

JAN 21 2011

A BILL FOR AN ACT

RELATING TO HEALTH.

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

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

4 "Written certification" means the qualifying patient's
5 medical records or a statement signed by a qualifying patient's
6 physician, stating that in the physician's professional opinion,
7 the qualifying patient has a debilitating medical condition and
8 the potential benefits of the medical use of marijuana would
9 likely outweigh the health risks for the qualifying patient.

10 The department of [~~public safety~~] health may require, through
11 its rulemaking authority, that all written certifications comply
12 with a designated form. "Written certifications" are valid for
13 only one year from the time of signing."

14 SECTION 2. Section 329-123, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "[+]§329-123[+] **Registration requirements.** (a)

17 Physicians who issue written certifications shall register the
18 names, addresses, patient identification numbers, and other



1 identifying information of the patients issued written
2 certifications with the department of [~~public safety~~] health.

3 (b) Qualifying patients shall register with the department
4 of [~~public safety~~] health. Such registration shall be
5 effective until the expiration of the certificate issued by the
6 physician. Every qualifying patient shall provide sufficient
7 identifying information to establish personal identity of the
8 qualifying patient and the primary caregiver. Qualifying
9 patients shall report changes in information within five working
10 days. Every qualifying patient shall have only one primary
11 caregiver at any given time. The department of health shall
12 then issue to the qualifying patient a registration certificate,
13 and may charge a reasonable fee not to exceed \$25.

14 (c) Primary caregivers shall register with the department
15 of [~~public safety~~] health. Every primary caregiver shall be
16 responsible for the care of only one qualifying patient at any
17 given time.

18 (d) Upon an inquiry by a law enforcement agency, the
19 department of [~~public safety~~] health shall verify whether the
20 particular qualifying patient has registered with the department
21 of health and may provide reasonable access to the registry
22 information for official law enforcement purposes."



1 SECTION 3. All rights, powers, functions, and duties of
2 the department of public safety relating to the medical use of
3 marijuana under chapter 329, part IX, Hawaii Revised Statutes,
4 are transferred to the department of health.

5 All officers and employees whose functions are transferred
6 by this Act shall be transferred with their functions and shall
7 continue to perform their regular duties upon their transfer,
8 subject to the state personnel laws and this Act.

9 No officer or employee of the State having tenure shall
10 suffer any loss of salary, seniority, prior service credit,
11 vacation, sick leave, or other employee benefit or privilege as
12 a consequence of this Act, and such officer or employee may be
13 transferred or appointed to a civil service position without the
14 necessity of examination; provided that the officer or employee
15 possesses the minimum qualifications for the position to which
16 transferred or appointed; and provided further that subsequent
17 changes in status may be made pursuant to applicable civil
18 service and compensation laws.

19 An officer or employee of the State who does not have
20 tenure and who may be transferred or appointed to a civil
21 service position as a consequence of this Act shall become a
22 civil service employee without the loss of salary, seniority,



1 prior service credit, vacation, sick leave, or other employee
2 benefits or privileges and without the necessity of examination;
3 provided that such officer or employee possesses the minimum
4 qualifications for the position to which transferred or
5 appointed.

6 If an office or position held by an officer or employee
7 having tenure is abolished, the officer or employee shall not
8 thereby be separated from public employment, but shall remain in
9 the employment of the State with the same pay and classification
10 and shall be transferred to some other office or position for
11 which the officer or employee is eligible under the personnel
12 laws of the State as determined by the head of the department or
13 the governor.

14 SECTION 4. All appropriations, records, equipment,
15 machines, files, supplies, contracts, books, papers, documents,
16 maps, and other personal property heretofore made, used,
17 acquired, or held by the department of public safety relating to
18 the functions transferred to the department of health shall be
19 transferred with the functions to which they relate.

20 SECTION 5. All designated forms for written certifications
21 issued by the department of public safety shall be valid under



1 the department of health until the department of health issues
2 new designated forms.

3 SECTION 6. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 7. This Act, upon its approval, shall take effect
6 on January 2, 2012.

7

INTRODUCED BY:

Will Espo

Clement Michikawa

Randy de Paul

Edy

Matt



Report Title:

Medical Use of Marijuana

Description:

Transfers jurisdiction over the medical marijuana laws from the department of public safety to the department of health.

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

