
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; conditions of use. (a) A health care
9 facility may 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 may adopt and disseminate to
10 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 medical
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 cannabis as a schedule I controlled substance,
21 health care facilities permitting patient use of medical



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

5 (c) Nothing in this section requires a health care
6 facility to recommend patients to use medical cannabis or
7 include medical 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 shall not be construed to reduce, expand,
12 or otherwise modify state laws regulating the cultivation,
13 possession, distribution, or use of cannabis that may otherwise
14 be 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 or Department of Health and
5 Human Services Centers for Medicare and Medicaid
6 Services has, by rule or otherwise, prohibited the
7 patient use of medical cannabis on premises of health
8 care facilities or the facilities' compliance with a
9 state-regulated medical cannabis program;
10 until the facility receives notice from the federal agency
11 allowing the facility to resume patient use of medical cannabis
12 on premises.

13 (g) This section does not apply to a patient receiving
14 emergency services or care.

15 (h) For the purposes of this section:
16 "Health care facility" shall have the same meaning as
17 defined in section 323D-2. "Health care facility" does not
18 include a chemical dependency recovery hospital, state hospital,
19 or health care programs within jails and prisons operated by the
20 department of public safety or its successor.



1 "Medical cannabis" means cannabis or a cannabis product
2 used by a patient in compliance with section 329-122.

3 "Patient" means an individual admitted to a health care
4 facility for inpatient treatment.

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

8 SECTION 3. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on December 31,
10 2050.



Report Title:

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

Description:

Authorizes health care facilities to allow terminally ill
patients to use medical cannabis under certain conditions.
Effective 12/31/2050. (SD1)

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