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## A BILL FOR AN ACT

RELATING TO MEDICAL CANNABIS.

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

1           SECTION 1. The legislature finds that Senate Bill No.  
2   2407, C.D. 1, passed during the regular session of 2018, would  
3   have allowed the use of medical cannabis to treat opioid use,  
4   substance use, and withdrawal symptoms resulting from the  
5   treatment of those conditions. However, the measure was vetoed  
6   by the governor, because the department of health adopted an  
7   administrative rule that sets forth an evidence-based petition  
8   process to add a condition to the list of debilitating  
9   conditions for which medical cannabis can be used.

10           The legislature further finds that in vetoing Senate Bill  
11   No. 2407, C.D. 1, the governor has allowed an administrative  
12   rule to supersede the legislature's policy-making power. When  
13   the legislature authorized the department of health to create an  
14   administrative process to add any other medical condition as a  
15   debilitating medical condition, the legislature did not intend  
16   to waive its legislative power to amend the statute to prescribe  
17   other medical conditions that might qualify as debilitating



1 medical conditions. Accordingly, the legislature finds that  
2 opioid use and substance use disorders and associated withdrawal  
3 symptoms may be successfully treated with the use of medical  
4 cannabis.

5 The purpose of this Act is to add two more medical  
6 conditions as debilitating medical conditions that qualify for  
7 the medical use of cannabis:

8 (1) Opioid use and substance use disorders, or withdrawal  
9 symptoms resulting from the treatment of these  
10 conditions; and

11 (2) A medical condition that is normally treated with a  
12 prescription medication that could lead to physical or  
13 psychological dependence, but can be treated more  
14 effectively and safely through the medical use of  
15 marijuana, as determined by a physician or advanced  
16 practice registered nurse.

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

20 "Debilitating medical condition" means:



- 1 (1) Cancer, glaucoma, lupus, epilepsy, multiple sclerosis,  
2 rheumatoid arthritis, positive status for human  
3 immunodeficiency virus, acquired immune deficiency  
4 syndrome, or the treatment of these conditions;
- 5 (2) A chronic or debilitating disease or medical condition  
6 or its treatment that produces one or more of the  
7 following:
- 8 (A) Cachexia or wasting syndrome;  
9 (B) Severe pain;  
10 (C) Severe nausea;  
11 (D) Seizures, including those characteristic of  
12 epilepsy;  
13 (E) Severe and persistent muscle spasms, including  
14 those characteristic of multiple sclerosis or  
15 Crohn's disease; or  
16 (F) Post-traumatic stress disorder; [øø]
- 17 (3) Opioid use or other substance use disorders, or  
18 withdrawal symptoms resulting from the treatment of  
19 those conditions;
- 20 (4) A medical condition that is normally treated with a  
21 prescription medication that could lead to physical or



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1           psychological dependence, but can be treated more  
 2           effectively and safely through the medical use of  
 3           cannabis, as determined by a physician or advanced  
 4           practice registered nurse; or

5           [+3+] (5) Any other medical condition approved by the  
 6           department of health pursuant to administrative rules  
 7           in response to a request from a physician or advanced  
 8           practice registered nurse or potentially qualifying  
 9           patient."

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

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

15           SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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**Report Title:**

Medical Cannabis; Opioid Use; Substance Use; Prescription Medication Dependence; Debilitating Medical Condition

**Description:**

Allows the use of medical cannabis to treat opioid use, substance use, and withdrawal symptoms resulting from the treatment of those conditions or a medical condition that is normally treated with a prescription medication that could lead to physical or psychological dependence, but can be treated more effectively and safely through medical cannabis.

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

