

JAN 27 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 recognizes that chapter 160,
2 Hawaii Administrative Rules, sets out the department of health's
3 process to amend the list of debilitating medical conditions
4 approved for medical marijuana, which includes a petition
5 process for a physician or potentially qualifying patient to ask
6 the department to add a new condition to the list. This process
7 requires a public administrative hearing, which may be held as
8 infrequently as once per year. A petition for rule amendment is
9 the only way a patient with a condition that is not on the
10 approved list can obtain medical marijuana. The legislature
11 finds that since the medical marijuana program's inception in
12 2000, no changes to the list of debilitating medical conditions
13 occurred until post-traumatic stress disorder was added in 2015
14 by legislative action through Act 241, Session Laws of Hawaii
15 2015.

16 A physician's ability to make timely recommendations for
17 care based upon confidential consultations between the physician



1 and the patient and the physician's utmost discretion in
2 recommending appropriate, individualized treatment are necessary
3 for successful treatment. Due to the often immediate need for
4 treatment, the legislature finds that when a physician
5 determines that the use of medical marijuana may benefit a
6 patient's condition despite that condition's absence from the
7 approved list, the process of petitioning for amendment of the
8 department's approved list through administrative rulemaking may
9 not be a feasible option.

10 Understandable concerns about the potential abuse of
11 medical marijuana, particularly marijuana's primary psychoactive
12 compound, tetrahydrocannabinol or THC, have arisen throughout
13 the life of the State's medical marijuana program. In 2009, the
14 Office of National Drug Control Policy reported that the average
15 THC potency in seized marijuana had doubled in the period from
16 1998 to 2008, with the average potency in 2008 being 10.1 per
17 cent. Many marijuana strains now sold in the United States for
18 recreational or medical use report THC content near twenty-five
19 to thirty per cent or higher. The legislature recognizes these
20 concerns and finds that affording physicians the ability to
21 recommend higher THC marijuana solely at their discretion is not



1 appropriate at this time. However, the legislature finds that
2 lower THC marijuana, with its lessened psychoactive effects, has
3 the potential to provide many additional patients relief and
4 physicians should be able to legally recommend its use at the
5 physician's discretion.

6 The purpose of this Act is to provide physicians the
7 ability to certify patients to use low THC medical marijuana to
8 treat any medical condition or illness for which the physician
9 has determined medical marijuana would provide relief.

10 SECTION 2. Section 329-121, Hawaii Revised Statutes, is
11 amended by amending the definition of "debilitating medical
12 condition" to read as follows:

13 "Debilitating medical condition" means:

- 14 (1) Cancer, glaucoma, positive status for human
15 immunodeficiency virus, acquired immune deficiency
16 syndrome, or the treatment of these conditions;
- 17 (2) A chronic or debilitating disease or medical condition
18 or its treatment that produces one or more of the
19 following:
- 20 (A) Cachexia or wasting syndrome;
- 21 (B) Severe pain;



- 1 (C) Severe nausea;
- 2 (D) Seizures, including those characteristic of
- 3 epilepsy;
- 4 (E) Severe and persistent muscle spasms, including
- 5 those characteristic of multiple sclerosis or
- 6 Crohn's disease; or
- 7 (F) Post-traumatic stress disorder; or
- 8 (3) Any other medical condition:
 - 9 (A) ~~[approved]~~ Approved by the department of health
 - 10 pursuant to administrative rules in response to a
 - 11 request from a physician or potentially
 - 12 qualifying patient [-]; or
 - 13 (B) For which medical use of marijuana has been
 - 14 recommended by a physician who has determined
 - 15 that the patient's health would benefit from the
 - 16 use of marijuana; provided that the medical use
 - 17 of marijuana be limited to medical marijuana with
 - 18 a tetrahydrocannabinol potency that does not
 - 19 exceed five per cent."

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







S.B. NO. 3009

1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY:





S.B. NO. 3009

Report Title:

Medical Marijuana

Description:

Amends the definition of "debilitating medical condition" to allow for greater physician discretion to prescribe low potency medical marijuana.

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

