



Medical Marijuana UPDATE

Ensuring Hawaii's registered patients have access to safe medical marijuana products through an efficient system of responsible, licensed dispensaries

Vol. 1, No. 2

A Publication for Registered Patients and Caregivers

April 2017

June 16 is Deadline for Petitions to Add New Health Conditions in 2017

Ensuring Hawaii's patients with debilitating health conditions have access to medical marijuana is an important priority for the Hawaii Department of Health (DOH).

Forms are now available online for qualified patients, doctors, and advance practice registered nurses to petition for additional health conditions for the DOH to consider adding to the existing list of conditions that benefit from medical marijuana.

Petitions submitted by the deadline of June 16, 2017 will be included in the public hearings tentatively scheduled in September 2017 and, decisions on petitions received during this petition period are expected before the end of the year.

Petitions received after the June 16, deadline may be considered next year.

Different from FDA Approval Process

Medications that are brought to the market for consumers require years and years of clinical trials and intense scrutiny by the U.S. Food and Drug Administration (FDA). Medical marijuana is not subject to the same process; however, each state in which medical marijuana is legal has its own processes to evaluate the use of medical marijuana for differ-

ent health conditions.

In Hawaii, adding conditions requires an in-depth review of evidence-based documentation, and begins with thorough petitions prepared in accordance with section 11-160-7, Hawaii Administrative Rules.

Hawaii's petition process is thoughtful and open to public input and was developed based on best practices used by other states in which medical marijuana is legal.

The DOH team is committed to expediting the review process without sacrificing patient safety and expects petition decisions will be made in the fourth quarter of 2017.

Petition Process Begins

Now that the petition forms are available, DOH will be accepting requests to expand the use of medical marijuana to alleviate symptoms of debilitating health conditions that currently are not on the approved list. Completed petitions received by June 16, 2017 will be added to the 2017 public hearing agenda.

Since the program's inception in 2000, the original list of debilitating medical conditions was amended once in 2015 when post-traumatic stress disorder was added by the

the following debilitating medical conditions, or the treatment of these conditions:

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Anticipated Petition Timeline

This is an estimated timeline and is subject to change.

June 16, 2017:

Deadline for petitions to be added to the 2017 Public Hearings Agenda. Petitions received after the June 16, 2017 deadline may be considered next year.

June 19 - 30, 2017:

Review of Petitions for Completeness

Third Quarter 2017:

Review of Complete Petitions This may include conducting a literature review, consultation with medical experts, and other information gathering relevant to making a decision on each petition.

Third Quarter 2017:

Public Hearings

Fourth Quarter 2017:

Final Decisions

Petition Period to Add New Health Conditions Begins April 17

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1. Cancer,
2. Glaucoma,
3. Positive status for human immunodeficiency virus (HIV),
4. Acquired immune deficiency syndrome (AIDS), or
5. A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following:
 - Cachexia or wasting syndrome;
 - Severe pain;
 - Severe nausea;
 - Seizures, including those characteristic of epilepsy; or
 - Severe and persistent muscle spasms, including those characteristic of multiple sclerosis or Crohn's disease; or
 - Post-traumatic stress disorder

The Petition Process

Unlike prescription medications that undergo rigorous clinical trials for the treatment of certain health conditions before being released to consumers, medical marijuana does not have that same level of evaluation by the FDA.

Instead, with conflicting state and federal laws governing marijuana, each state is required to maintain a robust regulatory environment. In Hawaii, the program is specifically medicinal (not recreational) and the addition of new conditions must be thoroughly reviewed and considered from an evidence-based perspective.

According to the Hawaii Administrative Rules (Title 11, Chapter 160), which governs Hawaii's medical

marijuana program, adding to the list of debilitating medical conditions requires physicians, APRNs or potentially qualifying patients to petition the Hawaii State Department of Health using a specific process.

If there are petitions that meet the requirements of the administrative rules, then DOH will conduct a public hearing to receive public testimony to further support or oppose the addition of those conditions.

Petition Requirements

Petitions must be in writing using forms posted on the DOH website at <http://health.hawaii.gov/medicalmarijuanaregistry/>. Additional information and instructions are also on

the site. All petitions shall include the following:

- The specific medical condition or its treatment for which the petition is being made;
- An explanation stating the reasons the medical condition or its treatment should be added to the list of qualifying debilitating medical conditions;
- The extent to which the medical condition is generally accepted by the medical community as a valid, existing medical condition;
- A description of the symptoms and other physiological or

STATE OF HAWAII
DEPARTMENT OF HEALTH
4348 Waialae Avenue, #648
Honolulu, Hawaii 96816

STATE OF HAWAII
DEPARTMENT OF HEALTH

Medical Marijuana Registry
PETITION TO ADD A
DEBILITATING MEDICAL CONDITION in 2017

DOH Received & Recorded Date:

INSTRUCTIONS:

1. ALL items on the form MUST be completed.
2. Petitions and any supporting documents may be submitted as follows:
 - a. Email to: medicalmarijuana@doh.hawaii.gov before the close of business (4:30 PM) on **Friday, June 16, 2017**. Please use the subject line: **Petition to Add New Condition**. Note that the DOH will not make public any information that is protected pursuant to Chapter 92F, HRS, the Uniform Information Practices Act.
 - b. Postal mail to: 4348 Waialae Avenue, #648, Honolulu, Hawaii 96816. Mailed petitions must be received by June 16, 2017.
 - c. Hand delivered to: Kinau Hale at 1250 Punchbowl Street, Honolulu, Hawaii 96813 before the close of business (4:30 PM) on **Friday, June 16, 2017**. Hand delivered petitions must be left with the security guard and addressed to the Medical Marijuana Registry Program **ATTN: Petition to Add New Condition**.
3. For best results, complete and thorough petitions that include substantiated and reputable research have the best chance of succeeding. DOH recommends that you do the following for items #2 - #8 on the petition form:
 - a. Please cite research, published evidence, or findings using the standard American Medical Association (AMA) format for each piece of research, published evidence, or findings that you reference in your submittal or at a minimum the following:
 - Author's Name; Title of Article; Name of Publication; Date of Publication; Volume/Section/Chapter/Page/Line as applicable; and URL (if applicable).
 - b. Please attach a PDF copy of the cited material to your submittal. These documents will NOT be

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Submit Your Petitions for New Health Conditions by June 16, 2017

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psychological effects experienced by an individual suffering from the medical condition or its treatment and the extent to which these symptoms and physiological or psychological effects are debilitating;

- If one or more treatments for the medical condition, rather than the condition itself, are alleged to be the cause of a person's suffering, the extent to which the treatments causing suffering are generally accepted by the medical community as valid treatments for the medical condition;
- The availability of conventional medical therapies other than those that cause suffering to alleviate symptoms caused by the medical condition or its treatment;
- The extent to which evidence supports a finding that the use of marijuana alleviates symptoms caused by the medical condition or its treatment;
- Any information or studies regarding any beneficial or adverse effects from the use of marijuana in patients with the medical condition; and
- Letters of support from physicians or other licensed health care professionals knowledgeable about the medical condition.
- Complete petitions that meet the deadline will be set for the 2017 public hearing. Incomplete

State of Hawaii, Department of Health
Medical Marijuana Registry Program

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<p>PATIENT / CAREGIVER</p>	<p>PHYSICIANS</p>	<p>LAW ENFORCEMENT</p>
<p>Patient/Caregivers: Information about the registration process, registration cards, growing medical marijuana, and information for caregivers >>>></p>	<p>Physicians/APRNs: Learn about your rights as a physician, licensing and registration, patient registration procedures, and debilitating medical conditions >>>></p>	<p>Law Enforcement: Information for law enforcement on individual and grow site verification, designated officers and information access for law enforcement >>>></p>

Above: Screen shots of the Department of Health's Medical Marijuana Registry Program webpage

petition applications that do not meet the requirements will be denied.

Submission Instructions

To be considered this year, petitions and any supporting documents may be submitted as follows:

- By email to: medicalmarijuana@doh.hawaii.gov before the close of business on Friday, June 16, 2017. Please use the subject line: Petition to Add New Condition.
- By postal mail to: 4348 Waiālae Avenue, #648, Honolulu, Hawaii

96816. Mailed petitions must be postmarked no later than June 16, 2017.

- Hand delivered to Kināu Hale at 1250 Punchbowl Street, Honolulu, Hawaii 96813 before the close of business on Friday, June 16, 2017. Hand delivered petitions must be left with the security guard and addressed to the Medical Marijuana Registry Program ATTN: Petition to Add New Condition. 🌿

Patient Registry Program:

Tips to Ensure Timely Arrival of Your Registry Card

A patient registry card, also known as a 329 card, is your official document that shows you are a registered patient with a legal right to use medical marijuana. This card must be presented along with a valid ID card (such as a state driver's license, state ID, or passport) any time a law enforcement officer requests it. AND it is the only way for you to gain access into retail dispensary locations once they become operational. To prepare for the potential increase in demand for cards, the Hawaii State Department of Health has prepared tips to ensure you receive your card in a timely manner.



An Online Application

Since the application process is completed online, clear communication and accuracy are critical. To avoid delays, and to facilitate communication, DOH recommends that you:

- Create your own account (at <https://medmj.ehawaii.gov>);
- Use a valid email address. This will allow you to check your application status until your 329 card is issued and will ensure that you are notified when it is time for you to renew your 329 card;
- Enter your correct, complete mailing address (including house number, apartment number, and correct zip code), otherwise, you may not receive your card in the mail. Cards lost in the mail are subject to additional fees and documentation;

- Enter your correct, complete phone number so that we can contact you, if necessary;
- Review your application and verify that the documents you attach are complete and filled out with the correct (most current) information; and
- Be sure that your valid ID is clear and legible, and that your name on the application matches your name as it appears on your valid ID.

Any mistakes will cause delays in receiving your 329 card. All applications are processed in the order received. Incomplete applications will be electronically returned to the patient or physician that created the account. Incomplete applications that are not corrected within 30 days may be denied and you may be required to reapply.

Renewal Process

If you created your own account (at <https://medmj.ehawaii.gov>) and provided a valid email address, you will be notified via email 60 days before the expiration of your current 329 card. DOH recommends that you renew at least 60 days before the expiration of your current 329 card to avoid interruption of access to your medicine.

If you did not provide a valid email address, you will need to submit paperwork to update your registration information. If you need help finding the correct forms, email the program staff at medicalmarijuana@doh.hawaii.gov.

Payment Process

The cost to apply for or renew a 329 card is \$38.50 (\$35.00 application fee plus a \$3.50 service fee) and the preferred method of payment is either

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Tips to Ensure Timely Arrival of Your Registry Card

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a credit or debit card. These have a faster turnaround time. Payment may also be made through a direct withdrawal from a savings or checking account, but the processing time will take longer because these applications are not processed until a minimum of 10 business days from date of debit to ensure it clears your account. All fees are non-refundable, even if a 329 card is NOT issued.

Certifying Physician or APRN

DOH recommends that patients begin the discussion of the use of medical marijuana with the physician or APRN who is currently treating them for their qualifying debilitating medical condition.

Although your certifying physician or APRN is not required to set up an account to use the DOH's online registration system, they must take certain steps that allow the department to verify that they are licensed in Hawaii. Your physician or APRN should review your application, certify your debilitating medical condition, and submit the application to DOH electronically.

The certifying physician or APRN is required to maintain a bonafide physician-patient relationship with you and ensure that they have explained the risks and benefits of using medical marijuana as it pertains to your specific condition and medical history. 🌿

Medical Marijuana Resources

Website:	http://health.hawaii.gov/medicalmarijuana/
Patient Registry:	https://medmj.hawaii.gov
Information:	http://medicalmarijuana@doh.hawaii.gov .

The Department of Health Expects All certifying physicians and APRNs:

- To act with integrity and in accordance with the professional and ethical standards of conduct explicitly articulated or inherently implied by their profession
- To conduct a complete in-person (face-to-face) assessment of all new patients, including a complete review of all applicable medical records. This is a MEDICAL visit, not a visit with a doctor's or APRN's assistant, or other office staff. Telemedicine is prohibited.
- To conduct individual assessments for EACH patient that they certify (NOT group assessments, NOT group meetings, etc.).

If you are not being seen by the actual physician or APRN who is certifying your condition, please notify the Department of Health at medicalmarijuana@doh.hawaii.gov.

Top Seven Medical Marijuana Program Reminders

1 Caregivers

The primary function of a caregiver is to undertake the responsibility for managing the well-being of the patient. As a caregiver, you may be authorized to grow medical marijuana on behalf of a qualifying patient.

Neither patients nor caregivers should claim to own or control a grow site location that they do not physically have direct and explicit control over, especially if the site is not their home address. If they do, both the patient and the caregiver will be at risk for revocation of the 329 card and they may not be protected under current criminal laws. The law does not allow collaboratives, collectives, or any other form of shared grow site locations that are not under the direct and explicit control of the named patient or caregiver.

Patients may NOT:

- Hire “professional growers” or any other individual to grow on their behalf. Only designated caregivers are authorized to grow on behalf of registered patients.
- Delegate their authority to grow medical marijuana to an individual other than a designated and registered caregiver.

2 False Application Information is Illegal

As a caregiver, it is important to note that it is illegal to grow medical marijuana for more than one qualified patient. Each caregiver may grow medical marijuana for only one patient (not multiple patients)



and, likewise, a qualified patient may designate only one caregiver (not multiple caregivers).

3 Caregivers Cannot Grow after 2018

Under current law, the ability of caregivers to grow medical marijuana for a qualifying patient ends after December 31, 2018, unless a patient is a minor or a legal adult who lacks the legal capacity or is a resident on an island that does not have a dispensary. The legislature is currently considering extending this date.

4 Tag Your Plants

All plants must be tagged at the base with the patient’s 329 card number and expiration date. Plants can only be grown at one location and this site must be identified on a patient’s 329 card. The allowable grow site location is limited to the residence of the qualifying patient, the residence of the designated caregiver, or a site that is owned or controlled by the qualifying patient or designated caregiver. The Department of Health recommends that each location shall be used by no more than five (5) qualifying patients. Proof of ownership or control may be required.

5 Adequate Supply

Under current law, registered patients or caregivers are allowed to grow an “adequate supply” of medical marijuana. Adequate supply is defined as not more than seven plants and not more than 4 oz. of usable marijuana. If you have more than the adequate supply, your 329 card may be revoked and you may not be protected under current laws. The legislature is currently considering amending this definition.

6 Legally Transporting Medical Marijuana

Registered patients and caregivers are allowed to transport medical marijuana in public if the medical marijuana is in a sealed container, not visible to others, and not removed from the sealed container or consumed or used in any way while it is in a public place. Inter-island transportation is not allowed.

Caregivers may transport medical marijuana on behalf of a qualified patient, even if they are not designated to grow on behalf of the patient. Additionally, caregivers should reside on the same island as the patient for whom they are designated as the caregiver.

7 Only Authorized Sellers: Licensed Dispensaries

Only dispensaries licensed by DOH are authorized to sell marijuana or marijuana products in Hawaii. The sale of marijuana or marijuana products is explicitly prohibited by any other entity or individual in the state of Hawaii. 🌿