

STAND. COM. REP. NO.

2248

Honolulu, Hawaii

FEB 12 2010

RE: S.B. No. 2212
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 Public Safety and Military Affairs and Health, to which was referred S.B. No. 2212 entitled:

"A BILL FOR AN ACT RELATING TO THE MEDICAL USE OF MARIJUANA,"

beg leave to report as follows:

The purpose of this measure is:

- (1) Allow a criminal defendant who is eligible to use medical marijuana to request the court to be allowed to use medical marijuana while on probation; and
- (2) Allow a parolee who is eligible to use medical marijuana to request the Hawaii Paroling Authority to be allowed to use medical marijuana for the period of parole.

Your Committees received testimony in support of this measure from four private entities and thirteen individuals. Comments were received from one government entity. Written testimony presented to the Committees may be reviewed on the Legislature's website.

Your Committees find that probationers and parolees should be extended the same right to use medical marijuana as the general population in accordance with law. Medical marijuana users often suffer from severe debilitating conditions for which marijuana provides a modicum of pain relief. Probationers and parolees are no different. Your Committees believe that allowing probationers



and parolees to use medical marijuana may help them to avoid more serious controlled substances.

Your Committees have amended this measure by clarifying the definition of "primary caregiver" under the medical marijuana law to add that a convicted felon can qualify to be a caregiver only if the felon's term of probation or parole expired at least ten years immediately prior to the registration as a primary caregiver, and by making technical, nonsubstantive amendments.

As affirmed by the records of votes of the members of your Committees on Public Safety and Military Affairs and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2212, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2212, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

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



DAVID Y. IGE, Chair



WILL ESPERO, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* SB2212	Committee Referral: PSM/HTH, JGO	Date: 2/8/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
GREEN, M.D., Josh (VC)	✓			
BAKER, Rosalyn H.	✓			
ESPERO, Will	✓			
NISHIHARA, Clarence K.	✓			
HEMMINGS, Fred			✓	
TOTAL	5	0	1	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes