

JAN 24 2013

A BILL FOR AN ACT

RELATING TO MEDICAL MARIJUANA.

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 definitions of "adequate supply" and
3 "written certification" to read as follows:

4 "Adequate supply" means an amount of marijuana jointly
5 possessed between the qualifying patient and the primary
6 caregiver that is not more than is reasonably necessary to
7 assure the uninterrupted availability of marijuana for the
8 purpose of alleviating the symptoms or effects of a qualifying
9 patient's debilitating medical condition; provided that an
10 "adequate supply" shall not exceed [~~three~~] twenty-one mature
11 marijuana plants [~~, four immature marijuana plants,~~] and one
12 ounce of usable marijuana per each mature plant.

13 "Written certification" means the qualifying patient's
14 medical records or a statement signed by a qualifying patient's
15 physician, stating that in the physician's professional opinion,
16 the qualifying patient has a debilitating medical condition and
17 the potential benefits of the medical use of marijuana would
18 likely outweigh the health risks for the qualifying patient.



1 The department of [~~public safety~~] health may require, through
2 its rulemaking authority, that all written certifications comply
3 with a designated form. "Written certifications" are valid for
4 only one year from the time of signing."

5 SECTION 2. Section 329-123, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§329-123 Registration requirements.** (a) Physicians who
8 issue written certifications shall register the names,
9 addresses, patient identification numbers, and other identifying
10 information of the patients issued written certifications with
11 the department of [~~public safety.~~] health.

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



1 registration certificate, and may charge a reasonable fee not to
2 exceed \$35.

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 qualifying patient at any
6 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 has registered with the department
10 and may provide reasonable access to the registry information
11 for official law enforcement purposes."

12 SECTION 3. The department of public safety shall
13 facilitate the transfer of functions pursuant to this Act by
14 collaborating with, cooperating with, and assisting the
15 department of health with assuming jurisdiction of and
16 responsibility for the medical marijuana program as contained in
17 this Act.

18 In order to facilitate the transfer of functions pursuant
19 to this Act, until all relevant records are transferred to the
20 department of health, the duties of the department of public
21 safety shall include but not be limited to maintaining a
22 confirmation service of the registration and certification of



1 physicians, qualifying patients, and primary caregivers,
2 pursuant to section 329-123, Hawaii Revised Statutes, that is
3 full time, operating twenty-four hours per day and seven days
4 per week, and is accessible to the department of health.

5 SECTION 4. All rights, powers, functions, and duties of
6 the department of public safety relating to the medical use of
7 marijuana under chapter 329, part IX, Hawaii Revised Statutes,
8 are transferred to the department of health.

9 All officers and employees whose functions are transferred
10 by this Act shall be transferred with their functions and shall
11 continue to perform their regular duties upon their transfer,
12 subject to the state personnel laws and this Act.

13 No officer or employee of the State having tenure shall
14 suffer any loss of salary, seniority, prior service credit,
15 vacation, sick leave, or other employee benefit or privilege as
16 a consequence of this Act, and such officer or employee may be
17 transferred or appointed to a civil service position without the
18 necessity of examination; provided that the officer or employee
19 possesses the minimum qualifications for the position to which
20 transferred or appointed; and provided that subsequent changes
21 in status may be made pursuant to applicable civil service and
22 compensation laws.



1 An officer or employee of the State who does not have
2 tenure and who may be transferred or appointed to a civil
3 service position as a consequence of this Act shall become a
4 civil service employee without the loss of salary, seniority,
5 prior service credit, vacation, sick leave, or other employee
6 benefits or privileges and without the necessity of examination;
7 provided that such officer or employee possesses the minimum
8 qualifications for the position to which transferred or
9 appointed.

10 If an office or position held by an officer or employee
11 having tenure is abolished, the officer or employee shall not
12 thereby be separated from public employment, but shall remain in
13 the employment of the State with the same pay and classification
14 and shall be transferred to some other office or position for
15 which the officer or employee is eligible under the personnel
16 laws of the State as determined by the head of the department or
17 the governor.

18 SECTION 5. All appropriations, records, equipment,
19 machines, files, supplies, contracts, books, papers, documents,
20 maps, and other personal property heretofore made, used,
21 acquired, or held by the department of public safety relating to



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1 the functions transferred to the department of health shall be
2 transferred with the functions to which they relate.

3 SECTION 6. 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 SECTION 7. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 8. This Act shall take effect upon its approval.

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INTRODUCED BY: Robert Anderson

Mr. GSR

Mr. [Signature]

Robert H. Bell

[Signature]

Mike Sabbat

JM

Will Eyer



S.B. NO. 1218

Report Title:

Medical Marijuana; Department of Health; Transfer

Description:

Amends the definition of "adequate supply" by increasing the maximum number of mature marijuana plants from three to twenty-one and removing the limitation of four immature marijuana plants. Transfers all rights, powers, functions, and duties of the department of public safety relating to the medical use of marijuana under chapter 329, part IX, Hawaii Revised Statutes, to the department of health.

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

