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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 utilizes a  
7   standardized review process to add conditions to the list of  
8   debilitating conditions for which medical cannabis can be used.

9           The legislature further finds that the authority to amend the  
10   statute to add medical conditions that might qualify as a debilitating  
11   medical condition is within its authority as an alternative to the  
12   review process. Further, that given no petitions to add these  
13   conditions have been initiated by the public or by representatives of  
14   the medical community as part of the department of health's process,  
15   it is in the best interest of the public for the legislature to take  
16   action. Accordingly, the legislature finds that chronic and  
17   debilitating pain related conditions have been seen to be positively  
18   impacted by use of medical cannabis in many individuals who have



1 access to medical cannabis as an alternate to long term use of opioid  
2 pain medications.

3 The legislature further finds that given the national opioid  
4 crisis, where persons with chronic or debilitating pain conditions are  
5 at elevated risk for developing opioid use disorders due to long term  
6 use of opioid medications, there is a need to identify and make  
7 available all viable alternatives.

8 The legislature further finds that while there is much debate  
9 nationally as to the clinical benefit of medical cannabis as a  
10 specific and viable intervention for treating opioid and other  
11 substance use disorders, there is a paucity of solid evidence from  
12 which to make a sound policy decision on this front. However, there  
13 is substantive evidence that making medical cannabis available as an  
14 option for treating pain related conditions that are either caused or  
15 exacerbated by opioid and other substance use disorders has decreased  
16 prevalence of opioid use and overdose.

17 The purpose of this Act is to add the following medical  
18 condition as a debilitating medical condition that qualifies for the  
19 medical use of cannabis:

20 (1) Withdrawal symptoms associated with ending long term opioid  
21 use for which there is a reasonable expectation that an individual  
22 would experience physiological withdrawal.



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

4 ""Debilitating medical condition" means:

5 (1) Cancer, glaucoma, lupus, epilepsy, multiple sclerosis,  
6 rheumatoid arthritis, positive status for human  
7 immunodeficiency virus, acquired immune deficiency  
8 syndrome, or the treatment of these conditions;

9 (2) A chronic or debilitating disease or medical condition  
10 or its treatment that produces one or more of the  
11 following:

12 (A) Cachexia or wasting syndrome;

13 (B) Severe pain;

14 (C) Severe nausea;

15 (D) Seizures, including those characteristic of  
16 epilepsy;

17 (E) Severe and persistent muscle spasms, including  
18 those characteristic of multiple sclerosis or  
19 Crohn's disease; or

20 (F) Post-traumatic stress disorder; [~~or~~]



1           (3) Symptoms associated with ending long term opioid use  
2           for which there is a reasonable expectation that an  
3           individual would experience physiological withdrawal;

4           (4) A medical condition that is normally treated with an  
5           opioid prescription medication that could lead to physical  
6           or psychological dependence, but may be treated more  
7           effectively and safely through the medical use of cannabis,  
8           as determined by a physician or advanced practice  
9           registered nurse; or

10        ~~[(3)]~~ (5) Any other medical condition approved by the  
11        department of health pursuant to administrative rules  
12        in response to a request from a physician or advanced  
13        practice registered nurse or potentially qualifying  
14        patient."

15        SECTION 3. This Act does not affect rights and duties that  
16        matured, penalties that were incurred, and proceedings that were  
17        begun before its effective date.

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

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

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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.*

