

JAN 22 2016

A BILL FOR AN ACT

RELATING TO MEDICAL MARIJUANA.

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

1 SECTION 1. The legislature finds that all individuals have
2 a right to access their medication. However, the department of
3 health does not allow qualified patients who have been certified
4 to use medical marijuana to have access to their medicine until
5 a permanent registration certificate is issued, creating a delay
6 or gap in time while the patients wait.

7 The legislature further finds that under the department of
8 public safety's narcotics enforcement division, qualified
9 patients were allowed a temporary registration certificate to
10 access medical marijuana until a permanent registration
11 certificate was issued. This allowed for immediate access of
12 medical marijuana for patients.

13 The purpose of this Act is to:

14 (1) Provide qualified patients faster access to medical
15 marijuana by establishing a temporary registration
16 certificate; and



1 (2) Increase the penalties for fraudulent
2 misrepresentation to a law enforcement official
3 relating to the issuance of a written certificate by a
4 physician.

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

7 "§329-123 Registration requirements [-]; temporary
8 registration certificate. (a) Physicians who issue written
9 certifications shall provide, in each written certification, the
10 name, address, patient identification number, and other
11 identifying information of the qualifying patient. The
12 department of health shall require, in rules adopted pursuant to
13 chapter 91, that all written certifications comply with a
14 designated form completed by or on behalf of a qualifying
15 patient. The form shall require information from the applicant,
16 primary caregiver, and physician as specifically required or
17 permitted by this chapter. The form shall require the address
18 of the location where the marijuana is grown and shall appear on
19 the registry card issued by the department of health. The
20 certifying physician shall be required to have a bona fide
21 physician-patient relationship with the qualifying patient. All



1 current active medical marijuana permits shall be honored
2 through their expiration date.

3 (b) Qualifying patients shall register with the department
4 of health. The registration shall be effective until the
5 expiration of the certificate issued by the department of health
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 ten working days. Every qualifying patient
11 shall have only one primary caregiver at any given time. The
12 department of health shall issue to the qualifying patient a
13 registration certificate, and shall charge \$35 per year.

14 (c) Primary caregivers shall register with the department
15 of health. Every primary caregiver shall be responsible for the
16 care of only one qualifying patient at any given time.

17 (d) Upon inquiry by a law enforcement agency, which
18 inquiry may be made twenty-four hours a day, seven days a week,
19 the department of health shall immediately verify whether the
20 subject of the inquiry has registered with the department of



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

3 (e) Upon receipt of a written certification form completed
4 by or on behalf of a qualifying patient pursuant to subsection
5 (a) and any applicable registration fees, the department of
6 health shall issue a receipt that shall serve as a temporary
7 registration certificate. The temporary registration
8 certificate shall be considered a valid certificate for the
9 medical use of marijuana for no more than forty-five days from
10 the date of issuance or until the department issues or denies
11 the registry written certificate."

12 SECTION 3. Section 329-128, Hawaii Revised Statutes, is
13 amended by amending subsection (b) to read as follows:

14 "(b) Notwithstanding any law to the contrary, fraudulent
15 misrepresentation to a law enforcement official of any fact or
16 circumstance relating to the issuance of a written certificate
17 by a physician not covered under section 329-126 for the medical
18 use of marijuana shall be a misdemeanor[-] and subject to a fine
19 of \$2,500. This penalty shall be in addition to any other
20 penalties that may apply for the non-medical use of marijuana.
21 Nothing in this section is intended to preclude the conviction



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1 of any person under section 710-1060 or for any other offense
2 under part V of chapter 710."

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

5 SECTION 5. This Act shall take effect on July 1, 2016..

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S.B. NO. 2177

Report Title:

Medical Marijuana; Temporary Registration Certificate;
Fraudulent Misrepresentation; Physician

Description:

Requires the department of health to issue a receipt that shall serve as a temporary registration certificate for the medical use of marijuana upon receipt of a written certification form completed by or on behalf of a qualifying patient. Increases penalty for fraudulent misrepresentation to a law enforcement official relating to the issuance of a written certificate by a physician.

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