
A BILL FOR AN ACT

RELATING TO CIVIL SERVICE EXEMPTION FOR THE MEDICAL MARIJUANA
DISPENSARY PROGRAM.

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

1 SECTION 1. The purpose of this Act is to temporarily
2 extend the exemption from chapter 76, Hawaii Revised Statutes,
3 for the five full-time medical marijuana dispensary program
4 personnel at the department of health, authorized by Act 241,
5 Session Laws of Hawaii 2015.

6 The department of health requested exempt staffing to meet
7 the deadlines established in statute that became effective on
8 July 1, 2015, including provision of merit-based selection
9 criteria by January 4, 2016, making available the license
10 application by January 11, 2016, announcement of licensees by
11 April 15, 2016, and dispensing of products by dispensaries no
12 earlier than July 15, 2016. Due to the novelty of the program,
13 a local workforce with specific and specialized experience in
14 medical marijuana dispensaries regulation was not available.

15 The department has made steady progress but is in jeopardy
16 of losing medical marijuana dispensary program staff after the
17 exemption from chapter 76, Hawaii Revised Statutes, ends on



1 June 30, 2017, because of the reduction in salary from
2 conversion to civil service. An additional three years of civil
3 service exemption is necessary to stabilize program operations,
4 after which the department will reassess staffing needs.

5 SECTION 2. Act 241, Session Laws of Hawaii 2015, is
6 amended by amending section 14 to read as follows:

7 "SECTION 14. For the purposes of effectuating this Act,
8 the personnel hired and the contracts entered into by the
9 department of health, pursuant to this Act, shall be exempt from
10 chapter 76, Hawaii Revised Statutes, for a period beginning on
11 July 1, 2015, and ending on June 30, [~~2017~~] 2020; provided
12 that:

13 (1) All personnel actions taken pursuant to this Act by
14 the department of health after June 30, [~~2017~~] 2020,
15 shall be subject to chapter 76, Hawaii Revised
16 Statutes, as appropriate; and

17 (2) Any employee hired by the department of health to
18 effectuate this Act, who occupies a position exempt
19 from civil service on July 1, [~~2017~~] 2020, shall:

20 (A) Be appointed to a civil service position; and



1 (B) Not suffer any loss of prior service credit,
2 vacation or sick leave credits previously earned,
3 or other employee benefits or privileges;
4 provided that the employee possesses the minimum
5 qualifications and public employment requirements for
6 the class or position to which appointed;
7 provided further that subsequent changes in status
8 shall be made pursuant to applicable civil service and
9 compensation laws.

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on June 30, 2017.
13



Report Title:

Medical Marijuana Dispensary System; Civil Service Exemptions

Description:

Extends exemption from civil service for medical marijuana dispensary program staff in the Department of Health hired after July 1, 2015, to June 30, 2020. Takes effect 6/30/2017. (SD1)

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