

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.  
DIRECTOR OF HEALTH

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

In reply, please refer to:  
File:

April 28, 2011

Clifton S. Otto, M.D.  
Retina Institute of Hawaii  
1620 Ala Moana Boulevard, Suite 500  
Honolulu, Hawaii 96815

Dear Dr. Otto:

The agency that administers the Medical Use of Marijuana program [Part IX of Chapter 329, Hawaii Revised Statutes (HRS)] is the Department of Public Safety. As enacted, the provision to add other medical conditions to the definition of "debilitating medical condition" by the Department of Health is contrary to rulemaking authority for Chapter 329 which resides with the Department of Public Safety, not the Department of Health.

Adding other medical conditions to those already listed in Section 329-121, HRS, requires statutory amendment by the Legislature. Enactment of such statutory amendment will provide the necessary authority to amend the definition of "[d]ebilitating medical condition" in Section 23-202-2, Hawaii Administrative Rules.

For information on plans for future amendments to statutory provisions for the Medical Use of Marijuana program, please contact the Department of Public Safety, Narcotics Enforcement Division at 837-8470.

Sincerely,

A handwritten signature in black ink, appearing to read "Loretta J. Fuddy".

LORETTA J. FUDDY, A.C.S.W., M.P.H.  
Director of Health