

STAND. COM. REP. NO.

3003

Honolulu, Hawaii

MAR 21 2014

RE: H.B. No. 2092
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Health, to which was referred H.B. No. 2092
entitled:

"A BILL FOR AN ACT RELATING TO MEDICAL MARIJUANA,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Delete the requirement that the certifying physician of a medical marijuana patient must be the primary care physician;
- (2) Clarify that the Department of Health will issue a registration card, not a certificate, to medical marijuana patients who meet the medical marijuana registration requirements; and
- (3) Specify that the Department of Health shall charge no more than \$35 per year to any medical marijuana patient who registers with the Department of Health to obtain authorization to use marijuana for medical purposes in compliance with the law.

Your Committee received testimony in support of this measure from the American Civil Liberties Union; Community Alliance on Prisons; Effective Change, LLC; Hawaii Whole Person Healing Collective; Hawaiian Standard and Green Futures; and eight individuals. Your Committee received testimony in opposition to this measure from the Police Department, City and County of

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Honolulu. Your Committee received comments on this measure from the Department of Health and one individual.

Your Committee finds that it is difficult for many individuals to obtain a primary care physician in Hawaii, particularly on the neighbor islands. Due to a shortage of primary care physicians in some areas, individuals who are benefitting from medical marijuana find it difficult to continue to receive a medical recommendation, as do untreated individuals who may benefit from medical marijuana. Furthermore, some insurance providers and physicians are prevented from recommending medical marijuana under federal regulations. This measure expands the number of qualified professionals who may prescribe medical marijuana in Hawaii, which will help patients across the State.

Your Committee has amended this measure by:

- (1) Amending section 329-123, Hawaii Revised Statutes, instead of section 4 of Act 178, Session Laws of Hawaii 2013;
- (2) Reinstating the requirement that the certified physician of a medical marijuana patient must be the primary care physician but also authorizing the certified physician to be a board certified pain specialist physician, ophthalmologist, oncologist, or board certified palliative care physician;
- (3) Adding a definition of primary care physician;
- (4) Deleting language specifying that the Department of Health will issue a registration card and shall charge no more than \$35 per year to any medical marijuana patient; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2092, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2092, S.D. 1, and be referred to the Committee on Commerce and Consumer Protection.



Respectfully submitted on
behalf of the members of the
Committee on Health,



JOSH GREEN, Chair



