

STAND. COM. REP. NO. 267

Honolulu, Hawaii

Feb 17, 2009

RE: H.B. No. 532

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

Sir:

Your Committee on Health, to which was referred H.B. No. 532
entitled:

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

begs leave to report as follows:

The purpose of this measure is to create a Good Samaritan
policy regarding drug overdoses, also known as medical amnesty.

More specifically, this measure provides limited immunity to
individuals seeking medical assistance for victims of drug
overdoses. It also provides limited immunity for drug overdose
victims themselves if they are in need of medical care.

The Drug Policy Forum of Hawaii provided testimony in support
of the measure.

Drug overdoses commonly occur in the presence of family,
friends, and acquaintances. In some instances, these individuals
also may be using controlled substances, along with the person who
overdoses. Because of the criminal nature of possessing
controlled substances, people hesitate to call for emergency
medical assistance for a drug overdose and attempt their own life-
saving techniques, thus delaying necessary medical treatment that
could save the life of a drug overdose victim.

Your Committee finds that the medical amnesty proposed in
this measure, which is modeled after New Mexico legislation and
university policies across the country, will encourage individuals

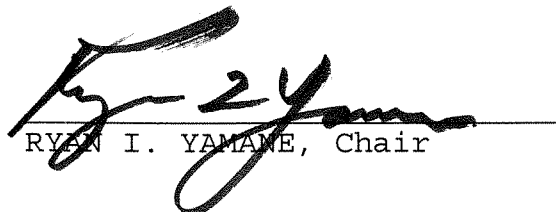


to call for medical assistance after witnessing a drug overdose and is likely to save lives in emergency situations. Limiting amnesty only to those who may be using controlled substances, rather than selling drugs to the person, who overdoses, achieves this goal without providing amnesty for dealing drugs.

Your Committee also finds that this measure will not promote drug abuse, because at the point of a drug overdose any deterrent of criminal punishment for a victim clearly is too late to prevent the abuse. Rather this measure would enable a person to make a life-saving decision promptly and without hesitation.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 532 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 Health,



RYAN I. YAMANE, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCR 267

Record of Votes of the Committee on Health

Bill/Resolution No.: HB 532	Committee Referral: HLT, JUD	Date: 2-10-09		
<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)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. YAMANE, Ryan I. (C)	/			
2. NISHIMOTO, Scott Y. (VC)	/			
3. BELATTI, Della Au	/			
4. BERTRAM, Joe, III	/			
5. BROWER, Tom	/			
6. CARROLL, Mele				/
7. MIZUNO, John M.	/			
8. SHIMABUKURO, Maile S.L.	/			
9. FINNEGAN, Lynn	/			
TOTAL (9)	8			1
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				