
A BILL FOR AN ACT

RELATING TO MEDICAL MARIJUANA.

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

1 SECTION 1. Section 329-126, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§~~329-126~~§~~ **Protections afforded to a treating**
4 **physician.** No physician shall be subject to arrest or
5 prosecution, penalized in any manner, or denied any right or
6 privilege for providing written certification for the medical
7 use of marijuana for a qualifying patient; provided that:

8 (1) The physician has diagnosed the patient as having a
9 debilitating medical condition, as defined in section
10 329-121;

11 (2) The physician has explained the potential risks and
12 benefits of the medical use of marijuana, as required
13 under section 329-122;

14 (3) The written certification is based upon the
15 physician's professional opinion after having
16 completed a full assessment of the patient's medical
17 history and current medical condition made in the
18 course of a bona fide physician-patient relationship[+]



- 1 and]. In accordance with these requirements, the
2 physician is required to:
- 3 (A) Provide a medical history for the patient;
 - 4 (B) Conduct a physical examination;
 - 5 (C) Review the patient's medical records, including
6 medical records from other treating physicians
7 from the previous twelve months;
 - 8 (D) Maintain a medical record on the patient; and
 - 9 (E) Follow up on and assess the patient's condition
10 during the course of the medical marijuana
11 therapy; and

12 (4) The physician has complied with the registration
13 requirements of section 329-123."

14 SECTION 2. Act 178, Session Laws of Hawaii 2013, is
15 amended by amending section 4 as follows:

16 1. By amending subsections (a) and (b) of section 329-123,
17 Hawaii Revised Statutes, to read:

18 "(a) Physicians who issue written certifications shall
19 provide, in each written certification, the name, address,
20 patient identification number, and other identifying information
21 of the qualifying patient. The department of health shall
22 require, in rules adopted pursuant to chapter 91, that all

1 written certifications comply with a designated form completed
2 by or on behalf of a qualifying patient. The form shall require
3 information from the applicant, primary caregiver, and [~~primary~~
4 ~~care~~] physician as specifically required or permitted by this
5 chapter. The form shall require the address of the location
6 where the marijuana is grown and shall appear on the [~~registry~~
7 registration card issued by the department of health. [~~The~~
8 ~~certifying physician shall be required to be the qualifying~~
9 ~~patient's primary care physician.~~] All current active medical
10 marijuana permits shall be honored through their expiration
11 date.

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



1 issue to the qualifying patient a registration [~~certificate,~~
2 card, and shall charge no more than \$35 per year."

3 2. By amending subsection (d) of section 329-123, Hawaii
4 Revised Statutes, to read:

5 "(d) Upon inquiry by a law enforcement agency, which
6 inquiry may be made twenty-four hours a day, seven days a week,
7 the department of health shall immediately verify whether the
8 subject of the inquiry has registered with the department of
9 health and may provide reasonable access to the [~~registry~~
10 registration information for official law enforcement purposes."

11 SECTION 3. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

14 SECTION 4. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Medical Marijuana; Registration; Requirements

Description:

Makes clarifying housekeeping amendments to the registration requirements regarding the medical use of marijuana. Adds certifying physician requirements for written certification of medical marijuana use. Effective July 1, 2050. (SB2574 HD1)

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