
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 Act 228's passage, only
4 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. The department of health has not adopted
10 administrative rules adding additional conditions, either.

11 The legislature finds that 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 it as a
18 qualifying condition for medical marijuana use and an additional
19 eleven permit use for seizures or seizure disorders without
20 specifying epilepsy. The next most common condition for which
21 medical use of marijuana is authorized is multiple sclerosis,



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

8 The legislature finds that all of the conditions added by
9 this measure to the list of debilitating medical conditions that
10 may be treated in Hawaii by the medical use of marijuana are
11 already included as qualifying conditions in at least one other
12 American jurisdiction. Lupus is specifically listed in one
13 state and arthritis is specifically listed in four. However,
14 patients with either of these conditions may also be eligible to
15 participate in medical marijuana use programs in the twenty
16 additional states that authorize use based on severe or chronic
17 pain or the five that authorize use for peripheral neuropathy,
18 which are major symptoms of both conditions. Autism is
19 specifically listed in only one state, Pennsylvania. However,
20 both Colorado and New Jersey have statutorily authorized the use
21 of medical marijuana at schools by qualified patients in those



1 states based upon the specific experiences of individual
2 students with autism and their parents who advocated for the
3 right to access treatment there. Further, because of parent and
4 patient advocacy efforts, the national media has reported that
5 individuals, including children, in several other states have
6 been authorized to use medical marijuana to treat autism. To
7 date, no state has reported serious adverse effects resulting
8 from treatment with medical marijuana of any authorized
9 condition and no state has revoked authorization for any
10 condition once it has been granted.

11 The legislature finds that, based on the growing body of
12 both clinical and experiential evidence in other states, there
13 is sufficient support for including lupus, epilepsy, multiple
14 sclerosis, arthritis, and autism to the list of debilitating
15 medical conditions that may be treated by medically controlled
16 use of marijuana.

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

20 "Debilitating medical condition" means:



- 1 (1) Cancer, glaucoma, lupus, epilepsy, multiple sclerosis,
2 arthritis, autism, positive status for human
3 immunodeficiency virus, acquired immune deficiency
4 syndrome, or the treatment of these conditions;
- 5 (2) A chronic or debilitating disease or medical condition
6 or its treatment that produces one or more of the
7 following:
 - 8 (A) Cachexia or wasting syndrome;
 - 9 (B) Severe pain;
 - 10 (C) Severe nausea;
 - 11 (D) Seizures, including those characteristic of
12 epilepsy;
 - 13 (E) Severe and persistent muscle spasms, including
14 those characteristic of multiple sclerosis or
15 Crohn's disease; or
 - 16 (F) Post-traumatic stress disorder; or
- 17 (3) Any other medical condition approved by the department
18 of health pursuant to administrative rules in response
19 to a request from a physician or advanced practice
20 registered nurse or potentially qualifying patient."

21 SECTION 3. New statutory material is underscored.



1 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, arthritis, and autism as conditions that qualify for the legal use of medical marijuana. (SB174 HD1)

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