
A BILL FOR AN ACT

RELATING TO CANNABIS.

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

1 SECTION 1. The legislature finds that access for
2 qualifying patients and primary caregivers to medical cannabis
3 and particularly licensed medical cannabis dispensaries remains
4 challenging due to limited access to medical providers, delays
5 in obtaining allowed access to enter and purchase medical
6 cannabis, and the availability of cannabis through a thriving
7 illicit market.

8 The legislature further finds that registration for the
9 medical cannabis program has decreased in the last few years.
10 While the number of registered medical cannabis patients reached
11 its peak in August 2021, with 35,444 card-holding patients,
12 since then, the number of patients has decreased over fifteen
13 per cent to 30,035 by November 2024. This appears to indicate
14 that residents are shifting away from licensed medical cannabis
15 dispensaries, and instead are obtaining their medical cannabis
16 from elsewhere due to administrative barriers, delays in



1 registering, and the ease and lower costs in obtaining cannabis
2 elsewhere.

3 The legislature also finds that this apparent shift away
4 from licensed medical cannabis dispensaries toward the illicit
5 market undermines the purposes of the medical cannabis program
6 in ensuring patient safety, product safety, and public safety.

7 The legislature additionally finds that in Act 34, Session
8 Laws of Hawaii 2021, eliminated the requirement for a physician-
9 patient relationship to be established by an initial in-person
10 consultation, and authorized the relationship to be established
11 via telehealth.

12 Accordingly, the purpose of this Act is to expand access to
13 care by easing some of the burdens upon qualifying patients and
14 primary caregivers. Specifically, this Act repeals the
15 requirement that a provider-patient relationship be established
16 in person.

17 SECTION 2. Section 329-123, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) Physicians or advanced practice registered nurses who
20 issue written certifications shall provide, in each written
21 certification, the name, address, patient identification number,



1 and other identifying information of the qualifying patient.
2 The department of health shall require, in rules adopted
3 pursuant to chapter 91, that all written certifications comply
4 with a designated form completed by or on behalf of a qualifying
5 patient. The form shall require information from the applicant,
6 primary caregiver, and physician or advanced practice registered
7 nurse as specifically required or permitted by this chapter.
8 The form shall require the address of the location where the
9 cannabis is grown and shall appear on the registry card issued
10 by the department of health. The certifying physician or
11 advanced practice registered nurse shall be required to have a
12 bona fide physician-patient relationship or bona fide advanced
13 practice registered nurse-patient relationship, as applicable,
14 with the qualifying patient[-]; provided that nothing under this
15 part shall require that the bona fide physician-patient
16 relationship or bona fide advanced practice registered nurse-
17 patient relationship be established by conducting an initial in-
18 person consultation; provided further that the written
19 certification under this subsection shall originate from within
20 the State. All current active medical cannabis permits shall be
21 honored through their expiration date."



1 SECTION 3. Section 329-126, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) For purposes of this section, a bona fide physician-
4 patient relationship may be established via telehealth, as
5 defined in section 453-1.3(j), and a bona fide advanced practice
6 registered nurse-patient relationship may be established via
7 telehealth, as defined in section 457-2; provided that nothing
8 under this part shall require that treatment recommendations
9 that include certifying a patient for the medical use of
10 cannabis via telehealth [~~shall~~] be allowed only after an initial
11 in-person consultation between the certifying physician or
12 advanced practice registered nurse and the patient."

13 SECTION 4. Section 453-1.3, Hawaii Revised Statutes, is
14 amended by amending subsection (c) to read as follows:

15 "(c) Treatment recommendations made via telehealth,
16 including issuing a prescription via electronic means, shall be
17 held to the same standards of appropriate practice as those in
18 traditional physician-patient settings that do not include
19 [+]~~an~~[+] in-person visit but in which prescribing is
20 appropriate, including on-call telephone encounters and
21 encounters for which a follow-up visit is arranged. Issuing a

1 prescription based solely on an online questionnaire is not
2 treatment for the purposes of this section and does not
3 constitute an acceptable standard of care. For the purposes of
4 prescribing opiates [~~or certifying a patient for the medical use~~
5 ~~of cannabis~~], a physician-patient relationship shall only be
6 established after an in-person consultation between the
7 prescribing physician and the patient."

8 SECTION 5. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 6. This Act shall take effect on July 1, 3000;
11 provided that the amendments made to section 453-1.3(c), Hawaii
12 Revised Statutes, by section 4 of this Act shall not be repealed
13 when that section is reenacted on December 31, 2025, pursuant to
14 section 8 of Act 107, Session Laws of Hawaii 2023.



Report Title:

Medical Cannabis; Access; Provider-Patient Relationships;
Certification

Description:

Repeals the requirement that a provider-patient relationship be established in person. Effective 7/1/3000. (HD2)

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