

JAN 27 2021

A BILL FOR AN ACT

RELATING TO THE OFFICE OF MEDICAL CANNABIS CONTROL AND
REGULATION.

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

1 SECTION 1. Act 159, Session Laws of Hawaii (SLH) 2018,
2 established the office of medical cannabis control and
3 regulation (OMCCR) under the health resources administration of
4 the department of health to administer medical cannabis
5 dispensary licensure and regulation pursuant to chapter 329D,
6 and the registration of qualifying patients and primary
7 caregivers pursuant to chapter 329, part IX, Hawaii Revised
8 Statutes.

9 The purpose of this Act is to allow the department of
10 health to fully operationalize the office of medical cannabis
11 control and regulation to ensure patient access and regulatory
12 oversight of the licensed dispensaries by:

13 (1) Changing the means of financing for general-funded
14 OMCCR positions from general funds to the medical
15 cannabis registry and regulation special fund;

16 (2) Establishing, hiring, and filling three new permanent
17 full-time equivalent positions (3.0 FTE) funded by the

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1 medical cannabis registry and regulation special fund;
2 and

3 (3) Authorizing a \$10.00 per year increase to the patient
4 registration fee beginning in FY 2022.

5 SECTION 2. Section 329-123, Hawaii Revised Statutes, is
6 amended by amending subsection (b) to read as follows:

7 "(b) Qualifying patients shall register with the
8 department of health. The registration shall be effective until
9 the expiration of the certificate issued by the department of
10 health and signed by the physician or advanced practice
11 registered nurse. Every qualifying patient shall provide
12 sufficient identifying information to establish the personal
13 identities of the qualifying patient and the primary
14 caregiver. Qualifying patients shall report changes in
15 information within ten working days. Every qualifying patient
16 shall have only one primary caregiver at any given time. The
17 department of health shall issue to the qualifying patient a
18 registration certificate, and shall charge [~~\$35~~] \$45 per year."

19 SECTION 3. Section 329-123.5, Hawaii Revised Statutes, is
20 amended by amending subsection (e) to read as follows:

21 "(e) Each qualifying out-of-state patient shall pay a fee
22 of [~~\$45~~] \$55 for each registration and renewal."

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1 SECTION 4. There is appropriated out of the medical
2 cannabis registry and regulation special fund the sum of
3 \$ _____ or so much thereof as may be necessary for fiscal
4 year 2021-2022 for staff and operations of the office of medical
5 cannabis control and regulation, including the establishment of
6 three permanent full-time equivalent (3.00 FTE) positions.

7 The sum appropriated shall be expended by the department of
8 health for the purposes of this Act.

9 SECTION 5. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underlined.

11 SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY: _____



BY REQUEST

S.B. NO. 1139

Report Title:

Department of Health; Office of Medical Cannabis Control and Regulation; Fees

Description:

Increase patient registration fee by \$10, add 3.0 FTE, and change means of finance for positions.

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

JUSTIFICATION SHEET

DEPARTMENT: HEALTH

TITLE: A BILL FOR AN ACT RELATING TO THE OFFICE OF MEDICAL CANNABIS CONTROL AND REGULATION.

PURPOSE: Change of means of finance for program operations; authorize three additional (3.0 FTE), and raise patient registration fees by \$10.

MEANS: Amend sections 321-30.1, 329-123, and 329-123.5, Hawaii Revised Statutes.

JUSTIFICATION: Shifting the means of finance for the program and increasing its revenue will diminish dependence on general funds and contribute to a more financially self-sustaining program.

Impact on the public: Patient registration fees for in-state patients will increase from \$35 per year to \$45 per year, and for out-of-state patients from \$45 per year to \$55 per year. Patients will benefit because they will have access to a greater and safer array of medical cannabis products.

Impact on the department and other agencies:
N/A.

GENERAL FUND: Approximate savings of \$941,332.

OTHER FUNDS: Medical cannabis registry and regulation special fund, as established by section 321-30.1, Hawaii Revised Statutes.

PPBS PROGRAM DESIGNATION: HTH-595.

OTHER AFFECTED AGENCIES: N/A.

EFFECTIVE DATE: Upon approval.