

DAVID Y. IGE
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

September 30, 2015

TO: The Honorable David Y. Ige
Governor of Hawaii

FROM: Virginia Pressler, M.D. *Virginia Pressler*
Director of Health

SUBJECT: Request Approval to Publish Notice for Repeal of Chapter 23-202, Hawaii
Administrative Rules (HAR), entitled "Medical Use of Marijuana"

We request your approval to publish notice for the repeal of chapter 23-202, HAR, entitled "Medical Use of Marijuana."

The repeal of chapter 23-202, HAR, is appropriate because these rules are null and void and no longer necessary. Pursuant to Act 177, Session Laws of Hawaii 2013 (Act 177), the Legislature transferred the administration of Hawaii's Medical Marijuana Program from the Department of Public Safety (PSD) to the Department of Health (DOH) effective January 1, 2015. Chapter 23-202, HAR, was adopted in December 2000 for administration of the Medical Marijuana Program by PSD. The DOH recently adopted chapter 11-160, HAR, also entitled "Medical Use of Marijuana" to administer the transferred program. These new rules became effective July 18, 2015 (please refer to your approval attached), thus making chapter 23-202, HAR, null and void.

Section 8 of Act 177 states that "All rules, policies, procedures, guidelines, and other material adopted or developed by the department of public safety that are reenacted or made applicable to the department of health by this Act shall remain in full force and effect until amended or repealed by the department of health pursuant to chapter 91, Hawaii Revised Statutes." Therefore, the Department of the Attorney General has determined that the DOH, rather than PSD, should process the repeal of PSD's now obsolete chapter 23-202, HAR.

We therefore request your approval to publish notice for the repeal of chapter 23-202, HAR, which is no longer necessary as it has been superseded by chapter 11-160, HAR.

Enclosed is a copy of the proposed repeal of chapter 23-202, HAR, in Standard format for your information. If you approve our request, we will publish the notice, and thereafter we will submit three dated copies to the Lieutenant Governor's office for filing.

The Honorable David Y. Ige
September 30, 2015
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Thank you for your consideration of this matter. If you have any questions, please contact Mr. Peter Whiticar, STD/AIDS Prevention Branch of the Department of Health at (808) 733-8443 or peter.whiticar@doh.hawaii.gov.

Enclosures

c: Department of the Attorney General
Department of Budget and Finance
Department of Business, Economic Development and Tourism

APPROVED

 11-30-15

David Y. Ige
Governor of Hawaii

DEPARTMENT OF HEALTH

Repeal of Chapter 23-202
Hawaii Administrative Rules

(Date)

SUMMARY

1. Chapter 23-202 is repealed.

DEPARTMENT OF HEALTH

Repeal of Chapter 23-202
Hawaii Administrative Rules

(Date)

1. Chapter 23-202 is repealed.
2. The repeal of chapter 23-202, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the repeal of Chapter 23-202 drafted in the Ramseyer format, pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which was adopted on [Date], and filed with the Office of the Lieutenant Governor.


Virginia Pressler, Director
Department of Health

APPROVED AS TO FORM:


Deputy Attorney General