

STAND. COM. REP. NO.

337

Honolulu, Hawaii

FEB 20 2009

RE: S.B. No. 418
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committees on Health and Public Safety and Military Affairs, to which was referred S.B. No. 418 entitled:

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

beg leave to report as follows:

The purpose of this measure is to protect the health and well being of individuals participating in the State's medical marijuana program by:

- (1) Transferring the administration of the State's program for the medical use of marijuana from the Department of Public Safety to the Department of Health;
- (2) Amending the medical use of marijuana law to replace the term, "marijuana" with "cannabis";
- (3) Authorizing a registration fee not to exceed \$50; and
- (4) Establishing the medical cannabis advisory board to identify requirements for the licensure of producers and cannabis production facilities and set forth procedures to obtain licenses and develop a distribution system for medical cannabis.

Testimony in support of this measure was submitted by the League of Women Voters of Hawaii, The Drug Policy Forum, and the Hope for a Cure Foundation of West Oahu. The Drug Policy Action Group submitted testimony to your Committees in support with

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amendments. Testimony in opposition of this measure was submitted by the Department of Health, the Department of Public Safety, the Department of the Prosecuting Attorney, County of Maui, the City and County of Honolulu Police Department, and the County of Maui Police Department. Comments on this measure were submitted by the American Civil Liberties Union of Hawaii. Written testimony presented to your Committees may be reviewed on the Legislature's website.

Your Committees find that the State's medical marijuana program, enacted into law in 2000, is a public health program conceived out of concern for the health and welfare of the seriously ill. Since its inception, concerns have been raised over the proper administration of the program. Patients have stated apprehension in registering with the Narcotics Enforcement Agency, particularly in light of a breach in security that occurred in 2008, releasing the database of 4,200 patient names and information to the Hawaii Tribune-Herald newspaper.

Your Committees further find that safe distribution of medical cannabis to patients participating in the program is crucial. Your Committees find that a task force should be established to develop a distribution plan and research laws in other states, such as New Mexico, that have implemented successful medical cannabis distribution programs.

Your Committees have amended this measure by:

- (1) Removing the advisory board;
- (2) Establishing a medical cannabis task force to develop a distribution plan and make recommendations to the Legislature on the implementation of the program; and
- (3) 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. 418, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 418, S.D. 1, and be referred to the Committee on Ways and Means.



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



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

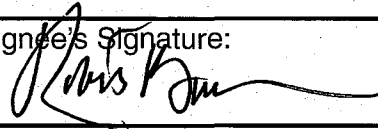
Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* <i>SB 418</i>	Committee Referral: <i>HTH/PSM, WAM</i>	Date: <i>2-17-9</i>		
<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	<i>5</i>	<i>0</i>	<i>0</i>	<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"><i>[Signature]</i></div>				
Distribution: 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.:* SB 418	Committee Referral: HTH/PSM, WAM	Date: 2-17-09		
<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
ESPERO, Will (C)	X			
BUNDA, Robert (VC)	X			
ENGLISH, J. Kalani				X
GABBARD, Mike				X
GALUTERIA, Brickwood	X			
KIDANI, Michelle N.	X			
HEMMINGS, Fred				X
TOTAL	4			3
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				

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