



DEPARTMENT OF HEALTH

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FOR IMMEDIATE RELEASE

July 11, 2018

18-059

Hawai'i Department of Health to begin implementation of new medical cannabis amendments

HONOLULU – The Hawai'i Department of Health (DOH) will begin to implement new amendments to the state's existing medical cannabis law to improve access to medical cannabis for qualifying patients. Gov. David Ige signed the amendments into law on July 5, 2018.

"As we implement these amendments, our foremost objective is to provide equitable access to medical cannabis for qualifying patients without compromising patient and product safety as well as public safety," said Dr. Bruce Anderson, health director. "These new laws benefit both Hawai'i patients as well as those from other states who are visiting our islands."

The Department of Health is now working on rules governing the following amendments:

- Currently, all Hawai'i patients must obtain a written certification from a physician or advance practice registered nurse (APRN) to apply for certification for the medical use of cannabis on an annual basis. Since many patients have debilitating health conditions that are chronic in nature, a new amendment permits DOH to extend the validity of the certification for up to three years with the concurrence of the patient, and the patient's physician or APRN. The physician/APRN and patient relationship will be maintained to support ongoing patient access to medical cannabis treatment.
- Safe pulmonary administration (SPA) products that function like inhalers or nebulizers have been added to the list of approved merchandise licensed medical cannabis retail dispensaries may sell to qualifying patients. The amendment was based on a finding that SPA devices allow more precise dosage administration and can be more effective for certain patients. SPA devices aerosolize cannabis or manufactured cannabis oils or extracts from pre-filled, sealed containers. The devices are not allowed to contain nicotine, tobacco-related products, or any other non-cannabis derived products.

A corollary amendment noted the tetrahydrocannabinol (THC) limit per pack or container of certain manufactured cannabis products may not be sufficient for patients, many of whom may require larger doses of THC, a principal component of cannabis, to relieve their symptoms. In addition to selling the SPA devices, the corresponding amendment increases the THC limit per pack or container of certain manufactured cannabis

products.

- Patients who are registered for medical cannabis use in other states may be able to benefit from Hawai'i's medical cannabis program while visiting the islands, under a new amendment.

Patients aged 18 or older who are registered in another state for the medical use of cannabis for a qualifying health condition also legally permitted in Hawai'i, may be able to apply for a registration in our state. DOH will review these applications and may issue Hawai'i registration cards to these out-of-state qualifying patients. This will permit them to legally purchase and possess approved medical cannabis products sold at licensed dispensaries for a 60-day period. The registration fee will be \$45 plus a \$4.50 online portal fee. Out-of-state patients will have the option to renew their registration for another 60-day period within 12 months.

- One or both parents/guardians are now allowed to register as caregivers for one or more qualifying minor patients. This can benefit both Hawai'i and out-of-state minor patients.
- Currently, all medical cannabis and manufactured medical cannabis products sold at the dispensaries must first be tested for safety by a laboratory certified by DOH. Under a new amendment, a dispensary licensee has the option to retest the same sample or a different sample from the same batch at the same laboratory or a different laboratory, if a sample batch does not meet DOH's patient safety standards. If a retest at a different laboratory yields a different result, DOH will determine whether the batch should be approved for sale or if further testing is required.
- Under the current law, a physician or APRN must establish a bona fide relationship with their patients through a face-to-face consultation. This includes a full assessment and review of their medical history and current medical conditions to determine if their condition(s) qualifies them for the medical use of cannabis. The provider must also explain the potential risks and benefits of using medical cannabis to these patients. A new amendment allows this bona fide provider-patient relationship to continue via telehealth, which would be held to the same standards as a face-to-face office visit.
- Establishment of a working group to address outstanding issues, including employment issues involving an employee who is a registered qualifying patient; allowable substance abuse screening tests for employees whose job requires the employee to not be under the influence of substances; requirements and limitations for the types of allowable edible cannabis products, including restrictions on products such as gummies, brightly colored candies, or other products with a design likely to appeal to children; and other issues.

The working group, which will be composed of representatives from various branches of the Department of Health, legislators, qualifying patients, dispensary licensees, and others will review federal requirements and policies and practices in other states and provide a final report with recommendations for the January 2019 legislative session. The working group's first meeting will be held in August.

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