

HB 2092 SD1

Measure Title: RELATING TO MEDICAL MARIJUANA.

Report Title: Medical Marijuana; Pain Specialist Physicians; Oncologists; Ophthalmologists; Board Certified Palliative Care Physicians

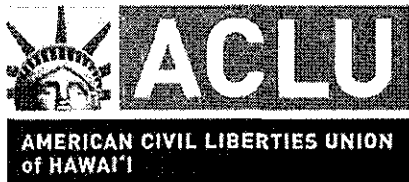
Description: Permits board certified pain specialist physicians, oncologists, ophthalmologists, and board certified palliative care physicians to prescribe medical marijuana. Effective January 2, 2015. (SD1)

Companion:

Package: None

Current Referral: HTH, CPN

Introducer(s): BELATTI



Committees: Committee on Commerce and Consumer Protection
Hearing Date/Time: Tuesday, March 25, 2014, 10:30 a.m.
Place: Conference Room 229
Re: Testimony of the ACLU of Hawaii with Comments on H.B. 2092, S.D. 1, Relating to Medical Marijuana

Dear Chair Baker and Members of the Committee on Commerce and Consumer Protection:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes with comments on H.B. 2092, S.D. 1, which seeks to improve Hawaii's medical marijuana program.

While the ACLU of Hawaii prefers the House version of this measure, we support the intent of the bill: to make the medical marijuana program more inclusive. Although S.D. 1 adds board certified pain specialist physicians, oncologists, ophthalmologists, or board certified palliative care physicians to the list of those able to make medical marijuana recommendations, the ACLU believes that adding a limiting definition of "primary care physician" is unnecessary. Patient access to medical marijuana is already limited by only permitting a subset of board certified physicians to make the recommendations.

Additionally, the ACLU of Hawaii cautions that the use of the term primary care physician ("PCP") (which is expected to be effective in H.R.S. § 329-123 as of 01/01/15) is problematic. The term PCP is a term of art – one that is used by some but not all insurance companies and other insurers such as HMOs. Introducing PCP into the H.R.S. without a more thorough review of the myriad of statutory, administrative and other provisions that may be impacted by the term PCP could lead to unintended difficulties and ambiguities within and beyond the contemplated medical marijuana program.

Thus, the ACLU of Hawaii respectfully requests that the Committee consider maintaining the current language of H.R.S. § 329-123 (by invalidating Act 178 of 2012) to increase patient access to safe and effective medication.

Thank you for this opportunity to testify.

Sincerely,

Daniel Gluck
Senior Staff Attorney
ACLU of Hawaii

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 45 years.