

MAR 11 2016

SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO CONSIDER AMENDING CHAPTER 160, HAWAII ADMINISTRATIVE RULES, TO ALLOW PHYSICIANS TO CERTIFY PATIENTS FOR LOW TETRAHYDROCANNABINOL (THC) MEDICAL MARIJUANA FOR CONDITIONS BEYOND THOSE INCLUDED ON THE CURRENT LIST OF DEBILITATING MEDICAL CONDITIONS APPROVED FOR MEDICAL MARIJUANA.

1 WHEREAS, there are 23 states, plus the District of Columbia
2 and Guam, that allow comprehensive public medical marijuana and
3 cannabis programs for their residents, and four states, plus the
4 District of Columbia, that have legalized marijuana for
5 recreational use; and

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7 WHEREAS, the State established its medical marijuana
8 program in 2000, affording patients statewide access to relief
9 and care for a number of eligible medical conditions; and

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11 WHEREAS, chapter 160, Hawaii Administrative Rules (HAR),
12 sets forth rules for the Medical Use of Marijuana Program,
13 including the process to amend the list of debilitating medical
14 conditions approved for medical marijuana and the petition
15 process for a physician or potentially qualifying patient to
16 file a petition with the Department of Health to add a medical
17 condition to the list of debilitating medical conditions; and

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19 WHEREAS, this process requires a public administrative
20 hearing, which may be held as infrequently as once a year; and

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22 WHEREAS, petitioning to amend the administrative rules is
23 the only way a patient with a condition that is not on the
24 approved list can obtain medical marijuana; and

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26 WHEREAS, since the medical marijuana program's inception in
27 2000, there have been no changes to the list of debilitating
28 medical conditions until post-traumatic stress disorder was
29 added in 2015 by legislative action; and



1 WHEREAS, the Legislature recognizes concerns regarding the
2 potential abuse of medical marijuana, particularly marijuana's
3 primary psychoactive compound, THC; and
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5 WHEREAS, there is benefit to expanding the list of eligible
6 medical conditions specifically for medical marijuana with low
7 THC content, as such allowances would afford patients increased
8 access to much-needed medicine without an increased opportunity
9 for the abuse of the psychoactive component of the drug; and
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11 WHEREAS, California Health and Safety Code section 11357-
12 11362.9 provides Californians with "the right to obtain and use
13 marijuana for medical purposes where that medical use is deemed
14 appropriate and has been recommended by a physician who has
15 determined that the person's health would benefit from the use
16 of marijuana in the treatment of cancer, anorexia, AIDS, chronic
17 pain, spasticity, glaucoma, arthritis, migraine, or any other
18 illness for which marijuana provides relief"; and
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20 WHEREAS, physicians nationwide are currently permitted to
21 prescribe the medication marinol, the active ingredient of which
22 is synthetic THC; now, therefore,
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24 BE IT RESOLVED by the Senate of the Twenty-eighth
25 Legislature of the State of Hawaii, Regular Session of 2016,
26 that the Department of Health is requested to consider amending
27 chapter 160, HAR, to allow physicians to certify patients for
28 low THC medical marijuana for conditions beyond those included
29 on the current list of debilitating medical conditions approved
30 for medical marijuana, at the discretion of the physician; and
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32 BE IT FURTHER RESOLVED that certified copies of this
33 Resolution be transmitted to the Director of Health.
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OFFERED BY: Will Zero
Russ E. Pyle

