

Medical Marijuana Laws and Regulations for Patients, Caregivers and Physicians: California and Hawaii



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	California	Hawaii
	Cal. Health & Safety Code §§ 11362.5 to 11362.9	Hawaii Rev. Stat. §§ 329-121 to 329-128 and § 712-1240.1; Hawaii Admin. R. §§ 23-202-1 to 23-202-15
State Registration		
Registry of Authorized Users, Physicians and Primary Caregivers Maintained by the State	X	X
Identification Cards Issued to Registered Users and Caregivers	X	X
Requires Development of 24-Hour Verification System for Law Enforcement	X	X
Individuals Allowed Access to Registry <i>*Only categories listed below appear in state laws which are the subject of this chart. Other categories that appear in other state statutes do not appear below if they are not applicable to the subject states in this chart.*</i>		
Authorized Employees of Administrative Department to Perform Official Duties		X
Authorized Employees of State or Local Law Enforcement to Verify that a Person is Lawfully in Possession of ID Card		X
Application Information Required From Patient, Caregiver or Physician Before Placement in Registry		
Written Certification From a Physician Stating That The Patient Has Been Diagnosed With A Debilitating Condition and/or That The Patient May Benefit From The Medical Use of Marijuana	X	X
Name	Patient, Caregiver, Physician	Patient, Caregiver
Address	Physician	Patient, Caregiver
Date of Birth		Patient, Caregiver
Driver's License or ID Card Number	Patient	Patient, Caregiver (photo ID)
Telephone Number	Physician	
Proof of Residency	Proof of County Residency	
Patient Signature		
Consent of Caregiver to A Criminal Background Check		
Social Security Number/Patient ID #		Patient, Caregiver
Patient Signature		

	California	Hawaii
Application Information Required From Patient, Caregiver or Physician Before Placement in Registry (continued)		
Duties of Primary Caregiver	X	
Medical License # of Physician	X	
A Release Signed by the Patient, the Patient's Guardian or the Patient's Health Care Power of Attorney Authorizing the State to Obtain Further Information, From the Physician Who Submits a Written Certification on Behalf of the Patient		
A Statement By The Caregiver That The Caregiver Agrees to Serve as The Caregiver		
Length of Time the Patient Has Been Under the Care of the Practitioner		
Name, Address, and Phone Number of Treatment Center Patient Will Use		
Designation As To Whether The Qualifying Patient or The Caregiver Will Be Allowed To Possess Marijuana Plants		
Written Statement Signed By Physician Verifying That The Physician Was Presented With Photo ID of Patient and Caregiver		
A Complete Set of Fingerprints of Patient and Caregiver		
An Indication Regarding Whether or Not the Patient Would Like to Be Notified of Any Clinical Studies About Marijuana's Risk or Efficacy		
A Notarized Program Waiver and Acknowledgment Form		
Signature of Physician and Date of Application		
Photograph		
Statement That the Physician is Licensed in Good Standing and Possesses an Active Controlled Dangerous Substance Registration		
Statement that the Physician Has an Ongoing Responsibility for the Assessment, Care and Treatment of the Patient		
Additional Steps/Information That Must Be Submitted Before Use Can Be Approved for Minors		
Two Physicians Must Diagnose the Minor With A Debilitating Condition and Submit Written Certification		
A Statement That The Minor's Physician Has Explained the Potential Risks and Benefits to the Patient and Parent/Guardian		X
Parent/Guardian Must Consent in Writing to Allow the Medical Use of Marijuana		X
Parent/Guardian Must Consent in Writing to Agree to Serve As the Minor's Caregiver		X
Parent/Guardian Must Consent in Writing to Agree to Control the Acquisition of Marijuana, The Dosage and Frequency of Use		X
Requires Physician to Perform Follow Up Services to Track Effectiveness of Treatment		

	California	Hawaii
Information on ID Cards		
Name		X
Address		X
Date of Birth		X
Social Security Number		
Photo of ID Cardholder	X	
Driver's License or ID Card		
Unique User ID or Serial Number	X	X
A Statement That The Person Is Registered With The State		
A Statement That The Person Has Been Diagnosed With A Debilitating Medical Condition		
Date of Issuance/Expiration Date	Expiration	X
Primary Caregiver Information Included on Patient's Card		X
Patient's Information Included on Primary Caregiver's Card		X
Address Where Marijuana Will Be Grown		X
Phone Number of Administrative Agency		
Name and Address of the Physician		X (includes phone number)
Phone Number of the Administrative Agency	X	
Phone Number of Real Time Verification System	X	
Requirement to Return ID Card if Patient No Longer Has A Debilitating Medical Condition		
Designation As To Whether The Qualifying Patient or The Caregiver Will Be Allowed To Possess Marijuana Plants		
Indication if Cardholder is Patient or Caregiver		
Other Information As Determined By The State		
Period of Time an ID Card is Valid	Annual submission of information required (to prevent card from expiring)	1 year
Cardholder Must Return Card if They No Longer Have a Debilitating Condition		Within 7 calendar days
Application is Considered To Be Approved If State Does Not Approve Or Deny Application Within A Specified Period of Time		

	California	Hawaii
Information on ID Cards (continued)		
Requirement to Notify State of Change in Name, Address, Physician or Primary Caregiver	Within 7 days (to notify of physician or caregiver change)	Within 5 working days (also applies to changing location where marijuana is grown)
Must Notify if Card is Lost or Stolen		
Primary Caregiver Conditions and Requirements		
Minimum Age	18	18
Disqualification For A Felony Conviction/ Probation or Parole		
Maximum Number of Patients a Primary Caregiver May Assist	Varies ¹	1
Caregiver is Allowed to Receive Compensation	X	
Maximum Number of Designated Caregivers a Qualified User Is Allowed	1	
Qualifying Diseases and Debilitating Conditions		
Cancer	X	X
Glaucoma	X	X
HIV/AIDS	X	X
Hepatitis C		
Alzheimer's Disease		
Nail Patella		
Amyotrophic Lateral Sclerosis		
Cachexia/Wasting Syndrome	X	X
Severe/Chronic Pain	X	X
Severe Nausea	X	X
Seizures	X	X
Intractable Skeletal Muscular Spasticity		
Anorexia	X	
Severe and Persistent Muscle Spasms - MS/Crohn's	X	X
Damage to the Nervous Tissue of The Spinal Cord, With Neurological Indication of Intractable Spasticity		
Appetite Loss		
Cramping		
Arthritis	X	
Inflammatory Bowel Disease		
Severe, Debilitating, Chronic Pain		

	California	Hawaii
Qualifying Diseases and Debilitating Conditions (continued)		
Migraine Headaches	X	
Admission to Hospice Care/Terminal Illness		
Painful Peripheral Neuropathy		
Any Other Chronic or Persistent Medical Condition	X ²	
Parkinson's Disease		
Posttraumatic Stress Disorder		
Other Medical Conditions Approved by the State		X (pursuant to a petition)
Other Medical Conditions as Determined By a Qualifying Patient's Physician		
Reasons an Application May Be Denied		
Information Provided is False	X	X
Information Cannot Be Verified		
Not All Required Information Was Submitted	X	X
Failure to Establish Chronic or Debilitating Medical Condition		
Failure to Document a Consultation With an Attending Physician		
Failure to Comply With Established Regulations		
Attending Physician Was Not Licensed in the State		
Primary Caregiver Denied If Caregiver Is Already Listed As Caregiver for Maximum Number of Patients		
Patient or Primary Caregiver Has Been Convicted of Selling A Controlled Substance		
Patient Has Been Prohibited By A Court		
An Applicant Previously Had an ID Card Revoked, or Knowingly Violated A Provision Related to The Medical Use of Marijuana		
An Applicant Does Not Meet Established Criteria	X	
Places Where/Occasions When Use Is Prohibited		
Any Place Where Smoking Is Prohibited By Law	X	
Any Public Place		
Any Way That Endangers The Health or Well Being of Any Person	X	X
Where Exposure to Marijuana Smoke Effects The Health and Welfare of Children		

	California	Hawaii
Places Where/Occasions When Use Is Prohibited (continued)		
Grounds of a School, Recreation Center or Youth Center	X (within 1,000 feet, unless it occurs within a residence)	X
On a School Bus	X	X
Public Transportation		X
Public Park or Beach		X
In the Workplace		X
In a Correctional Facility		
In A Medical Facility		
Any Licensed Drug Treatment Facility		
Undertaking Tasks Under The Influence of Marijuana That Would Constitute Negligence or Professional Malpractice		X
Operating Motor Vehicle While Under the Influence	X	X
Operating a Boat While Under the Influence	X	
Operating an Aircraft While Under the Influence		
While Operating Vehicle Propelled or Drawn By Power		
Stationary Heavy Equipment		
While Possessing A Firearm		
Transporting Medical Marijuana Outside The State		
Provides That An Employer Will Not Be Required To Accommodate Use In The Workplace		
Statutory Protections for Patients and Caregivers for Medical Use of Marijuana as Defined By The State		
Protection From Arrest, Prosecution or Penalty	X	X
Civil Penalty		
Discipline By A Professional Licensing Board	X	
Prohibits A School, Employer or Landlord From Refusing to Enroll, Employ or Lease or Penalize an Individual Solely Upon The Individuals Status As A Qualifying Patient or Registered Caregiver		
Property Used in Connection With Medical Marijuana Is Not Subject to Forfeiture		X

	California	Hawaii
Statutory Protections for Patients and Caregivers for Medical Use of Marijuana as Defined By The State (continued)		
Allows a Registered Qualifying Patient or Caregiver to Give Marijuana to Another Registered Qualifying Patient to Whom They Are Not Connected By The Registration Process Provided that Payment is Not Received		
Provides That Application for, or Possession of, a Registry ID Card Does Not Alone Constitute Probable Cause or Reasonable Suspicion for Search, Seizure or Inspection of Property		X
Allows Use of Medical Marijuana To Be Used As An Affirmative Defense to Prosecution		X
Requires Authorized to be Considered the Same as Use of Any Other Authorized Drug for the Purpose of Medical Care		
Provides That Custody or Visitation of a Minor Will Not Be Denied Unless The Person's Behavior Creates Unreasonable Danger to the Minor		
Prohibits Arrest or Prosecution of An Individual for Being In the Presence or Vicinity of Medical Use of Marijuana	X	X
Provides That Parents/Guardians Who Have Legal Custody of a Qualifying Patient Are Not Subject to Arrest or Prosecution		
Provides that Patients Are Not Protected from Liability for Damages or Criminal Prosecution for Acts Committed While Under the Influences		
Statutory Protections for Physicians When Acting In Compliance With State Medical Marijuana Statutes		
Protection from Arrest or Prosecution	X	X
Civil Penalty	X	X
Discipline from a Professional Licensing Board	X	X
Reasons a Card May Be Revoked		
It is Discovered Information on Application Was False		X
If a Cardholder Sells Marijuana to a Person Who Is Not Authorized to Use Marijuana		
Conviction of Another Marijuana Related Offense		
Violation of a Section of the Act or Another Controlled Substances Law		X
Pursuant to A Court Order		
For Violating Confidentiality Requirements		
The Discovery of Repeated Violations of Statute		
Failure To Provide Access To The State To Material and Information Necessary For Determining Compliance With Regulations		

	California	Hawaii
Reasons a Card May Be Revoked (continued)		
Revocation of the Physician's License or Controlled Substance Registration		X
If a Caregiver De-Designated		
Failing A Substance Abuse Test		
If Patient Ceases to Have Debilitating Condition		
Failure to Notify State of Change in Name, Address, Physician or Primary Caregiver		
Written Certification Was Not Based on Established Criteria		X
Possession Limitations for Patients and Primary Caregivers		Amount in joint possession by patient and caregiver
Ounce Limit		1 ounce of "usable" marijuana
Plant Limit		3 mature plants and 4 immature plants
Exemptions	Patients/Caregivers may possess a 1-month supply as determined by the state administrative agency	
Offenses Created		
Fraudulent Representation of a Medical Condition to Obtain an ID Card	X	
Fraudulent Representation to Law Enforcement Relating to Medical Marijuana	X	X
Fraudulent Use or Theft of an ID Card	X	
Counterfeit Production of ID Card	X	
Releasing Confidential Information Maintained by the Registry	X	
Failure of Cardholder to Notify State of Change in Name, Address, Caregiver, or Physician		
Failure of Cardholder to Notify State That The Cardholder No Longer Has A Debilitating Condition		
Willful Violation of Medical Marijuana Laws		

	California	Hawaii
Department/Agency in Charge/Contact		
Department In Charge	Department of Health Services	Department of Public Safety
Agency In Charge	Office of County Health Services	Narcotics Enforcement Division
Contact		
Creates Research Program	X	
Clarifies that Insurance Will Not Be Required to Provide Coverage	X	X
State Uses Program To Monitor Dispensation of Marijuana		
Allows Caregivers and Patients to Other Caregivers and Patients to Whom They Are Not Connected Through The State Registry		
Database Subject to HIPAA Privacy Protections		
Clarifies That an Employer Will Not be Required to Accommodate Use	X	
Clarifies That An Employer Will Not Be Required To Provide Reimbursement For The Purposes of Workers' Compensation		
Provides That A Penal Institution is Not Required to Accommodate Use	X	
State Honors Identification Card Issued By Another State		
ID Cards Issued By Another State Do Not Qualify An Individual For Medical Use		
Creates Oversight Committee		
Creates Severability	X	X

¹Unlimited number of patients, as long as they all they in the same city or county as the caregiver.

²The condition must substantially limit the ability of the person to conduct one or more major life activity in accordance with the Americans with Disabilities Act of 1990, or, if alleviated, may cause serious harm to the patient's safety or physical or mental health.