

Medical Use Permitted Interaction Group

Statement of Scope

The Medical Use Permitted Interaction Group will research, and identify potential effects of a Hawai‘i dual use cannabis program on the state’s medical cannabis patients and their certifying medical professionals. The PIG will also recommend policies to prevent and/or mitigate any potential negative effects to the medical cannabis program, and will recommend improvements to the current program in the interest of patient welfare.

The Medical Use PIG advocates in the best interests of participants in Hawai‘i’s medical cannabis program and therefore takes no position on the merits, or drawbacks, of legalization of a dual use program in Hawai‘i that includes adult use of cannabis.

PIG Members and Contact Information

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Executive Summary

The Medical Use Permitted Interaction Group set out to identify potential benefits or drawbacks to Hawai'i's Medical Cannabis Program, in the event of a new dual use program under consideration by the Dual Use Task Force. Legalized 22 years ago on June 14, 2000, Hawai'i was the first state to legalize the medical use of cannabis by legislative initiative. This program has evolved slowly and may expand to include adult recreational use. The members of this PIG believe Hawai'i can learn from the success and failures of other jurisdictions in the USA and abroad.

This PIG's scope is limited to participants in the existing medical cannabis program, in particular, the 34,067 valid, registered patients in the DOH registry, their caregivers and 387 medical providers.

Our recommendations cover medical considerations, patient protections and education that should be considered by the Dual Use Task Force as it considers the pros, cons and mechanics of a Dual Use Program.

Overall Goals

Goals of the PIG that guide the recommendations:

1. Ensure registered medical cannabis patients are not negatively affected, in any way, should Hawai'i legislators enact law to legalize adult use of cannabis.
2. Preserve, protect, and perpetuate state standards that ensure patient safety including testing requirements for purity and quality of medical cannabis and cannabis products.
3. Improve access to medical cannabis products for current and future 329 card holders by ensuring an adequate supply of appropriate cannabis for therapeutic use.
4. Record, understand and prepare to alleviate concerns of patients and medical providers during the planning process for a possible implementation of an adult use program.
5. Encourage state-provided education programs to dispel ignorance and stigma about medical cannabis use, especially in employment, public safety, and healthcare settings.
6. Review rationale behind current prohibitions for registered medical cannabis patients and recommend changes.

Caveat

Research and development of this PIG report occurred during a surge of the BA.5 subvariant of COVID-19. Even though only virtual meetings were convened, infections among some PIG members delayed some meetings and curtailed other planned discussions. The Medical Use PIG may request permission to submit a brief addendum at a later date.

Summary of Findings

The Medical Use Permitted Interaction Group relied primarily on the results of a confidential online, rapid survey deployed to the Hawai‘ DOH Medical Cannabis Patient Registry and medical providers. We received responses from 3,237 patients, 62 caretakers for an adult, and 3 caretakers for a minor participated in the patient survey. Survey, results, interpretation of results, plus open responses and comments from patients are appended to this report.

In addition, PIG members spoke with Arizona-based physician, Sue Sisley, M.D. via Zoom for nearly an hour. Dr. Sisley shared her experiences in other states that have enacted dual use programs following medical programs. PIG members also discussed anecdotal stories about the struggles and problems shared by anonymous Hawai‘i medical cannabis patients.

Background

The drafters of the 2000 bill legalizing medical use of cannabis in Hawai‘i, envisioned a day when the islands could be the epicenter of cannabis research and education. We recommend the State return to this leadership role as legalization of cannabis is gaining momentum nationally and globally. The Hawai‘i Department of Health’s Office of Cannabis Regulation & Control deserves the resources to develop a current, evidence-based public health education program for medical cannabis patients, medical providers, dispensary staff, employers, public safety officials and the wider public. Should the state legislature decide to legalize adult use as well, a supplementary education program will be needed. We believe that quality education is the key to safe cannabis use.

Recommendations: Medical Considerations

1. Recommend legislation that requires healthcare facilities to allow the use of medical cannabis on their premises for terminally ill patients with a valid medical cannabis card or/ recommendation from their physician. In 2021, [California passed a law to allow terminally ill patients to access medical cannabis in healthcare facilities](#).
2. Recommend that THC content per serving, and per package, allow for higher THC content in medical use products than those approved to be sold on the adult-use market, due to the special needs of medical cannabis patients, especially those in palliative care.
3. Recommend that medical dispensaries be authorized to provide delivery services and curbside pick up to protect patient health and privacy and to ensure access by homebound patients, those in palliative care, and those with compromised immunity due to pre-existing health conditions.
4. Recommend the elimination of a state-determined list of qualifying conditions as a requisite for registration in the medical cannabis registry; instead respect the doctor-patient relationship by allowing qualifying physicians and/or APRNs to make that determination.
5. Recommend all registered medical cannabis patients retain their right to grow their own cannabis plants and/or designate a caregiver as currently provided by law.
6. Recommend that registered medical cannabis patients remain *exempt* from any new taxes that may be levied on the sale of cannabis or cannabis products in an adult use program.
7. Recommend that *all* cannabis and cannabis products, intended for sale or distribution, be subject to the same testing standards currently provided by law, to ensure safety and quality of all commercial cannabis statewide for medical use.
8. Recommend that medical cannabis retail locations maintain a dedicated inventory for medical patients, and offer a private meeting space for patient consultation with staff members.
9. Recommend that in a Dual Use program, existing licensees will continue to operate without disruption as the new program is integrated into daily operations.
10. Recommend that, in a Dual Use program, that legislation and regulation currently in place be reviewed and amended to allow for expanded production and wholesale limits in anticipation of increased demand.

Recommendations: Patient Protections

1. Recommend legislation for employment protections for registered medical cannabis patients, including hiring, discipline, and termination. A positive drug test for cannabis metabolites shall not be proof of impairment on the job, employers and insurance companies must be prohibited from medical discrimination.

“No employer may refuse to hire a person or may discharge, penalize or threaten an employee solely on the basis of such person’s or employee’s status as a qualifying patient or primary caregiver. Nothing in this subdivision shall restrict an employer’s ability to prohibit the use of intoxicating substances during work hours or restrict an employer’s ability to discipline an employee for being under the influence of intoxicating substances during work hours.”

2. Recommend legislative change that prohibits law enforcement agencies from denying or revoking the right to own permitted firearms, solely due to a person’s status as a Hawai‘i registered medical cannabis patient.
3. Recommend legislation that permits Hawai‘i registered medical cannabis patients to possess medical cannabis and cannabis products for personal use when traveling between counties within the state.
4. Recommend legislation that permits reimbursement for approved medical cannabis products, by a Hawaii registered medical cannabis patient, by state-regulated insurers.

Recommendations: Patient & Public Health Education

1. Recommend the state DOH develop a robust education campaign aimed to reduce ignorance and stigma surrounding the medical use of cannabis for medical professionals, healthcare administrators, and insurance providers.
2. Recommend the state DOH develop and deploy a public health education campaign about medical cannabis use, safety considerations, and how to identify signs of psychological dependence.
3. Recommend the University of Hawai‘i John A Burns School of Medicine include evidence-based and unbiased medical cannabis education as part of its curriculum for medical professionals similar to the [National Council on State Boards of Nursing’s 2018 recommendation for Caring for the Medical Marijuana Patient](#).

Addenda:

Survey Results and Patient Commentary