

December 1, 2017

Virginia Pressler, MD  
Director, Department of Health  
1250 Punchbowl Street  
Honolulu, Hawaii 96813

Dear Director Pressler,

It has recently become quite obvious, because of actions by the Honolulu Police Department utilizing the Medical Use of Cannabis Registry database for the purpose of disqualify the possession of firearms by legally registered medical use of cannabis patients in Hawaii, that the interpretative rule, HAR 11-160-56, revised by your department in November, 2016, allows for law enforcement purposes that were not intended by the enabling statute, HRS 329-123.

Specifically, by continuing the word "or" and adding the word "Federal" in section (a)(2) of this rule, law enforcement purposes have been authorized that do not represent "reasonable access", especially in light of the fact that the federal scheduling of marijuana does not apply to the medical use of cannabis in Hawaii.

Therefore, in accordance with HRS 91-6 and HAR 11-1-51, we hereby petition your department to adopt the following amendments in order to prevent future unreasonable access to the patient Registry database:

**HAR 11-160-56 Confidential information; exceptions.**

(a) All information received and records kept by the department for purposes of administering this chapter are confidential and not subject to disclosure except to:

...

(2) ~~[Federal,] Designated officers of state[,]~~ Designated officers of state[,] or local law enforcement agencies, utilizing only a subject's registration number, for the sole purpose of verifying compliance with the Registry program [registration with the department] pursuant to this chapter; [or for official law enforcement purposes;]

...

~~[(8) Other persons or entities deemed necessary by the department to administer this chapter or the State's medical marijuana dispensary system.]~~

We have an interest in this matter as certifying physicians who are involved with protecting the safety of our patients.

Thank you for considering this request. We look forward to your timely response. Please send all correspondences regarding this petition to the office or email address below.



Clifton Otto, MD  
3615 Harding Ave, Suite 304  
Honolulu, HI 96816  
808-233-8267, cliftonotto@hotmail.com



David Barton, MD