

STAND. COM. REP. NO.

2388

Honolulu, Hawaii

FEB 26 2010

RE: S.B. No. 2141
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committees on Health and Public Safety and Military Affairs, to which was referred S.B. No. 2141 entitled:

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

beg leave to report as follows:

The purpose of this measure is to address obstacles to patients under this State's medical marijuana law including the shortage of caregivers, difficulty in legally procuring cannabis plants, the insufficient adequate supply limit for regular vaporizer use, and limitations on physician participation.

Your Committees received testimony in support of this measure from the American Civil Liberties Union of Hawai'i, Advocates for Consumer Rights, the Drug Policy Action Group, the Medical Cannabis Working Group, Americans for Safe Access, and nineteen individuals. Testimony in opposition to this measure was received from the Department of Public Safety, the Honolulu Police Department, the Maui Police Department, the Maui Police Department's Vice Division, the Hawai'i Police Department, the Hawaii County Office of the Prosecuting Attorney, the Honolulu Department of the Prosecuting Attorney, and one individual. Testimony in support of the intent of this measure with amendments was submitted by one individual. Written testimony presented to the Committees may be reviewed on the Legislature's website.

Your Committees recognize that cannabis fills a need not currently met by the pharmaceutical industry. It provides relief from pain and stimulates the appetite without the dire side

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effects and dangerous interactions that often accompany traditional pharmaceuticals.

Your Committees find that this measure removes obstacles currently facing medical cannabis users and their caregivers and reflects the limitations of the severely ill. It provides for ten rather than seven plants to allow room for grower error. In addition, more plants will provide enough cannabis at any one time for patients to use vaporizers, butters, tinctures or any other delivery method that may best accommodate the patient's illness. This measure increases the number of qualified patients that a registered caregiver can minister to at one time which will help patients find high-quality caregivers without having to sacrifice their access to medical cannabis. This measure recognizes that severely ill patients have often moved beyond their primary care physician to a battery of specialists and permits any attending doctor to prescribe medical cannabis.

Your Committees further find that this measure is intended to ease the burden on severely ill members of our communities and their caregivers and to treat them with dignity and respect.

Your Committees have amended this measure by:

- (1) Adding a section permitting registered qualifying patients or primary caregivers to provide usable cannabis or any part of the cannabis plant to other registered qualifying patients or caregivers;
- (2) Providing for optional reimbursement to primary caregivers;
- (3) Requiring that the prescribing physician send a copy of the written certification to the patient's primary care physician, if any; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and style.

As affirmed by the records of votes of the members of your Committees on Health and Public Safety and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2141, as amended herein, and recommend that it pass Second Reading in the form attached hereto



as S.B. No. 2141, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Health and Public
Safety and Military Affairs,



WILL ESPERO, Chair



DAVID Y. IGE, Chair



