal identities of the qualifying patient and the primary  
9 caregiver. Qualifying patients shall report changes in  
10 information within five working days. Every qualifying patient  
11 shall have only one primary caregiver at any given time. The  
12 department of health shall then issue to the qualifying patient  
13 a registration certificate, and may charge a reasonable fee not  
14 to exceed \$35.

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

19 (d) Upon an inquiry by a law enforcement agency, the  
20 department of [~~public safety~~] health shall verify whether the  
21 particular qualifying patient has registered with the department



1 of health and may provide reasonable access to the registry  
2 information for official law enforcement purposes."

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 responsibility for the medical marijuana program as contained in  
8 this Act.

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

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



1 All officers and employees whose functions are transferred  
2 by this Act shall be transferred with their functions and shall  
3 continue to perform their regular duties upon their transfer,  
4 subject to the state personnel laws and this Act.

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

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



1 qualifications for the position to which transferred or  
2 appointed.

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

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

17 SECTION 6. All designated forms for written certifications  
18 issued by the department of public safety shall be valid under  
19 the department of health until the department of health issues  
20 new designated forms.

21 SECTION 7. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



1 SECTION 8. This Act shall take effect on January 2, 2014.

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**Report Title:**

Medical Use of Marijuana; Transfer to Department of Health

**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. Takes effect 1/2/2014.

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

