

STAND. COM. REP. NO.

2185

Honolulu, Hawaii

FEB 11 2010

RE: S.B. No. 2213  
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 Transportation, International and Intergovernmental Affairs and Public Safety and Military Affairs, to which was referred S.B. No. 2213 entitled:

"A BILL FOR AN ACT RELATING TO COUNTIES,"

beg leave to report as follows:

The purpose of this measure is to provides that each county has the power to establish medical marijuana dispensaries to provide service to qualified patients and primary caregivers registered with the Department of Public Safety.

Your Committees received testimony in support of this measure from the Drug Policy Action Group, American Civil Liberties Union of Hawai'i, and fifteen individuals. Testimony in opposition was received from the Department of Public Safety; Honolulu Prosecuting Attorney; Honolulu Police Department; Hawaii County Prosecuting Attorney; Maui Police Department; and Hawaii County Police Department. Written testimony presented to the Committees may be reviewed on the Legislature's website.

This measure also makes medical marijuana dispensaries subject to the general excise tax by making inapplicable the exemption for amounts received from sales of prescription drugs or prosthetic devices.

Your Committees find that this measure enhances and effectuates the intent of the medical use of marijuana law, enacted by Act 228, Session Laws of Hawaii 2000. Since that time,

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more research has indicated the medicinal benefits of marijuana. Your Committee further finds that medical marijuana patients need dispensaries, particularly when their own personal supply is not available due to plant disease, inclement weather, or needs beyond the supply.

Written references to the use of marijuana as a medicine date back nearly 5,000 years. Western medicine embraced marijuana's medical properties in the mid-1800s, and by the beginning of the 20th century, physicians had published more than 100 papers in the Western medical literature recommending its use for a variety of disorders. Modern research suggests that cannabis is a valuable aid in the treatment of a wide range of clinical applications. These include pain relief, particularly of neuropathic pain (pain from nerve damage), nausea, spasticity, glaucoma, and movement disorders. Marijuana is also a powerful appetite stimulant, specifically for patients suffering from HIV, the AIDS wasting syndrome, or dementia. Emerging research suggests that marijuana's medicinal properties may protect the body against some types of malignant tumors and are neuroprotective.

In view of the medical research and literature, your Committees believe that the time has arrived to take a more enlightened and informed approach to the legalization of marijuana. This measure is a natural progression from Act 228. Your Committees are particularly concerned about the legion of medical marijuana patients who testified that marijuana has enabled them to stop taking bottles upon bottles of various prescription drugs that are not as effective in relieving their symptoms and curing their underlying disease.

Your Committee has amended this measure by:

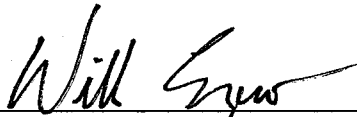
- (1) Changing "marijuana dispensaries" to "compassion centers" modeled after the Rhode Island statutes, and inserting new provisions for a county to allow by ordinance the establishment of one or more compassion centers;
- (2) Providing for mandatory minimum state requirements for compassion centers and for county ordinances;
- (3) Adding a general excise tax of \$30 per ounce to be levied on the compassion center and providing that the State and the county share the revenue equally;



- (4) Changing the effective date to August 7, 2012, to allow adequate time for the counties to enact ordinances pursuant to this measure; and
- (5) Making technical, nonsubstantive amendments.

As affirmed by the records of votes of the members of your Committees on Transportation, International and Intergovernmental Affairs 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. 2213, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2213, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committees on Transportation,  
International and  
Intergovernmental Affairs and  
Public Safety and Military  
Affairs,



WILL ESPERO, Chair



J. KALANI ENGLISH, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Transportation, International and Intergovernmental Affairs**  
**TIA**

Bill / Resolution No.:* <b>SB 2213</b>	Committee Referral: <b>TIA/PSM, WAM</b>	Date: <b>2/10/10</b>		
<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
ENGLISH, J. Kalani (C)	✓			
GABBARD, Mike (VC)				✓
ESPERO, Will	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<b>4</b>	<b>—</b>	<b>—</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"><i>Will Espero</i></div>				
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office            Drafting Agency        Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Public Safety and Military Affairs**  
**PSM**

Bill / Resolution No.:* <b>SB 2213</b>	Committee Referral: <b>TIA/PSMA, WAMA</b>	Date: <b>2-9-10</b>		
<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				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
ESPERO, Will (C)	✓			
BUNDA, Robert (VC)				✓
ENGLISH, J. Kalani	✓			
GABBARD, Mike	✓			
GALUTERIA, Brickwood	✓			
KIDANI, Michelle N.	✓			
HEMMINGS, Fred			✓	
<b>TOTAL</b>	<b>5</b>		<b>1</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: right; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div>				
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

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