

Patient Information for the Authorized Medical Use of Marijuana

HOW MUCH MARIJUANA AM I AUTHORIZED TO GROW OR POSSESS?

Permissible amounts of medical marijuana. (a) A qualifying patient who possesses a registry identification certificate issued pursuant to section 329-123, Hawaii Revised Statutes, may engage in and a registered primary caregiver of the patient may assist in, the medical use of marijuana only as justified to mitigate the symptoms or effects of the qualifying patient's debilitating medical condition.

- (b) The medical marijuana shall be grown only at the following locations:
- (1) The qualifying patient's home address; or
 - (2) The primary caregiver's home address or other location owned or controlled by the qualifying patient or the primary caregiver that is approved by the administrator and designated on the registry certificate issued by the department.

(c) The qualifying patient and primary caregiver jointly may not possess more than an "adequate supply" which shall not exceed a total of three mature marijuana plants, four immature marijuana plants, and one ounce of usable marijuana per each mature plant.

(d) If any individuals described in subsection (a) possess, deliver, or produce marijuana in excess of the amounts allowed in subsection (c), such individuals are not exempted from the criminal laws of the State.

NOTE: In the case of qualifying patient cohabitating with other qualifying patient, all marijuana plants shall be clearly marked utilizing the qualifying patients medical marijuana registration number. Any qualifying patient or primary caregiver not complying with this paragraph shall not be afforded the protections listed in section 329-125.

PROHIBITED AREAS AND ACTIVITIES

The authorization for the medical use of marijuana shall **NOT** apply to:

- (1) The medical use of marijuana that endangers the health or well-being of another person;
- (2) The medical use of marijuana:
 - (A) In a school bus, public bus, or any moving vehicle;
 - (B) In the workplace of one's employment;
 - (C) On any school grounds;
 - (D) At any public park, public beach, public recreation center, recreation or youth center; or
 - (E) Any other place generally accessible to the public;
- (3) Any sale of marijuana; or
- (4) The use of marijuana by a qualifying patient, parent, or primary caregiver for purposes other than medical use permitted by this chapter.

AMENDING INFORMATION ON MY REGISTRY IDENTIFICATION CERTIFICATE

Qualifying patients and primary caregivers are required to report any change in information submitted to the department on their written certification/registry identification application forms within five working days. A qualifying patient shall have only one primary caregiver and only one physician issuing a written certificate at any given time.

MODIFICATION, TRANSFER, AND TERMINATION OF CERTIFICATE

(a) In the event of a change of name or address of the qualifying patient, primary caregiver, or location where the qualifying patient elects to grow the qualifying patient's medical marijuana, the qualifying patient shall submit a letter with the updated information to the Department of Public Safety, Narcotics Enforcement Division, at 3375 Koapaka Street, Suite D-100, Honolulu, Hawaii 96819. The notification shall be submitted to the department within five working days of the change. No fee shall be assessed for the modification of the certificate.

(b) Failure to report a change of any of the information mentioned in subsection (a) shall invalidate the certificate as of the date of the change plus five working days and shall require re-registration and the imposition of a \$10 late fee.

(c) No certificate issued to a qualifying patient shall be assigned or otherwise transferred to any other patient.

(d) A qualifying patient who possesses a registry identification certificate who no longer suffers from a debilitating medical condition shall return the registry identification certificate to the department within seven calendar days of notification of the diagnosis. The qualifying patient's primary caregiver shall also return the issued registry identification certificate within the same period of time and the qualifying patient's medical marijuana supply disposed of in accordance with procedures set forth by the department.

(e) The qualifying patient's attending physician shall notify the department that the qualifying patient's condition no longer warrants the use of marijuana for medical purposes. The physician shall notify the qualifying patient of the contact.

(f) A certificate issued to a qualifying patient or primary caregiver is void upon the qualifying patient's death or if the patient's primary physician revokes the qualifying patient's written certificate. The qualifying patient's family, legal guardian, or primary caregiver shall notify the department within seven calendar days of the qualifying patient's death or revocation of the written certificate by the primary physician. The certificate shall be returned to the department and the qualifying patient's medical marijuana supply shall be disposed of in accordance with the procedures set forth by the department.

Revocation of registry identification certificate. (a) The department has the authority to revoke a registry identification certificate, with suspension of the registry identification certificate pending administrative hearing on the revocation. The department under one or more of the following conditions may revoke a registry identification certificate:

- (1) The applicant or physician has furnished false or fraudulent material information or omitted information in any of the written certification/registry forms submitted to the department under this chapter;
- (2) The written certificate issued to the qualifying patient was not based upon provisions set forth in section 329-126, Hawaii Revised Statutes;
- (3) Suspension or revocation of a physician's medical license or state controlled substance registration as designated under section 329-32, Hawaii Revised Statutes; or
- (4) For violations of section 23-202-3, 23-202-7, 23-202-13 or 23-202-14 Administrative Rules.

(b) When the department proposes to revoke a registration certificate of a qualifying patient or a designated primary caregiver, the department shall send a notice of proposed revocation by mail to the patient's address currently listed in the data file and a copy to the qualifying patient's primary caregiver and physician.

(c) A qualifying patient or designated primary caregiver may contest the proposed revocation of registration by submitting a request in writing within thirty days of the revocation for an administrative hearing in conformity with Chapter 91, Hawaii Revised Statutes. The request for hearing shall be addressed to: Narcotics Enforcement Division, Department of Public Safety, 3375 Koapaka Street, Suite D-100, Honolulu, HI 96819.

(d) The department may reinstate a registration certificate without reapplication.

Fraudulent misrepresentation; penalty. (a) Notwithstanding any law to the contrary, fraudulent misrepresentation to a law enforcement official of any fact or circumstance relating to the medical use of marijuana to avoid arrest or prosecution under this part or Chapter 712, shall be a petty misdemeanor and subject to a fine of \$500.

WILL HAVING A PATIENT REGISTRY CERTIFICATE FOR THE MEDICAL USE OF MARIJUANA EXEMPT ME FROM U.S. DEPARTMENT OF TRANSPORTATION DRUG TESTING RULES?

No, employees who test positive for marijuana on a drug test, which is required under U.S. Department of Transportation (DOT) rules, will be reported positive whether or not an employee has a certificate issued by the State to utilize marijuana for medical purposes.

WILL THE DRUG TEST BE DECLARED NEGATIVE BECAUSE THE EMPLOYEE HAS A MEDICAL REASON FOR THE POSITIVE TEST RESULT?

If you are drug tested under a program required by the U.S. Department of Transportation (DOT), you will be deemed to have a positive test result even if you have followed all the medical marijuana requirements found in State rules. In addition, your employer will be required under DOT rules to remove you from safety-sensitive functions. The DOT rules do not recognize medical marijuana as a medical explanation for a positive test result. Therefore, the test will be declared positive by the MRO. Other federal agencies and other employers, at their own discretion, may elect to take a similar position. Your employer may also elect to other actions, including termination. It is, therefore, imperative that you talk to your employer relating to the possible consequences of utilizing marijuana for medical purposes in regards to drug testing.