

STAND. COM. REP. NO. 404

Honolulu, Hawaii

Feb 19, 2009

RE: H.B. No. 226

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Public Safety, to which was referred H.B. No. 226 entitled:

"A BILL FOR AN ACT RELATING TO MEDICAL MARIJUANA,"

begs leave to report as follows:

The purpose of this bill is to clarify the provisions of the State's medical use of marijuana law and remove serious obstacles to the patient access and physician participation contemplated by the Legislature when the law was initially enacted by, among other things:

- (1) Increasing the maximum amount of marijuana permitted per patient or caregiver;
- (2) Specifying that the Department of Public Safety (DPS) may not require the qualifying patient's physician to be the patient's primary care physician;
- (3) Requiring that the location of where the marijuana is being grown be kept confidential and omitted from the registry card issued by DPS;
- (4) Requiring information on written certifications to include the physician's attestation that the patient has a qualifying debilitating medical condition without naming or describing the condition;

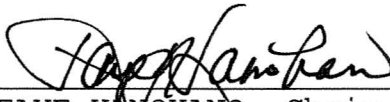


- (5) Clarifying that in its issuance of the registration certificate to the patient, DPS may charge a fee not to exceed \$25 per year;
- (6) Increasing the number of qualifying patients that each caregiver can be responsible for; and
- (7) Specifying that DPS forms may not require more information than is required by the medical use of marijuana law.

The American Civil Liberties Union of Hawaii, Drug Policy Forum of Hawaii, Americans for Safe Access, Big Island Chapter, Community Alliance on Prisons, and several concerned individuals testified in support of this bill. DPS, Honolulu Police Department, County of Maui Department of the Prosecuting Attorney, County of Maui Police Department, County of Hawaii Police Department, Save Our Society From Drugs, and a concerned individual opposed this measure.

As affirmed by the record of votes of the members of your Committee on Public Safety that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 226 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

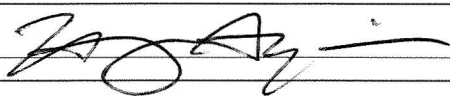
Respectfully submitted on
behalf of the members of the
Committee on Public Safety,



FAYE HANOHANO, Chair



Record of Votes of the Committee on Public Safety

Bill/Resolution No.: HB 226	Committee Referral: PBS, JUD	Date: 2/5/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
PBS Members	Ayes	Ayes (WR)	Nays	Excused
1. HANOHANO, Faye P. (C)	✓			
2. AQUINO, Henry J.C. (VC)		✓		
3. AWANA, Karen Leinani		✓		
4. KEITH-AGARAN, Gilbert S.C.		✓		
5. LEE, Marilyn B.		✓		
6. NAKASHIMA, Mark M.		✓		
7. RHOADS, Karl		✓		
8. SAIKI, Scott K.	✓			
9. SOUKI, Joseph M.				✓
10. TAKUMI, Roy M.	✓			
11. YAMASHITA, Kyle T.				✓
12. PINE, Kymberly Marcos		✓		
TOTAL (12)	3	7		2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				