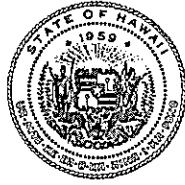


DAVID Y. IGE  
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

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

In reply, please refer to:  
File:

December 26, 2017

Clifton Otto, M.D.  
David Barton, M.D.  
3615 Harding Avenue, Suite 304  
Honolulu, Hawaii 96816

Dear Drs. Otto and Barton:

This letter is in response to your letter dated December 1, 2017, petitioning the Hawaii State Department of Health (DOH) to amend the administrative rules regarding the medical use of cannabis. Your petition requests amendments to specified exceptions to confidentiality of information. If granted, these amendments would impose limits on DOH verification to law enforcement of an individual's registration (§11-160-56(a)(2), HAR) and prohibit disclosures necessary for DOH to administer the medical cannabis registry or dispensary system (§11-160-56(a)(8), HAR).

The amendments you have requested to §11-160-56(a)(2), HAR would limit DOH verification of subject enrollment based on: (1) type of law enforcement agency; (2) subject's registration number only; and (3) purpose of verification. Pursuant to §329-123(d), HRS, "Upon inquiry by a law enforcement agency... the department of health shall immediately verify whether the subject of the inquiry has registered with the department of health..." The statute provides no basis for DOH to impose the limits you requested on law enforcement verification.

HAR §11-160-56(a)(8) provides for disclosures "... deemed necessary by the department to administer this chapter or the State's medical marijuana dispensary system." Deleting this provision, as requested in your petition, would impede the ability of DOH to take actions that DOH deems necessary to administer the medical cannabis registry and dispensary programs.

For these reasons, we are unable to accept your petition for amendments.

Sincerely,

A handwritten signature in cursive script that reads "Virginia Pressler".

Virginia Pressler, M.D.  
Director of Health