
A BILL FOR AN ACT

RELATING TO MEDICAL MARIJUANA.

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

1 SECTION 1. The legislature finds that support for the
2 medical use of marijuana in the State is strong and that the
3 experience of the State with the medical use of marijuana has
4 been favorable, but that existing protections for patients are
5 very weak regarding civil penalties. Patients within the
6 medical marijuana program should not be less secure in their
7 housing, school enrollment, or supplemental medical care than
8 patients who have made different private decisions with their
9 doctors concerning medication or treatment.

10 The legislature is mindful of the difficult position of
11 medical marijuana patients under federal law and seeks to ensure
12 that the rights of patients are protected, while at the same
13 time respecting the needs of institutions and individuals to
14 protect themselves from federal penalties. For this reason, the
15 rights afforded under this Act are limited to those situations
16 in which no monetary or licensing-related benefit would be
17 revoked for compliance with state law, and to those situations



1 in which patients and caregivers are in strict compliance with
2 the State's medical marijuana law.

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

6 "§329- Medical marijuana patient and caregiver
7 protections. (a) No school shall refuse to enroll or otherwise
8 penalize, and no landlord shall refuse to lease property to or
9 otherwise penalize, a person solely for the person's status as a
10 qualifying patient or primary caregiver in the medical marijuana
11 program under this part, unless failing to do so would cause the
12 school or landlord to lose a monetary or licensing-related
13 benefit under federal law or regulation; provided that the
14 qualifying patient or primary caregiver strictly complied with
15 the requirements of this part; provided further that the
16 department of health may allow a school or landlord limited
17 access to the medical marijuana registry, as determined to be
18 necessary by the department of health, to ensure that a
19 qualifying patient or primary caregiver is validly registered
20 with the department of health pursuant to section 329-123.



1 (b) For the purposes of medical care, including organ
2 transplants, a registered qualifying patient's use of marijuana
3 in compliance with this part shall be considered the equivalent
4 of the use of any other medication under the direction of a
5 physician and shall not constitute the use of an illicit
6 substance or otherwise disqualify a registered qualifying
7 patient from medical care.

8 (c) No qualifying patient or primary caregiver under this
9 part shall be denied:

10 (1) Custody of;

11 (2) Visitation with; or

12 (3) Parenting time with

13 a minor, and there shall be no presumption of neglect or child
14 endangerment, for conduct allowed under this part; provided that
15 this subsection shall not apply if the qualifying patient's or
16 primary caregiver's conduct created a danger to the safety of
17 the minor, as established by a preponderance of the evidence."

18 SECTION 3. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.

21 SECTION 4. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on January 7, 2112.



Report Title:

Medical Marijuana; Protections

Description:

Prohibits discrimination against medical marijuana patients and caregivers by schools, landlords, and courts with regard to medical care or parental rights. Effective 1/7/2112. (HD1)

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

