

STAND. COM. REP. NO.

912

Honolulu, Hawaii

MAR 24 2011

RE: H.B. No. 1085
H.D. 2
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 1085, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Make state laws regarding controlled substances consistent with additions made by federal law in 2010, as required by section 329-11(d) and (e), Hawaii Revised Statutes;
- (2) Add certain substances to the list of controlled substances pursuant to an emergency scheduling by the Department of Public Safety;
- (3) Add substances to match the emergency scheduling in the federal controlled substances laws instituted by the United States Drug Enforcement Administration;
- (4) Authorize the Department of Public Safety to add substances of concern to the list of controlled substances that must be electronically reported to Hawaii's electronic prescription monitoring program;
- (5) Clarify the procedure for the issuance of the Medical Use of Marijuana permit; and



- (6) Increase the fee for a Medical Use of Marijuana permit from \$25 to \$35 to offset the cost of running the program.

Your Committee received testimony in support of this measure from the Department of Public Safety and Department of the Prosecuting Attorney of the City and County of Honolulu. Your Committee received testimony in opposition to this measure from the Drug Policy Forum of Hawai'i; Drug Policy Action Group; Friends 4 Justice; Natural Cancer Wellness Foundation; The Mum Clinic; and fifteen individuals.

Your Committee finds that Hawaii law mandates that its controlled substance laws be consistent with amendments made in the federal Controlled Substances Act, codified at Title 21 United States Code Section 801 et. seq. As noted above, in 2010, certain substances were added to the federal controlled substances schedules. Additionally, other emergency scheduling additions were made by the Department of Public Safety to avoid an imminent hazard or the possibility of an imminent hazard to the health and safety of the public.

Your Committee observes that the majority of the testimony in opposition to this measure was related to two issues: the \$10 increase to the Medical Use of Marijuana permit fee, and the requirement that the authorizing physician for the Medical Use of Marijuana permit sign the permit certificate. Regarding the first concern, your Committee understands that the permit fee increase is necessary to fund a Department of Public Safety position to administer the program. Currently, there is no designated employee who handles the administration of the medical marijuana program, and the Department has been using staff from other areas to manage the program. The increased fee will allow the Department to administer the program more effectively, without negatively impacting other Department responsibilities. Regarding the second concern, your Committee understands from the Department that this amendment clarifies the current permit procedure and does not represent a substantive change to the process.

Your Committee has amended this measure by:

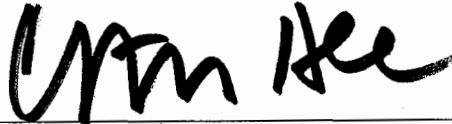
- (1) Deleting language modifying the substance salvia divinorum because that modifying language is not included in the federal schedule;



- (2) Inserting an effective date of July 1, 2050, to allow for further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1085, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1085, H.D. 2, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,

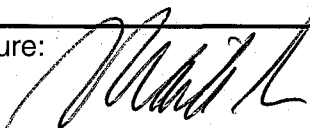


CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB1085, HDZ	JDL, WAM	3/22/11		
<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
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam		✓		
TOTAL	4	1	0	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