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# A BILL FOR AN ACT

RELATING TO COMPASSIONATE ACCESS TO MEDICAL CANNABIS.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to be appropriately designated and to read  
3 as follows:

4 **"CHAPTER**

5 **COMPASSIONATE ACCESS TO MEDICAL CANNABIS ACT OR RYAN'S LAW**

6 **S -1 Short title; legislative intent.** (a) This chapter  
7 shall be known, and may be cited, as the "Compassionate Access  
8 to Medical Cannabis Act" or "Ryan's Law".

9 (b) It is the intent of the legislature in enacting this  
10 chapter to support the ability of terminally ill patients and  
11 qualifying patients over sixty-five years of age with chronic  
12 diseases to safely use medical cannabis within specified health  
13 care facilities in compliance with part IX of chapter 329.

14 **S -2 Definitions.** Unless the context requires  
15 otherwise, the following definitions shall apply to this  
16 chapter:



1        "Congregate living health facility" means a residential  
2        health facility with a noninstitutional, homelike environment  
3        that provides:

- 4            (1) Inpatient care, including medical supervision, twenty-  
5            four-hour skilled nursing and supportive care,  
6            pharmacy, dietary, social, and recreational services,  
7            to residents whose primary need is the availability of  
8            skilled nursing care on a recurring, intermittent,  
9            extended, or continuous basis;
- 10           (2) Care that is generally less intense than that provided  
11           in general acute care hospitals but more intense than  
12           that provided in skilled nursing facilities; and
- 13           (3) At least one type of the following specialized  
14           services:
- 15                (A) Services for persons who are mentally alert,  
16                persons with physical disabilities, or persons  
17                who may be ventilator dependent;
- 18                (B) Services for persons who have a diagnosis of  
19                terminal illness, a diagnosis of a life-  
20                threatening illness, or both, as stated in  
21                writing by the person's attending physician or



surgeon. For the purposes of this definition, "life-threatening illness" means an illness that can lead to a possibility of a termination of life within five years or less; or

(C) Services for persons who are catastrophically and severely disabled, including, for catastrophically disabled persons, speech, physical, and occupational therapy. For the purposes of this definition, "a person who is catastrophically and severely disabled" means a person whose origin of disability was acquired through trauma or nondegenerative neurologic illness, for whom it has been determined that active rehabilitation would be beneficial, and to whom these services are being provided.

"Department" means the department of health.

17 "General acute care hospital" means a health facility  
18 licensed by the department that has a duly constituted governing  
19 body with overall administrative and professional responsibility  
20 for the facility and an organized medical staff that provides  
21 twenty-four-hour inpatient care, including the following basic



1 services: medical, nursing, surgical, anesthesia, laboratory,  
2 radiology, pharmacy, and dietary services. "General acute care  
3 hospital" includes a health facility that:

- 4 (1) Has more than one physical plant maintained and  
5 operated on separate premises; or  
6 (2) Exclusively provides acute medical rehabilitation  
7 center services, including at least physical therapy,  
8 occupational therapy, and speech therapy, and  
9 contracts for required surgical and anesthesia  
10 services with another acute care hospital.

11 "Health care facility" means a congregate living health  
12 facility, general acute care hospital, home health agency,  
13 hospice home, skilled nursing facility, or special hospital.

14 "Health care facility" does not include a chemical dependency  
15 recovery hospital, a state hospital, or an emergency department  
16 of a general acute care hospital while the patient is receiving  
17 emergency services and care.

18 "Home health agency" means a private or public  
19 organization, including but not limited to any partnership,  
20 corporation, political subdivision of the State, or other  
21 government agency within the State, that provides, or arranges



1 for the provision of, skilled nursing services to persons in  
2 their temporary or permanent place of residence and is licensed  
3 by the department.

4 "Hospice home" has the same meaning as defined in section  
5 321-15.1.

6 "Medical cannabis" means cannabis or a cannabis product  
7 used in compliance with part IX of chapter 329.

8 "Patient" means an individual who meets one or both of the  
9 following criteria:

10 (1) Is terminally ill; or  
11 (2) Is over sixty-five years of age with a chronic disease  
12 for which the patient has received a written  
13 certification from the patient's physician or advanced  
14 practice registered nurse pursuant to part IX of  
15 chapter 329.

16 "Primary caregiver" has the same meaning as defined in  
17 section 329-121.

18 "Skilled nursing facility" means a skilled nursing facility  
19 licensed pursuant to section 321-571 that provides skilled  
20 nursing care and supportive care to patients whose primary need



1 is for availability of skilled nursing care on an extended  
2 basis.

3 "Special hospital" means a health facility that has a duly  
4 constituted governing body with overall administrative and  
5 professional responsibility for the facility and an organized  
6 medical or dental staff that provides inpatient or outpatient  
7 care in maternity or dentistry.

8 "Terminally ill" means a medical condition resulting in a  
9 prognosis of life of one year or less if the disease follows its  
10 natural course.

11 **§ -3 Health care facilities; duties regarding permitted**  
12 **use of medical cannabis.** (a) Except as provided in subsection  
13 (b), a health care facility shall permit patient use of medical  
14 cannabis, as authorized by the patient's physician or advanced  
15 practice registered nurse pursuant to part IX of chapter 329 and  
16 indicated in the patient's medical record, and shall do all of  
17 the following:

18 (1) Prohibit smoking or vaping as methods to use medical  
19 cannabis; provided that a home health agency shall  
20 only prohibit smoking or vaping immediately before or



- 1                   while home health agency staff are present in the  
2                   residence;
- 3                   (2) Include the use of medical cannabis within the  
4                   patient's medical records;
- 5                   (3) Require a patient to provide a copy of the patient's  
6                   valid medical cannabis registry card or certificate  
7                   issued pursuant to part IX of chapter 329, or a copy  
8                   of the patient's written certification as defined  
9                   under section 329-121;
- 10                  (4) Require a patient or primary caregiver to be  
11                  responsible for acquiring, retrieving, administering,  
12                  and removing medical cannabis;
- 13                  (5) Require medical cannabis to be stored securely at all  
14                  times in a locked container in the patient's room,  
15                  other designated area, or with the patient's primary  
16                  caregiver; provided that this requirement shall not  
17                  apply to a home health agency;
- 18                  (6) Prohibit health care professionals, health care  
19                  facility staff, and home health agency staff,  
20                  including but not limited to physicians, nurses, and



1 pharmacists, from administering medical cannabis or  
2 retrieving medical cannabis from storage;

3 (7) Develop, disseminate, and train health care facility  
4 staff on written guidelines developed by the health  
5 care facility for the use and disposal of medical  
6 cannabis within the health care facility pursuant to  
7 this chapter; provided that this requirement shall not  
8 apply to a home health agency; and

9 (8) Ensure that a patient is not denied admission to the  
10 health care facility in whole or in part because of  
11 the patient's use of medical cannabis.

12 (b) Notwithstanding subsection (a), a general acute care  
13 hospital shall not permit a patient with a chronic disease to  
14 use medical cannabis unless the patient is terminally ill.

15 **§ -4 Removal of medical cannabis from health care**

16 **facility upon discharge of patient.** (a) Upon discharge, all  
17 remaining medical cannabis shall be removed by the patient or  
18 the patient's primary caregiver. If a patient cannot remove the  
19 medical cannabis and does not have a primary caregiver that is  
20 available to remove the medical cannabis, the medical cannabis  
21 shall be stored in a locked container until it is disposed of in



1 accordance with the health care facility's policy and procedure  
2 governing medical cannabis.

3 (b) Subsection (a) shall not apply to a home health  
4 agency.

5 **§ -5 Medical cannabis recommendation not required.** This  
6 chapter shall not require a health care facility to provide or  
7 furnish a patient with a recommendation to use medical cannabis  
8 in compliance with part IX of chapter 329 or include medical  
9 cannabis in a patient's discharge plan.

10 **§ -6 Enforcement; compliance with chapter not required  
11 for licensing; construction of chapter with other laws.** (a)  
12 This chapter shall be enforced by the department.

13 (b) Compliance with this chapter shall not be a condition  
14 for obtaining, retaining, or renewing a license as a health care  
15 facility.

16 (c) This chapter does not reduce, expand, or otherwise  
17 modify the laws restricting the cultivation, possession,  
18 distribution, or use of cannabis that may be otherwise  
19 applicable.

20 **§ -7 Actions permitting noncompliance.** (a) If a  
21 federal regulatory agency, the United States Department of



1 Justice, or the federal Centers for Medicare and Medicaid  
2 Services takes one of the following actions, or makes an inquiry  
3 about the health care facility's activities pursuant to  
4 section -3, a health care facility may suspend compliance  
5 with section -3 until the regulatory agency, the United  
6 States Department of Justice, or the federal Centers for  
7 Medicare and Medicaid Services notifies the health care facility  
8 that it may resume permitting the use of medical cannabis within  
9 the facility:

- 10 (1) A federal regulatory agency or the United States  
11 Department of Justice initiates enforcement action,  
12 including a notice to suspend funding, against a  
13 health care facility related to the health care  
14 facility's compliance with a state-regulated medical  
15 cannabis program; or
- 16 (2) A federal regulatory agency, the United States  
17 Department of Justice, or the federal Centers for  
18 Medicare and Medicaid Services issues a rule,  
19 guidance, or otherwise provides notification to the  
20 health care facility that expressly prohibits the use  
21 of medical cannabis in health care facilities or



3 (b) This section shall not permit a health care facility  
4 to prohibit patient use of medical cannabis due solely to the  
5 fact that cannabis is a Schedule I drug pursuant to the federal  
6 Uniform Controlled Substances Act, or other federal constraints  
7 on the use of medical cannabis that were in existence before the  
8 enactment of this chapter."

9 SECTION 2. Section 329-122, Hawaii Revised Statutes, is  
10 amended by amending subsection (e) to read as follows:

14 (1) The medical use of cannabis that endangers the health  
15 or well-being of another person;

## 16 (2) The medical use of cannabis:

19 (B) In the workplace of one's employment;

20 (C) On any school grounds;



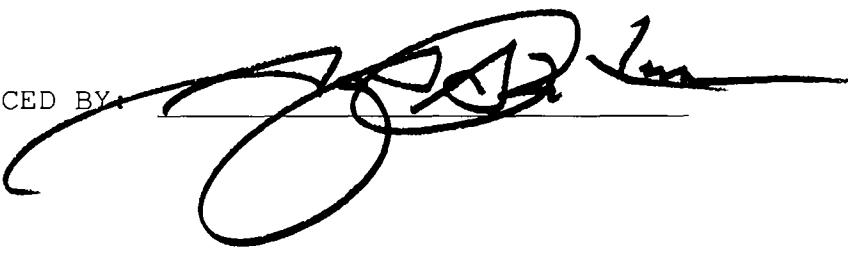
- 1 (D) At any public park, public beach, public  
2 recreation center, recreation or youth center; or  
3 (E) At any other place open to the public; provided  
4 that a qualifying patient, primary caregiver,  
5 qualifying out-of-state patient, caregiver of a  
6 qualifying out-of-state patient, or an owner or  
7 employee of a medical cannabis dispensary  
8 licensed under chapter 329D shall not be  
9 prohibited from transporting cannabis or any  
10 manufactured cannabis product, as that term is  
11 defined in section 329D-1, in any public place;  
12 provided further that the cannabis or  
13 manufactured cannabis product shall be  
14 transported in a sealed container, not be visible  
15 to the public, and shall not be removed from its  
16 sealed container or consumed or used in any way  
17 while it is in the public place; and  
18 (3) The use of cannabis by a qualifying patient, parent,  
19 primary caregiver, qualifying out-of-state patient, or  
20 caregiver of a qualifying out-of-state patient, for



1                   purposes other than medical use permitted by this  
2                   part."

3                   SECTION 3. This Act shall take effect upon its approval.

4

INTRODUCED BY: 



# S.B. NO. 2408

**Report Title:**

DOH; Medical Cannabis; Health Care Facilities; Access

**Description:**

Allows terminally ill patients and qualifying patients over sixty-five years of age with chronic diseases to use medical cannabis within specified health care facilities under certain conditions. Requires enforcement by the Department of Health.

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

