

JAN 20 2023

---

# A BILL FOR AN ACT

RELATING TO MEDICAL CANNABIS.

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

1 SECTION 1. The purpose of this Act is to allow terminally  
2 ill patients to safely use medical cannabis within specified  
3 health care facilities.

4 SECTION 2. Chapter 329, Hawaii Revised Statutes, is  
5 amended by adding a new section to part IX to be appropriately  
6 designated and to read as follows:

7 "§329- Compassionate access; health care facility;  
8 terminally-ill patients; condition of use. (a) A health care  
9 facility shall allow a terminally ill patient to use medical  
10 cannabis in compliance with section 329-122; provided that:

11 (1) The patient's intake of the medical cannabis shall not  
12 be through smoking or use of an electronic smoking  
13 device;

14 (2) The medical cannabis, when not in use, shall be stored  
15 in a securely locked box or other container in a  
16 location that a reasonable person would believe to be  
17 secure;



- 1       (3) The patient shall submit to the health care facility,  
2       documentation establishing that the patient is legally  
3       authorized to use medical cannabis, including a copy  
4       of the patient's registration certificate issued  
5       pursuant to section 329-123(b) or written  
6       certification issued pursuant to section 329-126;
- 7       (4) The patient's medical use of cannabis shall be  
8       included in the patient's medical records; and
- 9       (5) The health care facility shall adopt and disseminate  
10      to its patients:
- 11      (A) A medical cannabis use policy that ensures the  
12      safe operations of the health care facility; the  
13      health and safety of its patients, guests, and  
14      employees; and compliance with other applicable  
15      laws; and
- 16      (B) Written guidelines for the use of medicinal  
17      cannabis by patients on the health care  
18      facility's premises.
- 19      (b) Notwithstanding any other law to the contrary and the  
20      classification of medicinal cannabis as a schedule I controlled  
21      substance, health care facilities permitting patient use of



1 medicinal cannabis shall comply with drug and medication  
2 requirements applicable to Schedule II, III, and IV controlled  
3 substances and shall be subject to enforcement actions by the  
4 department of health.

5 (c) Nothing in this section requires a health care  
6 facility to recommend patients to use medicinal cannabis or  
7 include medicinal cannabis in a patient's discharge plan.

8 (d) Compliance with this section shall not be a condition  
9 for obtaining, retaining, or renewing a license as a health care  
10 facility.

11 (e) This section does not reduce, expand, or otherwise  
12 modify state laws regulating the cultivation, possession,  
13 distribution, or use of cannabis that may otherwise be  
14 applicable.

15 (f) A health care facility shall suspend patient use of  
16 medical cannabis on premises if the health care facility  
17 receives notice or otherwise obtains knowledge that:

18 (1) A federal agency, including the United States  
19 Department of Justice, has initiated an enforcement  
20 action against the health care facility in relation to



1           the facility's compliance with a state-regulated  
2           medical cannabis program; or  
3       (2) A federal agency, including the United States  
4           Department of Justice and United States Department of  
5           Health and Human Services Centers for Medicare and  
6           Medicaid Services has, by rule or otherwise,  
7           prohibited the patient use of medical cannabis on  
8           premises of health care facilities or the facilities'  
9           compliance with a state-regulated medical cannabis  
10          program;  
11 until the facility receives notice from the federal agency  
12 allowing the facility to resume patient use of medicinal  
13 cannabis on premises.

14       (g) No health care facility shall prohibit patient use of  
15 medicinal cannabis on premises due solely on the fact that  
16 cannabis is a Schedule I controlled substance pursuant to the  
17 federal Uniform Controlled Substances Act, or other federal  
18 constraints on the use of medicinal cannabis that were in  
19 existence prior to the enactment of this chapter.

20       (h) This section does not apply to a patient receiving  
21 emergency services and care.



1        (i) For the purposes of this section:

2        "Health care facility" shall have the same meaning as  
3 defined in section 323D-2. "Health care facility" does not  
4 include a chemical dependency recovery hospital or a State  
5 hospital.

6        "Medicinal cannabis" means cannabis or a cannabis product  
7 used by a patient in compliance with section 329-122.

8        "Patient" means an individual admitted to a health care  
9 facility for inpatient treatment.

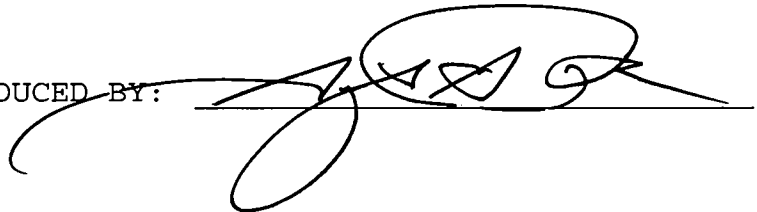
10       "Terminally ill" means having a medical condition that can  
11 reasonably be expected to result in death in twelve months or  
12 less if the medical condition follows its natural course."

13       SECTION 3. New statutory material is underscored.

14       SECTION 4. This Act shall take effect upon its approval.

15

INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and appears to be the name of the legislator who introduced the bill.

# S.B. NO. 673

**Report Title:**

Medical Cannabis; Compassionate Access; Health Care Facility;  
Terminally Ill Patient

**Description:**

Allows health care facilities to permit terminally ill patients  
to use medical cannabis under certain conditions.

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

