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REPORT TITLE:

Medical Use of Marijuana

DESCRIPTION:

Allows for the acquisition, possession, cultivation, distribution, transportation, administration, and use of marijuana for medical purposes.

THE SENATE
TWENTIETH LEGISLATURE, 1999
STATE OF HAWAII

S.B. NO.

862

A BILL FOR AN ACT

RELATING TO MEDICAL USE OF MARIJUANA.

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

1 SECTION 1. The legislature finds that modern medical
2 research has discovered a beneficial use for marijuana in
3 alleviating certain serious illnesses. Medical usage of
4 marijuana has been permitted in California, Arizona, Oregon,
5 Washington, and Alaska.

6 The legislature further finds that allowing the medical use
7 of marijuana could promote Hawaii as being an international
8 center for medical treatment and research.

9 The legislature further finds that although federal law
10 prohibits marijuana use, states are not required to enforce
11 federal law and the State is not precluded from passing its own
12 laws.

13 The purpose of this Act is to ensure that seriously ill
14 people are not penalized for the use of marijuana for strictly
15 medical purposes when the patient's treating physician provides a
16 professional opinion that marijuana is medically beneficial to
17 the patient.

18 SECTION 2. Chapter 329, Hawaii Revised Statutes is amended
19 by adding a new part to be appropriately designated and to read

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1 as follows:

2 "PART .

3 **MEDICAL USE OF MARIJUANA**

4 **§329-A Definitions.** As used in this part:

5 "Adequate supply" means an amount of marijuana that is not
6 more than is necessary to assure, throughout the projected course
7 of treatment, the uninterrupted availability for purposes of
8 alleviating the symptoms or effects of a qualifying patient's
9 debilitating medical condition.

10 "Debilitating medical condition" means:

- 11 (1) Cancer, glaucoma, positive status for human
12 immunodeficiency virus, acquired immune deficiency
13 syndrome, or the treatment of these conditions;
- 14 (2) A chronic or debilitating disease or medical condition
15 or its treatment that produces one or more of the
16 following: cachexia or wasting syndrome; severe pain;
17 severe nausea; seizures, including those characteristic
18 of epilepsy; or severe and persistent muscle spasms,
19 including those characteristic of multiple sclerosis;
- 20 or
- 21 (3) Any other medical condition approved by the department
22 of health pursuant to administrative rules in response

1 "Marijuana" shall have the same meaning as provided in
2 section 329-1.

3 "Medical use" means the acquisition, possession,
4 cultivation, use, distribution, or transportation of marijuana or
5 paraphernalia relating to the administration of marijuana to
6 alleviate the symptoms or effects of a qualifying patient's
7 debilitating medical condition.

8 "Parent" means the custodial mother or father, the legal
9 guardian, or any other person having legal custody of a
10 qualifying patient under the age of eighteen years.

11 "Physician" means a person who is licensed under
12 chapter 453.

13 "Primary caregiver" means a person, other than the
14 qualifying patient and the qualifying patient's physician, who is
15 eighteen years of age or older and has significant responsibility
16 for managing the well-being of the qualifying patient.

17 "Qualifying patient" means a person who has been diagnosed
18 by a physician as having a debilitating medical condition.

19 "Written documentation" means a statement signed by a
20 qualifying patient's physician or medical records of the
21 qualifying patient stating that in the physician's professional
22 opinion, the potential benefits of the medical use of marijuana
23 would likely outweigh the health risks for the qualifying

1 patient.

2 **§329-B Medical use of marijuana; permitted when.**(a)

3 Notwithstanding any law to the contrary, the medical use of
4 marijuana by a qualifying patient, or the furnishing of marijuana
5 for medical use by the qualifying patient's primary caregiver, as
6 appropriate, shall be permitted, if that qualifying patient has
7 been diagnosed by a physician as having a debilitating medical
8 condition; provided that the physician shall have written

9 documentation pertaining to that qualifying patient; and further
10 provided that the amount of marijuana does not exceed an adequate
11 supply.

12 (b) Subsection (a) shall not apply to a qualifying patient
13 under the age of eighteen years, unless:

14 (1) The qualifying patient's physician has explained the
15 potential risks and benefits or the medical use of
16 marijuana to the qualifying patient and to at least one
17 of the qualifying patient's parents; and

18 (2) At least one of the qualifying patient's parents
19 consents in writing to: the qualified patient's
20 medical use of marijuana; serve as the qualifying
21 patient's primary caregiver; and control the
22 acquisition of the marijuana and the dosage and
23 frequency of the medical use of marijuana by the

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1 qualifying patient.

2 (c) This section shall not apply to:

3 (1) Medical use of marijuana that endangers the health or
4 well-being of another person;

5 (2) Medical use of marijuana in a school bus or public bus;
6 on any school grounds; or at any public park, public
7 beach, public recreation center, recreation or youth
8 center, or other place open to the public; and

9 (3) Use of marijuana by a qualifying patient, parent, or
10 primary caregiver for purposes other than medical use.

11 **§329-C Insurance not applicable.** This part shall not be
12 construed to require insurance coverage for the medical use of
13 marijuana."

14 SECTION 3. Chapter 453, Hawaii Revised Statutes, is amended
15 by adding a new section to be appropriately designated and to
16 read as follows:

17 "§453- Medical use of marijuana. No physician shall be
18 subject to arrest or prosecution, penalized in any manner, or
19 denied any right or privilege, for providing a professional
20 opinion or written documentation to a person, whom that physician
21 has diagnosed as having a debilitating medical condition, as

22 defined in section 329-A, about the potential risks and benefits
23 of the medical use of marijuana, as defined in section 329-A;

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1 provided that the professional opinion or written documentation
2 is based upon the physician's assessment of the person's medical
3 history and current medical condition made in the course of a
4 bona fide physician-patient relationship."

5 SECTION 4. Chapter 712, Hawaii Revised Statutes, is amended
6 by adding a new section to part IV, to be appropriately
7 designated and to read as follows:

8 "~~§712-~~ **Marijuana.** (1) No provision of this part that
9 applies to marijuana shall be construed to be violated due to the
10 medical use of marijuana in accordance with part of
11 chapter 329.

12 (2) Marijuana subject to part of chapter 329 and any
13 property used in connection with the medical use of marijuana
14 shall not be subject to search or seizure. Marijuana,
15 paraphernalia, or other property seized from a qualifying patient
16 or primary caregiver in connection with claimed medical use shall
17 be returned immediately upon the determination by a court that
18 the qualifying patient or primary caregiver is entitled to the
19 protections of part of chapter 329, as evidenced by a
20 decision not to prosecute, dismissal of the charges, or an
21 acquittal.

22 (3) A person shall not be subject to arrest for being in
23 the presence or vicinity of the medical use of marijuana.

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1 (4) It shall be an affirmative defense for prosecution
2 involving marijuana under this part that there was compliance
3 with part of chapter 329; provided that the qualifying
4 patient's physician, in the context of a bona fide
5 physician-patient relationship, has stated that in the
6 physician's professional opinion, the potential benefits of the
7 medical use of marijuana would likely outweigh the health risks

8 for the particular qualifying patient.

9 (5) Misrepresentation of any fact or circumstance relating
10 to subsection (1), (2), or (3) to avoid prosecution under this
11 part shall be subject to imprisonment of up to thirty days and a
12 fine of \$500, in addition to any other penalties that may apply
13 for the non-medical use of marijuana.

14 (6) In any criminal proceeding under this part in which a
15 physician is called to testify, testimony by the physician shall
16 be in private in chambers. Upon request of the physician who
17 testifies, if the testimony is subsequently used in a public
18 proceeding, whether criminal or civil, the name of the physician
19 shall not be disclosed.

20 (7) For the purposes of this section:

21 "Marijuana" shall have the same meaning as provided in
22 section 712-1240; and

23 "Medical use" shall have the same meaning as provided in

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1 section 329-A.

2 "Physician" shall have the same meaning as provided in
3 section 329-A."

4 SECTION 5. Section 453-8, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) In addition to any other actions authorized by law,
7 any license to practice medicine and surgery may be revoked,
8 limited, or suspended by the board at any time in a proceeding
9 before the board, or may be denied, for any cause authorized by
10 law, including but not limited to the following:

- 11 (1) Procuring, or aiding or abetting in procuring, a
12 criminal abortion;
- 13 (2) Employing any person to solicit patients for one's
14 self;
- 15 (3) Engaging in false, fraudulent, or deceptive
16 advertising, including, but not limited to:
- 17 (A) Making excessive claims of expertise in one or
18 more medical specialty fields;
- 19 (B) Assuring a permanent cure for an incurable
20 disease; or

21 (C) Making any untruthful and improbable statement in
22 advertising one's medical or surgical practice or
23 business;

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- 1 (4) Being habituated to the excessive use of drugs or
2 alcohol; or being addicted to, dependent on, or a
3 habitual user of a narcotic, barbiturate, amphetamine,
4 hallucinogen, or other drug having similar effects;
- 5 (5) Practicing medicine while the ability to practice is
6 impaired by alcohol, drugs, physical disability, or
7 mental instability;
- 8 (6) Procuring a license through fraud, misrepresentation,
9 or deceit or knowingly permitting an unlicensed person
10 to perform activities requiring a license;
- 11 (7) Professional misconduct, hazardous negligence causing
12 bodily injury to another, or manifest incapacity in the
13 practice of medicine or surgery;
- 14 (8) Incompetence or multiple instances of negligence,
15 including, but not limited to, the consistent use of
16 medical service which is inappropriate or unnecessary;
- 17 (9) Conduct or practice contrary to recognized standards of
18 ethics of the medical profession as adopted by the
19 Hawaii Medical Association or the American Medical
20 Association;
- 21 (10) Violation of the conditions or limitations upon which a
22 limited or temporary license is issued;
- 23 (11) Revocation, suspension, or other disciplinary action by

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1 another state or federal agency of a license,
2 certificate, or medical privilege for reasons as
3 provided in this section;

- 4 (12) Conviction, whether by nolo contendere or otherwise, of
5 a penal offense substantially related to the
6 qualifications, functions, or duties of a physician,

7 notwithstanding any statutory provision to the

8 contrary;

9 (13) Violation of chapter 329, the uniform controlled
10 substances act, or any rule adopted thereunder[;]
11 except as provided in section 329-B;

12 (14) Failure to report to the board, in writing, any
13 disciplinary decision issued against the licensee or
14 the applicant in another jurisdiction within thirty
15 days after the disciplinary decision is issued; or

16 (15) Submitting to or filing with the board any notice,
17 statement, or other document required under this
18 chapter, which is false or untrue or contains any
19 material misstatement or omission of fact."

20 SECTION 6. This Act shall not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun, before its effective date.

23 SECTION 7. If any provision of this Act, or the application

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1 thereof to any person or circumstance is held invalid, the
2 invalidity does not affect other provisions or applications of
3 the Act which can be given effect without the invalid provision
4 or application, and to this end the provisions of this Act are
5 severable.

6 SECTION 8. In codifying the new sections added by this Act,
7 the revisor shall substitute the appropriate section numbers for
8 the letters used in designating the new sections of this Act.

9 SECTION 9. Statutory material to be repealed is bracketed.
10 New statutory material is underscored.

11 SECTION 10. This Act shall take effect upon its approval.

12

13

INTRODUCED BY: _____

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The legislature finds that one of the top
2 recommendations of the "Medical Cannabis Working Group Report to
3 the Hawaii State Legislature" in 2010 was the transfer of the
4 administration of Hawaii's medical use of marijuana program from
5 the department of public safety to the department of health.
6 The status of the medical use of marijuana program as a public
7 health program is more in line with the mission and expertise of
8 the department of health. The department of health is
9 experienced in working with patients and health programs,
10 including important tasks such as public outreach and education,
11 and safeguarding patient privacy.

12 The purpose of this Act is to transfer the State's medical
13 use of marijuana program from the department of public safety to
14 the department of health.

15 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:



1 "§321- Medical marijuana registry special fund;
2 established. (a) There is established within the state
3 treasury the medical marijuana registry special fund. The fund
4 shall be expended at the discretion of the director of health:
5 (1) To offset the cost of the processing and issuance of
6 patient registry identification certificates and
7 primary caregiver registration certificates;
8 (2) To fund positions authorized by the legislature;
9 (3) To establish and manage a secure and confidential
10 database; and
11 (4) For any other expenditure necessary, as authorized by
12 the legislature, to implement a medical marijuana
13 registry program.

14 (b) The fund shall consist of all moneys derived from fees
15 collected pursuant to subsection (c). All fees collected
16 pursuant to subsection (c) shall be deposited into the medical
17 marijuana registry special fund.

18 (c) The department, upon completion of the transfer of the
19 medical use of marijuana program, shall charge a medical
20 marijuana registration fee of no more than \$35."

21 SECTION 3. Section 329-59, Hawaii Revised Statutes, is
22 amended to read as follows:



1 "§329-59 Controlled substance registration revolving fund;
2 **established.** (a) There is established within the state
3 treasury the controlled substance registration revolving fund.
4 The fund shall be expended at the discretion of the director of
5 public safety for the purpose of:

6 (1) Offsetting the cost of the electronic prescription
7 accountability system, investigation of violations of
8 this chapter, the registration and control of the
9 manufacture, distribution, prescription, and
10 dispensation of controlled substances and regulated
11 chemicals listed under section 329-61, within the
12 State [~~and the processing and issuance of a patient~~
13 ~~registry identification certificate designated under~~
14 ~~part IX~~];

15 (2) Funding positions authorized by the legislature by
16 law; and

17 (3) Funding the narcotics enforcement division's forensic
18 drug laboratory facility.

19 (b) The fund shall consist of all moneys derived from fees
20 collected pursuant to sections 329-31[~~7~~] and 329-67[~~7~~ ~~and 329-~~
21 ~~123(b)~~] and legislative appropriations. All fees collected
22 pursuant to sections 329-31[~~7~~] and 329-67[~~7~~ ~~and 329-123(b)~~]



1 shall be deposited in the controlled substance registration
2 revolving fund."

3 SECTION 4. (a) No later than January 1, 2015, all rights,
4 powers, functions, and duties of the department of public safety
5 relating to the medical use of marijuana under part IX of
6 chapter 329, Hawaii Revised Statutes, shall be transferred to
7 the department of health.

8 (b) All employees who occupy civil service positions and
9 whose functions are transferred to the department of health by
10 this Act shall retain their civil service status, whether
11 permanent or temporary. Employees shall be transferred without
12 loss of salary, seniority (except as prescribed by applicable
13 collective bargaining agreement), retention points, prior
14 service credit, any vacation and sick leave credits previously
15 earned, and other rights, benefits, and privileges, in
16 accordance with state personnel laws and this Act; provided that
17 the employees possess the minimum qualifications and public
18 employment requirements for the class or position to which
19 transferred or appointed, as applicable; provided further that
20 subsequent changes in status may be made pursuant to applicable
21 civil service and compensation laws.



1 Any employee who, prior to this Act, is exempt from civil
2 service and is transferred as a consequence of this Act, may
3 continue to retain the employee's exempt status, but shall not
4 be appointed to a civil service position as a consequence of
5 this Act. An exempt employee who is transferred by this Act
6 shall not suffer any loss of prior service credit, vacation or
7 sick leave credits previously earned, or other employee benefits
8 or privileges as a consequence of this Act; provided that the
9 employees possess legal and public employment requirements for
10 the position to which transferred or appointed, as applicable;
11 provided further that subsequent changes in status may be made
12 pursuant to applicable employment and compensation laws. The
13 director of health may prescribe the duties and qualifications
14 of such employees and fix their salaries without regard to
15 chapter 76, Hawaii Revised Statutes.

16 SECTION 5. The department of public safety shall
17 facilitate the transfer of functions pursuant to this Act by
18 collaborating with, cooperating with, and assisting the
19 department of health with assuming jurisdiction of and
20 responsibilities for the medical use of marijuana program.

21 In order to facilitate the transfer of functions pursuant
22 to this Act, until all relevant records are transferred to the



1 department of health, the duties of the department of public
2 safety shall include but not be limited to maintaining a
3 confirmation service of the registration and certification of
4 physicians, qualifying patients, and primary caregivers,
5 pursuant to section 329-123, Hawaii Revised Statutes, which
6 service shall operate twenty-four hours per day, seven days per
7 week, and shall be accessible to the department of health.

8 SECTION 6. All appropriations, records, equipment,
9 machines, files, supplies, contracts, books, papers, documents,
10 maps, and other personal property heretofore made, used, or
11 acquired exclusively for the medical use of marijuana program,
12 or held by the department of public safety relating to the
13 functions transferred to the department of health shall be
14 transferred with the functions to which they relate.

15 SECTION 7. All surplus moneys collected exclusively for
16 the medical use of marijuana program by the department of public
17 safety pursuant to section 329-123(b), Hawaii Revised Statutes,
18 on or before June 30, 2013, and placed into the controlled
19 substance registration revolving fund established by section
20 329-59, Hawaii Revised Statutes, after all medical use of
21 marijuana program expenses have been paid by the department of
22 public safety, shall be transferred, into the medical marijuana



1 registry special fund by September 1, 2013. On January 1, 2015,
2 any surplus moneys collected exclusively for the medical use of
3 marijuana program by the department of public safety pursuant to
4 section 329-123(b), Hawaii Revised Statutes, between September
5 1, 2013, and December 31, 2014, shall be transferred into the
6 medical marijuana registry special fund.

7 SECTION 8. All rules, policies, procedures, guidelines,
8 and other material adopted or developed by the department of
9 public safety that are reenacted or made applicable to the
10 department of health by this Act shall remain in full force and
11 effect until amended or repealed by the department of health
12 pursuant to chapter 91, Hawaii Revised Statutes. In the
13 interim, every reference to the department of public safety or
14 director of public safety in those rules, policies, procedures,
15 guidelines, and other material is amended to refer to the
16 department of health or director of health, as appropriate.

17 SECTION 9. 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 10. The department of public safety and the
22 department of health shall develop and implement a plan for



1 transferring the medical use of marijuana program from the
2 department of public safety to the department of health with
3 implementation of the transfer completed by January 1, 2015,
4 pursuant to this Act. The plan shall include recommendations
5 regarding the staffing and operational expenses of the program
6 once the transfer to the department of health is completed and a
7 timeline for the transfer that includes, but is not limited to,
8 a plan for the promulgation of rules by the department of
9 health, for the establishment and management of a secure and
10 confidential database, and for a confirmation service of the
11 registration and certification of qualifying patients and
12 primary caregivers.

13 SECTION 11. The department of public safety and the
14 department of health shall submit a joint report on the transfer
15 of the medical use of marijuana program, including the plan and
16 timeline for the transfer, and the progress made, to the
17 legislature no later than twenty days prior to the convening of
18 the regular sessions of 2014 and 2015.

19 SECTION 12. There is appropriated out of the medical
20 marijuana registry special fund of the State of Hawaii the sum
21 of \$150,000 or so much thereof as may be necessary for fiscal
22 year 2013-2014 and the same sum or so much thereof as may be



1 necessary for fiscal year 2014-2015 to effectuate the transfer
2 of the medical use of marijuana program from the department of
3 public safety to the department of health.

4 The sums appropriated shall be expended by the department
5 of health for the purposes of this Act.

6 SECTION 13. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 14. This Act shall take effect upon its approval;
9 provided that section 3 of this Act shall take effect on January
10 1, 2015.



Report Title:

Medical Marijuana Program; Transfer of Responsibilities

Description:

Authorizes transfer of the medical use of marijuana program from the Department of Public Safety to the Department of Health. Requires joint reports to the Legislature. Establishes Medical Marijuana Registry Special Fund. Makes appropriation. (HB668 CD1)

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



A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The legislature finds that the State's medical
2 marijuana program was enacted into law in 2000 as a public
3 health program conceived out of compassion for the health and
4 welfare of the seriously ill. After twelve years, the
5 experience of the program indicates that improvements to the law
6 will help to fulfill its original intent by clarifying
7 provisions and removing serious obstacles to patient access and
8 physician participation.

9 The purpose of this Act is to amend the medical use of
10 marijuana law to address the concerns of Hawaii's seriously ill
11 patients.

12 SECTION 2. Section 329-121, Hawaii Revised Statutes, is
13 amended as follows:

14 1. By amending the definition of "adequate supply" to
15 read:

16 "Adequate supply" means an amount of marijuana jointly
17 possessed between the qualifying patient and the primary
18 caregiver that is not more than is reasonably necessary to



1 assure the uninterrupted availability of marijuana for the
2 purpose of alleviating the symptoms or effects of a qualifying
3 patient's debilitating medical condition; provided that an
4 "adequate supply" shall not exceed [~~three mature~~] seven
5 marijuana plants [~~, four immature marijuana plants, and one~~
6 ~~ounce~~], whether immature or mature, and four ounces of usable
7 marijuana [~~per each mature plant.~~] at any given time."

8 2. By amending the definition of "medical use" to read:

9 "Medical use" means the acquisition, possession,
10 cultivation, use, distribution, or transportation of marijuana
11 or paraphernalia relating to the administration of marijuana to
12 alleviate the symptoms or effects of a qualifying patient's
13 debilitating medical condition. For the purposes of "medical
14 use", the term distribution is limited to the transfer of
15 marijuana and paraphernalia [~~from the primary caregiver to the~~
16 ~~qualifying patient~~]."

17 3. By amending the definition of "primary caregiver" to
18 read:

19 "Primary caregiver" means a person[~~7~~] eighteen years of
20 age or older, other than the qualifying patient and the
21 qualifying patient's physician, [~~who is eighteen years of age or~~
22 ~~older~~] who has agreed to undertake responsibility for managing



1 the well-being of the qualifying patient with respect to the
2 medical use of marijuana. In the case of a minor or an adult
3 lacking legal capacity, the primary caregiver shall be a parent,
4 guardian, or person having legal custody."

5 4. By amending the definition of "usable marijuana" to
6 read:

7 "Usable marijuana" means the dried leaves and flowers of
8 the plant Cannabis family Moraceae, and any mixture [†]or[†]
9 preparation thereof, that are appropriate for the medical use of
10 marijuana. "Usable marijuana" does not include the seeds,
11 stalks, and roots of the plant."

12 5. By amending the definition of "written certification"
13 to read:

14 "Written certification" means the qualifying patient's
15 medical records or a statement signed by a qualifying patient's
16 physician, stating that in the physician's professional opinion,
17 the qualifying patient has a debilitating medical condition and
18 the potential benefits of the medical use of marijuana would
19 likely outweigh the health risks for the qualifying patient.
20 The department of [~~public safety~~] health may require, through
21 its rulemaking authority, that all written certifications comply



1 with a designated form. "Written certifications" are valid for
2 only one year from the time of signing."

3 SECTION 3. Section 329-122, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) Notwithstanding any law to the contrary, the medical
6 use of marijuana by a qualifying patient shall be permitted only
7 if:

8 (1) The qualifying patient has been diagnosed by a
9 physician as having a debilitating medical condition;

10 (2) The qualifying patient's physician has certified in
11 writing that, in the physician's professional opinion,
12 the potential benefits of the medical use of marijuana
13 would likely outweigh the health risks for the
14 particular qualifying patient; and

15 (3) The amount of marijuana possessed by the qualifying
16 patient does not exceed an adequate supply."

17 SECTION 4. Section 329-123, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§329-123 Registration requirements.** (a) Physicians who
20 issue written certifications shall [~~register the names,~~
21 ~~addresses, patient identification numbers,~~] provide, in each
22 written certification, the name, address, patient identification



1 number, and other identifying information of the [patients
2 issued written certifications with the department of public
3 safety.] qualifying patient. The department of health shall
4 require, in rules adopted pursuant to chapter 91, that all
5 written certifications comply with a designated form completed
6 by or on behalf of a qualifying patient. The form shall require
7 information from the applicant, primary caregiver, and primary
8 care physician as specifically required or permitted by this
9 chapter. The form shall require the address of the location
10 where the marijuana is grown and shall appear on the registry
11 card issued by the department of health. The certifying
12 physician shall be required to be the qualifying patient's
13 primary care physician. All current active medical marijuana
14 permits shall be honored through their expiration date.

15 (b) Qualifying patients shall register with the department
16 of [~~public safety.~~] health. The registration shall be effective
17 until the expiration of the certificate issued by the department
18 of health and signed by the physician. Every qualifying patient
19 shall provide sufficient identifying information to establish
20 the personal identities of the qualifying patient and the
21 primary caregiver. Qualifying patients shall report changes in
22 information within [~~five~~] ten working days. Every qualifying



1 patient shall have only one primary caregiver at any given time.
2 The department of health shall ~~[then]~~ issue to the qualifying
3 patient a registration certificate, and ~~[may]~~ shall charge [a
4 ~~reasonable fee not to exceed~~] \$35 ~~[-]~~ per year.

5 (c) Primary caregivers shall register with the department
6 of ~~[public safety-]~~ health. Every primary caregiver shall be
7 responsible for the care of only one qualifying patient at any
8 given time.

9 (d) Upon ~~[an]~~ inquiry by a law enforcement agency, which
10 inquiry may be made twenty-four hours a day, seven days a week,
11 the department of ~~[public safety]~~ health shall immediately
12 verify whether the ~~[particular qualifying patient]~~ subject of
13 the inquiry has registered with the department of health and may
14 provide reasonable access to the registry information for
15 official law enforcement purposes."

16 SECTION 5. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 6. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 7. This Act shall take effect on January 2, 2015.



Report Title:

Medical Use of Marijuana

Description:

Amends the definitions of "adequate supply", "medical use", "primary caregiver", "usable marijuana", and "written certification". Allows the medical use of marijuana if the amount of marijuana possessed by the qualifying patient does not exceed an adequate supply. Amends registration requirements. Allows inquiries by law enforcement agencies regarding registration status to be made 24 hours a day, 7 days a week. Requires DOH to immediately verify, upon inquiry, whether the subject of an inquiry is registered with DOH. Takes effect 1/2/2015. (CD1)

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