
A BILL FOR AN ACT

RELATING TO MEDICAL CANNABIS.

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

1 SECTION 1. The purpose of this Act is to allow terminally
2 ill patients to safely use medical cannabis within specified
3 health care facilities.

4 SECTION 2. Chapter 329, Hawaii Revised Statutes, is
5 amended by adding a new section to part IX to be appropriately
6 designated and to read as follows:

7 "§329- Compassionate access; health care facility;
8 terminally-ill patients; condition of use. (a) A health care
9 facility shall allow a terminally ill patient to use medical
10 cannabis in compliance with section 329-122; provided that:

11 (1) The patient's intake of the medical cannabis shall not
12 be through smoking or use of an electronic smoking
13 device;

14 (2) The medical cannabis, when not in use, shall be stored
15 in a securely locked box or other container in a
16 location that a reasonable person would believe to be
17 secure;



- 1 (3) The patient shall submit to the health care facility,
2 documentation establishing that the patient is legally
3 authorized to use medical cannabis, including a copy
4 of the patient's registration certificate issued
5 pursuant to section 329-123(b) or written
6 certification issued pursuant to section 329-126;
- 7 (4) The patient's medical use of cannabis shall be
8 included in the patient's medical records; and
- 9 (5) The health care facility shall adopt and disseminate
10 to its patients:
- 11 (A) A medical cannabis use policy that ensures the
12 safe operations of the health care facility; the
13 health and safety of its patients, guests, and
14 employees; and compliance with other applicable
15 laws; and
- 16 (B) Written guidelines for the use of medicinal
17 cannabis by patients on the health care
18 facility's premises.
- 19 (b) Notwithstanding any other law to the contrary and the
20 classification of medicinal cannabis as a schedule I controlled
21 substance, health care facilities permitting patient use of



1 medicinal cannabis shall comply with drug and medication
2 requirements applicable to Schedule II, III, and IV controlled
3 substances and shall be subject to enforcement actions by the
4 department of health.

5 (c) Nothing in this section requires a health care
6 facility to recommend patients to use medicinal cannabis or
7 include medicinal cannabis in a patient's discharge plan.

8 (d) Compliance with this section shall not be a condition
9 for obtaining, retaining, or renewing a license as a health care
10 facility.

11 (e) This section does not reduce, expand, or otherwise
12 modify state laws regulating the cultivation, possession,
13 distribution, or use of cannabis that may otherwise be
14 applicable.

15 (f) A health care facility shall suspend patient use of
16 medical cannabis on premises if the health care facility
17 receives notice or otherwise obtains knowledge that:

18 (1) A federal agency, including the United States
19 Department of Justice, has initiated an enforcement
20 action against the health care facility in relation to



1 the facility's compliance with a state-regulated
2 medical cannabis program; or
3 (2) A federal agency, including the United States
4 Department of Justice and United States Department of
5 Health and Human Services Centers for Medicare and
6 Medicaid Services has, by rule or otherwise,
7 prohibited the patient use of medical cannabis on
8 premises of health care facilities or the facilities'
9 compliance with a state-regulated medical cannabis
10 program;
11 until the facility receives notice from the federal agency
12 allowing the facility to resume patient use of medicinal
13 cannabis on premises.
14 (g) No health care facility shall prohibit patient use of
15 medicinal cannabis on premises due solely on the fact that
16 cannabis is a Schedule I controlled substance pursuant to the
17 federal Uniform Controlled Substances Act, or other federal
18 constraints on the use of medicinal cannabis that were in
19 existence prior to the enactment of this chapter.
20 (h) This section does not apply to a patient receiving
21 emergency services and care.



H.B. NO. 957

Report Title:

Medical Cannabis; Compassionate Access; Health Care Facility;
Terminally Ill Patient

Description:

Allows health care facilities to permit terminally ill patients
to use medical cannabis under certain conditions.

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

