

SB-2013-HD-1

Submitted on: 3/28/2018 11:33:54 AM

Testimony for JUD on 3/29/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments:



Dedicated to safe, responsible, humane and effective drug policies since 1993

TO: House Committee on Judiciary
FROM: Carl Bergquist, Executive Director
HEARING DATE: 29 March 2018, 2PM
RE: SB2013 SD1 HD1, RELATING TO CIVIL IDENTIFICATION, **SUPPORT/COMMENTS**

Dear Chair Nishimoto, Vice Chair San Buenaventura, Committee Members:

The Drug Policy Forum of Hawai'i (DPFHI) **supports** this measure to facilitate the ability of homebound individuals to secure the necessary state ID needed for so many purposes. One of these purposes is to become a registered medical cannabis patient in the State of Hawai'i. During the 2017 meetings of [the Act 230 Legislative Oversight Working Group](#), we heard about this issue from those who run hospices, where patients are unable to obtain ID and thus the medicine they need. Accordingly, the Working Group adopted a recommendation to reform this process – DPFHI serves on the Working Group alongside others including the Vice Chair of this Committee and the Department of Transportation. The recommendation made its way into [HB2740](#), a medical cannabis omnibus bill, and we humbly suggest that the Committee take a look at that language to see if it can further inform the intent of this bill to help vulnerable individuals. In particular, we note that [SB2013](#) only pertains to renewals as opposed to first-time applicants for identification.

The relevant language in [HB2740](#) can be found in Part II, Sections 18-22, and addresses first-time applicants as well. The following is a complete and true excerpt of those sections:

SECTION 18. The legislature finds that, currently, a person relying upon a civil identification card as proof of identification to register with the department of health as a qualifying patient under part IX of chapter 329, Hawaii Revised Statutes, must first apply for the card in person and wait until the card is actually issued. This can result in delaying the ability of a person experiencing a debilitating medical condition from benefiting from the medical use of cannabis.

Accordingly, the purpose of this part is to:

(1) Authorize an adult to apply by mail for the issuance or renewal of a civil identification card;

(2) Provide that a receipt issued for an application by mail by an applicant with a qualifying physical or mental disability for a civil identification card may serve as identification for purposes of registering as a qualifying patient; and

(3) Require the department of transportation to evaluate potential ways to streamline the process of renewing a civil identification card for an eligible applicant who is bedridden or otherwise severely disabled, and to adopt applicable rules as necessary.

SECTION 19. Section 286-303, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) Application for the identification card shall be made in person ~~[by any adult or minor.]~~; provided that any adult may submit an application by mail. The minimum age for minors to obtain an identification card shall be ten years of age. In the case of a minor under the age of fourteen years, the application shall be made on the minor's behalf by the parent, or by another individual in loco parentis of the minor who can provide proof of guardianship. In the case of an incompetent individual, the application shall be made by the individual having the custody or control of or maintaining the incompetent individual.

(b) Application for renewal of an identification card issued after November 1, ~~[1998, for an individual eighty years of age or older]~~ 2018, may be done by mailing in a completed application and fee~~[-, if there is]~~; provided there has been no change [in] to the applicant's name [and] or citizenship status[-. The director shall adopt rules to allow for renewal by mail for individuals with physical or intellectual disabilities for whom application in person presents a serious burden.]; provided further that this subsection shall apply to the renewal of identification cards that are valid or that expired no longer than two years prior to the postmark date of the application for renewal."

SECTION 20. Section 329-123, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

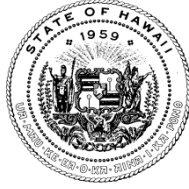
"(b) Qualifying patients shall register with the department of health. The registration shall be effective until the expiration of the certificate issued by the department of health and signed by

the physician or advanced practice registered nurse. Every qualifying patient shall provide sufficient identifying information to establish the personal identities of the qualifying patient and the primary caregiver. Qualifying patients shall report changes in information within ten working days[-]; provided that a receipt issued for submission of an application by mail for renewal of a civil identification card for a person with a qualifying physical or mental disability, pursuant to applicable rules adopted pursuant to chapter 91, shall be an acceptable form of identification for the purpose of registering as a qualifying patient; provided further that the department may adopt rules pursuant to chapter 91 to provide for the registration of a qualifying patient who lacks identification. Every qualifying patient shall have only one primary caregiver at any given time. The department of health shall issue to the qualifying patient a registration certificate, and shall charge \$35 per year."

SECTION 21. The department of transportation shall review its existing administrative rules that are applicable to its duties and responsibilities relating to civil identification cards and, to the extent necessary, shall adopt rules pursuant to chapter 91, Hawaii Revised Statutes, to streamline the process of renewing a state civil identification card for an eligible applicant who is bedridden or otherwise severely disabled .

Thank you for the opportunity to testify.

DAVID Y. IGE
GOVERNOR



LATE

Testimony by:
JADE T. BUTAY
DIRECTOR

Deputy Directors
ROY CATALANI
ROSS M. HIGASHI
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IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

March 29, 2018
2:00 p.m.
State Capitol, Room 325

S.B. 2013, S.D. 1, H.D. 1
RELATING TO CIVIL IDENTIFICATION

House Committee on Judiciary

The Department of Transportation (DOT) **supports** S.B. 2013, S.D. 1, H.D. 1, relating to civil identification.

This bill directs the DOT Director to adopt rules to allow an individual, who has a letter from a licensed primary care provider certifying that a severe disability causes the individual to be homebound, to renew a state identification card by means other than in person appearance. The bill, with an effective date of January 1, 2019 (as amended in H.D. 1), provides the DOT the time needed to undertake such rulemaking.

Thank you for the opportunity to provide testimony.