

STAND. COM. REP. NO.

554

Honolulu, Hawaii

Feb 18, 2011

RE: H.B. No. 1085

H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Public Safety & Military Affairs, to which was referred H.B. No. 1085 entitled:

"A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES,"

begs leave to report as follows:

The purpose of this bill is to protect public health and safety by updating Hawaii's controlled substances law to conform to federal law. Among other things, this bill:

- (1) Updates the list of controlled substances under the designation of Schedule I, Schedule II, and Schedule III controlled substances;
- (2) Requires a separate registration for each principal place of business or professional practice that recommends the medical use of marijuana;
- (3) Provides flexibility in determining the way information relevant to the dispensation of a controlled substance is reported;
- (4) Allows the Department of Public Safety (PSD) more flexibility in identifying and tracking the abuse of certain non-controlled substances; and
- (5) Increases the medical use of marijuana permit fee from no more than \$25 to no more than \$50.

HB1085 HD1 HSCR PBM HMS 2011-2413



The Department of the Prosecuting Attorney of the City and County of Honolulu and PSD supported this bill. The Drug Policy Forum of Hawaii, Drug Policy Action Group, Americans for Safe Access Big Island Chapter, Friend 4 Justice, and numerous concerned individuals testified in opposition to this measure. Several concerned individuals offered comments.

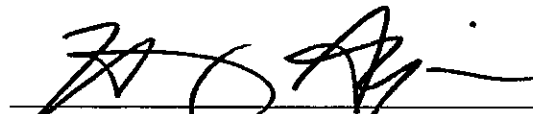
While concerns were raised regarding the legality of requiring a separate registration for each principal place of business or professional practice that simply recommends the medical use of marijuana, this matter is beyond the purview of the Committee on Public Safety and Military Affairs. Your Committee respectfully requests the Committee on Judiciary to consider and look into this issue further as this measure continues through the legislative process.

Your Committee has amended this bill by:

- (1) Reducing the increase in the medical use of marijuana permit fee from no more than \$50 to no more than \$35; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Public Safety & Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1085, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1085, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety &  
Military Affairs,

  
HENRY J.C. AQUINO, Chair



State of Hawaii  
House of Representatives  
The Twenty-sixth Legislature

**HSR 554**

**Record of Votes of the Committee on Public Safety & Military Affairs**

Bill/Resolution No.: HB 1085	Committee Referral: PBM, JUD	Date: 2/17/2011		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" 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)				
PBM Members	Ayes	Ayes (WR)	Nays	Excused
1. AQUINO, Henry J.C. (C)	✓			
2. CULLEN, Ty (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. LEE, Marilyn B.	✓			
5. LUKE, Sylvia				✓
6. SAIKI, Scott K.	✓			
7. SOUKI, Joseph M.				✓
8. TAKAI, K. Mark	✓			
9. TAKUMI, Roy M.	✓			
10. YAMASHITA, Kyle T.	✓			
11. FONTAINE, George R.	✓			
12. JOHANSON, Aaron Ling	✓			
TOTAL (12)	10	∅	∅	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <span style="margin-left: 150px;">committee acronym(s)</span>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				