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Medical cannabis rules might be relaxed

MEDICAL CANNABIS USE IN HAWAII

- >> **33,400:** Residents registered under the state's medical cannabis program
- >> **83%:** Patients prescribed cannabis for pain
- >> **16%:** Patients prescribed cannabis for PTSD
- >> **5%:** Patients prescribed cannabis for cancer

Source: State Department of Health

A new Hawaii task force report suggests dropping qualifying medical conditions, among other reforms

By Sophie Cocke
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Armed with a long-awaited task force report, state lawmakers are expected to take up measures this year that would add protections and expand access to medical cannabis, including a bill that would require health care providers to allow terminally ill patients to

smoke or ingest the drug at their facilities and a bill that would give registered medical cannabis users job protections.

Lawmakers also might consider dropping the state's list of qualifying conditions for obtaining a medical cannabis card, which allows patients to purchase cannabis products at Hawaii's dispensaries. Currently, patients can obtain a

card if they have one of 10 qualifying medical conditions, including cancer, glaucoma, lupus, epilepsy, arthritis, multiple sclerosis, HIV or AIDS, post-traumatic stress disorder or Lou Gehrig's disease. They also can qualify if they have severe pain, nausea, seizures or muscle spasms.

The majority of patients, 83%, are prescribed cannabis for pain, while another 16% of patients are given cannabis cards for PTSD, according to DOH data. About 1,900 patients, or 5% of those in the registry, are

prescribed cannabis for cancer.

Removing the list of qualifying conditions would leave decisions about cannabis use up to doctors and their patients.

"We think that's a very important reform to be had," said Nikos Leverenz, president of the Drug Policy Forum of Hawaii. While state health officials like to see scientific research that shows cannabis is effective for the treatment of a particular condition, Leverenz said that

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such research is limited because cannabis is still banned at the federal level.

"We support maximum flexibility in terms of patients and doctors deciding if the therapeutic use of cannabis is suitable for that particular individual," he said.

The legislative proposals were included in a Report of the Dual Use Cannabis Task Force, which was submitted in December to lawmakers. The task force was created by the Legislature in 2021 and included representatives from state and county agencies; patient advocates, including Leverenz; a representative from the Hawaii Cannabis Industry Association; state Sen. Joy San Buenaventura; and former state Rep. Ryan Yamane, who now serves as deputy director of the state Department of Human Resources Development.

The task force was charged with reviewing policies and coming up with recommendations in the event that cannabis is legalized for recreational use in

Hawaii, which would create a litany of questions about what to do with the state's medical cannabis program. Twenty-one states have now legalized recreational cannabis use, and drug reform advocates are hopeful that this is the year Hawaii will follow suit.

THERE ARE approximately 33,400 Hawaii residents who are registered under the state's medical cannabis program, which is administered by the state Department of Health. Those residents are able to purchase an array of products at Hawaii's regulated cannabis dispensaries, which have 21 locations throughout the islands. Their shops sell a wide array of products, including the flower under such names as Aunty Gorillas, Granpa's Stash and Purple Sunset; a range of extracts; and a bounty of edibles, including fruit gummies and tinctures.

Registered medical cannabis users who participated in a task force survey expressed hope that legalization of recreational cannabis would lead to less stigma and discrimination against using the drug for medical

reasons, according to the task force report. Most users also said they would remain in the state's medical cannabis program to help protect them legally. Cannabis remains classified as a Schedule 1 drug, alongside such drugs as LSD, heroin and ecstasy, under the federal Controlled Substances Act. The category is reserved for drugs that the federal government has deemed have no medical use and a high potential for abuse.

The federal government has largely turned a blind eye to the growing number of states that have legalized recreational use and the plethora of cannabis retail shops that have cropped up throughout the country. But the juxtaposition has left medical cannabis users in a dicey position legally when it comes to protections related to employment, travel and housing.

The courts have backed employers' rights to enforce a drug-free workplace, and the U.S. Department of Housing and Urban Development has said that public-housing agencies may not grant tenant requests to use medical cannabis as an

accommodation for a disability. Under federal law, cannabis use is a violation of federal housing rules.

To address some of these concerns, state Rep. Jeanne Kapela (D, Volcano-Naalehu-Hawaiian Ocean View) plans to introduce a bill that seeks to bolster workplace protections for medical cannabis users. A draft copy of the measure prohibits employers from discriminating against registered medical cannabis users, while also defining limits on what is acceptable in the workplace.

The measure would allow employers to use a "fit-for-duty" test for users who work in potentially dangerous occupations. The bill also exempts certain employees from the protections, including law enforcement officers, firefighters, state and county lifeguards, emergency medical services providers, employees who work with children and seniors, and drivers, among others.

THE BILL also specifies that employers can't fire or penalize a prospective hire or employee just because they test positive for cannabis.

The drug tests don't correlate to potential impairment on the job, as cannabis can be detected for about three months after use, according to the task force reporting.

There are currently 37 states with medical cannabis programs, but only 15 states have anti-discrimination employment laws, according to Kapela's bill.

Lawmakers are also expected to debate a measure that would require health care providers to allow terminally ill patients to smoke or consume cannabis at their facilities. The measure is modeled on California's Ryan's Law, which was signed by Gov. Gavin Newsom in 2021. The governor had previously vetoed the measure, citing concerns from health care providers that they could lose federal funding since cannabis remains illegal under federal law.

The legislation was named for Ryan Bartell, a California resident who was dying of pancreatic cancer and was prohibited from consuming cannabis at his California health care facility. His father had said he was being prescribed large amounts of

fentanyl that put him in a semicomatose state.

Wendy Gibson-Viviani, a registered nurse who was a member of the task force and describes herself as a cannabis nurse educator, said that using cannabis instead of the heavier pain medicines prescribed for end-of-life care can give patients a sense of calm and serenity and allow them to avoid the heavy sedation of opioids.

"If you can reduce the opioid fog, then the patient can be present longer, and the family can interact with them more," she said.

Hawaii's major health care providers, including Hawaii Pacific Health, The Queen's Health Systems and Kaiser Permanente, either didn't respond to an inquiry from the Honolulu Star-Advertiser or said they had no comment.

The task force also recommended that medical dispensaries be allowed to offer home delivery and curbside pickup, and that lawmakers pass measures that allow registered patients to travel between islands with cannabis and obtain reimbursement from state-regulated health insurers for cannabis purchases.