
A BILL FOR AN ACT

RELATING TO MEDICAL MARIJUANA.

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

1 SECTION 1. Hawaii's medical use of marijuana law was
2 enacted on June 14, 2000, as Act 228, Session Laws of Hawaii
3 2000, to provide medical relief for seriously ill individuals in
4 the State. At the time of Act 228's passage, the legislature
5 found that, "modern medical research has discovered a beneficial
6 use for marijuana in treating or alleviating the pain or other
7 symptoms associated with certain debilitating illnesses. There
8 is sufficient medical and anecdotal evidence to support the
9 proposition that these diseases and conditions may respond
10 favorably to a medically controlled use of marijuana." Act 228
11 authorized the use of medical marijuana by patients affected by
12 cancer, glaucoma, positive HIV status or AIDS, and chronic or
13 debilitating diseases that result in cachexia or wasting
14 syndrome, severe pain, severe nausea, seizures including those
15 characteristic of epilepsy, severe and persistent muscle spasms
16 including those characteristic of multiple sclerosis or Crohn's



1 disease, and other medical conditions approved by the department
2 of health.

3 The legislature finds that since the passage of Act 228,
4 only one additional medical condition, post-traumatic stress
5 disorder, has been added to the statutory list of conditions
6 that may be treated with medical marijuana, despite a growing
7 body of sufficient medical and anecdotal evidence to support the
8 proposition that many other conditions respond favorably to such
9 treatment. Moreover, the department of health has not adopted
10 administrative rules adding additional conditions.

11 The legislature finds that the medical use of marijuana is
12 permitted by law in the vast majority of United States
13 jurisdictions. Forty-one states plus Washington D.C., Guam, and
14 Puerto Rico currently authorize the medical use of some form of
15 cannabis to treat at least one qualifying condition. The most
16 common single qualifying condition across the nation is
17 epilepsy. Twenty-five states specifically name epilepsy as a
18 qualifying condition for medical marijuana use, and an
19 additional eleven states permit medical marijuana use for
20 seizures or seizure disorders without specifying epilepsy. The
21 next most common condition for which medical use of marijuana is



1 authorized is multiple sclerosis, which is listed in twenty-four
2 jurisdictions specifically as a qualifying condition. An
3 additional five states list severe or persistent muscle spasms,
4 the most prevalent symptom of multiple sclerosis, as a
5 qualifying condition. Individuals who experience seizures or
6 muscle spasms, including those associated with epilepsy or
7 multiple sclerosis, are already eligible to use medical
8 marijuana in Hawaii.

9 The legislature finds that each condition added by this Act
10 to the list of debilitating medical conditions that may be
11 treated in Hawaii by the medical use of marijuana is already
12 included as a qualifying condition in at least one other
13 American jurisdiction. Lupus is specifically listed in one
14 state, and arthritis is specifically listed in four. However,
15 patients with either of these conditions may also be eligible to
16 participate in medical marijuana use programs in the twenty
17 additional states that authorize use based on severe or chronic
18 pain or the five that authorize use for peripheral neuropathy,
19 which are major symptoms of both conditions.

20 The legislature finds that, based on the growing body of
21 both clinical and experiential evidence in other states, there



1 is sufficient support for including lupus, epilepsy, multiple
2 sclerosis, and arthritis to the list of debilitating medical
3 conditions that may be treated by the medically controlled use
4 of marijuana.

5 SECTION 2. Section 329-121, Hawaii Revised Statutes, is
6 amended by amending the definition of "debilitating medical
7 condition" to read as follows:

8 "Debilitating medical condition" means:

- 9 (1) Cancer, glaucoma, lupus, epilepsy, multiple sclerosis,
10 arthritis, positive status for human immunodeficiency
11 virus, acquired immune deficiency syndrome, or the
12 treatment of these conditions;
- 13 (2) A chronic or debilitating disease or medical condition
14 or its treatment that produces one or more of the
15 following:
- 16 (A) Cachexia or wasting syndrome;
 - 17 (B) Severe pain;
 - 18 (C) Severe nausea;
 - 19 (D) Seizures, including those characteristic of
20 epilepsy;



- 1 (E) Severe and persistent muscle spasms, including
- 2 those characteristic of multiple sclerosis or
- 3 Crohn's disease; or
- 4 (F) Post-traumatic stress disorder; or
- 5 (3) Any other medical condition approved by the department
- 6 of health pursuant to administrative rules in response
- 7 to a request from a physician or advanced practice
- 8 registered nurse or potentially qualifying patient."
- 9 SECTION 3. New statutory material is underscored.
- 10 SECTION 4. This Act shall take effect on July 1, 2070.



Report Title:

Medical Marijuana; Debilitating Medical Condition

Description:

Amends the definition of debilitating medical condition to include lupus, epilepsy, multiple sclerosis, and arthritis as conditions that qualify for the legal use of medical marijuana.
(SB174 HD2)

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

