
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. For purposes



1 of this subsection, the department of public safety shall
2 maintain a registration and certification confirmation service
3 that is full time, operating twenty-four hours per day and seven
4 days per week, and is accessible to the department of health."

5 SECTION 3. The department of public safety shall
6 facilitate the transfer of functions pursuant to this Act by
7 collaborating with, cooperating with, and assisting the
8 department of health with assuming jurisdiction of and
9 responsibility for the medical marijuana program as contained in
10 this Act.

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

15 All officers and employees whose functions are transferred
16 by this Act shall be transferred with their functions and shall
17 continue to perform their regular duties upon their transfer,
18 subject to the state personnel laws and this Act.

19 All employees who occupy civil service positions and whose
20 functions are transferred to the department of health by this
21 Act shall retain their civil service status, whether permanent
22 or temporary. Employees shall be transferred without loss of



1 salary, seniority, retention points, prior service credit, any
2 vacation and sick leave credits previously earned, and other
3 rights, benefits, and privileges in accordance with state
4 personnel laws and this Act; provided that the employees possess
5 the minimum qualifications and public employment requirements
6 for the class or position to which transferred or appointed, as
7 applicable; and provided further that subsequent changes in
8 status may be made pursuant to applicable civil service and
9 compensation laws.

10 Any employee who, prior to this Act, is exempt from civil
11 service and is transferred as a consequence of this Act, may
12 continue to retain the employee's exempt status, but shall not
13 be appointed to a civil service position because of this Act.
14 An exempt employee who is transferred by this Act shall not
15 suffer any loss of prior service credit, any vacation and sick
16 leave credits previously earned, or other employee benefits or
17 privileges as a consequence of this Act; provided that the
18 employee possesses legal and public employment requirements for
19 the position to which the employee is transferred or appointed,
20 as applicable; and provided further that subsequent changes in
21 status may be made pursuant to applicable employment and
22 compensation laws. The director of health may prescribe the



1 duties and qualifications of such employees and fix their
2 salaries without regard to chapter 76, Hawaii Revised Statutes.

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

11 SECTION 5. All appropriations, records, equipment,
12 machines, files, supplies, contracts, books, papers, documents,
13 maps, and other personal property heretofore made, used,
14 acquired, or held by the department of public safety relating to
15 the functions transferred to the department of health shall be
16 transferred with the functions to which they relate.

17 SECTION 6. All designated forms for written certifications
18 issued by the department of public safety shall be valid under
19 the department of health until the department of health issues
20 new designated forms.

21 SECTION 7. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



1 SECTION 8. This Act, upon its approval, shall take effect
2 on January 2, 2012.
3



Report Title:

Medical Use of Marijuana

Description:

Transfers departmental jurisdiction of the medical marijuana laws from the department of public safety (DPS) to the department of health (DOH). Requires the DPS to continue to maintain a verification service to confirm registration that is accessible 24/7 to the DOH. Requires DPS to assist with the transfer to the DOH. Effective 1/2/2012. (SD1)

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

